

IN THE COMMON PLEAS COURT OF MIAMI COUNTY, OHIO
JUVENILE DIVISIONS

FILED
MIAMI COUNTY
JUVENILE COURT

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IN MATTER OF
RULE OF COURT

CASE NO. 22601001 ^{SCOTT ALTENBURGER}
JUDGE

JUDGE SCOTT ALTENBURGER

JOURNAL ENTRY AMENDING
LOCAL RULES OF COURT

It is hereby ORDERED that the attached Amendments to Local Rules of Practice are adopted as amendments to the Court's current Local Rules and are intended to supplement the Ohio Rules of Superintendence and the Ohio Rules of Civil Procedure. These amended Local Rules shall become effective July 15, 2026.

It is FURTHER ORDERED that these amended Local Rules shall be filed with the Supreme Court of Ohio in accordance with the applicable Rules of Superintendence.

IT IS SO ORDERED.



JUDGE SCOTT ALTENBURGER

cc: The Supreme Court of Ohio
Miami County Bar Association

LOCAL RULE 7

ATTORNEY FEES AND EXPENSES

- 7.01** Each party is responsible for the payment of his/her own attorney fees. In some extraordinary circumstances, established by statute, a party may seek an order requiring the other party to pay for his/her attorney fees. A party seeking payment of attorney fees from the opposing party must do so by a written motion and accompanying memorandum in support setting forth the legal basis for the request.
- 7.02** The Court shall advise unrepresented parties of their rights and responsibilities provided in this rule at their initial appearance before the Court.
- 7.03** In certain civil matters and criminal matters, a party may be entitled to court-appointed counsel. Court-appointed counsel shall be as provided by law.
- 7.04** Applications for court-appointed counsel shall be accompanied by affidavit of indigency with income/asset verification as may be necessary to determine that applicant qualifies for court-appointed counsel. An application fee may be charged.
- 7.05** Applications for court-appointed counsel shall be completed and submitted with all supporting documentation within seven (7) calendar days after the party was advised by the Court of his/her right to court-appointed counsel unless the seventh day is a day upon which the Court is not open for business, in which case the completed application shall be submitted the next day the Court is open for business. Should an adult fail to submit the application for court-appointed counsel in accordance with this rule, absent good cause, such failure may be considered a waiver of the right to court-appointed counsel and/or may not serve as a basis for continuance of trial or hearing. A party may assert a right to court-appointed counsel at any stage of the proceedings. A prior waiver of the right to court-appointed counsel shall not prevent a party from subsequently asserting such right.
- 7.06** A juvenile's right to be represented by counsel may NOT be waived in a delinquency proceeding in which a juvenile is charged with an offense that would be a felony level offense if committed by an adult.
- 7.07** A juvenile may waive the right to counsel in a delinquency matter if he/she is charged with an offense that would be a misdemeanor level offense if committed by an adult. Any waiver of counsel will be made in open court, recorded, and in writing.
- 7.08** In the event of a conflict with the public defender's office, the court may appoint counsel from the approved list and under the guidance of Rule 4.31 of the Rules of Superintendence for the Courts of Ohio. Attorneys who are appointed by the Court shall submit a Court-Appointed Counsel Fee Application. All fee applications must be filed within 30 days after the last day of the month in which the most recent services indicated on the fee application were rendered.

LOCAL RULE 9

GUARDIANS AD LITEM

9.01 The Court shall appoint a Guardian Ad Litem (GAL) in abuse, neglect, dependency, unruly and delinquent cases as required by rule or statutes or when it finds it necessary and appropriate to protect the interests of a child.

A. Each court appointing a GAL under this rule shall enter an order of appointment. The order of appointment shall include statements regarding all of the following:

1. Whether it is a sole GAL appointment or a dual GAL and attorney appointment.
2. That unless otherwise specified by court rule, the appointment shall remain in effect until discharged by order of the court.
3. That the GAL shall be given notice of all hearings and proceedings and be provided a copy of all pleadings, motions, notices, and other documents filed in the case.
4. That the GAL report shall include the following language: "The GAL 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 the penalties for contempt, which include fine and/or incarceration."
5. The rate or amount of compensation for the GAL in allocation of parental rights and responsibilities cases;
6. The terms and amount of any installment payments and deposits in allocation of parental rights and responsibilities cases.

B. If a court appoints a GAL in an allocation of parental rights and responsibilities case, the GAL shall be appointed only to represent the best interest of the child and shall also not be appointed as the attorney for the child.

C. A court shall appoint a separate attorney to represent a child in abuse, neglect, dependency, unruly, and delinquency cases in which the wishes of the child differ from the recommendations of the GAL.

D. If an attorney who has been appointed to serve as both GAL and attorney for the child or any other party believes that a conflict exists in the dual appointment, the attorney or party shall immediately notify the court in writing with notice to the parties or affected agencies and request a separate appointment of a GAL and attorney for the child. The court shall make such additional appointment or

appointments or order or orders to remedy the conflict. The court may also make such appointment or appointments on its own motion.

- E. The court will consider reappointment of the same GAL for a specific child in any subsequent case determining the best interest of the child.

F. GAL DEPOSIT & FEES

1. The court when appointing a GAL in a case involving allocation of parental rights and responsibilities shall make a determination of the ability of any party to pay a deposit for the fees and expenses to the GAL and may reconsider that determination at any time prior to conclusion of the case. In making this determination, the court shall consider all of the following:
 - a. The income, assets, liabilities, and financial circumstances of the parties, as demonstrated by an affidavit, testimony to the court, or evidence of qualification for any means-tested public assistance.
 - b. The complexity of the issues.
 - c. The anticipated expenses, including the travel of the GAL.
2. At any time prior to the conclusion of a case, a GAL may submit a motion for payment. A GAL shall submit a motion for payment upon conclusion of the duties. Any motion shall itemize the duties performed, time expended, and costs and expenses incurred pursuant to Sup.R. 8.
3. In determining the allocation of GAL fees and expenses, a court shall consider any relevant factor, including any of the following:
 - a. The rate or amount of compensation of the GAL.
 - b. The sources of compensation of the GAL, including the parties, any specialized funds allocated for payment of the GAL, or pro bono contribution of services by the GAL.
 - c. The income, assets, liabilities, and financial circumstances of the parties, as demonstrated using an affidavit, testimony to the court, or evidence of qualification for any means-tested public assistance.
 - d. The conduct of any party resulting in the increase of the GAL fees and expenses without just cause.
 - e. The terms and amount of any installment payments.

