

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.