

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 April 8, 2024 are highlighted below. Pursuant to Ohio Sup.R. 5(A)(2), the Court will be accepting comments on the proposed changes beginning today, Monday, May 20, 2024 through Monday, June 17, 2024.

Please submit any comments to Administrative Magistrate Sarah Henry via e-mail at shenry@juvcourt.hamilton-co.org by the end of business June 17, 2024.

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

RULE 12. Traffic Bureau

- A. Establishment.** Hamilton County hereby established a Juvenile Traffic Violations Bureau to be operated in the manner prescribed by Ohio Traffic Rules 13, 13.1 and as outlined here. The Clerk of Hamilton County Juvenile Court will serve as the violations clerk.
- B. Eligibility.** A person charged as a Juvenile Traffic Offender with a violation which does not require a mandatory appearance may elect to proceed without a court appearance. Pursuant to Ohio Traffic Rules 13, 13.1, and Rules 1, 2, 9(a), 22, and 29(F)(2)(a) of the Rules of Juvenile Procedure, the Court will accept a waiver of appearance and entry of admission in writing, and acceptance of predetermined disposition for certain juvenile traffic offenders who qualify.
- C. Diversion.** An alleged juvenile traffic offender not wishing to proceed without a court appearance retains any eligibility for traffic court diversion.

RULE 13. Filing Remotely by Fax or Email

- A. Applicability.** Pleadings and other papers may be filed with the Clerk's Office **in person**, by fax or by email subject to the provisions of this Rule.
- B. Prohibited filings.** The following documents will not be accepted for fax or email filing: a petition for writ of habeas corpus; an *ex parte* motion for emergency custody in a custody, visitation, abuse, neglect or dependency case; any document filed pursuant to R.C. 2151.85 (minor's complaint or abortion); Case Plans; Semi-Annual Administrative Reviews; Juvenile Protection Orders.
- C. Original Filing.** A document filed by fax or email shall be accepted as original filing. The person initiating the filing need not file any source document with the Court. The source document with original signatures as otherwise required under applicable rules and the source copy of the fax cover sheet or email must be maintained in the person's records and be available for production on request by the Court. The source document filed by fax or email shall be maintained until the case is closed and all opportunities for post-judgment relief are exhausted.
- D.** Documents filed by fax or email will only be deemed filed with Hamilton County

Juvenile Court if they are filed using the following:

1. Fax Number for dependency cases: 513-946-9359
2. Fax Number for all other case types: 513-946-9450
3. Email for dependency cases: dependency_filings@juvcourt.hamilton-co.org
4. Email for all other cases: clerks_office_filings@juvcourt.hamilton-co.org

E. Cover Page. The person filing a document by fax shall also include a cover page containing the following information:

1. Name of the Court;
2. Title of the case;
3. Case number;
4. Assigned judge or magistrate;
5. Title of the document being filed (e.g. Complaint for Custody, Motion to Modify Support);
6. Date;
7. Indication of the number of pages in the transmission, including the cover page;
8. If a judge or case number has not been assigned, state that fact on the cover page;
9. Name, address, telephone number, fax number, Supreme Court registration number, if applicable, and e-mail address of the person filing the document if available; and if applicable, a statement explaining how costs are being submitted.

If a document is sent by fax to the Clerk's Office without the cover page information

listed above, the document shall not be considered filed with the Court. Although not required, but if practicable, the Clerk's Office may send to the sending party a notice of failed fax or email filing.

F. Length of Document. Facsimile filings shall not exceed fifty (50) pages in length. Email filings shall not exceed one hundred (100) pages in length.

G. Signature

1. A person who wishes to file by fax or email shall send a copy of the signed source document, or send a copy of the document without the signature but with the notation "/s/" followed by the name of the signing person. A party who files a signed document by fax or email represents that the physically signed source document is in the possession or control of the person filing the document.
2. Any signature on an electronically transmitted document shall be considered that of the attorney, party, or person it purports to be for all purposes. If it is established that the documents were transmitted without authority, the Court shall order the filing stricken.

H. Exhibits

1. Each exhibit to an electronically produced document that cannot be accurately transmitted for any reason must be replaced by an insert page describing the exhibit and why it is missing. Unless the Court otherwise orders, the missing exhibit shall be filed with the Court, as a separate document, not later than five (5) court days following the filing of the electronic document. Failure to file the missing exhibits as required by this paragraph may result in the Court striking the document and/or exhibit.
2. Any exhibit filed in this manner shall be attached to a cover sheet containing the caption of the case which sets forth the name of the Court, title of the case, the case number, name of the judge or magistrate and the title of the exhibit being filed. (E.g., Mother's Notice of Filing Exhibit G.) The exhibit and cover sheet shall be signed and served in conformance with the Rules governing the signing and service of pleadings.

I. Time of Filing

1. The Clerk's office deadline for in person filings each day is 3:30 p.m.
2. Subject to the provisions of these Rules, all documents sent by fax or email and accepted by the Clerk's Office shall be considered filed as of the date and time the document was received by the Clerk's Office, provided the filing fee has been paid or poverty affidavit received in accordance with Section J of this Rule. The Clerk's Office will be deemed open to receive fax or email transmission of documents twenty-four (24) hours per day, seven (7) days per week, including holidays. The date and time imprinted on the document will determine the time of filing, provided the document is deemed accepted by the Clerk's Office.
3. The risks of transmitting a document by fax or email to the Clerk's Office shall be borne entirely by the sending party. Anyone using fax or email filing may verify receipt of such filing by contacting the Clerk's Office.
4. For same day hearings, Juvenile Protection Orders must be filed by 1 p.m. and Emergency Orders must be filed by 2 p.m. Any filings beyond those times will be set for a hearing the next business day.

