

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

**IN THE MATTER OF
ADOPTION OF
RULES OF COURT**

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.

Effective Date: October 3, 2022

**PAUL PRICE
Court of Common Pleas
Juvenile Division
Pike County, Ohio**

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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.

**RULE III
FEE SCHEDULE FOR COURT APPOINTED COUNSEL**

1. The Pike County Juvenile Court and the Pike County Commissioners have adopted the fee schedule from the office of The Ohio Public Defender. In abuse, dependency, and neglect cases, both the attorney and guardian ad litem may bill up to the maximum fee allowed by the county.
2. Payment for appointed counsel in juvenile proceedings shall be on the basis of Seventy Five Dollars (\$75.00) per hour for time in court and out of court services. Court Appointed Counsel shall submit all billing to the Court in a timely manner, and must be submitted to the Court within 60 days of the last hearing date indicated on the form. Counsel Fees not submitted within the time line requirements may lead to non-payment of fees or lesser fees paid to the attorney.
3. Payment for Guardian Ad Litem (Attorney) in abuse, neglect, and dependency cases as well as indigent pro se custody cases shall be at the same hourly rate as listed above up to the maximum amount of \$800.00 per case per year. All other cases involving Guardian Litem shall be a flat \$800.00 deposited by the parties as ordered by the Court.
4. In all cases, assigned counsel and Guardian Ad Litem may petition the Court to request payment of additional fees that exceed the maximum amount, which will be considered on a case by case basis.

The prescribed maximum fees permitted in juvenile level proceedings are:

<u>Offense/Proceedings</u>	<u>Fee Maximum</u>
Aggravated murder (w/specs) per <u>R.C.2929.04(A)</u> and <u>R.C. 2941.14(B)</u> -	As set by Capital Fee Council - See R.C. <u>120.33(D)</u> . The Council has currently set a rate with no fee maximum.
Aggravated murder (w/o specs)	\$7,500 1 attorney \$12,500

(2 attorneys)

Murder	\$6,000
Felony adjudication (degrees 1-2)	\$5,000
Felony adjudication (degrees 3-5)	\$3,500
Misdemeanor OVI/BAC	\$2500
Misdemeanor	\$2000
Traffic	\$300
<u>Offense /Proceeding (cont'd)</u>	<u>Fee Maximum</u>
Objections	\$750
Unruly	\$1,000
Bindover-Mandatory	\$750 (1 attorney) \$1,200 (2 attorneys)
Bindover-Discretionary	\$2,000 (1 attorney) \$3,000 (2 attorneys)
Reverse Bindover Amenability	\$1,500
SYO	Adult degree + 50% (2 attorneys)
SYO Invocation	\$2,000 (1 attorney) \$3,000 (2 attorneys)
Adult in Juvenile Court	\$1,500
Violation (Probation/Community Control)	\$750
Violation (Parole/Supervised Released)	\$750
VCO	\$750
ADN Initial Custody	\$1,500
AND Annual After Custody	\$1,500
Permanent Custody	\$2,500
Contempt of Court	\$500
Purge Hearing	\$150

Sex Offender Classification/ Reclassification/Declassification	\$750
Expungement	\$300
Other	\$750

**RULE IV
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.

RULE V
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 VI
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 VII
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

A Filings by Facsimile or Email

1. *Definitions.* The following terms in the Rule shall be as follows:

(a) **Source document** – The document to be filed. This document shall be transmitted to the court by facsimile or by e-mail in PDF format unless it is a proposed order, which may be submitted in WORD format.

(b) **Original document** – The facsimile or e-mail copy of the source document received by the Court and maintained as the “original” document in the Court’s file. A document transmitted by facsimile or filed by e-mail shall be accepted as the original filing if the sender complies with all of the requirements set forth in this Local Rule. The sender need not file any source document with the Court.

2. **Filings Not Accepted:** The following documents may NOT be filed by facsimile or e-mail transmission:

(a) Any pleading or document necessary to commence a proceeding for which the Court must collect an initial deposit or filing fee;

(b) Any document that requires a fee at the time of filing unless the filer has sufficient funds on deposit to cover the cost of the filing or prior arrangements for payment have been made;

(c) Any filing for which the Court must effectuate service of summons; or

(d) Any proceedings deemed confidential pursuant to Ohio Law.

