

	HAMILTON COUNTY JUVENILE COURT ADMINISTRATIVE SERVICES		
	SECTION		
	SUBJECT Court-wide Management of Records		Legal Authority Cited Throughout
APPROVAL DATE	ISSUED DATE	EFFECTIVE DATE	DISTRIBUTION METHOD Electronic Form
REVIEW DATE	REVIEWED BY Court Administrator	DISTRIBUTION LIST: Judges, Magistrates Probation, BHS Defense Counsel, Prosecution	
APPROVED BY: Court Administrator: _____			

Note: All Court reports are the work product of the Hamilton County Juvenile Court. Reports are confidential and SHALL NOT be copied or otherwise disseminated without written permission of the Court. All reports must be returned to the court at the conclusion of all pending matters or be destroyed by counsel.

PRESENTENCE INVESTIGATION AND BEHAVIORAL HEALTH SERVICES RECORDS

Procedure for identification of sensitive materials: If the author of the report believes sensitive information reviewed out of context or without the assistance of the clinician may be subject to misinterpretation, the section of the report which is considered sensitive shall be highlighted or bolded for ease of identification within the report and the following language shall be in bold at the top of the report:

Warning: Information in this report may not be suitable for disseminating to the child or their parent.

In Camera Review and Redaction: The Judge/Magistrate will review the report in-camera prior to release. The Court will determine if limiting orders or redactions will be required. The contents of the sensitive portions of the report must be made available to counsel for the child, Guardian ad Litem (GAL), and the prosecutor to review. If the Judge/Magistrate determines that a limiting order or redaction is necessary, a copy of the Judge/Magistrate's order will be

forwarded to BHS by probation to prepare reports without the redacted portions. The Judge/Magistrate must document in the entry their findings to support the limitation.

Access to Court Reports: Access to Predisposition Investigation (PDI) and Behavioral Health Services (BHS) reports for the court hearing shall be permitted in accordance with the following rules by the designated non-court personnel without the necessity of filing a written Motion. Advanced copies may be provided to: Defense counsel; Prosecutor; and G.A.L. On the day of the hearing Defendant's custodian, Defendant and Parent/guardian are permitted to review the reports with counsel or the GAL but shall NOT receive copies of the reports.

Availability of Probation Memorandums and other reports: The Court and the Probation department will make reasonable efforts to have probation memorandums and all reports processed through the Court's Behavioral Health Services (BHS) (psychological, threat assessments, Sex Offender Diagnostic Assessment (SODA), amenability, competency, etc.) available for review by noon the day before the hearing. Prosecutors, defense attorneys, and GALs will be provided copies of the report through the kiteworks network.

Review for sensitive materials: Reports containing "sensitive materials" will be redacted and sent in advance to counsel. Unredacted reports will be provided to the Judge/Magistrate's review and for possible limiting orders. Each report will contain a cover sheet:

CONFIDENTIAL REPORT: This report is confidential in nature and shall not be copied or otherwise disseminated without a court order. After the case conclusion, the report must be destroyed or returned to the court for destruction.

For Dockets: For Judges, a copy of the report will be delivered to the Judge on the day before the hearing. On the day of the hearing, the probation office will bring two copies of the report to the hearing for review by the parents or authorized parties to review and a copy for evidence. After the hearing, it is the responsibility of counsel to return all copies to the court or to destroy all copies in their possession.

Legal Authority:

Sensitive material and in camera review: Juv R. 32 (c) and ORC 2151.352

Probation reports: ORC 2151.14(Duties and powers of the probation department); ORC 149.43 (a) (availability of public records); ORC 2151.352 (right to counsel); Juv R 32 C (Availability of Social History or Investigation Report).

Competency reports: ORC 2152.57 (Competency reports); ORC 2151.352 (right to counsel) Juvenile Rule 32 (B) (social history limits on use); Juvenile Rule 37 (recording of proceedings)

Rule 32 Social History and Mental Examinations: ORC 2151.352 (right to counsel) Juvenile Rule 32 (B) (social history limits on use); Juvenile Rule 37 (recording of proceedings)

ORC 2151.14 (Duties and powers of the probation department); ORC 149.43 (b) (availability of public records, medical records)

REQUESTS FOR JUVENILE COURT RECORDS

Requests not requiring hearing: Behavioral Health Services Referral Form, Youth Information Sheet, OYAS (Ohio Youth Assessment System Training) and/or Social History, Psych Referral History, and Probation rules (reporting and non-reporting) may be ordered for release by the Court upon filing of a motion and presenting the signed order to the department containing the requested records. Running probation reports and clinician notes are excluded.

