

**IN THE COURT OF COMMON PLEAS, PIKE COUNTY, OHIO
JUVENILE DIVISION**

IN THE MATTER OF THE

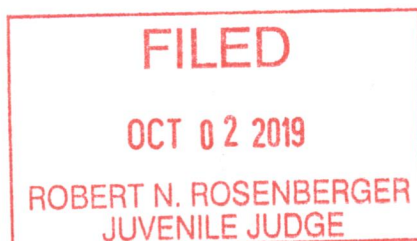
**REVISED LOCAL RULES FOR THE
JUVENILE DIVISION OF THE COURT
OF COMMON PLEAS OF PIKE COUNTY, OHIO**

JOURNAL ENTRY

The Supreme Court of Ohio, pursuant to Article 4, Section B, of the Ohio Constitution, prescribed certain Rules of Juvenile Procedure which became effective July 1, 1972, since amended; and the court finds that in order to implement such rules and to replace any existing rules which are in conflict therewith, it is necessary and proper to adopt local rules of practice and procedure.

Now therefore, pursuant to Section 2151.17, Ohio Revised Code, it is ordered that the following rules shall be and the same hereby are adopted and all prior rules, if any, be replaced.

These Revised Local Rules are effective October 2, 2019.




ROBERT N. ROSENBERGER
Court of Common Pleas
Juvenile Division
Pike County, Ohio

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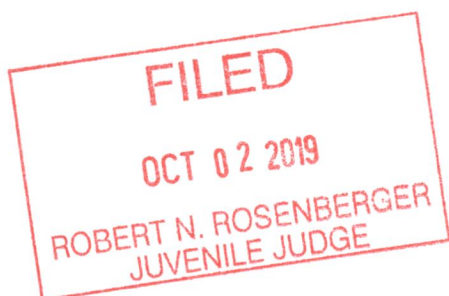
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**IN THE COURT OF COMMON PLEAS, PIKE COUNTY, OHIO
JUVENILE DIVISION**

LOCAL RULES

**Pike County Juvenile Court
230 Waverly Plaza
Suite 600
Waverly, Ohio 45690**

**(740) 947-5914
(740) 941-3086 (FAX)**

**IN THE COURT OF COMMON PLEAS, PIKE COUNTY, OHIO
JUVENILE DIVISION**

LOCAL RULES

As originally adopted and made effective February 1, 2009

Amended July 20, 2017
and
Amended October 2, 2019

Conduct and operations in the Juvenile Division of the Pike County, Ohio, Court of Common Pleas (Pike County Juvenile Court) are governed by the applicable Rules of Superintendence for the Courts of Ohio supplemented by local rules of practice adopted by the Pike County Juvenile Court, which follow.

The Rules of Superintendence may be found on the Ohio Supreme Court's website at <http://sc.ohio.gov/LegalResources/Rules/default.asp>, and are incorporated in their entirety into these Local Rules by reference.

The Pike County Juvenile Court's Local Rules of Practice are numbered to correspond with the numbering of the Rules of Superintendence for the Court of Ohio. The effective date of all Pike County Juvenile Court Rules contained herein was February 1, 2009, except for rules that have been amended since that date. For rules that have been amended since February 1, 2009, the effective date of the amendment is set forth immediately following the new or amended paragraph.

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RULE I

SESSIONS OF COURT

1. The Juvenile Court office shall be open for the transaction of ordinary business from 8:30 a.m. to 4:00 p.m., on all business days, Monday through Friday, with legal holidays as provided by law to be observed.
2. The Juvenile Court office, at the discretion of and upon the order of the judge, may be open at other hours for matters of extraordinary nature or importance.
3. Court sessions shall be held at the Pike County Courthouse or any annex thereof in such manner as shall be ordered by the judge; sessions may be held at such other places in the county as may be provided by order of the judge from time to time or for special cases as the interest of justice may require.
4. Sessions shall be held in the privacy of chambers, or in the courtroom, or in such other place with this county as may be ordered. Plea, arraignment and detention hearings may be held by video communication in accordance with these rules. In every case of an adult charged with a criminal offense, the right of public trial and hearing will be observed with the right to trial by jury as provided by law or Rules of Criminal Procedure.

RULE II CONDUCT IN THE COURT

1. Proper decorum in the court is necessary to the administration of justice and the court's functions. Any conduct which interferes, or tends to interfere, with the proper administration of justice and/or the court's business is prohibited.
2. No radio or television transmission, by voice recording or the making or taking of pictures shall be permitted, except with regard to the following:
 - (a) Other than a device used by the court reporter making a record in a proceeding before the court.
 - (b) Arraignment, plea and detention proceedings conducted by video.
 - (c) As authorized by court order
3. In order to facilitate the transaction of the court's business, each case shall be assigned, inter alia, a hearing date and time. To the greatest degree possible, the court will adhere to this hearing schedule. It is expected that the attorneys involved in a particular case will be on time for and present in court at the date and time of a scheduled hearing. Failure of a party or counsel to appear at the scheduled time for trial or hearing may, at the court's discretion, be deemed a contempt of court. A fine may, at the court's discretion, be imposed and paid, unless suspended by the court, in addition to any other penalties imposed.
4. In order to facilitate the transaction of the court's business, the court shall, on its own motion, set cases for pre-trial hearings when deemed appropriate and necessary by the court, notify and require the attendance at said hearings by the parties involved and the attorneys representing said parties.
 - (a) The procedure herein set forth shall apply to all cases, except to the extent that by their nature they would clearly be inapplicable.
 - (b) Upon receipt of the notice of pre-trial hearing, counsel shall:

- (1) Amend complaint or other pleadings, if necessary, by filing a motion with copy to opposing counsel. Opposing counsel, upon receipt of such motion, shall promptly advise the judge of his position of either opposing said motion or consenting thereto. The judge shall then rule on the motion promptly.
- (2) If further depositions or other discovery measures are desired, complete them so that the transcript will be available at the hearing.
- (3) If further medical examinations are desired, make necessary arrangements to complete them prior to the hearing.