3. **Electronic Cover Page:** All filings by facsimile or e-mail shall be accompanied by a Court approved cover page as set forth in Appendix A setting forth:

a. Date of transmission;

b. Name, address, e-mail address, and telephone number of the sender;

- c. Case number and caption of the case in which the document is to be filed;
 - d. Title of the document(s) to be filed; and
 - e. Number of pages being transmitted.
- 4. E-Mail:** The e-mail address available for receiving filings for the Court is juvenile.court@pikecounty.oh.gov. This e-mail address is available twenty-four (24) hours per day seven (7) days per week. E-mails sent to any other address are not covered by or permitted under this Local Rule and will not be considered filed. All email filings shall state the Case Number and Case Caption in the subject line.
- 5. Facsimile:** 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. Faxes may be sent only during normal business hours.
- 6. Document Restrictions:** A facsimile or e-mail transmission 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 part of a single filing for purposes of this rule.
- 7. Fees:** There are no specific costs related to Electronic Filings except to the extent that the filings are taxed as costs to any case. **Filings in excess of ten pages shall be assessed a copying charge at the rate of ten cents per page.** It is the sender's responsibility to ensure that there are sufficient funds deposited with the Court with which to satisfy the cost relating to the filing.
- 8. Filing:** Acceptance or Rejection. The Court is authorized to reject any electronic filing if it fails to comply with any of the requirements of this rule. The Court shall notify sender of said rejection.
- 9. Date and Time:** For purposes of this rule electronically transmitted documents may be received during the regular business hours of the Court. **Any documents received after 3 p.m. on a regular business day shall be filed and docketed the following business day.** Any

documents received on weekends or other legal holidays shall be filed and docketed the next business day.

10. Signatures: Any signature on documents transmitted by facsimile or e-mail shall be considered as that of the attorney or other person that it purports to be for all purposes. If it is established that the documents were transmitted without authority, the Court may order the filing stricken. Any electronic filings shall contain a signature and must be followed by the printed name of the person signing the source document.

11. Verification of Receipt for e-mail filings: The Court shall send a delivery receipt. Once the document has been filed the Court shall confirm said filing via email by returning to sender the time-stamped documents.

12. Verification of Receipt for facsimile filings: Parties submitting filings by fax must contact a court clerk and confirm that transmission was received. Proof of transmission forms from the fax machine are not sufficient to confirm receipt.

B E-Filing

The Court will accept electronic filings for case types as outlined in the Court's most recent administrative order. The most recent administrative order is available on the court's website at www.pikecountypjcourt.com.

All documents filed through the E-File System in accordance with this Rule must also comply with the standards set forth in the Local Rules of the Juvenile Court, the Ohio Rules of Civil and Juvenile Procedure, and the Rules of Superintendence.

COMMENT:

E-mail Filings Under Civil Rule 5(E), pleadings, motions, applications, and other filings may be filed with the Court by e-mail transmission subject to conditions in the rule. 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.

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.

4. 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.

5. 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.

6 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

I. 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.

II. 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.

III. 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.

IV. 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.

2. 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.

V. 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.

VI. 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.

VII. 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.

VIII. 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.

IX. 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.

X. 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.

XI. 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.

XII. 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.

XIII. 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.

XIV. 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.

XV. 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.

XVI. 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.

XVII. JURY SIZE AND UNANIMITY OF VERDICT

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

XVIII. 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.

XIX. 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.

XX. CONDUCTING A TRIAL BY JURY USING REMOTE TECHNOLOGY

1. Procedures for conducting a jury trial remotely, whether in whole or in part, shall be governed by this Court's Local Rule XXII concerning Remote Appearances.
2. Any resource, proceeding, or element for conducting a jury trial remotely, whether in whole or in part, that does not fall under the provisions governed in this Court's Local Rule concerning Remote Appearances shall follow the policies and procedures as set forth in the local rules of the Pike County Common Pleas Court, General Division.

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.

RULE XVIII
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

1. 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).

RULE XX
Electronic Return Receipt

Electronic proof of service for certified mail provided to the Court through the U.S. Postal Service electronic return receipt program shall be deemed adequate evidence of service in accordance with the service requirements of Juvenile Rule 16 and Civ. R. 4.0 through 4.6

RULE XXI
Technology Plan

In accordance with Superintendence Rule 5(E), the Juvenile Court shall adopt and maintain a court technology plan which will include:

- (1) A comprehensive strategy for implementing and maintaining technology solutions for conducting remote hearings, electronic service, the acceptance of electronic signatures, and any other technology-related solution utilized by the court or division; and
- (2) Procedures for notifying and providing instructions to the public on how to use the technology solutions implemented by the court or division and how the solutions will comply with any accessibility accommodation requirements, including any applicable requirements of the “Americans with Disabilities Act.”

This plan will be available at the Juvenile Court and posted on the Court’s website at www.pikecountypjcourt.com.