4. Unless a hearing is requested by a party or the court within fourteen days after a motion for payment is filed, a court shall issue an order regarding payment of GAL fees and expenses approving or denying any portion of the requested fees and expenses and allocating payment to one or more of the parties as appropriate.

G. ENFORCEMENT OF PAYMENT

1. If the fees and expenses of a GAL exceed the deposits or installment payments ordered and made, a court may do any of the following:
 - a. Issue a lump-sum judgment against any party owing GAL fees and expenses at the time of the determination of fees or at any further proceedings regarding payment of fees.
 - b. Enforce the payment of fees and expenses of the GAL through contempt of court proceedings.
 - c. Enforce any order regarding the payment of GAL fees and expenses in any other manner authorized by law.
2. The court shall not delay or dismiss proceedings solely because of the failure of a party to pay GAL fees and expenses required to be paid by the court.
3. The inability of a party to pay GAL fees and expenses ordered by a court shall not delay any final entry.

9.02 RESPONSIBILITIES AND DUTIES OF GAL

A. General responsibilities

The responsibilities of a GAL shall include, but are not limited to, the following:

1. Provide the court's recommendations of the best interest of the child. Recommendations of the best interest of the child may be inconsistent with the wishes of the child or other parties.
2. Maintain independence, objectivity, and fairness, as well as the appearance of fairness, in dealings with parties and professionals, both in and out of the courtroom, and have no ex parte communications with the court regarding the merits of the case.
3. Act with respect and courtesy in the performance of the responsibilities of the GAL.
4. Attend any hearing relevant to the responsibilities of the GAL.

5. Upon becoming aware that the recommendations of the GAL differ from the wishes of the child, immediately notify the court in writing with notice to the parties or affected agencies. The court shall take action as it deems necessary.
6. If necessary, request timely court reviews and judicial intervention in writing with notice to the parties or affected agencies.
7. If the GAL is an attorney, file pleadings, motions, and other documents as appropriate and call, examine, and cross-examine witnesses pursuant to the applicable rules of procedure.
8. Be available to testify at any relevant hearing. Attorneys who are to serve as both GAL and attorney in any dual appointments shall comply with Rule 3.7 of the Rules of Professional Conduct.
9. If the GAL is not an attorney, avoid engaging in conduct that constitutes the unauthorized practice of law and be vigilant in performing the duties of the GAL.
10. If the GAL is not an attorney, request the court to appoint an attorney for the GAL to file pleadings, motions, and other appropriate documents and call, examine, and cross-examine witnesses pursuant to the applicable rules of procedure. The court shall take action as it deems necessary.

B. Conflicts of interest

1. A GAL shall avoid any actual or apparent conflict of interest arising from any relationship or activity, including but not limited to those of employment or business or from professional or personal contacts with parties or others involved in the case. A GAL shall avoid self-dealing or associations that might directly or indirectly benefit except from compensation for services as a GAL.
2. Upon becoming aware of any actual or apparent conflict of interest, a GAL shall immediately notify the court in writing. The court shall take action as it deems necessary.

C. Satisfaction of training requirements

A GAL shall meet the qualifications and satisfy all pre-service and continuing education requirements of Sup.R.8.04 – 8.05 and any local court rules governing Guardian ad Litem. A GAL shall do both of the following:

1. Meet the qualifications for Guardian ad Litem for each court and promptly advise the court of any grounds for disqualification or any issues affecting the ability to serve.
2. Provide the court documentation indicating compliance with pre-service and continuing educational requirements so the court may maintain the files required pursuant to Sup.R. 8.07. The documentation shall include information detailing the date, location, contents, and credit hours received for any relevant education.

D. Duties of the Guardian ad Litem

Unless specifically relieved by the court, the duties of a GAL shall include, but are not limited to, the following:

1. Become informed about the facts of the case and contact all relevant persons.
2. Observe the child with each parent, foster parent, guardian or physical custodian.
3. Interview the child, if age and developmentally appropriate, where no parent, foster parent, guardian, or physical custodian is present.
4. Visit the child at the residence or proposed residence of the child in accordance with any standards established by the court.
5. Ascertain the wishes and concerns of the child.
6. Interview the parties, foster parents, guardians, physical custodians, and other significant individuals who may have relevant knowledge regarding the issues of the case. The GAL may require each individual to be interviewed without the presence of others. Upon request of the individual, the attorney for the individual may be present.
7. Interview relevant school personnel, medical and mental health providers, child protective services workers, and court personnel and obtain copies of relevant records.
8. Review pleadings and other relevant court documents in the case.
9. Obtain and review relevant criminal, civil, educational, mental health, medical, and administrative records pertaining to the child and, if appropriate, the family of the child or other parties in the case.

10. Request that the court order psychological evaluations, mental health or substance abuse assessments, or other evaluations or tests of the parties as the GAL deems necessary or helpful to the court.

11. Review any necessary information and interview other persons as necessary to make an informed recommendation regarding the best interest of the child.

E. Identification as GAL

A GAL shall immediately identify himself or herself as a GAL when contacting individuals and inform the individuals about the role of the GAL, including as an attorney if a dual appointment, the scope of appointment, and that documents and information obtained by the GAL may become part of court proceedings.

F. Confidentiality

A GAL shall make no disclosures about a case or investigation, except to the parties and their legal counsel, in reports to the court, or as necessary to perform the duties of a GAL, including as a mandated reporter. The GAL shall maintain the confidential nature of personal identifiers, as defined in Sup.R.11.09, and address where there are allegations of domestic violence or risk to the safety of a party or child. Upon application, the court may order disclosure of or access to the information necessary to challenge the truth of the information received from a confidential source. The court may impose conditions necessary to protect witnesses from potential harm.

