RULES OF SUPERINTENDENCE FOR THE COURTS OF OHIO

RULES

1 Applicability: Authority; Citation
2 Definitions
3 Designation or Election of Presiding Judge
3.01 Powers and Duties of Presiding Judge
3.02 Presiding Judge Service as Administrative Judge
4 Designation or Election of Administrative Judge
4.01 Powers and Duties of Administrative Judge
4.02 Modification or Vacation of Administrative Judge Actions
4.03 Administrative Judge Relief From Case or Trial Duties
4.04 Administrative Judge Service as Presiding Judge
5 Local Rules
5.01 Local Child Restraint Rule
6 Attorney or Pro Hac Vice Registration Number
6.01 Appearance Pro Hac Vice
7 Filing of Judgment Entries
8 Court Appointments
9 Court Security Plans
10 Notification Regarding Criminal or Civil Protection Orders
10.01 Standard Civil Protection Order Forms -- Domestic Relations Division
10.02 Standard Domestic Violence Criminal Temporary Protection Order Forms
10.03 Standard Criminal Protection Order Forms, and Standard Civil Stalking Protection Order or Civil Sexually Oriented Offense Protection Order Forms
10.04 Standard Notice Concerning Possession or Purchase of a Firearm
10.05 Standard Civil Protection Order Forms -- Juvenile Division
10.06 Inter-Court Communication in Domestic Violence and Related Cases
11 Recording of Proceedings
12 Recording, Broadcasting, and Photographing Court Proceedings
13 Deposition Testimony and Evidence
14 Declaration of Judicial Emergency
14.01 Authority of Chief Justice During Judicial Emergency
14.02 Consultation with Affected Court or Division and Notification of Justices During Judicial Emergency
15 Arbitration
16 Creation of Commission on Dispute Resolution
16.01 Duties and Authority
16.02 Membership
16.03 Terms and Vacancies
16.04 Chairperson and Vice-Chairperson
16.05 Secretary
16.06 Meetings
16.07 Subcommittees
16.08 Code of Ethics
16.09 Annual Report

RULES

16.10 Work Product
16.11 Budget
16.12 Compensation
16.13 Reimbursement of Expenses
16.14 Definitions
16.15-16.19 *RESERVED*
16.20 Application
16.21 Local Mediation Rule
16.22 Responsibilities of Mediator
16.23 Mediator Education and Training
16.24 Responsibilities of Court
16.25 Public Access
16.26-16.29 *RESERVED*
16.30 Civil Stalking Protection Order Mediation
16.31 Process for Offering Mediation
16.32 General
16.33-16.39 *RESERVED*
16.40 Government Conflict Resolution Services Program
16.41 Privilege
16.42 Confidentiality
16.43 Public Access to Information
16.44-16.49 *RESERVED*
16.50 Application
16.51 Local Neutral Evaluation Rule
16.52 Responsibilities of Evaluator
16.53 Neutral Evaluator Education and Training
16.54 Responsibilities of Court
16.55 Public Access
16.54-16.59 *RESERVED*
16.60 Application
16.61 Local Parenting Coordination Rule
16.62 Ordering of Parenting Coordination
16.63 Responsibilities of Parenting Coordinator
16.64 Parenting Coordinator Education and Training
16.65 Responsibilities of Court
16.66 Public Access
17 Assignment of Judges--Municipal and County Courts
18 Minor Misdemeanors: Violations Bureau--Municipal and County Courts
19 Magistrates
19.1 Magistrates - Municipal Court
20-22 *RESERVED*
23 Complaint for Abortion without Parental Notification Pursuant to R.C. 2151.85
23.1 Application for Authorization to Consent to an Abortion or for Judicial Consent to an Abortion Pursuant to R.C. 2919.121
24 Notifying Physicians of Affidavits Alleging Abuse Pursuant to R.C. 2919.12
25 Procedure on Appeals Pursuant to R.C. 2151.85, 2919.121, and 2505.073
26 Court Records Management and Retention

RULES

26.01 Retention Schedule for the Administrative Records of the Courts
26.02 Courts of Appeals — Records Retention Schedule
26.03 General, Domestic Relations, and Juvenile Divisions of the Courts of Common Pleas Records Retention Schedule
26.04 Retention schedule for Court of Common Pleas — Probate Jurisdiction Case Files
26.05 Municipal and County Courts — Records Retention Schedule
26.06. Destruction of Court Records
27-33 *RESERVED*
34 Electronic Case Management System Connectivity to the Ohio Courts Network
35 Case Management Section
36 Designation of Trial Attorney
36.01 Definitions
36.011 Individual Assignment System
36.012 Assignment of Commercial Docket Eligible Cases
36.013 Assignment of Capital Cases
36.014 Assignment to Individual Judge or Particular Session
36.015 Assignment of Case Arising out of Pre-Indictment Matter
36.016 Case Management of Individual Judge Docket
36.017 Assignment of Refiled Cases
36.018 Assignment of Cases to New Judicial Positions and Successor Judges
36.019 Assignment of Cases Following Disqualification
36.020 Assignment of Appellate Court Cases
36.02 Creation of Commission on Specialized Dockets
36.03 Duties and Authority
36.04 Membership
36.05 Terms and Vacancies
36.06 Chairperson and Vice-Chairperson
36.07 Staff Support
36.08 Meetings
36.09 Subcommittees
36.10 Code of Ethics
36.11 Annual Report
36.12 Work Product
36.13 Budget
36.14 Compensation
36.15 Reimbursement of Expenses
36.16-36.19 *RESERVED*
36.20 Specialized Docket Certification
36.21 Submission of Certification Application
36.22 Initial Review of Certification Application
36.23 Substantive Review of Certification Application
36.24 Initial Certification
36.25 Site Review
36.26 Determination on Final Certification
36.27 Specialized Docket Title
36.28 Maintenance of Certification

RULES

36.29 Requests for Technical Assistance
36.30 Requests for Extension of Time
36.31 Decertification Process
36.32 Voluntary Discontinuance of Certification
36.33 Magistrate Authority
37 Statistical Reports and Information
37.01 Courts of Appeals Reports
37.02 Courts of Common Pleas Reports
37.03 Municipal and County Court Reports
37.04 Reporting Standards
37.05 *RESERVED*
37.06 Public Access to Submitted Reports and Information
37.07 Requests for Additional Information; Accuracy of Reports
38 Annual Case Inventory; New Judge Inventory
39 Case Time Limits
40 Review of Cases; Dismissal; Rulings on Motions and Submitted Cases
41 Conflict of Trial Court Assignment Dates, Continuances and Engaged Counsel
42 Complex Litigation--Court of Common Pleas
43 Case Numbering--Municipal and County Court
44 Court Records - Definitions
45 Court Records – Public Access
46 Court Records - Bulk Distribution
47 Court Records – Application, Remedies, and Liability
48 Application
48.01 Definitions
48.02 Appointment of Guardian Ad Litem
48.03 Responsibilities of Guardian Ad Litem
48.04 Pre-Service Education
48.05 Continuing Education
48.06 Guardian Ad Litem Reports
48.07 Responsibilities of the Court
49 Definitions
49.01 Establishment of Commercial Docket
49.02 Designation or Assignment of Commercial Docket Judges
49.03 Termination of Commercial Docket
49.04 Commercial Docket Judge Education
49.05 Cases Eligible for the Commercial Docket
49.06 Cases Not Eligible for the Commercial Docket
49.07 Assignment of Case to the Commercial Docket
49.08 Review of Transfer to the Commercial Docket
49.09 Commercial Docket Judge Workload
49.10 Dispute Resolution
49.11 Rulings on Motions and Submitted Cases
49.12 Commercial Docket Case Disposition Time Guideline

Probate Division

50 Definitions

RULES

51 Standard Probate Forms
52 Specifications for Printing Probate Forms
53 Hours of the Court
54 Conduct in the Court
55 Examination of Probate Records
56 Continuances
57 Filings and Judgment Entries
58 Deposit for Court Costs
59 Wills
60 Application for Letters of Authority to Administer Estate and Notice of Appointment
61 Appraisers
62 Claims Against Estate
63 Application to Sell Personalty
64 Accounts
65 Land Sales - R.C. Chapter 2127
66 Guardianships
66.01 Definitions
66.02 Application of Rules
66.03 Local Guardianship Rule
66.04 Establishment of Guardianship
66.05 Responsibilities of Court Establishing Guardianships
66.06 Guardian Pre-Appointment Education
66.07 Guardian Continuing Education
66.08 General Responsibilities of Guardian
66.09 Responsibilities of Guardian to Ward
67 Estates of Minors of Not More Than Twenty-Five Thousand Dollars
68 Settlement of Injury Claims of Minors
69 Settlement of Claims of or Against Adult Wards
70 Settlement of Wrongful Death and Survival Claims
71 Counsel Fees
72 Executor's and Administrator's Commissions
73 Guardian's Compensation
74 Trustee's Compensation
75 Local Rules
76 Exception to the Rules
77 Compliance
78 Probate Division of the Court of Common Pleas -- Case Management in Decedent's Estates, Guardianship, and Trusts
79 Dispute Resolution
79.01 Assisted Outpatient Treatment Programs
80 Definitions
81 Supreme Court Certified Foreign Language Interpreters and Provisionally Qualified Foreign Language Interpreters
81.01 Registered Foreign Language Interpreters
82 Certification for Sign Language Interpreters
82.01 Registered Sign Language Interpreters

RULES

83 Revocation of Supreme Court Credentials
84 Code of Professional Conduct for Court Interpreters and Translators
85 Continuing Education
86 Roster of Interpreters
87 Use of Artificial Intelligence in Court Interpretation and Translation
88 Appointment of a Foreign Language Interpreter or Sign Language Interpreter
89 Use of Communication Services in Ancillary Court Services
90 *RESERVED*
91.01 Definitions
91.02 Application of Rules
91.03 Local Custody Evaluator Rule
91.04 Custody Evaluation
91.05 Appointment of Custody Evaluator
91.06 Responsibilities and Authority of Custody Evaluator
91.07 Custody Evaluator Report
91.08 Custody Evaluator Licensure and Pre-Appointment Education Requirements
91.09 Custody Evaluator Continuing Education
92-94 *RESERVED*
95 Notifying Law Enforcement Agencies of Mental Illness
96 Forms for Sealing or Expungement of or Restricting Public Access to Court Records
97-98 *RESERVED*
99 Effective Date

APPENDICES

A Statistical Reporting Forms
B Jury Management Standards
C Court Security Standards
D Court Facility Standards
E Facsimile Filing Standards
F *RESERVED*
G Standards for the Use of Video Remote Interpretation
H Code of Professional Conduct for Court Interpreters and Translators
I Specialized Dockets Standards
J Standards for the Use of Telephonic Interpretation

PREFACE

The foundation of our government rests upon the confidence of the people in the ability of their courts to achieve liberty and justice for all under the law. The fair, impartial, and speedy resolution of cases without unnecessary delay maintains this confidence, safeguards the rights of litigants to the just processing of their causes, and earns the trust of the public.

To secure these ends, the Supreme Court of Ohio adopts the following Rules of Superintendence for the Courts of Ohio to serve the public interest that mandates prompt disposition of all causes, at all times, in all courts of this state.

RULE 1. Applicability; Authority; Citation.

(A) Applicability. Except where otherwise provided, these Rules of Superintendence for the Courts of Ohio are applicable to all courts of appeal, courts of common pleas, municipal courts, and county courts in this state.

(B) Authority. These rules are promulgated pursuant to Article IV, Section 5(A)(1) of the Ohio Constitution.

(C) Citation. These rules shall be known as the Rules of Superintendence for the Courts of Ohio and shall be cited as "Sup. R. __."

Commentary (July 1, 1997)

Rule 1 is patterned after Rule 1 of the Rules of Superintendence for Courts of Common Pleas and has been revised to reflect the adoption of uniform superintendence rules. The Rules of Superintendence for the Courts of Ohio are intended to apply to all trial and appellate courts, except the Court of Claims, unless a rule clearly is intended to apply only to a specific court or division of a court.

RULE 2. Definitions.

As used in these rules:

(A) "Appear," "appearance," "attendance," and "in person" mean the physical or remote presence of an individual.

(B) "Case" means a notice of appeal, petition, or complaint filed in the court of appeals and any of the following when filed in the court of common pleas, municipal court, and county court:

(1) A civil complaint, petition, or administrative appeal;

(2) A criminal indictment, complaint, or other charging instrument that charges a defendant with one or more violations of the law arising from the same act, transaction, or series of acts or transactions;

(3) A petition, complaint, or other instrument alleging that a child is delinquent, unruly, or a juvenile traffic offender based on conduct arising out of the same act, transaction, or series of acts or transactions or a petition alleging that a child is dependent, neglected, or abused;

(4) An estate, trust, guardianship, petition for adoption or other miscellaneous matter as defined in Sup. R. 50.

(C) "Court" means a court of appeals, court of common pleas, municipal court, or county court.

(D) "Division" means the general, domestic relations, juvenile, or probate division of the court of common pleas, any combination of the general, domestic relations, juvenile, or probate divisions of the court of common pleas, or the environmental or housing divisions of the municipal court.

(E) "Open court" means a live proceeding of a court or division that the public may attend either in person or by remote presence.

(F) "Remote," "remotely," and "remote presence" mean the presence of an individual who is using live two-way video or audio technology.

Commentary (July 1, 1997)

This rule contains definitions of several terms used throughout the Rules of Superintendence. Because the Rules of Superintendence relate primarily to the internal operation of Ohio courts, these definitions are not intended to apply to questions of statutory interpretation. For example, the definition of "case" is designed as a benchmark for statistical reporting purposes that will allow for some uniform measure of the workload of the courts. The definition is not designed to address statutory issues such as the proper assessment of court costs or filing fees in civil and criminal cases.

RULE 3. Designation or Election of Presiding Judge.

(A) Single-judge courts

In a single-judge court of common pleas or a single-judge municipal or county court, the judge shall serve as the presiding judge of the court.

(B) Multi-judge courts

(1) In a court of appeals, a multi-judge court of common pleas, or a multi-judge municipal or county court, the judges of the court shall elect by a majority vote a presiding judge of the court from the judges of the court.

(2) If the judges of a court are unable to elect a presiding judge of the court pursuant to division (B)(1) of this rule, the presiding judge shall be determined as follows:

(a) The judge having the longest total service on the court shall serve as the presiding judge;

(b) If two or more judges have equal periods of total service on the court, the judge having the longest total service as an Ohio judge shall serve as the presiding judge;

(c) If two or more judges have equal periods of total service as an Ohio judge, the judge having the earliest date of admittance to the practice of law in Ohio shall serve as the presiding judge;

(d) If two or more judges were admitted to the practice of law in Ohio on the same date, the Chief Justice of the Supreme Court shall designate one of the judges of the court to serve as the presiding judge.

(C) Term

The term of a presiding judge of a court shall be one year, provided that a court may establish by local rule a term of not less than one year and not more than three years. The term of a presiding judge shall begin on January 1st of the year immediately following the designation or election of the presiding judge. A presiding judge may serve consecutive terms.

(D) Designation or election date

The designation or election of a presiding judge of a court shall occur on or before December 31st of the year preceding the term.

(E) Notification of designation or election

A presiding judge of a court shall notify the Administrative Director of the Supreme Court of judge's designation or election as the presiding judge by January 15th of the year of the term.

RULE 3.01. Powers and Duties of Presiding Judge.

In addition to the powers and duties set forth in the Revised Code that do not conflict with the powers and duties of the administrative judge of a court or division of a court set forth in Sup.R. 4.01, a presiding judge of a court shall do all of the following:

(A) Call and conduct an annual meeting, and other meetings as necessary, of the judges of the court for the purpose of discussing and resolving administrative problems common to all divisions of the court;

(B) Assign judges of the court on a temporary basis to serve in another division of the court as required by the business of the court.

RULE 3.02. Presiding Judge Service as Administrative Judge.

A presiding judge of a court may serve as an administrative judge of a court or division of a court pursuant to Sup.R. 4.

RULE 4. Designation or Election of Administrative Judge.

(A) Single-judge courts and divisions

The judge of the following courts and divisions shall serve as the administrative judge of that court or division:

(1) A single-judge court of common pleas;

(2) A single-judge division of a court of common pleas;

(3) A single-judge municipal court;

(4) A single-judge division of a municipal court;

(5) A single-judge county court.

(B) Multi-judge courts and divisions

(1) The judges of the following courts and divisions shall elect by a majority vote of the judges of that court or division an administrative judge of the court or division:

(a) A court of appeals;

(b) A multi-judge court of common pleas with no divisions;

(c) A multi-judge division of a court of common pleas;

(d) A multi-judge municipal court with no divisions;

(e) A multi-judge division of a municipal court;

(f) A multi-judge county court.

(2) If the judges of a court or division are unable to elect an administrative judge of the court or division pursuant to division (B)(1) of this rule, the administrative judge shall be determined as follows:

(a) The judge of the court or division having the longest total service on the court or in the division shall serve as the administrative judge;

(b) If two or more judges have equal periods of total service on the court or in the division, the judge of the court or division having the longest total service as an Ohio judge shall serve as the administrative judge;

(c) If two or more judges have equal periods of total service as an Ohio judge, the judge of the court or division having the earliest date of admittance to the practice of law in Ohio shall serve as the administrative judge;

(d) If two or more judges were admitted to the practice of law in Ohio on the same date, the Chief Justice of the Supreme Court, for courts of appeals or multi-judge municipal and county courts, or the presiding judge of the court of common pleas, for multi-judge divisions of courts of common pleas, shall designate one of the judges of the court or division to serve as the administrative judge.

(C) Term

The term of an administrative judge of a court or division shall be one year, provided that a court or division may establish by local rule of that court or division a term of not less than one year and not more than three years. The term of an administrative judge shall begin on January 1st of the year immediately following the designation or election of the administrative judge. An administrative judge may serve consecutive terms.

(D) Designation or election date

The designation or election of an administrative judge of a court or division shall occur on or before December 31st of the year preceding the term.

(E) Notice of designation or election

An administrative judge of a court or division shall notify the Administrative Director of the Supreme Court of the judge's designation or election as the administrative judge by January 15th of the year of the term.

RULE 4.01. Powers and Duties of Administrative Judge.

An administrative judge of a court or a division of a court shall do all of the following:

(A) Be responsible for and exercise control over the administration, docket, and calendar of the court or division;

(B) Be responsible to the Chief Justice of the Supreme Court in the discharge of the administrative judge's duties, for the observance of the Rules of Superintendence for the Courts of Ohio, and for the termination of all cases in the court or division without undue delay and in accordance with the time guidelines set forth in Sup.R. 39;

(C) Pursuant to Sup.R. 36, assign cases to individual judges of the court or division or to panels of judges of the court in the court of appeals;

(D) In municipal and county courts, assign cases to particular sessions pursuant to Sup.R. 36;

(E) Require timely and accurate reports from each judge of the court or division concerning the status of individually assigned cases and from judges and court personnel concerning cases assigned to particular sessions;

(F) Timely file all administrative judge reports required by the Case Management Section of the Supreme Court;

(G) Develop accounting and auditing systems within the court or division and the office of the clerk of the court that ensure the accuracy and completeness of all required reports;

(H) Request, as necessary, the assignment of judges to the court or division by the Chief Justice or the presiding judge of the court;

(I) Administer personnel policies established by the court or division;

(J) Pursuant to Sup.R. 19(B), notify the Office of Attorney Services of the Supreme Court of the appointment or termination of appointment of a magistrate of the court or division;

(K) Perform other duties as required by the Revised Code, the Rules of Superintendence of the Courts of Ohio, local rules of the court or division, or the Chief Justice;

(L) Perform any other duties in furtherance of the responsibilities of the administrative judge.

RULE 4.02. Modification or Vacation of Administrative Judge Actions.

The judges of a court or a division of a court, by majority vote, may modify or vacate the actions of the administrative judge of the court or division.

RULE 4.03. Administrative Judge Relief From Case or Trial Duties.

By local rule of the court or a division of the court, the administrative judge of a court or division may be relieved of a portion of the judge's case or trial duties in order to manage the calendar and docket of the court or division.

RULE 4.04. Administrative Judge Service as Presiding Judge.

An administrative judge of a court or a division of the court may serve as a presiding judge pursuant to Sup.R. 3.

RULE 5. Local Rules.

(A) Adoption of local rules

(1) Nothing in these rules prevents a court or division of a court from adopting any local rule of practice that promotes the use of any device or procedure to facilitate the expeditious disposition of cases. Local rules of practice shall not be inconsistent with rules promulgated by the Supreme Court.

(2) A local rule of practice shall be adopted only after the court or division provides appropriate notice and an opportunity to comment on the proposed rule. If the court or division determines that there is an immediate need for the rule, the court or division may adopt the rule without prior notice and opportunity for comment, but promptly shall afford notice and opportunity for comment.

(B) Filing of local rules upon adoption

Upon adoption of a local rule of practice, a court or division shall file the rule with its clerk, the clerk of the Supreme Court, and, if the rule relates to the use of information technology, the Supreme Court Commission on Technology and the Courts.

(C) Annual filing of local rules

On or before the first day of February of each year, each court or division shall do one of the following:

(1) File with the clerk of the Supreme Court a complete copy of all local rules of practice of the court or division in effect on the immediately preceding first day of January;

(2) Certify to the clerk of the Supreme Court that there were no changes in the immediately preceding calendar year to the local rules of practice of the court or division.

(D) Case and jury management plans

In addition to local rules of practice adopted pursuant to division (A)(1) of this rule and any other Rule of Superintendence, each court or division, as applicable, shall adopt the following by local rule:

(1) A case management plan for the purposes of ensuring the readiness of cases for pretrial and trial, and maintaining and improving the timely disposition of cases. In addition to any other provisions necessary to satisfy the purposes of division (D)(1) of this rule, the plan shall include provisions for an early case management conference, referral to appropriate and available alternative dispute resolution programs, establishment of a binding case management schedule, and a pretrial

conference in cases where the trial judge determines a conference is necessary and appropriate. A municipal or county court may establish separate provisions or exceptions from the plan for small claims, traffic, and other types of cases that the court determines would not benefit from the case management plan.

(2) A jury management plan for purposes of ensuring the efficient and effective use and management of jury resources. In addition to any other provisions necessary to satisfy the purposes of this division, the plan shall address the provisions of the Ohio Trial Court Jury Use and Management Standards adopted by the Supreme Court on August 16, 1993, and procedures for conducting a trial by jury, whether in whole or in part, remotely.

(E) Technology plan

In addition to local rules of practice adopted pursuant to division (A)(1) of this rule and any other Rule of Superintendence, each court or division, as applicable, shall adopt the following by local rule:

(1) A technology plan for the purposes of ensuring the efficient and effective use of technology in the delivery of services of the court or division. The plan shall include 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.

(2) 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 accommodation requirements, including any applicable requirements of the "Americans with Disabilities Act."

(F) Reporting-to-law-enforcement-and-compliance plan

(1) In addition to local rules of practice adopted pursuant to division (A)(1) of this rule and any other Rule of Superintendence, each court or division of a court, as applicable, shall adopt by local rule a reporting-to-law-enforcement-and-compliance plan for the purpose of ensuring complete, accurate, and timely submission of information into the state's computerized criminal history repository at the Bureau of Criminal Investigation, the Ohio Law Enforcement Automated Data System, and other law enforcement databases. The plan shall be developed with the clerk of the court or division and applicable justice system partners and do all of the following:

(a) Establish procedures and timelines for obtaining and submitting fingerprints and reporting information pursuant to the Revised Code and Supreme Court rules, including R.C. 109.57(A)(2), 109.60(A), 2151.311, 2151.313, 2152.71(A)(2), 2923.14, 2929.44(B), 2945.402(E)(1), and 5122.311(A), Sup.R. 95(C), and Crim.R. 9(A);

(b) Establish procedures and timelines for reporting information regarding protection orders pursuant to the Revised Code and Supreme Court rules, including R.C. 2151.34, 2903.213, 2903.214, 2919.26, and 3113.31, and Sup.R. 10(A);

(c) Establish procedures and timelines for reporting information to the Bureau of Motor Vehicles, Ohio Department of Public Safety pursuant to R.C. 4510.03, 4513.37, 5502.10, and Supreme Court rules;

(d) Establish procedures to ensure completeness and accuracy of records in accordance with the statutes and rules listed in divisions (F)(1)(a) and (b) of this rule, 18 U.S.C. 922(g), and R.C. 2923.13 in the event of an audit by the Federal Bureau of Investigation, the Bureau of Criminal Investigation, or state or local auditors;

(e) Establish procedures and timelines for reporting sealed or expunged records into the state's computerized criminal history repository at the Bureau of Criminal Investigation, the Ohio Law Enforcement Automated Data System, and other law enforcement databases pursuant to the Revised Code, including R.C. Ch. 2151 and 2953, and R.C. 2930.171 and 3113.31.

(2) The court or division of the court shall adopt the initial reporting to law enforcement and compliance plan by July 1, 2026. The court or division shall update the plan at least once every three years.

Commentary (July 1, 1997)

This rule consolidates several former provisions relating to the adoption of local rules of court. Division (A)(1) recognizes the rule-making authority granted to local courts by Article IV, Section 5(B) of the Ohio Constitution. Division (A)(2) incorporates provisions of the rules of practice and procedure adopted by the Supreme Court that mandate notice and an opportunity to comment prior to the adoption of local rules of court. See the following rules and accompanying 1994 staff notes: Rule 83(B) of the Ohio Rules of Civil Procedure; Rule 57(A)(2) of the Ohio Rules of Criminal Procedure; Rule 45(A) of the Ohio Rules of Juvenile Procedure; and Rule 31(B) of the Ohio Rules of Appellate Procedure.

Division (B) incorporates and modifies the former requirement that a court or division file local rules upon adoption with the clerk of the Supreme Court. Division (C) contains a new requirement that each court and division annually file a complete set of its local rules with the clerk of the Supreme Court or certify that there were no changes to the local rules in the prior calendar year. Together with the requirement that local rules be filed with the Supreme Court upon adoption, this provision will ensure that the Supreme Court has a current, comprehensive set of local rules adopted by each court or division.

Division (D) retains two former requirements that courts and divisions adopt case management and jury management plans as local rules of court. While each court and division must have a case management plan, the requirement of a jury management plan applies only to those courts or divisions that use juries in the hearing and disposition of cases.

RULE 5.01. Local Child Restraint Rule.

Each court or division of a court shall adopt a local rule governing the use of physical restraints on children appearing in court proceedings before the court or division. The local rule shall do all of the following:

(A) Create a presumption that physical restraint shall not be utilized unless the judge or magistrate before whom the child is appearing makes an individualized determination on the record that there is no less restrictive alternative to the use of physical restraint and that the physical restraint of the child is necessary because of either of the following:

(1) The child represents a current and significant threat to the safety of the child's self or other persons in the courtroom;

(2) There is a significant risk the child will flee the courtroom.

(B) Require the judge or magistrate to permit any party, as defined in Juv.R. 2(Y), to be heard on the issue of whether the use of physical restraint is necessary for that particular child at that particular proceeding;

(C) If physical restraint is found necessary by the judge or magistrate, require the restraint be the least restrictive necessary to meet the risk requiring the restraint and in a manner which does not unnecessarily restrict the movement of the child's hands.

RULE 6. Attorney or Pro Hac Vice Registration Number.

Each court shall require an attorney to include the attorney or pro hac vice registration number issued by the Supreme Court on all documents filed with the court. Each court shall use the attorney or pro hac vice registration number issued by the Supreme Court as the exclusive number or code to identify attorneys who file documents with the court.

Commentary (July 1, 1997)

This rule is analogous to former C.P. Sup. R. 9.01 relating to the use of attorney registration numbers assigned by the Supreme Court.

RULE 6.01. Appearance Pro Hac Vice.

A request by an out-of-state attorney for permission to appear pro hac vice in a proceeding of a court shall be governed by Rule XII of the Rules for the Government of the Bar.

RULE 7. Filing of Judgment Entries.

The judgment entry specified in Civil Rule 58 and in Criminal Rule 32 shall be filed and journalized within thirty days of the verdict, decree, or decision. If the entry is not prepared and presented by counsel, it shall be prepared and filed by the court.

Commentary

This rule implements the provisions of Civ. R. 58, which places the burden on the court to "* * * promptly cause the judgment to be prepared * * *." The purpose of the rule is to assure the entry of judgment in a civil case is not delayed by failure of counsel to prepare and file the entry. The court need not wait thirty days before acting to make the entry.

Crim. R. 32(B) does not explicitly place the burden for preparation of the judgment entry on the court. In criminal cases, Rule 7 explicitly places the burden on the court to prepare a judgment entry when not otherwise prepared within thirty days of judgment. As in civil cases, the court need not wait thirty days before acting to journalize the judgment.

RULE 8. Court Appointments.

(A) Definitions

As used in this rule:

(1) "Appointment" means the selection by a court or judicial officer of any person or entity designated pursuant to constitutional or statutory authority, rule of court, or the inherent authority of the court to represent, act on behalf or in the interests of another, or perform any services in a court proceeding. The term "appointment" does not include the selection by a court or judicial officer of the following:

(a) An acting judge pursuant to R.C. 1901.121(A)(2)(a), (B)(1), or (C)(1) or R.C. 1907.141(A)(2)(a), (B)(1), or (C)(1);

(b) A receiver pursuant to R.C. 2735.01;

(c) An arbitrator, mediator, investigator, psychologist, interpreter, or other expert in a case following independent formal or informal recommendations to the court or judicial officer by litigants;

(d) Any individual who is appointed by any court pursuant to the Revised Code or the inherent authority of the court to serve in a non-judicial public office for a full or unexpired term or to perform any function of an elected or appointed public official for a specific matter as set forth in the entry of appointment;

(e) A guardian ad litem pursuant to Sup.R. 48;

(f) A guardian pursuant to Sup.R. 66.

(2) "Appointee" means any person, other than a court employee, receiving an appointment by a court or judicial officer. "Appointee" does not include a person or entity who is selected by someone other than the court.

(3) "Equitable distribution" means a system through which appointments are made in an objectively rational, fair, neutral, and nondiscriminatory manner and are widely distributed among substantially all persons from the list maintained by the court or division of persons pre-qualified for appointment.

(4) "Judicial officer" means a judge or magistrate.

(B) Local rule

(1) Each court or division of a court shall adopt a local rule governing appointments made in the court or division.

(2) The local rule required by division (B)(1) of this rule shall include all of the following:

(a) For appointments frequently made in the court or division, a procedure for selecting appointees from a list maintained by the court or division of persons pre-qualified to serve in the capacity designated by the court or division. The procedure shall ensure an equitable distribution of appointments. To ensure an equitable distribution of appointments, the court or division may utilize a rotary system from a graduated list that pairs the seriousness and complexity of the case with the qualifications and experience of the person to be appointed. The court or division may maintain separate lists for different types of appointments.

(b) A procedure by which all appointments made in the court or division are reviewed periodically to ensure the equitable distribution of appointments;

(c) If not addressed by the Revised Code or Supreme Court rule, the compensation appointees will receive for services provided and expenses incurred as a result of the appointment, including, if applicable, a fee schedule.

(3) The local rule required by division (B)(1) of this rule may include the following:

(a) Qualifications established by the court or division for inclusion on the appointment list;

(b) The process by which persons are added to or removed from the appointment list;

(c) Other provisions considered appropriate by the court or division.

(C) Compensation review and report

At least once every five years, each court or division shall review the compensation paid court appointees to determine the compensation's adequacy and effect upon the availability of court appointments. The court or division shall provide the report to all funding authorities of the court or division.

(D) Factors in making appointments

In making appointments, a court or judicial officer shall take into account all of the following:

(1) The anticipated complexity of the case in which appointment will be made;

(2) Any educational, mental health, language, or other challenges facing the party for whom the appointment is made;

(3) The relevant experience of those persons available to accept the appointment, including proficiency in a foreign language, familiarity with mental health issues, and scientific or other evidence issues;

(4) The avoidance of conflicts of interest or other situations that may potentially delay timely completion of the case;

(5) Intangible factors, including the court or judicial officer's view of a potential appointee's commitment to providing timely, cost-effective, quality representation to each prospective client.

(E) Payment of fees

(1) Except as provided in division (E)(2) of this rule, if a party or other person is required to pay all or a portion of the fees payable to an appointee, the appointee promptly shall notify that party or person of the appointment and the applicable fee schedule. The court or division shall require the appointee to file with the court or division and serve upon any party or other person required to pay all or a portion of the fees itemized fee and expense statements on a regular basis as determined by the court or division. If the party or other person required to pay all or a portion of the fees claims that the fees are excessive or unreasonable, the burden of proving the reasonableness of the fees is on the appointee.

(2) Division (E)(1) of this rule shall not apply to the repayment of all or part of the costs of indigent defense by a criminal defendant as a condition of probation.

(3) The notification requirement of division (E)(1) of this rule may be satisfied with service upon counsel of record as provided in the applicable rules of procedure.

(F) Code of Judicial Conduct

In making appointments, a court or judicial officer shall conform to all applicable ethical and campaign finance restrictions and requirements of the Ohio Code of Judicial Conduct.

(G) Effect of inclusion on appointment list

Persons on a list maintained by the court or division of persons pre-qualified to serve are not assured a substantially equal number of appointments. No person is granted a legal right or claim by virtue of this rule.

Commentary (July 1, 1997)

Rule 8 requires each court or division of a court to adopt a local rule outlining the procedures to be followed within the court or division for making court appointments. Division (B)(2) of the rule specifies three general items that must be included in each local appointment rule. Together with division (B)(3), division (B) provides courts and divisions with flexibility as to the specific content of the local rule in recognition of the different types of appointments that are made in various courts and divisions.

The rule contemplates that each court or division will maintain a list from which appointments will be made. Lists of potential appointees would be required only for appointments frequently made in a court or division, such as the appointment of counsel in criminal cases. However, a list would not be required for appointments rarely made in the court or division, such as the appointment by a probate court of an appraiser for a rare art collection.

Commentary (January 1, 2017)

The 2017 amendments to this rule primarily address questions that have arisen about appointment of counsel for indigent criminal defendants, but in key respects also apply to all court appointments. The amendments are intended to make the following clarifications:

- The rule does not apply to appointments made by a public defender office or other entity outside the control of a court or judicial officer;

- The rule applies to post-sentencing selection by a court or judicial officer;

- That all applicable ethical and campaign finance restrictions and requirements in Ohio's Judicial Conduct Rules apply to every appointment made by a court or judicial officer;

- That the appointment system used by courts or divisions ensures the equitable distribution of appointments, but does not require a blind rotation system among all those available for appointment or a substantially equal number of appointments to everyone on an appointment list. The goal of equitable distribution is to distribute appointments as widely as reasonably possible among available appointees, but without limiting the discretion used in individual courts and individual cases. Studies show the availability of potential appointees across the state varies widely and that a large majority of responding judges seek to maintain their discretion in making appointments. As has been true for nearly two decades, individual courts remain obligated to adopt an appointment system by local rule. In addition, this amendment clarifies that all appointments are to be made in an objectively rational, fair, neutral, and nondiscriminatory manner, even though judicial officers may take into account many factors including the complexity of individual cases, special needs of a party, avoidance of conflicts of interest, time constraints in a case, and the judicial officer's experience with a potential appointee, including current or prior representation of the client, and the perception of the appointee's commitment to providing quality representation to each client.

RULE 9. Court Security Plans.

(A) Court security plan

For purposes of ensuring security in court facilities, each court shall develop and implement a court security plan. If more than one court occupies a court facility, the courts shall collectively develop and implement a single court security plan. In addition to any other provisions necessary to satisfy the purposes of this rule, the plan shall address the provisions of the Ohio court security standards adopted by the Supreme Court and as set forth in Appendix C to this rule.

(B) Public access

For purposes of ensuring security in court facilities, a court security plan, including any security policy and procedures manual, emergency preparedness manual, and continuity of operations manual adopted as part of the court security plan, shall not be available for public access.

RULE 10. Notification Regarding Criminal or Civil Protection Orders.

(A) Filing of protection order notice into NCIC

Upon a court's issuance, modification, or termination of a criminal or civil *ex parte* or full hearing protection order or approval of a consent agreement civil protection order pursuant to R.C. 2151.34, 2903.213, 2903.214, 2919.26, or 3113.31 or a no contact order in accordance to 18 U.S.C. 2266(5), the court shall do both of the following:

(1) Follow the instructions in "Form 10-B" for thorough and accurate completion of a form that is substantially similar to "Form 10-A" and to facilitate the correct entry of the order or agreement into the "National Crime Information Center" database;

(2) Send a completed form that is substantially similar to "Form 10-A" and a copy of the order or agreement to the local law enforcement agency for entry of the order or agreement into the "National Crime Information Center Protection Order File" and to facilitate nationwide enforcement of the order or agreement.

(B) Protection order notification

(1) A judge or magistrate who, pursuant to R.C. 2919.27(D), provides notice to a respondent or defendant about the existence of a protection order issued by another court shall use a form that is substantially similar to "Form 10-D." The form shall be returned to the clerk of court of the court that issued the protection order as soon as possible, but no later than three business days from the date the notice was provided.

(2) A court that issued a protection order shall accept a form that is substantially similar to "Form 10-D" from a judge, magistrate, or law enforcement officer who provided the respondent or defendant notice about the existence of the protection order pursuant to R.C. 2919.27(D). The court that issued the protection order shall docket and maintain the form in the protection order case file.

(C) Remote access exception

A municipal court, county court, or a court of common pleas shall not make available through remote access pursuant to Sup.R. 44 through 47 "Form 10-A", or a form that is substantially similar to "Form 10-A", that is likely to reveal the identity or location of a petitioner or another party to be protected or could be protected by a protection order. Direct access is permitted subject to Sup.R. 44 through 47, and any statutory restrictions.

Commentary (April 15, 2021)

Form 10-D was adopted, effective April 15, 2021, to implement R.C. 2919.27(D). Section 3 of Sub. S.B. 7 of the 132nd General Assembly states as follows:

> The amendments made [to R.C. 2919.27(D)] are intended to supersede the holding of the Ohio Supreme Court in State v. Smith (2013), 136 Ohio St.3d 1, so that unperfected service of a protection order or consent agreement does not preclude a prosecution for a violation of [a protection order or consent agreement].

Proof of notice of the existence of a protection order is not evidence of service nor does it establish that service has been perfected. Service of civil protection order must be in accordance to Rules of Civil Procedure. *Smith*, 136 Ohio St. 3d 1, 2013-Ohio-1698 at ¶21.

PROTECTION ORDER NOTICE TO NCIC (Required fields appear in bold print)

☐ **Initial NCIC Form** ☐ **Amended NCIC Form** ☐ **Removal from NCIC**

☐ **Service Completed (Law Enforcement Agency: If unchecked, presume Service Unknown)**

Pursuant to Rules 10.01, 10.02, 10.03, and 10.05 of the Rules of Superintendence for the Courts of Ohio, this information shall be promptly entered into the National Crime Information Center index.

SUBJECT NAME _____
(LAST) (FIRST) (M.I.)

ADDRESS _____
(STREET) (CITY) (STATE) (ZIP)

PHYSICAL DESCRIPTION: HGT _____ WGT _____ HAIR _____
EYES _____ RACE _____ SEX ☐M ☐F

NUMERICAL IDENTIFIER (NOTE: Only ONE of the 4 numerical identifiers is needed.)

1. SSN _____ - _____ - _____ 2. DOB _____ / _____ / _____

3.* DRIVER'S LIC. NO. _____ STATE _____ EXPIRATION YR. _____

4.* VEHICLE LIC. NO. _____ STATE _____ EXPIRATION YR. _____

(* If #3 or #4 is used as a numerical identifier, entire line MUST be completed.)

BRADY DISQUALIFIERS:
Pursuant to 18 U.S.C. 922(g)(8), a "yes" response to all three Brady questions disqualifies the subject from purchasing or possessing any firearms, including a rifle, pistol, revolver, or ammunition.

- Does the Order protect an intimate partner or child(ren)? ☐ YES ☐ NO
- Did the subject have notice of the hearing and opportunity to participate in the hearing regarding the Order? ☐ YES ☐ NO
- Does the Order find the subject a credible threat or explicitly prohibit physical force? ☐ YES ☐ NO

CASE / ORDER NO. _____ (15 DIGIT MAXIMUM) **Is order term of probation/ community control?** ☐ YES ☐ NO

COURT ORIGINATING AGENCY IDENTIFIER _____ (9 DIGIT ORI ASSIGNED BY NCIC)

NAME OF JUDGE/MAGISTRATE _____

DATE OF ORDER _____ / _____ / _____ **EXPIRATION OF ORDER** _____ / _____ / _____
(IN R.C. 2919.26 AND 2903.213 CASES, "NONEXP" MAY BE USED)

TERMS AND CONDITIONS OF ORDER (Mark all that are applicable):

☐01 The subject is restrained from assaulting, threatening, abusing, harassing, following, interfering, or stalking the protected person and/or the child(ren) of the protected person.

☐02 The subject shall not threaten a member of the protected person's family or household.

☐03 The protected person is granted exclusive possession of the residence or household.

☐04 The subject is required to stay away from the residence, property, school, or place of employment of the protected person or other family or household member.

OHP DATA ONLY

☐05 The subject is restrained from making any communication with the protected person, including but not limited to, personal, written, or telephone contact, or their employer, employees, or fellow workers, or others with whom the communication would be likely to cause annoyance or alarm the victim.

☐06 The subject has visitation or custody rights of the child(ren) named in this Order.

#EPO

☐07 The subject is prohibited from possessing and/or purchasing a firearm or other weapon as identified in the Miscellaneous Field.

☐08 See the Miscellaneous Field for comments regarding the specific terms and conditions of this Order.
Miscellaneous comments: _____

_____

_____

☐09 The protected person is awarded temporary exclusive custody of the child(ren) named.

Subject's Name_____ **Case/Order No.** _____

LIST ALL PROTECTED PERSONS (Total of 9 allowed. **SSN is NOT necessary if DOB is given.**)

PROTECTED PERSON _____
(LAST) (FIRST) (M.I.)

DOB ___/___/___ SSN ___-___-___ RACE ___

SEX ☐M ☐F

PROTECTED PERSON _____
(LAST) (FIRST) (M.I.)

DOB ___/___/___ SSN ___-___-___ RACE ___

SEX ☐M ☐F

PROTECTED PERSON _____
(LAST) (FIRST) (M.I.)

DOB ___/___/___ SSN ___-___-___ RACE ___

SEX ☐M ☐F

PROTECTED PERSON _____
(LAST) (FIRST) (M.I.)

DOB ___/___/___ SSN ___-___-___ RACE ___

SEX ☐M ☐F

PROTECTED PERSON _____
(LAST) (FIRST) (M.I.)

DOB ___/___/___ SSN ___-___-___ RACE ___

SEX ☐M ☐F

PROTECTED PERSON _____
(LAST) (FIRST) (M.I.)

DOB ___/___/___ SSN ___-___-___ RACE ___

SEX ☐M ☐F

PROTECTED PERSON _____
(LAST) (FIRST) (M.I.)

DOB ___/___/___ SSN ___-___-___ RACE ___

SEX ☐M ☐F

PROTECTED PERSON _____
(LAST) (FIRST) (M.I.)

DOB ___/___/___ SSN ___-___-___ RACE ___

SEX ☐M ☐F

PROTECTED PERSON _____
(LAST) (FIRST) (M.I.)

DOB ___/___/___ SSN ___-___-___ RACE ___

SEX ☐M ☐F

Authorized by (signature): _____ ___/___/___
Judge/Magistrate (circle one) Date

FORM 10-B: HOW TO COMPLETE A PROTECTION ORDER NOTICE TO NCIC

Form 10-A, Protection Order Notice to NCIC, is the mechanism to enter protection orders or consent agreements into the FBI's National Crime Information Center ("NCIC") Protection Order file. Inaccurate or inconsistent information on Form 10-A will delay entering the court order into the NCIC index; result in improper enforcement of the order; and impermissibly allow or deny a person from owning, possessing, purchasing, or transporting firearms and ammunition. Form 10-A must be completed each time the court grants, approves, modifies, renews, or terminates a criminal or civil *ex parte* or full hearing protection order or consent agreement or otherwise makes a clerical correction on a previously issued order or agreement.

Courts are encouraged to verify that orders are timely entered.

ELEMENTS OF FORM 10-A

(A) Although Form 10-A is the primary method to inform law enforcement of the terms and conditions of a protection order or consent agreement, it is not a substitution for a protection order or judgement entry.

(B) The court must mark the appropriate box:

- **Initial NCIC Form:** This box indicates the court is issuing a criminal or civil protection order or approving a consent agreement for the first time.
- **Amended NCIC Form:** This box points out to law enforcement that the original terms of an existing protection order or consent agreement have been modified, including modifications due to clerical errors.
- **Removal from NCIC:** This box notifies law enforcement that the protection order or consent agreement is no longer valid and the order must be removed from the NCIC protection order database active file, regardless of the reason.
- **Service Completed:** This box is marked if the court has knowledge that service of process has been perfected as set forth in Civ.R. 65.1 and Crim.R.49. The protection order should be entered promptly regardless of service.

(C) **NUMERICAL IDENTIFIER.** Although the FBI only requires one numerical identifier, the court should provide additional numerical identifiers, if available, to facilitate identification of the subject of the protection order.

(D) **BRADY DISQUALIFIERS.** All of the following requirements must be met to result in firearms disability pursuant to 18 U.S.C. 922(g)(8):

- Existence of an intimate relationship between the protected parties and Respondent or Defendant, i.e., spouse, former spouse, an individual who cohabits or has cohabited with Respondent or Defendant, and an individual who is a parent of a child of the Respondent or Defendant;
- Respondent or Defendant had actual notice of the hearing and an opportunity to participate;
- The court made a finding in the order that Respondent or Defendant poses a credible threat of harm or the order explicitly prohibits Respondent or Defendant from the use, attempted use, or threatened use of physical force against an intimate partner or child.

In addition to the firearms and ammunition prohibition per 18 U.S.C. 922(g)(8), a Respondent or Defendant may be firearms and ammunition disqualified as result of other circumstances, e.g., 18 U.S.C. 922(g)(1) through (9), state law, or a court order.

(E) **DATE OF ORDER AND EXPIRATION OF ORDER.** The NCIC protection order database will automatically render a record inactive on the order's expiration date. Protection orders issued pursuant to R.C. 2903.213 or 2919.26 may indicate "NONEXP." Upon disposition of the criminal case or the issuance of a civil protection order arising out of the same facts, the court must send to law enforcement another Form 10-A indicating Removal from the NCIC and state the expiration date of the order.

(F) **TERMS OF ORDER.** The court must check every box that corresponds to the terms of the protection order. Note that the numbering next to each term in Form 10-A does not correspond to the sequence of remedies in a protection order or consent agreement. However, the remedies in the protection order forms are cross-referenced with the terms and conditions listed in Form 10-A, e.g., NCIC 01.

In every instance that the court changes a term of the protection order or consent agreement, e.g., divorce decree, custody order, continuance of hearing, or extension of the protection order, the court must submit Form 10-A or a form that is substantially similar, indicate the applicable terms to law enforcement and mark "Amended NCIC Form."

Case No._____

FORM 10-C:
WARNING CONCERNING THE ATTACHED PROTECTION ORDER OR CONSENT AGREEMENT

NOTE: *Rules 10.01, 10.02, 10.03, and 10.05 of the Rules of Superintendence for the Courts of Ohio require this Warning to be attached to the FRONT of all civil and criminal EX PARTE or FULL HEARING protection orders issued by the courts of the State of Ohio.*

WARNING TO RESPONDENT / DEFENDANT

Violating the attached Protection Order is a crime, punishable by incarceration, fine, or both and may cause the revocation of your bond or result in a contempt of court citation against you.