5. At a final pretrial hearing counsel shall:

- (a) Have present the counsel who is fully authorized to act and negotiate on behalf of the parties.
- (b) Have party, or parties, in interest, present at pre-trial conference, unless prior to date of pre-trial and for good cause shown, counsel obtains from the judge, permission excusing such appearances.
- (c) Present a written statement of the issues involved.
- (d) Submit a written statement of all questions of law which it is expected will be involved.
- (e) Submit exhibits which are expected to be offered into evidence for the purpose of stipulating such matters with respect thereto as may avoid formalities of proof.
- (f) Present statements of items of expenses and damages, with proper proof thereof for the purpose of stipulating with respect thereto and avoiding formalities of proof.
- (g) State the names and addresses of witnesses to be used at the trial. Depositions of witnesses not available for trial shall have been completed.
- (h) File a statement that all depositions and all discovery procedures and all law and motions made have been completed and the case is ready for trial.
- (i) Come prepared to discuss seriously, the possibility of settlement of the case.

6. General Provisions.

- (a) The pre-trial shall be conducted by the judge.
- (b) At the conclusion of the pre-trial, a pre-trial order may be prepared by the court, setting forth all matters determined at the pre-trial. Said order shall control at the trial, unless otherwise directed by the court. The court may require counsel to submit a proposed order within five (5) days after the conference.
- (c) Counsel shall file, in such form and at such time as directed by the court, trial briefs covering such special questions of law as the court shall specify. A copy shall be served on the opposing parties at the time of filing with the court.
- (d) Any matters not specifically included in this rule may be determined by the court and included in said order.
- (e) Statements of the parties or their counsel made during a pre-trial hearing shall not be binding upon the parties unless expressly agreed to or entered into the pre-trial order.
- (f) After the case has been assigned for trial, no vacation thereof or continuance will be permitted except in case of death, serious illness or extreme emergency, which could not have been reasonably anticipated. See Rule 8 and Rule 9.
- (g) If hospital records are desired from the adverse party, counsel will make a written request therefore upon opposing counsel at least 30 days before the pre-trial. If counsel upon whom the demand is made considers the demand unduly onerous or unjust, upon application, the court may require the expense of procuring the same to be paid, all or in part, by the party making the request. Copies shall be substituted and received into evidence, unless a specific objection thereto is sustained.

If any privileged information is disclosed, and the privilege is not thereafter waived, counsel are ethically bound not to utilize the same in any manner after the pre-trial.

In any discovery procedures, the policy of the court will be to encourage full, fair and free disclosure of information.

No physician shall be subpoenaed or called as a witness to testify in any proceeding, either personally or by deposition, without prior conference with the attorney calling him concerning the subject of his testimony. Such attorney shall make arrangements for notifying the physician of the approximate time his appearance will be required at a hearing, either by telephone or other personal contact.

7. Notification of Assignment Commissioner.

It shall be the duty of counsel to immediately notify the assignment commissioner of the settlement of any cause, including motions, which has been assigned a trial date or hearing date and placed on the docket.

It shall be the duty of counsel to notify the assignment commissioner at least three (3) days prior to hearing upon any matter set by the assignment commissioner, either with or without the request of counsel, in which counsel desires a court reporter.

8. Attorneys fees for indigent parties shall be paid pursuant to Court order. Out-of-pocket expenses shall be pre-approved by the Court.

RULE III JUVENILE TRAFFIC PROCEDURE

1. The statutory procedures with respect to the trial of adult traffic cases will be followed insofar as they may be relevant in this division, with the Rules of Practice and Procedure in Traffic Cases for All Courts Inferior to Common Pleas adopted by the Supreme Court of Ohio and these rules.
2. The Uniform Traffic Complaint form will be used in traffic cases; each person filing a complaint on said form will be required to provide thereon and on a separate form the names and addresses of the parent(s) or guardian(s) or person(s) having custody of the alleged juvenile traffic offender.

3. Law enforcement officers shall provide a statement-of-facts to provide sufficient information with respect to the juvenile and the alleged violation to permit the court to make final disposition in the case without requiring the attendance of the said arresting officer. Failure to comply with this rule does not necessarily require a dismissal of the charge.
4. In attempting to achieve the maximum benefit from the service of probationary orders, the court reserves unto itself the imposition of a probationary disposition in each traffic case when the said cause is continued, without additional language in the complaint; the duration of such probation to be the period terminating upon order of the court or the attainment of lawful adulthood.
5. The court does hereby establish a violations bureau pursuant to Traffic Rule 13.1. An alleged juvenile traffic offender shall be permitted to post and forfeit bond and not appear personally in Court under the following circumstances:
 - a. When the child is a non-resident of Pike County and the offense is an offense for which the violations bureau can be used; OR
 - b. If permitted by order of the court

The amount of bond shall be \$20.00 more than the court's standard fine and costs.

6. Electronic Submission of Traffic Tickets

The use and filing of a traffic ticket that is produced by computer or other electronic means is hereby authorized in the Pike County Court of Common Pleas, Juvenile Division. The electronically produced ticket shall conform in all substantive respects to the Ohio Uniform Traffic Ticket. If an electronically produced ticket is issued at the scene of an alleged offense, the issuing officer shall provide the defendant with a paper copy of the ticket.