G. Timeliness

A GAL shall perform responsibilities in a prompt and timely manner.

H. Record-keeping

1. A GAL shall keep accurate records of the time spent, services rendered, and expenses incurred in each case while performing the responsibilities of a GAL.
2. In allocation of parental rights and responsibilities cases, a GAL shall provide a monthly statement of fees and expenses to all parties.
3. A GAL shall file an itemized statement and accounting with the court and provide a copy to each party or other entity responsible for payment upon order of the court or upon the conclusion of those responsibilities.

I. GAL Reports

1. General report requirements:

- a. A GAL shall prepare a written final report, including recommendations to the court, within the times set forth in this division. The report shall affirmatively state that responsibilities have been met and shall detail the activities performed, hearings attended, persons interviewed, documents reviewed, experts consulted, and all other relevant information considered by the GAL in reaching the recommendations and in accomplishing the duties required by statute, by court rule, and in the order of appointment from the court.
 - b. All reports shall include the following warning: “The GAL 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 or distribution of the report may be subject to court action, including the penalties for contempt, which include fine and/or incarceration.”
 - c. Oral and written reports shall address relevant issues but shall not be considered determinative.
 - d. A GAL shall be available to testify at any relevant hearing and may orally supplement the report at the conclusion of the hearing.
 - e. A GAL may provide an interim written or oral report at any time.
2. GAL reports in abuse, neglect, dependency, unruly, and delinquency reports:
- a. A GAL in abuse, neglect, and dependency cases and actions to terminate parental rights shall provide a written report to the court, unrepresented parties, and legal counsel not less than seven days prior to any initial dispositional hearing, permanent custody hearing, and any hearing upon a motion requesting a change in disposition. The court may alter the seven-day period as may be necessary for the administration of justice.
 - b. A GAL in an unruly or delinquency case shall present an oral/verbal report at the disposition hearing, unless specifically requested to provide a written report.

9.03 The Court shall maintain a list of approved Guardians ad litem who are not volunteers through CASA/GAL of Miami County, Inc.

9.04 Prior to being placed on the approved list, the individual requesting approval shall submit a resume or information sheet stating the applicant’s training, experience and expertise demonstrating the person’s ability to successfully perform the responsibilities of a GAL, submit to a civil background check and criminal background check through the Miami

County Sheriff's Department and provide documentation that they have completed a pre-service training course as described below.

- 9.05** To remain on the approved GAL list, an individual must certify annually they are unaware of any circumstances that would disqualify them from serving and to report the training they have attended to comply with continuing training requirement set forth below.
- 9.06** The Court Administrator or Chief Magistrate shall maintain files for all applicants and for individuals approved for appointment as GAL with the Court who are not volunteers through CASA/GAL of Miami County, Inc. The Executive Director of CASA/GAL of Miami County, Inc. shall maintain the files for all applicants and individuals appointed to serve as CASA/GALs with the Court. The Executive Director shall certify on an annual basis that records in conformance with this Local Rule and Superintendence Rule 8.07 are properly maintained.
- 9.07** In order to serve as a GAL, an applicant shall complete the training required by the Ohio Supreme Court set forth in Rule 8 of the Rules of Superintendence, including:
- A. Successful completion of a pre-service training course to qualify for appointment and thereafter, successful completion of continuing education training in each succeeding calendar year to qualify for continued appointment.
 - B. The length and type of pre-service training course is set forth by the Supreme Court of Ohio in Rule 8.04 of the Rules of Superintendence.
 - C. The length and type of the annual continuing education course is set forth by the Supreme Court of Ohio in Rule 8.05 of the Rules of Superintendence.
 - D. If a GAL fails to complete the continuing education course within any calendar year, that person shall not be eligible to serve as a GAL until this continuing education requirement is satisfied. If the person's gap in continuing education is three calendar years or less, the person shall qualify to serve after completing a three-hour continuing education course offered under this rule. If the gap in continuing education is more than three calendar years that person must complete a six-hour pre-service education course to qualify to serve.
 - E. The Court will conduct, at least annually, a review of its list to determine that all Guardian ad Litem are in compliance with the training and education requirements of Sup.R. 8 through 8.07 and local rules, have performed satisfactorily on all assigned cases during the preceding calendar year, and are otherwise qualified to serve.

9.08 The procedure for appointing/removing a guardian as litem shall be as follows:

- A. If a motion for GAL is filed, it will be set for hearing before a magistrate.
- B. If the parties request a GAL for the first time during a pretrial conference, the Court will appoint the GAL agreed upon by the parties. One of the attorneys will prepare a Motion for GAL requesting the agreed upon GAL and a Magistrate's Order appointing the GAL.
- C. If the parties cannot agree on a GAL, a motion for GAL must be filed and the matter set for hearing. If it finds that appointment of a GAL is appropriate, the Court will appoint a GAL from the approved list with the appointment being on a rotating basis.
- D. For good cause shown, a GAL may be removed from their services. To remove a GAL, a party must file a motion which will be set for hearing.
- E. The Court may remove a GAL from the approved list for failure to abide by this rule or other just cause as deemed appropriate by the Court.
- F. Whenever feasible, the same GAL shall be reappointed for a specific child in any subsequent case in any court relating to the best interest of the child.

9.09 The Court Administrator or Chief Magistrate is designated as the contact person to accept and consider written comments and complaints regarding the performance of a GAL on the Court's approved list. The Executive Director of CASA/GAL of Miami County, Inc. is the contact person to accept and consider written comments and complaints regarding the performance of a CASA/GAL. All written comments and complaints shall be forwarded to the Court Administrator or Chief Magistrate for investigation. A copy of comments and complaints submitted to the court shall be provided to the GAL who is the subject of the complaint or comment. The Court Administrator or Chief Magistrate shall complete an investigation and forward a report to the Judge for consideration and appropriate action. Dispositions by the court shall be made promptly. The court shall maintain a written record in the GAL's file regarding the nature and disposition of any comment or complaint and shall notify the person making the comment or complaint and the subject GAL of the disposition.

