

The Hamilton County Juvenile Court has drafted the below amendments to the Hamilton County Juvenile Court's local rules of practice. Changes from the rules adopted on August 16, 2023 are highlighted below. Pursuant to Ohio Sup.R. 5(A)(2), the Court will be accepting comments on the proposed changes beginning today, Monday, September 18, 2023 through Monday, October 16, 2023

Please submit any comments to Administrative Magistrate Sarah Henry via e-mail at [shenry@juvcourt.hamilton-co.org](mailto:shenry@juvcourt.hamilton-co.org) by the end of business on Monday, October 16, 2023  
Thank you for your assistance from all of us at the Hamilton County Juvenile Court.

## **RULE 5. Court Facilities, Hours and Security**

- A. Facilities.** This Rule applies to all Court Facilities unless otherwise noted. For purposes of this Rule, Court Facilities includes the Hamilton County Juvenile Courthouse at 800 Broadway, Cincinnati, Ohio, the Hamilton County Juvenile Court Youth Center at 2020 Auburn Avenue, Cincinnati, Ohio, the Hamilton County Juvenile Court Assessment Center at 264 William Howard Taft Road, Cincinnati, Ohio, and any other facility where the Court conducts business, including virtual courtrooms or meeting rooms and community or school locations where Court programs are operated.
- B. Hours.** The Court Facility at 800 Broadway shall be open for the general transaction of business Monday through Friday from 8:00 a.m. to 4:00 p.m., except on legal holidays or as otherwise ordered by the Administrative Judge. The Youth Center Clerk's Office at 2020 Auburn Avenue is open to the general public for the filing of delinquency and unruly actions from 8:00 a.m. to 6:00 p.m., Monday through Friday. Telephone *ex parte* emergency orders in abuse, neglect, and dependency cases are processed by the Youth Center Clerk's Office after regular business hours. The Youth Center Clerk's Office can access a duty magistrate after regular business hours to assist with probable cause determinations, intake decisions and pretrial conditions for release from detention.

The sessions of Court at 800 Broadway and the Youth Center shall be conducted Monday through Friday from 8:00 a.m. to 4:00 p.m., except on legal holidays or as otherwise ordered by the Administrative Judge. The Court may be in session at such other times and hours as the presiding judge or magistrate shall prescribe to meet the special conditions of a case.

In the case of inclement weather and by order of the Administrative Judge, the Court may conduct all hearings remotely. The public and parties will be given as much notice as possible through media outlet postings and outreach.

### **C. Court Security**

1. **Screening:** Any person entering the Court Facilities at 800 Broadway, 264 William Howard Taft Road, or 2020 Auburn Avenue is subject to scanning by a metal detector and to a search of any bag, case, or parcel by security personnel.

2. Smoking: Smoking is prohibited in all Court Facilities.
3. Recording and Electronic Devices: No person, without express permission of the Court, may operate an audio or visual (moving picture or still) electronic device on any floor of 800 Broadway or the Youth Center where judicial proceedings are conducted or where protected court documents are housed. An electronic device includes but is not limited to a cell phone, computer or any other device that is capable of transmitting, receiving or recording messages, images, sounds data or other information by electronic means. Any person who violates this Rule may be subject to sanctions for contempt and criminal or delinquency prosecution and may be removed by security personnel from the facility or from any area described above. Any item or device operated in violation of this Rule may be confiscated no event shall the Court or any court or security personnel be liable for damage to any device confiscated and/or held in accordance with this Rule. Those seeking to record proceedings shall comply with the Media requirements outlined in Rule 18.
4. Firearms and Weapons: In accordance with the Ohio Supreme Court Security Standards and pursuant to R.C. 2923.123(C)(6), no person, except security personnel, judges or law enforcement officers who are on duty and acting within the scope of their assigned responsibilities, may enter or remain in Court Facilities in possession of a firearm or other deadly weapon. Any Court security personnel or law enforcement officers who are a party to a judicial proceeding, a witness, or an interested party outside the scope of their employment shall not bring firearms or other deadly weapons, including but not limited to his/her official firearm, within the Court Facilities. The Court maintains secured gun lockers at 800 Broadway, 2020 Auburn Avenue, and 264 William Howard Taft Road for security personnel and law enforcement who need to store their weapons or firearms.
5. Signs: Signs of any size will not be permitted through security and will be confiscated if discovered, constructed, or displayed at any point.

**D. Mail.** Unless otherwise specified, the Court will send all mail, both domestic and international, First-Class via the United States Postal Service.

