

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 March 2, 2023 are highlighted below. Pursuant to Ohio Sup.R. 5(A)(2), the Court will be accepting comments on the proposed changes beginning today, March 8, 2024 through Friday, April 5, 2024.

Please submit any comments to Administrative Magistrate Sarah Henry via e-mail at shenry@juvcourt.hamilton-co.org by the end of business on April 5, 2024.

Thank you for your assistance from all of us at the Hamilton County Juvenile Court.

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, or 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. A motion is required by any party desiring to view an *in camera* hearing. This motion must be served on all parties and 7 days will be given to respond before the Court will rule.
- 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.
- E. Transcription of the Record.**
1. When a court reporter is present for the hearing, the transcription of a stenographic record shall be the responsibility of the court reporter who produced the record. When the record of the hearing is made by audio or audiovisual means, the transcription of the record shall be the responsibility of the person assigned to do so by the judge who

has administrative responsibility for the case.

2. The fees allowable for preparation of a transcript and copies shall be as prescribed in the Rules of Practice of the Hamilton County Court of Common Pleas.
3. All original transcripts shall be filed by the court reporter or person responsible for transcription with the Clerk and shall thereby become the official record of the case.

F. Requests for the Transcribed Record

1. Pending action: A party may directly request the court reporter or the person assigned by the judge to transcribe the record. Payment is required before transcription will begin.
2. Objections/Transfers: If a request for a transcript is made for purposes of objections filed pursuant to Juv. R. 40, regarding a case pending within the Court, or regarding a criminal prosecution that was transferred pursuant to Juv. R. 30, a party seeking the transcript may directly request the court reporter or the person assigned by the judge to transcribe the record. Payment is required before transcription will begin.
3. Appeal: If a request for a transcript is made for purposes of appeal, a party seeking the transcript may directly request the court reporter or the person assigned by the judge to transcribe the record. Contact information is available through the Clerk's Office. The court reporter or person assigned shall certify the docketing statement by indicating the estimated number of pages and how much time is needed to complete the transcript. Payment is required before transcription will begin.
4. Non-party/closed action: Any non-party to any action or any party to a closed action may request a full or partial transcript of the record by filing a written request with the Clerk and provide a copy to the person responsible for transcription. All written requests for a transcript shall contain the case number, presiding judge or magistrate, date of hearing, reason for the request, number of copies in addition to the original, payor of the transcript, and any other pertinent information. The judge assigned administrative responsibility for the case may schedule a hearing or may rule on the request upon the pleadings. Payment is required before transcription will begin.

- G.** In the event of failed recording equipment and unavailability of transcript, parties shall submit an agreed upon version of the hearing including facts and arguments made. If an agreement can not be reached, a rehearing will take place as soon as possible.

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. Proof of parentage, which may be through one of the following:
 - a. Birth certificate of the child
 - b. An official copy of a Paternity Acknowledgement from the Central Paternity Registry.
 - c. Certified medical records showing proof of birth
 - d. Proof of Adoption;
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*; and
8. *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 47. "Counsel or GAL Only" Designation and Nondisclosure of Requested Discovery

- A.** In an effort to make discovery exchange more expedient, a party may mark an unredacted, discoverable item "For Counsel or GAL Only." This is applicable, but not limited, to: Statewide Automated Child Welfare System (SACWIS) records; interviews from Cincinnati Children's Mayerson Center for Safe and Health Children; and any other medical or therapy records. The redacted version shall be produced within a reasonable time, not to exceed one week before the hearing at which the party intends to introduce the item.

- B.** When a party has a reasonable and articulable belief that a response to a discovery request would jeopardize the safety of a party, witness, or confidential informant, result in the production of perjured testimony or evidence, endanger the existence of physical evidence, violate a privileged communication, or impede the criminal prosecution of a minor as an adult or of an adult charged with an offense arising from the same transaction or occurrence, the party may take the following action in response to the discovery request:
1. Provide the material to opposing counsel and designate it as "Counsel or GAL Only."
 2. Refuse to provide the material and certify to the Court the reasons for that refusal.
- C.** Material designated as "counsel or GAL only" may not be shown to any party to the case or any other person, but may be disclosed only to the attorneys for the parties, or the agents or employees of the parties' attorneys, and may not otherwise be reproduced, copied or disseminated in any way. Parties' attorneys may orally communicate the content of "counsel or GAL only" material to their clients.
- D.** All refusals and "counsel or GAL only" designations are reviewable by the Court upon motion of the requesting party. The Court shall promptly set a hearing to determine what, if any, limitations or conditions should be set on the requested material's production pursuant to Juv. R. 24(B). To the extent necessary to protect the interest in non-disclosure, this hearing may be conducted in-camera.