

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 June 26, 2024 are highlighted below. Pursuant to Ohio Sup.R. 5(A)(2), the Court will be accepting comments on the proposed changes beginning today, Tuesday, July 23rd through Tuesday, August 20th.

Please submit any comments to Administrative Magistrate Sarah Henry via e-mail at shenry@juvcourt.hamilton-co.org by the end of business Tuesday, August 20th.

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

RULE 10. Use of Artificial Intelligence

No attorney or pro se litigant may use Artificial Intelligence (“AI”) in the preparation of any filing submitted to the court. Parties and their counsel who violate this AI ban may face sanctions including but not limited to striking the pleading from the record, contempt of court, monetary sanctions, or dismissal of the case. This limitation does not apply to information gathered from legal search engines, such as Westlaw or LexisNexis, or Internet search engines, such as Google or Bing. All parties and their counsel have a duty to immediately inform the Court if they discover the use of AI in any document filed in their case.

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 2:00 p.m. will be reviewed the same day if filed on a

business day. Motions filed after 2:00 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.

G. Parenting Resources. At the time of filing, the clerk will ensure parties have information regarding online parenting classes and/or resources. Parties shall utilize this resource and their completion of it will be considered by the court.