## **RULE 12. Record of Hearing**

- A. Official Record.** A complete record of all testimony or other oral proceeding shall be made in all official cases by means of a court reporter or an audio or audiovisual recording device provided by the Court. This record shall be the official record of the case unless a transcript is filed pursuant to division (C) of this Rule.
- B. Administrative Authorization.** The Judge, Court Administrator, **Administrative Magistrate**, Chief Magistrate may administratively authorize the inspection, reproduction or transcription of any record in the performance of their duties.
- C. Inspection of the Audio or Audiovisual Record.** Any person who is a party to a case as defined by the Juvenile Rules or that person's attorney or guardian *ad litem* may listen to or view the record made in a case after a request is submitted to the Clerk,

unless the requested record is an *in camera* hearing. *In camera* hearing records may only be released upon the authorization of the assigned Judge or Magistrate, or administratively by the Court Administrator, Administrative Magistrate or Chief Magistrate.

**D. Reproduction of Audiovisual Record.** A copy of an audio or audiovisual record shall not be made unless by order or permission of a judge, unless administratively released per section B of this Rule. Any party requesting reproduction of an audio or audiovisual record shall file a motion with the Clerk. The judge assigned administrative responsibility for the case may schedule a hearing or may rule on the request upon the pleadings. All copies of audio or audiovisual recording shall be considered confidential and shall not be recopied or otherwise disseminated beyond the conditions established by the Court. All copies shall be returned to the office or person who authorized the copying of the recording within seven (7) days of receipt unless time is extended by order of the Court. Each person provided access to the recording shall subject him/herself to the jurisdiction of this Court for the purposes of contempt proceedings in the event of any violation or unauthorized dissemination of the recording.

#### **RULE 20. Exhibits and Evidence**

- A.** All exhibits must be marked and identified if referenced on the record. Once marked, all exhibits will be maintained in the sole possession of the Court until the conclusion of the case, including time for appeal, unless the Court otherwise orders return of the exhibit. Upon the conclusion of the case including time for appeal, the Court may dispose of exhibits pursuant to law and at such time as it deems feasible following notice to proponent, victim, or owner.
- B.** When evidence requires the use of other devices to be seen or heard, the proponent of the evidence bears the responsibility for producing such equipment or device at the hearing.
- C.** Exhibits and evidence may only be introduced on the record and handed to the magistrate hearing the case in court. Case managers and clerks are unable to accept exhibits and evidence for delinquency, dependency, and custody cases. Child support case managers will accept evidence to accommodate the remote nature of those dockets.

#### **RULE 29. Commencement of the Case**

- A. Commencement.** Before commencing an action for custody, parenting time, allocation of parental rights and responsibilities, or modifications to existing orders, the person filing the complaint must make a good faith effort to identify the true and accurate names of the child, mother, father(s), and any other person who has a legal interest in the proceeding. Cases involving siblings shall be given the same case number unless the siblings do not share the same mother and father.

**B. Documents Required At Filing.** Original actions shall be initiated by sworn complaint. Requests to modify pre-existing orders shall be made by motion. All documents must be typed or legibly printed on 8½ by 11-inch paper. A completed copy of the following documents must be filed with the complaint or motion:

1. Copy of the child's birth certificate;
2. *Child Custody Affidavit* pursuant to R.C. 3127.23;
3. *Hamilton County Juvenile Court Information Form*;
4. If paternity has been established, one of the following:
  - a. A paternity determination of record in the Central Paternity Registry;
  - b. An administrative paternity determination;
  - c. A paternity determination issued by a court.
5. The most recent court order regarding custody or support issued by another court;
6. *Release Form of the Hamilton County Juvenile Court*;
7. *Release Form of the Hamilton County Sheriff's Office*;
8. ~~*Information Form for the Department of Jobs and Family Services*; and,~~
9. *Written Request for Service*.

C. Emergency Orders (EO's). Any motion requesting *ex parte* or emergency orders related to custody is strongly discouraged. There are limited circumstances where such motions may be considered necessary and may be considered by the Court.