RULE XXII

Remote Appearances

“Remote” is defined as the use of live two-way video or audio technology. Notwithstanding any other provisions of this Rule, the Judge may order a party’s personal appearance in court for any conference, hearing, or proceeding.

A. Telephone Appearances

The Court may conduct conferences, hearings, and proceedings via telephone with attorneys and unrepresented parties in accordance with the Hearing Management Plan set forth in Section F of this Rule.

(1) Any conference, hearing, or proceeding conducted by telephone will be designated as such on the Court’s hearing notice or order.

(2) Any hearing notice or order that does not designate attendance by telephone shall be considered a proceeding that requires the personal appearance of the attorneys and the parties. If any participants wish to appear by telephone, they must request permission of the Court by submitting a request in writing on the Court’s form, “Application to Appear by Telephone or Video Conference”. This form is attached as *Appendix – C* and is available at the Juvenile Court or on the Court’s website, www.pikecountypjcourt.com.

(3) All evidentiary proceedings involving a telephone appearance must be recorded and reported to the same extent as if the participants had appeared in person.

(4) The Court may specify the time and the person who will initiate the conference and any other matter or requirement necessary to accomplish or facilitate the telephone appearance.

(5) Upon convening a conference, hearing, or proceeding involving a telephone appearance, the Court shall recite the date, time, case name, case number, names and locations of parties and counsel, and the type of conference, hearing, or proceeding.

(6) The Court may require a party to appear in person, including video conferencing, at a conference, hearing, or proceeding in which a telephone appearance is otherwise permitted if the Court determines a personal appearance would materially assist in the determination or effective management or resolution of the particular case.

(7) If at any time during a conference, hearing, or proceeding conducted by telephone, the Court determines a personal appearance, including video conferencing, is necessary, the Court may continue the matter and require a personal appearance.

B. Video Conferencing

The Court may conduct conferences, hearings, and proceedings via a live two-way video conferencing platform with attorneys and unrepresented parties in accordance with the Hearing Management Plan set forth in Section F of this Rule.

(1) Any conference, hearing, or proceeding conducted by video will be designated as such on the Court's hearing notice or order.

(2) Any hearing notice or order that does not designate attendance by video shall be considered a proceeding that requires the personal appearance of the attorneys and the parties. If any participants wish to appear by video, they must request permission of the Court by submitting a request in writing on the Court's form, "Application to Appear by Telephone or Video Conference". This form is attached as *Appendix – C* and is available at the Juvenile Court or on the Court's website, www.pikecountypjcourt.com.

(3) All evidentiary proceedings involving a telephone appearance must be recorded and reported to the same extent as if the participants had appeared in person.

(4) Upon convening a conference, hearing, or proceeding involving a telephone appearance, the Court shall recite the date, time, case name, case number, names and locations of parties and counsel, and the type of conference, hearing, or proceeding.

(5) The Court may require a party to appear in person at a conference, hearing, or proceeding in which a video conference is otherwise permitted if the Court determines a personal appearance would materially assist in the determination or effective management or resolution of the particular case.

(6) If at any time during a conference, hearing, or proceeding conducted by video conference the Court determines a personal appearance is necessary, the Court may continue the matter and require a personal appearance.

C. Confidential Attorney-Client Communication

Provisions shall be made to preserve the confidentiality of attorney-client communications and privilege during any conference, hearing, or proceeding involving a telephone or video-conference appearance.

D. Witnesses

Unless otherwise not permitted by this Rule, statute, or other rules of court, a witness may be permitted to testify via telephone or video conferencing if prior permission by the Court is given.

E. Technical Standards and Equipment

The equipment and platform used in any hearing or proceeding conducted under this Rule must conform to the following minimum requirements:

(1) All participants must have the ability to hear and communicate with each other simultaneously.

(2) All participants must be able to see, hear, or otherwise observe any documents, physical evidence, or exhibits presented during the proceedings, either by video, facsimile, or other medium.

(3) The equipment or platform must allow for the Court to generate a verbatim record of the conference, hearing, or proceeding.

(4) The equipment or platform must be able to be used by people with Disabilities under the Americans with Disabilities Act.

F. Hearing Management Plan

The Court *may* conduct conferences, hearings, and proceedings in the following manner unless for good cause shown:

Type of Proceeding	In Person	Video	Telephone	Hybrid
Pretrial Hearings	X	X	X	X
Review/Status Hearings	X	X	X	X
Evidentiary Hearings	X			
Motion Hearings	X	X	X	X
Traffic Proceedings	X			
Adjudication	X			
Disposition	X			
Administrative Proceedings	X	X	X	X

In Person: A hearing is conducted where the Court and all parties appear physically in the same location.