[Effective Date October 2, 2019]

RULE IV BONDS/RECOGNIZANCES

1. Appearance bonds for adults and/or juveniles shall be fixed by the judge in each individual case upon arraignment, or at such other time as may be provided; the deputy clerks shall endorse on all warrants for the arrest of adults the amount of bond as may be provided by the judge for such offense. The issuance of a warrant without endorsement as to the amount of bond shall indicate that the bond must be fixed by the judge.
2. Other bonds or recognizances to appear as may be provided by the judge shall be in the form as provided by law, order or this court or other court to which the person may be held to answer. Responsibility of parents for appearances of juveniles shall be considered on the same basis as bonds.
3. The sufficiency of sureties shall be determined by the judge in each case; and when real property is offered as security by a surety, the court shall require twice the unencumbered value of the bond in real property as such value shall appear upon the county tax list maintained by the officer of the County Auditor.
4. No attorney or other officer, or employee of this court shall be accepted as bail or surety in any action or matter in this court.

RULE V PROCEDURES—JUVENILES

1. The Supreme Court of Ohio, Rule 9, Ohio Rules of Juvenile Procedure, effective July 1, 1972, stated that in all appropriate cases formal court action should be avoided and other community resources be utilized to ameliorate situations brought to the attention of the court and this court hereby ratifies and affirms such statement of policy.

Such rule further states that information that a child is within the court's jurisdiction may be informally screened prior to filing of a complaint to determine whether the filing of a complaint is in the best interest of the child and the public.

The Court may from time to time designate law enforcement officers or court employees to screen cases informally.

2. Upon detection, arrest or apprehension of a juvenile by an officer of a law enforcement agency, after the officer has information of a reasonable certainty as to the age of the accused, the officer may detain or cause such juvenile to be detained until he or she may be presented before the court. In the event that the court is not in session, the officer shall cause said juvenile to be released to a parent, guardian, or other responsible adult person having the custody or control of said juvenile. Failing in the foregoing procedure, or if circumstances dictate, the officer shall cause said juvenile to be forthwith taken to the juvenile detention center, emergency shelter care or custodial detention facilities as they presently exist or may hereafter exist, and to cause said juvenile to be presented in open court at the next session thereof providing said officer shall have obtained the permission of an Intake Officer of this court, or the judge to place said child in juvenile detention center, emergency shelter or custodial detention facilities.

The Sheriff of Pike County, the Chief of Police of the Village of Piketon and Beaver, and the Chief of Police of the City of Waverly, Ohio, and the Executive Secretary of the Pike County Children Services Board are hereby designated as officers of the Juvenile Division of the Common Pleas Court of Pike County, Ohio.

3. The primary detention facility for the Pike County Juvenile Court shall be the Ross County Juvenile Detention Center. However, in the event of unavailability due to extenuating circumstances, the court may designate an alternative facility.
4. In the event that any law enforcement agency shall determine that immediate consideration of certain matters with respect to a juvenile should be had by the judge or other officer of the court, they shall contact the juvenile intake officer or such other member of the court staff as that said officer shall designate; the orders and/or instructions of the said officer shall be carried out until other or contrary orders or instructions shall be issued by the judge or such other court officer as may be designated by the court.

5. Any law enforcement officer upon taking any juvenile into custody shall cause to be prepared a complaint; and once prepared the complaint shall be verified as may be required by law and deposited with the law enforcement agency or filed with the court.
6. In all cases wherein the juvenile is not taken into custody by the officer, or the juvenile is not in custody, a complaint shall be prepared by the officer or other representative of the law enforcement agency with the assistance of the intake officer of the Juvenile Court of Pike County, Ohio.
7. In all cases in which a juvenile is arrested, the arresting officer shall cause the juvenile to be fingerprinted in the manner prescribed by law.
8. Process for summons, warrants and subpoenas shall be issued to the Sheriff of Pike County, Ohio, or any other lawfully authorized law enforcement agency.

RULE VI PROCEDURE—ADULTS

1. The statutory procedures and the Rules of Criminal Procedure shall be followed with respect to adult criminal actions wherein the Juvenile Division has jurisdiction.
2. All persons charged with offenses and who are being held under process from this court or who have been arrested and charged in this court shall be brought before the court for arraignment immediately upon arrest or post bond in accordance with rules of criminal procedure established by the Supreme Court of Ohio.
3. In the event that a person charged with an offense, under the provisions of Chapter 2151, Revised Code, is detained in the custody of a law enforcement officer, and which offense is not otherwise a felony, the court hereby orders that such officer may take such defendant before an officer of a court of record for his appearance before this court. Bail for any such offense is hereby fixed in the sum of Two hundred Dollars (\$200.00), unless otherwise ordered in a warrant to arrest as provided in Rule 3. Any such appearance shall be

fixed at the next session of the Juvenile Division at 9:00 a.m. unless otherwise directed by a member of the staff of this court.

RULE VII-A
PROBATION DEPARTMENT—PERSONNEL

1. The judge of the Juvenile Division of the Common Pleas Court of Pike County, Ohio, hereby establishes a community control department with the Juvenile Court in accordance with Section 2151.14 of the Revised Code. As used herein, the terms “community control” and “probation” may be used interchangeably.
2. The deputy clerks of the Juvenile Division shall render such assistance to the probation staff as may be directed by the judge. Deputy clerks may administer oaths, issue warrants of arrest, warrants of detention, and other writs in the name of the judge of the Juvenile Division as may be provided by law, these rules or the Juvenile Rules adopted by the Supreme Court of Ohio.
3. The deputy clerks and members of the staff of the Juvenile Division may request of any officer, board, commission, or official the cooperation provided by Section 2151.40, Revised Code.