This Protection Order is enforceable in all counties in Ohio and 50 states, the District of Columbia, tribal lands, and U.S. territories pursuant to state law and the Violence Against Women Act, 18 U.S.C. 2265. Violating this Protection Order may subject you to state and federal charges and punishment.

Only the Court may change the terms of this Protection Order. The Petitioner/Alleged Victim/Protected Person cannot give you legal permission to change this Order. If you go near the Petitioner/Alleged Victim/ Protected Person, even with the person's permission, you may be arrested. Only the Court may change or end this Protection Order. Unless the Court changes or ends this Order, you may be arrested for violating this Protection Order. **YOU ACT AT YOUR OWN RISK IF YOU DISREGARD THIS WARNING**.

WARNING TO PETITIONER / ALLEGED VICTIM

You **cannot** change the terms of this Order by your words or actions. Only the Court may allow the Respondent/Defendant to contact you or return to your residence. This Protection Order **cannot** be changed by either party without obtaining a written court order.

NOTICE ABOUT FIREARMS AND OTHER DEADLY WEAPONS

As a result of this Protection Order or Consent Agreement, it may be a federal crime for you to possess or purchase a firearm, including a rifle, pistol, or revolver, or ammunition pursuant to 18 U.S.C. 922(g)(8) for the duration of this Order. If you have any questions whether the law makes it illegal for you to possess or purchase a firearm or ammunition, you should consult with a lawyer.

This Protection Order may be subject to the exceptions pursuant to 18 U.S.C. 925(a)(1) **only** with respect to the official use of government-issued firearms or ammunition for the use of any department or agency of the United States, Ohio, or its political subdivision. This exception does not apply if the Defendant/ Respondent has been convicted of an offense of violence, for example, domestic violence, menacing by stalking, etc., against a family or household member.

NOTICE TO ALL LAW ENFORCEMENT AGENCIES AND OFFICERS

The attached Protection Order is enforceable in all counties in Ohio. Violation of this Protection Order is a crime under R.C.2919.27. Law enforcement officers with powers to arrest under R.C. 2935.03 for violations of the Ohio Revised Code must enforce the terms of this Protection Order as required by R.C. 2151.34, 2903.213, 2903.214, 2919.26, 2919.27, and 3113.31. If you have reasonable grounds to believe that the Respondent/Defendant has violated this Protection Order, it is the preferred course of action in Ohio under R.C. 2935.03 to arrest and detain the Respondent/ Defendant until a warrant may be obtained. Federal and state law prohibits charging a fee for service of this Order to the Petitioner/Alleged Victim or protected parties.

NOTICE TO RESPONDENT OR DEFENDANT ABOUT EXISTENCE OF PROTECTION ORDER

THIS NOTICE IS NOT A PROTECTION ORDER. Pursuant to R.C. 2919.27(D), I am orally notifying you that a Protection Order was issued against you on _____ by _____
Court and assigned Case No. _____

_____ _____

for the safety and protection of the following parties: _____

_____

Following are **some** of the terms in the Protection Order that may apply to you. You are advised that a violation of any of these terms may result in your arrest. You are also advised to read the Protection Order in its entirety, upon being served with it. This Notice is **not** the Protection Order issued against you.

- You are prohibited from abusing, harming, attempting to harm, threatening, following, harassing, stalking, forcing sexual relations upon, or committing sexually oriented offenses against the protected persons.
- The protected persons may have exclusive possession of the residence.
- You must stay away from the protected persons' residence, property, school, or place of employment.
- You are prohibited from initiating or contacting the protected persons through any means (including social media, email, text, telephone, or written communication) or through another person.
- You may have to report for electronic monitoring.
- Temporary custody of the children named in the Order may be granted to Petitioner. You must read the Protection Order to find out if the Court granted you any visitation rights.
- You may be prohibited from possessing or purchasing deadly weapons, including firearms, and ammunition.

Acknowledgement of Respondent or Defendant

I, _____, have been notified that a Protection Order has been issued against me and have also been notified of **some** of the terms and conditions in the Order that may apply to me. I further understand that the Protection Order is enforceable and any violation of the Order may result in my arrest.

_____ _____
Respondent/Defendant (signature) Date

Respondent's/Defendant's Address: _____

Telephone _____ Email _____

Certificate of Notice

☐ Respondent refused to sign acknowledgment.

I hereby certify that on _____ in _____ County
I gave notice to Respondent or Defendant about the existence of the Protection Order.

_____ _____
Officer and Badge Number Law Enforcement Agency

_____ _____
Judge/Magistrate Court

This Notice shall be returned to the Clerk of Court of the court that issued the protection order for entry into the docket as soon as possible, but no later than three business days from the date the Notice was provided.

IN THE COURT OF COMMON PLEAS

_____ COUNTY, OHIO

_____ : Case No. _____

Petitioner : Judge/Magistrate _____

v.

_____ : **WIRELESS SERVICE TRANSFER ORDER IN DOMESTIC VIOLENCE CIVIL PROTECTION ORDER**

Respondent

This Court issued a Domestic Violence Civil Protection Order, pursuant to R.C. 3113.31, on _____

Wireless service provider or reseller agent is _____

The account holder name and billing telephone number: _____

_____

THE COURT HEREBY ORDERS:

Within 72 hours after receipt of this Order, the wireless service provider shall transfer to Petitioner _____ each of the following telephone numbers listed below:

_____

_____

That the provider transfer to Petitioner all financial responsibility for any costs associated with the wireless service numbers and any costs for the devices associated with the wireless service numbers from the date of transfer forward.

That this Order shall be automatically suspended upon the wireless service provider's notification to Petitioner that one of the following circumstances apply:

1. The account holder named in this Order has terminated the account.
2. The differences in network technology prevent the functionality of a device on the network if transfer occurs.
3. There are geographic or other limitations on network or service availability to Petitioner.
4. Another operational or technical issue prevents or impairs the use of the wireless service number if the transfer occurs.

That the wireless service provider shall notify Petitioner within 72 hours after receipt of the Order that based on the circumstances listed above the transfer could not be operationally or technically completed.

Petitioner's contact information as listed in the Domestic Violence Civil Protection Order Petition is:

_____

_____

IT IS SO ORDERED.

_____ _____

MAGISTRATE **JUDGE**

REQUEST FOR SERVICE

A copy of this Order shall be served pursuant to R.C. 3113.454 on the wireless service provider or reseller agent listed with the Ohio Secretary of State:

_____

_____

IN THE COURT OF _____
_____ **COUNTY, OHIO**

_____ : Case No. _____
Petitioner

: **NOTICE OF RECEIPT**

v.

_____ :
Respondent

Pursuant to an ex parte or full hearing civil or criminal protection order issued pursuant to R.C. 2151.34, 2903.213, 2903.214, 2919.26, or 3113.31, law enforcement was instructed to notify the Court upon receiving Respondent's deadly weapons, including firearms, and ammunition for protective custody.

I hereby notify the Court that on _____ Respondent turned in deadly weapons, including firearms, and ammunition for protective custody. Attached is a copy of the receipt.

☐ The deadly weapons, firearms, and ammunition were not turned in for protective custody in accordance with the Order. Respondent reported the deadly weapons, including firearms, and ammunition were:
☐ Transferred to a federal firearms licensee: _____
☐ Other: _____

_____ _____
Officer and Badge Number Law Enforcement Agency

_____
Date

This Notice shall be returned to the Clerk of Court for entry into the docket

IN THE _____ **COURT**
_____ **COUNTY, OHIO**

NO CONTACT ORDER

Case No. _____

This Order is indexed at

_____

Judge/Magistrate _____

LAW ENFORCEMENT AGENCY WHERE INDEXED

State **OHIO**

( ) -
PHONE NUMBER

POST-CONVICTION NO CONTACT ORDER

STATE OF OHIO/CITY OF

_____

v.

PERSON(S) WHO YOU MAY NOT CONTACT:

_____ DOB: _____
_____ DOB: _____
_____ DOB: _____
_____ DOB: _____
_____ DOB: _____
_____ DOB: _____

DEFENDANT

First Middle Last

DEFENDANT IDENTIFIERS

SEX	RACE	HGT	WGT
EYES	HAIR	DOB	
		/ /	
DRIVER'S LIC. NO.	EXP. DATE	STATE	

Address where Defendant can be found:

_____
_____
_____

Distinguishing features:

_____

Violence Against Women Act, 18 U.S.C. 2265, Federal Full Faith & Credit Declaration: Registration of this Order is not required for enforcement.

THE COURT HEREBY FINDS:
That it has jurisdiction over the parties and subject matter, and Defendant was provided with reasonable notice and opportunity to be heard within the time required by Ohio law. **Additional findings of this Order are set forth below.**

THE COURT HEREBY FINDS:
That the following terms of community control, parole, or probation are issued in response to a criminal conviction are necessary, fair, and equitable. **Additional terms of this Order are set forth below.**

The terms of this Order shall be effective until ____/____/____ **(DATE CERTAIN – MAXIMUM PERIOD OF COMMUNITY CONTROL, PAROLE, OR PROBATION)**

Case No._____

The Court has imposed a sentence for a misdemeanor or felony offense that includes the following community control sanctions for the purpose of preventing violent or threatening acts or harassment against, sexual violence, or contact or communication with or physical proximity to the persons named in this Order.

1. **DEFENDANT SHALL NOT ABUSE,** harm, attempt to harm, threaten, follow, stalk, harass, force sexual relations upon, or commit sexually oriented offenses against the persons named in this Order. [NCIC 01 and 02]

2. **DEFENDANT SHALL NOT ENTER** or interfere with the residence, school, business, place of employment, day care centers, or child care providers of the persons named in this Order, including the buildings, grounds, and parking lots at those locations. Defendant may not violate this Order **even with the permission of a person named in this Order**. [NCIC 04]

3. **DEFENDANT SHALL STAY AWAY FROM THE PERSONS NAMED IN THIS ORDER,**

   and shall not be present within 500 feet or _____ (distance) of any persons named in this Order wherever those persons may be found, or any place the Defendant knows or should know the persons are likely to be, **even with person's permission**. If the Defendant accidentally comes in contact with named persons in any public or private place, the Defendant must depart *immediately*. This Order includes encounters on public and private roads, highways, and thoroughfares. [NCIC 04]

4. **DEFENDANT SHALL NOT INITIATE OR HAVE ANY CONTACT** with the persons named in this Order at their residences, businesses, places of employment, schools, day care centers, or child care providers. Contact includes, but is not limited to, landline, cordless, cellular or digital telephone; text; instant messaging; fax; e-mail; voice mail; delivery service; social media; blogging; writings; electronic communications; posting a message; or communications by any other means directly or through another person. Defendant may not violate this Order **even with the person's permission**. [NCIC 05]

5. **DEFENDANT SHALL NOT** use any form of electronic surveillance on persons named in this Order.

☐ **6. DEFENDANT SHALL NOT POSSESS, USE, CARRY, OR OBTAIN ANY DEADLY WEAPON, INCLUDING FIREARMS, AND AMMUNITION. THE SENTENCE INCLUDES A COMMUNITY CONTROL SANCTION THAT DEFENDANT SHALL NOT POSSESS, USE, CARRY, OR OBTAIN ANY DEADLY WEAPON, INCLUDING FIREARMS, AND AMMUNITION.**

7. **IT IS FURTHER ORDERED:** [NCIC 08]

_____

_____

_____

IT IS SO ORDERED.

_____ _____

JUDGE/MAGISTRATE **DATE**

WARNING TO DEFENDANT

- Defendant has the sole responsibility of obeying the terms of this Order.
- If Defendant violates any of the terms of this Order, even with a protected person's permission, Defendant can be arrested and jailed pursuant to R.C. 2951.08(A).

Case No._____

- A violation of this Order may result in a probation violation, including arrest, probation revocation, and jail or incarceration.
- Nothing in this Order limits a prosecutor from charging Defendant with new crimes.
- Defendant is advised that visitation orders do not permit Defendant to violate any of the terms of this Order, except as otherwise ordered in paragraph 7.
- Only the Court can change the terms of this Order.

I acknowledge receipt of this Order and warning contained herein.

_____ _____

DEFENDANT **DATE**

TO THE CLERK:

COPIES OF THIS ORDER SHALL BE DELIVERED TO:

☐ Prosecutor
☐ Victim shall receive a certified copy:

_____

_____

☐ Victim's Representative: _____
☐ Defendant
☐ Defendant's Attorney / Public Defender
☐ Law Enforcement Agency:

_____

_____

☐ Probation, Parole, Community Control: _____
☐ Other:

NOTICE TO LAW ENFORCEMENT

Pursuant to R.C. 2951.08(A), during the period of community control, any peace officer may arrest a person under a community control sanction without a warrant if the peace officer has reasonable ground to believe that the person has violated or is violating any of the following that is a condition of the person's community control sanction:

- A term or condition that prohibits ownership, possession, or use of a firearm, deadly weapon, ammunition, or dangerous ordnance per R.C. 2951.08(A)(1).
- A term or condition that prohibits the person from being within a specified structure or geographic area per R.C. 2951.08(A)(2).
- A term or condition that prohibits the person from contacting or communicating with any specified individual per R.C. 2951.08(A)(4).
- A term or condition that prohibits the person from associating with a specified individual per R.C. 2951.08(A)(5).

RULE 10.01. Standard Civil Protection Order Forms -- Domestic Relations Division.

(A) Distribution of packet

(1) A domestic relations division of a court of common pleas shall distribute, upon request, a forms packet for use in domestic violence civil protection order proceedings under R.C. 3113.31. The packet shall include, at a minimum, forms and instructions that are substantially similar to "Forms 10-C, 10.01-A, 10.01-C, 10.01-D, 10.01-F, and 10.01-H".

(2) A domestic relations division of a court of common pleas shall distribute, upon request, a forms packet for use in dating violence civil protection order proceedings pursuant to R.C. 3113.31. The packet shall include, at a minimum, forms that are substantially similar to "Forms 10-C, 10.01-C, 10.01-P, and 10.01-Q."

(B) Civil protection order or consent agreement forms and protection order warning

(1) In every domestic violence case in which a domestic relations division of a court of common pleas issues an ex parte or full hearing civil protection order or approves a consent agreement pursuant to R.C. 3113.31, the court shall use, as applicable, forms that are substantially similar to "Forms 10.01-H through 10.01-J" and include a cover sheet that is substantially similar to "Form 10-C" and send a completed form that is substantially similar to "Form 10-A" and copy of the order to the local law enforcement agency for entry of the order into the "National Crime Information Center Protection Order File."

(2) In every dating violence case in which a domestic relations division of a court of common pleas issues an ex parte or full hearing civil protection order or approves a consent agreement pursuant to section R.C. 3113.31, the court shall use, as applicable, forms that are substantially similar to "Forms 10.01-Q through 10.01-S" and include a cover sheet that is substantially similar to "Form 10-C" and send a completed form that is substantially similar to "Form 10-A" and copy of the order to the local law enforcement agency for entry of the order into the "National Crime Information Center Protection Order File."

(C) Modification or termination of full hearing civil protection order or consent agreement

(1) In every case in which a domestic relations division of a court of common pleas modifies the terms of a full hearing civil protection order or a consent agreement pursuant to R.C. 3113.31(E)(8), it shall use the applicable forms that are substantially similar to "Forms 10.01-L and 10.01-M or 10.01-T," include a cover sheet that is substantially similar to "Form 10-C," and send a completed form that is substantially similar to "Form 10-A" and copy of the order to the local law enforcement agency for entry of the order into the "National Crime Information Center Protection Order File."

(2) In every case in which a domestic relations division of a court of common pleas terminates a full hearing civil protection order or a consent agreement before its original

expiration date pursuant to R.C. 3113.31(E)(8), it shall use a form that is substantially similar to "Form 10.01-L" and send a completed form that is substantially similar to "Form 10-A" and a copy of the order to the local law enforcement agency for entry of the order into the "National Crime Information Center Protection Order File."

(D) Wireless service transfer order

In every case in which a domestic relations division of a court of common pleas orders the transfer of wireless service as a term of an ex parte or full hearing civil protection order, it shall complete a form that is substantially similar to "Form 10-E."

(E) Notice of deadly weapons surrender

In every case in which a domestic relations division of a court of common pleas orders the respondent to surrender deadly weapons, including firearms and ammunition, into the protective custody of law enforcement, it shall enter into the docket a form that is substantially similar to "Form 10-F."

(F) Remote access exception

A domestic relations division of a court of common pleas shall not make available through remote access pursuant to Sup.R. 44 through 47 any record of a civil protection order case that is likely to reveal the identity or location of a petitioner or another party to be protected or could be protected by a protection order.

Commentary (January 1, 1998)

On December 9, 1994, Am.Sub.H.B. No. 335 became effective, which made significant changes to Ohio's domestic violence laws. Section 4 of Am.Sub.H.B. No. 335, states as follows:

> The General Assembly hereby requests the Supreme Court, in consultation with the Department of Human Services, to prescribe a form that is to be filed by a petitioner seeking a civil protection order under section 3113.31 of the Revised Code and that makes reference to all the forms of relief that a court is authorized to grant under division (E) of section 3113.31 of the Revised Code, as amended by this act, contains space for the petitioner to request any of those forms of relief, and includes instructions for completing the form so that a petitioner may file the form without the assistance of an attorney.

The Supreme Court, in consultation with its Domestic Violence Task Force, developed forms in response to the General Assembly's request in Am.Sub.H.B. No. 335.

During its eighteen months of study, the Supreme Court's Domestic Violence Task Force determined that *pro se* victims of domestic violence often do not have access to the forms necessary to obtain a civil protection order pursuant to R.C. 3113.31. The Task Force also found that due to the variety of protection order forms used by Ohio courts, it can be difficult for law enforcement officers to recognize valid protection orders and understand the pertinent provisions of such orders. Further, the Task Force discovered that misconceptions exist in regard to the penalties for violating protection orders. The Court developed this rule to address these concerns.

FORM 10.01-A: GENERAL INFORMATION ABOUT DOMESTIC VIOLENCE PROTECTION ORDERS

DEFINITIONS YOU NEED TO KNOW

Domestic violence is when a family or household member uses physical violence, threats, intimidation, and/or emotional, sexual, and economic abuse to maintain power and control over the other person, usually within an intimate relationship. Domestic violence is most often a combination of psychological and physical actions; the physical results are just the most visible. Domestic violence is a pattern of conduct in which one intimate partner uses force or threats of force to control the other person.

State law has determined that some forms of abuse do not constitute criminal behavior or behavior requiring the Court's intervention. For example, psychological battering, economic abuse, or verbal harassment without evidence of threats or physical harm are not recognized by Ohio law as domestic violence that allows a petitioner to obtain a protection order or request that criminal charges be filed.

When a family or household member tries to cause you bodily harm by hitting, pushing, beating, or physically hurting you, that is domestic violence. When a family or household member makes you afraid that you will be harmed, that is domestic violence. When a family or household member stalks, commits sexually oriented offenses against you, or forces sexual relations on you, that is domestic violence. When a family or household member abuses your children, that is domestic violence.

IN A **CIVIL** DOMESTIC VIOLENCE CASE:

Petition for Domestic Violence Civil Protection Order ("CPO") is the document a domestic violence victim, the victim's parent, or an adult household member of the victim must file with the domestic relations court to obtain a civil protection order against an alleged offender.

Domestic Violence Civil Protection Order ("CPO") ***Ex Parte*** is an emergency order the Court issues in response to the Petition for a Civil Protection Order after an *ex parte* hearing. The *ex parte* hearing is described in this form on page 3.

Domestic Violence Civil Protection Order ("CPO") Full Hearing is the final order the Court issues after a full hearing. The full hearing is described in this form on page 3. The full hearing CPO replaces the e*x parte* CPO. Sometimes the final order issued by the Court is a **Consent Agreement and Domestic Violence Civil Protection Order**, Form 10.01-J, upon terms agreed to by the parties.

Petitioner is the person asking or "petitioning" the Court for protection. By filing the Petition for a CPO, YOU are the Petitioner.

Respondent is the alleged domestic violence offender. Petitioner seeks protection from the Respondent by filing for a CPO.

IN A **CRIMINAL** DOMESTIC VIOLENCE CASE:

Motion for a Criminal Domestic Violence Temporary Protection Order ("DVTPO") is the document that must be filed in a criminal case if a victim of domestic violence or victim of a sexually oriented offense wishes to obtain a protection order against an alleged offender, who is a family or household member. The criminal case must allege the offender committed negligent assault, criminal damaging or endangering, criminal mischief, burglary, aggravated trespass, endangering children, any offense of violence, or any sexually oriented offense against a family or household member. The prosecutor has a form for this purpose.

Domestic Violence Temporary Protection Order ("DVTPO") is the order the Court issues in response to the Motion for Temporary Protection Order. The DVTPO requires the offender to stop abusing and to stay away from the victims named in the Motion for Temporary Protection Order. A DVTPO expires when the alleged offender's criminal case ends or when a new CPO is issued based on the same facts.

Alleged Victim is the person asking the Court for protection in the Motion for a DVTPO.

Defendant is the person the Motion for a DVTPO is filed against. The Defendant is the person accused of the crimes of negligent assault, criminal damaging or endangering, criminal mischief, burglary, aggravated trespass, endangering children, any sexually oriented offense, or any offense of violence against a family or household member.

FEES

You **cannot** be charged any costs or fees for filing, issuing, registering, modifying, enforcing, dismissing, withdrawing, serving, or obtaining a protection order.

DOMESTIC VIOLENCE CIVIL PROTECTION ORDERS (CPO)

What is a Domestic Violence Civil Protection Order ("CPO")?

A CPO is issued by a domestic relations court to protect a victim of domestic violence. A CPO is intended to prevent further domestic violence. It orders someone who has been abusive to do or not do certain things in the future. You may want to consider getting a CPO even if you have a DVTPO from a criminal court because a CPO lasts longer and provides more benefits – such as child custody and support orders. Domestic violence includes the commission of sexually oriented offenses.

Violating a CPO is a crime. If the Respondent violates the CPO, he or she may be arrested, jailed, and fined for disobeying the CPO. A CPO can remain in effect for up to 5 years. If the Respondent violates the CPO, you can call the police, go back to the domestic relations court to file a contempt charge, and go to the prosecutor's office to have the Respondent charged with the crime of violating the CPO.

Why get a Domestic Violence Civil Protection Order?

If you are a victim of domestic violence, a CPO may help you. Once domestic violence starts, the violence often happens more often and gets increasingly severe. A CPO may stop this cycle of violence because the Court orders the Respondent to stop hurting or threatening you and your family or household members. The Court can use a CPO to order the Respondent to stay away from you for up to five years. A CPO can give you time to "sort things out" and decide what you want to do next without having to be afraid all of the time. If your children have seen domestic violence, a CPO may give all of you a chance to get some help so that you and your children are safe.

Domestic violence is a crime. A CPO tells the Respondent you and the Court are serious about requiring the Respondent to stop his or her abusive behavior and not to hurt or threaten you again.

A CPO sets some "rules" that the Respondent must obey while the CPO is in effect. These rules may require the Respondent to pay child or spousal support; give up possession of a home or car; and/or obey the Court's orders about visitation.

A CPO issued by a domestic relations court may last longer than a DVTPO issued by a criminal court and can provide more kinds of help. You should know that if you get a CPO based upon the same facts as the DVTPO, the DVTPO from the criminal court will automatically end, even if the criminal case continues.

Who can get a Domestic Violence Civil Protection Order?

You can apply for a CPO if you are related to the Respondent by blood or marriage AND have lived with Respondent at any time; OR you are living with or have lived with the Respondent during the past five years; OR you used to be married to the Respondent; OR you have a child with the Respondent, whether or not you ever married or lived together.

You can also get a CPO for any member of your household.

You <u>may</u> be able to get a CPO if you have been dating the Respondent; if you share family or financial responsibilities with the Respondent; AND you have an intimate relationship with the Respondent.

<u>Remember</u> that a CPO has limits. If you suspect that the Respondent will not obey the terms of a CPO, contact your local domestic violence program or the Ohio Domestic Violence Network at 800-934-9840.

Do I need an attorney for me to obtain a Domestic Violence Civil Protection Order?

No, but you are often better off having legal representation in your CPO proceeding. Neither the Clerk of Court nor other Court employees can give you legal advice. Having an attorney represent you is especially helpful when your case involves contested custody and visitation and/or when an attorney represents the Respondent. If you cannot afford an attorney, contact your local legal aid office at 866-LAWOHIO (toll free), bar association, or Ohio State Legal Services (800-589-5888) for information on low cost or free legal representation.

Must there be a court hearing for me to obtain a Domestic Violence Civil Protection Order?

Yes. There are two hearings involved in a CPO case: the *ex parte* hearing and the full hearing.

***Ex Parte* Hearing:** At this hearing, only you are present. The Respondent is not present.

An *ex parte* hearing is held on the same day a Petition for Civil Protection Order is filed. If a Petition for a CPO is filed early enough in the day, an *ex parte* hearing is held that same day. At the *ex parte* hearing, you take an oath to tell the truth and a judge or magistrate hears your statement of what happened. If the judge or magistrate finds that the events you described meet the requirements of the law, the Court will issue an *Ex Parte* CPO and schedule a full hearing. If the Respondent is asked to vacate the home in which you live, there will be a full hearing within 7 business days. Otherwise, a full hearing will be set within 10 business days. The Court can hold a full hearing only after the Respondent has been served with the *Ex Parte* CPO. You may need to fill out forms for the Clerk of Court to cause service.

Full Hearing: The full hearing is the final hearing.

At this hearing, both you and the Respondent can testify. You must be present at the full hearing. You should bring any witnesses and other evidence to support your case. If the Court issues a Full Hearing CPO, it remains in force until the date indicated in the CPO, with 5 years being the maximum.

If the Respondent does not show up for the full hearing, you can still obtain a final CPO. However, if the Respondent is not served with the *Ex Parte* CPO before the full hearing, the Court postpones the full hearing until the Respondent is served. If the full hearing is postponed, the *Ex Parte* CPO remains in effect until the full hearing is held.

You may bring an advocate with you to the *ex parte* and full hearings for support. Some domestic violence shelters and victim assistance programs can provide advocates to go with you to these hearings. Contact your local domestic violence program or the Ohio Domestic Violence Network, 800-934-9840, for program and shelter information.

CRIMINAL DOMESTIC VIOLENCE TEMPORARY PROTECTION ORDERS (DVTPO)

Your local criminal court grants a DVTPO. You ask the Court for a DVTPO when a criminal complaint is filed alleging someone has committed domestic violence or a sexually oriented offense against you. The DVTPO orders someone who has abused you to do or stop doing certain things in the future. Violating a DVTPO is a crime. If the Defendant violates the DVTPO, the Defendant may be arrested, jailed, and fined for disobeying the DVTPO. Violating a DVTPO is also a reason for the Court to revoke the Defendant's bail. A DVTPO lasts only until the criminal case is ended or a CPO, based on the same facts, is issued by a domestic relations court.

RESOURCES

You can find information about Domestic Violence Civil Protection Orders in R.C. 3113.31 and information about Domestic Violence Temporary Protection Orders in R.C. 2919.26.

You may be able to find additional information about domestic violence at the following web sites:

Ohio Domestic Violence Network	www.odvn.org
Ohio Legal Help	www.ohiolegalhelp.org
National Resource Center on Domestic Violence	www.nrcdv.org
Supreme Court of Ohio – Domestic Violence Program	www.supremecourt.ohio.gov/domviol

PLEASE NOTE: Computer use can be monitored. It is impossible to completely clear all website footprints. If you are in danger, please use a safer computer that your abuser cannot access directly or remotely. For example, computers at a public library, internet café, domestic violence shelter, or community technology center, may be safer computers.

FORM 10.01-B is reserved for future use

FORM 10.01-C: INFORMATION ABOUT FILING A DOMESTIC VIOLENCE OR DATING VIOLENCE CIVIL PROTECTION ORDER PETITION

- If you have any questions about completing the Petition for a Domestic Violence Civil Protection Order (Form 10.01-D) or the Dating Violence Civil Protection Order (Form 10.01-P), contact the local victim assistance program, domestic violence program, or Ohio Domestic Violence Network at 800-934-9840.
- Neither the Clerk of Court's Office nor the local domestic violence program can give legal advice. If you need legal advice, talk to a lawyer. Only a lawyer can give you legal advice.
- There is NO FEE for filing the Petition.
- Once completed, take the Petition and other necessary documents to the Clerk of Court's Office.
- If you want an emergency order, also known as an *Ex Parte* Protection Order, check "want" in paragraph 2 of the Petition.
- The Court will consider your request for an *Ex Parte* Protection Order and may ask you questions.
- Regardless if an *Ex Parte* Protection Order was requested, granted, or denied, a full hearing will be scheduled.
- You must attend the full hearing. Your victim advocate may also be present at the hearing.
- On the day of the full hearing, be prepared to (1) tell the Court what happened, (2) bring with you any witnesses, evidence, and documentation to prove your case, and (3) ask Respondent questions.
- Respondent may be represented by a lawyer. You may represent yourself or ask for a continuance to obtain a lawyer. [R.C. 3113.31(D)(2)(a)(iii)]
- Respondent or Respondent's lawyer may present evidence and ask you questions.
- The Court cannot issue a protection order against you unless Respondent has filed a Petition.

DEFINITIONS	
Domestic Violence [R.C. 3113.31]	"Domestic violence" means the occurrence of one or more of the following acts against a family or household member or a person with whom Petitioner has a dating relationship: attempting to cause or recklessly causing bodily injury; placing another person by the threat of force in fear of imminent serious physical harm or committing menacing by stalking or aggravated trespass; committing any act with respect to a child that would result in the child being an abused child, as defined [by law]; or committing a sexually oriented offense.
Person with Whom Respondent Is or Was in a Dating Relationship [R.C. 3113.31(A)(9)]	An adult who, at the time of the conduct in question, is in a dating relationship with Respondent who also is an adult or who, within the twelve months preceding the conduct in question, has had a dating relationship with Respondent who also is an adult.

Dating Relationship [R.C. 3113.31(A)(8)]	A relationship between adults who have, or have had, a relationship of a romantic or intimate nature. "Dating relationship" does not include a casual acquaintanceship or ordinary fraternization in a business or social context.
Family or Household Member [R.C. 3113.31(A)(3)-(4)]	"Family or household member" means either of the following: (1) Any of the following who is residing with or has resided with Respondent, such as a spouse, a person living as a spouse, or a former spouse of Respondent; a parent, a foster parent, or a child of Respondent, or another person related by consanguinity or affinity (blood or marriage) to Respondent; a parent or a child of a spouse, person living as a spouse, or former spouse of Respondent, or another person related by consanguinity or affinity (blood or marriage) to a spouse, person living as a spouse, or former spouse of Respondent. (2) The natural parent of any child of whom Respondent is the other natural parent or is the putative other natural parent. “Person living as a spouse” means a person who is living or has lived with Respondent in a common law marital relationship, who otherwise is cohabiting with Respondent, or who otherwise has cohabited with Respondent within five years prior to the date of the alleged occurrence of the act in question.

IN THE _____ COURT
_____ COUNTY, OHIO

Petitioner	:	**Case No.** _____
	:	
Address (Safe mailing address)	:	**Judge/Magistrate** _____
City, State, Zip Code	:	
Date of Birth ____/____/____	:	**PETITION FOR DOMESTIC VIOLENCE CIVIL PROTECTION ORDER (R.C. 3113.31)**
v.	:	
	:	
Respondent		
	:	
Address (If home address unknown, put work address)		
	:	
City, State, Zip Code		
	:	
Date of Birth ____/____/____		☐ **Respondent is 18 years old or older**

IF YOU ARE ASKING FOR YOUR ADDRESS TO BE KEPT CONFIDENTIAL, PLEASE PUT A MAILING ADDRESS WHERE YOU CAN SAFELY RECEIVE MAIL. IF YOU ARE A PARTICIPANT IN THE SECRETARY OF STATE'S ADDRESS CONFIDENTIALITY PROGRAM, PLEASE USE THE P.O. BOX ADDRESS GIVEN TO YOU. THIS FORM IS A PUBLIC RECORD.

☐ 1. I need or witness needs a foreign language interpreter in _____ or an American Sign Language interpreter per Sup.R. 88.

☐ 2. I ☐ **want** ☐ **do not want** an ***ex parte* (emergency) protection order** per R.C. 3113.31. Petitioner further requests a full hearing trial be scheduled, even if the *ex parte* protection order is granted, denied, or not requested.

☐ 3. Who needs protection?
- ☐ Me
- ☐ My minor children
- ☐ A family or household member who is not a minor child
- ☐ Other _____

4. What is the domestic violence victim's relationship to Respondent?
- ☐ Spouse of Respondent
- ☐ Former spouse of Respondent
- ☐ Natural parent of Respondent's child
- ☐ Child of Respondent
- ☐ Parent of Respondent
- ☐ Foster Parent

☐ Other relative (by blood or marriage) of Respondent/ Petitioner who has lived with Respondent at any time

☐ Person "living as a spouse of Respondent" is defined as:
- now cohabiting;
- or cohabited within five years before the alleged act of domestic violence

5. I have listed below all family or household members who need protection, other than me or the person for whom I am filing the Petition. **(Leave blank if you are not including other family or household members.)**

NAME	DATE OF BIRTH	RELATIONSHIP TO PETITIONER	RELATIONSHIP TO RESPONDENT	THIS PERSON LIVES WITH PETITIONER
				☐ YES ☐ NO
				☐ YES ☐ NO
				☐ YES ☐ NO
				☐ YES ☐ NO

6. Petitioner requests a Domestic Violence Civil Protection Order.

You **must** describe Respondent's threats or actions that made you request a protection order, including if children were present when the acts took place. When did it happen? (If you do not know exact dates, give approximate dates). Explain why you believe you or your family or household members are in danger. **If you need more space, attach an additional page.**

7. (Optional) You may describe, **if you want and know**, about any of the following items. Not describing these items in the Petition does not mean domestic violence did not happen. If you need more space, attach an additional page:
    - Respondent's history of domestic violence or other violent acts;
    - Respondent's history of violating court orders;
    - Respondent's mental health;
    - Respondent's threats to other persons;
    - Respondent's access to deadly weapons, firearms, and ammunition or use of deadly weapons and acts or threats of violence with deadly weapon;
    - Respondent's abuse alcohol or controlled substances (drugs);
    - Respondent's violence resulted in serious physical injury, forced sex, strangulation (or choking), abuse during pregnancy, abuse of the family's pet, and/or forced entry to gain access to Petitioner or Petitioner's family and household members;
    - Recent separation from Respondent or relationship was recently terminated;
    - Respondent's obsessive and controlling behaviors, including stalking, spying, following, and/or isolating you (Petitioner);
    - Respondent's threats to kill self or others.

_____

_____

_____

_____

_____

_____

_____

_____

_____

8. Petitioner is in fear and in continuing danger.

9. Petitioner further requests that the Court grant relief under R.C. 3113.31 to protect Petitioner and/or the family or household members named in this Petition from domestic violence by granting a civil protection order that (check all boxes that apply):

☐ (a) Directs Respondent to not abuse Petitioner and the family or household members named in this Petition by harming, attempting to harm, threatening, following, stalking, harassing, forcing sexual relations upon them, or by committing sexually oriented offenses against them.

☐ (b) Directs Respondent to not enter, approach, or contact by any means the residence, school, business, and place of employment of Petitioner and the family or household members named in this Petition.

_____

_____

☐ (c) Directs Respondent to not approach or have contact by any means with Petitioner and the family or household members named in this Petition.

☐ (d) Directs Respondent to leave, not return to, or interfere with Petitioner's right to occupy the residence, including but not limited to cancelling any utilities or insurance or interrupting phone service, mail delivery, or the delivery of any other documents or items, and grants Petitioner exclusive possession of the following residence:

_____

_____

☐ (e) Allocates temporary parental rights and responsibilities for the care of the following minor children to Petitioner until further Order of the Court (include names and birth dates of the minor children):

_____

_____

☐ Petitioner has completed and attached the **Information for Parenting Proceeding, Form 10.01-F** and it is incorporated herein.

☐ (f) Establishes or modifies parenting time with the following minor children and requires parenting time to be suspended or supervised or to occur under such conditions that the Court determines will ensure the safety of Petitioner and the minor children (include names and birth dates of the minor children):

_____

_____

☐ Petitioner has completed and attached the **Information for Parenting Proceeding, Form 10.01-F** and it is incorporated herein.

☐ (g) Directs Respondent to provide financial support for Petitioner and the family or household members named in this Petition (Court may request additional information).

☐ (h) Directs Respondent to not remove, damage, hide, harm, or dispose of any property, companion animals, or pets owned or possessed by Petitioner.

☐ (i) Grants Petitioner permission to take Petitioner's companion animals or pets, as described below, away from the possession of Respondent:

_____

_____

☐ (j) Divides household and family personal property as follows:

_____

_____

☐ (k) Directs Respondent to permit Petitioner to have exclusive use of the following motor vehicle:

_____

_____

☐ (l) Directs Respondent to complete batterer counseling, substance abuse counseling, or other treatment or intervention as determined necessary by the Court.

☐ (m) Directs the wireless service provider to separate Petitioner's account from Respondent's account, per R.C. 3113.45 through 3113.459. Petitioner will assume all financial responsibility for any costs associated with the wireless service number and any costs for the device associated with the wireless service number.

Respondent's billing telephone number is: _____

Petitioner's contract information is on page 1 of this Petition. The wireless service numbers to be transferred to Petitioner which are used by Petitioner or the minor children in the care of Petitioner are: _____

_____

_____

☐ (n) Includes the following additional provisions:

_____

_____

10. Petitioner further requests that the Court issue no mutual protection orders or other orders against Petitioner unless all of the conditions of R.C. 3113.31(E)(4) are met.

11. Petitioner further requests that if Petitioner has a victim advocate, the Court permit the victim advocate to accompany Petitioner at all stages of these proceedings as required by R.C. 3113.31(M).

12. Petitioner further requests at the *ex parte* hearing or full hearing that the Court grant such other relief as the Court considers equitable and fair, including orders or directives to law enforcement.

13. Petitioner has listed court cases (including divorce, custody, visitation, paternity, child support, children service/CPS case, animal cruelty, sexually oriented offense, no contact order, and protection order) and other legal matters regarding Respondent that may relate to this case: (Attach additional pages, if necessary.)

CASE NAME	CASE NUMBER	COURT/COUNTY	TYPE OF CASE	RESULT OF CASE

The information above is true, complete, and accurate to the best of my knowledge. I understand that knowingly providing false information in this document may result in a contempt of court finding against me which could result in a jail sentence and fine, or criminal penalties under R.C. 2921.13.

_____ _____

SIGNATURE OF PETITIONER **DATE**

IF YOU DO NOT HAVE AN ATTORNEY, PLEASE LEAVE THE INFORMATION BELOW BLANK.

_____ _____

Signature of Attorney Attorney's Registration Number

_____ _____

Name of Attorney Attorney's Telephone

_____ _____

Attorney's Address Attorney's Fax

_____ _____

City, State, Zip Code Attorney's Email

IN THE COURT OF COMMON PLEAS

_____ **COUNTY, OHIO**

Petitioner	:	Case No. _____
v.	:	Judge/Magistrate _____
Respondent	:	

REQUEST FOR SERVICE

TO THE CLERK OF COURT:

Pursuant to Civ.R. 65.1(C)(2), please serve Respondent a copy of the Petition, *ex parte* protection order, if granted, and any other accompanying documents to the address below and as follows:

_____

☐ Personal service ☐ Certified Mail, Return Receipt Requested

☐ Other (specify) _____

☐ Other (address): _____

☐ Personal service ☐ Certified Mail, Return Receipt Requested

☐ Other (specify) _____

SPECIAL INSTRUCTIONS TO SHERIFF:

_____

_____

_____

_____

SIGNATURE OF ATTORNEY OR PETITIONER

RETURN OF SERVICE

Respondent was served on _____ .

_____ _____

Officer and Badge Number Law Enforcement Agency

_____

Date

CLERK'S CERTIFICATE OF MAILING

Service of Process was sent by _____ this _____ day of _____ .

Attest: _____ Deputy Clerk

FORM 10.01-E is reserved for future use

IN THE _____ **COURT**
_____ **COUNTY, OHIO**

_____ **Petitioner**	:	**Case No.** _____
	:	
	:	**Judge:** _____
v.	:	
	:	**INFORMATION FOR PARENTING PROCEEDING AFFIDAVIT (R.C. 3127.23)**
_____ **Respondent**	:	**(Filed with Form 10.01-D: Petition for Domestic Violence Civil Protection Order)**

Use this form if you are requesting a parenting (custody or visitation) order in your Domestic Violence Civil Protection Order Petition (Form 10.01-D). If another court is already addressing or has addressed custody issues involving the children, custody and visitation issues may be handled in that case. By law, this form **must** be filed and served with the first pleading filed by each party in every parenting (custody or visitation) proceeding in this Court including a Petition for a Domestic Violence Civil Protection Order. **If you need more space, attach an additional page.**

I (full legal name) _____,
state under oath or affirmation that these cases involve the custody of a child or children and the following statements are true:

1. ☐ Pursuant to R.C. 3127.23(D), I am requesting that the Court not disclose my current address or that of the children. My address is confidential and should be placed under seal because my health, safety, or liberty or that of the children would be jeopardized by the disclosure of the identifying information.

2. _____ **(number) Minor children are subject to this case as follows:**

(NOTE**:** Provide residence information for the last FIVE years.)

a. Child's Name:			**Date of Birth:**
Period of Residence		**Address (Do not list your address if confidential)**	**Person with whom Child Lived and Relationship to Child**

Case No._____

to present	☐ Address Confidential ☐ Secretary of State Address Confidentiality Program		
to	☐ Address Confidential ☐ Secretary of State Address Confidentiality Program		
to	☐ Address Confidential ☐ Secretary of State Address Confidentiality Program		
to	☐ Address Confidential ☐ Secretary of State Address Confidentiality Program		

b. Child's Name:	**Date of Birth:**

☐ Check this box if the information requested below is the same as above.

Period of Residence		**Address (Do not list your address if confidential)**	**Person with whom Child Lived and Relationship to Child**
to present	☐ Address Confidential ☐ Secretary of State Address Confidentiality Program		
to	☐ Address Confidential ☐ Secretary of State Address Confidentiality Program		

Case No._____

to	☐ Address Confidential ☐ Secretary of State Address Confidentiality Program		
to	☐ Address Confidential ☐ Secretary of State Address Confidentiality Program		

c. Child's Name:		**Date of Birth:**	
☐ Check this box if the information requested below is the same as above.			
Period of Residence		**Address (Do not list your address if confidential)**	**Person with whom Child Lived and Relationship to Child**
to present	☐ Address Confidential		
to	☐ Address Confidential ☐ Secretary of State Address Confidentiality Program		
to	☐ Address Confidential ☐ Secretary of State Address Confidentiality Program		
to	☐ Address Confidential ☐ Secretary of State Address Confidentiality Program		

d. List additional children on a page titled **Attachment 2(d)**. (Provide the following information for each additional child: name, date of birth, person with whom the child lived and child's relationship to the person, address, unless confidential, and dates when the child lived in that place with that person.)

Case No._____

3. **Participation in custody case(s): (check only one)**

☐ I **HAVE NOT** participated as a party, witness, or in any capacity in any other case, in this or any other state, concerning the custody of or visitation (parenting time) with any child subject to this case.

☐ I **HAVE** participated as a party, witness, or in any capacity in any other case, in this or any other state, concerning the custody of or visitation (parenting time) with any child subject to this case. Explain:

_____

_____

a. Name of each child _____
b. Type of case _____
c. Court and State _____
d. Date of court order or judgment (if any): _____

4. **Information about custody case(s): (check only one)**

☐ **I HAVE NO INFORMATION** of any cases that could affect the current case, any cases relating to custody, domestic violence or protection orders, dependency, neglect or abuse allegations, or adoptions concerning any child subject to this case.

☐ **I HAVE THE FOLLOWING INFORMATION** concerning cases that could affect the current case, including any cases relating to custody, domestic violence or protection orders, dependency, neglect or abuse allegations, or adoptions concerning any child subject to this case, other than listed in Paragraph 3. Explain:

_____

_____

a. Name of each child _____
b. Type of case _____
c. Court and State _____
d. Date of court order or judgment (if any): _____

5. List all of the criminal convictions including guilty pleas for you and the members of your household for the following offenses: any criminal offense involving acts that resulted in a child being abused or neglected; any offense that is a violation of R.C. 2919.25; any sexually oriented offense as defined in R.C. 2950.01; and any offense involving a victim who was a family or household member at the time of the offense and caused physical harm to the victim during the commission of the offense.

NAME	CASE NUMBER	COURT/STATE/ COUNTY	TYPE OF CASE	RESULT OF CASE

6. **Persons not a party to this case:**

☐ **I DO NOT KNOW OF ANY PERSON who is** not a party to this case and who has physical custody or claims to have custody or visitation rights with respect to any child subject to this case.

Case No._____

☐ **I KNOW THAT THE FOLLOWING NAMED PERSON(S)** not a party to this case has/have physical custody or claim(s) to have custody or visitation rights with respect to any child subject to this case:

a. Name and address of person _____
has ☐ physical custody ☐ claims custody rights ☐ claims visitation rights.
Name of each child _____

b. Name and address of person _____
☐ has physical custody ☐ claims custody rights ☐ claims visitation rights.
Name of each child _____

c. Name and address of person _____
has ☐ physical custody ☐ claims custody rights ☐ claims visitation rights.
Name of each child _____

7. **I have a continuing duty to inform this Court of any child custody, visitation, parenting time, divorce, dissolution of marriage, separation, neglect, abuse, dependency, guardianship, parentage, termination of parental rights, or domestic violence case concerning the children in this state or in any other state that could affect the current case.**

OATH OR AFFIRMATION

I swear or affirm that the answers above are true, complete, and accurate to the best of my knowledge. I understand that making false statements in this document may result in a contempt of court finding against me which could result in a jail sentence and fine, and may also subject me to criminal penalties for perjury under R.C. 2921.11.

DO NOT SIGN THE FORM UNLESS YOU ARE IN FRONT OF THE PERSON WHO WILL NOTARIZE THE PARENTING PROCEEDING AFFIDAVIT FOR YOU.

_____
Signature of Petitioner

Sworn to and subscribed before me on this _____ day of _____

_____
NOTARY PUBLIC

FORM 10.01-G is reserved for future use

IN THE COURT OF COMMON PLEAS

_____ COUNTY, OHIO

Order of Protection

Per R.C. 3113.31(F)(3), this Order is indexed at

LAW ENFORCEMENT AGENCY WHERE INDEXED

( ) -

PHONE NUMBER

Case No.

Judge/Magistrate

State **OHIO**

DOMESTIC VIOLENCE CIVIL PROTECTION ORDER (DVCPO) *EX PARTE* (R.C. 3113.31)

PETITIONER:

First Middle Last

v.

PERSON(S) PROTECTED BY THIS ORDER:

Petitioner: DOB:

Petitioner's Family or Household Members:
(☐ Additional forms attached.)

DOB:

DOB:

DOB:

DOB:

RESPONDENT:

First Middle Last

Relationship to Petitioner:

Address where Respondent can be found:

RESPONDENT IDENTIFIERS

SEX	RACE	HGT	WGT
EYES	HAIR	DOB	
		/ /	
DRIVER'S LIC. NO.	EXP. DATE	STATE	

Distinguishing Features:

☐ **WARNING TO LAW ENFORCEMENT: RESPONDENT HAS FIREARMS ACCESS – PROCEED WITH CAUTION**

Violence Against Women Act, 18 U.S.C. 2265, Federal Full Faith & Credit Declaration: Registration of this Order is not required for enforcement.

THE COURT HEREBY FINDS:
That it has jurisdiction over the parties and subject matter, and Respondent will be provided with reasonable notice and opportunity to be heard within the time required by Ohio law. **Additional findings of this Order are set forth below.**

THE COURT HEREBY ORDERS:
That the above named Respondent be restrained from committing acts of abuse or threats of abuse against Petitioner and other protected persons named in this Order. Additional terms of this Order are set forth below.