Video: A hearing is conducted using *Zoom* or any other video platform the Court may use where the Court and all participants appear remotely.

Telephonic: A hearing is conducted where the Court and all participants appear using a telephone.

Hybrid: A hearing is conducted using a combination of any of the above-listed appearance types (e.g., the Court appears in person in the courtroom and the remaining participants appear via *Zoom*).

RULE XXIII
Electronic Signatures

1. "Electronic" has the same meaning as used in Section 1306.01 of the Ohio Revised Code.
2. "Electronic signature" by an individual means any of the following, attached to or associated with an electronic record, which is executed or adopted with the individual's intent to sign, to authenticate the record:
 - (a) A code consisting of a combination of letters, numbers, characters, or symbols that is adopted or executed by an individual as that individual's electronic signature;
 - (b) A computer-generated signature code created for an individual;
 - (c) An electronic image of an individual's handwritten signature.
3. Electronic transmission of a document with an electronic signature by a Judge or deputy clerk that is sent in compliance with procedures adopted by the Court shall constitute filing of the document for all purposes of the Ohio Civil Rules, Rules of Superintendence, and the Local Rules of this Court.
4. Any documents submitted with an electronic signature shall comply with this Court's most recent administrative order governing the Electronic Filing of Court Documents. *[See Appendix – B: Administrative Order].*

These Rules shall be effective October 3, 2022.

PAUL PRICE
Judge, Court of Common Pleas
Juvenile Division of Pike County

JUVENILE COURT OF PIKE COUNTY, OHIO
Paul Price, Judge

ELECTRONIC COVER PAGE

Case Caption: _____

Case No: _____

Date: _____

TOTAL NUMBER OF PAGES SENT (INCLUDING COVER PAGE) _____

Pleadings/Documents Submitted:

1. _____

2. _____

3. _____

4. _____

5. _____

Attorney

Attorney's Typed or Printed Name

Address

City State Zip

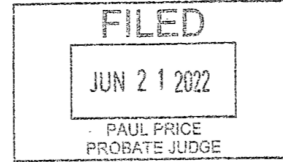
Telephone Number (include area code)

Attorney's e-mail address

Attorney Registration No. _____

APPENDIX B

IN THE COMMON PLEAS COURT
PROBATE AND JUVENILE DIVISIONS
PIKE COUNTY, OHIO



IN RE: ELECTRONIC FILING
OF COURT DOCUMENTS

ADMINISTRATIVE ORDER
NO. 2022-003

ORDER

This matter comes on for hearing before the administrative docket on the 21st day of June, 2022.

I. APPLICATION AND SCOPE OF ADMINISTRATIVE ORDER

The Pike County Common Pleas Court, Probate and Juvenile Divisions (hereinafter the "Court") having implemented a new court management system/electronic filing system ("CMS") does hereby adopt the following administrative orders governing its use.

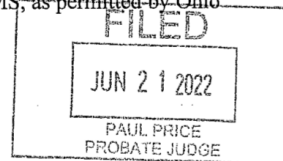
If necessary, the Court may adopt additional administrative orders or local rules that supplement this order and may designate case types as mandatory electronic filing case types or non-mandatory electronic filing case types. Case types so designated shall be filed electronically after the effective date of such supplemental orders or local rules.

II. DEFINITION OF TERMS

The following terms in this Order shall be defined as follows:

- A. **Case Management System ("CMS").** An electronic document filing system (currently Henschen) that manages the receipt, indexing, processing, storage, and retrieval of electronic documents and data associated with a case and performs actions on the data.
- B. **Case Type.** The designation of a legal matter, which indicates certain legal criteria that may be filed in the Pike County Probate Court or the Pike County Juvenile Court.
- C. **Clerk.** The Judge as Ex-Officio Clerk of the Pike County Common Pleas Court, Probate and Juvenile Divisions as defined by the Ohio Revised Code Section 2101.11.