RULE VII-B
PROBATION DEPARTMENT—OPERATION

1. The probation department shall make such investigations, obtain such reports and perform such other duties as shall be directed by the judge or as provided in the statutes and Juvenile Rules.
2. A juvenile probation officer shall serve such process issuing from the court as may be directed to him and shall make prompt return thereof.
3. A juvenile probation officer may make arrests without a warrant upon reasonable information or upon view of violations coming within the Juvenile Court Act as amended, and detain the person so arrested pending the issuance of a warrant or other process, and may assist in the enforcement of the orders of the court respecting probation and the terms thereof; he may take any juvenile into

custody for violation of any probationary order of the court respecting probation and the terms thereof; he may take any juvenile into custody for violation of any probationary order of the court and shall report such fact to the judge forthwith. He may discharge from his custody or the custody of the Sheriff of this county as provided in these rules any juvenile whom he has reason to believe will appear in court at the next session thereof as he may direct. He may call upon any other law enforcement officer to assist him in the discharge of his duties under the law or these rules.

4. A juvenile probation officer with the assistance of any staff member shall prepare and cause to be prepared such reports as shall be required by the judge or as may be directed.
5. Any staff member of the Juvenile Division may attend meetings of juvenile agency personnel, persons concerned with child welfare, juvenile delinquency and traffic safety as the court may direct from time to time and shall be compensated for the actual and necessary expenses incurred by such attendance; reimbursement shall be made from funds appropriated for the use of the court. Transportation by use of personal auto shall be at the rate established by the Pike County Commissioners, unless otherwise ordered by the Court.
6. (A) There shall be, if possible, at least one (1) juvenile probation officer on duty to accept referrals from the court between 8:30 a.m. to 4:00 p.m. Monday through Friday.
 - (B) Prior to dispositional hearing, the investigating community control officer shall meet with the court in conference to review the written reports, proposed terms of probation, situations, etc.
 - (C) If a probationer violates his terms of community control, the probation officer shall file a separate report with the court detailing the violations of community control.

Said probationer shall receive detailed information of his violation of terms of community control along with a copy of the notice of date for court hearing.

7. Receipts for all payments of funds into the probation department shall be issued upon forms as provided by the court. The depository of such funds as established shall be in any appropriate banking institution protected by FDIC in a checking account with consecutively numbered checks provided that any funds from a devise, bequest, gift or grant received by the probation department for the purpose for which property may be accepted shall be separately maintained and accounted for.

RULE VIII RECORDS, ASSIGNMENTS AND HEARINGS

1. The records of official cases shall be maintained as provided by law (Section 2151.18, Revised Code) and the Juvenile Rules adopted by the Supreme Court of Ohio and as provided by local rules of this court. For cases involving juveniles there shall be maintained an appearance docket, juvenile traffic offender docket, an adult appearance docket, juvenile journal, and a cash book.

Such records of juvenile cases involving juveniles shall be open for inspection by the parent(s) of any child affected by any order of proceeding and in the event that said child has no parent having custody, or next of kin, either in person or by designated counsel. Otherwise, such records shall not be available to any person except by order of the judge, or legal process from a court of competent jurisdiction.

The clerk shall file together in a numerical system hereinafter set forth and shall carefully preserve all original papers filed in every action or proceeding. Copies of papers belonging to the files of the court, shall, on demand, be furnished by the clerk to the attorneys or parties interested upon payment of the usual fee therefore.

2. The records of adult cases shall be public records as provided by law, and the same shall be maintained in a separate appearance docket for such cases.

3. All official matters filed in the Juvenile Division shall be assigned a case number.
4. Unofficial cases considered by the court staff shall not be subject to the provisions of the foregoing record rules; and no person shall have access to such cases without the order of the judge. This rule provision shall extend to law enforcement personnel as well as court personnel. Violations may be considered as amounting to a contempt of the court and punishable as such.
5. When any juvenile shall be taken into the juvenile detention center of this county by any law enforcement officer, appropriate law enforcement agency may cause said juvenile to be photographed (with front view and a profile view). The said Agency shall cause each such juvenile to be fingerprinted on forms approved by the State of Ohio or by the court, and shall obtain the information required on said form (if possible) which shall include the full name, present residence address, color, sex, place of birth, date of birth, height, weight, color of eyes and hair, notation of any scars or identifying marks and signature. Said photo record and fingerprint record shall be delivered to the court in accordance with the provisions of Section 2151.313, Revised Code and the Juvenile Rules. These records shall be subject to the provisions of said section and rules and are ordered to be taken for purposes of identification only.

The arresting law enforcement agency shall be responsible for compliance with this rule. Requests for the use of any photograph or fingerprints in the possession of the court under this rule shall be made in writing and shall state the facts forming the basis for the request. The court shall by entry upon its journal permit use of such photos and/or fingerprint records.

Consent for administration of polygraph tests to juveniles shall be given upon application by the office of the prosecuting attorney or law enforcement agency and, with the consent of the parents, guardian or custodian of the juvenile, or upon written consent by the court upon its journal.

6. Any complaint certified to this court from any other court exercising juvenile jurisdiction with respect to a child who is determined by this court not to be a resident of Pike County, or not presently within this county and not expected to return within a reasonable time, shall be transferred to the county of residence of said juvenile if said determination is possible; a copy of the order of such transfer shall be forwarded to the transferring court. Complaints involving juveniles who are residents of another state shall be considered upon the merits of the particular case, but the policy of transferring all cases except minor traffic matters will be maintained.
7. In order to provide a means for scheduling detention hearings in accordance with the mandated time requirements of law and the Juvenile Rules, detention and shelter care hearings shall be held by the court as soon as possible and shall take precedence over other matters regularly assigned. Notice of such hearings may be provided by the retaining officer or as provided by law or the Juvenile Rules. Said notice may be given by phone to any person entitled to the same if other means have been found by said officer to be ineffective.