Requests requiring hearing: Any additional records sought will require individual motions and hearings on a case by case basis pursuant to R.C. 2151.14. The Clerk will set a hearing within two weeks on the Judge or Magistrate's docket that has corresponding case responsibility for the matter. The requesting party must notify the opposing counsel, the department or agency which authored the requested record(s), and the Probation/Behavioral Health Services Department and serve them with a copy of the motion and notice of the assigned hearing date in accordance with the Juvenile Rules of Procedure for motion practice.

Release of Juvenile Court Records: If granted via motion or hearing, the records will be distributed via kiteworks and shall have the following cover page:

CONFIDENTIAL RECORDS: These records are confidential in nature and shall not be copied or otherwise disseminated outside of the use specifically authorized in the attached Court Order. The records must be returned to the Probation Department/Superintendent of Detention) within 90 days from the date of receipt. Failure to comply may result in contempt of court.

VICTIM IMPACT STATEMENT

Access to victim's impact statements shall be permitted in accordance with the following rules by the designated non-court personnel without the necessity of filing a written Motion: Defense counsel; Defendant's custodian; Prosecutor; G.A.L.; and Defendant and Parent/guardian.

Legal Authority: ORC 2930.13 (B), ORC 2947.051(C), ORC 2152.19(D)(3)

EXTERNAL REPORTS

No Motion Required: Unless otherwise limited by order of the Court, access to Guardian reports, KISR Reports, School Records, Case Plans, HCJFS Reports shall be permitted in accordance with the following rules by the designated non-court personnel for use in the pending matter without the necessity of filing a written Motion: Defense counsel; Defendant: Defendant's custodian; Prosecutor; Petitioner; G.A.L.; Attorney for the G.A.L.; Counsel for a parent; Parent; and any other party to a case or their legal counsel.

After Reports are Journalized: Once a report is journalized in the Court's record or entered into evidence, access to review the Court's reports shall be conducted in accordance with the HCJC Local Rule 9. Inspection of a Case File.

Note: Upon permanent termination of parental rights, the parent and the parent's representatives named above are ***prohibited*** from inspecting that portion of the child's case file generated after the termination.

Guardian ad Litem Reports: The report shall set forth the following warning: The guardian ad litem report shall be provided to the Court, unrepresented parties, and legal counsel. Any other disclosure of the report must be approved in advance by the Court. Unauthorized disclosure of the report may be subject to court action, including penalties for contempt which could include fines and/or other sanctions.

CONFIDENTIAL REPORT: This report is confidential in nature and shall not be copied or otherwise disseminated.

If there is a contested custody trial, the Magistrate will enter the report into evidence as an exhibit to the case. If the report is admitted into evidence, it is stored in the evidence room and shall be made available in accordance with the HCJC Local Rule 9.

Home Study Investigations (HCJFS prepared): HCJFS prepares home study reports when requested by the court in dependency proceedings when parties file petitions for custody of children who are subjects of the dependency case. The parties to the case (parents, GAL, petitioners, attorneys for parents, attorneys for petitioners, and attorneys for the GALs shall be allowed to inspect these reports a reasonable time prior to the dispositional hearing. Copies of the reports will be provided to attorneys and GAL's. Unrepresented parties may review the reports in advance of the court hearing but may not maintain copies of the reports. The court may limit the inspection of these reports as provided under the Ohio Rules of Juvenile Procedure Rule 32(C). If the report is submitted to the court as an exhibit and is admitted into evidence, it will be stored in the evidence room and shall be made available in accordance with the HCJC Local Rule 9.

Legal Authority: Sup. Rule 48; Sup Rule 44 C (2) (court records) Local Rule 9

Custody Investigations (Court Investigators): Parties to the custody case (parents, legal custodians, attorneys for the parties, GALs) are allowed to review the reports prior to the trial. Personal confidential information will be redacted from the copies of the report, which will be made available to the parties one week prior to the trial date. The parties may receive a copy of the report from the Custody Case Management Department on the 8th floor between noon and 3:30 p.m. All parties authorized to receive a copy of the report must sign the report log prior to receipt. Custody reports shall be returned to court at the trial. The magistrate's copy only will contain collateral contacts and any redacted confidential information for a party.

Legal Authority: ORC. 3109.04 (c)