J. Fees and Costs. No document filed by fax or email that requires a filing fee shall be accepted by the Clerk's Office for filing until the filing fee has been paid or a poverty affidavit has been received. Court costs and fees may be paid by credit card in person. Money orders and checks are acceptable forms of payment in person or through the mail. Documents tendered to the Clerk's Office without payment of the filing fee, or which do not conform to the applicable Rules will not be filed. Information furnished for authorization of payment by credit card shall not be part of the case file. No additional fee shall be assessed for fax or email filings.

K. One Case Number/One Motion. Each pleading shall contain only one motion and only one case number. The Clerk's office will decline to file any pleading listing multiple case numbers or with multiple motion titles.

RULE 30. Appointment of Guardians *ad Litem* in Private Custody, Parenting Time, or Visitation Proceedings

- A. Appointment:** A guardian *ad litem* may be appointed upon request and upon the deposit of appropriate fees.
- B. Separate appointments:** A guardian *ad litem* is appointed to represent the best interests of the child. The guardian *ad litem* is not the child's attorney.
- C. Compensation:** The Court shall make a determination of the ability of the parties to pay the initial deposit and all other guardian *ad litem* fees. The Court may reconsider that determination at any time prior to the conclusion of the case. The hourly rate of compensation for guardian *ad litem* services follows the Reimbursement Standards of the Office of the Hamilton County Public Defender. A guardian *ad litem* shall be appointed upon the payment of the required deposit with the Clerk's Office. The amount of the deposit and hourly rate is set by the court. The current required deposit is \$1,000 and the hourly rate is \$125. Fees in addition to the deposit will likely be required. The court shall determine whether or not the hourly rate will be split among parties. Private guardians *ad litem* are attorneys and at times shall utilize their paralegals or professionals in their office to assist in things such as scheduling. The rate a guardian *ad litem* shall charge for time spent on a case by a paralegal or other professional shall be no higher than the lower of \$75/hour or the rate normally charged for that professional's time.
- D.** Every other month, the guardian *ad litem* may file a motion for fees and shall serve the motion on all parties. At any time prior to the conclusion of the case, a guardian *ad litem* may submit a motion for payment. A guardian *ad litem* shall submit a motion for payment no later than thirty (30) days after the conclusion of their duties. Unless a hearing is requested by a party of the Court within fourteen (14) days after a motion for payment is filed, the Court may set a hearing or rule on the motion.
- E.** All responsibilities, requirements and qualifications of guardians *ad litem* are outlined in Sup. R. 48, as well as Rule 8 of these Rules.
- F. Eligibility:** Though otherwise eligible, the Court may deem any person ineligible for future appointment, or may remove any person as a guardian *ad litem* for a child or party.

RULE 35. General

A. Parentage/support and custody/companionship

1. Parentage and support matters shall be designated by a case number commencing with "P" and shall be set before a designated child support magistrate.
2. Custody and companionship matters shall be designated by a case number

commencing with "F" and shall not be set before a designated child support magistrate.

B. Commencement of Action

1. No action may be commenced without filing the child's birth certificate with the Court.
2. A party seeking to establish paternity is encouraged to request an administrative determination of paternity from the Child Support Enforcement Agency (CSEA) of the county in which the child, guardian, or legal custodian of the child resides. However, pursuant Ohio Revised Code 3111.381, the following parties may file directly with the court to determine the existence or nonexistence of a parent and child relationship:
 - a. The child's mother, if the child's mother brings the action in order to request an order to determine the allocation of parental rights and responsibilities, or support of the child,
 - b. The alleged father, if the alleged father brings the action in order to request an order to determine the allocation of parental rights and responsibilities, or
 - c. The child's caretaker, if the caretaker brings the action in order to request support of the child.
3. The Child Support Enforcement Agency or a party may file with the Clerk any administrative paternity determination or order for child support to which the parties do not object. The Court may adopt the determination or order after review without hearing. Requests for judicial review of an administrative determination or child support order shall be filed as an objection to an administrative order and will be set for hearing before a magistrate. Per Ohio Revised Code 3111.84, the administrative support order shall remain in effect while the decision on the objection is pending unless a party requests and is granted a stay by the court. You must file a motion to request that the administrative order be stayed. A copy of a motion to stay is available on the Hamilton County Juvenile Court web site.
4. A IV-D application must be filed with all Complaints to Establish Paternity and/or Support.

C. Actions Involving Minors. Actions for parentage, child support, and contempt for failure to pay child support in which a parent or an alleged parent is a minor require the attendance of the minor parent's parent, legal guardian or custodian at all hearings.

D. Genetic Testing

1. The party requesting the establishment of paternity is responsible for selecting an accredited testing facility.
2. The testing facility must require parties to appear in person to submit to genetic testing, must validate parties' identities, and must maintain a chain of custody over

the samples.

3. Proof of the chain of custody must be provided to the Court along with the genetic testing results.
4. The party requesting the establishment of paternity is responsible for bearing the costs of genetic testing unless otherwise ordered by the Court.

E. Modification of Child Support Order. Motions for modification of a child support order shall state the specific reason for the request.

F. Agreed Entries. A proposed agreed entry does not become an order of the Court unless and until the Court has formally adopted it. Proposed agreed entries shall be delivered to the Child Support Case Management Department on the 8th Floor.