The terms of this Order shall be effective until / / **UNLESS EXTENDED BY SEPARATE ENTRY.**

WARNING TO RESPONDENT: See the warning page attached to the front of this Order.

Case No._____

This proceeding came on for an *ex parte* hearing on _____/_____/_____ (Respondent not being present), upon the filing of a Petition by Petitioner for a Domestic Violence Civil Protection Order (DVCPO) against Respondent, pursuant to R.C. 3113.31. In accordance with R.C. 3113.31(D)(1), the Court held an *ex parte* hearing on the same day that the Petition was filed.

The Court finds that the protected persons herein are in immediate and present danger of domestic violence and for good cause shown, the following temporary orders are necessary to protect the persons named in this Order from domestic violence.

The Court also finds

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

☐ **Additional findings on a separate page are included and attached herein.**

RESPONDENT SHALL NOT ABUSE, harm, attempt to harm, threaten, follow, stalk, harass, force sexual relations upon, or commit sexually oriented offenses against the protected persons named in this Order. [NCIC 01 and 02]

ALL OF THE PROVISIONS CHECKED BELOW ALSO APPLY TO RESPONDENT

☐ **1. RESPONDENT SHALL IMMEDIATELY VACATE** the following residence:

_____

_____

Case No._____

☐ **2. EXCLUSIVE POSSESSION OF THE RESIDENCE** located at:

_____

_____

is granted to: _____. Respondent shall not interfere with the protected persons' right to occupy the residence including, but not limited to cancelling utilities or insurance or interrupting telecommunication (e.g., telephone, internet, or cable) services, mail delivery, or the delivery of any other documents or items. [NCIC 03]

☐ **3. RESPONDENT SHALL SURRENDER** all keys and garage door openers to the above residence within 24 hours of service of this Order to the law enforcement agency that serves Respondent with this Order or as follows:

_____

_____

☐ **4. RESPONDENT SHALL NOT ENTER** or interfere with the residence, school, business, place of employment, day care centers, or child care providers of the protected persons named in this Order, including the buildings, grounds, and parking lots at those locations. Respondent may not violate this Order **even with the permission of a protected person**. [NCIC 04]

☐ **5. RESPONDENT SHALL STAY AWAY FROM** ALL protected persons named in this Order, and not be present within 500 feet or _____ (distance) of any protected persons wherever those protected persons may be found, or any place Respondent knows or should know the protected persons are likely to be, **even with a protected person's permission**. If Respondent accidentally comes in contact with protected persons in any public or private place, Respondent must depart *immediately*. This Order includes encounters on public and private roads, highways, and thoroughfares. [NCIC 04]

☐ **6. RESPONDENT SHALL NOT INITIATE OR HAVE ANY CONTACT** with the protected persons named in this Order or their residences, businesses, places of employment, schools, day care centers, or child care providers. Contact includes, but is not limited to, landline, cordless, cellular or digital telephone; text; instant messaging; fax; e-mail; voicemail; delivery service; social media; blogging; writings; electronic communications; posting a message; or communications by any other means directly or through another person.

Respondent may not violate this Order **even with the permission of a protected person**. [NCIC 05]

☐ **7. RESPONDENT SHALL NOT** use any form of electronic surveillance on protected persons.

☐ **8. RESPONDENT SHALL IMMEDIATELY SURRENDER POSSESSION OF ALL KEYS TO THE FOLLOWING MOTOR VEHICLE,** _____, to the law enforcement agency that served Respondent with the Order or as follows:

_____

_____

and Petitioner is granted exclusive use of this motor vehicle.

☐ **9. RESPONDENT SHALL NOT REMOVE, DAMAGE, HIDE, OR DISPOSE OF ANY PROPERTY** owned or possessed by the protected persons named in this Order. Personal property shall be apportioned as follows:

_____

_____

☐ **10. RESPONDENT SHALL NOT REMOVE, DAMAGE, HIDE, OR DISPOSE OF ANY COMPANION ANIMALS OR PETS** owned or possessed by the protected persons named in this Order.

Case No._____

☐**11. PETITIONER IS AUTHORIZED TO REMOVE THE FOLLOWING COMPANION ANIMALS OR PETS** owned by Petitioner from the possession of Respondent:

_____

Exchange of the listed companion animals or pets shall take place as follows:

_____

_____

☐**12. RESPONDENT SHALL NOT CAUSE OR ENCOURAGE ANY PERSON** to do any act prohibited by this Order.

☐**13. RESPONDENT SHALL NOT POSSESS, USE, CARRY, OR OBTAIN ANY DEADLY WEAPON** at any time while the Order remains in effect in order to bring about a cessation of violence. Furthermore, Respondent may be subject to firearms and ammunition restrictions pursuant to 18 U.S.C. 922(g)(1) through (9), 18 U.S.C. 922(n), or R.C. 2923.13. [NCIC 07]

RESPONDENT IS EXCEPTED only for official use pursuant to 18 U.S.C. 925(a)(1), if no other firearms and ammunition prohibitions apply.

☐**14. RESPONDENT SHALL TURN OVER ALL DEADLY WEAPONS** owned by Respondent or in Respondent's possession to the law enforcement agency that serves Respondent with this Order no later than _____ or as follows:

_____

_____

Any law enforcement agency is authorized to accept possession of deadly weapons pursuant to this paragraph and hold them in protective custody for the duration of this Order. [NCIC 07]

Law enforcement shall immediately notify the Court upon receiving Respondent's deadly weapons for protective custody as set forth in this Order.

Upon the expiration or termination of this Order and if a full hearing order is not issued or consent agreement approved, Respondent may reclaim any deadly weapons held in protective custody by law enforcement pursuant to this Order unless Respondent is otherwise disqualified as verified by a check of the NCIC protection order file.

☐**15. RESPONDENT'S CONCEALED CARRY WEAPON LICENSE**, if any, is now subject to R.C. 2923.128.

☐**16. PETITIONER IS AN UNMARRIED FEMALE** who gave birth to _____ (a child) born on _____. As set forth in R.C. 3109.042, Petitioner is the sole residential parent or legal custodian of the child until a court of competent jurisdiction issues an order designating another person as the residential parent or legal custodian.

☐**17 PARENTAL RIGHTS AND RESPONSIBILITIES ARE TEMPORARILY ALLOCATED AS FOLLOWS:** [NCIC 09] _____

_____

This Order applies to the following ☐child ☐children:

_____

_____

☐**18. PARENTING TIME ORDERS DO NOT PERMIT RESPONDENT TO VIOLATE THE TERMS OF THIS ORDER.**

Case No._____

☐ (A) Respondent's parenting time rights are suspended; or

☐ (B) As a limited exception to paragraphs 5 and 6, temporary parenting time rights are established as follows: [NCIC 06]

_____

_____

_____

This Order applies to the following ☐child ☐children:

_____

_____

☐**19. LAW ENFORCEMENT AGENCIES**, including but not limited to, _____ are ordered to assist Petitioner in gaining physical custody of the ☐child ☐children, if necessary.

☐**20. RESPONDENT SHALL SUPPORT** the protected persons named in this Order as follows:

_____

_____

☐**21. RESPONDENT MAY PICK UP CLOTHING** and personal effects from the above residence only in the company of a uniformed law enforcement officer within seven or _____ days of the filing of this Order. Arrangements may be made by contacting:

_____

_____

☐**22. RESPONDENT SHALL NOT USE OR POSSESS** ☐ alcohol or ☐ illegal drugs.

☐**23. RESPONDENT SHALL NOT INTERFERE** with wireless service transfer, prevent the functionality of a device on the network, or incur further contractual or financial obligations related to the transferred numbers.

Wireless service rights to and billing responsibility for the wireless service number or numbers in use by Petitioner or any minor children in the care of Petitioner shall be transferred to Petitioner by separate order, Wireless Service Transfer Order (Form 10-E).

☐**24. IT IS FURTHER ORDERED:** [NCIC 08]

_____

_____

_____

_____

25. ALL DISCOVERY SHALL STRICTLY COMPLY with Civ.R. 65.1(D).

26. THE CLERK OF COURT SHALL CAUSE A COPY OF THE PETITION, THIS ORDER, AND ANY OTHER ACCOMPANYING DOCUMENT to be served on Respondent as set forth in Civ.R. 65.1(C)(2). The Clerk of Court shall also provide copies of the Petition and certified copies of this Order to Petitioner upon request.

27. THIS ORDER DOES NOT EXPIRE because of a failure to serve notice of the full hearing upon Respondent before the date set for the full hearing or because the Court grants a continuance, as set forth in R.C. 3113.31(D)(2)(b).

Case No._____

28. **THIS ORDER SURVIVES** a divorce, dissolution of marriage, or legal separation. Any subsequent order from this Court, another domestic relations court, or juvenile court may modify paragraphs 16, 17, 18, and 19.

29. **IT IS FURTHER ORDERED NO COSTS OR FEES SHALL BE ASSESSED AGAINST PETITIONER** for filing, issuing, registering, modifying, enforcing, dismissing, withdrawing, serving, subpoenaing witnesses for, or obtaining a certified copy of this Order. This Order is granted without bond.

IT IS SO ORDERED.

_____
JUDGE/MAGISTRATE

NOTICE TO RESPONDENT

NO PERSON PROTECTED BY THIS ORDER CAN GIVE YOU LEGAL PERMISSION TO CHANGE OR VIOLATE THE TERMS OF THIS ORDER. IF YOU VIOLATE ANY TERM OF THIS ORDER EVEN WITH THE PROTECTED PERSON'S PERMISSION, YOU MAY BE HELD IN CONTEMPT OR ARRESTED. ONLY THE COURT CAN CHANGE THIS ORDER. YOU ACT AT YOUR OWN RISK IF YOU DISREGARD THIS WARNING.

A FULL HEARING on this Order, and on all other issues raised by the Petition, shall be held before Judge or Magistrate:

_____

on the _____ day of _____ , 20 _____

at _____ ☐a.m. ☐p.m. at the following location:

On the day of the Full Hearing, come prepared to (1) tell the Court what happened, (2) bring with you any witnesses, evidence, and documentation to prove your case, and (3) be aware that the other party or the party's attorney may ask you questions. If you do not have an attorney, you may ask for a brief continuance to obtain an attorney per R.C. 3113.31(D)(2)(a)(iii) or you may represent yourself.

Parties do not have to give discovery, answer questions, or give information to the other party or the other party's lawyer unless ordered by judge or magistrate (Civ.R. 65.1(D)(2)).

TO THE CLERK

A COPY OF PETITION, THIS ORDER, AND ANY OTHER ACCOMPANYING DOCUMENTS SHALL BE SERVED ON RESPONDENT PURSUANT TO CIV.R. 65.1(C)(2).
COPIES OF THIS ORDER AND OTHER ACCOMPANYING DOCUMENTS SHALL BE DELIVERED TO:

☐ Petitioner
☐ Petitioner's Attorney
☐ Law Enforcement Agency Where Petitioner Resides:

_____

☐ Sheriff's Office:

_____

☐ Law Enforcement Agency Where Petitioner Works:

_____

☐ CSEA
☐ Other: _____

IN THE COURT OF COMMON PLEAS

_____ COUNTY, OHIO

Order of Protection

Per R.C. 3113.31(F)(3), this Order is indexed at

LAW ENFORCEMENT AGENCY WHERE INDEXED

( ) -

PHONE NUMBER

Case No.

Judge

State **OHIO**

DOMESTIC VIOLENCE CIVIL PROTECTION ORDER (CPO) FULL HEARING (R.C. 3113.31)

☐ **WITH SUPPORT ORDER**

PETITIONER:

First Middle Last

v.

RESPONDENT:

First Middle Last

Relationship to Petitioner: _____

Address where Respondent can be found:

PERSON(S) PROTECTED BY THIS ORDER:

Petitioner _____ DOB: _____

Petitioner's Family or Household Members:
(☐Additional forms attached)

_____ DOB: _____

_____ DOB: _____

_____ DOB: _____

_____ DOB: _____

RESPONDENT IDENTIFIERS

SEX	RACE	HGT	WGT

EYES	HAIR	DOB
		/ /

DRIVER'S LIC. NO.	EXP. DATE	STATE

Distinguishing Features: _____

☐ **WARNING TO LAW ENFORCEMENT: RESPONDENT HAS FIREARMS ACCESS – PROCEED WITH CAUTION**

Violence Against Women Act, 18 U.S.C. 2265, Federal Full Faith & Credit Declaration: Registration of this Order is not required for enforcement.

THE COURT HEREBY FINDS:

That it has jurisdiction over the parties and subject matter, and Respondent was provided with reasonable notice and opportunity to be heard within the time required by Ohio law. **Additional findings of this Order are set forth below.**

THE COURT HEREBY ORDERS:

That the above named Respondent be restrained from committing acts of abuse or threats of abuse against Petitioner and other protected persons named in this Order. Additional terms of this Order are set forth below.

The terms of this Order shall be effective until _____ / _____ / _____ **(DATE CERTAIN – 5 YEARS MAXIMUM)**

WARNING TO RESPONDENT: See the warning page attached to the front of this Order.

Case No._____

This proceeding came on for a hearing on _____/_____/_____ before the Court and the *Ex Parte* Order issued on _____/_____/_____. The following individuals were present:

The Court hereby makes the following findings of fact:

The Court finds that the protected persons herein are in immediate and present danger of domestic violence and for good cause shown, the following temporary orders are necessary to protect the persons named in this Order from domestic violence.

The Court also finds:

☐ **Additional findings on a separate page are included and attached herein.**

Case No._____

The Court further finds by a preponderance of the evidence that 1) Petitioner and Petitioner's family or household members are in danger and have been a victim of domestic violence as defined in R.C. 3113.31(A) committed by Respondent and 2) the following orders are equitable, fair, and necessary to protect the persons named in this Order from domestic violence.

RESPONDENT SHALL NOT ABUSE, harm, attempt to harm, threaten, follow, stalk, harass, force sexual relations upon, or commit sexually oriented offenses against the protected persons named in this Order. [NCIC 01 and 02]

ALL OF THE PROVISIONS CHECKED BELOW ALSO APPLY TO RESPONDENT

☐ **1. RESPONDENT SHALL IMMEDIATELY VACATE** the following residence:

_____

_____

☐ **2. EXCLUSIVE POSSESSION OF THE RESIDENCE** located at:

_____

_____

is granted to: _____. Respondent shall not interfere with the protected persons' right to occupy the residence including, but not limited to canceling utilities or insurance or interrupting telecommunication (e.g. telephone, internet, or cable) services, mail delivery, or the delivery of any other documents or items. [NCIC 03]

☐ **3. RESPONDENT SHALL SURRENDER** all keys and garage door openers to the above residence within 24 hours of service of this Order to the law enforcement agency that serves Respondent with this Order or as follows:

_____

_____

☐ **4. RESPONDENT SHALL NOT ENTER** or interfere with the residence, school, business, place of employment, day care centers, or child care providers of the protected persons named in this Order, including the buildings, grounds, and parking lots at those locations. Respondent may not violate this Order **even with the permission of a protected person**. [NCIC 04]

☐ **5. RESPONDENT SHALL STAY AWAY FROM ALL** protected persons named in this Order, and not be present within 500 feet or _____(distance) of any protected persons wherever those protected persons may be found, or any place Respondent knows or should know the protected persons are likely to be, **even with a protected person's permission**. If Respondent accidentally comes in contact with protected persons in any public or private place, Respondent must depart *immediately*. This Order includes encounters on public and private roads, highways, and thoroughfares. [NCIC 04]

☐ **6. RESPONDENT SHALL NOT INITIATE OR HAVE ANY CONTACT** with the protected persons named in this Order or their residences, businesses, places of employment, schools, day care centers, or child care providers. Contact includes, but is not limited to, landline, cordless, cellular or digital telephone; text; instant messaging; fax; e-mail; voicemail; delivery service; social media; blogging; writings; electronic communications; posting a message; or communications by any other means directly or through another person.

Respondent may not violate this Order **even with the permission of a protected person**. [NCIC 05]

☐ **7. RESPONDENT SHALL NOT** use any form of electronic surveillance on protected persons.

☐ **8. RESPONDENT SHALL IMMEDIATELY SURRENDER POSSESSION OF ALL KEYS TO THE FOLLOWING MOTOR VEHICLE:** _____
to the law enforcement agency that served Respondent with the Order or as follows:

_____

_____

and Petitioner is granted exclusive use of this motor vehicle.

☐ **9. RESPONDENT SHALL NOT REMOVE, DAMAGE, HIDE, OR DISPOSE OF ANY PROPERTY** owned or possessed by the protected persons named in this Order. Personal property shall be apportioned as follows:

_____

_____

☐ **10. RESPONDENT SHALL NOT REMOVE, DAMAGE, HIDE, OR DISPOSE OF ANY COMPANION ANIMALS OR PETS** owned or possessed by the protected persons named in this Order.

☐ **11. PETITIONER IS AUTHORIZED TO REMOVE THE FOLLOWING COMPANION ANIMALS OR PETS** owned by Petitioner from the possession of Respondent:

_____

Exchange of the listed companion animals or pets shall take place as follows:

_____

_____

☐ **12. RESPONDENT SHALL NOT CAUSE OR ENCOURAGE ANY PERSON** to do any act prohibited by this Order.

☐ **13. RESPONDENT SHALL NOT POSSESS, USE, CARRY, OR OBTAIN ANY DEADLY WEAPON, INCLUDING FIREARMS, AND AMMUNITION** at any time while this Order remains in effect in order to bring about a cessation of violence. Furthermore, Respondent may be subject to firearms and ammunition restrictions pursuant to 18 U.S.C. 922(g)(1) through (9), 18 U.S.C. 922(n), or R.C. 2923.13. [NCIC 07]

RESPONDENT IS EXCEPTED only for official use pursuant to 18 U.S.C. 925(a)(1), if no other firearms and ammunition prohibitions apply.

☐ **14. RESPONDENT SHALL TURN OVER ALL DEADLY WEAPONS, INCLUDING FIREARMS, AND AMMUNITION** owned by Respondent or in Respondent's possession to the law enforcement agency that serves Respondent with this Order no later than _____ or as follows:

_____

_____

Any law enforcement agency is authorized to accept possession of deadly weapons, including firearms, and ammunition pursuant to this paragraph and hold them in protective custody for the duration of this Order. [NCIC 07]

Law enforcement shall immediately notify the Court upon receiving Respondent's deadly weapons, including firearms, and ammunition into protective custody as set forth in this Order.

Upon the expiration or termination of this Order, Respondent may reclaim any deadly weapons, including firearms, and ammunition held in protective custody by law enforcement pursuant to this Order unless Respondent is otherwise disqualified as verified by a check of the NCIC protection order file.

15. RESPONDENT'S CONCEALED CARRY WEAPON LICENSE, if any, is now subject to R.C. 2923.128.

Case No._____

☐**16. PETITIONER IS AN UNMARRIED FEMALE** who gave birth to _____ (a child) born on _____. As set forth in R.C. 3109.042, Petitioner is the sole residential parent or legal custodian of the child until a court of competent jurisdiction issues an order designating another person as the residential parent or legal custodian.

☐**17. PARENTAL RIGHTS AND RESPONSIBILITIES ARE TEMPORARILY ALLOCATED AS FOLLOWS:** [NCIC 09]

_____

_____

_____

This Order applies to the following ☐child ☐children:

_____

_____

_____

☐**18. PARENTING TIME ORDERS DO NOT PERMIT RESPONDENT TO VIOLATE THE TERMS OF THIS ORDER.**

☐ (A) Respondent's parenting time rights are suspended; or

☐ (B) As a limited exception to paragraphs 5 and 6, temporary parenting time rights are established as follows:
[NCIC 06]

_____

_____

This Order applies to the following ☐child ☐children:

_____

_____

☐**19. LAW ENFORCEMENT AGENCIES**, including but not limited to, _____ are ordered to assist Petitioner in gaining physical custody of the ☐child ☐children, if necessary.

☐**20. RESPONDENT SHALL SUPPORT** the protected persons named in this Order as follows:

_____

_____

☐**21. RESPONDENT MAY PICK UP CLOTHING** and personal effects from the above residence only in the company of a uniformed law enforcement officer within seven or _____ days of the filing of this Order. Arrangements may be made by contacting:

_____

_____

☐**22. RESPONDENT SHALL NOT USE OR POSSESS** ☐ alcohol or ☐ illegal drugs.

☐**23. RESPONDENT SHALL COMPLETE THE FOLLOWING COUNSELING PROGRAM:**

_____

_____

Respondent shall contact this program within _____ days after receiving

this Order and immediately arrange for an initial appointment. The counseling program is requested to provide the Court a written notice when Respondent attends the initial appointment, if Respondent fails to attend or is discharged, and when Respondent completes the program. Respondent is required to sign all necessary waivers to allow the Court to receive information from the counseling program.

☐ **24. RESPONDENT IS ORDERED TO APPEAR before Judge or Magistrate** _____

on _____/_____/_____ **at** _____☐ **a.m.** ☐ **p.m. to review Respondent's compliance with the terms of this Order. RESPONDENT IS WARNED: If you fail to attend the counseling program you may be held in contempt of court or the Court may issue a warrant for your arrest.**

☐ **25. RESPONDENT SHALL NOT INTERFERE** with wireless service transfer, prevent the functionality of a device on the network, or incur further contractual or financial obligations related to the transferred numbers.

Wireless service rights to and billing responsibility for the wireless service number or numbers in use by Petitioner or any minor children in the care of Petitioner shall be transferred to Petitioner by separate order, Wireless Service Transfer Order (Form 10-E).

☐ **26. IT IS FURTHER ORDERED:** [NCIC 08]

_____

_____

_____

_____

27. THE CLERK OF COURT SHALL CAUSE A COPY OF THIS ORDER to be served on Respondent as set forth in Civ.R. 5(B) and 65.1(C)(3). The Clerk of Court shall also provide certified copies of this Order to Petitioner upon request.

28. THIS ORDER SURVIVES a divorce, dissolution of marriage, or legal separation. Any subsequent order from this Court, another domestic relations court, or juvenile court may modify paragraphs 16, 17, 18, and 19.

29. IF THE FULL HEARING PROCEEDING WAS REFERRED TO A MAGISTRATE, the Court has reviewed the magistrate's granting of this Order and finds no error of law or other defect evident on the face of the Order as set forth in Civ.R. 65.1. Accordingly, the Court adopts the magistrate's granting of the Order.

30. IT IS FURTHER ORDERED NO COSTS OR FEES SHALL BE ASSESSED AGAINST PETITIONER for filing, issuing, registering, modifying, enforcing, dismissing, withdrawing, serving, subpoenaing witnesses for, or obtaining a certified copy of this Order. This Order is granted without bond.

31. THE COSTS OF THIS ACTION ARE ☐ assessed against Respondent ☐ waived.

IT IS SO ORDERED.

_____ _____

MAGISTRATE **JUDGE**

NOTICE TO RESPONDENT

NO PERSON PROTECTED BY THIS ORDER CAN GIVE YOU LEGAL PERMISSION TO CHANGE OR VIOLATE THE TERMS OF THIS ORDER. IF YOU VIOLATE ANY TERM OF THIS ORDER EVEN WITH THE PROTECTED PERSON'S PERMISSION, YOU MAY BE HELD IN CONTEMPT OR ARRESTED. ONLY THE COURT CAN CHANGE THIS ORDER. YOU ACT AT YOUR OWN RISK IF YOU DISREGARD THIS WARNING.

Case No._____

NOTICE OF FINAL APPEALABLE ORDER

Copies of this Order, which is a final appealable order, were served on or delivered to the parties indicated pursuant to Civ. R. 5(B) and 65.1(C)(3), including ordinary mail, on

_____ day of _____ , 20 _____

By: _____
CLERK OF COURT

TO THE CLERK:

A COPY OF THIS ORDER SHALL BE SERVED ON RESPONDENT PURSUANT TO CIV.R. 65.1(C)(3).

COPIES OF THIS ORDER SHALL BE DELIVERED ON:

- ☐ Petitioner
- ☐ Petitioner's Attorney
- ☐ Respondent's Attorney
- ☐ Counseling Program: _____
- ☐ Sheriff's Office: _____
- ☐ Law Enforcement Agency Where Petitioner Resides: _____
- ☐ Law Enforcement Agency Where Petitioner Works: _____
- ☐ CSEA
- ☐ Other: _____

IN THE COURT OF COMMON PLEAS

_____ COUNTY, OHIO

Order of Protection

Per R.C. 3113.31(F)(3), this Order is indexed at

LAW ENFORCEMENT AGENCY WHERE INDEXED

( ) -

PHONE NUMBER

Case No.

Judge _____

State **OHIO**

CONSENT AGREEMENT AND DOMESTIC VIOLENCE CIVIL PROTECTION ORDER (R.C. 3113.31)

☐ **WITH SUPPORT ORDER**

PETITIONER:

First Middle Last

v.

PERSON(S) PROTECTED BY THIS ORDER:

Petitioner: _____ DOB: _____

Petitioner's Family or Household Members:
(☐ Additional forms attached.)

_____ DOB: _____

_____ DOB: _____

_____ DOB: _____

_____ DOB: _____

RESPONDENT:

First Middle Last

Relationship to Petitioner: _____

Address where Respondent can be found:

_____

RESPONDENT IDENTIFIERS

SEX	RACE	HGT	WGT
EYES	HAIR	DOB	
		/ /	
DRIVER'S LIC. NO.	EXP. DATE	STATE	

Distinguishing Features: _____

☐ **WARNING TO LAW ENFORCEMENT: RESPONDENT HAS FIREARMS ACCESS – PROCEED WITH CAUTION**

Violence Against Women Act, 18 U.S.C. 2265, Federal Full Faith & Credit Declaration: Registration of this Order is not required for enforcement.

THE COURT HEREBY FINDS:

That it has jurisdiction over the parties and subject matter, and Respondent was provided with reasonable notice and opportunity to be heard within the time required by Ohio law. **Additional findings of this Order are set forth below.**

THE COURT HEREBY ORDERS:

That the above named Respondent be restrained from committing acts of abuse or threats of abuse against Petitioner and other protected persons named in this Order. Additional terms of this Order are set forth below.

The terms of this Order shall be effective until _____ / _____ / _____ (**DATE CERTAIN – 5 YEARS MAXIMUM)**

WARNING TO RESPONDENT: See the warning page attached to the front of this Order.

Case No._____

This proceeding came on for a hearing on _____/_____/_____ before the Court and the *Ex Parte* Order issued on _____/_____/_____ The following individuals were present:

_____

_____

The parties agree to waive their notice and hearing rights.

RESPONDENT SHALL NOT ABUSE, harm, attempt to harm, threaten, follow, stalk, harass, force sexual relations upon, or commit sexually oriented offenses against the protected persons named in this Order. [NCIC 01 and 02]

The Court finds:

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

☐ **Additional findings on a separate page are included and attached herein.**

ALL OF THE PROVISIONS CHECKED BELOW ALSO APPLY TO RESPONDENT

☐ **1. RESPONDENT SHALL IMMEDIATELY VACATE** the following residence:

Case No._____

_____

_____

☐ **2. EXCLUSIVE POSSESSION OF THE RESIDENCE** located at:

_____

_____

is granted to: _____. Respondent shall not interfere with the protected persons' right to occupy the residence including, but not limited to canceling utilities or insurance or interrupting telecommunication (e.g., telephone, internet, or cable) services, mail delivery, or the delivery of any other documents or items. [NCIC 03]

☐ **3. RESPONDENT SHALL SURRENDER** all keys and garage door openers to the above residence within 24 hours of service of this Order to the law enforcement agency that serves Respondent with this Order or as follows:

_____

_____

_____

☐ **4. RESPONDENT SHALL NOT ENTER** or interfere with the residence, school, business, place of employment, day care centers, or child care providers of the protected persons named in this Order, including the buildings, grounds, and parking lots at those locations. Respondent may not violate this Order **even with the permission of a protected person**. [NCIC 04]

☐ **5. RESPONDENT SHALL STAY AWAY FROM PETITIONER** and all other protected persons named in this Order, and not be present within 500 feet or _____ (distance) of any protected persons wherever those protected persons may be found, or any place Respondent knows or should know the protected persons are likely to be, **even with a protected person's permission**. If Respondent accidentally comes in contact with protected persons in any public or private place, Respondent must depart *immediately*. This Order includes encounters on public and private roads, highways, and thoroughfares. [NCIC 04]

☐ **6. RESPONDENT SHALL NOT INITIATE OR HAVE ANY CONTACT** with the protected persons named in this Order or their residences, businesses, places of employment, schools, day care centers, or child care providers. Contact includes, but is not limited to, landline, cordless, cellular or digital telephone; text instant messaging; fax; e-mail; voicemail; delivery service; social media; blogging; writings; electronic communications; posting a message; or communications by any other means directly or through another person. Respondent may not violate this Order **even with the permission of a protected person**. [NCIC05]

☐ **7. RESPONDENT SHALL NOT** use any form of electronic surveillance on protected persons.

☐ **8. RESPONDENT SHALL IMMEDIATELY SURRENDER POSSESSION OF ALL KEYS TO THE FOLLOWING MOTOR VEHICLE:** _____ to the law enforcement agency that served Respondent with the Order or as follows:

_____

_____

and Petitioner is granted exclusive use of this motor vehicle.

☐ **9. RESPONDENT SHALL NOT REMOVE, DAMAGE, HIDE, OR DISPOSE OF ANY PROPERTY** owned or possessed by the protected persons named in this Order. Personal property shall be apportioned as follows:

Case No._____

_____

_____

_____

☐ **10. RESPONDENT SHALL NOT REMOVE, DAMAGE, HIDE, OR DISPOSE OF COMPANION ANIMALS OR PETS** owned or possessed by the protected persons named in this Order.

☐ **11. PETITIONER IS AUTHORIZED TO REMOVE THE FOLLOWING COMPANION ANIMALS OR PETS** owned by Petitioner, from the possession of Respondent:

_____

_____

Exchange of listed companion animals or pets shall take place as follows:

_____

☐ **12. RESPONDENT SHALL NOT CAUSE OR ENCOURAGE ANY PERSON** to do any act prohibited by this Order.

☐ **13. RESPONDENT SHALL NOT POSSESS, USE, CARRY, OR OBTAIN ANY DEADLY WEAPON, INCLUDING FIREARMS, AND AMMUNITION** at any time while this Order remains in effect in order to bring about a cessation of violence. Furthermore, Respondent may be subject to firearms and ammunition restrictions pursuant to 18 U.S.C. 922(g)(1) through (9), 18 U.S.C. 922(n), or R.C. 2923.13. [NCIC 07]

RESPONDENT IS EXCEPTED only for official use pursuant to 18 U.S.C. 925(a)(1), if no other firearms and ammunition prohibitions apply.

☐ **14. RESPONDENT SHALL TURN OVER ALL DEADLY WEAPONS, INCLUDING FIREARMS AMMUNITION** owned by Respondent or in Respondent's possession to the law enforcement agency that serves Respondent with this Order no later than _____ or as follows:

_____

Any law enforcement agency is authorized to accept possession of deadly weapons, including firearms, and ammunition pursuant to this paragraph and hold them in protective custody for the duration of this Order. [NCIC 07]

Law enforcement shall immediately notify the Court upon receiving Respondent's deadly weapons, including firearms, and ammunition into protective custody as set forth in this Order.

Upon the expiration or termination of this Order, Respondent may reclaim any deadly weapons, including firearms, and ammunition held in protective custody by law enforcement pursuant to this Order unless Respondent is otherwise disqualified as verified by a check of the NCIC protection order file.

☐ **15. RESPONDENT'S CONCEALED CARRY WEAPON LICENSE**, if any, is now subject to R.C. 2923.128.

☐ **16. PETITIONER IS AN UNMARRIED FEMALE** who gave birth to _____ (a child) born on _____. As set forth in R.C. 3109.042, Petitioner is the sole residential parent or legal custodian of the child until a court of competent jurisdiction issues an order designating another person as the residential parent or legal custodian.

☐ **17. PARENTAL RIGHTS AND RESPONSIBILITIES ARE TEMPORARILY ALLOCATED AS FOLLOWS:** [NCIC 09]

Case No._____

This Order applies to the following ☐child ☐children:

☐**18. PARENTING TIME ORDERS DO NOT PERMIT RESPONDENT TO VIOLATE THE TERMS OF THIS ORDER.**

☐ (A) Respondent's parenting time rights are suspended; or

☐ (B) As a limited exception to paragraphs 5 and 6, temporary parenting time rights are established as follows: [NCIC 06]

This Order applies to the following ☐child ☐children:

☐**19. LAW ENFORCEMENT AGENCIES**, including but not limited to, _____ are ordered to assist Petitioner in gaining physical custody of the ☐child ☐children, if necessary.

☐**20. RESPONDENT SHALL SUPPORT** the protected persons named in this Order as follows:

☐**21. RESPONDENT MAY PICK UP CLOTHING** and personal effects from the above residence only in the company of a uniformed law enforcement officer within seven or _____ days of the filing of this Order. Arrangements may be made by contacting:

☐**22. RESPONDENT SHALL NOT USE OR POSSESS** ☐ alcohol or ☐ illegal drugs.

☐**23. RESPONDENT SHALL NOT INTERFERE** with wireless service transfer, prevent the functionality of a device on the network, or incur further contractual or financial obligations related to the transferred numbers.

Wireless service rights to and billing responsibility for the wireless service number or numbers in use by Petitioner or any minor children in the care of Petitioner shall be transferred to Petitioner by separate order Wireless Service Transfer Order (Form 10-E).

☐**24. RESPONDENT SHALL COMPLETE THE FOLLOWING COUNSELING PROGRAM:**

Case No. _____

Respondent shall contact this program within _____ days after receiving this Order and immediately arrange for an initial appointment. The counseling program is requested to provide the Court a written notice when Respondent attends the initial appointment, if Respondent fails to attend or is discharged, and when Respondent completes the program. Respondent is required to sign all necessary waivers to allow the Court to receive information from the counseling program.

☐ **25. RESPONDENT IS ORDERED TO APPEAR before Judge or Magistrate _____ on _____/_____/_____ at _____ ☐a.m. ☐p.m., to review Respondent's compliance with this counseling order. Respondent is warned: If you fail to attend the counseling program you may be held in contempt of court or the Court may issue a warrant for your arrest.**

☐ **26. IT IS FURTHER ORDERED**: [NCIC 08]

_____

_____

_____

_____

_____

_____

27. THE CLERK OF COURT SHALL CAUSE A COPY OF THIS ORDER to be served on Respondent as set forth in Civ.R. 5(B) and 65.1(C)(3). The Clerk of Court shall also provide certified copies of this Order to Petitioner upon request.

28. THIS ORDER SURVIVES a divorce, dissolution of marriage, or legal separation. Any subsequent order from this Court, another domestic relations court, or juvenile court may modify paragraphs 16, 17, 18, and 19.

29. IF THE FULL HEARING PROCEEDING WAS REFERRED TO A MAGISTRATE, the Court has reviewed the magistrate's granting of this Order and finds no error of law or other defect evident on the face of the Order as set forth in Civ.R. 65.1. Accordingly, the Court adopts the magistrate's granting of the Order.

30. IT IS FURTHER ORDERED NO COSTS OR FEES SHALL BE ASSESSED AGAINST PETITIONER for filing, issuing, registering, modifying, enforcing, dismissing, withdrawing, serving, subpoenaing witnesses for, or obtaining a certified copy of this Order. This Order is granted without bond.

31. THE COSTS OF THIS ACTION ARE ☐ assessed against Respondent ☐ waived.

IT IS SO ORDERED.

_____ _____

MAGISTRATE **JUDGE**

NOTICE TO RESPONDENT

NO PERSON PROTECTED BY THIS ORDER CAN GIVE YOU LEGAL PERMISSION TO CHANGE OR VIOLATE THE TERMS OF THIS ORDER. IF YOU VIOLATE ANY TERMS OF THIS ORDER, EVEN WITH THE PROTECTED PERSON'S PERMISSION, YOU MAY BE HELD IN CONTEMPT OR ARRESTED. ONLY THE COURT CAN CHANGE THIS ORDER. YOU ACT AT YOUR OWN RISK IF YOU DISREGARD THIS WARNING.

Case No. _____

I have read this Consent Agreement and Civil Protection Order and agree to its terms.

SIGNATURE OF PETITIONER

Address of Petitioner (Safe Mailing Address)

Signature of Attorney for Petitioner

Address of Attorney for Petitioner

I have read this Consent Agreement and Civil Protection Order and agree to its terms.

SIGNATURE OF RESPONDENT

Address of Respondent

Signature of Attorney for Respondent

Address of Attorney for Respondent

NOTICE OF FINAL APPEALABLE ORDER

Copies of this Order, which is a final appealable order, were served on or delivered to the parties indicated pursuant to Civ. R. 5(B) and 65.1(C)(3), including ordinary mail, on

_____ day of _____ , 20 _____

By: _____
CLERK OF COURT

***TO THE CLERK*:**

A COPY OF THIS ORDER SHALL BE SERVED ON RESPONDENT PURSUANT TO CIV.R. 65.1(C)(3).

COPIES OF THIS ORDER SHALL BE DELIVERED ON:

- ☐ Petitioner
- ☐ Petitioner's Attorney
- ☐ Respondent's Attorney
- ☐ Counseling Program: _____
- ☐ Sheriff's Office: _____
- ☐ Law Enforcement Agency Where Petitioner Resides: _____
- ☐ Law Enforcement Agency Where Petitioner Works: _____
- ☐ CSEA
- ☐ Other: _____

IN THE COURT OF COMMON PLEAS

_____ COUNTY, OHIO

Petitioner	:	Case No. _____
Address (Safe mailing address)	:	Judge/Magistrate _____
City, State, Zip Code	:	
v.	:	**MOTION TO MODIFY OR TERMINATE DOMESTIC VIOLENCE OR DATING VIOLENCE CIVIL PROTECTION ORDER OR CONSENT**
Respondent	:	**AGREEMENT (R.C. 3113.31)**
Address	:	
City, State, Zip Code	:	

IF YOU ARE ASKING FOR YOUR ADDRESS TO BE KEPT CONFIDENTIAL, PLEASE PUT A MAILING ADDRESS WHERE YOU CAN SAFELY RECEIVE MAIL. IF YOU ARE A PARTICIPANT IN THE SECRETARY OF STATE'S ADDRESS CONFIDENTIALITY PROGRAM, PLEASE USE THE P.O. BOX ADDRESS GIVEN TO YOU. THIS FORM IS A PUBLIC RECORD.

☐ Petitioner ☐ Respondent moves this Court to modify or terminate the following Order:

☐ Domestic Violence Civil Protection Order granted on _____
☐ Dating Violence Civil Protection Order granted on _____
☐ Consent Agreement Domestic Violence Civil Protection Order approved on _____
☐ Consent Agreement Dating Violence Civil Protection Order approved on _____

In the original proceeding, I was the ☐Petitioner ☐Respondent.

1. The terms of the civil protection order or consent agreement to be modified or terminated are:

_____
_____
_____

2. The reasons for the modification or termination are:

_____
_____
_____

Case No._____

3. Court fees cannot be assessed against Petitioner for filing a Motion to Modify or Terminate Civil Protection Order or Consent Agreement, which is in connection with a previously issued or approved protection order or consent agreement, pursuant to R.C. 3113.31(J)(1).

Respectfully submitted,

_____

SIGNATURE OF PETITIONER/RESPONDENT

Safe mailing address where the Court may send the moving party (YOU) mail. **If you are a participant in the Secretary of State's address confidentiality program, please use the P.O. Box address given to you.**

_____

_____

_____

_____

_____

Signature of Attorney for Petitioner/Respondent (if applicable)

_____

Name

_____

_____

_____

Address

_____

Attorney Registration

_____

Attorney's Telephone

_____

Attorney's Fax

_____

Attorney's Email

Case No._____

IN THE COURT OF COMMON PLEAS

_____ **COUNTY, OHIO**

Petitioner	:	Case No. _____
v.	:	Judge/Magistrate _____
Respondent	:	

REQUEST FOR SERVICE

TO THE CLERK OF COURT:

Pursuant to Civ.R. 65.1(C)(4), please serve ☐ Petitioner ☐ Respondent a copy of the Motion and any other accompanying documents to the address below and as follows:

_____

_____

☐ Personal service ☐ Certified Mail, Return Receipt Requested

☐ Other (specify) _____

☐ Other (address): _____

☐ Personal Service ☐ Certified Mail, Return Receipt Requested

☐ Other (specify) _____

SPECIAL INSTRUCTIONS TO SHERIFF:

_____

_____

_____

_____

SIGNATURE OF ATTORNEY OR PETITIONER / RESPONDENT

RETURN OF SERVICE

Respondent was served on _____ .

_____ _____

Officer and Badge Number Law Enforcement Agency

_____

Date

CLERK'S CERTIFICATE OF MAILING

Service of Process was sent by _____ this _____ day of _____ .

Attest: _____ Deputy Clerk

IN THE COURT OF COMMON PLEAS

_____ COUNTY, OHIO

Petitioner	:	Case No. _____
DOB: ____/____/____	:	Judge _____
v.	:	**JUDGMENT ENTRY ON MOTION TO MODIFY OR TERMINATE CIVIL PROTECTION ORDER OR CONSENT AGREEMENT (R.C. 3113.31)**
Respondent	:	
DOB: ____/____/____	:	

Upon the motion of ☐Petitioner ☐Respondent, this proceeding came on for a hearing on _____ before the Court to ☐modify ☐terminate the following Order:

☐ Domestic Violence Civil Protection Order granted on _____
☐ Dating Violence Civil Protection Order granted on _____
☐ Consent Agreement Domestic Violence Civil Protection Order approved on _____
☐ Consent Agreement Dating Violence Civil Protection Order approved on _____

☐ Petitioner was ☐present ☐not present, but had reasonable notice and opportunity to be heard.

☐ Respondent was ☐present ☐not present, but had reasonable notice and opportunity to be heard.

The Court has considered the following factors:

1. Petitioner ☐consents ☐does not consent to the ☐modification ☐termination of the Civil Protection Order or Consent Agreement.

2. Petitioner ☐continues to fear ☐does not fear Respondent.

3. The current nature of the relationship between Petitioner and Respondent is as follows:

   _____

   _____

4. Relative proximity of Petitioner's and Respondent's workplaces and residences.

5. Petitioner and Respondent ☐have ☐do not have minor children together.

6. Respondent has ☐complied ☐failed to comply with the terms and conditions of the original civil protection order or consent agreement.

7. Respondent ☐has ☐does not have a continuing involvement with ☐illegal drugs or ☐alcohol.

Case No._____

8. Respondent ☐has been ☐has not been convicted of or pleaded guilty to an offense of violence since the protection order was issued or the consent agreement was approved.

9. Other protection orders, consent agreements, restraining orders, or no contact orders ☐have been ☐have not been issued against Respondent pursuant to R.C. 3113.31 or 2919.26, any other provision of state law, or the laws of any other state.

10. Respondent ☐participated ☐has not participated in treatment, intervention program, or other counseling as set forth in the Court's order or approved agreement.

11. Respondent ☐completed ☐has not completed treatment, intervention program, or other counseling as set forth in the Court's order or approved agreement.

12. _____ (time) has elapsed since the protection order was issued or the consent agreement was approved.

13. The age and health of Respondent is as follows:

_____

_____

14. The last incident of abuse, threat of harm, or commission of a sexually oriented offense occurred on:

_____

_____

15. Other information considered concerning the safety and protection of Petitioner or other protected parties:

_____

_____

Based on all relevant factors, including those set forth in R.C. 3113.31(E)(8), the Court finds:

☐ **THE ORDER ISSUED ON** _____ **SHALL BE MODIFIED** per the ☐Modified Domestic Violence Civil Protection Order (Form 10.01-M) ☐Modified Dating Violence Civil Protection Order (Form 10.01-T).

_____

_____

_____

☐ **THE ORDER IS TERMINATED.** The civil protection order or consent agreement is no longer needed. Respondent may reclaim any deadly weapons held in protective custody by law enforcement pursuant to this Order unless Respondent is otherwise disqualified as verified by a check of the NCIC protection order file.

☐ **THE MOTION IS DENIED.** The civil protection order or consent agreement remains in full force and effect.

The Court has prepared a Protection Order Notice to NCIC (Form 10-A) to show the modification or early termination of the prior order or agreement.

IT IS FURTHER ORDERED NO COSTS OR FEES SHALL BE ASSESSED AGAINST PETITIONER for filing, issuing, registering, modifying, enforcing, dismissing, withdrawing, serving, subpoenaing witnesses for, or obtaining a certified copy of this Order. This Order is granted without bond.

THE COSTS OF THIS ACTION ARE ☐assessed against Respondent ☐waived.

Case No._____

IF THE FULL HEARING PROCEEDING WAS REFERRED TO A MAGISTRATE, the Court has reviewed the magistrate's granting or denial of the modification or termination of the Order and finds no error of law or other defect evident on the face of the Order as set forth in Civ.R. 65.1. Accordingly, the Court adopts the magistrate's granting or denial of the modification or termination of the Order.

IT IS SO ORDERED.

_____ _____

MAGISTRATE **JUDGE**

NOTICE OF FINAL APPEALABLE ORDER

Copies of this Order, which is a final appealable order, were served on or delivered to the parties indicated above pursuant to Civ. R. 5(B) and 65.1(C)(4), including ordinary mail, on

_____ day of _____ , 20 _____

By: _____
CLERK OF COURT

TO THE CLERK:

A COPY OF THIS ORDER SHALL BE SERVED ON RESPONDENT PURSUANT TO CIV.R. 65.1(C)(3).

COPIES OF THIS ORDER SHALL BE DELIVERED ON:

- ☐ Petitioner
- ☐ Petitioner's Attorney
- ☐ Respondent's Attorney
- ☐ Counseling Program: _____
- ☐ Law Enforcement Agency Where Petitioner Resides: _____
- ☐ Law Enforcement Agency Where Petitioner Works: _____
- ☐ CSEA
- ☐ Other: _____

IN THE COURT OF COMMON PLEAS

_____ **COUNTY, OHIO**

Order of Protection

Per R.C. 3113.31(F)(3), this Order is indexed at

LAW ENFORCEMENT AGENCY WHERE INDEXED

( ) -

PHONE NUMBER

Case No.

Judge _____

State **OHIO**

MODIFIED DOMESTIC VIOLENCE CIVIL PROTECTION ORDER (R.C. 3113.31)

PETITIONER:

First Middle Last

v.

PERSON(S) PROTECTED BY THIS ORDER:

Petitioner _____ DOB: _____

Petitioner's Family or Household Members:
(☐ Additional forms attached)

_____ DOB: _____

_____ DOB: _____

_____ DOB: _____

_____ DOB: _____

RESPONDENT:

First Middle Last

RESPONDENT IDENTIFIERS

SEX	RACE	HGT	WGT

EYES	HAIR	DOB
		/ /

DRIVER'S LIC. NO.	EXP. DATE	STATE

Relationship to Petitioner: _____

Address where Respondent can be found:

_____

_____

Distinguishing Features: _____

_____

☐ **WARNING TO LAW ENFORCEMENT: RESPONDENT HAS FIREARMS ACCESS – PROCEED WITH CAUTION**

Violence Against Women Act, 18 U.S.C. 2265, Federal Full Faith & Credit Declaration: Registration of this Order is not required for enforcement.

THE COURT HEREBY FINDS:

That it has jurisdiction over the parties and subject matter, and Respondent will be provided with reasonable notice and opportunity to be heard within the time required by Ohio law. **Additional findings of this Order are set forth below.**

THE COURT HEREBY ORDERS:

That the above named Respondent be restrained from committing acts of abuse or threats of abuse against Petitioner and other protected persons named in this Order. Additional terms of this Order are set forth below.