- D. **Clerk Review.** A preliminary review of electronically filed documents by the Clerk (which includes by reference all properly designated Court employees; hereafter “Clerk”) in accordance with Court rules, policies, procedures, and practices. The Clerk will preliminarily review the data and documents to ensure compliance with Court rules, policies, and procedures prior to accepting the documents and sending such documents to the CMS. If the submitted documents comply with the applicable Court rules, policies, and procedures, the documents will be accepted and noted as such on the Court docket. If the submitted documents do not comply with the applicable Court rules, policies, and procedures, such documents will not be accepted for E-filing and the Clerk shall mark the document as “Rejected”. *See Rejected Filing.* The filer may view the status of any pending documents in his/her Registered User Account.
- E. **Confirmation.** A notification that a filer will receive once upon submission to the CMS. A Registered User may log into his/her/its account to review the status of documents filed on cases on which the Registered User is a Filer, and view each filing for receipting and verification purposes.
- F. **Confidentiality or Confidential.** All documents submitted for e-Filing shall not be considered a public record until accepted by the Clerk, and shall remain confidential thereafter if so entitled to confidentiality under rule or law.
- G. **Conventional Filing.** The filing of paper documents with the Clerk, pursuant to applicable law and rules, as in case types, if any, for which electronic filing and service is not authorized.
- H. **Conventional Service.** The service of documents upon case participants pursuant to applicable law and rules, as in case types for which electronic filing and service is not authorized.
- I. **Court Electronic Record.** Any document received in electronic form, recorded in the Court’s Case Management System and/or stored in the CMS. “Court Electronic Record” will include notices and orders created by the Court, as well as pleadings, other documents and attachments created by practitioners and parties. “Court Electronic Record” will not include physical evidence or exhibits that are not capable of capture in electronic format.
- J. **Court Initiated Document.** Official court documents entered into the docket or register of actions, such as notices, decisions, orders, decrees, and judgments.
- K. **Document.** A filing that becomes the Court’s official record.
- L. **eFile Case Type.** A case type that may be designated as a mandatory eFile case type by an administrative order or local rule.
- M. **Electronic Documents.** Electronic documents shall be a part of the official court record. Paper versions of the electronic documents, if maintained, shall be considered copies. Electronic filings shall not be followed up by a paper copy unless otherwise required by the Court. *See Sections VI and XII.*
- N. **Electronic Filing (eFiling).** The electronic transmission, acceptance, and processing of data, one or documents, and/or images, **exclusively via the CMS system.** This definition of electronic filing does not apply to facsimile or email.
- O. **E-Mail Service.** The electronic transmission of service of a filing from the Clerk and/or Court to all other Registered User case participants via the CMS, as permitted by Ohio Civ. R. 5(B)(2)(f).



- P. **Electronic Record.** A record created, generated, sent, communicated, received, or stored by electronic means.
- Q. **Electronic Service (eService).** The electronic service of electronically filed documents upon case participants using the Electronic Filing System.
- R. **Electronic Signature.** An electronic sound, symbol, or process that is attached to, or logically associated with, an electronic record and executed or adopted by a person with the intent to sign the electronic record.
- S. **Filer/Filing Party.** A case participant who electronically files a document using the Electronic Filing System.
- T. **Original Document.** A document electronically filed as the original filing that is consistent with Ohio Civ. R. 5(E) and/or Crim. R. 3(B)(1) and Crim. R.12(B), provided the Filer complies with all requirements set forth in this administrative order.
- U. **Registered User.** A person who has read and agreed to the terms of the CMS's User Agreement, has provided his/her credentials through the CMS proving his/her identity, and has been provided with a User ID and password through the CMS.
- V. **Rejected Filing.** A document that does not comply with the applicable Court rules, policies, and procedures and does not meet the requirements of Clerk Review.

III. REGISTERED USERS AND AUTHORIZATION

All attorneys filing documents in any Probate or Juvenile case type may become Registered Users. Attorneys using the e-filing system **must** be registered as users of the eFile system.

Authorized persons registering as users of the eFile System shall select and be assigned a username and a password. Registered Users shall use their username and password to electronically file, serve, and retrieve documents.

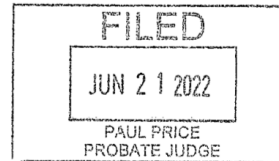
Registered Users shall be responsible for the security, use, and confidentiality of their username and password. All documents shall be deemed to have been filed with the authorization of the Registered User to whom a username has been assigned, unless the Registered User demonstrates otherwise, by clear and convincing evidence.

IV. MANDATORY CASE TYPES

E-filing will be permitted in all case types in both the juvenile and the probate courts. At the time of this administrative order, there are no case types designated as mandatory for E-filing.

V. PRO SE PARTIES AND LITIGATORS

Pro se parties and litigators are not permitted to become Registered Users at this time. If any pro se parties or litigators wish to utilize the eFiling system, they must obtain express written permission by the Judge.



VI. ORIGINATING NEW CASES & E-FILING TO AN EXISTING CASE

The eFile System is hereby appointed the agent of the Clerk for purposes of electronic filing, service, and retrieval of documents.