9.10 A GAL shall prepare a written final report, including recommendations to the court, within the times set forth in this division. The report shall detail the activities performed, hearings attended, persons interviewed, documents reviewed, experts consulted and all other relevant information considered by the GAL in reaching the guardian's ad litem recommendations and in accomplishing the duties required by statute, by court rule, and in the court's Order of Appointment.

- A. In juvenile abuse, neglect, and dependency cases and actions to terminate parental rights:

1. All reports, written or oral, shall be used by the court to ensure that the GAL has performed those responsibilities required by section 2151.281 of the Revised Code.
 2. Oral and written reports may address the substantive allegations before the court but shall not be considered as conclusive on the issues.
 3. Unless waived by all parties or unless the due date is extended by the court, the final report shall be provided to the court, unrepresented parties and legal counsel, no less than seven days before the dispositional hearing. Any other disclosure of this report must be approved by the Court. Unauthorized disclosure or distribution of the report may be subject to court action, including the penalties for contempt, which include fine and/or incarceration.
 4. A GAL shall be available to testify at the dispositional hearing and may orally supplement the final report at the conclusion of the hearing.
 5. A GAL also may file an interim report, written or oral, any time prior to the dispositional hearing and prior to hearings on actions to terminate parental rights. Written reports may be accessed in person or by phone by the parties or their legal representatives.
- B. In proceedings involving the allocation of parental rights and responsibilities or a grant of custody to a non-parent, the final report shall be provided to the court, unrepresented parties and legal counsel no less than seven days before the final hearing unless the due date is extended by the court. The court shall consider the recommendation of the GAL in determining the best interest of the child only when the report or a portion of the report has been admitted as an exhibit.
- 9.11** Absent objection or appeal, the duties of the GAL appointed in a private case shall not extend beyond thirty (30) days following journalization of the final judgment entry that concludes the matter.

In cases of abuse, neglect and dependency, the duties of the GAL extend until the child is returned to the legal custody of a parent or third party without an order of protective supervision, or for a child who is in planned permanent living arrangement or permanent custody of Children's Services, until the child is adopted or emancipated.

LOCAL RULE 14 CASE MANAGEMENT

Pursuant to Sup. R. 3.02, the following case management plan establishes time frames for the timely disposition of cases. The time frames include time for service. Wherever possible, cases will be resolved in the shortest amount of time. The deadlines set forth by the Ohio Rules of Superintendence shall be construed as maximums and shall not preclude the more rapid resolution of cases under these rules. Case management conferences and pretrial conferences will be set if the judge or magistrate deems the same to be appropriate. Deviation from the established time frames is permissible to assure a just result.

14.01 DELINQUENCY, UNRULY, AND TRAFFIC CASES

- A. A detention hearing will be held not later than 72 hours, or the next court day, whichever is earlier, after a child is placed in detention.
- B. If the youth was not placed in detention, a summons will issue within three days of filing and an initial hearing will be set within 14 days of filing.
- C. Adjudication hearing shall be conducted within 60 days of filing of the complaint. Disposition shall be scheduled within 90 days of the filing of the complaint.

14.02 ABUSE, NEGLECT, DEPENDENCY PROCEEDINGS

- A. When a child is removed from the home on an ex parte basis, a hearing will be held the next court date or within 72 hours, whichever is earlier.
- B. When a private agency files a request for permanent commitment based on a permanent surrender, a hearing will be held within 30 days from the filing.
- C. In all other cases, a summons will issue within three days of filing and a hearing will be held no later than 14 days after the complaint is filed.
- D. An adjudicatory hearing will be held within 60 days of the complaint being filed.
- E. Disposition will occur no later than 90 days from the date a complaint was filed.
- F. Review hearings shall be scheduled as deemed necessary by the Court.
- G. An annual review hearing will be set at the time of disposition and shall be set for no more than thirty days prior to the expiration of the dispositional order
- H. A hearing on a motion for permanent custody shall be set within 120 days of the filing of the motion for permanent custody.

**14.03 PARENTAGE, CUSTODY, VISITATION AND CHILD SUPPORT
CASES**

- A. If an ex parte emergency order was signed, a hearing will be set within 10 days.
- B. If a motion requesting emergency orders is filed but is not signed on an ex parte basis, a hearing will be set within 30 days.
- C. If temporary orders are not requested, a pretrial shall be set within 45 days of the filing of the complaint.
- D. Service of process will be sent within 3 days of the filing of the complaint and shall include a temporary orders hearing or a pretrial date, whichever is applicable, as well as a final hearing date.

14.04 TRAFFIC CASES (NON-WAIVERABLE)

- A. A summons shall issue within 5 days of filing.
- B. Arraignment shall be scheduled within 30 days of filing.
- C. Adjudicatory hearings shall be held within 60 days of filing.
- D. Dispositional hearings shall be held within 90 days of filing.

14.05 PRETRIAL CONFERENCES

The purpose of a pretrial conference shall be to identify those issues that are disputed and those which may be stipulated. Further hearings will be scheduled and discovery matters shall be scheduled.

A pretrial conference shall not be utilized as an alternative to motion hearings. The court will not issue substantive orders unless those orders are agreed to by all parties present. The court will not make findings of fact, however, may accept agreed findings of fact resulting from the pretrial.

Parties have the right to attend any conferences or hearings. All conferences or hearings with anyone acting pro se will be held on the record, unless held by telephone as set forth below.

Individuals entering the courtroom shall turn off all electronic devices such as cell phones, and tablets. An individual whose electronic device goes off during a hearing or conference may be subject to a \$50.00 fine.

Attorneys, parties, and all persons entering the courtroom shall conduct themselves in a courteous manner in the courtroom. Failure to do so may result in continuance of the hearing or removal from the courtroom. Pro se parties are required to familiarize themselves with the legal requirements for their case.