The terms of this Order shall be effective until _____/_____/_____ (**SHALL BE SAME EXPIRATION DATE AS IN CIVIL PROTECTION ORDER OR CONSENT AGREEMENT UNLESS EXTENDED BY SEPARATE ENTRY**)

WARNING TO RESPONDENT: See the warning page attached to the front of this Order.

Case No._____

This proceeding came on for a hearing on _____/_____/_____ . Based on the evidence presented and consideration of factors set forth in R.C. 31131.31(E)(8), the Court finds that the motion to modify the prior Domestic Violence Civil Protection Order issued on _____/_____/_____ is well taken.

RESPONDENT SHALL NOT ABUSE, harm, attempt to harm, threaten, follow, stalk, harass, force sexual relations upon, or commit sexually oriented offenses against the protected persons named in this Order. [NCIC 01 and 02]

The Court also finds

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

☐ **Additional findings on a separate page are included and attached herein.**

☐ **1. RESPONDENT SHALL IMMEDIATELY VACATE** the following residence:

_____

_____

☐ **2. EXCLUSIVE POSSESSION OF THE RESIDENCE** located at:

_____

_____

is granted to: _____ . Respondent shall not interfere with the protected persons' right to occupy the residence including, but not limited to canceling utilities or insurance or interrupting telecommunication (e.g. telephone, internet, cable) services mail delivery, or the delivery of any other documents or items. [NCIC 03]

☐ **3. RESPONDENT SHALL SURRENDER** all keys and garage door openers to the above residence within 24 hours of service of this Order to the law enforcement agency that serves Respondent with this Order or as follows:

☐ **4. RESPONDENT SHALL NOT ENTER** or interfere with the residence, school, business, place of employment, day care centers, or child care providers of the protected persons named in this Order, including the buildings, grounds, and parking lots at those locations. Respondent may not violate this Order **even with the permission of a protected person**. [NCIC 04]

☐ **5. RESPONDENT SHALL STAY AWAY FROM PETITIONER** and all other protected persons named in this Order, and not be present within 500 feet or _____ (distance) of any protected person wherever those protected persons may be found, or any place Respondent knows or should know the protected persons are likely to be, **even with a protected person's permission**. If Respondent accidentally comes in contact with protected persons in any public or private place, Respondent must depart *immediately*. This Order includes encounters on public and private roads, highways, and thoroughfares. [NCIC 04]

☐ **6. RESPONDENT SHALL NOT INITIATE OR HAVE ANY CONTACT** with the protected persons named in this Order or their residences, businesses, places of employment, schools, day care centers, or child care providers. Contact includes, but is not limited to, landline, cordless, cellular, or digital telephone; text; instant messaging; fax; e-mail; voicemail; delivery service; social media; blogging; writings; electronic communications; posting a message; or communications by any other means directly or through another person. Respondent may not violate this Order **even with the permission of a protected person**. [NCIC 05]

☐ **7. RESPONDENT SHALL NOT** use any form of electronic surveillance on protected persons.

☐ **8. RESPONDENT SHALL IMMEDIATELY SURRENDER POSSESSION OF ALL KEYS TO THE FOLLOWING MOTOR VEHICLE:** _____ to the law enforcement agency that served Respondent with this Order or as follows:

and Petitioner is granted exclusive use of this motor vehicle.

☐ **9. RESPONDENT SHALL NOT REMOVE, DAMAGE, HIDE, OR DISPOSE OF ANY PROPERTY** owned or possessed by the protected persons named in this Order. Personal property shall be apportioned as follows:

☐ **10. RESPONDENT SHALL NOT REMOVE, DAMAGE, HIDE, OR DISPOSE OF ANY COMPANION ANIMALS OR PETS** owned or possessed by the protected persons named in this Order.

☐ **11. PETITIONER IS AUTHORIZED TO REMOVE THE FOLLOWING COMPANION ANIMALS OR PETS,** owned by Petitioner, from the possession of Respondent:

Case No._____

Exchange of the listed companion animals or pets shall take place as follows:

☐**12. RESPONDENT SHALL NOT CAUSE OR ENCOURAGE ANY PERSON** to do any act prohibited by this Order.

13. RESPONDENT SHALL NOT POSSESS, USE, CARRY, OR OBTAIN ANY DEADLY WEAPON, INCLUDING FIREARMS, AND AMMUNITION at any time while this Order remains in effect in order to bring about a cessation of violence. Furthermore, Respondent may be subject to firearms and ammunition restrictions pursuant to 18 U.S.C. 922(g)(1) through (9), 18 U.S.C. 922(n), or R.C. 2923.13. [NCIC 07]

RESPONDENT IS EXCEPTED only for official use pursuant to 18 U.S.C. 925(a)(1), if no other firearms and ammunition prohibition apply.

☐**14. RESPONDENT SHALL TURN OVER ALL DEADLY WEAPONS, INCLUDING FIREARMS AND** AMMUNITION**,** owned by respondent or in Respondent's possession to the law enforcement agency that serves Respondent with this Order no later than _____ or as follows:

Any law enforcement agency is authorized to accept possession of deadly weapons, including firearms, and ammunition pursuant to this paragraph and hold them in protective custody for the duration of this Order. [NCIC 07]

Law enforcement shall immediately notify the Court upon receiving Respondent's deadly weapons, including firearms, and ammunition into protective custody as set forth in this Order.

Upon the expiration or termination of this Order, Respondent may reclaim any deadly weapons, including firearms, and ammunition held in protective custody by law enforcement pursuant to this Order, unless Respondent is otherwise disqualified as verified by a check of the NCIC protection order file.

☐**15. RESPONDENT'S CONCEALED CARRY WEAPON LICENSE**, if any, is now subject to R.C. 2923.128.

☐**16. PETITIONER IS AN UNMARRIED FEMALE** who gave birth to _____ (a child) born on _____ . As set forth in R.C. 3109.042, Petitioner is the sole residential parent or legal custodian of the child until a court of competent jurisdiction issues an order designating another person as the residential parent or legal custodian.

☐**17. PARENTAL RIGHTS AND RESPONSIBILITIES ARE TEMPORARILY ALLOCATED AS FOLLOWS:** [NCIC 09]

This Order applies to the following ☐child ☐children:

Case No._____

☐**18. PARENTING TIME ORDERS DO NOT PERMIT RESPONDENT TO VIOLATE THE TERMS OF THIS ORDER.**

☐ (A) Respondent's parenting time rights are suspended; or

☐ (B) As a limited exception to paragraphs 5 and 6, temporary parenting time rights are established as follows: [NCIC 06]

_____

_____

This Order applies to the following ☐child ☐children:

_____

_____

☐**19. LAW ENFORCEMENT AGENCIES**, including but not limited to, _____ are ordered to assist Petitioner in gaining physical custody of the ☐child ☐children, if necessary.

☐**20. RESPONDENT SHALL SUPPORT** the protected persons named in this Order as follows:

_____

_____

☐**21. RESPONDENT MAY PICK UP CLOTHING** and personal effects from the above residence only in the company of a uniformed law enforcement officer within seven or _____ days of the filing of this Order. Arrangements may be made by contacting:

_____

_____

_____

☐**22. RESPONDENT SHALL NOT USE OR POSSESS** ☐alcohol or ☐illegal drugs.

☐**23. RESPONDENT SHALL COMPLETE THE FOLLOWING COUNSELING PROGRAM:**

_____

_____

Respondent shall contact this program within _____ days after receiving this Order and immediately arrange for an initial appointment. The counseling program is requested to provide the Court a written notice when Respondent attends the initial appointment, if the Respondent fails to attend or is discharged, and when Respondent completes the program. Respondent is required to sign all necessary waivers to allow the Court to receive information from the counseling program.

☐**24. RESPONDENT IS ORDERED TO APPEAR before Judge or Magistrate _____ on _____/_____/_____ at _____ ☐a.m. ☐p.m. to review Respondent's compliance with this counseling order. Respondent is warned: If you fail to attend the counseling program you may be held in contempt of court, or the Court may issue a warrant for your arrest.**

☐**25. RESPONDENT SHALL NOT INTERFERE** with wireless service transfer, prevent the functionality of a device on the network, or incur further contractual or financial obligations related to the transferred numbers.

Wireless service rights to and billing responsibility for the wireless service number or numbers in use by Petitioner or any minor children in the care of Petitioner shall be transferred to Petitioner by separate order, Wireless Service Transfer Order (Form 10-E).

26. IT IS FURTHER ORDERED: [NCIC 08]

_____

_____

_____

_____

_____

27. THE CLERK OF COURT SHALL CAUSE A COPY of this Order to be served on Respondent as set forth in Civ.R. 5(B) and 65.1(C)(4)(b). The Clerk of Court shall also provide certified copies of the Petition and this Order to Petitioner upon request.

28. THIS ORDER SURVIVES a divorce, dissolution of marriage, or legal separation. Any subsequent order from this Court, another domestic relations court, or juvenile court may modify paragraphs 16, 17, 18, and 19.

29. IF THE FULL HEARING PROCEEDING WAS REFERRED TO A MAGISTRATE, the Court has reviewed the magistrate's granting of this Order and finds no error of law or other defect evident on the face of the as set forth in Civ.R. 65.1. Accordingly, the Court adopts the magistrate's granting of the Order.

30. IT IS FURTHER ORDERED NO COSTS OR FEES SHALL BE ASSESSED AGAINST PETITIONER for filing, issuing, registering, modifying, enforcing, dismissing, withdrawing, serving, subpoenaing witnesses for, or obtaining a certified copy of this Order. This Order is granted without bond.

31. THE COSTS OF THIS ACTION ARE ☐assessed against Respondent ☐waived.

IT IS SO ORDERED.

_____ _____

MAGISTRATE **JUDGE**

NOTICE TO RESPONDENT

NO PERSON PROTECTED BY THIS ORDER CAN GIVE YOU LEGAL PERMISSION TO CHANGE OR VIOLATE THE TERMS OF THIS ORDER. IF YOU VIOLATE ANY TERMS OF THIS ORDER, EVEN WITH THE PROTECTED PERSON'S PERMISSION, YOU MAY BE HELD IN CONTEMPT OR ARRESTED. ONLY THE COURT CAN CHANGE THIS ORDER. YOU ACT AT YOUR OWN RISK IF YOU DISREGARD THIS WARNING.

Case No._____

NOTICE OF FINAL APPEALABLE ORDER

Copies of this Order, which is a final appealable order, were served or delivered on the parties indicated pursuant to Civ.R. 65.1(C)(4)(b), including ordinary mail, on

_____ day of _____ , 20 _____

By: _____
CLERK OF COURT

TO THE CLERK:

A COPY OF THIS ORDER SHALL BE SERVED ON RESPONDENT PURSUANT TO CIV.R. 65.1(C)(4).

COPIES OF THIS ORDER SHALL BE DELIVERED ON:

- ☐ Petitioner
- ☐ Petitioner's Attorney
- ☐ Respondent's Attorney
- ☐ Counseling Program: _____
- ☐ Sheriff's Office:

_____

- ☐ Law Enforcement Agency Where Petitioner Resides:

_____

- ☐ Law Enforcement Agency Where Petitioner Works:

_____

- ☐ CSEA
- ☐ Other: _____

FORM 10.01-N is reserved for future use

IN THE COURT OF COMMON PLEAS

_____ COUNTY, OHIO

Petitioner	:	Case No. _____
Address (Safe mailing address)	:	Judge/Magistrate _____
City, State, Zip Code	:	
v.	:	**MOTION FOR CONTEMPT OF A DOMESTIC VIOLENCE OR DATING VIOLENCE CIVIL PROTECTION ORDER (R.C. 3113.31)**
Respondent	:	
Address	:	
City, State, Zip Code	:	

IF YOU ARE ASKING FOR YOUR ADDRESS TO BE KEPT CONFIDENTIAL, PLEASE GIVE ANOTHER MAILING ADDRESS WHERE YOU CAN SAFELY RECEIVE MAIL. IF YOU ARE A PARTICIPANT IN THE SECRETARY OF STATE'S ADDRESS CONFIDENTIALITY PROGRAM, PLEASE USE THE P.O. BOX ADDRESS GIVEN TO YOU. THIS FORM IS A PUBLIC RECORD.

☐ Petitioner ☐ Respondent moves this Court to find _____ in contempt of court for violating one or more of the provisions of the ☐Domestic Violence Civil Protection Order ☐Dating Violence Civil Protection Order issued on ____/____/____ for the reasons below.

☐ 1. Respondent violated the Civil Protection Order by (check all that apply):

- ☐ Abusing me or another protected person
- ☐ Harming me or attempting to harm me or another protected person
- ☐ Threatening me or another protected person
- ☐ Following me or another protected person
- ☐ Stalking me or another protected person
- ☐ Harassing me or another protected person
- ☐ Forcing sexual relations upon _____ me or another protected person
- ☐ Committing a sexually oriented offense against me or another protected person

☐ 2. Respondent failed to vacate the residence at _____

☐ 3. Respondent interfered with my exclusive possession of the residence located at _____

Case No._____

Furthermore, Respondent did the following (check all that apply):
- ☐ Cancelled utilities
- ☐ Cancelled insurance
- ☐ Interrupted telecommunication (telephone, internet, or cable) services
- ☐ Interrupted mail delivery
- ☐ Interrupted delivery of any other documents or items

☐ 4. Respondent failed to surrender keys or garage door openers to the residence for which the Civil Protection Order Grants Petitioner exclusive use.

☐ 5. Respondent entered or interfered with the residence, school, business, place of employment, day care center, or child care provider of the protected persons.

☐ 6. Respondent violated the stay away provision of the Civil Protection Order.

☐ 7. Respondent violated the no contact provision of the Civil Protection Order by (check all that apply):
- ☐ Posting photographs, videos, or other images of me or another protected person on social media
- ☐ Referring to me or another protected persons on social media
- ☐ Electronically surveilling me or another protected person

☐ 8. Respondent failed to surrender the keys to the motor vehicle for which the Civil Protection Order grants Petitioner exclusive use.

☐ 9. Respondent removed, damaged, hid, or disposed of personal property, companion animals, or pets in violation of the Civil Protection Order.

☐ 10. Respondent impeded Petitioner from removing Petitioner's companion animal or pet in violation of the Civil Protection Order.

☐ 11. Respondent caused or encouraged another person to do acts prohibited by the Civil Protection Order.

☐ 12. Respondent violated the Civil Protection Order by possessing, using, carrying, obtaining, or failing to turn over a deadly weapon, including firearms, and ammunition.

☐ 13. ☐Petitioner ☐Respondent violated the temporary allocation of parental rights and responsibilities (custody).

☐ 14. ☐Petitioner ☐Respondent violated the visitation order.

☐ 15. Respondent violated the child or spousal support provision in the Civil Protection Order.

☐ 16. Respondent used or possessed alcohol or illegal drugs in violation of the Civil Protection Order.

☐ 17. ☐Petitioner ☐Respondent failed to attend the ordered counseling program in violation of the Civil Protection Order.

☐ 18. Respondent interfered with the wireless service transfer, prevented the functionality of a device on the network, or incurred further contractual or financial obligations related to the wireless service transferred in violation of the Civil Protection Order.

☐ 19. Other violations of the Civil Protection Order or additional explanation **(if you need more space, attach an additional page)**:

Case No._____

_____

_____

_____

_____

I swear or affirm that the answers above are true, complete, and accurate to the best of my knowledge. I understand that making false statements in this document may result in a contempt of court finding against me which could result in a jail sentence and fine, and may also subject me to criminal penalties for perjury under R.C. 2921.11.

_____

SIGNATURE OF PETITIONER/RESPONDENT DATE

IF YOU DO NOT HAVE AN ATTORNEY FOR THIS CASE, PLEASE LEAVE THIS INFORMATION BELOW BLANK

_____

Signature of Attorney for Petitioner

_____

Name

_____

Address

_____

Attorney Registration Number

_____

Telephone

Case No._____

IN THE COURT OF COMMON PLEAS

_____ **COUNTY, OHIO**

Petitioner	:	Case No. _____
v.	:	Judge/Magistrate _____
Respondent	:	

REQUEST FOR SERVICE

TO THE CLERK OF COURT:

Pursuant to Civ.R. 65.1(C)(4), please serve Respondent a copy of the Motion and any other accompanying documents to the address below and as follows:

_____

☐ Personal service ☐ Certified Mail, Return Receipt Requested

☐ Other (specify) _____

☐ Other (address): _____

☐ Personal service ☐ Certified Mail, Return Receipt Requested

☐ Other (specify) _____

SPECIAL INSTRUCTIONS TO SHERIFF:

_____

_____

_____

_____

SIGNATURE OF ATTORNEY OR PETITIONER

RETURN OF SERVICE

Respondent was served on _____ .

_____ _____

Officer and Badge Number Law Enforcement Agency

_____

Date

CLERK'S CERTIFICATE OF MAILING

Service of Process was sent by _____ this _____ day of _____ .

Attest: _____ Deputy Clerk

IN THE COURT OF COMMON PLEAS

_____ COUNTY, OHIO

Petitioner	:	**Case No.** _____
_____	:	**Judge/Magistrate** _____
Address (Safe mailing address)	:	
City, State, Zip Code	:	**PETITION FOR DATING VIOLENCE CIVIL PROTECTION ORDER (R.C. 3113.31)**
Date of Birth ____/____/____	:	
v.	:	
	:	
Respondent		
	:	
Address (If home address unknown, put work address)		
	:	
City, State, Zip Code		
	:	
Date of Birth ____/____/____		

CHECK ALL BOXES THAT APPLY. IF YOU ARE ASKING FOR YOUR ADDRESS TO BE KEPT CONFIDENTIAL, PLEASE PUT A MAILING ADDRESS WHERE YOU CAN SAFELY RECEIVE MAIL. IF YOU ARE A PARTICIPANT IN THE SECRETARY OF STATE'S ADDRESS CONFIDENTIALITY PROGRAM, PLEASE USE THE P.O. BOX ADDRESS GIVEN TO YOU. THIS FORM IS A PUBLIC RECORD.

☐ I need or a witness needs a foreign language interpreter in _____ or an American Sign Language interpreter per Sup.R. 88.

1. I ☐**want** ☐**do not want** an ***ex parte* (emergency) protection order** per R.C. 3113.31. Petitioner further requests a full hearing trial be scheduled, even if the *ex parte* protection order is granted, denied, or not requested.

2. I am filing the Petition because I am in fear of continuing danger. I was 18 years old or older when the violence took place, and I am or was in a dating relationship with Respondent within one year before the violence took place.

☐3. I have listed below all family or household members who need protection other than me **(Leave blank if you are not seeking protection for other family or household members.)**

NAME	DATE OF BIRTH	RELATIONSHIP TO PETITIONER

4. Respondent committed an act of violence against me.

5. Respondent was 18 years old or older when the violence took place.

6. I have or had a romantic or intimate relationship with the Respondent.

7. My relationship with Respondent was **neither** a casual acquaintance **nor** an ordinary business or social relationship.

8. You **must** describe the relationship with Respondent. You may include: (If you need more space, attach an additional page.)
   - Whether you developed a special bond beyond a casual acquaintanceship or an ordinary business or social relationship
   - Length of the relationship with Respondent
   - Nature and frequency of contact with Respondent, including whether you had an intimate relationship with Respondent and communications that would show the relationship with Respondent was more than a casual acquaintanceship or an ordinary business or social relationship
   - Expectations about the relationship with Respondent
   - Statements or conduct by Respondent or you that could show to the Court the depth of or commitment to the relationship
   - Any other reason or explanation to prove the dating relationship

9. You **must** describe Respondent's threats or actions that made you afraid. When did it happen (if you do not know exact dates, give approximate dates). Explain why you believe you are in danger? **If you need more space, attach an additional page.**

10. You may want to describe, **if you want and know**, about any of the following. Not describing these items in the Petition does not mean dating violence did not happen. **If you need more space, attach an additional page.**

- Respondent's history of domestic violence or other violent acts
- Respondent's history of violating court orders
- Respondent's mental health
- Respondent's threats to other persons
- Respondent's access to deadly weapons, firearms, and ammunition or use of deadly weapons and acts or threats of violence with deadly weapon
- Respondent's abuse alcohol or controlled substances (drugs)
- Respondent's violence resulted in serious physical injury, forced sex, strangulation (or choking), abuse during pregnancy, abuse of the family's pet, and/or forced entry to gain access to Petitioner or Petitioner's family and household members
- Recent separation from Respondent or relationship was recently terminated
- Respondent's obsessive and controlling behaviors, including stalking, spying, following, and/or isolating you (Petitioner)
- Respondent's threats to kill self or others

_____

_____

_____

_____

_____

_____

_____

_____

_____

11. Petitioner further requests that the Court grant relief under R.C. 3113.31 to protect Petitioner and/or the family or household members named in this Petition from domestic violence by granting a civil protection order that: (Check all boxes that apply.)

☐a. Directs Respondent to not abuse Petitioner and the family or household members named in this Petition by harming, attempting to harm, threatening, following, stalking, harassing, forcing sexual relations upon them, or by committing sexually oriented offenses against them.

☐b. Directs Respondent to not enter, approach, or contact by any means the residence, school, business, and place of employment of Petitioner and the family or household members named in this Petition.

☐c. Directs Respondent to not approach or have contact by any means with Petitioner and the family or household members named in this Petition.

☐d. Directs Respondent to not remove, damage, hide, harm, or dispose of any companion animals or pets owned or possessed by Petitioner.

☐e. Grants Petitioner permission to take Petitioner's pets or companion animals, as described below, away from the possession of Respondent:

_____

_____

_____

☐f. Directs Respondent to complete counseling, substance abuse counseling, or other treatment or intervention as determined necessary by the Court.

☐g. Directs the wireless service provider to separate Petitioner's account from Respondent's account, per R.C. 3113.45 to 3113.459. Petitioner will assume all financial responsibility for any costs associated with the wireless service number and any costs for the device associated with the wireless service number. The Respondent's billing telephone number is _____ .

Petitioner's contact information is on page 1 of this Petition. The wireless service numbers to be transferred to Petitioner which are used by Petitioner or the minor children in the care of Petitioner is:

_____

_____

☐h. Includes the following additional provisions:

_____

_____

12. Petitioner further requests that the Court issue no mutual protection orders or other orders against Petitioner unless all of the conditions of R.C. 3113.31(E)(4) are met.

13. Petitioner further requests that if Petitioner has a victim advocate, the Court permit the victim advocate to accompany Petitioner at all stages of these proceedings as required by R.C. 3113.31(M).

14. Petitioner further requests at the ex parte hearing or full hearing that the Court grant such other relief as the Court considers equitable and fair, including orders or directives to law enforcement.

15. Petitioner has listed court cases (including children service/CPS case, animal cruelty, sexually oriented offense, no contact order, and protection order) and other legal matters regarding Respondent which may relate to this case: (If you need more space, attach an additional page.)

CASE NAME	CASE NUMBER	COURT/COUNTY	TYPE OF CASE	RESULT OF CASE

I swear or affirm that the answers above are true, complete, and accurate to the best of my knowledge. I understand that making false statements in this document may result in a contempt of court finding against me, which could result in a jail sentence and fine, and may also subject me to criminal penalties for perjury under R.C. 2921.11.

_____ _____

SIGNATURE OF PETITIONER **DATE**

IF YOU DO NOT HAVE AN ATTORNEY, PLEASE LEAVE THE INFORMATION BELOW BLANK.

_____ _____

Signature of Attorney Attorney's Registration Number

_____ _____

Name of Attorney Attorney's Telephone

_____ _____

Attorney's Address Attorney's Fax

_____ _____

City, State, Zip Code Attorney's Email

IN THE COURT OF COMMON PLEAS

_____ **COUNTY, OHIO**

Petitioner	:	Case No. _____
v.	:	Judge/Magistrate _____
Respondent	:	

REQUEST FOR SERVICE

TO THE CLERK OF COURT:
Pursuant to Civ.R. 65.1(C)(2), please serve Respondent a copy of the Petition, ex parte protection order, if granted, and any other accompanying documents to the address below and as follows:

_____

☐ Personal service ☐ Certified Mail, Return Receipt Requested
☐ Other (specify) _____

☐ Other (address): _____
☐ Personal Service ☐ Certified Mail, Return Receipt Requested
☐ Other (specify) _____

SPECIAL INSTRUCTIONS TO SHERIFF:

_____

_____

_____

_____
SIGNATURE OF ATTORNEY OR PETITIONER

RETURN OF SERVICE

Respondent was served on _____ .

_____ _____
Officer and Badge Number Law Enforcement Agency

_____
Date

CLERK'S CERTIFICATE OF MAILING

Service of Process was sent by _____ this _____ day of _____ .

Attest: _____ Deputy Clerk

IN THE COURT OF COMMON PLEAS

_____ COUNTY, OHIO

Order of Protection

Case No. _____

Per R.C. 3113.31(F)(3), this Order is indexed at

Judge/Magistrate _____

State **OHIO**

_____

LAW ENFORCEMENT AGENCY WHERE INDEXED

( ) -

PHONE NUMBER

DATING VIOLENCE CIVIL PROTECTION ORDER (DTCPO) *EX PARTE* (R.C. 3113.31)

PETITIONER:

First Middle Last

v.

PERSON(S) PROTECTED BY THIS ORDER:

Petitioner: _____ DOB: _____

Petitioner's Family or Household Members:
(☐ Additional forms attached.)

_____ DOB: _____

_____ DOB: _____

_____ DOB: _____

_____ DOB: _____

RESPONDENT:

First Middle Last

RESPONDENT IDENTIFIERS

SEX	RACE	HGT	WGT
EYES	HAIR	DOB	
		/ /	
DRIVER'S LIC. NO.	EXP. DATE	STATE	

Petitioner is or was in a dating relationship with Respondent within 12 months preceding the conduct resulting in this Order being requested.

Address where Respondent can be found:

_____

_____

Distinguishing features:

_____

☐ **WARNING TO LAW ENFORCEMENT: RESPONDENT HAS FIREARMS ACCESS – PROCEED WITH CAUTION**

Violence Against Women Act, 18 U.S.C. 2265, Federal Full Faith & Credit Declaration: Registration of this Order is not required for enforcement.

THE COURT HEREBY FINDS:

That it has jurisdiction over the parties and subject matter, and Respondent will be provided with reasonable notice and opportunity to be heard within the time required by Ohio law. **Additional findings of this Order are set forth below.**

THE COURT HEREBY ORDERS:

That the above named Respondent be restrained from committing acts of abuse or threats of abuse against Petitioner and other protected persons named in this Order. **Additional terms of this Order are set forth below.**

The terms of this Order shall be effective until _____ / _____ / _____ **UNLESS EXTENDED BY SEPARATE ENTRY.**

WARNING TO RESPONDENT: See the warning page attached to the front of this Order.

Case No._____

This proceeding came on for an *ex parte* hearing on _____/_____/_____ (Respondent not being present), upon the filing of a Petition by Petitioner for a Dating Violence Civil Protection Order (DTVCPO) against the Respondent, pursuant to R.C. 3113.31. In accordance with R.C. 3113.31(D)(1), the Court held an *ex parte* hearing on the same day that the Petition was filed.

The Court finds that the protected persons herein are in immediate and present danger of domestic violence and for good cause shown, the following temporary orders are necessary to protect the persons named in this Order from dating violence.

RESPONDENT SHALL NOT ABUSE, harm, attempt to harm, threaten, follow, stalk, harass, force sexual relations upon, or commit sexually oriented offenses against the protected persons named in this Order. [NCIC 01 and 02]

The Court also finds:

_____
_____
_____

are likely to be, **even with a protected person's permission**. If Respondent accidentally comes in contact with protected persons in any public or private place, Respondent must depart *immediately*. This Order includes encounters on public and private roads, highways, and thoroughfares. [NCIC 04]

☐ **3.** **RESPONDENT SHALL NOT INITIATE OR HAVE ANY CONTACT** with the protected persons named in this Order or their residences, businesses, places of employment, schools, day care centers, or child care providers. Contact includes, but is not limited to, landline, cordless, cellular or digital telephone; text; instant messaging; fax; e-mail; voicemail; delivery service; social media; blogging; writings; electronic communications; posting a message; or communications by any other means directly or through another person. Respondent may not violate this Order **even with the permission of a protected person**. [NCIC 05]

☐ **4.** **RESPONDENT SHALL NOT** use any form of electronic surveillance on protected persons.

☐ **5.** **RESPONDENT SHALL NOT REMOVE, DAMAGE, HIDE, OR DISPOSE OF ANY PROPERTY, COMPANION ANIMALS, OR PETS** owned or possessed by the protected persons named in this Order.

☐ **6.** **THE PETITIONER IS AUTHORIZED TO REMOVE THE FOLLOWING COMPANION ANIMALS OR PETS** owned by Petitioner, from the possession of Respondent:

_____

Exchange of the listed companion animals or pets shall take place as follows:

_____

_____

☐ **7.** **RESPONDENT SHALL NOT CAUSE OR ENCOURAGE ANY PERSON** to do any act prohibited by this Order.

☐ **8.** **RESPONDENT SHALL NOT POSSESS, USE, CARRY, OR OBTAIN ANY DEADLY WEAPON** at any time while the Order remains in effect in order to bring about a cessation of violence. Furthermore, Respondent may be subject to firearms and ammunition restrictions pursuant to 18 U.S.C. 922(g)(1) through (9), 18 U.S.C. 922(n), or R.C. 2923.13. [NCIC 07]

RESPONDENT IS EXCEPTED only for official use pursuant to 18 U.S.C. 925(a)(1), if no other firearms and ammunition prohibitions apply.

☐ **9.** **RESPONDENT SHALL TURN OVER ALL DEADLY WEAPONS** owned by Respondent or in Respondent's possession to the law enforcement agency that serves Respondent with this Order no later than _____ or as follows: _____

_____

_____

Any law enforcement agency is authorized to accept possession of deadly weapons pursuant to this paragraph and hold them in protective custody for the duration of this Order. [NCIC 07]

Law enforcement shall immediately notify the Court upon receiving Respondent's deadly weapons for protective custody as set forth in this Order.

Upon the expiration or termination of this Order and if a full hearing order is not issued or consent agreement approved, Respondent may reclaim any deadly weapons held in protective custody by law enforcement pursuant to this Order unless Respondent is otherwise disqualified as verified by a check of the NCIC protection order file.

10. **RESPONDENT'S CONCEALED CARRY WEAPON LICENSE,** if any, is not subject to R.C. 2923.128.

☐ **11.** **RESPONDENT SHALL NOT USE OR POSSESS** ☐ alcohol or ☐ illegal drugs.

Case No._____

☐ **12. RESPONDENT SHALL NOT INTERFERE** with wireless service transfer, prevent the functionality of a device on the network, or incur further contractual or financial obligations related to the transferred numbers.

Wireless service rights to and billing responsibility for the wireless service number or numbers in use by the Petitioner or any minor children in the care of the Petitioner shall be transferred to Petitioner by separate order, Wireless Service Transfer Order (Form 10-E).

☐ **13. IT IS FURTHER ORDERED:** [NCIC 08]

_____

_____

_____

_____

_____

14. ALL DISCOVERY SHALL STRICTLY COMPLY with Civ.R. 65.1(D).

15. THE CLERK OF COURT SHALL CAUSE A COPY OF THE PETITION, THIS ORDER, AND ANY OTHER ACCOMPANYING DOCUMENT to be served on the Respondent as set forth in Civ.R. 65.1(C)(2). The Clerk of Court shall also provide copies of the Petition and certified copies of this Order to Petitioner upon request.

16. THIS ORDER DOES NOT EXPIRE because of a failure to serve notice of the full hearing upon the Respondent before the date set for the full hearing or because the Court grants a continuance, as set forth in R.C. 3113.31(D)(2)(b).

17. IT IS FURTHER ORDERED THAT NO COSTS OR FEES SHALL BE ASSESSED AGAINST THE PETITIONER for filing, issuing, registering, modifying, enforcing, dismissing, withdrawing, serving this protection order, or subpoenaing witnesses or obtaining a certified copy of this protection order. This Order is granted without bond.

IT IS SO ORDERED.

_____

JUDGE/MAGISTRATE

NOTICE TO RESPONDENT

NO PERSON PROTECTED BY THIS ORDER CAN GIVE YOU LEGAL PERMISSION TO CHANGE OR VIOLATE THE TERMS OF THIS ORDER. IF YOU VIOLATE ANY TERM OF THIS ORDER EVEN WITH THE PROTECTED PERSON'S PERMISSION, YOU MAY BE HELD IN CONTEMPT OR ARRESTED. ONLY THE COURT CAN CHANGE THIS ORDER. YOU ACT AT YOUR OWN RISK IF YOU DISREGARD THIS WARNING.

Case No._____

A FULL HEARING on this Order, and on all other issues raised by the Petition, shall be held before Judge or Magistrate:

_____

on the _____ day of _____ , 20 _____

at _____ a.m./p.m. at the following location:

On the day of the Full Hearing, come prepared to (1) tell the Court what happened, (2) bring with you any witnesses, evidence, and documentation to prove your case, and (3) be aware that the other party or party's attorney may ask you questions. If you do not have an attorney, you may ask for a brief continuance to obtain an attorney per R.C. 3113.31(D)(2)(a)(iii) or you may represent yourself.

Parties do not have to give discovery, answer questions, or give information to the other party or the other party's lawyer unless ordered by judge or magistrate (Civ.R. 65.1(D)(2)).

TO THE CLERK:

A COPY OF PETITION, THIS ORDER, AND ANY OTHER ACCOMPANYING DOCUMENTS SHALL BE SERVED ON RESPONDENT PURSUANT TO CIV.R. 65.1(C)(2):

COPIES OF THIS ORDER AND ANY OTHER ACCOMPANYING DOCUMENTS SHALL BE DELIVERED TO:

- ☐ Petitioner
- ☐ Petitioner's Attorney
- ☐ Law Enforcement Agency Where Petitioner Resides:
- ☐ Sheriff's Office: _____
- ☐ Law Enforcement Agency Where Petitioner Works:
- ☐ Other: _____

IN THE COURT OF COMMON PLEAS

_____ **COUNTY, OHIO**

Order of Protection

Per R.C. 3113.31(F)(3), this Order is indexed at

_____

LAW ENFORCEMENT AGENCY WHERE INDEXED

( ) -

PHONE NUMBER

Case No.

Judge

State **OHIO**

DATING VIOLENCE CIVIL PROTECTION ORDER (DTCPO) FULL HEARING (R.C. 3113.31)

PETITIONER:

First Middle Last

v.

PERSON(S) PROTECTED BY THIS ORDER:

Petitioner _____ DOB: _____

Petitioner's Family or Household Members:
(☐ Additional forms attached)

_____ DOB: _____

_____ DOB: _____

_____ DOB: _____

_____ DOB: _____

RESPONDENT:

First Middle Last

RESPONDENT IDENTIFIERS

SEX	RACE	HGT	WGT
EYES	HAIR	DOB	
		/ /	
DRIVER'S LIC. NO.		EXP. DATE	STATE

Petitioner is or was in a dating relationship with Respondent within 12 months preceding the conduct resulting in this Order being requested.

Address where Respondent can be found:

_____

_____

Distinguishing Features: _____

☐ **WARNING TO LAW ENFORCEMENT: RESPONDENT HAS FIREARMS ACCESS – PROCEED WITH CAUTION**

Violence Against Women Act, 18 U.S.C. 2265, Federal Full Faith & Credit Declaration: Registration of this Order is not required for enforcement.

THE COURT HEREBY FINDS:
That it has jurisdiction over the parties and subject matter, and Respondent was provided with reasonable notice and opportunity to be heard within the time required by Ohio law. **Additional findings of this Order are set forth below.**

THE COURT HEREBY ORDERS:
That the above named Respondent be restrained from committing acts of abuse or threats of abuse against Petitioner and other protected persons named in this Order. Additional terms of this Order are set forth below.

The terms of this Order shall be effective until _____ / _____ / _____ **(DATE CERTAIN – 5 YEARS MAXIMUM)**

WARNING TO RESPONDENT: See the warning page attached to the front of this Order.

Case No._____

This proceeding came on for a hearing on _____ before the Court and the *Ex Parte* Order issued on _____ . The following individuals were present:

_____

_____

The Court hereby makes the following findings of fact regarding the granting of the Order, including the facts upon which the Court concluded the existence of the dating relationship:

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

☐ **Additional findings on a separate page are included and attached herein.**

The Court further finds by a preponderance of the evidence that 1) Petitioner is or was in a dating relationship with Respondent, 2) Petitioner or Petitioner's family or household members are in danger and have been a victim as defined in R.C. 3113.31(A) committed by Respondent, and 3) the following orders are equitable, fair, and necessary to protect the persons named in this Order from dating violence.

RESPONDENT SHALL NOT ABUSE, harm, attempt to harm, threaten, follow, stalk, harass, force sexual relations upon, or commit sexually oriented offenses against the protected persons named in this Order. [NCIC 01 and 02]

ALL OF THE PROVISIONS CHECKED BELOW ALSO APPLY TO RESPONDENT

☐ **1. RESPONDENT SHALL NOT ENTER** or interfere with the residence, school, business, place of employment, day care centers, or child care providers of the protected persons named in this Order, including the buildings, grounds, and parking lots at those locations. Respondent may not violate this Order **even with the permission of a protected person**. [NCIC 04]

☐ **2. RESPONDENT SHALL STAY AWAY FROM ALL** protected persons named in this Order, and not be present within 500 feet or _____ (distance) of any protected persons wherever those protected persons may be found, or any place Respondent knows or should know the protected persons are likely to be, **even with a protected person's permission**. If Respondent accidentally comes in contact with protected persons in any public or private place, Respondent must depart *immediately*. This Order includes encounters on public and private roads, highways, and thoroughfares. [NCIC 04]

Case No._____

☐ **3. RESPONDENT SHALL NOT INITIATE OR HAVE ANY CONTACT** with the protected persons named in this Order or their residences, businesses, places of employment, schools, day care centers, or child care providers. Contact includes, but is not limited to, landline, cordless, cellular or digital telephone; text; instant messaging; fax; e-mail; voicemail; delivery service; social media; blogging; writings; electronic communications; posting a message; or communications by any other means directly or through another person.

Respondent may not violate this Order **even with the permission of a protected person**. [NCIC 05]

☐ **4. RESPONDENT SHALL NOT** use any form of electronic surveillance on protected persons.

☐ **5. RESPONDENT SHALL NOT REMOVE, DAMAGE, HIDE, OR DISPOSE OF ANY PROPERTY, COMPANION ANIMALS, OR PETS** owned or possessed by the protected persons named in this Order.

_____

☐ **6. PETITIONER IS AUTHORIZED TO REMOVE THE FOLLOWING COMPANION ANIMALS OR PETS** owned by Petitioner from the possession of Respondent:

_____

Exchange of the listed companion animals or pets shall take place as follows:

_____

_____

☐ **7. RESPONDENT SHALL NOT CAUSE OR ENCOURAGE ANY PERSON** to do any act prohibited by this Order.

☐ **8. RESPONDENT SHALL NOT POSSESS, USE, CARRY, OR OBTAIN ANY DEADLY WEAPON,** at any time while this Order remains in effect in order to bring about a cessation of violence. Furthermore, Respondent may be subject to firearms and ammunition restrictions pursuant to 18 U.S.C. 922(g)(1) through (9), 18 U.S.C. 922(n), or R.C. 2923.13. [NCIC 07]

RESPONDENT IS EXCEPTED only for official use pursuant to 18 U.S.C. 925(a)(1), if no other firearms and ammunition prohibitions apply.

☐ **9. RESPONDENT SHALL TURN OVER ALL DEADLY WEAPONS** owned by Respondent or in Respondent's possession to the law enforcement agency that serves Respondent with this Order no later than _____

or as follows: _____

_____

_____

Any law enforcement agency is authorized to accept possession of deadly weapons pursuant to this paragraph and hold them in protective custody for the duration of this Order. [NCIC 07]

Law enforcement shall immediately notify the Court upon receiving Respondent's deadly weapons for protective custody as set forth in this Order.

Upon the expiration or termination of this Order, Respondent may reclaim any deadly weapons held in protective custody by law enforcement pursuant to this Order unless Respondent is otherwise disqualified as verified by a check of the NCIC protection order file.

☐ **10. RESPONDENT'S CONCEALED CARRY WEAPON LICENSE,** if any, is now subject to R.C. 2923.128.

☐ **11. RESPONDENT SHALL NOT USE OR POSSESS** ☐ alcohol or ☐ illegal drugs.

Case No._____

☐ **12. RESPONDENT SHALL COMPLETE THE FOLLOWING COUNSELING PROGRAM:**

_____

_____

Respondent shall contact this program within _____ days after receiving this Order and immediately arrange for an initial appointment. The counseling program is requested to provide the Court a written notice when Respondent attends the initial appointment, if Respondent fails to attend or is discharged, and when Respondent completes the program. Respondent is required to sign all necessary waivers to allow the Court to receive information from the counseling program.

☐ **13. RESPONDENT IS ORDERED TO APPEAR before Judge or Magistrate _____ on ____/____/____ at _____ ☐ a.m. ☐ p.m. to review Respondent's compliance with the terms of this Order. RESPONDENT IS WARNED: If you fail to attend the counseling program, you may be held in contempt of court or the Court may issue a warrant for your arrest.**

☐ **14. RESPONDENT SHALL NOT INTERFERE** with wireless service transfer, prevent the functionality of a device on the network, or incur further contractual or financial obligations related to the transferred numbers.

Wireless service rights to and billing responsibility for the wireless service number or numbers in use by Petitioner or any minor children in the care of Petitioner shall be transferred to Petitioner by separate order, Wireless Service Transfer Order (Form 10-E).

☐ **15. IT IS FURTHER ORDERED:** [NCIC 08]

_____

_____

_____

_____

_____

16. THE CLERK OF COURT SHALL CAUSE A COPY OF THIS ORDER to be served on Respondent as set forth in Civ.R. 5(B) and 65.1(C)(3). The Clerk of Court shall also provide certified copies of this Order to Petitioner upon request.

17. IF THE FULL HEARING PROCEEDING WAS REFERRED TO A MAGISTRATE, the Court has reviewed the magistrate's granting of this Order and finds no error of law or other defect evident on the face of the Order as set forth in Civ.R. 65.1. Accordingly, the Court adopts the magistrate's granting of the Order.

18. IT IS FURTHER ORDERED NO COSTS OR FEES SHALL BE ASSESSED AGAINST PETITIONER for filing, issuing, registering, modifying, enforcing, dismissing, withdrawing, serving, subpoenaing witnesses for, or obtaining a certified copy of this Order. This Order is granted without bond.

19. THE COSTS OF THIS ACTION ARE ☐ assessed against Respondent ☐ waived.

IT IS SO ORDERED.

_____ _____

MAGISTRATE **JUDGE**

Case No. _____

NOTICE TO RESPONDENT

NO PERSON PROTECTED BY THIS ORDER CAN GIVE YOU LEGAL PERMISSION TO CHANGE OR VIOLATE THE TERMS OF THIS ORDER. IF YOU VIOLATE ANY TERM OF THIS ORDER EVEN WITH THE PROTECTED PERSON'S PERMISSION, YOU MAY BE HELD IN CONTEMPT OR ARRESTED. ONLY THE COURT CAN CHANGE THIS ORDER. YOU ACT AT YOUR OWN RISK IF YOU DISREGARD THIS WARNING.

NOTICE OF FINAL APPEALABLE ORDER

Copies of this Order, which is a final appealable order, were served on or delivered to the parties indicated above pursuant to Civ.R. 5(B) and 65.1(C)(3), including ordinary mail, on

_____ day of _____ , 20 _____

By: _____
CLERK OF COURT

TO THE CLERK:

A COPY OF THIS ORDER SHALL BE SERVED ON RESPONDENT PURSUANT TO CIV.R. 65.1(C)(3).

COPIES OF THIS ORDER SHALL BE DELIVERED ON:

- ☐ Petitioner
- ☐ Petitioner's Attorney
- ☐ Respondent's Attorney
- ☐ Counseling Program: _____
- ☐ Sheriff's Office
- ☐ Law Enforcement Agency Where Petitioner Resides: _____
- ☐ Law Enforcement Agency Where Petitioner Works: _____
- ☐ Other: _____

IN THE COURT OF COMMON PLEAS

_____ COUNTY, OHIO

Order of Protection

Per R.C. 3113.31(F)(3), this Order is indexed at

LAW ENFORCEMENT AGENCY WHERE INDEXED

( ) -

PHONE NUMBER

Case No.

Judge

State **OHIO**

CONSENT AGREEMENT AND DATING VIOLENCE CIVIL PROTECTION ORDER (R.C. 3113.31)

PETITIONER:

First Middle Last

v.

RESPONDENT:

First Middle Last

Petitioner is or was in a dating relationship with Respondent within 12 months preceding the conduct resulting in this Order being requested.

Address where Respondent can be found:

PERSON(S) PROTECTED BY THIS ORDER:

Petitioner _____ DOB: _____

Petitioner's Family or Household Members:
(☐ Additional forms attached)

_____ DOB: _____

_____ DOB: _____

_____ DOB: _____

_____ DOB: _____

RESPONDENT IDENTIFIERS

SEX	RACE	HGT	WGT
EYES	HAIR	DOB	
		/ /	
DRIVER'S LIC. NO.	EXP. DATE	STATE	

Distinguishing Features: _____

☐ **WARNING TO LAW ENFORCEMENT: RESPONDENT HAS FIREARMS ACCESS – PROCEED WITH CAUTION**

Violence Against Women Act, 18 U.S.C. 2265, Federal Full Faith & Credit Declaration: Registration of this Order is not required for enforcement.

THE COURT HEREBY FINDS:

That it has jurisdiction over the parties and subject matter, and Respondent was provided with reasonable notice and opportunity to be heard within the time required by Ohio law. **Additional findings of this Order are set forth below.**

THE COURT HEREBY ORDERS:

That the above named Respondent be restrained from committing acts of abuse or threats of abuse against Petitioner and other protected persons named in this Order. Additional terms of this Order are set forth below.

The terms of this Order shall be effective until _____ / _____ / _____ **(DATE CERTAIN – 5 YEARS MAXIMUM)**

WARNING TO RESPONDENT: See the warning page attached to the front of this Order.

Case No._____

This proceeding came on for a hearing on _____/_____/_____ before the Court and the *Ex Parte* Order issued on _____/_____/_____. The following individuals were present:

_____

_____

☐ The parties agree to waive their notice and hearing rights.

Petitioner is or was in a dating relationship with Respondent within 12 months preceding the conduct resulting in this Order being requested.

The Court also finds:

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

☐ **Additional findings on a separate page are included and attached herein.**

RESPONDENT SHALL NOT ABUSE, harm, attempt to harm, threaten, follow, stalk, harass, force sexual relations upon, or commit sexually oriented offenses against the protected persons named in this Order. [NCIC 01 and 02]

ALL OF THE PROVISIONS CHECKED BELOW ALSO APPLY TO RESPONDENT

☐ **1. RESPONDENT SHALL NOT ENTER** or interfere with the residence, school, business, place of employment, day care centers, or child care providers of the protected persons named in this Order, including the buildings, grounds, and parking lots at those locations. Respondent may not violate this Order **even with the permission of a protected person**. [NCIC 04]

☐ **2. RESPONDENT SHALL STAY AWAY FROM ALL** protected persons named in this Order, and not be present within 500 feet or _____ (distance) of any protected persons wherever those protected persons may be found, or any place Respondent knows or should know the protected persons are likely to be, **even with a protected person's permission**. If Respondent accidentally comes in contact with protected persons in any public or private place, Respondent must depart *immediately*. This Order includes encounters on public and private roads, highways, and thoroughfares. [NCIC 04]

☐ **3. RESPONDENT SHALL NOT INITIATE OR HAVE ANY CONTACT** with the protected persons named

in this Order or their residences, businesses, places of employment, schools, day care centers, or child care providers. Contact includes, but is not limited to, landline, cordless, cellular or digital telephone; text; instant messaging; fax; e-mail; voicemail; delivery service; social media; blogging; writings; electronic communications; posting a message; or communications by any other means directly or through another person.