Registered Users may utilize the eFile System to originate a new case filing or to file any pleadings, motions, memoranda of law, transcripts of depositions, transcripts of proceedings, and Court Initiated Documents. Paper copies of eFiled documents shall not be submitted except for the following:

A. Original Last Will and Testament or Codicil. If eFiling a testate estate or other matter requiring the production of a signed Last Will and Testament or Codicil, the original will, or codicil shall be submitted to the Court within seven (7) days of the filing of the Application to Probate Will. Letters of Authority shall not issue until the original will or codicil is received in hard copy format by the Court.

The Court reserves the right to require a hearing on the admission of any document that is represented to be an original that does not appear to the Court to be an original when examined by the Court.

B. Certified or Authenticated Copies. Any certified or authenticated documents required for filing by statute, local rule, or the Court shall be presented to the Court within seven (7) days of the eFiling of such document.

C. Exhibits that Cannot be Captured in Electronic Format. Such exhibits shall be submitted conventionally, pursuant to the appropriate Ohio Rules of Procedure.

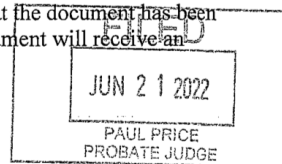
The failure of any Filer to produce the requested original or certified document within seven (7) days shall result in a deficient filing. The Court may close the case administratively subject to the case being reopened at a later date.

VII. FILING DATE AND TIME OF EFILED DOCUMENTS

With the exception of planned nightly system backups and unplanned system outages, Registered Users may electronically file documents 24 hours a day, seven days a week. To be considered timely, documents must be electronically submitted by 11:59 p.m. on the date they are due.

Upon electronic submission, the eFile System will issue a confirmation that a document has been received. The confirmation will include the date and time of receipt. The confirmation does not mean that the document has been filed. Documents shall not be considered filed until they have been reviewed by a Clerk and accepted for filing.

Upon acceptance for filing, the eFile System will issue a notification that the document has been accepted for filing, including the date and time of acceptance. The document will receive an electronic stamp including the date and time the document was filed.



Upon rejection for filing, the eFile System will issue a notification that the document has been rejected for filing and the reason for rejection. The document shall not become part of the Court Record and the Filer shall be required to resubmit the document to meet filing requirements.

VIII. FORMAT OF E-FILED DOCUMENTS

A. File Format. Documents shall be submitted in Portable Document Format (.pdf), with the exception of proposed orders and entries, which shall be submitted in editable PDF format and shall reference the specific motions to which they apply.

B. Size of Filing. Individual documents shall be limited in size to three megabytes (3MB). Multiple documents in a single transmission shall be limited in size to a combined total of thirty megabytes (30 MB).

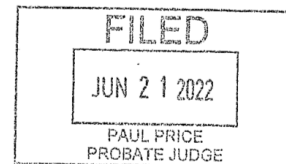
C. Font Style and Size. With the exception of Standard Probate Forms and local Probate forms, documents shall be double-spaced, in Times New Roman or Arial font style and at least 12-point type. An exception is made for state-mandated child support forms and other mandated court forms. Standard Probate Forms and local probate forms shall use the font style and size prescribed by Sup. R. 52 and applicable orders and local rules.

D. Margins. With the exception of Standard Probate Forms and local probate forms, the first page of a document shall have a top margin of at least 1.5 inches and side and bottom margins of at least 1 inch. Subsequent pages shall have the top, bottom, and side margins of at least 1 inch. Standard Probate Forms and local probate forms shall have the margins prescribed in Sup. R. 52 and applicable orders and local rules.

E. Signatures.

1. Attorney's Signature. Documents filed electronically with the Clerk that require an attorney's signature shall be signed with a conformed signature of "/s/(name)" (if not an actual physical signature). The correct format for an Attorney's signature is as follows:

/s/ Attorney Name
Attorney Name
Ohio Supreme Court ID Number
Attorney for (Party Designation)
Law Firm
Address
Telephone Number
Email Address



A conformed signature on an electronically filed document shall be deemed to constitute a legal signature for the purposes of signature requirements imposed by applicable law or rules.

2. Case participant signatures. Documents requiring the signature of one or more case participants for whom the Filer is authorized to sign shall be signed in the following manner:

- a. The filer shall confirm in writing that the contents of the document are acceptable to all persons required to sign the document;
- b. The Filer shall indicate the agreement of such persons at the appropriate place in the document, usually on the signature line;
- c. The Filer shall electronically sign the document on behalf of such persons and electronically file the document.