14.06 TELEPHONE APPEARANCE

The intent of this rule is to promote uniformity in the practices and procedures relating to telephone appearances in cases where such an appearance is permitted by these rules or Court order. To improve access to the courts and reduce litigation costs, the court may permit parties, to the extent feasible to appear by telephone at appropriate conferences, hearings, and proceedings.

A party may appear by telephone as indicated on the scheduling order or upon request made through the Juvenile Court Clerk's office.

14.07 VIDEO CONFERENCING

A proceeding conducted by video conferencing shall be conducted in the same manner as if the parties had appeared in person, and the jurist presiding over the matter may exercise all powers consistent with the proceeding.

If a matter is set for video conference hearing, it will be indicated on the hearing notice. If a party/attorney is scheduled for a different type of hearing but desires to appear by video conferencing, he/she may file an application with the clerk's office.

Anyone appearing via video conferencing shall ensure that he/she has the appropriate equipment and a quiet, private area in which to participate in the hearing.

In any proceeding conducted by video conference, the remote location(s) shall be considered an extension of the courtroom. The hearing officer's pronouncements, instructions, and rulings shall have the same force and binding effect as if all participants had been physically present in the courtroom.

An oath administered by the hearing officer to a witness, interpreter, or a party in a proceeding conducted by video conference shall have the same force and binding effect as if the oath had been administered to a person physically present in the courtroom.

The court will, to the extent it can, ensure the statements of participants are audible to all other participants and that the technology is working appropriately. If technology problems cannot be remedied, the court may continue the video conference.

In any proceeding conducted by video conference, an interpreter, who can see and hear the witness and other participants, may provide interpreter services without being

physically present in the same locale as either the hearing officer or remote participants, provided such interpretative services can be done in a manner that will not interfere with the broadcast of the hearing. If simultaneous interpretation is to be provided, it may interfere with the broadcast. The court may determine other means to provide interpretation are more appropriate given the technological limitations.

- 14.08** In any matter set for telephone or video conference, if the court determines that a personal appearance is necessary, the court may continue the matter and require personal appearance of all or select individuals.

LOCAL RULE 19 COURT RECORDS/FILES

- 19.01** The inspection of Court records shall be governed by Juv. R. 32, Sup. R.11.09 through 11.16, and ORC 2151.14.
- 19.02** All records not excluded from the term “case document” in Sup. R.11.09(C)(2), and not otherwise deemed confidential by statute or rule, shall be contained in the Court’s official file and are presumed open to public access.
- 19.03** All records excluded from the definition of “case document” by Sup. R. 11.09(C)(2), or otherwise deemed confidential by statute or rule, and which are retained for use by the Court, shall be kept in the Court’s unofficial file. These records are not subject to public disclosure.
- 19.04** Counsel of record, and parties with leave of Court, may review select unofficial file reports in the Clerk’s office, for reasonable amounts of time. Absent specific permission from the Court, granted for good cause shown and under conditions set by the Court, copies or photos shall not be made, other than limited handwritten notes.
- 19.05** Attorneys wishing to investigate a matter prior to accepting the case may, upon notice of limited appearance filed on a pre-printed form provided by and filed with the Clerk, and with Court permission, review Court records as provided herein.
- 19.06** Reports, assessments and other documents maintained in the unofficial file may be admitted into evidence as a Court Exhibit and become part of the Court’s official file. Any party may call the individual who prepared the report, assessment or other document as on cross examination.

LOCAL RULE 23 MEDIATION

23.01 Uniform Mediation Act and Definitions - The R.C. 2710 “Uniform Mediation Act” (UMA), including all definitions found in R.C. 2710.01, are incorporated by reference and adopted by this court through this local rule. Frequently-used definitions include:

- A. “Mediation” means any process in which a mediator facilitates communication and negotiation between the parties to assist them in reaching a voluntary agreement regarding their dispute.
- B. “Mediator” means an individual who conducts a mediation.
- C. “Mediation Communication” means a statement, whether oral, in a record, verbal or non-verbal, that occurs during a mediation or is made for purposes of considering, conducting, participating in, initiating, continuing, or reconvening a mediation or retaining a mediator.
- D. “Nonparty participant” means a person other than a party or mediator that participates in a mediation.

23.02 Cases Eligible for Mediation

- A. General: The court has discretion to encourage parties to use mediation in any civil action filed in this court. A case may be submitted to mediation as provided in this rule. The court may issue an order on its own motion, upon the motion of counsel, upon the request of a party, or upon referral by the mediator.
- B. Exceptions: Mediation is prohibited in the following:
 - 1. As an alternative to the prosecution or adjudication of domestic violence;
 - 2. In determining whether to grant, modify, or terminate a protection order;
 - 3. In determining the terms and conditions of a protection order; and,
 - 4. In determining the penalty for violation of a protection order.

Nothing in this division shall prohibit the use of mediation in a subsequent divorce or custody case, even though that case may result in the termination of the provisions of a

protection order; or in a juvenile court delinquency case, even though the case involves juvenile-perpetrated domestic violence.

23.03 Confidentiality- Except as provided in R.C. 121.22 and 149.43, mediation communications are confidential to the extent agreed by the parties or provided by other sections of the Revised Code or rules adopted under any section of the Revised Code. Parties desiring confidentiality of mediation communications shall advise the mediator as soon as practical and all mediation participants shall execute any confidentiality agreement prior to the start of mediation.

By participating in mediation, a nonparty participant, as defined by R.C. 2710.01(D), submits to the court's jurisdiction to the extent necessary for enforcement of this rule. Any nonparty participant shall have the same rights and duties under this rule as are attributed to parties, except that no evidence privilege shall be expanded.

23.04 Referral to Resources- The court administrator shall maintain resources for mediation parties, including victims and suspected victims of domestic violence, and encourage appropriate referrals to legal counsel and other support services, such as children's services, domestic violence prevention, counseling, and substance abuse and mental health services.

23.05 Counsel shall be present at Mediation unless Waived by the Party -Parties who are not represented by counsel shall attend mediation only if they have waived the right to counsel in open court. Parties represented by counsel may attend mediation without counsel only where the right to have counsel present at the mediation has been specifically waived. Parties waiving counsel at mediation must fill out and sign a "waiver of counsel at mediation" form prior to participation in mediation. Waivers may be rescinded at any time.