In the event that any such hearing is required to be adjourned for any reason, it shall be continued to the next regular court business day, unless otherwise requested by counsel, a parent or guardian or custodian, or as ordered by the Court. Hearings for juveniles detained pending hearing shall be assigned as soon as possible upon direction by the court or assignment office should the judge be unavailable.

8. Motions.

- (A) (1) All motions must be served and filed within the time limits prescribed by the Ohio Rules of Juvenile Procedure (hereinafter, the Juvenile Rules). If no specific time limits are prescribed by the Juvenile Rules, then the Ohio Rules of Civil Procedure shall be followed. Motions may be served within such time as not to unduly delay the proceedings, and shall be filed with the court not later than the third day following the day of service.

- (2) Motions shall be submitted and may be determined upon the motion papers hereinafter referred to without oral argument, unless specifically requested and allowed by the court.
 - (3) If the motion for an oral hearing is granted, the oral hearing shall be scheduled as soon as possible according to Rule 18 of the Juvenile Rules.
 - (B) All counsel are reminded of their obligations under the provisions of Rule 11 of the Ohio Rules of Civil Procedure. The presentation to the court of unnecessary motions and the unwarranted opposition of motions, which in either case unduly delay the course of an action through the courts, subject an offender to appropriate discipline including but not limited to, the payment of the other party's reasonable expenses, attorney fees and costs.
9. Continuances of any proceeding shall be granted within the discretion of the judge, upon good cause shown upon written application or in open court, either by a person entitled to notice or his counsel. The policy as reflected in the Juvenile Rules is that continuances should be avoided whenever possible unless the court can find that the best interest of the juvenile will be served by granting such request.
- (a) An application for the continuance of a case shall be by written motion, supported by affidavit of someone knowing the facts upon which the application is based; or in case of sickness, by the certificate of a reputable physician, unless such affidavit or certificate be waived, in which case the professional written statement of an attorney or record for the party asking the continuance may be taken in lieu of such affidavit or certificate.
 - (b) If the continuance be asked for on the grounds of inability to produce the testimony of an absent witness, the party making the application must state

in writing what he expects to prove by such witness and, also, by what acts of diligence he has endeavored to procure the testimony of such witness. If the court finds the testimony material and that due diligence has been used, such cause may be continued unless the opposite party consents to the reading of such affidavit in evidence in which case the trial may proceed and such affidavit be read in the trial and treated as the deposition of the absent witness.

- (c) Unless specifically ordered by the Court, all motions for continuances will be decided without argument and no supplemental or amended affidavit or counter affidavit or statement will be received. Hearing will be had only after leave has been obtained.
- (d) A motion for the continuance of a case if made after the assignment of the case for trial will not be granted if the reasons upon which such motion is based were within the knowledge of the party or his attorney when the case was so assigned.

10. Receipts for all payments of funds into the Juvenile Division shall be issued upon forms as provided by the court. The depository of such funds as established shall be an appropriate banking institution protected by FDIC, in a checking account with consecutively numbered checks; provided that any funds from a devise, bequest, gift or grant received by the Juvenile Division, for the purpose for which property may be accepted shall be separately maintained and accounted for.

11. ENTRIES AND BRIEFS

- (a) All filings shall be on eight and one-half by eleven inch paper, without backings, of stock that can be microfilmed.

- (b) All filings shall contain the name, address, telephone number, and attorney registration number of the individual counsel representing the fiduciary and, in the absence of counsel, the name, address and telephone number of the fiduciary. Any filing not containing the above requirements may be refused.
- (c) Failure of the fiduciary to notify the court of the fiduciary's current address shall be grounds for removal. Not less than ten days written notice of the hearing to remove shall be given to the fiduciary by regular mail at the last address contained in the case file or by other method of service as the court may direct.
- (d) Filings containing partially or wholly illegible signatures of counsel, parties or officers administering oaths may be refused, or, if filed, may be stricken, unless the typewritten or printed name of the person whose signature is purported to appear is clearly indicated on the filing.
- (e) All pleadings, motions, or other filings are to be typed or printed in ink and correctly captioned.
- (f) Unless the court otherwise directs, counsel for the party in whose favor a judgment is rendered, shall prepare the proposed judgment entry and submit the original to the court with a copy to counsel for the opposing party. The proposed judgment entry shall be submitted within seven days after the judgment is rendered. Counsel for the opposing party shall have seven days to object to the court. If the party in whose favor a judgment is rendered fails to comply with this division, the matter may be dismissed or the court may prepare and file the appropriate entry.
- (g) When a pleading, motion, judgment entry or other filing consists of more than one page, each page shall contain the case number in the upper portion of the page.

RULE IX COURT STAFF

1. The staff of the court shall consist of deputy clerks, court reporters, intake officers, assignment commissioner, bailiffs, transport officers, community control officers, and such additional persons as may be appointed from time to time. Certain of the staff members may also be assigned for duties in the Probate Division. Nothing in these rules shall be construed as being prohibitive of same person serving in more than one capacity.

The juvenile probation officers shall have the duties assigned under these rules in addition to those provided by law. The court shall control and supervise any volunteer services which may be made available to the court from time to time.

2. The conduct, duties, hours, expenses, leaves of absence and vacations of staff shall be regulated by these rules and by direction of the judge and Court Administrator. The court may promulgate employee rules and regulations consistent with these court rules.

RULE X ORDER OF REFERENCE

1. Every obligee of a court order of support made in the Court of Common Pleas, Juvenile Division, Pike County, Ohio shall make application for IV-D child support collection services with the Pike County Department of Job and Family Services.
2. Application for IV-D collection services may be obtained from the Pike County Job and Family Services.