Respondent may not violate this Order **even with the permission of a protected person**. [NCIC 05]

☐ **4. RESPONDENT SHALL NOT** use any form of electronic surveillance on protected persons.

☐ **5. RESPONDENT SHALL NOT REMOVE, DAMAGE, HIDE, OR DISPOSE OF ANY PROPERTY, COMPANION ANIMALS, OR PETS** owned or possessed by the protected persons named in this Order.

☐ **6. PETITIONER IS AUTHORIZED TO REMOVE THE FOLLOWING COMPANION ANIMALS OR PETS** owned by Petitioner from the possession of Respondent:

_____

Exchange of the listed companion animals or pets shall take place as follows:

_____

_____

☐ **7. RESPONDENT SHALL NOT CAUSE OR ENCOURAGE ANY PERSON** to do any act prohibited by this Order.

☐ **8. RESPONDENT SHALL NOT POSSESS, USE, CARRY, OR OBTAIN ANY DEADLY WEAPON** at any time while this Order remains in effect in order to bring about a cessation of violence. Furthermore, Respondent may be subject to firearms and ammunition restrictions pursuant to 18 U.S.C. 922(g)(1) through (9), 18 U.S.C. 922(n), or R.C. 2923.13. [NCIC 07]

RESPONDENT IS EXCEPTED only for official use pursuant to 18 U.S.C. 925(a)(1), if no other firearms and ammunition prohibitions apply.

☐ **9. RESPONDENT SHALL TURN OVER ALL DEADLY WEAPONS** owned by Respondent or in Respondent's possession to the law enforcement agency that serves Respondent with this Order no later than

or as follows:

_____

_____

Any law enforcement agency is authorized to accept possession of deadly weapons pursuant to this paragraph and hold them in protective custody for the duration of this Order. [NCIC 07]

Law enforcement shall immediately notify the Court upon receiving Respondent's deadly weapons for protective custody as set forth in this Order.

Upon the expiration or termination of this Order, Respondent may reclaim any deadly weapons held in protective custody by law enforcement pursuant to this Order unless Respondent is otherwise disqualified as verified by a check of the NCIC protection order file.

☐ **10. RESPONDENT'S CONCEALED CARRY WEAPON LICENSE,** if any, is now subject to R.C 2923.128.

☐ **11. RESPONDENT SHALL NOT USE OR POSSESS** ☐ alcohol or ☐ illegal drugs.

☐ **12. RESPONDENT SHALL COMPLETE THE FOLLOWING COUNSELING PROGRAM:**

_____

Respondent shall contact this program within _____days after receiving this Order and immediately arrange for an initial appointment. The counseling program is requested to

provide the Court a written notice when Respondent attends the initial appointment, if Respondent fails to attend or is discharged, and when Respondent completes the program. Respondent is required to sign all necessary waivers to allow the Court to receive information from the counseling program.

☐**13. RESPONDENT IS ORDERED TO APPEAR before Judge or Magistrate** _____ **on** _____/_____/_____ **at** _____ ☐**a.m.** ☐ **p.m. to review Respondent's compliance with the terms of this Order. RESPONDENT IS WARNED: If you fail to attend the counseling program, you may be held in contempt of court or the Court may issue a warrant for your arrest.**

☐**14. RESPONDENT SHALL NOT INTERFERE** with wireless service transfer, prevent the functionality of a device on the network, or incur further contractual or financial obligations related to the transferred numbers.

Wireless service rights to and billing responsibility for the wireless service number or numbers in use by Petitioner or any minor children in the care of Petitioner shall be transferred to Petitioner by separate order, Wireless Service Transfer Order (Form 10-E).

☐**15. IT IS FURTHER ORDERED:** [NCIC 08]

_____

_____

_____

16. THE CLERK OF COURT SHALL CAUSE A COPY OF THIS ORDER to be served on Respondent as set forth in Civ.R. 5(B) and 65.1(C)(3). The Clerk of Court shall also provide certified copies of this Order to Petitioner upon request.

17. IF THE FULL HEARING PROCEEDING WAS REFERRED TO A MAGISTRATE, the Court has reviewed the magistrate's granting of this Order and finds no error of law or other defect evident on the face of the Order as set forth in Civ.R. 65.1. Accordingly, the Court adopts the magistrate's granting of the Order.

18. IT IS FURTHER ORDERED NO COSTS OR FEES SHALL BE ASSESSED AGAINST PETITIONER for filing, issuing, registering, modifying, enforcing, dismissing, withdrawing, serving, subpoenaing witnesses for, or obtaining a certified copy of this Order. This Order is granted without bond.

19. THE COSTS OF THIS ACTION ARE ☐assessed against Respondent ☐waived.

IT IS SO ORDERED.

_____ _____

MAGISTRATE **JUDGE**

NOTICE TO RESPONDENT

NO PERSON PROTECTED BY THIS ORDER CAN GIVE YOU LEGAL PERMISSION TO CHANGE OR VIOLATE THE TERMS OF THIS ORDER. IF YOU VIOLATE ANY TERM OF THIS ORDER EVEN WITH THE PROTECTED PERSON'S PERMISSION, YOU MAY BE HELD IN CONTEMPT OR ARRESTED. ONLY THE COURT CAN CHANGE THIS ORDER. YOU ACT AT YOUR OWN RISK IF YOU DISREGARD THIS WARNING.

Case No._____

I have read this Consent Agreement and Civil Protection Order and agree to its terms.

SIGNATURE OF PETITIONER

Address of Petitioner (Safe Mailing Address)

Signature of Attorney for Petitioner

Address of Attorney for Petitioner

I have read this Consent Agreement and Civil Protection Order and agree to its terms.

SIGNATURE OF RESPONDENT

Address of Respondent

Signature of Attorney for Respondent

Address of Attorney for Respondent

NOTICE OF FINAL APPEALABLE ORDER

Copies of this Order, which is a final appealable order, were served on or delivered to the parties indicated above pursuant to Civ.R. 5(B) and 65.1(C)(3), including ordinary mail, on

_____ day of _____ , 20 _____

By: _____
CLERK OF COURT

TO THE CLERK:

A COPY OF THIS ORDER SHALL BE SERVED ON RESPONDENT PURSUANT TO CIV.R. 65.1(C)(3).

COPIES OF THIS ORDER SHALL BE DELIVERED ON:

☐ Petitioner
☐ Petitioner's Attorney
☐ Respondent's Attorney
☐ Counseling Program: _____
☐ Sheriff's Office
☐ Law Enforcement Agency Where Petitioner Resides: _____
☐ Law Enforcement Agency Where Petitioner Works: _____
☐ Other: _____

IN THE COURT OF COMMON PLEAS

_____ COUNTY, OHIO

Order of Protection

Per R.C. 3113.31(F)(3), this Order is indexed at

LAW ENFORCEMENT AGENCY WHERE INDEXED

( ) -

PHONE NUMBER

Case No.

Judge _____

State **OHIO**

MODIFIED DATING VIOLENCE CIVIL PROTECTION ORDER (R.C. 3113.31)

PETITIONER:

First Middle Last

v.

RESPONDENT:

First Middle Last

PERSON(S) PROTECTED BY THIS ORDER:

Petitioner: _____ DOB: _____

Petitioner's Family or Household Members:
(☐ Additional forms attached)

_____ DOB: _____

_____ DOB: _____

_____ DOB: _____

_____ DOB: _____

RESPONDENT IDENTIFIERS

SEX	RACE	HGT	WGT
EYES	HAIR	DOB	
		/ /	
DRIVER'S LIC. NO.	EXP. DATE	STATE	

Petitioner is or was in a dating relationship with Respondent within 12 months preceding the conduct resulting in this Order being requested.

Address where Respondent can be found:

_____

_____

Distinguishing Features: _____

_____

☐ **WARNING TO LAW ENFORCEMENT: RESPONDENT HAS FIREARMS ACCESS – PROCEED WITH CAUTION**

Violence Against Women Act, 18 U.S.C. 2265, Federal Full Faith & Credit Declaration: Registration of this Order is not required for enforcement.

THE COURT HEREBY FINDS:
That it has jurisdiction over the parties and subject matter, and Respondent will be provided with reasonable notice and opportunity to be heard within the time required by Ohio law. **Additional findings of this Order are set forth below.**

THE COURT HEREBY ORDERS:
That the above named Respondent be restrained from committing acts of abuse or threats of abuse against Petitioner and other protected persons named in this Order. Additional terms of this Order are set forth below.

The terms of this Order shall be effective until ____/____/____ **(SHALL BE SAME EXPIRATION DATE AS IN CIVIL PROTECTION ORDER OR CONSENT AGREEMENT UNLESS EXTENDED BY SEPARATE ENTRY)**

WARNING TO RESPONDENT: See the warning page attached to the front of this Order.

Case No._____

This proceeding came on for a hearing on _____/_____/_____ . Based on the evidence presented and consideration of factors set forth in R.C. 31131.31(E)(8), the Court finds that the motion to modify the prior Dating Violence Civil Protection Order issued on _____/_____/_____ is well taken.

The Court also finds:

☐ **Additional findings on a separate page are included and attached herein.**

RESPONDENT SHALL NOT ABUSE, harm, attempt to harm, threaten, follow, stalk, harass, force sexual relations upon, or commit sexually oriented offenses against the protected persons named in this Order. [NCIC 01 and 02]

ALL OF THE PROVISIONS CHECKED BELOW ALSO APPLY TO RESPONDENT

☐ **1. RESPONDENT SHALL NOT ENTER** or interfere with the residence, school, business, place of employment, day care centers, or child care providers of the protected persons named in this Order, including the buildings, grounds, and parking lots at those locations. Respondent may not violate this Order **even with the permission of a protected person**. [NCIC 04]

☐ **2. RESPONDENT SHALL STAY AWAY FROM PETITIONER** and all other protected persons named in this Order, and not be present within 500 feet or _____ (distance) of any protected person wherever those protected persons may be found, or any place Respondent knows or should know the protected persons are likely to be, **even with a protected person's permission**. If Respondent accidentally comes in contact with protected persons in any public or private place, Respondent must depart *immediately*. This Order includes encounters on public and private roads, highways, and thoroughfares. [NCIC 04]

Case No._____

☐ **3. RESPONDENT SHALL NOT INITIATE OR HAVE ANY CONTACT** with the protected persons named in this Order or their residences, businesses, places of employment, schools, day care centers, or child care providers. Contact includes, but is not limited to, landline, cordless, cellular, or digital telephone; text; instant messaging; fax; e-mail; voicemail; delivery service; social media; blogging; writings; electronic communications; posting a message; or communications by any other means directly or through another person. Respondent may not violate this Order **even with the permission of a protected person**. [NCIC 05]

☐ **4. RESPONDENT SHALL NOT** use any form of electronic surveillance on protected persons.

☐ **5. RESPONDENT SHALL NOT REMOVE, DAMAGE, HIDE, OR DISPOSE OF ANY PROPERTY, COMPANION ANIMALS, OR PETS** owned or possessed by the protected persons named in this Order.

☐ **6. PETITIONER IS AUTHORIZED TO REMOVE THE FOLLOWING COMPANION ANIMALS OR PETS,** owned by Petitioner, from the possession of Respondent:

_____

_____

Exchange of the listed companion animals or pets shall take place as follows:

_____

_____

☐ **7. RESPONDENT SHALL NOT CAUSE OR ENCOURAGE ANY PERSON** to do any act prohibited by this Order.

☐ **8. RESPONDENT SHALL NOT POSSESS, USE, CARRY, OR OBTAIN ANY DEADLY WEAPON,** at any time while this Order remains in effect in order to bring about a cessation of violence. Furthermore, Respondent may be subject to firearms and ammunition restrictions pursuant to 18 U.S.C. 922(g)(1) through (9), 18 U.S.C. 922(n), or R.C. 2923.13. [NCIC 07]

RESPONDENT IS EXCEPTED only for official use pursuant to 18 U.S.C. 925(a)(1), if no other firearms and ammunition prohibitions apply.

☐ **9. RESPONDENT SHALL TURN OVER ALL DEADLY WEAPONS** owned by Respondent or in Respondent's possession to the law enforcement agency that serves Respondent with this Order no later than _____ or as follows:

_____

Any law enforcement agency is authorized to accept possession of deadly weapons pursuant to this paragraph and hold them in protective custody for the duration of this Order. [NCIC 07]

Law enforcement shall immediately notify the Court upon receiving Respondent's deadly weapons for protective custody as set forth in this Order.

Upon the expiration or termination of this Order, Respondent may reclaim any deadly weapons held in protective custody by law enforcement pursuant to this Order unless Respondent is otherwise disqualified as verified by a check of the NCIC protection order file.

10. RESPONDENT'S CONCEALED CARRY WEAPON LICENSE, if any, is now subject to R.C. 2923.128.

☐ **11. RESPONDENT SHALL NOT USE OR POSSESS** ☐alcohol or ☐illegal drugs.

Case No._____

☐**12. RESPONDENT SHALL COMPLETE THE FOLLOWING COUNSELING PROGRAM:**

_____

_____

Respondent shall contact this program within _____ days after receiving this Order and immediately arrange for an initial appointment. The counseling program is requested to provide the Court a written notice when Respondent attends the initial appointment, if the Respondent fails to attend or is discharged, and when Respondent completes the program. Respondent is required to sign all necessary waivers to allow the Court to receive information from the counseling program.

☐**13. Respondent is ordered to appear before Judge or Magistrate** _____ **on** _____/_____/_____ **at** _____ ☐**a.m.** ☐**p.m. to review Respondent's compliance with this counseling order. Respondent is warned: If you fail to attend the counseling program you may be held in contempt or the Court may issue a warrant for your arrest.**

☐**14. RESPONDENT SHALL NOT INTERFERE** with wireless service transfer, prevent the functionality of a device on the network, or incur further contractual or financial obligations related to the transferred numbers.

Wireless service rights to and billing responsibility for the wireless service number or numbers in use by Petitioner or any minor children in the care of Petitioner shall be transferred to Petitioner by separate order, Wireless Service Transfer Order (Form 10-E).

15. IT IS FURTHER ORDERED: [NCIC 08]

_____

_____

_____

16. THE CLERK OF COURT SHALL CAUSE A COPY of this Order to be served on Respondent as set forth in Civ.R. 5(B) and 65.1(C)(4)(b). The Clerk of Court shall also provide certified copies of the Petition and this Order to Petitioner upon request.

17. IF THE FULL HEARING PROCEEDING WAS REFERRED TO A MAGISTRATE, the Court has reviewed the magistrate's granting of this Order and finds no error of law or other defect evident on the face of the as set forth in Civ.R. 65.1 Order. Accordingly, the Court adopts the magistrate's granting of the Order.

18. IT IS FURTHER ORDERED NO COSTS OR FEES SHALL BE ASSESSED AGAINST PETITIONER for filing, issuing, registering, modifying, enforcing, dismissing, withdrawing, serving, subpoenaing witnesses for, or obtaining a certified copy of this Order. This Order is granted without bond.

19. THE COSTS OF THIS ACTION ARE ☐assessed against Respondent ☐waived.

IT IS SO ORDERED.

_____ _____

MAGISTRATE **JUDGE**

Case No._____

NOTICE TO RESPONDENT

NO PERSON PROTECTED BY THIS ORDER CAN GIVE YOU LEGAL PERMISSION TO CHANGE OR VIOLATE THE TERMS OF THIS ORDER. IF YOU VIOLATE ANY TERMS OF THIS ORDER, EVEN WITH THE PROTECTED PERSON'S PERMISSION, YOU MAY BE HELD IN CONTEMPT OR ARRESTED. ONLY THE COURT CAN CHANGE THIS ORDER. YOU ACT AT YOUR OWN RISK IF YOU DISREGARD THIS WARNING.

NOTICE OF FINAL APPEALABLE ORDER

Copies of this Order, which is a final appealable order, were served on or delivered to the parties indicated above pursuant to Civ.R. 65.1(C)(4)(b), including ordinary mail, on

_____ day of _____ , 20 _____

By: _____
CLERK OF COURT

TO THE CLERK:

A COPY OF THIS ORDER SHALL BE SERVED ON RESPONDENT PURSUANT TO CIV.R. 65.1(C)(4).

COPIES OF THIS ORDER SHALL BE DELIVERED ON:

- ☐ Petitioner
- ☐ Petitioner's Attorney
- ☐ Respondent's Attorney
- ☐ Counseling Program: _____
- ☐ Sheriff's Office
- ☐ Law Enforcement Agency Where Petitioner Resides: _____
- ☐ Law Enforcement Agency Where Petitioner Works: _____
- ☐ Other: _____

RULE 10.02. Standard Domestic Violence Criminal Temporary Protection Order Forms.

(A) Distribution of packet

A court that has jurisdiction to issue a temporary protection order pursuant to R.C. 2919.26 shall distribute upon request a forms packet for use in domestic violence temporary protection order proceedings. The packet shall include, at a minimum, forms that are substantially similar to "Forms 10-C, 10.01-A, and 10.02-A."

(B) Temporary protection order form and protection order warning

In every case in which a court issues an ex parte or full hearing temporary protection order pursuant to R.C. 2919.26, it shall use a form that is substantially similar to "Form 10.02-A" and include a cover sheet that is substantially similar to "Form 10-C" and send a completed form that is substantially similar to "Form 10-A" and copy of the order to the local law enforcement agency for entry of the order into the "National Crime Information Center Protection Order File."

(C) Notice of deadly weapons surrender

In every case in which a court orders the respondent to surrender deadly weapons, including firearms and ammunition, into the protective custody of law enforcement, it shall enter into the docket a form that is substantially similar to "Form 10-F."

(D) Post-conviction no contact order

In every case in which a sentencing court imposes community control sanctions that prohibit contact as part of a sentence for a misdemeanor or felony offense for the purpose of preventing violent or threatening acts or harassment against, sexual violence, or contact or communication with or physical proximity to a victim, regardless of the family or household member relationship to the Defendant, it shall use a form that is substantially similar to "Form 10-G" and send to the local law enforcement agency a completed form that is substantially similar to "Form 10-A" and a copy of the order for entry in of the order into the "National Crime Information Center Protection Order File."

Commentary (January 1, 1998)

During its eighteen months of study, the Supreme Court's Domestic Violence Task Force determined that due to the variety of protection order forms used by Ohio courts, it can be difficult for law enforcement officers to recognize valid protection orders and understand the pertinent provisions of such orders. The Task Force also discovered that misconceptions exist in regard to the penalties for violating protection orders. Upon recommendation of the Task Force, the Court developed this rule and Forms 10.02-A and 10-C to address these concerns.

IN THE _____ **COURT**
_____ **COUNTY, OHIO**

Order of Protection

Per R.C. 2919.26(G)(3), this Order is indexed at

LAW ENFORCEMENT AGENCY WHERE INDEXED

( ) -
PHONE NUMBER

STATE OF OHIO/
CITY OF _____

v.

DEFENDANT

Case No. _____

Judge _____

State **OHIO**

DOMESTIC VIOLENCE TEMPORARY PROTECTION ORDER (DVTPO) (R.C. 2919.26)

☐ New Order ☐ Modification of Previous Order

ALLEGED VICTIM:

First Middle Last

v.

PERSON(S) PROTECTED BY THIS ORDER:

Alleged Victim _____ DOB: _____

Alleged Victim's Family or Household Members:
(☐ Additional forms attached)

_____ DOB: _____
_____ DOB: _____
_____ DOB: _____
_____ DOB: _____

DEFENDANT:

First Middle Last

Address where Defendant can be found:

_____

_____

DEFENDANT IDENTIFIERS

SEX	RACE	HGT	WGT
EYES	**HAIR**	**DOB**	
		/ /	
DRIVER'S LIC. NO.	**EXP. DATE**	**STATE**	

Distinguishing features: _____

_____

☐ **WARNING TO LAW ENFORCEMENT: DEFENDANT HAS FIREARMS ACCESS – PROCEED WITH CAUTION**
☐ ***Ex Parte* DVTPO Granted: / / (Date)**
☐ **DVTPO Granted: / / (Date)**

Violence Against Women Act, 18 U.S.C. 2265, Federal Full Faith & Credit Declaration: Registration of this Order is not required for enforcement.

THE COURT HEREBY FINDS:
That it has jurisdiction over the parties and subject matter, and the Defendant was provided with reasonable notice and opportunity to be heard within the time required by Ohio law. **Additional findings of this Order are set forth below.**

THE COURT HEREBY ORDERS:
That the above named Defendant be restrained from committing acts of abuse or threats of abuse against the Alleged Victim and other protected persons named in this Order. Additional terms of this Order are set forth below.

WARNING TO DEFENDANT: See the warning page attached to the front of this Order.

Case No._____

This matter came before the Court on _____ / _____ / _____ for an ☐ Ex Parte DVTPO.

☐ **DVTPO** hearing on Alleged Victim's **Motion for a Domestic Violence Temporary Protection Order.** This Court finds that the Motion for a Domestic Violence Temporary Protection Order is well-taken. The Court finds that the safety and protection of the Alleged Victim and protected persons named in this Order may be impaired by the continued presence of the Defendant unless the Court acts. Therefore, the following orders are designed to ensure the safety and protection of the protected person named in this Order and are issued to Defendant as pretrial conditions in addition to any bail set under Crim. R. 46.

The Court also finds

_____
_____
_____
_____
_____
_____
_____
_____
_____
_____
_____
_____
_____
_____
_____
_____
_____
_____
_____
_____
_____
_____
_____
_____
_____
_____
_____
_____
_____
_____

☐ **Additional findings on a separate page are included and attached herein.**

DEFENDANT SHALL NOT ABUSE, harm, attempt to harm, threaten, follow, stalk, harass, force sexual relations upon, or commit sexually oriented offenses against the protected persons named in this Order. [NCIC 01 and 02]

ALL OF THE PROVISIONS CHECKED BELOW ALSO APPLY TO DEFENDANT

☐ **1. DEFENDANT SHALL NOT ENTER** or interfere with the residence, school, business, place of employment, day care centers, or child care providers of the protected persons named in this Order, including the buildings, grounds, and parking lots at those locations. Defendant may not violate this Order **even with the permission of a protected person**. [NCIC 04]

Case No._____

☐**2.** **DEFENDANT SHALL NOT INTERFERE** with the protected persons' right to occupy any residence by canceling utilities or insurance or interrupting telecommunication (e.g., telephone, internet, or cable) services, mail delivery, or the delivery of any other documents or items. [NCIC 03]

☐**3.** **DEFENDANT SHALL SURRENDER** all keys and garage door openers to the following residence

_____

_____

at the earliest possible opportunity after service of this Order to the law enforcement agency that serves the Defendant with this Order or as follows:

_____

_____

_____

☐**4.** **DEFENDANT SHALL STAY AWAY FROM THE PROTECTED PERSONS NAMED IN THIS ORDER,** and shall not be present within 500 feet or _____ (distance) of any protected persons wherever those protected persons may be found, or any place the Defendant knows or should know the protected persons are likely to be, **even with protected persons' permission**. If the Defendant accidentally comes in contact with protected persons in any public or private place, the Defendant must depart *immediately*. This Order includes encounters on public and private roads, highways, and thoroughfares. [NCIC 04]

☐**5.** **DEFENDANT SHALL NOT INITIATE OR HAVE ANY CONTACT** with the protected persons named in this Order at their residences, businesses, places of employment, schools, day care centers, or child care providers. Contact includes, but is not limited to, landline, cordless, cellular or digital telephone; text; instant messaging; fax; e-mail; voicemail; delivery service; social media; blogging; writings; electronic communications; posting a message; or communications by any other means directly or through another person. Defendant may not violate this Order **even with the permission of a protected person**. [NCIC 05]

☐**6.** **DEFENDANT SHALL NOT** use any form of electronic surveillance on protected persons.

☐**7.** **DEFENDANT SHALL NOT REMOVE, DAMAGE, HIDE, OR DISPOSE OF ANY PROPERTY, COMPANION ANIMALS, OR PETS** owned or possessed by the protected persons named in this Order.

☐**8.** **THE ALLEGED VICTIM IS AUTHORIZED TO REMOVE THE FOLLOWING COMPANION ANIMALS OR PETS** owned by Alleged Victim, from the possession of Defendant:

_____

Exchange of the listed companion animals or pets shall take place as follows:

_____

_____

☐**9.** **DEFENDANT SHALL NOT CAUSE OR ENCOURAGE ANY PERSON** to do any act prohibited by this Order.

☐**10.** **DEFENDANT SHALL NOT POSSESS, USE, CARRY, OR OBTAIN ANY DEADLY WEAPON, INCLUDING FIREARMS, AND AMMUNITION** at any time while the Order remains in effect to bring about a cessation of violence pursuant to 18 U.S.C. 922(g)(1) through (9), 18 U.S.C. 922(n), or R.C. 2923.13. [NCIC 07]

DEFENDANT IS EXCEPTED only for official use pursuant to 18 U.S.C. 925(a)(1), if no other firearms and ammunition disability applies.

Case No._____

☐ **11. DEFENDANT SHALL TURN OVER ALL DEADLY WEAPONS, INCLUDING FIREARMS AND** AMMUNITION**,** owned by Defendant or in Defendant's possession to the law enforcement agency that serves Defendant with this Order no later than _____ or as follows:

_____

_____

_____

Any law enforcement agency is authorized to accept possession of deadly weapons, including firearms, and ammunition pursuant to this paragraph and hold them in protective custody for the duration of this Order. [NCIC 07]

Law enforcement shall immediately notify the Court upon receiving Defendant's deadly weapons, including firearms, and ammunition for protective custody as set forth in this Order.

Upon the expiration or termination of this Order and if a civil protection order or consent agreement has not been issued or approved arising out of the same activities as those that were the basis of the complaint filed in this action, Defendant may reclaim any deadly weapons, including firearms, and ammunition held in protective custody by law enforcement pursuant to this Order, unless Defendant is otherwise disqualified as verified by a check of the NCIC protection order file.

12. DEFENDANT'S CONCEALED CARRY WEAPON LICENSE, if any, is now subject to R.C. 2923.128.

☐ **13. DEFENDANT MAY PICK UP CLOTHING** and personal effects from the following residence:

_____

only in the company of a uniformed law enforcement officer ☐upon release **or** within seven or _____ days of the filing of this Order or the date of Defendant's release on bond in connection with this charge, whichever is later. Arrangements may be made by contacting:

_____

_____

☐ **14. DEFENDANT SHALL NOT USE OR POSSESS** ☐alcohol or ☐illegal drugs.

☐ **15. IT IS FURTHER ORDERED:** [NCIC 08]

_____

_____

_____

_____

_____

☐ **16. DEFENDANT IS ADVISED THAT VISITATION ORDERS DO NOT PERMIT THE DEFENDANT TO VIOLATE ANY OF THE TERMS OF THIS ORDER.**

17. IT IS FURTHER ORDERED a copy of this Order shall be delivered to the Defendant on the same day that the Order is entered.

18. THIS ORDER IS EFFECTIVE until the occurrence of one of the following: (1) it is modified by this Court; or (2) the criminal proceeding arising out of the complaint upon which this Order were issued is disposed by this Court or by the court of common pleas to which the Defendant is bound over for prosecution; or (3) a court issues a Domestic Violence Civil Protection Order ("CPO") arising out of the same activities as those that were the basis of the complaint filed in this action.

Case No._____

IT IS SO ORDERED.

MAGISTRATE	**DATE *EX PARTE* DVTPO**	**JUDGE**	**DATE *EX PARTE* DVTPO**
MAGISTRATE	**DATE DVTPO**	**JUDGE**	**DATE DVTPO**

NOTICE TO DEFENDANT

NO PERSON PROTECTED BY THIS ORDER CAN GIVE YOU LEGAL PERMISSION TO CHANGE OR VIOLATE THE TERMS OF THIS ORDER. IF YOU VIOLATE ANY TERMS OF THIS ORDER, EVEN WITH THE PROTECTED PERSON'S PERMISSION, YOU MAY BE ARRESTED. ONLY THE COURT CAN CHANGE THIS ORDER. YOU ACT AT YOUR OWN RISK IF YOU DISREGARD THIS WARNING.

A HEARING on this Order shall be held before

Judge/Magistrate _____

on _____/_____/_____

at _____ ☐a.m. ☐p.m.,

at the following location:

TO THE CLERK:

A COPY OF THIS ORDER SHALL BE SERVED ON DEFENDANT (by personal service).
COPIES OF THIS ORDER SHALL BE DELIVERED TO:

- ☐ Prosecutor
- ☐ Alleged Victim
- ☐ Defendant's Attorney /Public Defender
- ☐ Law Enforcement Agency Where Alleged Victim Resides: _____
- ☐ Law Enforcement Agency Where Alleged Victim Works: _____
- ☐ Sheriff's Office / Police Department: _____
- ☐ Other: _____

Service acknowledged:

DEFENDANT **DATE**

WAIVER OF HEARING

I HAVE BEEN ADVISED OF MY RIGHT TO A HEARING ON THE MOTION FOR A DOMESTIC VIOLENCE TEMPORARY PROTECTION ORDER AND HEREBY KNOWINGLY AND VOLUNTARILY WAIVE THE HEARING ON THE MOTION AND AGREE TO BE BOUND BY THE TERMS OF THIS ORDER.

DEFENDANT **DATE**

RULE 10.03. Standard Criminal Protection Order Forms, and Standard Civil Stalking Protection Order or Civil Sexually Oriented Offense Protection Order Forms.

(A) Distribution of packet for civil stalking protection order or civil sexually oriented offense protection order proceedings

A court of common pleas shall distribute, upon request, a forms packet for use in civil stalking protection order or civil sexually oriented offense protection order proceedings pursuant to R.C. 2903.214. The packet shall include, at a minimum, forms and instructions that are substantially similar to "Forms 10.03-D, 10.03-E, and 10.03-G."

(B) Civil stalking protection order or civil sexually oriented offense protection order form and protection order warning

In every case in which a court of common pleas issues an ex parte or full hearing civil stalking protection order or a civil sexually oriented offense protection order pursuant to R.C. 2903.214, it shall use the applicable form that is substantially similar to "Form 10.03-E or 10.03-F" and include a cover sheet that is substantially similar to "Form 10-C" and send a completed form that is substantially similar to "Form 10-A" and copy of the order to the local law enforcement agency for entry of the order into the "National Crime Information Center Protection Order File."

(C) Criminal protection order form and protection order warning

In every case in which a court issues an ex parte or full hearing criminal protection order pursuant to R.C. 2903.213, it shall use a form that is substantially similar to "Form 10.03-B" and include a cover sheet that is substantially similar to "Form 10-C" and send a completed form that is substantially similar to "Form 10-A" and copy of the order to the local law enforcement agency for entry of the order into the "National Crime Information Center Protection Order File."

(D) Notice of deadly weapons surrender

In every case in which a court orders the respondent to surrender deadly weapons into the protective custody of law enforcement, it shall enter into the docket a form that is substantially similar to "Form 10-F."

(E) Post-conviction no contact order

In every case in which a sentencing court imposes community control sanctions that prohibit contact as part of a sentence for a misdemeanor or felony offense for the purpose of preventing violent or threatening acts or harassment against, sexual violence, or contact or communication with or physical proximity to a victim, regardless of the family or household member relationship to the Defendant, it shall use a form that is substantially similar to "Form 10-G" and send to the local law enforcement agency a completed form

that is substantially similar to "Form 10-A" and a copy of the order for entry in of the order into the "National Crime Information Center Protection Order File."

(F) Remote access exception

A court of common pleas shall not make available through remote access pursuant to Sup.R. 44 through 47 any record of a civil protection order case that is likely to reveal the identity or location of a petitioner or another party to be protected or could be protected by a protection order.

FORM 10.03-A is reserved for future use

IN THE _____ **COURT**
_____ **COUNTY, OHIO**

Order of Protection

Per R.C. 2903.213(G)(3), this Order is indexed at

LAW ENFORCEMENT AGENCY WHERE INDEXED

( ) -
PHONE NUMBER

STATE OF OHIO/
CITY OF _____

v.

DEFENDANT

Case No. _____

Judge _____

State **OHIO**

CRIMINAL PROTECTION ORDER (CRPO)
(R.C. 2903.213)

☐ New Order ☐ Modification of Previous Order

PERSON(S) PROTECTED BY THIS ORDER:

ALLEGED VICTIM:

First Middle Last

Alleged Victim _____ DOB: _____

Alleged Victim's Family or Household Members:
(☐ Additional forms attached)

_____ DOB: _____
_____ DOB: _____
_____ DOB: _____

v.

_____ DOB: _____

DEFENDANT:

First Middle Last

Address where Defendant can be found:

_____

_____

DEFENDANT IDENTIFIERS

SEX	RACE	HGT	WGT
EYES	**HAIR**	**DOB**	
		/ /	
DRIVER'S LIC. NO.	**EXP. DATE**	**STATE**	

Distinguishing features: _____

_____

☐ **WARNING TO LAW ENFORCEMENT: DEFENDANT HAS FIREARMS ACCESS – PROCEED WITH CAUTION**

☐ ***Ex Parte* CRPO Granted:** ____ / ____ / ____ **(Date)**

☐ **CRPO Granted:** ____ / ____ / ____ **(Date)**

Violence Against Women Act, 18 U.S.C. 2265, Federal Full Faith & Credit Declaration: Registration of this Order is not required for enforcement.

THE COURT HEREBY FINDS:
That it has jurisdiction over the parties and subject matter, and the Defendant was provided with reasonable notice and opportunity to be heard within the time required by Ohio law. **Additional findings of this Order are set forth below.**

THE COURT HEREBY ORDERS:
That the above named Defendant be restrained from committing acts of abuse or threats of abuse against the Alleged Victim and other protected persons named in this Order. Additional terms of this Order are set forth below.

WARNING TO DEFENDANT: See the warning page attached to the front of this Order.

Case No._____

This matter came before the Court on _____/_____/_____ for an ☐ ***Ex parte*** **CRPO** ☐ **CRPO** hearing on Alleged Victim's Motion for a Criminal Protection Order. The Court finds that the Motion of the Alleged Victim for a Criminal Protection Order is well-taken. The Court finds that the safety and protection of the Alleged Victim and protected persons named in this Order may be impaired unless the Court acts. The following orders are designed to ensure the safety and protection of the protected persons named in this Order and are issued to the Defendant as pretrial conditions, in addition to any bail under Crim.R. 46.

The Court also finds:

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

☐ **Additional findings on a separate page are included and attached herein.**

DEFENDANT SHALL NOT ABUSE, harm, attempt to harm, threaten, follow, stalk, harass, force sexual relations upon, or commit sexually oriented offenses against the protected persons named in this Order. [NCIC 01 and 02]

ALL OF THE PROVISIONS CHECKED BELOW ALSO APPLY TO DEFENDANT

☐**1. DEFENDANT SHALL NOT ENTER** the residence, school, business, place of employment, day care centers, or child care providers of the protected persons named in this Order, including the buildings, grounds, and parking lots at those locations. Defendant may not violate this Order **even with the permission of a protected person**. [NCIC 04]

☐**2. DEFENDANT SHALL NOT INTERFERE** with the protected persons' right to occupy any residence by canceling utilities or insurance or interrupting telephone service, mail delivery, or the delivery of any other documents or items. [NCIC 03]

☐**3. DEFENDANT SHALL SURRENDER** all keys and garage door openers to the following residence

_____

_____

at the earliest possible opportunity after service of this Order to the law enforcement agency that serves the Defendant with this Order or as follows:

_____

_____

☐**4. DEFENDANT SHALL STAY AWAY FROM THE PROTECTED PERSONS NAMED IN THIS ORDER,** and shall not be present within 500 feet or _____(distance) of any protected persons

wherever those protected persons may be found, or any place the Defendant knows or should know the protected persons are likely to be, **even with the protected persons' permission**. If Defendant accidentally comes in contact with protected persons in any public or private place, Defendant must depart *immediately*. This Order includes encounters on public and private roads, highways, and thoroughfares. [NCIC 04]

☐ **5. DEFENDANT SHALL NOT REMOVE, DAMAGE, HIDE, OR DISPOSE OF ANY PROPERTY, COMPANION ANIMALS, OR PETS** owned or possessed by the protected persons named in this Order.

☐ **6. THE ALLEGED VICTIM IS AUTHORIZED TO REMOVE THE FOLLOWING COMPANION ANIMALS OR PETS** owned by Alleged Victim from the possession of the Defendant:

_____

_____

Exchange of the listed companion animals or pets shall take place as follows:

_____

_____

☐ **7. DEFENDANT SHALL NOT INITIATE OR HAVE ANY CONTACT** with the protected persons named in this Order at their residences, businesses, places of employment, schools, day care centers, or child care providers. Contact includes, but is not limited to, landline, cordless, cellular or digital telephone; text; instant messaging; fax; e-mail; voicemail; delivery service; social media; blogging; writings; electronic communications; posting a message; or communications by any other means directly or through another person. Defendant may not violate this Order **even with the permission of a protected person**. [NCIC 05]

☐ **8. DEFENDANT SHALL NOT** use any form of electronic surveillance on protected persons.

☐ **9. DEFENDANT SHALL NOT CAUSE OR ENCOURAGE ANY PERSON** to do any act prohibited by this Order.

☐ **10. DEFENDANT SHALL NOT POSSESS, USE, CARRY, OR OBTAIN ANY DEADLY WEAPON** at any time while the Order remains in effect for the safety and protection of the protected persons named in this Order. Furthermore, Defendant may be subject to firearms and ammunition restrictions pursuant to 18 U.S.C. 922(g)(1) through (9), 18 U.S.C. 922(n), or R.C. 2923.13. [NCIC 07]

DEFENDANT IS EXCEPTED only for official use pursuant to 18 U.S.C. 925(a)(1), if no other firearms and ammunition prohibitions apply.

☐ **11. DEFENDANT SHALL TURN OVER ALL DEADLY WEAPONS** owned by Defendant or in Defendant's possession to the law enforcement agency that serves Defendant with this Order no later than _____ or as follows:

_____

_____

_____

Any law enforcement agency is authorized to accept possession of deadly weapons pursuant to this paragraph and hold them in protective custody for the duration of this Order. [NCIC 07]

Law enforcement shall immediately notify the Court upon receiving Defendant's deadly weapons for protective custody as set forth in this Order.

Upon the expiration or termination of this Order and if a civil protection order has not been issued arising out of the same activities as those that were the basis of the complaint filed in this action, Defendant may

reclaim any deadly weapons held in protective custody by law enforcement pursuant to this Order unless Defendant is otherwise disqualified as verified by a check of the NCIC protection order file.

12. DEFENDANT'S CONCEALED CARRY WEAPON LICENSE, if any, is now subject to R.C. 2923.128.

☐**13. DEFENDANT SHALL NOT USE OR POSSESS** ☐alcohol or ☐illegal drugs.

☐**14. IT IS FURTHER ORDERED:** [NCIC 08]

_____

_____

_____

_____

_____

_____

_____

☐**15. IT IS FURTHER ORDERED** a copy of this Order shall be delivered to the Defendant on the same day that the Order is entered.

☐**16. THIS ORDER IS EFFECTIVE** until the occurrence of one of the following: (1) it is modified by this Court; or (2) the criminal proceeding arising out of the complaint upon which these orders were issued is disposed by this Court or by the court of common pleas to which the Defendant is bound over for prosecution; or (3) a court issues a Civil Stalking Protection Order (CSPO) or Civil Sexually Oriented Offense Protection Order (CSOOPO) arising out of the same activities as those that were the basis of the complaint filed in this action pursuant to R.C. 2903.213(B).

IT IS SO ORDERED.

MAGISTRATE	**DATE *EX PARTE* CRPO**	**JUDGE**	**DATE *EX PARTE* CRPO**
MAGISTRATE	**DATE CRPO**	**JUDGE**	**DATE CRPO**

NOTICE TO DEFENDANT

NO PERSON PROTECTED BY THIS ORDER CAN GIVE YOU LEGAL PERMISSION TO CHANGE OR VIOLATE THE TERMS OF THIS ORDER. IF YOU VIOLATE ANY TERMS OF THIS ORDER, EVEN WITH THE PROTECTED PERSON'S PERMISSION, YOU MAY BE ARRESTED. ONLY THE COURT CAN CHANGE THIS ORDER. YOU ACT AT YOUR OWN RISK IF YOU DISREGARD THIS WARNING.

NOTES: By its own definitions [see R.C. 2903.213(A)], this statute does not apply to a complaint that involves a person who is a family or household member. In those cases where the Alleged Victim is a family or household member of the Defendant, use the Domestic Violence Temporary Protection Order ("DVTPO") form and procedures under R.C. 2919.26, and/or Domestic Violence Civil Protection Order ("DVCPO") forms and procedures under R.C. 3113.31.

Case No._____

A HEARING on this Order shall be held before

Judge/Magistrate _____

on _____ / _____ / _____

at _____ ☐a.m. ☐p.m.,

at the following location:

TO THE CLERK:

A COPY OF THIS ORDER SHALL BE SERVED ON DEFENDANT (by personal service).
COPIES OF THIS ORDER SHALL BE DELIVERED TO:

- ☐ Prosecutor
- ☐ Alleged Victim
- ☐ Defendant's Attorney /Public Defender
- ☐ Law Enforcement Agency Where Alleged Victim Resides: _____
- ☐ Law Enforcement Agency Where Alleged Victim Works: _____
- ☐ Sheriff's Office / Police Department: _____
- ☐ Other: _____

Service acknowledged:

_____ _____
DEFENDANT **DATE**

WAIVER OF HEARING

I HAVE BEEN ADVISED OF MY RIGHT TO A HEARING ON THE MOTION FOR A CRIMINAL PROTECTION ORDER AND HEREBY KNOWINGLY AND VOLUNTARILY WAIVE THE HEARING ON THE MOTION AND AGREE TO BE BOUND BY THE TERMS OF THIS ORDER.

_____ _____
DEFENDANT **DATE**

IN THE COURT OF COMMON PLEAS
_____ COUNTY, OHIO

Petitioner	:	**Case No.** _____
	:	
Address (Safe mailing address)	:	**Judge/Magistrate** _____
City, State, Zip Code	:	
Date of Birth: ____/____/____	:	
v.	:	☐ **PETITION FOR CIVIL STALKING PROTECTION ORDER (R.C. 2903.214)**
	:	
Respondent		☐ **PETITION FOR CIVIL SEXUALLY ORIENTED OFFENSE PROTECTION ORDER (R.C. 2903.214)**
	:	
Address (If home address unknown, may be work address)		
	:	
City, State, Zip Code		
	:	
Date of Birth: ____/____/____		☐ **Respondent is 18 years old or older**

IF YOU ARE ASKING YOUR ADDRESS TO BE KEPT CONFIDENTIAL, PLEASE PUT A MAILING ADDRESS WHERE YOU CAN SAFELY RECEIVE MAIL. IF YOU ARE A PARTICIPANT IN THE SECRETARY OF STATE'S ADDRESS CONFIDENTIALITY PROGRAM, PLEASE USE THE P.O. BOX ADDRESS GIVEN TO YOU. THIS FORM IS A PUBLIC RECORD.

☐1. I need or a witness needs a foreign language interpreter in _____ or an American Sign Language interpreter per Sup.R. 88.

2. I ☐ **want** ☐ **do not want** an ***ex parte* (emergency) protection order** per R.C. 2903.214(D). Petitioner further requests a full hearing trial be scheduled, even if the *ex-parte* protection order is granted, denied, or not requested.

☐3. Who needs protection?

☐ Me
☐ My minor children
☐ A family or household member who is not a minor child
☐ Other _____

4. I have listed below all family or household members who need protection, other than me or the person for whom I am filing the Petition. (Leave blank if you are **not** including other family or household members.)

Case No._____

NAME	DATE OF BIRTH	RELATIONSHIP TO PETITIONER	LIVES WITH PETITIONER
	/ /		☐ YES ☐ NO
	/ /		☐ YES ☐ NO
	/ /		☐ YES ☐ NO
	/ /		☐ YES ☐ NO
	/ /		☐ YES ☐ NO

☐ 5. Petitioner requests a **Civil Stalking Protection Order.**

You **must** describe two or more incidents closely related in time that made you believe that Respondent will cause you physical harm or cause (or has caused) you mental distress. When did they happen (if you do not know exact dates, give approximate dates)?
If you need more space, attach an additional page.

☐ 6. Petitioner requests a **Civil Sexually Oriented Offense Protection Order.**

You **must** describe what Respondent did to you or the persons named in this Petition as fully as possible. You do not need to prove a pattern of conduct. One act may be enough.
If you need more space, attach an additional page.

7. Petitioner further requests the Court grant relief under R.C. 2903.214 for Petitioner and the family or persons named in this Petition by granting a Civil Stalking Protection Order or Civil Sexually Oriented Offense Protection Order that:

☐ (a) Directs Respondent to not abuse Petitioner and persons named in this Petition by harming, attempting to harm, threatening, following, stalking, harassing, contacting, forcing sexual relations upon them, or by committing sexually oriented offenses against them.

☐ (b) Directs Respondent to not enter the residence, school, business, place of employment, child care providers, or day care centers of Petitioner and persons named in this Petition, including the buildings, grounds, and parking lots at those locations.

☐ (c) Directs Respondent not to interfere with Petitioner's right to occupy the residence including, but not limited to canceling any utilities or insurance or interrupting phone service, mail delivery, or the delivery of any other documents or items.

Case No._____

☐ (d) Directs Respondent not to remove, damage, hide, or dispose of any property, companion animals, or pets owned or possessed by Petitioner and persons named in this Petition.

☐ (e) Grants Petitioner permission to take Petitioner's companion animals or pets, as described below, away from the possession of Respondent.

☐ (f) Directs Respondent not to possess, use, carry, or obtain any deadly weapon, firearms, and ammunition.

☐ (g) Directs Respondent to be electronically monitored, because Respondent's conduct, as explained below, puts the health, welfare, or safety of Petitioner and the persons named in this Petition at risk. Also, as explained below, Respondent continues to present a danger to Petitioner and the persons named in this Petition. **If you need more space, attach an additional page.**

_____
_____
_____
_____

☐ (h) Includes the following additional provisions:

_____
_____
_____
_____
_____
_____

8. Petitioner further requests that the Court not issue any mutual protection orders or other orders against Petitioner unless all of the conditions of R.C. 2903.214(E)(3) are met.

9. Petitioner further requests that if Petitioner has a victim advocate, the Court permit the victim advocate to accompany Petitioner at all stages of these proceedings as required by R.C. 2903.214(L).

10. Petitioner further requests that the Court grant such other relief designed to ensure the safety and protection of Petitioner and persons named in this Petition.

11. Petitioner has listed court cases (including divorce, custody, visitation, children service case; pending criminal case or conviction for felonious assault, aggravated assault, assault, aggravated menacing, menacing by stalking, menacing, aggravated trespass; animal cruelty; sexually oriented offenses; no contact order; stay away order, and other protection order) and other legal matters involving Respondent, that may relate to this case: **(If you need more space, attach an additional page.)**

CASE NAME	CASE NUMBER	COURT/COUNTY	RESULT OF CASE

I swear or affirm that the answers above are true, complete, and accurate to the best of my knowledge. I understand that making false statements in this document may result in a contempt of court finding against me which could result in a jail sentence and fine, and may also subject me to criminal penalties for perjury under R.C. 2921.11.

_____ _____

SIGNATURE OF PETITIONER **DATE**

Case No._____

IF YOU DO NOT HAVE A LAWYER, PLEASE LEAVE THE INFORMATION BELOW BLANK.