23.06 Referrals to Mediation- The judge or magistrate may refer or order a case to mediation at any point in a case. Any party may request to participate in mediation by filing a motion or joint motion with the court, or by making an oral request for a referral to mediation on the record.

23.07 Notification of Mediation- The mediator shall file notice to the court that mediation is occurring in the case, including the time and place for mediation, and this notice shall be distributed to all parties and custodians.

23.08 Mediator Training and Education - A mediator shall meet the qualifications of and comply with all training requirements of Sup.R. 6.04 and adopted pursuant to Sup.R. 6.03 governing mediators and mediation.

23.09 Mediator Selection and Assignment - The following methods may be used to select a mediator for the case:

- A. The court may assign a court mediator to mediate;
- B. The court may randomly assign a mediator to the case from the court's roster of approved mediators;
- C. Specific appointments may be made by the court taking into consideration the qualifications, skills, expertise, and caseload of the mediator in addition to the type, complexity, and requirements of the case;
- D. Parties may select a mediator from the court roster, if any; and
- E. Parties may request leave to select a mediator without guidance from the court. The court shall not be responsible for the quality of a mediator selected by the parties without guidance from the court and who does not meet the qualifications, education, and training requirements set forth in section five above.

23.10 Procedures - In accordance with all applicable provisions of this rule, if a case is deemed appropriate by the court for mediation, mediation may be scheduled.

A mediator may meet with the parties individually prior to bringing the parties together for any reason including, but not limited to, further screening. A mediator may schedule multiple mediation sessions, if necessary and mutually acceptable for the resolution of the issues in part or in their entirety.

A party opposed to either the referral or the appointed mediator must file a written objection with the court within seven days of receiving notice of the referral or provider and explain the reasons for any opposition.

23.11 Party/Nonparty Participation - Parties to informal cases such as pre-filing or diversion may voluntarily attend mediation sessions.

Parties who are ordered into mediation in formal cases shall attend scheduled mediation sessions. The court may order parties to return to mediation at any time in formal cases.

If counsel of any party to the mediation becomes aware of the identity of a person or entity whose consent is required to resolve the dispute, but has not yet joined as a party in the pleadings, they shall promptly inform the mediator as well as the assigned judge or magistrate.

If the opposing parties to any case are 1) related by blood, adoption, or marriage; 2) have resided in a common residence; or 3) have known or alleged domestic violence at any time prior to or during the mediation, then the parties and their counsel have a duty to disclose such information to the mediator and have duty to participate in any screening required by the court.

By participating in mediation a nonparty participant, as defined by R.C. 2710.01(D), agrees to be bound by this rule and submits to the court's jurisdiction to the extent necessary for enforcement of this rule. Any nonparty participant shall have the rights and duties under this rule attributed to parties except as provided by R.C. 2710.03(B)(3) and 2710.04(A)(2).

23.12 Termination - If the mediator determines that further mediation efforts would be of no benefit to the parties, he or she shall inform all interested parties and the court that the mediation is terminated using the procedure required by this court.

23.13 Stay of Proceedings - Upon referral of a case to mediation, the court may elect to stay all filing deadlines for up to 60 days. The clerk of courts shall not accept for filing any documents while a case is in mediation unless expressly permitted by these rules or by court order.

Only the following documents may be filed while a mediation stay is in effect:

- A. Motion to lift the mediation stay;
- B. Response to a motion to lift mediation stay;
- C. Motion or stipulation to dismiss the case; and
- D. Notice related to counsel.

23.14 Continuances - It is the policy of this court to determine matters in a timely way. Continuances of scheduled mediations shall be granted only for good cause shown after a mutually acceptable future date has been determined. The mediation may be continued by the mediator or the judge or magistrate who referred the case. Except as authorized by the court, the existence of pending motions shall not be good cause for a continuance and no continuance will be granted unless the mediation can be scheduled prior to the final pretrial. If a continuance of a scheduled mediation is requested and the proposed new date is within 60 days of the initial referral to mediation, then the request shall be made to the mediator. If the requested date is more than 60 days after the referral to mediation, then the request must be made to the judge or magistrate assigned to the case.

23.15 Fees and Costs - The court may impose upon the parties fees and costs for mediation. If there is a fee for mediation, unless otherwise agreed by the parties, the mediation fees shall be shared equally. The court may waive fees and costs for an indigent party. Mediation shall not be ordered when a party is indigent, unless the mediation is available at no cost to the party.

23.16 Attendance; Sanctions - If any individual ordered by the court to attend mediation fails to attend mediation without good cause, the court may impose sanctions, which may include, but are not limited to, the award of attorney's fees and other costs, contempt or other appropriate sanctions at the discretion of the assigned judge or magistrate.

23.17 Evaluation, Comments, and Complaints - It is the policy of the court to use mediation to benefit the parties, to assist in reaching a resolution, and to provide a process that is timely, flexible, and maintains the trust and confidence of the people. Any mediation participant may submit written comments, complaints or feedback regarding the performance of mediators receiving referrals from the court.