RULE XI REASONABLE VISITATION

1. The court adopts the guidelines for parenting time, companionship as journalized by the court and may be modified from time to time without an amendment to these rules.

RULE XII ELECTRONIC TRANSMISSION FILINGS

Introduction

Fax transmission of court documents are discouraged by the court.

Fax transmissions will be accepted only if pre-approved by the court. Each fax shall contain the date and time of the approval and the name of the judge/clerk who authorized the fax transmission.

Facsimile Filings. In conformity with Civil Rule 5(E), pleadings, motions, applications and other filings may be filed with the Court by facsimile transmission subject to the following conditions:

1. *Definitions.* The following terms in the Rule shall be as follows:
 - (a) *Facsimile transmission* – means the transmission of a source document by a facsimile machine that encodes a document into signals, transmits and reconstructs the signals to print a duplicate of the source document at the receiving end.
 - (b) *Facsimile machine* – means a machine that can send and receive a facsimile transmission either as a stand-alone device or as a part of a computer system.
 - (c) *Fax or faxes* – an abbreviation for “facsimile” and refers, as indicated by the context, to facsimile transmission or to a document so transmitted.
 - (d) *Source document* – means the document transmitted to the court by facsimile machine.
 - (e) *Original document* – means the facsimile copy of the source document received by the Court and maintained as the original document in the Court’s file.
2. *Application of Rules and Orders.* This Local Rule has been instituted solely for the convenience of those filing documents with the Court. The Court does not assume any new or additional responsibilities, obligations or liabilities by virtue of this Local Rule, except as expressly provided in this Rule. The sender assumes all responsibilities, obligations and liabilities for using this method of filing. This Local Rule pertains only to the method of filing and does

not override, alter, amend, revoke or otherwise change any Local Rule or Civil Rule respecting the requirements of any filings such as obtaining the consent of parties or counsel or obtaining signatures or the authorization to sign for opposing counsel.

3. *Filings Not Accepted.* The following documents may **NOT** be filed by facsimile transmission:
 - (a) Pleadings, motions, applications or other filings in matters involving an adoption.
 - (b) Any case for which there is a filing fee
4. *Filings Accepted.* Except as provided in Local Rule 57.5(3), all pleadings, motions, applications or other filings permitted to be filed with the Court by mail pursuant to Local Rule 57.4 may be filed with the Court electronically. See Local Rule 57.5(11) as to maintenance of original documents that were filed with the Court electronically.
5. *Facsimile Cover Page.* All filings by facsimile shall be accompanied by a cover page that states all of the following information: 1) date of transmission; 2) name, telephone number, and facsimile number of the person transmitting the document; 3) case number and caption of the case in which the document is to be filed; 4) title of the document to be filed; and 5) number of pages being transmitted; and 6) the name of the Judge or Clerk who authorized the fax transmission.
6. *Facsimile Machine.* The telephone number of the facsimile machine available for receiving fax filings for the Court is **740-941-3086**. Transmissions sent to any other location are not covered by nor permitted under this Local Rule. Copies of filings otherwise properly filed with the Clerk of Courts, however, such as courtesy copies for the Court, may be sent by facsimile directly to the Court, but any such transmittals shall not be considered as having been filed thereby. Faxes may be sent only during normal business hours.
7. *Document Restrictions.* A “fax transmission” as referred to in this Local Rule, may contain more than one document but may not apply to more than one case number per transmission. Motions and other filings making reference to or incorporating other documents attached to the motion or other filing as an exhibit thereof shall be considered as being part of a single filing for purposes of this rule.

8. *Fees.* There are no specific costs related to facsimile transmissions except to the extent that the filings are taxed as cost to any case. It is the sender's responsibility to ensure that there is sufficient deposit posted with the Court with which to satisfy the cost relating to the filing.
9. *Filing Acceptance or Rejection.* The Court is authorized to reject any facsimile transmission filing if the sender fails to provide the Facsimile Cover Page required under Section Five (5) of this Rule or if the transmission contains a filing not acceptable under Section Three (3) of this Rule.
10. *Date and Time.* Subject to the other provisions of this Local Rule, all documents filed by fax shall be considered filed with the Court as of the date and time that the fax transmission has been received by the Court. For purposes of this provision, a facsimile filing shall be deemed to have been received by the Court as of the date and time printed at the top of each page of the incoming fax transmission as printed out by the Court's facsimile equipment. The risks of transmitting a document by fax to the Court shall be borne entirely by the sender. Anyone using facsimile filing is urged to verify receipt of such filings by the Court through whatever technological means are available.
11. *Original Filing.* A document filed by fax shall be accepted as the original filing if the person sending the fax complies with all of the requirements set forth in this Local Rule. The person making a fax filing need not file any source document with the Court. However, until the case is closed and all opportunities for post-judgment relief are exhausted the filer must maintain in their records and have available for production on request by the Court the source document of any document filed by fax, with original signatures as otherwise required under the applicable rules, together with the original copy of the facsimile cover sheet used for the subject filing.
12. *Signatures.* Facsimile filings shall contain a signature followed by the printed name of the person signing the source document.

RULE XIII MAGISTRATES

1. The Judge may appoint a Magistrate who will be assigned cases by the judge. The Magistrate will preside over hearings, pretrials, trials, and issue any and all Magistrate's orders and decisions in accordance with Juvenile Rule 40, Civil Rule 53, Criminal Rule 19 and O.R.C. 2101.01
2. When a request for findings of fact and conclusions of law is made, the party requesting the same shall prepare and file a proposed findings of fact and conclusions of law within seven days of the Judge's order or the Magistrate's decision. Thereafter, the Judge or the Magistrate will prepare findings of fact and conclusions of law which shall become part of the record.
3. As used herein, any reference in these rules to Judge shall include Magistrate if permitted by law.