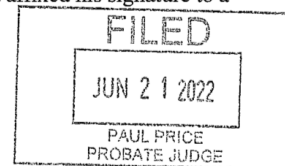
3. Non-case participant signatures. Documents requiring the signature of one or more non-case participants, or a case participant for whom the Filer is not authorized to sign, shall be signed in the following manner:

- a. The Filer shall obtain the signatures of all persons required to sign the document;
- b. The Filer shall scan, upload, and electronically file the document;
- c. The Filer shall maintain the signed document until the case is closed and the time for appeal has expired or any appeals have been heard or denied.

4. Original Signatures. If an original document requires the handwritten signature (such as a fiduciary, adoptive parent, third party's signature, etc.) a signature on an affidavit or stipulation, or a signature on a waiver of notice/service, the Filing Party shall scan the original signed document into PDF format showing the actual handwritten signature, and electronically file the document to which the signature relates. Any document that is electronically filed that contains an original signature must be retained in hard copy format by the attorney who filed the document.

5. Judicial Signatures. Documents requiring the signature of a Judge shall be signed by a placement of a digitized image of the Judge's signature beneath the Court Seal.

All orders, notices, decisions, orders, decrees, and judgments signed in this manner shall have the same force and effect as if the Judge had affixed his signature to a paper copy of the document and journalized it.



IX. REDACTION IN EFILED DOCUMENTS

Documents that are electronically filed shall not include personal or private information, unless such inclusion is necessary and relevant to the case. Personal or private information includes, but is not limited to, social security numbers, financial account numbers, and driver's license numbers. If inclusion of personal or private information is necessary and relevant to the case, the Filer is responsible for redacting the documents and filing Form 45(D) – Confidential Disclosure of Personal Identifiers.

The responsibility for redacting personal data identifiers rests solely with the Filer.

X. ELECTRONIC SERVICE BY THE COURT

The Court may issue, file, and serve all notices, decisions, orders and other documents that are created by the Court, subject to the applicable provisions in the Court's local rules. The Court may serve Registered Users by e-mail. The Court may serve all other parties who are not Registered Users with paper copies of all notices, decisions, orders and other documents that are created by the Court.

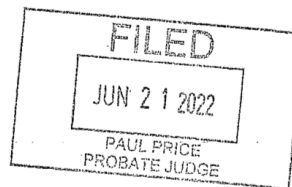
The electronic transmission of a document that has been electronically signed by the Judge in compliance with procedures herein adopted by the Court shall, upon the receipt of the same by the Clerk, constitute filing of the document for all purposes of the Rules of Superintendence and the Local Rules of this Court.

XI. ELECTRONIC SERVICE OF FILINGS AND OTHER DOCUMENTS

A. Service of Initial Pleadings. When electronically filing a complaint, third party complaint, or any other initial pleading, the Filer shall also electronically file instructions for service. The Clerk shall issue a summons and process the method of service requested. Electronic service shall not replace the methods for service of initial pleadings prescribed by applicable law or rules.

B. Service of Other Documents. With the exception of initial pleadings, documents that are electronically filed may be electronically served on case participants who are represented by counsel who are Registered Users.

1. Certificate of Service. A certificate of service shall be required when a Filer electronically files a document. The certificate of service shall state the date and manner in which service was accomplished, including electronic service if applicable, on each case participant.



2. **Notice of Electronic Filing.** When a document is electronically filed in accordance with these procedures, the eFile System will generate and deliver a Notice of Electronic Filing (NEF) to the Filer and to case participants who are represented by counsel or who are Registered Users.

Exceptions to this are the confidential case types of Adoption and Mental Illness. Therefore, these types of filings must be served by regular mail.

Delivery of the NEF to a Registered User's eFiling account shall constitute official service in accordance with applicable law and rules. Registered Users shall be responsible for checking their notifications page in the eFile System for NEFs.

In addition to the NEF, the eFile System shall generate and deliver an email to the email address associated with the Registered User's eFiling account. Such emails are sent as a courtesy and do not constitute official service.

C. Service Copies. When the Court is required by applicable law or rules to serve a paper copy of a document on a case participant, the Court shall cause service copies of the document to be produced. Fees for producing service copies shall be assessed as costs against the funds on deposit, at a rate established by the Court.

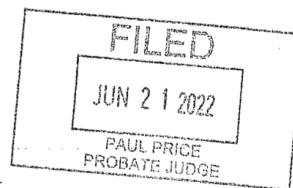
D. Time to Respond or Act.

1. Completion of eService. Electronic service of a document that has been electronically filed shall be deemed complete when the NEF is delivered to the Registered User's eFiling account. Documents that are electronically served on a Saturday, Sunday, or a Court holiday shall be deemed served on the next Court day.