Signature of Petitioner's Attorney	Attorney's Registration Number
Name of Attorney	Attorney's Telephone
Attorney's Address	Attorney's Fax
City, State, Zip Code	Attorney's Email

Case No._____

THE COURT OF COMMON PLEAS

_____ **COUNTY, OHIO**

Petitioner	:	Case No. _____
v.	:	Judge/Magistrate _____
Respondent	:	

REQUEST FOR SERVICE

TO THE CLERK OF COURT:

Pursuant to Civ.R. 65.1(C)(2), please serve Respondent a copy of the Petition, *ex parte* protection order, if granted, and any other accompanying documents to the address below and as follows:

_____

_____

☐ Personal service ☐ Certified Mail, Return Receipt Requested
☐ Other (specify) _____

☐ Other (address): _____
☐ Personal Service ☐ Certified Mail, Return Receipt Requested
☐ Other (specify) _____

SPECIAL INSTRUCTIONS TO SHERIFF:

_____

_____

_____

_____
SIGNATURE OF ATTORNEY OR PETITIONER

RETURN OF SERVICE

Respondent was served on _____.

_____ _____
Officer and Badge Number Law Enforcement Agency

_____
Date

CLERK'S CERTIFICATE OF MAILING

Service of Process was sent by _____ this _____ day of _____.

Attest: _____ Deputy Clerk

IN THE COURT OF COMMON PLEAS

_____ COUNTY, OHIO

Order of Protection

Per R.C. 2903.214(F)(3), this Order is indexed at

LAW ENFORCEMENT AGENCY WHERE INDEXED

( ) -

PHONE NUMBER

Case No.

Judge/Magistrate _____

State **OHIO**

☐ **CIVIL STALKING PROTECTION ORDER *EX PARTE* (R.C. 2903.214)**

☐ **CIVIL SEXUALLY ORIENTED OFFENSE PROTECTION ORDER EX *PARTE* (R.C. 2903.214)**

PETITIONER:

First Middle Last

v.

PERSON(S) PROTECTED BY THIS ORDER:

Petitioner: _____ DOB: _____

Petitioner's Family or Household Members:
(☐ Additional forms attached.)

_____ DOB: _____

_____ DOB: _____

_____ DOB: _____

_____ DOB: _____

RESPONDENT:

First Middle Last

Relationship to Petitioner: _____

Address where Respondent can be found:

_____

_____

RESPONDENT IDENTIFIERS

SEX	RACE	HGT	WGT

EYES	HAIR	DOB
		/ /

DRIVER'S LIC. NO.	EXP. DATE	STATE

Distinguishing Features: _____

☐ **WARNING TO LAW ENFORCEMENT: RESPONDENT HAS FIREARMS ACCESS – PROCEED WITH CAUTION**

Violence Against Women Act, 18 U.S.C. 2265, Federal Full Faith & Credit Declaration: Registration of this Order is not required for enforcement.

THE COURT HEREBY FINDS:
That it has jurisdiction over the parties and subject matter, and Respondent will be provided with reasonable notice and opportunity to be heard within the time required by Ohio law. **Additional findings of this Order are set forth below.**

THE COURT HEREBY ORDERS:
That the above named Respondent be restrained from committing acts of abuse or threats of abuse against Petitioner and other protected persons named in this Order. Additional terms of this Order are set forth below.

The terms of this Order shall be effective until _____ / _____ / _____ **UNLESS EXTENDED BY SEPARATE ENTRY.**

WARNING TO RESPONDENT: See the warning page attached to the front of this Order.

Case No._____

This proceeding came on for an *ex parte* hearing on _____/_____/_____ (Respondent not being present), upon the filing of a Petition by Petitioner for a ☐civil stalking protection order or ☐ civil sexually oriented offense protection order against Respondent, pursuant to R.C. 2903.214. In accordance with R.C. 2903.214(D)(1), the Court held an *ex parte* hearing not later than the next day that the Court was in session after the Petition was filed.

The Court finds that the protected persons herein are in immediate and present danger and, for good cause shown, the following temporary orders are necessary to protect the persons named in this Order.

The Court also finds

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

☐ **Additional findings on a separate page are included and attached herein.**

RESPONDENT SHALL NOT ABUSE, harm, attempt to harm, threaten, follow, stalk, harass, force sexual relations upon, or commit sexually oriented offenses against the protected persons named in this Order. [NCIC 01 and 02]

ALL OF THE PROVISIONS CHECKED BELOW ALSO APPLY TO RESPONDENT

☐**1. RESPONDENT SHALL NOT ENTER** or interfere with the residence, school, business, place of employment, day care centers, or child care providers of the protected persons named in this Order, including the buildings, grounds, and parking lots at those locations. Respondent may not violate this Order **even with the permission of a protected person**. [NCIC 04]

Case No._____

☐ **2. RESPONDENT SHALL NOT INTERFERE** with protected persons' right to occupy the residence including, but not limited to canceling utilities or insurance or interrupting telecommunication (e.g., telephone, internet, or cable) services, mail delivery, or the delivery of any other documents or items.

☐ **3. RESPONDENT SHALL SURRENDER** all keys and garage door openers to the following residence:

_____

within 24 hours of service of this Order to the law enforcement agency that serves Respondent with this Order or as follows:

_____

_____

_____

☐ **4. RESPONDENT SHALL STAY AWAY FROM PETITIONER** and all other protected persons named in this Order, and not be present within 500 feet or _____ (distance) of any protected persons wherever those protected persons may be found, or any place Respondent knows or should know the protected persons are likely to be, **even with a protected person's permission**. If Respondent accidentally comes in contact with protected persons in any public or private place, Respondent must depart *immediately*. This Order includes encounters on public and private roads, highways, and thoroughfares. [NCIC 04]

☐ **5. RESPONDENT SHALL NOT REMOVE, DAMAGE, HIDE, OR DISPOSE OF ANY PROPERTY, COMPANION ANIMALS, OR PETS** owned or possessed by the protected persons named in this Order.

☐ **6. PETITIONER IS AUTHORIZED TO REMOVE THE FOLLOWING COMPANION ANIMALS OR PETS**, owned by Petitioner, from the possession of Respondent:

_____

Exchange of the listed companion animals or pets shall take place as follows:

_____

_____

☐ **7. RESPONDENT SHALL NOT INITIATE OR HAVE ANY CONTACT** with the protected persons named in this Order or their residences, businesses, places of employment, schools, day care centers, or child care providers. Contact includes, but is not limited to, landline, cordless, cellular or digital telephone; text; instant messaging; fax; e-mail; voicemail; delivery service; social media; blogging; writings; electronic communications; posting a message; or communications by any other means directly or through another person.

Respondent may not violate this Order **even with the permission of a protected person**. [NCIC 05]

☐ **8. RESPONDENT SHALL NOT** use any form of electronic surveillance on protected persons.

☐ **9. RESPONDENT SHALL NOT CAUSE OR ENCOURAGE ANY PERSON** to do any act prohibited by this Order.

☐ **10. RESPONDENT SHALL NOT POSSESS, USE, CARRY, OR OBTAIN ANY DEADLY WEAPON** at any time while the Order remains in effect for the safety and protection of the protected persons named in this Order. Furthermore, Respondent may be subject to firearms and ammunition restrictions pursuant to 18 U.S.C. 922(g)(1) through (9), 18 U.S.C. 922(n), or R.C. 2923.13. [NCIC 07]

RESPONDENT IS EXCEPTED only for official use pursuant to 18 U.S.C. 925(a)(1), if no other firearms and ammunition prohibitions apply.

☐ **11. RESPONDENT SHALL TURN OVER ALL DEADLY WEAPONS** owned by Respondent or in Respondent's possession to the law enforcement agency that serves Respondent with this Order no later than _____ or as follows:

Case No._____

Any law enforcement agency is authorized to accept possession of deadly weapons pursuant to this paragraph and hold them in protective custody for the duration of this Order. [NCIC 07]

Law enforcement shall immediately notify the Court upon receiving Respondent's deadly weapons for protective custody as set forth in this Order.

Upon the expiration or termination of this Order and if a full hearing order is not granted, Respondent may reclaim any deadly weapons held in protective custody by law enforcement pursuant to this Order unless Respondent is otherwise disqualified as verified by a check of the NCIC protection order file.

12. **RESPONDENT'S CONCEALED CARRY WEAPON LICENSE**, if any, is now subject to R.C. 2923.128.

☐ 13. **IT IS FURTHER ORDERED:** [NCIC 08]

14. **ALL DISCOVERY SHALL STRICTLY COMPLY** with Civ.R. 65.1(D).

15. **THE CLERK OF COURT SHALL CAUSE A COPY OF THE PETITION, THIS ORDER, AND ANY OTHER ACCOMPANYING DOCUMENTS** to be served on Respondent as set forth in Civ.R. 65.1(C)(2). The Clerk of Court shall also provide copies of the Petition and certified copies of this Order to Petitioner upon request.

16. **THIS ORDER DOES NOT EXPIRE** because of a failure to serve notice of the full hearing upon Respondent before the date set for the full hearing or because the Court grants a continuance, as set forth in R.C. 2903.214(D)(2)(b).

17. **IT IS FURTHER ORDERED NO COSTS OR FEES SHALL BE ASSESSED AGAINST PETITIONER** for filing, issuing, registering, modifying, enforcing, dismissing, withdrawing, serving, subpoenaing witnesses for, or obtaining a certified copy of this Order. This Order is granted without bond.

IT IS SO ORDERED.

_____
JUDGE / MAGISTRATE

NOTICE TO RESPONDENT

NO PERSON PROTECTED BY THIS ORDER CAN GIVE YOU LEGAL PERMISSION TO CHANGE OR VIOLATE THE TERMS OF THIS ORDER. IF YOU VIOLATE ANY TERMS OF THIS ORDER EVEN WITH THE PROTECTED PERSON'S PERMISSION, YOU MAY BE HELD IN CONTEMPT OR ARRESTED. ONLY THE COURT CAN CHANGE THIS ORDER. YOU ACT AT YOUR OWN RISK IF YOU DISREGARD THIS WARNING.

Case No. _____

A FULL HEARING on this Order, and on all other issues raised by the Petition, shall be held before Judge or Magistrate _____

on the _____ day of _____ , 20 _____

at _____ ☐a.m. ☐p.m. at the following location:

On the day of the Full Hearing, come prepared to (1) tell the Court what happened, (2) bring with you any witnesses, evidence, and documentation to prove your case, and (3) be aware that the other party or party's attorney may ask you questions. If you do not have an attorney, you may ask for a brief continuance to obtain an attorney per R.C. 2903.214(D)(2)(a)(iii) or you may represent yourself.

Parties do not have to give discovery, answer questions, or give information to the other party or the other party's lawyer unless ordered by judge or magistrate (Civ.R. 65.1(D)(2)).

TO THE CLERK

A COPY OF PETITION, THIS ORDER, AND ANY OTHER ACCOMPANYING DOCUMENTS SHALL BE SERVED ON RESPONDENT PURSUANT TO CIV.R. 65.1(C)(2). COPIES OF THIS ORDER AND ANY OTHER ACCOMPANYING DOCUMENTS SHALL BE

DELIVERED TO:

☐ Petitioner
☐ Petitioner's Attorney
☐ Law Enforcement Agency Where Petitioner Resides:

_____

☐ Sheriff's Office:

_____

☐ Law Enforcement Agency Where Petitioner Works:

_____

☐ Other: _____

IN THE COURT OF COMMON PLEAS

_____ **COUNTY, OHIO**

Order of Protection

Per R.C. 2903.214(F)(3), this Order is indexed at

_____

LAW ENFORCEMENT AGENCY WHERE INDEXED

( ) -

PHONE NUMBER

Case No. _____

Judge _____

State **OHIO**

☐ **CIVIL STALKING PROTECTION ORDER FULL HEARING (R.C. 2903.214)**

☐ **CIVIL SEXUALLY ORIENTED OFFENSE PROTECTION ORDER FULL HEARING (R.C. 2903.214)**

PETITIONER:

_____

First Middle Last

v.

PERSON(S) PROTECTED BY THIS ORDER:

Petitioner _____ DOB: _____

Petitioner's Family or Household Members:
(☐ Additional forms attached)

_____ DOB: _____

_____ DOB: _____

_____ DOB: _____

_____ DOB: _____

RESPONDENT:

_____

First Middle Last

RESPONDENT IDENTIFIERS

SEX	RACE	HGT	WGT

EYES	HAIR	DOB
		/ /

DRIVER'S LIC. NO.	EXP. DATE	STATE

Relationship to Petitioner: _____

Address where Respondent can be found:

_____

_____

Distinguishing Features: _____

_____

☐ **WARNING TO LAW ENFORCEMENT: RESPONDENT HAS FIREARMS ACCESS – PROCEED WITH CAUTION**

Violence Against Women Act, 18 U.S.C. 2265, Federal Full Faith & Credit Declaration: Registration of this Order is not required for enforcement.

THE COURT HEREBY FINDS:
That it has jurisdiction over the parties and subject matter, and Respondent was provided with reasonable notice and opportunity to be heard within the time required by Ohio law. **Additional findings of this Order are set forth below.**

THE COURT HEREBY ORDERS:
That the above named Respondent be restrained from committing acts of abuse or threats of abuse against Petitioner and other protected persons named in this Order. Additional terms of this Order are set forth below.

The terms of this Order shall be effective until _____ / _____ / _____ **(DATE CERTAIN – 5 YEARS MAXIMUM)**

WARNING TO RESPONDENT: See the warning page attached to the front of this Order.

Case No._____

This proceeding came on for a hearing on _____ / _____ / _____ before the Court and the ☐ Civil Stalking Protection Order Ex Parte or ☐ Civil Sexually Oriented Offense Protection Order Ex Parte issued on _____ / _____ / _____, all in accordance with R.C. 2903.214. The following individuals were present:

The Court hereby makes the following findings of fact:

☐ **Additional findings on a separate page are included and attached herein.**

☐ The Court finds by a preponderance of the evidence that 1) Respondent has knowingly engaged in a pattern of conduct that caused Petitioner to believe that Respondent will cause physical harm or cause or has caused mental distress; and 2) the following orders are equitable, fair, and necessary to protect the persons named in this Order from stalking offenses.

☐ The Court finds by a preponderance of the evidence that 1) Petitioner or Petitioner's family or household members have been a victim of a sexually oriented offense as defined in R.C. 2950.01, committed by Respondent; and 2) the following orders are equitable, fair, and necessary to protect the persons named in this Order from sexually oriented offenses.

☐ The Court finds by clear and convincing evidence that 1) Petitioner or Petitioner's family or household members reasonably believed Respondent's conduct before the filing of the Petition endangered the health, welfare, or safety of Petitioner or Petitioner's family or household members; 2) Respondent presents a continuing danger to Petitioner or Petitioner's family or household members; and 3) the following orders are equitable, fair, and necessary to protect the persons named in this Order from experiencing a continuing danger.

RESPONDENT SHALL NOT ABUSE, harm, attempt to harm, threaten, follow, stalk, harass, force sexual relations upon, or commit sexually oriented offenses against the protected persons named in this Order. [NCIC 01 and 02]

Case No._____

ALL OF THE PROVISIONS CHECKED BELOW ALSO APPLY TO RESPONDENT

☐ **1. RESPONDENT SHALL NOT ENTER** the residence, school, business, place of employment, day care centers, or child care providers of the protected persons named in this Order, including the buildings, grounds, and parking lots at those locations. Respondent may not violate this Order **even with the permission of a protected person**. [NCIC 04]

☐ **2. RESPONDENT SHALL NOT INTERFERE** with the protected persons' right to occupy the residence including, but not limited to canceling utilities or insurance or interrupting telecommunication (e.g., telephone internet, or cable) services, mail delivery, or the delivery of any other documents or items. [NCIC 03]

☐ **3. RESPONDENT SHALL SURRENDER** all keys and garage door openers to the following residence:

_____

within 24 hours of service of this Order to the law enforcement agency that serves Respondent with this Order or as follows:

_____

_____

☐ **4. RESPONDENT SHALL STAY AWAY FROM PETITIONER** and all other protected persons named in this Order, and not be present within 500 feet or _____(distance) of any protected persons wherever those protected persons may be found, or any place Respondent knows or should know the protected persons are likely to be, **even with a protected person's permission**. If Respondent accidentally comes in contact with protected persons in any public or private place, Respondent must depart *immediately*. This Order includes encounters on public and private roads, highways, and thoroughfares. [NCIC 04]

☐ **5. RESPONDENT SHALL NOT REMOVE, DAMAGE, HIDE, OR DISPOSE OF ANY PROPERTY, COMPANION ANIMALS, OR PETS** owned or possessed by the protected persons named in this Order.

☐ **6. PETITIONER IS AUTHORIZED TO REMOVE THE FOLLOWING COMPANION ANIMALS OR PETS** owned by Petitioner from the possession of Respondent:

_____

Exchange of the listed companion animals or pets shall take place as follows:

_____

☐ **7. RESPONDENT SHALL NOT INITIATE OR HAVE ANY CONTACT** with the protected persons named in this Order or their residences, businesses, places of employment, schools, day care centers, or child care providers. Contact includes, but is not limited to, landline, cordless, cellular or digital telephone; text; instant messaging; fax; e-mail; voicemail; delivery service; social media; blogging; writings; electronic communications; posting a message; or communications by any other means directly or through another person.

Respondent may not violate this Order **even with the permission of a protected person**. [NCIC 05]

☐ **8. RESPONDENT SHALL NOT** use any form of electronic surveillance on protected persons.

☐ **9. RESPONDENT SHALL NOT CAUSE OR ENCOURAGE ANY PERSON** to do any act prohibited by this Order.

☐ **10. RESPONDENT SHALL NOT POSSESS, USE, CARRY, OR OBTAIN ANY DEADLY WEAPON** at any time while this Order remains in effect for the safety and protection of the protected persons named in this Order. Furthermore, Respondent may be subject to firearms and ammunition restrictions pursuant to 18 U.S.C. 922(g)(1) through (9), 18 U.S.C. 922(n), or R.C. 2923.13. [NCIC 07]

RESPONDENT IS EXCEPTED only for official use pursuant to 18 U.S.C. 925(a)(1), if no other firearms and ammunition prohibitions apply.

☐ **11. RESPONDENT SHALL TURN OVER ALL DEADLY WEAPONS OWNED** by Respondent or in Respondent's possession to the law enforcement agency that serves Respondent with this Order no later than _____ or as follows:

_____

_____

Any law enforcement agency is authorized to accept possession of deadly weapons pursuant to this paragraph and hold them in protective custody for the duration of this Order. [NCIC 07]

Law enforcement shall immediately notify the Court upon receiving Respondent's deadly weapons into protective custody as set forth in this Order.

Upon the expiration or termination of this Order, Respondent may reclaim any deadly weapons held in protective custody by law enforcement pursuant to this Order unless Respondent is otherwise disqualified as verified by a check of the NCIC protection order file.

12. RESPONDENT'S CONCEALED CARRY WEAPON LICENSE, if any, is now subject to R.C. 2923.128.

☐ **13. IT IS FURTHER ORDERED:** [NCIC 08]

_____

_____

_____

_____

_____

☐ **14. RESPONDENT SHALL COMPLETE** the following counseling program:

_____

Respondent shall contact this program within _____ days after receiving this Order and immediately arrange for an initial appointment. The counseling program is requested to provide the Court a written notice when Respondent attends the initial appointment, if Respondent fails to attend or is discharged, and when Respondent completes the program. Respondent is required to sign all necessary waivers to allow the Court to receive information from the counseling program.

☐ **Respondent is ordered to appear before Judge or Magistrate** _____ **on** _____ / _____ / _____ **at** _____ ☐ **a.m.** ☐ **p.m. to review Respondent's compliance with this counseling order. Respondent is warned: If you fail to attend the counseling program you may be held in contempt of court. If you fail to appear at this hearing, the Court may issue a warrant for your arrest.**

☐ **15. RESPONDENT SHALL NOT USE OR POSSESS** ☐ alcohol or ☐ illegal drugs.

☐ **16. RESPONDENT SHALL BE SUBJECT TO ELECTRONIC MONITORING.** Respondent is ordered to report to _____ for placement of a global positioning system for the purpose of electronic monitoring for the duration of this Order or until _____ / _____ / _____ whichever expires first. The Court further imposes the following terms and conditions:

Case No._____

☐ **17.** The Clerk of Court shall cause a copy of this Order to be served on Respondent as set forth in Civ.R. 5(B) and 65.1(C)(3). The Clerk of Court shall also provide certified copies of this Order to Petitioner upon request.

18. IF THE FULL HEARING PROCEEDING WAS REFERRED TO A MAGISTRATE, the Court has reviewed the magistrate's granting of this Order and finds no error of law or other defect evident on the face of the Order. Accordingly, the Court adopts the magistrate's granting of this Order.

19. IT IS FURTHER ORDERED NO COSTS OR FEES SHALL BE ASSESSED AGAINST PETITIONER for filing, issuing, registering, modifying, enforcing, dismissing, withdrawing, serving, or subpoenaing witnesses or obtaining a certified copy of this Order. This Order is granted without bond.

20. THE COSTS OF THIS ACTION ARE ☐assessed against Respondent ☐waived.

IT IS SO ORDERED.

_____ _____

MAGISTRATE **JUDGE**

NOTICE TO RESPONDENT

NO PERSON PROTECTED BY THIS ORDER CAN GIVE YOU LEGAL PERMISSION TO CHANGE OR VIOLATE THE TERMS OF THIS ORDER. IF YOU VIOLATE THE TERMS OF THIS ORDER, EVEN WITH THE PROTECTED PERSON'S PERMISSION, YOU MAY BE HELD IN CONTEMPT OR ARRESTED. ONLY THE COURT CAN CHANGE THIS ORDER. YOU ACT AT YOUR OWN RISK IF YOU DISREGARD THIS WARNING.

NOTICE OF FINAL APPEALABLE ORDER

Copies of the foregoing Order, which is a final appealable order, were served on or delivered to the parties indicated pursuant to Civ.R. 5(B) and 65.1(C)(3), including ordinary mail

on _____/_____/_____

By: _____
CLERK OF COURT

TO THE CLERK

A COPY OF THIS ORDER SHALL BE SERVED ON RESPONDENT PURSUANT TO CIV.R. 65.1(C)(3).

COPIES OF THIS ORDER SHALL BE DELIVERED TO:

Petitioner

☐ Petitioner's Attorney
☐ Respondent's Attorney
☐ Law Enforcement Agency Where Petitioner Resides:

_____

☐ Law Enforcement Agency Where Petitioner Works:

_____

☐ Sheriff's Office

_____

☐ Other: _____

WAIVER

I, _____ (Respondent) understand that I have the right to a full hearing on the Petition for Civil Stalking Protection Order or Civil Sexually Oriented Offense Protection Order, and acknowledge each of the following:

1. I waive the right to have a full hearing on this Protection Order.
2. I waive the right to cross-examine witnesses and review evidence submitted in support of this Protection Order.
3. I waive the right to present witnesses and evidence on my own behalf.

Case No._____

4. I waive the right to file objections and recognize this may limit my right to appeal the issuance of this Protection Order.

I understand that based on the waivers listed above, a Protection Order will be entered against me.

_____ _____

RESPONDENT DATE

FORM 10.03-G: INFORMATION ABOUT FILING A CIVIL STALKING PROTECTION ORDER AND A CIVIL SEXUALLY ORIENTED OFFENSE PROTECTION ORDER

- If you have any questions about completing the Petition for a Civil Stalking Protection Order (CSPO) or a Civil Sexually Oriented Offense Protection Order (Form 10.03-D), contact the local victim assistance program, domestic violence program, or Ohio Domestic Violence Network at 800-934-9840.
- Neither the Clerk of Court's Office nor the local domestic violence program can give legal advice. If you need legal advice, talk to a lawyer. Only a lawyer can give you legal advice.
- There is NO FEE for filing the Petition.
- Once completed, take the Petition and other necessary documents to the Clerk of Court's Office.
- If you want an emergency order, also known as an Ex Parte Protection Order, check "want" in paragraph 2 of the Petition.
- The Court will consider your request for an Ex Parte Protection Order and may ask you questions.
- Regardless if an Ex Parte Protection Order was requested, granted, or denied, a full hearing will be scheduled.
- You must attend the full hearing. Your victim advocate may also be present at the hearing.
- On the day of the full hearing, be prepared to (1) tell the Court what happened, (2) bring with you any witnesses, evidence, and documentation to prove your case, and (3) ask Respondent questions.
- Respondent may be represented by a lawyer. You may ask for a continuance to obtain a lawyer per R.C. 2903.214(D)(2)(iii).
- Respondent or Respondent's lawyer may present evidence and ask you questions.
- The Court cannot issue a protection order against you unless Respondent has filed a Petition.

DEFINITIONS

Menacing by Stalking [R.C. 2903.211(A)(1) through (3)]	No person by engaging in a pattern of conduct shall knowingly cause another person to believe that the offender will cause physical harm to the other person or cause mental distress to the other person. No person, through the use of any form of written communication or any electronic method of remotely transferring information, including, but not limited to, any computer, computer network, computer program, or computer system, or telecommunication device, shall post a message or use any intentionally written or verbal graphic gesture with purpose to (a) violate [this law] **OR** (b) urge or incite another to commit a violation of [this law]. No person, with a sexual motivation, shall violate [this law].
Pattern of Conduct [R.C. 2903.211(D)(1)]	Pattern of conduct means two or more actions or incidents closely related in time.
Mental Distress [R.C. 2903.211(D)(2)]	Mental distress means: (a) any mental illness or condition that involves some temporary substantial incapacity **OR** (b) any mental illness or condition that would normally require psychiatric treatment, psychological treatment, or other mental health services, regardless if psychiatric treatment, psychological treatment, or other mental health services was requested or received.
Sexually Oriented Offense [R.C. 2950.01.]	Sexually oriented offenses are defined at R.C. 2950.01.

FORM 10.03-H is reserved for future use

FORM 10.03-I is reserved for future use

FORM 10.03-J is reserved for future use

RULE 10.04. Standard Notice Concerning Possession or Purchase of a Firearm.

(A) Requirement

A court that has jurisdiction to convict a person of a misdemeanor offense of violence against a family or household member shall provide notice to the defendant pursuant to R.C. 2943.033.

(B) Form

In every case prior to accepting a guilty plea or plea of no contest to an indictment, information, or complaint that charges a person with a misdemeanor offense of violence against a family or household member, a court shall use a form that is substantially similar to "Form 10.04-A" unless the court provides oral notice to the defendant.

FORM 10.04-A: NOTICE CONCERNING POSSESSION OR PURCHASE OF FIREARMS

NOTE: Rule 10.04 of the Rules of Superintendence for the Courts of Ohio requires notice of possible firearm restrictions be provided to the Defendant before entering a guilty plea or plea of no contest to a misdemeanor crime of violence against a family or household member.

Pursuant to R.C. 2943.033, you are advised that if you enter a guilty plea or plea of no contest to a misdemeanor crime involving violence where you are or were any of the following:

- The spouse, person living as a spouse, former spouse of the Alleged Victim;
- The parent or child of the Alleged Victim;
- The parent or child of a spouse, person living as a spouse, or former spouse of the Alleged Victim;
- The natural parent of any child of whom the Alleged Victim is the other natural parent or the putative natural parent

it may be unlawful for you to ship, transport, purchase, or possess a firearm or ammunition as a result of any conviction for a misdemeanor offense of violence pursuant to federal law under 18 U.S.C. 922(g)(9).

If you have any questions whether this law makes it illegal for you to ship, transport, purchase, or possess a firearm or ammunition, you should consult an attorney.

RULE 10.05. Standard Civil Protection Order Forms - Juvenile Division.

(A) Distribution of packet

A juvenile division of a court of common pleas that has jurisdiction to issue a civil protection order against a minor pursuant to R.C. 2151.34 and 3113.31 shall distribute, upon request, a forms packet for use in juvenile civil protection order proceedings against a juvenile respondent pursuant to R.C. 2151.34 and 3113.31. The packet shall include, at a minimum, forms that are substantially similar to "Forms 10-C, 10.05-A, and 10.05-B."

(B) Civil protection order form and protection order warning

In every case in which a juvenile division of a court of common pleas issues an ex parte or full hearing civil protection order against a minor pursuant to R.C. 2151.34 , it shall use the applicable form that is substantially similar to " Form 10.05-C or 10.05-D" and include a cover sheet that is substantially similar to "Form 10-C" and send a completed form that is substantially similar to "Form 10-A" and copy of the order to the local law enforcement agency for entry of the order into the "National Crime Information Center Protection Order File."

(C) Domestic violence civil protection order form and protection order warning

In every case in which a juvenile division of a court of common pleas issues an ex parte or full hearing domestic violence civil protection order against a minor pursuant to R.C. 3113.31, it shall use the applicable form that is substantially similar to " Form 10.05-C or 10.05-E" and include a cover sheet that is substantially similar to "Form 10-C" and send a completed form that is substantially similar to "Form 10-A" and copy of the order to the local law enforcement agency for entry of the order into the "National Crime Information Center Protection Order File."

(D) Wireless service transfer order

In every case in which a juvenile division of a court of common pleas orders the transfer of wireless service as a term of an ex parte or full hearing civil protection order, it shall complete a form that is substantially similar to "Form 10-E."

(E) Remote access exception

A juvenile division of a court of common pleas shall not make available through remote access pursuant to Sup.R. 44 through 47 any record of a civil protection order case that is likely to reveal the identity or location of a petitioner or another party to be protected or could be protected by a protection order.

FORM 10.05-A: INFORMATION ABOUT FILING A JUVENILE CIVIL PROTECTION ORDER OR A JUVENILE DOMESTIC VIOLENCE CIVIL PROTECTION ORDER PETITION

- If you have any questions about completing the Petition for a Juvenile Civil Protection Order or Domestic Violence Juvenile Civil Protection Order (Form 10.05-B), contact the local victim assistance program, domestic violence program, or Ohio Domestic Violence Network at 800-934-9840.
- Neither the Clerk of Court's Office nor the local domestic violence program can give legal advice. If you need legal advice, talk to a lawyer. Only a lawyer can give you legal advice.
- There is NO FEE for filing the Petition.
- Once completed, take the Petition and other necessary documents to the Clerk of Court's Office.
- If you want an emergency order, also known as an Ex Parte Protection Order, check "want" in paragraph 2 of the Petition.
- The Court will consider your request for an Ex Parte Protection Order and may ask you questions.
- Regardless if an Ex Parte Protection Order was requested, granted, or denied, a full hearing will be scheduled.
- You must attend the full hearing. Your victim advocate may also be present at the hearing.
- On the day of the full hearing, be prepared to (1) tell the Court what happened, (2) bring with you any witnesses, evidence, and documentation to prove your case, and (3) ask Respondent questions.
- Respondent may be represented by a private lawyer or a court-appointed lawyer. [R.C. 2151.34(O)] You may represent yourself or ask the Court for a continuance to obtain a lawyer. [R.C. 2151.34(D)(2)(a)(iii) or 3113.31(D)(2)(a)(iii)]
- Respondent or Respondent's lawyer may present evidence and may ask you questions.
- The Court cannot issue a protection order against you unless Respondent has filed a Petition.

DEFINITIONS

Aggravated Assault
[R.C. 2903.12]

No person, while under the influence of sudden passion or in a sudden fit of rage, either of which is brought on by serious provocation occasioned by the victim that is reasonably sufficient to incite the person into using deadly force, shall knowingly cause serious physical harm to another or to another's unborn.

No person, while under the influence of sudden passion or in a sudden fit of rage, either of which is brought on by serious provocation occasioned by the victim that is reasonably sufficient to incite the person into using deadly force, shall knowingly cause or attempt to cause physical harm to another or to another's unborn by means of a deadly weapon or dangerous ordnance, as defined in [the law].

Aggravated Menacing
[R.C. 2903.21]

No person shall knowingly cause another to believe that the offender will cause serious physical harm to the person or property of the other person, the other person's unborn, or a member of the other person's immediate family.

Aggravated Trespass
[R.C. 2911.211]

No person shall enter or remain on the land or premises of another with purpose to commit on that land or those premises a misdemeanor, the elements of which involve causing physical harm to another person or causing

another person to believe that the offender will cause physical harm to the person.

Assault
[R.C. 2903.13]

No person shall knowingly cause or attempt to cause physical harm to another or to another's unborn. No person shall recklessly cause serious physical harm to another or to another's unborn.

Domestic Violence
[R.C. 3113.31]

"Domestic violence" means the occurrence of one or more of the following acts against a family or household member: attempting to cause or recklessly causing bodily injury; placing another person by the threat of force in fear of imminent serious physical harm or committing [menacing by stalking or aggravated trespass]; committing any act with respect to a child that would result in the child being an abused child, as defined [by law]; or committing a sexually oriented offense.

Family or Household Member
[R.C. 3113.31(A)(3) through (4)]

"Family or household member" means any of the following:

Any of the following who is residing with or has resided with Respondent, such as a spouse, a person living as a spouse, or a former spouse of Respondent; a parent, a foster parent, or a child of Respondent, or another person related by consanguinity or affinity (blood or marriage) to Respondent; a parent or a child of a spouse, person living as a spouse, or former spouse of Respondent, or another person related by consanguinity or affinity (blood or marriage) to a spouse, person living as a spouse, or former spouse of Respondent.

The natural parent of any child of whom Respondent is the other natural parent or is the putative other natural parent.

"Person living as a spouse" means a person who is living or has lived with Respondent in a common law marital relationship, who otherwise is cohabiting with Respondent, or who otherwise has cohabited with Respondent within five years prior to the date of the alleged occurrence of the act in question.

Felonious Assault
[R.C. 2903.11]

No person shall knowingly cause serious physical harm to another or to another's unborn. [R.C. 2903.11(A)(1)]

No person shall knowingly cause or attempt to cause physical harm to another or to another's unborn by means of a deadly weapon or dangerous ordnance.

No person, with knowledge that the person has tested positive as a carrier of a virus that causes AIDS, shall knowingly do any of the following: (1) engage in sexual conduct with another person without disclosing that knowledge to the other person prior to engaging in the sexual conduct; (2) engage in sexual conduct with a person whom the offender knows or has reasonable cause to believe lacks the mental capacity to appreciate the significance of the knowledge that the offender has tested positive as a carrier of a virus that causes AIDS; or (3) engage in sexual conduct with a person under eighteen years of age who is not the spouse of the offender.

Menacing
[R.C. 2903.22]

No person shall knowingly cause another to believe that the offender will cause physical harm to the person or property of the other person, the other person's unborn, or a member of the other person's immediate family.

Menacing by Stalking
[R.C. 2903.211]

No person by engaging in a pattern of conduct shall knowingly cause another person to believe that the offender will cause physical harm to the other person or cause mental distress to the other person.

No person, through the use of any electronic method of remotely transferring information, including, but not limited to, any computer, computer network,

	computer program, or computer system, shall post a message with purpose to urge or incite another to commit a violation [this law].
Pattern of Conduct [R.C. 2903.211(D)(1)]	Pattern of conduct means two or more actions or incidents closely related in time.
Mental Distress [R.C. 2903.211(D)(2)]	Mental distress means: (a) any mental illness or condition that involves some temporary substantial incapacity **OR** (b) any mental illness or condition that would normally require psychiatric treatment, psychological treatment, or other mental health services, regardless if psychiatric treatment, psychological treatment, or other mental health services was requested or received.
Sexually Oriented Offense **[**R.C. 2950.01.]	Sexually oriented offenses are defined at R.C. 2950.01.

IN THE COURT OF COMMON PLEAS, _____ DIVISION
_____ COUNTY, OHIO

Petitioner	:	**Case No.** _____
Address (Safe mailing address)	:	**Judge/Magistrate** _____
City, State, Zip Code	:	
Date of Birth: ____/____/____	:	
v.	:	**PETITION FOR JUVENILE CIVIL PROTECTION ORDER OR JUVENILE DOMESTIC VIOLENCE CIVIL PROTECTION ORDER (R.C. 2151.34 and 3113.31)**
Respondent	:	
Address (If home address unknown, put the school or work address)	:	
City, State, Zip Code	:	
Date of Birth: ____/____/____		☐ **Respondent is under 18 years old**

IF YOU ARE ASKING FOR YOUR ADDRESS TO BE KEPT CONFIDENTIAL, PLEASE PUT A MAILING ADDRESS WHERE YOU CAN SAFELY RECEIVE MAIL. IF YOU ARE A PARTICIPANT IN THE SECRETARY OF STATE'S ADDRESS CONFIDENTIALITY PROGRAM, PLEASE USE THE P.O. BOX ADDRESS GIVEN TO YOU. THIS FORM IS A PUBLIC RECORD.

☐ 1. I need or a witness needs a foreign language interpreter in _____ or an American Sign Language interpreter per Sup.R. 88.

2. I ☐ **want** ☐ **do not want** an ***ex parte*** **(emergency) protection order** per R.C. 2151.34 or 3113.31. Petitioner further requests a full hearing trial even if the ex parte protection order is granted, denied, or not requested.

3. Who needs protection?
   - ☐ Me
   - ☐ My minor child
   - ☐ A family or household member, who is not a minor child
   - ☐ Other: _____

4. The relationship of Petitioner to Respondent is that of:
   - ☐ Parent or foster parent of Respondent
   - ☐ Respondent is the parent of my child
   - ☐ Relative by blood or marriage of Respondent or Petitioner and has lived with Respondent (please specify how you are related): _____

Case No._____

☐ Petitioner is not related to Respondent (please specify how you know Respondent) _____

☐ 5. I have listed below all family or household members who need protection other than me or the person for whom I am filing the Petition **(Leave blank if you are not including other family or household members)**.

NAME (first, middle initial, and last)	DATE OF BIRTH	RELATIONSHIP TO PETITIONER
	/ /	
	/ /	
	/ /	
	/ /	

6. Petitioner is in fear and in continuing danger and requests the Court grant ☐ **Juvenile Civil Protection Order** or ☐ **Juvenile Domestic Violence Civil Protection Order**.

7. You **must** describe the threats or acts that made you or your family or household members afraid, include if children were present when the acts happened. When did it happen? (If you do not know exact dates, give approximate dates). Explain why you believe you or your family or household members are in danger. **If you need more space, attach an additional page.**

8. Petitioner has listed court cases (including custody, visitation, paternity, child support, children service case, pending criminal case or conviction for domestic violence, felonious assault, aggravated assault, assault, aggravated menacing, menacing by stalking, menacing, or aggravated trespass; no contact order; stay away order; or other protection order) and other legal matters regarding Respondent, which may relate to this case:

CASE NAME	CASE NUMBER	COURT/COUNTY	TYPE OF CASE	RESULT OF CASE

Case No._____

9. Petitioner requests the Court grant relief under R.C. 2151.34 or 3113.31. Check all that apply.

☐ a. Directs Respondent to not abuse Petitioner and the other persons named in this Petition by harming, attempting to harm, threatening, following, stalking, harassing, contacting, forcing sexual relations upon, or committing sexually oriented offenses against them.

☐ b. Directs Respondent to not enter or have limited access to the following places (include name and address, as applicable) where Petitioner and the persons named in this Petition may be found, including the buildings, grounds, and parking lots at these places.

Residence: _____

_____

_____

School: _____

_____

_____

Business or Place of Employment: _____

_____

_____

Other (specify): _____

_____

☐ c. Directs Respondent to not approach or have contact by any means with Petitioner and persons named in this Petition.

☐ d. Directs Respondent not to remove, damage, hide, or dispose of any property, companion animals, or pets owned by Petitioner.

☐ e. Grants Petitioner permission to take Petitioner's companion animals or pets, as described below, away from the possession of Respondent:

_____

_____

☐ f. Directs Respondent to not possess, use, carry, or obtain any deadly weapon, firearms, and ammunition.

☐ g. Directs Respondent to be electronically monitored because Respondent's conduct has put or puts the health, welfare, or safety of Petitioner and the persons named in this Petition at risk. Describe Respondent's conduct and how Respondent continues to present a danger to Petitioner and the persons named in this Petition. **If you need more space, attach an additional page.**

_____

_____

_____

_____

☐ h. Directs Respondent to complete batterer counseling, substance abuse counseling, or other counseling as determined necessary by the Court.

Case No._____

☐ i. Directs the wireless service provider to separate Petitioner's account from Respondent's account, per R.C. 3113.45 to 3113.459. Petitioner will assume all financial responsibility for any costs associated with the wireless service number and any costs for the device associated with the wireless service number.
Respondent's billing telephone number is: _____

Petitioner's contact information is on page 1 of this Petition. The wireless service numbers to be transferred to Petitioner which are used by Petitioner or the minor children in the care of Petitioner is:

_____

_____

☐ j. Includes the following additional provisions: _____

_____

10. Petitioner further requests that the Court grant such other relief as the Court considers equitable and fair.

I swear or affirm that the answers above are true, complete, and accurate to the best of my knowledge. I understand that making false statements in this document may result in a contempt of court finding against me which could result in a jail sentence and fine, and may also subject me to criminal penalties for perjury under R.C. 2921.11.

SIGNATURE OF PETITIONER	**DATE**
Name of Attorney (if applicable)	Attorney's Fax
Signature of Petitioner's Attorney	Attorney's Registration Number
Attorney's Address	Attorney's Telephone
City, State, Zip Code	Attorney's Email

Case No._____

IN THE COURT OF COMMON PLEAS

_____ **COUNTY, OHIO**

Petitioner	:	Case No. _____
v.	:	Judge/Magistrate _____
Respondent	:	

REQUEST FOR SERVICE

TO THE CLERK OF COURT:

Pursuant to Civ.R. 65.1(C)(2), please serve Respondent a copy of the Petition, *ex parte* protection order, if granted, and any other accompanying documents to the address below and as follows:

_____

_____

☐ Personal service ☐ Certified Mail, Return Receipt Requested

☐ Other (specify) _____

☐ Other (address): _____

☐ Personal Service ☐ Certified Mail, Return Receipt Requested

☐ Other (specify) _____

SPECIAL INSTRUCTIONS TO SHERIFF:

_____

_____

_____

_____

SIGNATURE OF ATTORNEY OR PETITIONER

RETURN OF SERVICE

Respondent was served on _____.

_____ _____

Officer and Badge Number Law Enforcement Agency

_____

Date

CLERK'S CERTIFICATE OF MAILING

Service of Process was sent by _____ this _____ day of _____.

Attest: _____ Deputy Clerk

IN THE COURT OF COMMON PLEAS, _____ DIVISION

_____ COUNTY, OHIO

Order of Protection

Per R.C. 2151.34(F)(3) or 3113.31(F)(3), this Order is indexed at

_____

LAW ENFORCEMENT AGENCY WHERE INDEXED

( ) -

PHONE NUMBER

Case No.

Judge/Magistrate _____

State **OHIO**

JUVENILE CIVIL PROTECTION ORDER OR JUVENILE DOMESTIC VIOLENCE CIVIL PROTECTION ORDER *EX PARTE* (R.C. 2151.34 or 3113.31)

PETITIONER:

First Middle Initial Last

v.

PERSON(S) PROTECTED BY THIS ORDER:

Petitioner: _____ DOB: _____

Petitioner's Family or Household Members:
(☐ Additional forms attached)

_____ DOB: _____

_____ DOB: _____

_____ DOB: _____

_____ DOB: _____

RESPONDENT:

First Middle Initial Last

Distinguishing Features: _____

RESPONDENT IDENTIFIERS

SEX	RACE	HGT	WGT
EYES	HAIR	DOB	
		/ /	
DRIVER'S LIC. NO	EXP. DATE	STATE	

Violence Against Women Act, 18 U.S.C. 2265, Federal Full Faith & Credit Declaration: Registration of this Order is not required for enforcement.

THE COURT HEREBY FINDS:
That it has jurisdiction over the parties and subject matter, and Respondent will be provided with reasonable notice and opportunity to be heard within the time required by Ohio law. **Additional findings of this Order are set forth below.**

THE COURT HEREBY ORDERS:
That the above named Respondent be restrained from committing acts of abuse or threats of abuse against Petitioner and other protected persons named in this Order. Additional terms of this Order are set forth below.

The terms of this Order shall be effective until _____ / _____ / _____ **UNLESS EXTENDED BY SEPARATE ENTRY OR UNTIL RESPONDENT ATTAINS 19 YEARS OF AGE**

Respondent will attain 19 years of age on _____ / _____ / _____

WARNING TO RESPONDENT: See the warning page attached to the front of this Order.

Case No._____

This proceeding came for an *ex parte* hearing on _____ / _____ / _____ (Respondent not being present), upon the filing of a Petition by Petitioner for a juvenile civil protection order or juvenile domestic violence civil protection order against Respondent, pursuant to R.C. 2151.34 or 3113.31. The Court held an *ex parte* hearing in accordance with R.C. 2151.34(D)(1) or 3113.31(D)(1).

The Court finds that protected persons named herein are in immediate and present danger and for good cause shown, the following temporary orders are necessary to protect the persons named in this Order.

RESPONDENT SHALL NOT ABUSE, harm, attempt to harm, threaten, follow, stalk, harass, force sexual relations upon, or commit sexually oriented offenses against the protected persons named in this Order. [NCIC 01 and 02]

ALL OF THE PROVISIONS CHECKED BELOW ALSO APPLY TO RESPONDENT

☐ **1. RESPONDENT SHALL NOT ENTER** the places indicated in this Order, including the buildings, grounds, and parking lots at those locations, except as specifically provided. [NCIC 04]

☐ **Residence:**

_____

_____

☐ **School:**

_____

_____

_____

☐ **Business or Place of Employment:**

_____

_____

_____

☐ **Other:**

_____

_____

_____

☐ **RESPONDENT IS A MINOR AND WILL RESIDE** at the following address until the Court determines otherwise:

_____

_____

☐ **2. RESPONDENT SHALL STAY AWAY FROM** the protected persons named in this Order or as follows [NCIC 04]:

_____

_____

☐ **3. RESPONDENT IS ALLOWED CONTACT WITH** protected persons as follows:

_____

_____

Case No._____

☐ **4. RESPONDENT SHALL NOT REMOVE, DAMAGE, HIDE, OR DISPOSE OF ANY PROPERTY, COMPANION ANIMALS, OR PETS** owned or possessed by the protected persons named in this Order.

☐ **RESPONDENT MAY REMOVE THE FOLLOWING:**

_____

_____

_____

☐ **5. PETITIONER IS AUTHORIZED TO REMOVE THE FOLLOWING COMPANION ANIMALS OR PETS** owned by Petitioner from the possession of Respondent:

_____

_____

Exchange of the listed companion animals or pets shall take place as follows:

_____

_____

☐ **6. RESPONDENT SHALL NOT INITIATE OR HAVE ANY CONTACT** with the protected persons named in this Order. Contact includes, but is not limited to, landline, cordless, or cellular telephone; text; instant messaging; fax; e-mail; voicemail; delivery service; social media; writings; blogging; electronic communications; posting a message; or communications by any other means regardless if directly or through another person,
and as follows: [NCIC 05]

_____

_____

_____

_____

☐ **7. RESPONDENT SHALL NOT** use any form of electronic surveillance on protected persons.

☐ **8. RESPONDENT SHALL NOT CAUSE OR ENCOURAGE ANY OTHER PERSON** to do any act prohibited by this Order.

☐ **9. RESPONDENT SHALL NOT INTERFERE** with wireless service transfer, prevent the functionality of a device on the network, or incur further contractual or financial obligations related to the transferred numbers.

Wireless service rights to and billing responsibility for the wireless service number or numbers in use by Petitioner shall be transferred to Petitioner, pursuant to R.C. 3113.31(E)(1)(k), by separate order.

☐ **10. IT IS FURTHER ORDERED:** [NCIC 08]

_____

_____

_____

_____

_____

_____

_____

_____

11. ALL DISCOVERY SHALL STRICTLY COMPLY with Civ.R. 65.1(D).

Case No._____

12. **THE CLERK OF COURT SHALL CAUSE A COPY OF THE PETITION, THIS ORDER, AND ANY OTHER ACCOMPANYING DOCUMENT** to be served on Respondent and Respondent's parent, guardian, or legal custodian as set forth in Civ.R. 65.1(C)(2).