RULE XIV VIDEO CONFERENCING

1. Video conferencing may be used to conduct an arraignment, plea and/or detention hearing pursuant to the following conditions:
 - (a) In delinquency cases and with the consent of the child and a parent/custodian/guardian. Consent may be given orally through use of the video conferencing;
 - (b) The child is at a different location than the courtroom.
 - (c) The child and judge can observe one another and engage in a dialogue.
 - (d) Procedure is in compliance with all applicable laws and regulations that may be promulgated from time to time.

RULE XV
CASE MANAGEMENT AND PRE-TRIAL
PROCEDURE FOR CIVIL ACTIONS

1. After service has been perfected on all parties, the Court shall set a scheduling conference for the case.

2. A scheduling conference shall be conducted in all civil cases, except land sale proceedings, and parties may participate by telephone with prior approval of the Court.

3 Notice of the scheduling conference shall be given to all counsel of record and pro se litigants by mail, facsimile, e-mail and/or by telephone by the Court not less than fourteen (14) days prior to the conference, unless otherwise ordered by the court. Any application for continuance of the conference shall be in writing and filed with the Court in a timely manner.

4. The following decisions shall be made at the scheduling conference and all counsel attending must have full authority to enter into a binding pretrial order.

- a. A discovery schedule shall be agreed upon by all parties and/or set by the Court for the completion of discovery.
- b. A date for exchange for expert witnesses shall be determined.
- c. A date for filing of all motions and pretrial statements which date shall not be later than seven (7) days before the formal pretrial.
- d. The date for the formal pretrial shall be set by the Court and shall be held approximately one week prior to the trial.
- e. A trial date will be set.

4. The following decisions shall be made at the formal pretrial and all counsel attending must have full authority to enter into a binding final pretrial order:

- a. Briefs on any legal issues shall be submitted.
- b. Proposed jury instructions shall be submitted.
- c. Proposed jury interrogatories shall be submitted.
- d. Clients shall be present or available by telephone.

- e. No motions shall be heard after the formal pretrial without leave of Court and without good cause being shown in writing.

5 The trial date shall not be changed nor shall the trial be continued without order of the Court and after the showing of good cause in writing.

RULE XVI JURY MANAGEMENT PLAN

A. OPPORTUNITY FOR SERVICE.

The opportunity for jury service should 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 this jurisdiction.

B. JURY SOURCE LIST

1. The jury source list shall be obtained from the Board of Elections' list of registered voters.

2. The Pike County jury commissioners appointed by the Pike County Court of Common Pleas shall select the electors in accordance with the rules of practices of that court. The jury source list shall be representative and inclusive of the adult population of Pike County. The court reserves the right to review the jury source list to assure that it is inclusive and representative, and if necessary, to require appropriate correction action.

C. RANDOM SELECTION PROCEDURES

Random selection procedures shall be used throughout the jury selection process. The methodology employed shall provide each and every available person with an equal probability of selection. The selection process is to be administered by the jury commissioner as set forth in the Rules of Practice of the Pike County Court of Common Pleas.

D. ELIGIBILITY FOR SERVICE

1. All persons are 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 Pike County
 - d. Are not able to communicate in the English language
 - e. Have been convicted of a felony and not had their civil rights restored.

1. The Pike County jury commissioner or deputy jury commissioner is responsible for notification of prospective jurors as set forth in Rules of Practice of the Pike County Court of Common Pleas.

E. TERM OF AN AVAILABILITY OF 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 for probate court cases are to report to the jury commissioner's office in the Pike County Court of Common Pleas in accordance with the procedures of the jury commissioner.

3. The probate judge's staff shall communicate with the jury commissioner to determine the availability of jurors as is needed on a case by case basis.

F. EXEMPTION, EXCUSE AND DEFERRAL

1. There shall be no automatic excuses or exemptions with the exception of statutory exemptions as set forth in the Ohio Revised Code.

2. Persons who no longer reside in Pike County and persons convicted of a felony whose rights have not been restored are disqualified from jury service.

3. The term of juror service is to be determined by the Pike County jury commissioner.

4. The term of service shall be at a minimum sufficient to complete the trial in juvenile court in which the juror is impaneled.

5. The probate court judge presiding over the trial has the discretion to grant excused or postponements for good cause shown. Requests for excuses or deferrals should be written or otherwise made of record.

G. VOIR DIRE

1. Voir Dire examination should be limited to matters relevant to determining whether to remove a juror for just cause and to determine the juror's fairness and impartiality.

2. To reduce the time required for voir dire, basic background information shall be available to counsel in writing for each party on the day in which 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 purpose of voir dire process.

5. In all cases the voir dire process shall be held on the record.

H. REMOVAL OF THE JURY 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 peremptory challenges shall be in accord with the Ohio Rules of Civil and Criminal Procedure 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 is vested in the court and the jury commissioner.
2. All procedures concerning jury selection and service shall be governed by applicable Ohio rules as promulgated by the various courts.
3. Management of the jury system is to be by the trial judge, the judge's staff and the juvenile court administrator.

K. NOTIFICATION AND SUMMONING PROCEDURES

Procedures governing notification and summoning of jurors are set forth in the Rules of Practice of the Pike County Court of Common Pleas and are administered by the chief deputy jury commissioner.

L. MONITORING THE JURY SYSTEM

The chief deputy jury commissioner shall collect and analyze information regarding the performance of the jury system as is set forth in the Rules of Practice of the Pike County Court of Common Pleas.

M. JUROR USE

1. Courts should employ the services of prospective jurors so as to achieve optimum use with a minimum inconvenience to jurors.
2. The chief deputy jury commissioner is responsible for management and assignment of jurors and the effective use of jurors.