2. Completion of Conventional Service. Service of a paper copy of a document that has been electronically filed shall be deemed complete on the date set forth in the certificate of service.

3. Mail Rule. The time to respond or act in response to documents that have been electronically served or conventionally served shall be computed in accordance with applicable law and rules. Pursuant to Civ. R. 6(D), case participants who receive electronic service of a document are not entitled to the three-day extension of time to which case participants who receive service by mail are entitled.

E. Failure of eService. If electronic service of a document on a case participant fails, the case participant to be served may, upon motion, be entitled to an order extending the deadline by which to respond or act in response to the document.



XII. OFFICIAL COURT RECORD

The electronic version of a document that has been electronically filed, or has been scanned, uploaded, and electronically filed with assistance from the Clerk, shall constitute the Official Court Record.

When the law requires the filing of an original document, such as voucher, bond, oath, mortgage document, birth certificate, foreign judgment, or other certified or verified document, the Filer must scan the original document and electronically file the scanned document. The Filer must either: (1) retain the original document until the case is closed and the time for appeal has expired or any appeals have been heard or denied or (2) file the original document with the appropriate agency or office as may be required by law.

Original wills shall be presented to the Court as described in the previous Section IV – A.

XIII. SYSTEM OR USER EFILING ERRORS

If a document that has been electronically submitted is not electronically filed because of a system or user error, the Court may, upon satisfactory proof, enter an order permitting the document to be deemed filed as of the date it was submitted.

XIV. PAYMENT OF FILING DEPOSITS AND FEES

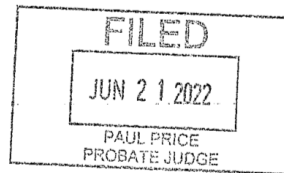
When eFiling, deposits required as security for costs and filing fees shall be paid electronically. Filers who are required to post a deposit are required to maintain a positive balance on deposit. If a positive balance is not maintained and a document is electronically submitted, the Filer must tender an additional deposit before the document may be accepted for electronic filing.

Filers who are not required to post a deposit must pay the cost of the filing before a document that has been electronically submitted may be accepted for electronic filing, unless they have filed, and the Court has approved, an affidavit of indigency.

Any cases requiring payment to a third party, such as court investigators, adoption assessors, or a Guardian ad litem must deliver payment directly to the court within seven (7) days of the submission of case filings that require such payment.

XV. COLLECTION OF FILING DEPOSITS AND FEES

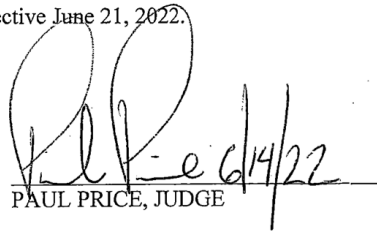
The eFile System shall establish a method for accepting electronic payment of deposits and fees, including the process for filing an affidavit of indigency.

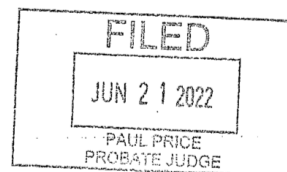


XVI. EFFECTIVE DATE OF ADMINISTRATIVE ORDER

This Administrative Order will become effective June 21, 2022.

IT IS SO ORDERED.


PAUL PRICE, JUDGE



Appendix – C

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

IN THE MATTER OF:

Case No. _____

APPLICATION TO APPEAR BY
TELEPHONE OR VIDEO CONFERENCE

[Local Rule XXII]

Must be submitted 72 hours in advance of hearing

The undersigned requests permission for the following individuals to appear by Telephone Video conferencing via Zoom for the hearing on _____, 20____ at _____m. in this case:

- Applicant
- Counsel for Applicant
- Minor/Juvenile
- Parent of a Minor/Juvenile in a proceeding involving a minor/juvenile
- All necessary parties to the proceeding and all counsel
- All interested parties to the proceeding
- Other

The undersigned states that attendance in person would be an undue burden or expense, or affect the health, safety or comfort of the participant(s) for the following reason: _____

The undersigned understands that he or she is responsible for providing all individuals listed above with contact information necessary to appear remotely and that all participants appearing remotely shall be responsible for following calling instructions or logging into the Zoom meeting at the scheduled date and time of the hearing. The Court may hold any necessary party in contempt if he or she fails to timely appear by telephone or video, as requested.

The undersigned also understands that this Application only applies to the hearing identified above, and any future request to appear by telephone or video conference must be made by separate Application.

Applicant/Attorney

Typed or Printed Name

Street Address

City State Zip

Telephone Number Email Address