13. **SUBJECT TO FURTHER ORDER OF THIS COURT, this Order and all records of the proceeding shall be sealed** upon the happening of the earliest of the following: (1) Dismissal of this Petition; (2) Expiration of the Order, **or** (3) Respondent's 19th birthday.

14. **RESPONDENT SHALL NOT POSSESS, USE, CARRY, OR OBTAIN ANY DEADLY WEAPON, INCLUDING FIREARMS, OR AMMUNITION** at any time while this Order remains in effect for the safety and protection of the protected persons named in the Order.

    Upon the expiration or termination of this Order and if a full hearing order is not issued or consent agreement approved, Respondent may reclaim any deadly weapons held in protective custody by law enforcement pursuant to this unless Respondent is otherwise disqualified as verified by a check of the NCIC protection order file.

15. **IT IS FURTHER ORDERED NO COSTS OR FEES SHALL BE ASSESSED AGAINST PETITIONER** for filing, issuing, registering, modifying, enforcing, dismissing, withdrawing, serving, subpoenaing witnesses for, or obtaining a certified copy of this Order. This Order is granted without bond.

16. **THIS ORDER DOES NOT EXPIRE** because of a failure to serve notice of the full hearing upon Respondent before the date set for the full hearing or because the Court grants a continuance, as set forth in R.C. 2151.34(D)(2)(b) and 3113.31(D)(2)(b).

17. **RESPONDENT WILL ATTAIN** 19 years of age on: _____ / _____ / _____.

IT IS SO ORDERED.

_____

JUDGE/MAGISTRATE

NOTICE TO RESPONDENT, PARENTS, GUARDIAN, OR LEGAL CUSTODIAN

NO PERSON PROTECTED BY THIS ORDER CAN GIVE YOU LEGAL PERMISSION TO CHANGE OR VIOLATE THE TERMS OF THIS ORDER. IF YOU VIOLATE ANY TERMS OF THIS ORDER EVEN WITH THE PROTECTED PERSON'S PERMISSION, YOU MAY BE HELD IN CONTEMPT OR ARRESTED. ONLY THE COURT CAN CHANGE THIS ORDER. YOU ACT AT YOUR OWN RISK IF YOU DISREGARD THIS WARNING.

Case No._____

A FULL HEARING on this Order, and all other issues raised by the Petition, shall be held before Judge/Magistrate _____

on _____/_____/_____

at ☐a.m. ☐p.m.at the following location:

On the day of the Full Hearing, come prepared to (1) tell the Court what happened, (2) bring with you any witnesses, evidence, and documentation to prove your case, and (3) be aware that the other party or party's attorney may ask you questions. If you do not have an attorney, you may ask for a brief continuance to obtain an attorney per R.C. 2151.34(D)(2)(a)(iii) or 3113.31(D)(2)(a)(iii). The Court may, at its discretion, appoint an attorney for the Respondent per R.C. 2151.34(O).

Parties do not have to give discovery, answer questions, or give information to the other party or the other party's lawyer unless ordered by judge or magistrate (Civ.R. 65.1(D)(2)).

TO THE CLERK

COPIES OF PETITION, THIS ORDER, AND ANY OTHER ACCOMPANYING DOCUMENTS SHALL BE SERVED ON PURSUANT TO CIV.R. 65.1(C)(2):

☐ Respondent
☐ Respondent's Parent 1: _____
☐ Respondent's Parent 2: _____
☐ Respondent's Guardian or Legal Custodian: _____

COPIES OF THIS ORDER SHALL BE DELIVERED TO:

☐ Petitioner
☐ Petitioner's Parent 1: _____
☐ Petitioner's Parent 2: _____
☐ Petitioner's Guardian or Legal Custodian: _____
☐ Petitioner's Guardian or Legal Custodian: _____
☐ Petitioner's Attorney: _____
☐ Law Enforcement Agency Where Petitioner Works: _____
☐ Sheriff's Office: _____
☐ Law Enforcement Agency Where School is Located: _____
☐ Other: _____

IN THE COURT OF COMMON PLEAS, _____ DIVISION
_____ COUNTY, OHIO

Order of Protection

Per R.C. 2151.34(F)(3), this Order is indexed at

_____
LAW ENFORCEMENT AGENCY WHERE INDEXED

( ) -
PHONE NUMBER

Case No.

Judge/Magistrate _____

State **OHIO**

JUVENILE CIVIL PROTECTION ORDER FULL HEARING (R.C. 2151.34)

PETITIONER:

First Middle Initial Last

v.

PERSON(S) PROTECTED BY THIS ORDER:

Petitioner: _____ DOB: _____
Petitioner's Family or Household Members:
(☐ Additional forms attached)

_____ DOB: _____
_____ DOB: _____
_____ DOB: _____
_____ DOB: _____

RESPONDENT:

First Middle Initial Last

Distinguishing Features: _____

RESPONDENT IDENTIFIERS

SEX	RACE	HGT	WGT
EYES	HAIR	DOB	
		/ /	
DRIVER'S LIC. NO		EXP. DATE	STATE

Violence Against Women Act, 18 U.S.C. 2265, Federal Full Faith & Credit Declaration: Registration of this Order is not required for enforcement.

THE COURT HEREBY FINDS:
That it has jurisdiction over the parties and subject matter, and Respondent will be provided with reasonable notice and opportunity to be heard within the time required by Ohio law. **Additional findings of this Order are set forth below.**

THE COURT HEREBY ORDERS:
That the above named Respondent be restrained from committing acts of abuse or threats of abuse against Petitioner and other protected persons named in this Order. Additional terms of this Order are set forth below.

The terms of this Order shall be effective until _____/_____/_____ **DATE CERTAIN – NO LATER THAN RESPONDENT ATTAINS 19 YEARS OF AGE**

Respondent will attain 19 years of age on _____/_____/_____

WARNING TO RESPONDENT: See the warning page attached to the front of this Order.

Case No._____

This proceeding came for a hearing on ____/____/____ before the Court and the Juvenile Civil Protection Order *Ex Parte* filed on ____/____/____ in accordance with R.C. 2151.34. The following individuals were present:

The Court hereby makes the following findings of facts:

☐ **Additional findings on a separate page are included and attached herein.**

☐ The Court finds by a preponderance of the evidence that 1) Petitioner and/or Petitioner's family or household members are in danger of being or have been harmed by Respondent as defined in R.C. 2903.11, 2903.12, 2903.13, 2903.21, 2903.211, 2903.22, 2911.211, and 2950.01; and 2) the following orders are equitable, fair, and necessary to protect the persons named in this Order from offenses of violence.

☐ Pursuant to R.C. 2151.34(E)(1)(b), the Court finds by clear and convincing evidence that 1) Petitioner and Petitioner's family or household members reasonably believed Respondent's conduct before the filing of the Petition endangered the health, welfare, or safety of Petitioner and Petitioner's family or household members, 2) Respondent presents a continuing danger to Petitioner and Petitioner's family or household members, and 3) the following orders are equitable, fair, and necessary to protect the persons named in this Order.

RESPONDENT SHALL NOT ABUSE, harm, attempt to harm, threaten, follow, stalk, harass, force sexual relations upon, or commit sexually oriented offenses against the protected persons named in this Order. [NCIC 01 and 02]

ALL OF THE PROVISIONS CHECKED BELOW ALSO APPLY TO RESPONDENT

☐ **1. RESPONDENT SHALL NOT ENTER** the places indicated in this Order, including the buildings, grounds, and parking lots at those locations, except as specifically provided. [NCIC 04]

Case No._____

☐ **Residence:**

_____

_____

☐ **School:**

_____

_____

_____

☐ **Business or Place of Employment:**

_____

_____

☐ **Other:**

_____

_____

_____

☐ **RESPONDENT IS A MINOR AND WILL RESIDE** at the following address until the Court determines otherwise:

_____

_____

☐ **2. RESPONDENT SHALL STAY AWAY FROM** the protected persons named in this Order or as follows [NCIC 04]:

_____

_____

☐ **3. RESPONDENT IS ALLOWED CONTACT** with the protected persons as follows:

_____

_____

_____

☐ **4. RESPONDENT SHALL NOT REMOVE, DAMAGE, HIDE, OR DISPOSE OF ANY PROPERTY, COMPANION ANIMALS, OR PETS** owned or possessed by the protected persons named in this Order.

☐ **RESPONDENT MAY REMOVE THE FOLLOWING:**

_____

_____

_____

☐ **5. PETITIONER IS AUTHORIZED TO REMOVE THE FOLLOWING COMPANION ANIMALS OR PETS** owned by Petitioner from the possession of Respondent:

_____

_____

Exchange of listed companion animals or pets shall take place as follows:

_____

_____

Case No._____

☐ **6. RESPONDENT SHALL NOT INITIATE OR HAVE ANY CONTACT** with the protected persons named in this Order. Contact includes, but is not limited to, landline, cordless, or cellular telephone; text; instant messaging; fax; e-mail; voicemail; delivery service; social media; writings; blogging; electronic communications; posting a message; or communications by any other means regardless if directly or through another person, and as follows: [NCIC 05]

_____

_____

_____

_____

☐ **7. RESPONDENT SHALL NOT** use any form of electronic surveillance on protected persons.

☐ **8. RESPONDENT SHALL NOT CAUSE OR ENCOURAGE ANY OTHER PERSON** to do any act prohibited by this Order.

☐ **9. RESPONDENT SHALL COMPLETE THE FOLLOWING COUNSELING PROGRAM:**

_____

_____

Respondent shall contact this program within _____days after receiving this Order and immediately arrange for an initial appointment. The program is requested to provide the Court a written notice when Respondent attends the initial appointment, if Respondent fails to attend or is discharged, and when Respondent completes the program. Respondent is required to sign all necessary waivers to allow the Court to receive information from the program.

Respondent is ordered to appear before Judge or Magistrate _____ on _____ / _____ / _____ at _____ ☐a.m. ☐p.m., to review the Respondent's compliance with this Order. Respondent is warned: If you fail to attend the above-named program you may be held in contempt of court.

10. RESPONDENT SHALL NOT POSSESS, USE, CARRY, OR OBTAIN ANY DEADLY WEAPON, INCLUDING FIREARMS, OR AMMUNITION while this Order remains in effect for the safety and protection of the protected persons named in this Order.

Upon the expiration or termination of this Order, Respondent may reclaim any deadly weapons held in protective custody by law enforcement pursuant to this Order unless Respondent otherwise disqualified as verified by a check of the NCIC protection order file.

☐ **11. RESPONDENT SHALL BE ELECTRONICALLY MONITORED.** The Court having found the factors set forth in R.C. 2151.34(E)(1)(b). Respondent is ordered to report to

_____

for the installation of a global positioning system for the purpose of electronic monitoring for the duration of this Order or until _____ / _____ / _____whichever expires first. The Court further imposes the following terms and conditions:

_____

_____

_____

☐ **12. IT IS FURTHER ORDERED:** [NCIC 08]

_____

_____

_____

_____

Case No._____

_____

_____

_____

_____

13. **THE CLERK OF COURT SHALL CAUSE A COPY OF THE PETITION AND THIS ORDER** to be served on Respondent as set forth in Civ.R. 5(B) and 65.1(C)(3) and Respondent's parent, guardian, or legal custodian.

14. **IT IS FURTHER ORDERED NO COSTS OR FEES SHALL BE ASSESSED AGAINST PETITIONER** for filing, issuing, registering, modifying, enforcing, dismissing, withdrawing, serving, subpoenaing witnesses for, or obtaining a certified copy of this Order. This Order is granted without bond.

15. **THE COSTS OF THIS ACTION ARE** ☐ assessed against Respondent ☐ waived.

16. **THE COURT WILL SEAL THIS RECORD ON RESPONDENT'S 19TH BIRTHDAY,** unless the Court determines otherwise**.**

17. **RESPONDENT WILL ATTAIN** 19 years of age on: _____/_____/_____.

18. **IF THE FULL HEARING PROCEEDING WAS REFERRED TO A MAGISTRATE,** the Court has reviewed the magistrate's granting of this Order and finds no error of law or other defect evident on the face of the Order. Accordingly, the Court adopts the magistrate's granting of the Order as set forth in Civ.R. 65.1.

IT IS SO ORDERED.

_____ _____

MAGISTRATE **JUDGE**

NOTICE TO RESPONDENT, PARENTS, GUARDIAN, OR LEGAL CUSTODIAN

NO PERSON PROTECTED BY THIS ORDER CAN GIVE YOU LEGAL PERMISSION TO CHANGE OR VIOLATE THE TERMS OF THIS ORDER. IF YOU VIOLATE ANY TERMS OF THIS ORDER EVEN WITH THE PROTECTED PERSON'S PERMISSION, YOU MAY BE HELD IN CONTEMPT OR ARRESTED. ONLY THE COURT CAN CHANGE THIS ORDER. YOU ACT AT YOUR OWN RISK IF YOU DISREGARD THIS WARNING.

NOTICE OF FINAL APPEALABLE ORDER

Copies of this Order, which is a final appealable Order, were served on or delivered to the parties indicated pursuant to Civ.R. 5(b) and 65.1(C)(3), including by ordinary mail, on a following date:

_____/_____/_____ .

By: _____

TO THE CLERK:

COPIES OF THIS ORDER SHALL BE SERVED PURSUANT TO CIV.R. 65.1(C)(3) TO:

☐ Respondent

☐ Respondent's Parent 1:

_____

☐ Respondent's Parent 2:

_____

☐ Respondent's Guardian or Legal Custodian:

_____

☐ Respondent's Attorney

COPIES OF THIS ORDER SHALL BE DELIVERED TO:

☐ Petitioner

☐ Petitioner's Parent 1:

_____

Case No._____

☐ Petitioner's Parent 2:

_____

☐ Petitioner's Guardian or Legal Custodian:

_____

☐ Law Enforcement Agency Where Petitioner Resides:

_____

☐ Law Enforcement Agency Where Petitioner Works:

_____

☐ Sheriff's Office

_____

☐ School: _____

☐ Law Enforcement Agency Where School is Located:

_____

☐ Other: _____

IN THE COURT OF COMMON PLEAS, _____ DIVISION
_____ COUNTY, OHIO

Order of Protection

Per R.C. 3113.31(F)(3), this Order is indexed at

_____
LAW ENFORCEMENT AGENCY WHERE INDEXED
( ) -
PHONE NUMBER

Case No.

Judge/Magistrate _____

State **OHIO**

☐ **JUVENILE DOMESTIC VIOLENCE CIVIL PROTECTION ORDER FULL HEARING (R.C. 3113.31)**

☐ **JUVENILE DOMESTIC VIOLENCE CONSENT AGREEMENT CIVIL PROTECTION ORDER (R.C. 3113.31)**

PETITIONER:

First Middle Initial Last

v.

RESPONDENT:

First Middle Initial Last

Distinguishing Features: _____

PERSON(S) PROTECTED BY THIS ORDER:

Petitioner: _____ DOB: _____
Petitioner's Family or Household Members:
(☐ Additional forms attached)

_____ DOB: _____
_____ DOB: _____
_____ DOB: _____
_____ DOB: _____

RESPONDENT IDENTIFIERS

SEX	RACE	HGT	WGT

EYES	HAIR	DOB
		/ /

DRIVER'S LIC. NO	EXP. DATE	STATE

Violence Against Women Act, 18 U.S.C. 2265, Federal Full Faith & Credit Declaration: Registration of this Order is not required for enforcement.

THE COURT HEREBY FINDS:
That it has jurisdiction over the parties and subject matter, and Respondent will be provided with reasonable notice and opportunity to be heard within the time required by Ohio law. **Additional findings of this Order are set forth below.**

THE COURT HEREBY ORDERS:
That the above named Respondent be restrained from committing acts of abuse or threats of abuse against Petitioner and other protected persons named in this Order. Additional terms of this Order are set forth below.

The terms of this Order shall be effective until _____/_____/_____ **DATE CERTAIN – NO LATER THAN RESPONDENT ATTAINS 19 YEARS OF AGE**

Respondent will attain 19 years of age on _____/_____/_____

WARNING TO RESPONDENT: See the warning page attached to the front of this Order.

Case No._____

This proceeding came for a hearing on _____ / _____ / _____ before the Court and the Petition filed on _____ / _____ / _____ . The following individuals were present:

The Court hereby makes the following findings of facts:

☐ **Additional findings on a separate page are included and attached herein.**

☐ The Court finds by a preponderance of the evidence that 1) Petitioner and Petitioner's family or household members are in danger of being or have been a victim of domestic violence or sexually oriented offenses, as defined in R.C. 3113.31(A), committed by Respondent; and 2) the following orders are equitable, fair, and necessary to protect the persons named in this Order from offenses of violence.

☐ The parties agree to waive their notice and hearing rights. Therefore, the Court approves the Juvenile Domestic Violence Consent Agreement Protection Order pursuant to R. C. 3113.31(E)(1).

RESPONDENT SHALL NOT ABUSE, harm, attempt to harm, threaten, follow, stalk, harass, force sexual relations upon, or commit sexually oriented offenses against the protected persons named in this Order. [NCIC 01 and 02]

ALL OF THE PROVISIONS CHECKED BELOW ALSO APPLY TO RESPONDENT

☐ **1. RESPONDENT SHALL IMMEDIATELY VACATE** the following residence:

☐ **2. RESPONDENT IS A MINOR AND WILL RESIDE** at the following address until the Court determines otherwise:

Case No._____

☐ **3. RESPONDENT SHALL NOT INTERFERE WITH THE PROTECTED PERSONS' RIGHT** to occupy the residence, including, but not limited to canceling utilities or insurance or interrupting telecommunications (e.g., telephone, internet, cable) services, mail delivery, or the delivery of any other documents or items. [NCIC 03]

☐ **4. RESPONDENT SHALL NOT ENTER** the places indicated in this Order, including the buildings, grounds, and parking lots at those locations, except as specifically provided. [NCIC 04]

☐ **Residence:**

☐ **School:**

☐ **Business or Place of Employment:**

☐ **Other:**

☐ **5. RESPONDENT SHALL STAY AWAY FROM** the protected persons named in this Order or as follows [NCIC 04]:

☐ **6. RESPONDENT SHALL NOT REMOVE, DAMAGE, HIDE, OR DISPOSE OF ANY PROPERTY, COMPANION ANIMALS, OR PETS** owned or possessed by the protected persons named in this Order.

☐ **7. PETITIONER IS AUTHORIZED TO REMOVE THE FOLLOWING COMPANION ANIMALS OR PETS,** owned by Petitioner, from the possession of Respondent:

Exchange of listed companion animals or pets shall take place as follows:

Case No._____

☐ **8. RESPONDENT SHALL NOT INITIATE OR HAVE ANY CONTACT** with the protected persons named in this Order. Contact includes, but is not limited to, landline, cordless, or cellular telephone; text; instant messaging; fax; e-mail; voicemail; delivery service; social media; writings; blogging; electronic communications; posting a message; or communications by any other means regardless if directly or through another person, and as follows: [NCIC 05]

_____

_____

_____

_____

☐ **9. RESPONDENT SHALL NOT** use any form of electronic surveillance on protected persons.

☐ **10. RESPONDENT SHALL NOT CAUSE OR ENCOURAGE ANY OTHER PERSON** to do any act prohibited by this Order.

☐ **11. RESPONDENT IS ALLOWED CONTACT** with the protected persons as follows:

_____

_____

☐ **12. RESPONDENT MAY PICK UP CLOTHING** and personal items effects from the above residence only in the company of uniformed law enforcement officer within seven or _____ days of the filing of this Order. Arrangements may be made by contacting:

_____

_____

☐ **13. RESPONDENT SHALL COMPLETE THE FOLLOWING COUNSELING PROGRAM:**

_____

Respondent shall contact this program within _____ days after receiving this Order and immediately arrange for an initial appointment. The program is requested to provide the Court a written notice when Respondent attends the initial appointment, if Respondent fails to attend or is discharged, and when Respondent completes the program. Respondent is required to sign all necessary waivers to allow the Court to receive information from the program.
Respondent is ordered to appear before Judge/Magistrate _____ on _____ / _____ / _____ at _____ ☐a.m. ☐p.m. to review Respondent's compliance with this Order. Respondent is warned: If you fail to attend the above-named program you may be held in contempt of court.

☐ **14. RESPONDENT SHALL NOT POSSESS, USE, CARRY, OR OBTAIN ANY DEADLY WEAPON, INCLUDING FIREARMS, OR AMMUNITION** while this Order remains in effect in order to bring about the cessation of violence.

Upon the expiration or termination of this Order, Respondent may reclaim any deadly weapons held in protective custody by law enforcement pursuant to this Order unless Respondent otherwise disqualified as verified by a check of the NCIC protection order file.

☐ **15. RESPONDENT SHALL NOT INTERFERE** with wireless service transfer, prevent the functionality of a device on the network, or incur further contractual or financial obligations related to the transferred numbers.

Wireless service rights to and billing responsibility for the wireless service number or numbers in use by Petitioner or any minor children in the care of Petitioner shall be transferred to Petitioner by separate order.

Case No._____

☐ **16. IT IS FURTHER ORDERED:** [NCIC 08]

_____

_____

_____

_____

17. THE CLERK OF COURT SHALL CAUSE A COPY OF THE PETITION AND THE ORDER to be served on Respondent as set forth in Civ.R. 5(B) and 65.1(C)(3) and Respondent's parent, guardian, or legal custodian.

18. IT IS FURTHER ORDERED NO COSTS OR FEES SHALL BE ASSESSED AGAINST PETITIONER for filing, issuing, registering, modifying, enforcing, dismissing, withdrawing, serving, subpoenaing witnesses for, or obtaining a certified copy of this Order. This Order is granted without bond.

19. THE COSTS OF THIS ACTION ARE ☐ assessed against Respondent ☐ waived.

20. THE COURT WILL SEAL THIS RECORD ON RESPONDENT'S 19TH BIRTHDAY, unless the Court determines otherwise**.**

21. RESPONDENT WILL ATTAIN 19 years of age on: _____ / _____ / _____ .

22. IF THE FULL HEARING PROCEEDING WAS REFERRED TO A MAGISTRATE, the Court has reviewed the magistrate's granting of this Order and finds no error of law or other defect evident on the face of the Order. Accordingly, the Court adopts the magistrate's granting of the Order as set forth in Civ.R. 65.1.

IT IS SO ORDERED.

_____ _____

MAGISTRATE **JUDGE**

NOTICE TO RESPONDENT, PARENTS, GUARDIAN, OR LEGAL CUSTODIAN

NO PERSON PROTECTED BY THIS ORDER CAN GIVE YOU LEGAL PERMISSION TO CHANGE OR VIOLATE THE TERMS OF THIS ORDER. IF YOU VIOLATE ANY TERMS OF THIS ORDER EVEN WITH THE PROTECTED PERSON'S PERMISSION, YOU MAY BE HELD IN CONTEMPT OR ARRESTED. ONLY THE COURT CAN CHANGE THIS ORDER. YOU ACT AT YOUR OWN RISK IF YOU DISREGARD THIS WARNING.

I have read this Consent Agreement and agree to its terms.

_____

SIGNATURE OF PETITIONER

_____

Address of Petitioner

_____

Signature of Petitioner's Attorney

I have read this Consent Agreement and agree to its terms.

_____

SIGNATURE OF RESPONDENT

_____

Address of Respondent

_____

Signature of Respondent's Attorney

Case No._____

Address of Petitioner's Attorney

Address of Respondent's Attorney

NOTICE OF FINAL APPEALABLE ORDER

Copies of this Order, which is a final appealable Order, were served on or delivered to the parties indicated pursuant to Civ.R. 5(B) and 65.1(C)(3), including ordinary mail, on the following date:

_____/_____/_____ .

TO THE CLERK

COPIES OF THIS ORDER SHALL BE SERVED PURSUANT TO CIV.R. 65.1(C)(3) TO:

TO:

Respondent

☐ Respondent's Parent 1:

☐ Respondent's Parent 2:

☐ Respondent's Guardian or Legal Custodian:

☐ Respondent's Attorney

COPIES OF THIS ORDER SHALL BE DELIVERED TO:

Petitioner

☐ Petitioner's Parent 1:

☐ Petitioner's Parent 2:

☐ Petitioner's Guardian or Legal Custodian:

☐ Petitioner's Attorney

☐ Law Enforcement Agency Where Petitioner Resides:

☐ Law Enforcement Agency Where Petitioner Works:

☐ Sheriff's Office

☐ School:

☐ Law Enforcement Agency Where School is Located:

☐ Other:

FORM 10.05-F is reserved for future use

RULE 10.06. Inter-Court Communication in Domestic Violence and Related Cases.

(A) Determining existence of conflicting order

(1) A court issuing a protection order pursuant to section 2919.26 or 3113.31 of the Revised Code should make a reasonable effort to determine the existence and terms of any domestic violence civil protection orders, domestic violence temporary protection orders, and orders allocating parental rights and responsibilities issued by another court and involving the same parties. A court issuing an order allocating parental rights and responsibilities should make a reasonable effort to determine the existence and terms of any protection orders issued by another court pursuant to section 2919.26 or 3113.31 of the Revised Code and involving the same parties.

(2) To determine the existence and terms of other orders pursuant to division (A)(1) of this rule, a court may utilize the Ohio Courts Network, examine publicly available court records involving the same parties from other courts, or use any other reasonable mechanism suitable for communicating and sharing public information.

(3) A court need not make a record of any communication between it and another court made for the purpose of determining the existence and terms of other orders pursuant to division (A)(1) of this rule.

(4) A court issuing a protection order pursuant to section 2919.26 or 3113.31 of the Revised Code or an order allocating parental rights and responsibilities shall comply with Chapter 3127. of the Revised Code.

(B) Avoiding conflicting order

(1) If a court has issued a protection order pursuant to section 2919.26 or 3113.31 of the Revised Code or an order allocating parental rights and responsibilities and becomes aware another court has issued a conflicting order, the court should consider, if appropriate, revising its order to avoid conflict between the orders.

(2) A court shall consider and may adopt a local rule of court creating a procedure by which the court may revise its orders pursuant to division (B)(1) of this rule.

(3) Division (B)(1) of this rule is not intended to change the procedures for the modification or early termination of a domestic violence civil protection order pursuant to division (E)(8) of section 3113.31 of the Revised Code or the procedures for the filing of a copy of a civil or criminal protection order with the local enforcement agency for entry in the National Crime Information Center database pursuant to Rule 10 of the Rules of Superintendence for the Courts of Ohio.

RULE 11. Recording of Proceedings.

(A) Recording methods

Proceedings before any court may be recorded by methods including, but not limited to, stenographic, audio, or audio/video. The administrative judge may order the use of any method of recording authorized by this rule.

(B) Custody

Electronic recordings of proceedings shall be maintained in the manner directed by the trial court.

(C) Transcript

Electronic recordings of proceedings shall be transcribed in the manner directed by the trial court and in accordance with the Ohio Rules of Appellate Procedure.

(D) Inspection of electronic recordings of proceedings

A party may request a copy of an electronic recording of a proceeding, or a portion of the recording. The court may permit a party to listen to or view the recording maintained by the court.

(E) Expense of electronic recordings of proceedings

The expense of copies of electronic recordings of proceedings or a portion of the recording shall be borne by the requesting party or as provided by law. The expense of listening to or viewing an electronic recording of proceedings under division (D) of this rule shall be borne by the requesting party.

Commentary (April 1, 2025)

Rule 11 is updated and simplified to reflect changes in court technology and to harmonize its provisions with the amendments to App.R. 9 that ensued over the years since this rule was enacted. In particular, App.R. 9 has evolved to require typed and printed transcripts in all cases. *See* 2011 Staff Notes to App.R. 9 ("Under App.R. 9(A), trial courts may choose to record proceedings through…an audio-recording device, and/or a video-recording device….Regardless of the method of recording the proceedings, a transcript is required for the record on appeal; a videotaped recording of the trial court proceedings is no longer adequate.").

RULE 12. Recording, Broadcasting, and Photographing Court Proceedings.

(A) Procedure

Requests for permission to broadcast, televise, record, or take photographs in the courtroom shall be in writing. Unless otherwise provided by law or local rule, the judge assigned to the proceeding shall permit audio, audio-video recording, broadcasting by electronic means, and taking photographs in court proceedings that are open to the public. After consultation, the judge shall specify the place or places in the courtroom where the operators and equipment are to be positioned. The written order of the judge shall be made a part of the record of the proceedings.

(B) Limitations

(1) There shall be no audio recording or audio broadcast of conferences conducted in a court facility between attorneys and clients or co-counsel, of conferences conducted at the bench, or from the courtroom when court is not in session.

(2) The judge shall permit any victim or witness who objects to being recorded, broadcasted, or photographed the opportunity to be heard in advance of testifying. A victim or witness may not object to the court recording the proceeding as part of its official record.

(3) This rule shall not be construed to grant any greater rights than permitted by law.

(C) Revocation of permission

Upon the failure of any person to comply with the conditions prescribed by this rule or the judge, the judge may revoke the permission to record, broadcast, or photograph the proceeding.

(D) Permissible equipment and operators

(1) Video, still photography, audio recording, or broadcasting of court proceedings shall be limited to one videographer, one still photographer, and one audio technician, unless otherwise ordered by the judge. In the event of multiple requests, the judge may order coverage of court proceedings to be conducted by pool representation. Individuals participating in the pool shall designate a pool representative. Access to video, photographs, and audio shall be shared with the pool. The pool arrangement shall be by agreement of the participants and the judge shall resolve any dispute.

(2) The judge shall prohibit equipment or activity that is distracting to the proceedings. No artificial lighting other than that normally used in the courtroom shall be employed, provided that, if the normal lighting in the courtroom can be improved without becoming obtrusive, the judge may permit modification.

(3) For audio recording or broadcast purposes, not more than one audio system shall be permitted in the courtroom. Where available and suitable, existing audio pickup systems in the court facility shall be used. If existing audio pickup systems are not available, microphones and other electronic equipment necessary for the audio pickup shall be as inconspicuous as possible but shall be visible.

(4) Videographers, photographers, and audio technicians shall not move about the courtroom while court is in session.

(E) Prohibition on recording jurors, witnesses, and juvenile defendants

No audio recording, video or photograph of any juror, witness, or juvenile defendant shall be taken by any means by a person other than as approved by the judge. This division shall not apply to the court recording the proceeding as part of its official record.

Commentary (April 1, 2024)

Rule 12 is updated and simplified to reflect changes in court technology and court practice, especially post-COVID-19 pandemic, including the routine broadcasting by courts of their public proceedings on websites such as YouTube and holding hearings publicly accessible online using programs like Zoom.

Additionally, the amended rule and updated commentary delete portions of former Sup.R. 12(C) and previously existing commentary stating that "[t]he filming, videotaping, recording, or taking of photographs of victims or witnesses who object shall not be permitted." That rule provision and commentary mirrored Canon (3)(A)(7)(c)(iii) of the Code of Judicial Conduct. That Code section no longer exists; thus, the amended rule and updated commentary no longer require or permit blanket orders not to film, videotape, record, or photograph objecting victims or witnesses.

Commentary (July 1, 1997)

The judge assigned to the trial or hearing shall permit the broadcasting or recording by electronic means and the taking of photographs in court proceedings open to the public, upon request, if the judge determines that to do so would not distract the participants, impair the dignity of the proceedings or otherwise materially interfere with the achievement of a fair trial. Both the request for permission and the ruling on the request must be in writing and made a part of the record of the proceedings.

After consultation, the judge specifies the locations within the courtroom where operators and equipment may be located.

RULE 13. Deposition Testimony and Evidence.

(A) Recorded depositions

(1) **Use of depositions.** Recorded depositions are authorized by Civil Rule 30(B)(3).

(2) **Notice.** The notice requirements of Civil Rule 30(B)(3) regarding the manner of recording, preserving, and filing depositions apply to recorded depositions. Notice is sufficient if it specifies the deposition is to be taken pursuant to the provisions of this rule.

(3) **Persons authorized to take depositions.** The officer before whom a recorded deposition is taken shall be one of those persons enumerated in Civil Rule 28.

(4) **Date and time recording.** A date and time generator shall be used to superimpose the year, month, day, hour, minute, and second over the video portion of the recording during the taking of the deposition. The total deposition time shall be noted on the outside of the videotape, disc, or other storage device.

(5) **Objections.** The officer shall keep a log of objections referenced to the time of making each objection as superimposed on the video portion of the recording. If the deposition is transcribed, the log shall include the page of the transcript on which each objection occurs.

(6) **Copies of the deposition.** Upon the request of a party, the officer shall provide a recording of the deposition at the conclusion of its taking. Upon the request of a party, the officer shall provide a copy of the deposition in the medium of videotape, disc, or other storage device or a written transcript of the deposition within a reasonable period of time. The requesting party shall bear the cost of the copy requested.

(7) **Submission to witness.** After a recorded deposition is taken, a recording of the testimony shall be shown immediately to the witness for his examination, unless the examination is waived by the witness and the parties. If viewing is not waived by the witness, Civil Rule 30(E) shall govern the review process and timing for its completion.

(8) **Certification of original recorded deposition.** The officer before whom the recorded deposition is taken shall cause a written certification to be attached to the original videotape, disc, or other storage device. The certification shall state the witness was fully sworn or affirmed by the officer and the videotape, disc, or other storage device is a true record of the testimony given by the witness. If the witness has not waived the right to a showing and examination of the recorded deposition, the witness shall also sign the certification.

When an officer makes a copy or a transcription of the recorded deposition in any medium, the officer shall attach a written certification to the copy or transcription. The certification shall state the copy is a true record of the recorded testimony of the witness.

(9) **Certification of edited recorded depositions.** The officer who edits the original recorded deposition shall attach a written certification to the edited copy of the recorded deposition. The certification shall state the editing complies with the rulings of the court and the original recorded deposition has not been affected by the editing process.

(10) **Filing where objections not made.** Where objections are not made by a party or witness during the recorded deposition and, if pursuant to Civil Rule 30(F)(1) a party requests, or the court orders, that the deposition be filed with the court, the officer shall file the recorded deposition with the clerk of the court.

(11) **Filing where objections made.** When a recorded deposition containing objections is filed with the court pursuant to Civil Rule 30(F)(1), the officer's log of objections shall accompany it. A party may request the court rule upon the objections within fourteen days of the filing of the deposition or within a reasonable time as stipulated by the parties. In ruling upon objections, the court may view the recording in its entirety or view only those parts of the recording pertinent to the objections made. If the parties are not present at the time the court's rulings are made, the court shall provide the parties with copies of its rulings on the objections and his instructions as to editing.

(12) **Editing alternatives.** The original recording shall not be affected by any editing process.

(a) In its order and editing instructions the court may do any of the following:

(i) Release the recording to the officer with instructions to keep the original recording intact and make an edited copy of the recording that deletes all references to objections and objectionable material;

(ii) Order the person showing the original recording at trial to suppress the objectionable audio portions of the recording;

(iii) Order the person showing the original recording at trial to suppress the objectionable audio and video portions of the recording.

(b) If the court uses the alternative in division (A)(12)(a)(i) of this rule, the officer shall cause both the original recording and the edited recording, each clearly identified, to be filed with the clerk of the court. If the court uses the alternative in division (A)(12)(a)(ii) of this rule, it shall, in jury trials, instruct the jury to disregard the video portions of the presentation when the audio portion is suppressed. If the court uses the alternative in division (A)(12)(a)(iii) of this rule, it shall, in jury trials, instruct the jury to disregard any deletions apparent in the playing of the recording.

(13) **Storage.** Each court shall provide secure and adequate facilities for the storage of recordings.

(14) **Inspection or viewing.** Except upon order of the court and upon such terms as it may provide, the recordings on file with the clerk of the court shall not be available for inspection or viewing after filing and prior to use at trial or disposition in accordance with this rule. Upon the request of a party under division (A)(3) of this rule, the clerk, without court order, may release the recording to the officer to allow the making of a copy of the recording.

(15) **Objections at trial.** Objections should be made prior to trial, and all objections shall be made before actual presentation of the recording at trial. If an objection is made at trial that has not been waived pursuant to Civil Rule 32(D)(3) or previously raised and ruled upon, the objection shall be made before the recorded deposition is presented. The trial judge shall rule on objections prior to the presentation of the recording. If an objection is sustained, that portion of the recording containing the objectionable testimony shall not be presented.

(B) Use of pre-recorded testimony at trial

(1) **Authority.** Presenting pre-recorded testimony at trial may include testimony pre-recorded in-person or remotely, as authorized by Civil Rule 40. A recording is the exclusive medium of presenting testimony irrespective of the availability of the individual witness to testify in person. All testimony is recorded on videotape, disc, or other storage device and the limitations of Civil Rule 32 upon the use of depositions shall not apply.

(2) **Initiation of trial with pre-recorded testimony.** By agreement of the parties and with the consent of the trial judge all or a portion of testimony and appropriate evidence may be presented via a recording. The trial judge may order the recording of all or a portion of testimony and evidence on videotape, disc, or other storage device in an appropriate case. In determining whether to order a trial by pre-recorded testimony, the trial judge, after consultation with counsel, shall consider the costs involved, the nature of the action, and the nature and amount of testimony.

(3) **Procedure.** Divisions (A)(3) to (13) and (D) apply to trials by pre-recorded testimony. The sequence of taking the testimony of individual witnesses and the sequence of presentation of that testimony shall be at the option of the proponent. In ordering or consenting to the recording of all of the testimony on videotape, disc, or other storage device, the trial judge shall fix a date prior to the date of trial by which all pre-recorded testimony shall be filed with the clerk of the court.

(4) **Objections.** All objections shall be made and ruled upon in advance of the trial. Objections may not be made during the presentation of the evidence.

(5) **Presence of counsel and trial judge.** In jury trials, counsel for the parties and the trial judge are not required to be present in the courtroom when the pre-recorded testimony is played to the jury. If the trial judge leaves the courtroom during the playing of the recording, the judge shall admonish the jurors regarding their duties and responsibilities. In the absence of the judge, a responsible officer of the court shall remain with the jury.

The trial judge shall remain within such proximity to the courtroom that the judge can be readily summoned.

(C) Equipment

(1) **Standard.** There are several recording formats used in the trial courts of this state. Proponents of pre-recorded testimony or evidence shall determine the format utilized by the trial court in which the recording is to be filed and shall make the recording in the appropriate format. If a party records testimony or evidence in a format that is not compatible with the trial court equipment, the party shall be responsible for the furnishing of reproduction equipment of institutional quality or for the conversion of the recording to the format used in trial court equipment, all of which shall be at the cost of the party and not chargeable as costs of the action.

Each court shall provide for the availability of playback equipment. As may be appropriate, the court may purchase or lease equipment or make contract for the equipment on occasions of need. The court shall provide for the adequate training of an operator from the personnel of the court or for the services of a competent operator to operate the equipment when pre-recorded testimony or evidence is presented in court.

(2) **Minimum equipment.** At a minimum, facilities for playback at trial shall consist of a videotape player and one monitor, having at least a fourteen-inch screen. Color facilities are not required.

(3) **Maintenance.** The trial court shall take reasonable steps to ensure that the equipment is maintained within operating tolerances. The trial court shall provide for competent regular maintenance of equipment that is owned or leased by the court.

(D) Costs; depositions

(1) The expense of recording as a material shall be borne by the proponent.

(2) The reasonable expense of pre-recorded testimony, the expense of playing the recording at trial, and the expense of playing the recording for the purpose of ruling upon objections shall be allocated as costs in the proceeding in accordance with Civil Rule 54.

(3) The expense of producing the edited version of the recording shall be costs in the action, provided the expense of the videotape, disc, or other storage device, as a material, shall be borne by the proponent of the testimony.

(4) The expense of a copy of the recording shall be borne by the party requesting the copy.

(E) Disposition of recording filed with the court

(1) **Ownership.** The videotape, disc, or other storage device used in recording testimony shall remain the property of the proponent of the testimony. The videotape, disc, or other storage device may be reused, but the proponent is responsible for submitting a recording of acceptable quality.

(2) **Release of recordings.**

(a) The court may authorize the clerk of the court to release the original recording and the edited recording to the owner of the videotape, disc, or other storage device upon any of the following:

(i) The final disposition of the cause where no trial occurs;

(ii) The expiration of the appeal period following trial, if no appeal is taken;

(iii) The final determination of the cause, if an appeal is taken.

If the testimony is recorded stenographically by a court reporter during the playing of the recording at trial, the videotape, disc, or other storage device may be returned to the proponent upon disposition of the cause following the trial.

(b) The court shall order release by journal entry.

Commentary (July 1, 1997)

Rule 13 is analogous to former C.P. Sup. R. 12 and M.C. Sup. R. 10. The rule is revised to require the exterior of the videotape to include the total deposition time [division (A)(4)]; to require objections to be noted on the log of transcripted depositions [division (A)(5)]; and to allow expenses associated with the use of videotape to be allocated as costs in the proceeding [division (D)(6)(b)].

In general, the rule implements Civ. R. 30(B)(3), which permits the recording of oral depositions by a means other than stenographic, and Civ. R. 40, which authorizes the prerecording of testimony on videotape for presentation at trial. The rule adapts the provisions developed in stenographic recording to use in electronic recording. Depositions in criminal cases are taken in the same manner as in civil cases. Crim. R. 15(E).

Rule 13(A) Videotape depositions

Rule 13(A)(2) Notice

Civ. R. 30(B)(3) provides that the notice must specify the manner of recording, preserving, and filing of the deposition taken by other than stenographic means. A complete statement of notice would be lengthy, serve no useful purpose, refer to procedures within the control of the court, and not be uniform. Division (A) specifies the manner of recording, preserving and filing; thus it is necessary in the notice to merely make reference to Rule 13 to satisfy the requirements of Civ. R. 30(B)(3).

Rule 13(A)(3) Persons authorized to take depositions

R.C. 147.01 was amended in 1977 to provide that a notary public is appointed and commissioned as a notary public for the state. A videotape equipment operator need only be commissioned as a notary public to be an officer before whom a deposition may be taken anywhere in the state.

Rule 13(A)(4) Date and time recording

A date and time generator is required because it facilitates reference to any portion of the tape and provides an assurance that no material has been edited out of the tape.

Rule 13(A)(5) Objections

The officer before whom the deposition is taken is required to keep a log of objections and where recorded on the tape to facilitate reference to the objections. For the same purpose, the log must include the page of the transcript on which objections occur if the videotaped deposition is transcribed.

Rule 13(A)(6) Copies of the deposition

This provision was formerly a part of division (A)(3). It is more specific than its predecessor by providing for immediate delivery of an audio cassette recording and by placing the responsibility for the cost of copies on the requesting party.

Rule 13(A)(7) Submission to witnesses

Civ. R. 30(E) provides that an oral deposition, when fully transcribed, is to be submitted to the witness for examination and reading. The rule provides that changes in form or substance desired by the witness may be entered on the deposition with a statement as to the reasons the witness had for making the changes. The changes are not corrections. They are additions with explanations for the additions. When videotape is used, there is no necessity for waiting for a transcription into written form. As soon as the deposition is completed, it is ready for viewing by the witness. If there are changes desired, those additions may be made to the deposition, together with the reasons therefor, and recorded on the videotape in the same manner that the initial testimony was entered. The showing can be waived just as the reading can be waived.

In neither the stenographic method of recording nor in the videotape method of recording is the primary purpose of the review by the witness a check on the accuracy of the recording. It is intended to be an assurance that the final product is the testimony that the deponent wants used in the trial or proceeding.

Rule 13(A)(8) Certification of original videotape deposition

Civ. R. 30(F), relating to certification by the officer before whom the deposition was taken, was designed for the written deposition. Division (A)(8) allays confusion as to how a reel of videotape can be signed. It provides that a written certification be attached to the original videotape recording reel. The content of the certification is the same for either method. The rule also provides for adding the signature of the witness, if the witness' signing is not waived by the parties. Civ. R 30(E) incorporates the requirement that the witness sign a written deposition.

The final paragraph of division (A)(8) provides for a different certification. It relates to the officer's certification as to the authenticity of a copy. It is applicable to every copy or transcription the officer makes.

Rule 13(A)(9) Certification of edited videotape depositions

When the court requires an edited copy of a videotape deposition pursuant to division (A)(12), the officer who makes the edited copy is required to certify the conformity of the edited copy to the rulings of

the court. The officer also is required to certify that the integrity of the original videotape recording has not been breached.

Rule 13(A)(10) Filing where objections not made

The rule is the counterpart of a provision in Civ. R. 30(F)(1). Filing is not automatic in the case of a deposition irrespective of the medium in which it is recorded. Filing depends upon the request of the party or order of the court. When there are no objections interposed, there is no further step to be taken before the deposition is viewed by the trier of fact.

Civ. R. 30(F)(3) requires that the party requesting the filing of a deposition give notice of its filing to all other parties. Civ. R. 5(A). The modes of service are set forth in Civ. R. 5(B). Filing of the notice with proof of service is provided for in Civ. R. 5(D).

Rule 13(A)(11) Filing where objections made

The officer's log of objections is required by division (A)(5) and provides a means of easy reference to the location of the objections by listing the time of the objection as shown by the date and time generator's recording. When there are objections, a party may request the court to rule on the objections. The appropriate form of request would be a written motion. The rule has extended the period for filing the request to fourteen days from the filing of the deposition or such reasonable time as may be stipulated by the parties. Civ. R. 32(A) provides that a deposition need be filed only one day before trial to be used in the trial. In the event of late filing of a deposition, the disposition of the objections should be as the court directs.

Rarely does an objecting party urge all objections made. Good procedure requires the objecting party to indicate, by log reference, the objections no longer urged.

Rule 13(A)(12) Editing alternatives

It is vital to the use of videotape that the integrity of the original recording be maintained at every stage of the proceedings. No mode of editing may alter the original recording. The rule specifies three alternatives to be followed in the editing process, the choice among which lies with the court. The court, in an order to the officer, specifies the method desired.

One of the purposes of videotape usage is to provide an uninterrupted flow of admissible testimony. Editing serves to keep inadmissible testimony from the jurors.

The first alternative involves the making of a second tape, which is a copy of the original except that it omits all reference to inadmissible testimony. This method has the disadvantage of additional expense in material and time in creating the second tape, the one actually played to the jury.

The second alternative involves the use of the original videotape deposition. At the playing of the tape to the jury, the operator suppresses the sound where there is inadmissible testimony. A schedule of suppression, keyed to the time recorded on the videotape, is prepared in advance by the officer. The operator merely follows the directions of the schedule in playing the videotape recording. Editing for that mode consists of creating the suppression schedule in conformity to the court's rulings. Usage has demonstrated that the jury is not adversely affected by viewing the picture during the period of sound suppression. The method has the advantage of economy in preparation.

The third alternative involves the suppression of the picture as well as the sound.

The rule requires the court to instruct the jury against reading some meaning into the periods of suppression.

Rule 13(A)(13) Storage

The provision is necessitated by Civ. R. 30(B)(3), which requires the notice to contain information as to the method of preserving the recording. Rule 12(A)(2) permits compliance by a reference to Civ. R. 30(B)(3).

Rule 13(A)(14) Inspection or viewing

Former R.C. 2319.19 provided that a deposition, when sealed and filed, remained sealed until opened by the clerk for use, by order of the Court, or at the request of a party or counsel. Civ. R. 30(F)(1), which superseded the statute, provides that the deposition is sealed only upon request or upon court order with the implication of its unavailability to others until it is offered into evidence. The videotape medium requires mechanical aid in viewing that places an additional limitation upon inspection. Division (A)(14) limits inspection to that ordered by the court. Provision for copies of depositions in the form of videotape, audio recording, or written transcript is made in division (A)(6). The simplest and most economical copy is on audio tape and it obviates the necessity for viewing of the videotape deposition. To facilitate the making of a copy for a party, division (A)(14) provides for release of the original recording to the officer before whom the deposition was taken for the purpose of making a copy. Release may be by the clerk without a court order.