N. JURY FACILITIES

1. The Court shall provide an adequate and suitable environment for jurors.

2. Jury deliberation room should include space, furnishings and facilities conducive to reaching a fair verdict. The safety and security of the deliberation room shall be ensured by the court.

3. To the extent feasible, juror facilities are to be arranged to minimize contact between jurors, parties, counsel and the public.

O. JUROR COMPENSATION

1. Persons called for jury service shall receive compensation as established by the Pike County Commissioners pursuant to R.C. 2313.34.

2. Such fees shall be paid promptly.

3. Employers shall be prohibited from discharging, laying-off, denying advancement opportunities to, or otherwise penalizing employees who miss work because of jury service.

P. JUROR ORIENTATION AND INSTRUCTION

1. The jury commissioner's office shall conduct a juror orientation program that is:

- a. Designed to increase prospective jurors' understanding of the judicial system and prepare them to serve competently as jurors, and
- b. Presented in a uniform and efficient manner using a combination of written, oral, and audiovisual materials.

2. The court shall provide some form of orientation or instructions to persons called for service upon first appearance in the court and upon reporting to the courtroom for voir dire.

3. The trial judge should:

- a. Give preliminary instructions to all prospective jurors.
- b. Give instructions directly following impanelment of the jury to explain the jury's role, the trial procedures including note taking and questions by jurors, the nature of evidence and its evaluation, the issues to be addressed, and the basic relevant legal principles.

- c. Prior to the commencement of deliberation, instruct the jury on the law, on the appropriate procedures to be following during deliberations, and on the appropriate method for reporting the results of its deliberations. The instructions should be made available to the jurors during deliberations.
- d. Prepare and deliver instructions that are readily understood by individuals unfamiliar with the legal system.
- e. Use written instructions when feasible.
- f. Assure that all communications between the judge and members of the jury panel from the time of reporting to the courtroom for voir dire to the panel's dismissal shall be in writing or on record in open court. Counsel for each party shall be informed of such communication and be given the opportunity to be heard.
- g. 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 inquiries from counsel or the press;
 - (3). Either advise them that they are discharged from service or specify where they must report; and,
 - (4). Express appreciation to the jurors for their service, but not comment on the result of the deliberation, or express approval or disapproval of the result of the deliberation.

Q. JURY SIZE AND UNANIMITY OF VERDICT

Jury size and unanimity in civil and criminal cases shall conform to existing Ohio law.

R. JURY DELIBERATION

1. Jury deliberations should take place under conditions and pursuant to procedures that are designed to ensure impartiality and enhance rational decision-making.

2. The judge should instruct the jury concerning appropriate procedures 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.

4. Training should be provided to personnel who escort and assist jurors during deliberations.

S. SEQUESTRATION OF JURORS

1. A jury should not be sequestered unless for good cause, including but not limited to insulating its members from improper information or influences.

2. The trial judge shall have the discretion to sequester a jury on the motion of counsel or on the judge's initiative.

3. The judge's courtroom staff and the juvenile court administrator shall have the responsibility to provide for the safety and comfort of the jurors.

4. The court administrator is responsible for developing procedures to implement and achieve the purposes of sequestration.

5. Training shall be provided to court personnel who escort and assist sequestered jurors.

XVII
MISCELLANEOUS

The Court reserves the right to deviate from these rules by court order in any case. Such court order shall operate as a local court rule for purposes of that case and that case only.

These Rules shall be effective October 2, 2019.

ROBERT N. ROSENBERGER

Judge, Court of Common Pleas
Juvenile Division of Pike County

**LOCAL RULES OF COURT
PIKE COUNTY COURT OF COMMON PLEAS
JUVENILE DIVISION
PIKE COUNTY, OHIO**

**RULE XVIII
SPECIALIZED DOCKET – eStats**

Electronic Statistical Reporting (eStats)

Under Sup.R.37(B)(2), a court's administrative judge is responsible for ensuring the security of the court's eStats login password.

The administrative Judge and the Court Administrator are the only court personnel that may access the eStats Portal. The administrative Judge and the Court Administrator will be the only person with knowledge of the court's ID number and password.

**RULE XIX
Use of Restraints**

A. Instrument of restraint, including, but not limited to handcuffs, chains or shackles shall not be used on a juvenile during a court proceeding unless both of the following apply:

1. The necessity of using restraints is demonstrated to the satisfaction of the judge or magistrate by the presence of one or more of the following factors:

- (a) The child represents a current and significant threat to the safety of the child's self or other persons in the courtroom; or
- (b) There is a significant risk that the child will flee the courtroom; and

2. The court determines that there are no less restrictive alternatives to restraints that will prevent flight or physical harm to the child or another person, including, but not limited to, the presence of court personnel, law enforcement officers or bailiffs.

B. When used, restraints should allow the juvenile limited movement of the hands to read and handle documents and writings necessary to the hearing unless there is a demonstrated need for more restricted movement.

C. This rule shall not limit the ability of law enforcement, security personnel or other court staff from restraining a juvenile if necessary to ensure the courtroom is properly functioning and/or to maintain the safety and security of court facilities. This rule shall not apply to duly adopted policies of law enforcement agencies in their custodial transportation of juveniles outside of the courtroom.

D. Upon written or verbal request of any party, the prosecuting attorney, court security staff, the probation department, or the victim advocate, the court may order any child who is brought before the court to be restrained. If such an order issued, the order and the reasons for the order shall be communicated to the child, the child's parents, and the child's attorney, the parties shall be advised of the right to be heard on the use of physical restraints as provided in Ohio Sup. R. 5.1(B).

[Effective Date July 20, 2017]