LOCAL RULE 29

ACCESS TO JUVENILE COURT PROCEEDINGS

- 29.01** The policy of this rule is to provide a just, fair, equitable and impartial adjudication of the rights of litigants, allow an opportunity for media coverage of Court proceedings to facilitate the free flow of information to the public concerning the judicial system and to foster better public understanding of the administration of justice. This rule is to be construed as requiring the court to balance all interests involved to maintain the confidentiality, dignity, decorum and impartiality of the court proceeding, while at the same time providing public access allowed by law.
- 29.02** The policy's aim is to ensure that: (1) the media and public are accommodated to the best of the court's abilities, (2) an appropriately dignified atmosphere prevails at Court so that other trials and proceedings are not adversely impacted, (3) all security measures have been taken to ensure the safety and well being of court staff, parties, attorneys, media representatives, and public, and (4) all activities associated with these cases be in conformance with all applicable laws.
- 29.03** Definitions:
For purposes of this rule:
- A. "Media" or "Media Agency" means any person or organization actively engaging in professional news gathering or reporting and includes any newspaper, radio or television station or network, news service, magazine, trade paper, in-house publication, professional journal, or other news-reporting or news-gathering agency.
 - B. "Court" means the courtroom at issue, the Safety Building, and its entrances and exits, parking lots, and grounds.
- 29.04** Hearings governed by the Ohio Rules of Juvenile Procedure are neither presumptively open nor presumptively closed to the public or the media.
- 29.05** Any party to a juvenile court proceeding who wishes to have a hearing closed to the media and/or the public shall file a Motion requesting closure. *State ex rel. Plain Dealer Publishing Company v. Floyd*, 2006-Ohio-4437. Motions requesting closure of the proceeding to the media and/or public must be filed at least seven (7) days prior to any hearing for which closure is sought. The seven (7) day requirement may be waived at the discretion of the Judge or Magistrate for good cause shown. The Motion will be set for hearing no earlier than forty-eight (48) hours after filing, unless the immediacy of the proceeding requires variance from this standard. The public and the media have a right to present evidence of a countervailing right to attend the proceeding at issue.
- 29.06** The Juvenile Court may restrict media and/or public access to its proceedings if the Court finds all of the following:

- A. There exists a reasonable and substantial basis for believing that public/media access could harm or endanger the fairness of the adjudication;
- B. The potential for harm outweighs the benefits of public access; and
- C. There are no reasonable alternatives to closure.

29.07 All Motions for Closure, Notice of Hearing on said Motions and written Decisions on said Motions shall be available for public inspection upon request at the Juvenile Clerk's office during court hours.

29.08 In all cases, media/public access shall be limited in accordance with Local Rule 30 and Rule 11 of the Rules of Superintendence for the Courts of Ohio.

LOCAL RULE 30

AUDIO AND/OR VIDEO RECORDING OR BROADCAST OF JUVENILE COURTPROCEEDINGS

- 30.01** In accordance with Rule 11.00 of the Rules of Superintendence for the Courts of Ohio, motions for permission for the broadcasting, televising, recording or taking of photographs in the courtroom shall be in writing and the ruling shall be made part of the proceedings. Motions shall be filed within a reasonable time before any scheduled proceeding. A hearing shall be held on said Motion.
- 30.02** If permitted, the hearing officer, after consultation with the media, shall specify the place or places in the courtroom where the journalists, operators and equipment are to be located. The hearing officer shall include such terms in the ruling as will limit potential distraction for the participants, maintain the dignity of the proceedings and prevent material interference with achievement of a fair trial.
- 30.03** Permissible Equipment and Operators
- Use of more than one (1) portable camera (television videotape or movie) with one operator shall be allowed only with the permission of the hearing officer.
- Not more than one still photographer shall be permitted to photograph the proceedings without permission of the hearing officer. Still photographers are limited to two (2) cameras with two (2) lenses for each camera.
- For radio broadcast purposes not more than one (1) audio system shall be permitted in court. Where available and suitable, the existing audio pick up systems in the courtroom shall be used by the media. In the event no systems are available, microphones and other electronic equipment necessary for audio pick up shall be as inconspicuous as possible, but must be visible.
- Visible audio equipment may be used by news media reporters with prior permission of the hearing officer.
- 30.04** Arrangements between or among media for “pooling” of equipment shall be the responsibility of the media representatives authorized to cover the proceedings. Such arrangements are to be made outside of the court and must be made without imposing on the hearing officer or court personnel. If disputes arise over such arrangements, the hearing officer shall exclude all contesting representatives from the proceedings.
- 30.05** Use of electronic or photographic equipment which produces distracting sound or light is prohibited. No artificial light other than normally used in the courtroom shall be employed.

- 30.06** Still photographers, television and radio representatives shall be afforded a clear view, but shall not be permitted to move about the room during the proceedings from the places they have been positioned by the hearing officer, except to enter and leave the courtroom.
- 30.07** The changing of film or recording tape in the courtroom during the proceedings is prohibited.
- 30.08** The hearing officer may impose limitations on media actions as deemed appropriate for a given case. The following are limitations that are in force in all situations:
- A. There shall be no audio pickup or broadcast of conferences conducted in a court facility between attorneys and client or co-counsel or conferences conducted at the bench between the hearing officer and counsel.
 - B. The hearing officer shall inform victims and witnesses of their right to object to being filmed, videotaped, recorded or photographed. Any objections shall be honored by the media.
 - C. There shall be no filming, videotaping, recording, broadcasting or taking of photographs of jurors.
 - D. No media representative or agency shall report the name of the accused child or otherwise identify the child or the child's family.
 - E. No media representative or agency shall report the name of any victim if the victim is under the age of eighteen (18) years, nor shall they otherwise identify the victim or the victim's family.
 - F. No information shall be published relative to the child's social history, personal or educational background, or mental or physical condition, or that of the child's family, without prior authorization by the Court.
 - G. If any audio or visual recording is to be made, the voices and faces of anyone under age eighteen (18) will be distorted, or blacked out, so that identification is impossible.
- 30.09** All media representatives and agencies must arrive at the hearing room prior to commencement of the hearing and present proper identification and sign in. A media representative's signature indicates agreement to abide by the above provisions and any others determined on a case by case basis by the Judge or hearing officer.
- 30.10** Any violation of this rule or an order made under this rule is an unlawful interference with the proceedings of the court and may be the basis for an order imposing appropriate sanctions, including, without limitation, terminating media coverage, barring the particular person or agency from access to future electronic media coverage of proceedings in that courtroom for a defined period of time, a citation for contempt of court, or an order imposing monetary or other sanctions as provided by law.

- 30.11** This rule shall not be construed to grant media representatives any greater rights than permitted by law wherein public or media access or publication is prohibited, restricted or limited.
- 30.12** Any future amendments to Rule 11 of the Rules of Superintendence for the Court of Ohio are incorporated herein and, to the extent that such amendments conflict with this rule, they shall take precedence.