1. The Court will only issue an Emergency Order if it is supported by sworn testimony in open court that a grant of emergency custody is necessary to prevent immediate physical or emotional harm.
  - a. The following is a non-exhaustive list in which immediate physical or emotional harm to the child(ren) will occur unless action is taken by the Court: physical abuse, bodily injury, medical neglect, or exposure to domestic violence in the other party's household.
  - b. The following is a non-exhaustive list in which immediate physical or emotional harm is not at issue: the need to enroll the child(ren) in school, the need to obtain an initial custody order, missed visits or parenting time, refusal to return the child(ren) following visitation, and the need to obtain non-emergency medical treatment.
2. A motion for *ex parte* or emergency relief shall include an affidavit of the moving party that clearly states with particularity:
  - a. What efforts the movant took to provide opposing counsel, the guardian ad litem, and/or self-represented parties of the movant's intent to file so that all parties and counsel may be present at the time of the hearing
  - b. What circumstances cause the movant to believe that an emergency situation exists
  - c. What the harm to the child is or what harm would likely occur if the motion were not granted, and
  - d. What efforts the movant took to resolve the matter prior to filing the motion.
3. An emergency order may only be requested if there is also filed and pending before the Court an accompanying complaint or motion to address matters related to parental rights (excluding child support alone).
4. The Court reserves the right to review all motions and accompanying affidavits at the time of filing and summarily deny a motion for an emergency or *ex parte* order prior to hearing if the affidavit does not meet the foregoing standards on its face and does not describe an actual emergency or alleged irreparable harm that can only be addressed by an *ex parte* or emergency order. A motion may also be denied or delayed for further hearing if the Court determines that a good faith effort to notify counsel or self-represented parties has not been made.
5. If a child is being abused or neglected, call the Hamilton County Job and Family Services twenty-four (24) hour hotline at 241-KIDS (513-241-5437). If there is an emergency involving a child contact law enforcement or call 911.
6. Such motions filed prior to 2:30 p.m. will be reviewed the same day if filed on a business day. Motions filed after 2:30 p.m. may be heard on the next business day. If the *ex parte* motion for a temporary emergency order is granted, and the legal custodian is not present for the initial *ex parte* hearing, it will be set for hearing within three (3) business days. The moving party shall provide notice to all other parties.

**D. Assignment of Cases.** Cases shall be randomly assigned to a magistrate upon the filing of a complaint or petition. The assigned magistrate shall preside over all hearings in the case unless absent from the Court or exigent circumstances require otherwise.

**E. Filing Fee.**

1. The party commencing an action under this Rule shall pay the filing fee at the time of filing.
2. If the party commencing the action is indigent and unable to pay the filing fee, the Clerk may accept the filing if accompanied by a *Financial Disclosure/Fee Waiver Affidavit*. Some form of documentation in support of the affidavit is required. Acceptable forms of documentation include: payroll, paystub, and unemployment records; Social Security and public assistance determinations; tax documents or other records that serve to document the filer's monthly or annual income or lack thereof.
3. If a party who submits a *Financial Disclosure/Fee Waiver Affidavit* does not have documentation to support their affidavit at the time of filing, such party must, within 30 days of filing, file documentation to support the affidavit or pay the filing fee. Failure to do so may result in rejection of the affidavit and an order to pay the filing fee.
4. The judge or magistrate presiding over the case will review the Financial Disclosure/Fee Waiver Affidavit. At the initial hearing, the judge or magistrate may: accept the affidavit and supporting documentation and order the filing fee waived; reject the affidavit and order the payment of the filing fee; or, reject the affidavit as unsupported and order the party to file supporting documentation or pay the filing fee. If a party is ordered by the judge or magistrate to file documentation to support the affidavit or pay the filing fee and fails to do so within the time allotted, the affidavit will be rejected and the action dismissed without further notice or hearing.
5. If a party who is determined to be indigent for purposes of waiving the filing fee has a change in financial status during the course of the proceedings, the party is under a duty to inform the Court. The Court may order subsequent payment of the filing fee if the Court finds that financial circumstances have changed since the filing of the case.

**F. Failure to Comply.** Failure to comply with the Rules for commencement of an action may delay or preclude the Clerk from accepting the filing of the case.

**RULE 31. Pre-Trial Matters**

**A. Investigation of parties**

1. Upon the filing of a complaint or motion, the Court will request information pertinent to the case from the Hamilton County Department of Job Family Services and the Hamilton County Sheriff's Office pursuant to R.C. 3109.04 and R.C. 3109.051. Upon request, a copy of any information received from either agency

shall be provided to the parties and/or counsel.

2. The Court may also order that a party or the parties submit to a custody investigation to aid the Court in its determination. Custody investigation reports are not public records pursuant to Sup. R. 44. If a custody investigation is ordered, the parties may request a copy of the report for trial preparation. Any copies provided shall be kept confidential and may not be copied or disseminated for any purpose. All copies distributed by the Court must be returned to the Court at the conclusion of the trial or case. Any party who violates this Rule may be subject to contempt proceedings.

**B. Discovery.** In actions for custody/visitation, discovery shall be conducted in accordance with Ohio Rule of Juvenile Procedure 24, except that the parties are granted leave of court to take and use depositions, interrogatories, and independent medical or psychological exams as permitted under the Ohio Rules of Civil Procedure 26-37.

1. Discovery of information under this rule shall be limited to evidence that is admissible in the instant action, or that is reasonably calculated to lead to the discovery of admissible evidence.
2. Any disputes arising regarding discovery under this rule shall be litigated according to Juv.R. 24.
3. Parties shall exchange exhibit and witness lists 7 days before trial.