LOCAL RULE 34 TECHNOLOGY PLAN

34.01 In accordance with Superintendence Rule 3.03, the Court shall adopt and maintain a court technology plan which will include:

A. A comprehensive strategy for implementing and maintaining technology solutions for conducting remote hearings, electronic service, the acceptance of electronic signatures, and any other technology-related solution utilized by the court or division; and

B. Procedures for notifying and providing instructions to the public on how to use the technology solutions implemented by the court or division and how the solutions will comply with any accessibility accommodations requirements, including any applicable requirements of the “Americans with Disabilities Act.”

34.02 This plan will be available from the office of the Clerk of Court and posted on the Court’s website at [Local Rules of Procedure/Appendices/Parenting Schedules](#)

LOCAL RULE 36 LANGUAGE INTERPRETER

- 36.01** Certified, qualified or language skilled interpreters shall be used in all proceedings in which a party or witness is non-English speaking or non-hearing. Interpreters shall be utilized in accordance with the Ohio Rules of Superintendence 9.00 through 9.60.
- 36.02** Any person serving as counsel for any party, as GAL, or in any other official capacity on any case, who becomes aware that there is a need for interpretive services, shall notify the Court of that need immediately. In no instance shall the need for interpretive services be communicated to the court less than seven (7) days prior to the hearing or trial at which the interpreter is needed.

LOCAL RULE 40

REPORTING TO LAW ENFORCEMENT & COMPLIANCE PLAN

40.01 PURPOSE

This rule establishes the Miami County Court of Common Pleas, Juvenile Division's plan for the complete, accurate, and timely submission of required information, including fingerprints, case dispositions, protection orders, and specified traffic violations—into law enforcement databases, as mandated by Sup.R. 3.04.

40.02 DEVELOPMENT AND REVIEW

This plan was developed in collaboration with the Clerk of Court and relevant justice partners. The plan shall be reviewed and updated at least once every three years or as otherwise required by law.

40.03 PROCEDURES AND TIMELINES

1. Fingerprints

- The court shall inquire at both the initial appearance and at juvenile disposition whether fingerprints have been obtained, as required by law.
- If fingerprints have not been obtained, the court shall order the individual to appear before the appropriate law enforcement agency within 24 hours for fingerprinting, or shall collect fingerprints at sentencing as necessary.
- Fingerprints shall be submitted to the Bureau of Criminal Investigation (BCI) and promptly entered into the state's computerized criminal history repository within five (5) business days.
- Compliance is required with Revised Code sections 109.57(A)(2), 109.60(A), 2151.311, 2151.313, 2152.71(A)(2), 2929.44(B), 2945.402(E)(1), and 5122.311(A); Superintendence Rule 95(C); and Criminal Rule 9(A).
- When fingerprints are ordered the judicial officer will use the pink order form developed by the Miami County Sheriff which identifies the location and address where the fingerprints will be taken.
- The court shall implement checks and procedures to ensure that all records submitted are complete and accurate to facilitate reliable background checks and audits.
- The court designates Assistant Chief Deputy Clerk and, in their absence, the Chief Deputy Clerk as the party responsible to oversee compliance, coordinate with justice partners, conduct periodic reviews, and facilitate necessary training for court staff. A spreadsheet shall be developed and placed on the central drive [T:drive] indicating names, case numbers, and dates of compliance with each step.

2. Reporting Protection Orders

- Procedures shall be implemented to guarantee that all required protection orders are accurately reported to law enforcement as mandated by R.C. 2151.34,

2903.213, 2903.214, 2919.26, 3113.31, and Superintendence Rule 10(A) within 24 hours from the time of filing.

3. Reporting to Bureau of Motor Vehicles

- The court shall ensure that required information, as specified in R.C. 4510.03 and R.C. 4513.37, is reported to the BMV/Ohio Department of Public Safety weekly in a timely and accurate manner.

4. Completeness and Accuracy

- All procedures shall ensure the completeness and accuracy of records for auditing and background check purposes, including compliance with any state or federal audits.

40.04 AUDITING AND OVERSIGHT

The court will cooperate fully with audits by the Federal Bureau of Investigation, Bureau of Criminal Investigation, and state or local auditors as required.

40.05 EFFECTIVE DATE AND UPDATING

This Compliance Plan is adopted effective September 1, 2025. Updated versions shall be adopted as required but at least every three years or sooner if necessary.

40.06 TRAINING

Court staff shall receive appropriate training on these procedures to ensure consistent and accurate compliance with the requirements of this rule.

RULE 41 USE OF ARTIFICIAL INTELLIGENCE IN COURT SUBMISSIONS

41.01 PURPOSE AND SCOPE

This rule is established to govern the use of artificial intelligence (AI) technologies by attorneys and/or parties in the preparation and submission of materials to the Miami County Court of Common Pleas Juvenile Division. It aims to ensure the ethical use of AI and maintain the integrity of evidence.

41.02 DEFINITIONS

Artificial intelligence (AI): Any technology that uses machine learning, natural language processing, or any other computational mechanism to simulate human intelligence, including document generation, evidence creation or analysis, and legal research.

AI-Assisted Material: Any document or evidence prepared with the assistance of AI technologies.

41.03 RESPONSIBILITY AND REVIEW

Attorneys and/or parties remain ultimately responsible for the accuracy, relevance, and appropriateness of AI-assisted materials submitted to the court. Attorneys and/or parties must thoroughly review all AI-assisted materials to ensure they meet all legal and ethical standards. Use of AI does not absolve attorneys from their duty of competence, diligence, and supervision as required under the Ohio Rules of Professional Conduct. Any citation generated by AI must be verified by the attorney or party by actually reviewing the cited material and verifying its accuracy and that it is current authority.

41.04 USE OF ARTIFICIAL INTELLIGENCE IN COURT INTERPRETATION AND TRANSLATION.

This rule shall be interpreted and applied consistent with the Ohio Rules of Superintendence, including Sup.R. 9.09, and all other applicable Rules of Superintendence governing the filing and administration of court records and proceedings.