Rule 13(A)(15) Objections at trial

The rule recognizes that it is not possible for all objections to be ruled upon in advance of trial. For example, an objection to a hypothetical question propounded to a medical witness may be found to incorporate facts not established in the trial. Until the testimony relative to the facts has been introduced, the sufficiency of the question cannot be determined. In addition, it cannot be assumed that attorneys can foresee every valid objection, particularly when the testimony is being taken out of the normal sequence. The rule recognizes the possibility of a proper objection made at the trial for the first time. Two limitations are placed upon such objections. It cannot be the renewal of an objection previously ruled upon and it cannot be an objection waived under Civ. R. 32(D)(3). Under division (D)(3)(a) of that rule, objection to the competency of a witness or the competency, relevancy, or materiality of testimony is not waived by failure to raise at the deposition unless the ground might have been obviated or removed, if presented then. Errors and irregularities (e.g., form of question, which might be obviated), if raised, are waived unless objected to at the hearing. Division (A)(15) provides that objections raised at trial must be considered and ruled upon in advance of the playing of the recording. Testimony ruled inadmissible at that point poses no problem. The sound (and picture) may be suppressed for that testimony and thus not heard by the jury.

Rule 13(B) Videotape trials

Rule 13(B)(1) Authority

Division (B) implements Civ. R. 40, which permits the presentation of the entire testimony and other appropriate evidence in a civil case by videotape. It does not authorize the use of videotape for the presentation of part of the testimony. If only part of the testimony is to be offered on videotape, then the deposition procedure of division (A) is to be followed. Division (B)(1) spells out the limitation of the concept to the entirety of the testimony in a civil trial and also provides that the limitations placed upon the use of depositions do not apply when Civ. R. 40 is invoked. The reason is that the deposition rule does not apply because depositions are not being offered.

In *State* v. *Gettys* (1976), 49 Ohio App. 2d 241, a local rule of court required the prerecording of testimony on videotape in a criminal case for presentation to the jury without the intervention of testimony from the witness stand. The court of appeals held the rule to be unconstitutional as a violation of Article I, Section 10 of the Ohio Constitution, which limits depositions in criminal cases to situations of witness

unavailability. The Court viewed the videotape recording of all testimony as a collection of depositions. The court also noted that the procedure was inconsistent with Crim. R. 15(A) and (F).

Rule 13(B)(2) Initiation of videotape trial

The procedure is to be invoked by agreement between the parties with the consent of the trial judge or upon the order of the trial judge in appropriate cases. The current application in municipal and county courts is more limited than in the common pleas court. Rising jurisdictional levels, refinements in docket control and scheduling, together with the development and usage of the medium, may increase the use of videotape prerecorded testimony in all courts. In its present form, agreement of the parties is necessary. A court is empowered to order the use of the procedure only after inquiry into the appropriateness of the measure.

Rule 13(B)(3) Procedure

The entire prerecording of testimony is distinguished from the taking of a deposition in division (B)(1). Although the concept is different, there are parallels. Division (B)(3) takes advantage of the similarity by making the procedures relative to the taking of depositions applicable to the taking of the entire testimony. If the parties do not simplify the procedure by stipulation pursuant to Civ. R. 29, the procedure of Civ. R. 30, as supplemented by division (A), is applicable. Division (B)(3) contains a very important reference to an inclusion in the order for prerecording of the entire testimony. That inclusion is the date for filing of all of the videotape. The trial judge must set a date that will permit him or her to rule on all objections before trial as required in division (B)(4).

The cost provisions for videotape trials parallel those for depositions. The proponent bears the cost of the videotape used to record the testimony because it is returned to the proponent for reuse when it has fulfilled its purpose. Requesting parties bear the cost of copies of the videotape or of transcriptions they have made in accordance with the basic rule practice expressed in Civ. R. 30(F)(2). For the same reasons expressed in the comment to division (D), the expense of the playback of the videotape trial is a general expense of the court not allocable as costs to the parties. All other expenses are costs to be charged or allocated as provided by law.

Rule 13(B)(4) Objections

The procedure differs significantly from the provision for objections relative to depositions as set forth in division (A). In a Civ. R. 40 proceeding, all objections must be ruled upon in advance of trial and no objections may be made at trial. With all of the evidence recorded, there is no development at trial that is not known upon the completion of the recording of all of the evidence. The videotape record played to the jury must exclude all nonadmissible testimony. The method of editing may be the creation of a second videotape or the suppression of the audio, or audio and video, relating to inadmissible evidence.

Rule 13(B)(5) Presence of counsel and trial judge

The provision clarifies the practice and answers the questions as to the obligations of the judge and counsel during the playing of the testimony.

Rule 13(C) Equipment

Rule 13(C)(1) Standard

Compatibility of equipment is absolutely essential. Thus, the standard is set in the rule using the only existing accepted standard in equipment of less than broadcast quality. A party deviates from the standard at the party's expense.

This provision affirms the obligation of the court to provide facilities for replay of videotape and indicates that the court may own or lease the necessary equipment or may contract with a service company

where usage is infrequent. The purpose of the provision is to make clear that the furnishing of playback equipment is no different from the obligation to provide adequate furniture, supplies, and equipment for the conduct of the court. The cost of providing the videotape equipment is indistinguishable from the cost of providing a blackboard in terms of obligation.

It is incumbent upon counsel to determine what equipment the court has or can acquire and conform to that standard. If the proponent does not conform, the proponent has the obligation to provide equipment or pay the cost incurred in providing it.

Rule 13(C)(2) Minimum equipment

The rule specifies minimum facilities, but the specification does not foreclose the court from providing additional or more highly developed equipment utilizing the same standard.

Rule 13(C)(3) Maintenance

Compatibility relates to maintenance as well as to the size of the tape and the specifications for recorders and players. If either the recording equipment or the playback equipment is running at a speed outside the tolerances specified in the standard, the reproduction will be adversely affected. It is essential that the equipment be properly maintained whether leased or owned. The court shall take appropriate steps to maintain the equipment used.

Rule 13(D) Costs; videotape depositions

Material. The proponent of a deposition must bear the cost of the videotape used to record the deposition. There is no provision that the amount be charged as costs in the action because, under Rule 13(E), the videotape is returned to the proponent after it has served its purpose.

Recording and playback expense. The reasonable expense of recording and playing a videotape deposition is charged as costs in the action pursuant to Civ. R. 54. "Reasonable" is inserted to make it clear that, for example, a color videotape of broadcast quality may not be used to increase the cost burden on a losing party.

Costs of copies. Under Civ. R. 30(F)(2), copies of depositions are the responsibility of the requesting party.

Rule 13(E) Disposition of videotape filed with the court

Rule 13(E)(1) Ownership

The provision as to ownership is essential because the videotape has substantial value and may be reused.

Rule 13(E)(2) Release of videotape recording

The provisions are keyed to final disposition of the case except where the testimony is converted to stenographic recording during the presentation of the evidence in the trial, in which case the release may be made following the trial on the basis that the transcript of proceedings will be made up from the stenographic recording. The provision emerged in the early consideration of videotape applications when stenographic recording of the testimony as played at the trial was considered a safety factor. It is unlikely that the duplication would appear in current practice. When the trial is of a criminal matter rather than a civil matter, the finality of disposition of the case may be more difficult to establish. The testimony recorded on videotape may be converted to some other method of recording, audio or stenographic, upon the ostensible closing of the case. The videotape could then be released and reused. Should the testimony be essential to some post-judgment proceeding, it could be used in the converted form. Prudence would

dictate the transcription of the stenographic recording into the written form at the time of the release. Release is to be by order, hence the provision for journalization.

RULE 14. Declaration of Judicial Emergency.

(A) Issuance of order

In the event of a natural or man-made disaster, civil disorder, or any extraordinary circumstance that interrupts or threatens to interrupt the orderly operation of a court or division of a court, the Chief Justice of the Supreme Court may issue an order declaring a judicial emergency for the affected court or division. The order shall include each of the following:

(1) The name of the affected court or division;

(2) A description of the circumstances necessitating the declaration of the judicial emergency;

(3) The duration of the judicial emergency. The duration of the judicial emergency shall be limited to an initial period of not more than thirty days, provided at the end of that period the Chief Justice may issue additional orders extending the duration of the judicial emergency for additional periods of time as determined by the Chief Justice in consultation with the administrative judge of the affected court or division. The Chief Justice may withdraw, cancel, or rescind an order at any time after its issuance.

(4) Any other information relevant to the declaration of the judicial emergency.

(B) Filing of order

The Chief Justice shall file an order declaring or extending a judicial emergency with the clerk of the Supreme Court. If possible given the circumstances of the judicial emergency, the Chief Justice shall file a copy of the order with the clerk of the affected court or division.

(C) Authority

The authority of the Chief Justice to declare a judicial emergency pursuant to this rule shall be independent of the authority of the administrative judge of a court or division to issue an order authorizing the court or division to operate at a temporary location pursuant to R.C. 1901.0211(A), 1907.0111(A), 2301.011(A), or 2501.04(A).

RULE 14.01. Authority of Chief Justice During Judicial Emergency.

During a judicial emergency declared pursuant to Sup.R. 14, the Chief Justice of the Supreme Court may do any of the following:

(A) Suspend or modify the operation of any local rule of the affected court or division of the court;

(B) Adopt temporary local rules for the affected court or division;

(C) Suspend or modify the operation of any rule or requirement of the Supreme Court for the affected court or division;

(D) Adopt temporary rules of the Supreme Court for the affected court or division;

(E) Authorize the use of any audiovisual devices for actions and proceedings of the affected court or division;

(F) Assign and transfer any sitting or retired judge to emergency judicial duty at the affected court or division;

(G) Do and direct to be done all things necessary to ensure the orderly and efficient administration of justice for the duration of the judicial emergency.

RULE 14.02. Consultation with Affected Court or Division and Notification of Justices During Judicial Emergency.

During a judicial emergency declared pursuant to Sup.R. 14, the Chief Justice of the Supreme Court, whenever possible under the circumstances, shall do both of the following:

(A) Consult with the administrative judge and court administrator of the affected court or division of the court prior to taking any actions in accordance with Sup.R. 14.01;

(B) Report to the Justices of the Supreme Court any actions taken in accordance with Sup.R. 14.01.

RULE 15. Arbitration.

(A) Arbitration in civil cases.

(1) The judge or judges of general divisions of courts of common pleas, of municipal courts, or of county courts shall consider, and may adopt, a plan for the mandatory arbitration of civil cases. The plan shall specify the amount in controversy that will require submission of the case to arbitration and arbitration shall be required in cases where the amount in controversy does not exceed that specified sum. Arbitration shall be permitted in cases where the amount in controversy exceeds the sum specified in the plan for mandatory arbitration where all parties to the action agree to arbitration. The court shall determine at an appropriate pre-trial stage whether a case is to be referred to mandatory arbitration.

(2) Every plan for the mandatory arbitration of civil cases adopted pursuant to this rule shall be filed with the Supreme Court and shall include the following basic principles:

(a) Actions excluded. Actions involving title to real estate, equitable relief and appeals shall be excluded.

(b) Arbitrators. The court shall establish a list of qualified attorneys who have consented to serve as arbitrators. The court shall appoint from the list an arbitrator who has no interest in the determination of the case or relationship with the parties or their counsel that would interfere with an impartial consideration of the case. Upon written request of a party, the court shall appoint a board of three arbitrators in the same manner as a single arbitrator is appointed.

(c) Report and award. Within thirty days after the hearing, the board or the single arbitrator shall file a report and award with the clerk of the court and forward copies to all parties or their counsel. The report and award, unless appealed, shall be final and have the legal effect of a verdict upon which judgment shall be entered by the court.

(d) Appeals. Any party may appeal the award to the court if, within thirty days after the filing of the award with the clerk of court, the party does both of the following:

(i) Files a notice of appeal with the clerk of courts and serves a copy on the adverse party or parties accompanied by an affidavit that the appeal is not being taken for delay;

(ii) Reimburses the county or municipal corporation for all fees paid to the arbitrator or arbitrators in the case or pays the fees directly to the arbitrator or arbitrators, unless otherwise directed by the court.

All appeals shall be *de novo* proceedings at which members of the deciding board or the single arbitrator are barred as witnesses.

Exceptions to the decision of the board or single arbitrator based on either misconduct or corruption of the board or single arbitrator may also be filed by any party within thirty days after the filing of the report, and, if sustained, the report shall be vacated.

(B) Arbitration in juvenile and domestic relations cases.

(1) The judge or judges of a division of a court of common pleas having domestic relations or juvenile jurisdiction may, at the request of all parties, refer a case or a designated issue to arbitration.

(2) The parties shall propose an arbitrator to the court and identify all issues to be resolved by the arbitrator. The arbitrator shall consent to serve and shall have no interest in the determination of the case or relationship with the parties or their counsel that would interfere with the impartial consideration of the case. An arbitrator selected pursuant to this section is not required to be an attorney.

(3) The request for arbitration submitted by the parties shall provide for the manner of payment of the arbitrator.

(4) The arbitrator shall file a report and award pursuant to division (A)(2)(c) of this rule.

(5) Any party may appeal the report and award pursuant to division (A)(2)(d) of this rule.

Commentary (July 1, 1997)

The rule establishes guidelines for arbitration procedures. Adoption of a plan for the arbitration of cases is within the discretion of the court. Arbitration has been proven to be an effective method of case disposition.

Two changes are made from the former rule. The rule now permits the appointment of a single arbitrator or a panel of three arbitrators. This change was recommended by the Supreme Court Committee on Dispute Resolution. The amendment brings the rule into conformance with practice in several courts and provides a more cost effective route for litigants who seek arbitration services. Further, the use of a single, trusted, respected neutral should eliminate some advocacy that currently takes place when the three arbitrators engage in the decision-making aspect of the process. Also, as a cost savings measure, the rule provides for the direct payment of fees to the arbitrator or arbitrators.

Commentary (November 30, 1992 Amendment to C.P. Sup. R. 15)

Rule 15 authorizes the general division of a court of common pleas to permit mandatory arbitration, by local rule, in civil cases. The Supreme Court Committee on Dispute Resolution has reviewed this rule in the context of cases in the juvenile and domestic relations divisions of the common pleas courts. In these divisions, the Committee believes that the use of arbitration in appropriate cases would be of benefit to both the parties and the court. The Committee believes that the primary use of arbitration in juvenile and domestic relations cases would occur in cases involving the valuation of real and personal property.

By way of example, the appraisal of real and personal property involved in a divorce proceeding generally requires expert evaluation of the worth. However, in cases where there is a significant dispute or difference of opinion between the experts regarding the worth of the property, the Committee believes that the parties could benefit by having the option to request arbitration of the issue. A court could reserve ruling on issues of spousal support, child support, or custody until the valuation of personal and real property has been arbitrated. This process would free the court to direct its attention to other cases.

Accordingly, the Committee recommends the adoption of division (B). This division would permit the parties, with leave of court, to select an arbitrator for a case or an issue. The parties would select an arbitrator and propose this arbitrator to the court. Under the rule, the judge *may*, but is not required to, grant the parties leave to have the case or issue arbitrated. This permissive rule will allow the judge to intervene when he or she feels that the selection of the arbitrator by the parties is not appropriate under the specific circumstances of a given case. However, the Committee also stresses its strong belief in the fundamental principle that parties should be permitted to freely contract between themselves, unless strong public policy reasons intervene.

Division (B) also provides that the arbitrator need not be an attorney. In some cases, an expert from outside the area of the law may have the expertise necessary to provide a fair and just decision to the parties. The remaining provisions of division (B) mirror the requirements for arbitration in the general division of the court.

RULE 16. Creation of Commission on Dispute Resolution.

There is hereby created by the Supreme Court the Commission on Dispute Resolution.

RULE 16.01. Duties and Authority.

(A) Duties

(1) The Commission on Dispute Resolution shall advise the Supreme Court and its staff on all of the following:

(a) The promotion of statewide rules and uniform standards concerning the use of dispute resolution in Ohio courts;

(b) The development and delivery of dispute resolution education and professional development activities for judges, magistrates, court personnel, attorneys, and court-affiliated dispute resolution professionals;

(c) The development and delivery of dispute resolution services for disputes arising among state, county, and local public officials throughout Ohio;

(d) The consideration of any other issues the commission deems necessary to assist the Supreme Court and its staff regarding the development and delivery of dispute resolution programs and services.

(2) The Commission on Dispute Resolution shall operate the Government Conflict Resolution Services Program pursuant to Sup. R. 16.40 through 16.43.

(B) Authority

The commission shall have no independent policy-setting authority.

RULE 16.02. Membership.

(A) Appointments

The Commission on Dispute Resolution shall consist of the following twenty-one members appointed by the Chief Justice and Justices of the Supreme Court:

(1) Three members who shall be sitting or retired judges;

(2) One member who shall be a judge of a court of appeals nominated by the Chief Justice of the Court of Appeals;

(3) One member who shall be a judge of a court of common pleas with general jurisdiction nominated by the President of the Ohio Common Pleas Judges Association;

(4) One member who shall be a judge of a court of common pleas with probate jurisdiction nominated by the President of the Ohio Association of Probate Judges;

(5) One member who shall be a judge of a court of common pleas with juvenile jurisdiction nominated by the President of the Ohio Association of Juvenile Court Judges;

(6) One member who shall be a judge of a court of common pleas with domestic relations jurisdiction nominated by the President of the Ohio Association of Domestic Relations Judges;

(7) One member who shall be a judge of a municipal or county court nominated by the President of the Association of Municipal and County Court Judges of Ohio;

(8) Two members, each of whom shall be a full-time magistrate with an Ohio court, nominated by the President of the Ohio Association of Magistrates;

(9) One member nominated by the Superintendent of Public Instruction;

(10) Two members nominated by the President of the County Commissioners' Association of Ohio;

(11) Two members, neither of whom shall be a judge or county commissioner, nominated by the President of the Ohio Council of County Officials;

(12) Two members nominated by the President of the Ohio Municipal League;

(13) One member nominated by the President of the Ohio State Bar Association;

(14) One member nominated by the President of the Ohio Mediation Association;

(15) One at-large member.

(B) Nominations

The Administrative Director of the Supreme Court shall solicit a minimum of two nominees from each individual responsible for nominating a member of the commission pursuant to divisions (A)(2) through (14) of this rule.

(C) Qualifications

Each commission member shall have an appreciation for the importance of the use of dispute resolution to resolve disputes, which may include education or experience in dispute resolution.

(D) Composition

Commission membership should be broad based and multidisciplinary to represent a cross section of interests related to dispute resolution and reflect the gender, racial, ethnic, and geographic diversity of the state.

RULE 16.03. Terms and Vacancies.

(A) Initial terms

Initial terms for members of the Commission on Dispute Resolution shall be as follows:

(1) One of the members who is a sitting or retired judge, the member who is a judge of a court of common pleas with general jurisdiction nominated by the President of the Ohio Common Pleas Judges Association, the member who is a judge of a court of common pleas with juvenile jurisdiction nominated by the President of the Ohio Association of Juvenile Court Judges, the member who is a judge of a municipal or county court nominated by the President of the Association of Municipal and County Court Judges of Ohio, one of the members nominated by the President of the County Commissioners' Association of Ohio, one of the members nominated by the President of the Ohio Municipal League, and the member nominated by the President of the Ohio Mediation Association shall be appointed to a term that ends on December 31, 2012;

(2) One of the members who is a sitting or retired judge, the member who is a judge of a court of common pleas with probate jurisdiction nominated by the President of the Ohio Association of Probate Judges, the member who is a judge of a court of common pleas with domestic relations jurisdiction nominated by the President of the Ohio Association of Domestic Relations Judges, one of the members who is a full-time magistrate with an Ohio court nominated by the President of the Ohio Association of Magistrates, the member nominated by the Superintendent of Public Instruction, one of the members nominated by the President of the County Commissioners' Association of Ohio, one of the members nominated by the President of the Ohio Council of County Officials, and the member nominated by the President of the Ohio State Bar Association shall be appointed to a term that ends on December 31, 2013;

(3) One of the members who is a sitting judge, the member who is a judge of a court of appeals nominated by the Chief Justice of the Court of Appeals, one of the members who is a full-time magistrate with an Ohio court nominated by the President of the Ohio Association of Magistrates, one of the members nominated by the president of the Ohio Council of County Officials, one of the members nominated by the President of the Ohio Municipal League, and the at-large member shall be appointed to a term that
ends on December 31, 2014.

(B) Subsequent terms and reappointment

Except as provided in division (A) of this rule, the term of a commission member shall be for three years. A commission member shall be eligible for reappointment, but shall not serve more than three consecutive full terms. A commission member shall be eligible for reappointment after serving three consecutive full terms, but only upon at least a one-year

break in service. Abbreviated initial terms and appointments to fill a vacancy shall not constitute a full term.

(C) Judge, magistrate, and attorney vacancies

(1) If a commission member who is a judge involuntarily leaves office by reason other than Article IV, Section 6(C) of the Ohio Constitution, the member shall be disqualified and a vacancy shall occur.

(2) If a commission member who is a magistrate ceases to serve as a full-time magistrate with an Ohio court, the member shall be disqualified and a vacancy shall occur.

(3) If a commission member who is an attorney no longer practices in Ohio, the member shall be disqualified and a vacancy shall occur.

(D) Filling of vacancies

Vacancies on the commission shall be filled in the same manner as original appointments. A commission member appointed to fill a vacancy occurring prior to the expiration of the term for which the member's predecessor was appointed shall hold the position for the remainder of that term.

RULE 16.04. Chairperson and Vice-Chairperson.

The members of the Commission on Dispute Resolution shall elect one member as chairperson and one member as vice-chairperson. The chairperson and vice-chairperson shall serve for two years and may be reelected to a second two-year term. A commission member shall not serve as chairperson or vice-chairperson for more than two consecutive full terms, provided elections to fill a vacancy in the position of chairperson or vice-chairperson shall not constitute a full term.

RULE 16.05. Secretary.

The Administrative Director of the Supreme Court shall assign a Supreme Court employee to serve as secretary to the Commission on Dispute Resolution. The commission secretary shall assist the commission as necessary, but shall at all times be considered a Supreme Court employee.

RULE 16.06. Meetings.

(A) Manner

The Commission on Dispute Resolution may meet in person or by telephonic or other electronic means available to the Supreme Court.

(B) Frequency

The commission shall meet as often as required to complete its work, provided the commission shall meet a minimum of two times per year. The commission may meet at the call of the chairperson or at the request of a majority of the commission members.

(C) Scheduling

All commission meetings shall be scheduled for a time and place so as to minimize costs to the Supreme Court and to be accessible to commission members, Supreme Court staff, and the public.

(D) Public attendance and notice

All commission meetings shall be open to the public. Public notice of all commission meetings shall be provided on the Supreme Court's website.

(E) Member attendance

For a fully effective commission, a commission member shall make a good faith effort to attend each commission meeting. The commission secretary shall notify the Chief Justice and the Administrative Director of the Supreme Court if a commission member misses three meetings of the commission within a twelve-month period. Upon such notice, the Administrative Director shall inform the Justices of the Supreme Court in order that the Justices may consider the replacement of the member.

(F) Minutes

Minutes shall be kept at every commission meeting and distributed to the commission members for review prior to and approval at the next meeting.

(G) Quorum

There shall be a quorum of the commission present when a majority of commission members is present for the meeting, including those members participating by telephonic or other electronic means.

(H) Actions

At any commission meeting at which a quorum is present, the commission members may take action by affirmative vote of a majority of the members in attendance.

RULE 16.07. Subcommittees.

(A) Creation

The Commission on Dispute Resolution may form such subcommittees it believes necessary to complete the work of the commission. A subcommittee should consist of select commission members and such other persons who the chairperson believes will assist in a full exploration of the issue under the review of the subcommittee.

(B) Size

A subcommittee should remain relatively small in size, not exceeding eight to twelve members, and have a ratio of commission members to non-commission members not exceeding one to three.

(C) Application of rules

Sup.R. 16.05, 16.06(A) through (D), (G), and (H), 16.08, and 16.10 through 16.13 shall also apply to the work of a subcommittee.

RULE 16.08. Code of Ethics.

Members of the Commission on Dispute Resolution shall comply with the Supreme Court's "Code of Ethics for Court Appointees." The commission secretary shall provide each commission member with a copy of the code following the member's appointment to the commission and thereafter at the first meeting each year of the commission.

RULE 16.09. Annual Report.

By January 31st of each year, the chairperson of the Commission on Dispute Resolution shall issue a report to the Chief Justice and Justices of the Supreme Court detailing the activities and accomplishments of the commission during the previous calendar year. The chairperson shall submit the report to the Administrative Director of the Supreme Court for publication on the Supreme Court's website and distribution to the Chief Justice and Justices.

RULE 16.10. Work Product.

The work product of the Commission on Dispute Resolution shall be the property of the Supreme Court.

RULE 16.11. Budget.

The budget of the Commission on Dispute Resolution shall be set by the Supreme Court through its internal budget process and as implemented by the Supreme Court Dispute Resolution Section. The commission shall have no authority to set its own budget.

RULE 16.12. Compensation.

A member of the Commission on Dispute Resolution shall serve without compensation.

RULE 16.13. Reimbursement of Expenses.

A member of the Commission on Dispute Resolution shall be reimbursed for expenses incurred in service to the commission as permitted by the Supreme Court's "Guidelines for Travel by Court Appointees."

RULE 16.14. Definitions.

As used in Sup.R. 16.14 through 16.66:

(A) Civil stalking protection order case

"Civil stalking protection order case" means a proceeding under R.C. 2903.214.

(B) Domestic abuse

"Domestic abuse" means aggressive behaviors directed toward a current or former intimate partner that are physical, sexual, economic, spiritual, or coercively controlling. "Domestic abuse" may occur as a single aggressive behavior or a combination of aggressive behaviors and may vary from family to family in terms of frequency, recency, severity, intention, circumstance, and consequence.

(C) Domestic violence

"Domestic violence" has the same meaning as in R.C. 3113.31(A)(1).

(D) Evaluator

"Evaluator" means an individual who conducts a neutral evaluation.

(E) Facilitation

"Facilitation" means a process in which a neutral party moderates discussions by ensuring the fluid and orderly exchange of information and ideas from all participants and that is primarily concerned with assisting individuals in refining their communication and organizational skills so that they may learn to work more efficiently with one another in a group setting.

(F) Mediation

"Mediation" means a process in which a neutral third party helps the parties communicate and negotiate with each other to help them reach a voluntary agreement regarding their dispute by helping the parties clarify their positions and interests, identifying underlying concerns, and creating practical solutions for resolving their dispute.

(G) Mediator

"Mediator" means an individual who conducts a mediation.

(H) Neutral evaluation

"Neutral evaluation" means a process in which the parties to a dispute present their claims or defenses and describe the principal evidence on which their claims or defenses are based to a neutral third party who then shares impressions about the strengths and weaknesses of each matter.

(I) Parenting coordination

"Parenting coordination" means a child-focused dispute resolution process ordered by a court of common pleas or division of the court to assist parties in implementing a parental rights and responsibilities or companionship time order using assessment, education, case management, conflict management, coaching, or decision-making. "Parenting coordination" is not mediation subject to R.C. Chapter 2710 or Sup.R. 16.20 through 16.25.

(J) Parenting coordinator

"Parenting coordinator" means an individual who conducts parenting coordination.

RULES 16.15 through 16.19 are reserved for future use

RULE 16.20. Application.

Sup.R.16.20 through 16.26 shall apply when a court elects to use mediation.

RULE 16.21. Local Mediation Rule.

(A) General

A court that elects to use mediation shall adopt a local rule governing mediation. The local rule shall do all of the following:

(1) Incorporate by reference the provisions of the "Ohio Uniform Mediation Act" under R.C. Chapter 2710;

(2) Identify the case types eligible for mediation and those that are precluded from mediation, if any;

(3) Address confidentiality;

(4) Prohibit the use of mediation in domestic violence cases pursuant to R.C. 2919.25, 2919.26, 2919.27, and 3113.31. Nothing in this division shall prohibit the use of mediation in either of the following cases:

(i) A subsequent divorce or custody case, even though the case may result in the termination of the provisions of a protection order pursuant to R.C. 3113.31;

(ii) A juvenile delinquency case.

(5) Establish procedures for encouraging appropriate referrals to legal counsel and other support services for all parties, including victims and suspected victims of domestic violence;

(6) Address other provisions as the court considers necessary and appropriate.

(B) Juvenile courts

A juvenile court that elects to use mediation in abuse, neglect, dependency, unruly, and delinquency cases or juvenile civil protection order cases pursuant to R.C. 2151.34 or 3113.31 shall adopt a local rule that does all of the following:

(1) Complies with division (A) of this rule;

(2) Includes procedures in abuse, neglect, and dependency cases to ensure parties who are not represented by counsel attend mediation only if they have waived the right to counsel in open court and that parties represented by counsel attend mediation without counsel only where the right to have counsel present at the mediation has been specifically waived. Waivers may be rescinded at any time.

(3) Includes procedures for the selection and referral of a case to mediation at any point after the case is filed;

(4) Includes procedures for notifying the parties and nonparty participants of the mediation.

RULE 16.22. Responsibilities of Mediator.

(A) General responsibilities

In order to provide a fair mediation process for parties, a mediator who mediates for a court shall remain impartial and neutral and shall comply with all of the following:

(1) The "Core Values of Mediation," as approved by the Supreme Court Dispute Resolution Section in accordance with recommendations established by the Commission on Dispute Resolution;

(2) The "Model Standards of Conduct for Mediators" adopted by the American Bar Association, American Arbitration Association, and the Association for Conflict Resolution;

(3) For mediation in domestic relations or juvenile courts, the "Model Standards of Practice for Family and Divorce Mediation" adopted by the Association for Family and Conciliation Courts;

(4) For mediation in juvenile courts of abuse, neglect, and dependency cases, the "Guidelines for Child Protection Mediation" adopted by the Association for Family and Conciliation Courts.

(B) Conflicts of interest

(1) A mediator shall avoid any actual or apparent conflicts 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 dispute. A mediator shall avoid self-dealing or association from which the mediator might directly or indirectly benefit, except from compensation for services as a mediator.

(2) Upon becoming aware of any actual or apparent conflict of interest, a mediator shall notify the parties as soon as practicable.

(3) The requirements of this rule are in addition to and do not supersede the requirements of R.C. 2710.08. Wherever a conflict exists between this rule and R.C. 2710.08, the statute shall control.

(C) Legal Advice

A mediator shall not offer legal advice.

(D) Satisfaction of training requirements

(1) A mediator shall meet the qualifications and comply with all training requirements of Sup.R. 16.23 and local court rules governing mediators and mediation adopted pursuant to Sup.R. 16.21.

(2) A mediator shall meet the qualifications for mediators for each court in which the mediator serves and promptly advise the court of any grounds for disqualification or any issues affecting the ability to serve.

(3) Upon request, a mediator shall provide a court from which the mediator receives referrals documentation indicating compliance with all training and education requirements so that the court may meet the requirements of Sup.R. 16.24(A)(1)(d). The documentation shall include information detailing the date, location, contents, credit hours, and sponsor of any relevant training.

RULE 16.23. Mediator Education and Training.

(A) General

(1) Except as provided in division (A)(2) of this rule, a mediator shall complete "Fundamentals of Mediation Training" approved by the Supreme Court Dispute Resolution Section in accordance with standards established by the Commission on Dispute Resolution.

(2) A mediator shall not be required to complete training pursuant to division (A)(1) of this rule if any of the following apply:

(a) Prior to January 1, 2020, the mediator has completed at least twelve hours of basic mediation training;

(b) Prior to January 1, 2020, the mediator has served as a full-time mediator for a minimum of three years or mediated at least forty-five cases, in which case the mediator shall complete the "Advanced Mediation Workshop" approved by the Supreme Court Dispute Resolution Section in accordance with standards established by the Commission on Dispute Resolution;

(c) The mediator is a law student enrolled in a clinical mediation or dispute resolution program at an American Bar Association accredited law school, has completed mandatory coursework in fundamental mediation topics, and mediates under the supervision of faculty at the law school.

(B) Domestic relations and juvenile courts

(1) Prior to accepting a referral from a court for disputes involving the termination of marriage; the allocation of parental rights and responsibilities; the care of or visitation with minor children; unruly and delinquency cases; or juvenile civil protection order cases pursuant to R.C. 2151.34 or R.C. 3113.31, a mediator shall meet all of the following qualifications:

(a) Possess a bachelor's degree, or equivalent educational experience as is satisfactory to the court, and at least two years of professional experience with families, including counseling, casework, legal representation in family law matters, or such other equivalent experience satisfactory to the court;

(b) Comply with the requirements of division (A) of this rule;

(c) Complete "Specialized Family or Divorce Mediation Training" approved by the Supreme Court Dispute Resolution Section in accordance with standards established by the Commission on Dispute Resolution, provided that a mediator who is mediating a delinquency or unruly case may do so even if the mediator has not taken this training;

(d) Complete "Specialized Domestic Abuse Issues and Mediation Training" approved by the Supreme Court Dispute Resolution Section in accordance with standards established by the Commission on Dispute Resolution unless either of the following apply:

(i) The mediator is co-mediating with another mediator who has completed the training;

(ii) The mediator is a law student enrolled in a clinical mediation or dispute resolution program at an American Bar Association accredited law school, has completed mandatory coursework in fundamental and domestic abuse mediation topics, and mediates under the supervision of faculty at the law school who has completed the training.

(2) Prior to accepting a referral from a court for disputes involving abuse, neglect, and dependency, a mediator shall meet all of the following qualifications:

(a) Possess significant experience mediating family disputes;

(b) Complete the requirements of division (B)(1) of this rule;

(c) Complete "Specialized Child Protection Mediation Training" approved by the Supreme Court Dispute Resolution Section in accordance with standards established by the Commission on Dispute Resolution.

(3) Prior to accepting a referral from a court for disputes involving school attendance mediation, a mediator shall meet either of the following qualifications:

(a) Complete the requirements of division (A) of this rule;

(b) Complete "School Attendance Mediation Training" approved by the Supreme Court Dispute Resolution Section in accordance with standards established by the Commission on Dispute Resolution.

RULE 16.24. Responsibilities of Court.

(A) General

(1) In order to ensure only qualified individuals perform the duties of a mediator and the requirements of Sup. R. 16.20 through 16.25 are met, a court that elects to use mediation shall do all of the following:

(a) Establish screening procedures for the capacity of parties to mediate;

(b) Establish procedures for monitoring and evaluating mediation to ensure the quality of the mediators and programs to which cases are referred;

(c) Develop a process and appoint a person for accepting and considering written comments and complaints regarding the performance of mediators receiving referrals from the court. A copy of comments and complaints submitted to the court shall be provided to the mediator who is the subject of the complaint or comment. The person appointed may forward any comments and complaints to the administrative judge of the court or division of the court for consideration and appropriate action. Dispositions by the court shall be made promptly. The court shall maintain a written record in the mediator's file regarding the nature and disposition of any comment or complaint and shall notify the person making the comment or complaint and the mediator of the disposition.

(d) Allow mediation to proceed only if the mediator meets the qualifications, education, and training requirements of Sup.R. 16.23;

(e) Prohibit mediation when domestic abuse or domestic violence is alleged, suspected, or present unless all of the following conditions are satisfied:

(i) Screening is conducted, both before and during mediation, for domestic abuse and domestic violence and for the capacity of the parties to mediate;

(ii) The person who is or may be the victim of domestic abuse or domestic violence is fully informed about the mediation process, right to decline participation in the mediation process, and of the option to have a support person, in addition to an attorney, present at the mediation sessions;

(iii) The parties have the capacity to mediate without fear of coercion or control;

(iv) The court has taken reasonable precautions to create a safe mediation environment for the parties and all other persons involved in the mediation process;

(v) Procedures are in place for the mediator to terminate a mediation session if there is a threat of domestic abuse, domestic violence, or coercion between the parties;

(vi) Procedures are in place for issuing written findings of fact to refer certain cases involving domestic violence to mediation, as required by R.C. 3109.052.

(B) General

A 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 of Sup.R. 16.23.

RULE 16.25. Public Access.

The files maintained by a mediator but not filed with a clerk or submitted to a court shall not be available for public access pursuant to Sup.R. 44 through 47.

RULES 16.26 through 16.29 are reserved for future use

RULE 16.30. Civil Stalking Protection Order Mediation.

A court of common pleas may offer mediation in a civil stalking protection order case subject to the following factors or restrictions:

(A) The court shall not offer mediation if any of the following apply:

(1) The petitioner is a family or household member of the respondent, as defined in R.C. 3113.31(A)(3);

(2) The allegations in the civil stalking protection order petition involve a sexually oriented offense, as defined in R.C. 2950.01(A);

(3) The allegations in the civil stalking protection order petition involve serious physical harm, as defined in R.C. 2901.01(A)(5);

(4) The allegations in the civil stalking protection order petition form the basis for an active criminal complaint arising out of the same activities as those that are the basis of the petition.

(B) The court shall consider the following factors to determine the appropriateness of offering mediation. The existence of any of the following factors weighs against the use of mediation:

(1) Ongoing physical violence or history of serious physical harm, as defined in R.C. 2901.01(A)(5);

(2) Threats of serious physical harm, as defined in R.C. 2901.01(A)(5), or the threatened use of deadly weapons;

(3) Coercion, coercive controlling behavior, or intimidation based on past violence;

(4) Petitioner's fear of the respondent despite the implementation of safety precautions;

(5) Respondent's controlling, manipulative, or hostile conduct toward the petitioner or the mediation process;

(6) Any other circumstance deemed relevant that puts a party or mediator at risk of harm or abuse.

IN THE COURT OF COMMON PLEAS _____ COUNTY, OHIO

General Division

Petitioner	:	**Case No**. _____
v.	:	**Judgment Entry and Order Adopting Agreement and Dismissing Case without Prejudice**
Respondent	:	

This matter is before the Court upon a Mediation Agreement signed by both parties and dated _____ . The Court has reviewed said Mediation Agreement, accepts the same as being fair, just and equitable, and hereby adopts the Mediation Agreement as an Order of this Court, attached as Exhibit A.

The court hereby retains jurisdiction to enforce the mediation agreement reached between the parties.

Parties are hereby advised that this matter is subject to the provisions of Civ. R. 53 and Civ. R. 65.1.

Further, both parties are advised and agree that the terms of their Agreement shall be incorporated into this dismissal judgment entry.

Therefore, the Petition and the accompanying Ex Parte Orders, if any, previously entered in this matter, be and are hereby dismissed without prejudice.

IT IS SO ORDERED.

_____
JUDGE

IN THE COURT OF COMMON PLEAS

_____ COUNTY, OHIO

Petitioner	:	Case No. _____
v.	:	Judge _____
Respondent	:	**JUDGMENT ENTRY ON MOTION TO DISMISS CIVIL STALKING PROTECTION ORDER**

Upon request of _____ (Petitioner), Petitioner's Petition for Civil Stalking Protection Order filed on _____ is voluntarily dismissed without prejudice.

☐ The Ex Parte Civil Stalking Protection Order issued on _____ is hereby dissolved and set aside.

☐ Furthermore, the Court directs law enforcement to amend the expiration date of the Ex Parte Civil Stalking Protection Order to _____ and remove the order from the active NCIC Protection Order file. The Court has sent Form 10-A of the Rules of Superintendence for Ohio Courts to law enforcement and indicated the expiration date of the Ex Parte Civil Stalking Protection Order.

☐ Petitioner and _____ (Respondent) have mediated the disputes alleged in the Petition for Civil Stalking Protection Order and have reached an agreement, which was memorialized in the Mediation Agreement and signed by the Petitioner and Respondent.

☐ Petitioner and Respondent are advised and agree that the terms of their Agreement shall be incorporated into this dismissal judgment entry.

☐ The court hereby retains jurisdiction to enforce the Mediation Agreement reached between the Petitioner and Respondent on _____ .

☐ Parties are hereby advised that this matter is subject to the provisions of Civ. R. 53 and Civ. R. 65.1.

The court costs for this action are waived.

IT IS SO ORDERED.

MAGISTRATE	**JUDGE**

Case No._____

TO THE CLERK:

COPIES OF THIS ORDER SHALL BE DELIVERED TO:

☐ Petitioner
☐ Attorney for Petitioner

☐ Respondent
☐ Attorney for Respondent
☐ Other:

IN THE COURT OF COMMON PLEAS
_____ COUNTY, OHIO

Petitioner	:	Case No. _____
v.	:	Judge _____
Respondent	:	**MOTION TO DISMISS AND VACATE EX PARTE CIVIL STALKING PROTECTION ORDER**

Now comes the Petitioner, _____ and moves this Court to dismiss without prejudice the Civil Stalking Protection Order case filed on _____ . Petitioner moves that the Ex Parte Civil Stalking Protection Order issued on _____ be dismissed.

The reason for this request to dismiss the Ex Parte Civil Stalking Protection Order action is that the

Respectfully submitted,

_____
SIGNATURE OF PETITIONER

Sworn to and subscribed before me on this _____ day of _____ , _____

_____
NOTARY PUBLIC

REQUEST FOR SERVICE

Please serve a copy of the foregoing Motion upon Respondent, _____

by certified mail, pursuant to Civ,R, 65.1, at the following address: _____

_____

RULE 16.31. Process for Offering Mediation.

(A) Assessment

A court of common pleas may assess a civil stalking protection order case for mediation eligibility pursuant to Sup.R. 16.30 after the filing of the civil stalking protection order petition, but before the final disposition of the case.

(B) Civil protection order proceedings

(1) A court of common pleas may grant an ex parte civil protection order prior to offering mediation.

(2) A court of common pleas may continue the full hearing in a civil stalking protection order case pursuant to R.C. 2903.214(D)(2)(a)(iv) to allow adequate time for screening of the parties and mediating the case. If the court has granted an ex parte civil protection order, the court may extend the duration of the order in accordance with R.C. 2903.214(D)(2)(b).

(C) Forms

A court of common pleas offering mediation to the parties in a civil stalking protection order case shall use forms that are substantially similar to "Forms 16.30-A through 16.30-D."

RULE 16.32. General

(A) Voluntary participation

(1) A court shall not mandate that parties in a civil stalking protection order case use mediation.

(2) The parties in a civil stalking protection order case shall knowingly and voluntarily participate in mediation based on informed consent; free from coercion or intimidation; and absent from coercive, controlling, or abusive conduct.

(B) Fees and costs

A court of common pleas shall not assess to the petitioner any fees or costs in connection with the mediation of a civil stalking protection order case.

(C) Mediation environment

A court of common pleas shall take reasonable precautions to create a safe mediation environment for the parties.

(D) Education and training

A mediator appointed to a mediate civil stalking protection order case shall comply with the education and training requirements of Sup.R. 16.23.

RULES 16.33 through 16.39 are reserved for future use

RULE 16.40. Government Conflict Resolution Services Program.

(A) Creation

There is hereby established the Government Conflict Resolution Services Program. The program shall assist local and county public officials in resolving and preventing conflicts concerning administrative matters, including but not limited to the following:

(1) Fiscal and budget issues;

(2) Operations management issues;

(3) Facilities maintenance issues;

(4) Other organizational issues.

(B) Services

The Government Conflict Resolution Services Program shall provide mediation, facilitation, and neutral evaluation at no cost.

(C) Uniform Mediation Act

Mediation conducted by the Government Conflict Resolution Services Program shall be governed by Chapter 2710 of the Revised Code.

RULE 16.41. Privilege.

(A) General and exception

Except as provided in R.C. 2710.05, mediation communications in connection with the Government Conflict Resolution Services Program are privileged pursuant to R.C. 2710.03.

(B) Waiver

Mediation communications in connection with the Government Conflict Resolution Services Program may be waived pursuant to R.C. 2710.04.

RULE 16.42. Confidentiality.

(A) General

Mediation communications in connection with the Government Conflict Resolution Services Program are confidential pursuant to R.C. 2710.07. No one shall disclose such communications unless all mediation parties and the mediator consent to disclosure in writing or on the record in open court.

(B) Exceptions to confidentiality

Mediation parties may share mediation communications with their attorneys.

RULE 16.43. Public Access to Information.

Information collected from or generated by participating parties in connection with the Government Conflict Resolution Services Program shall not be available for public access pursuant to Sup.R. 44 through 47.

RULES 16.44 through 16.49 are reserved for future use

RULE 16.50. Application.

Sup.R.16.50 through 16.55 shall apply to a court that elects to use neutral evaluation and to an evaluator conducting neutral evaluation.

RULE 16.51. Local Neutral Evaluation Rule.

A court shall adopt a local rule governing neutral evaluation. The local rule shall do all of the following:

(A) Identify the case types eligible for neutral evaluation and those that are precluded from neutral evaluation, if any;

(B) Address confidentiality;

(C) Prohibit the use of neutral evaluation in domestic violence cases under R.C. 2919.25, 2919.26, 2919.27, and 3113.31. Nothing in this division shall prohibit the use of neutral evaluation in either of the following cases:

(1) A subsequent divorce or custody case, even though the case may result in the termination of the provisions of a protection order under R.C. 3113.31;

(2) A juvenile delinquency case.

(D) Establish procedures for and encourage appropriate referrals to legal counsel and other support services for all parties, including victims and suspected victims of domestic violence;

(E) Address other issues as the court considers necessary and appropriate.

RULE 16.52. Responsibilities of Evaluator.

(A) Conflicts of interest

(1) An evaluator shall avoid any actual or apparent conflicts 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. An evaluator shall avoid self-dealing or association from which the evaluator might directly or indirectly benefit, except from compensation for services as an evaluator.

(2) Upon becoming aware of any actual or apparent conflict of interest, an evaluator shall notify the appointing court and the parties of the action taken to resolve the conflict and, if unable to do so, seek the direction of the court.

(B) Legal advice

An evaluator shall not offer legal advice.

(C) Satisfaction of training requirements

(1) An evaluator shall meet the qualifications and comply with all training requirements of Sup.R. 16.53 and local court rules governing evaluators and neutral evaluation adopted under Sup.R. 16.51.

(2) An evaluator shall meet the qualifications for neutral evaluators for each court in which the evaluator serves and promptly notify the court of any grounds for disqualification or any issues affecting the ability to serve.

(3) Upon request, an evaluator shall provide a court from which the evaluator receives referrals documentation indicating compliance with all training and education requirements so that the court may meet the requirements of Sup.R. 16.54(A)(4). The documentation shall include information detailing the date, location, contents, credit hours, and sponsor of any relevant training.

(D) Disclosure of qualifications

At the request of a party, an individual serving as an evaluator shall disclose the evaluator's qualifications to evaluate the subject matter in dispute.

(E) Neutral evaluator future disqualification

An evaluator shall not serve as a witness, consultant, attorney, or expert in any pending or future action relating to a dispute for which the evaluator conducted an evaluation or commenced the evaluation process.

RULE 16.53. Neutral Evaluator Education and Training.

(A) Civil or probate cases

Prior to accepting appointment in a civil or probate case of a court, an evaluator or team of evaluators shall individually possess or, where applicable, in combination possess the following qualifications:

(1) Be licensed to practice law in Ohio, with at least five years of experience working in the area of civil or probate litigation as applicable based upon the nature of the case before the evaluator. The evaluator, if one evaluator is conducting the neutral evaluation, or at least one member of the evaluation team, if a team of evaluators is conducting the neutral evaluation, shall have participated in civil trials or probate proceedings, as applicable, to the satisfaction of the court.

(2) At least one evaluator conducting the neutral evaluation shall have completed "Fundamentals of Mediation Training" approved by the Supreme Court Dispute Resolution Section in accordance with standards established by the Commission on Dispute Resolution under Sup.R. 16.23(A)(1) or be otherwise qualified under Sup.R. 16.23 as a civil mediator in Ohio.

(B) Domestic relations and juvenile cases

Prior to accepting appointment in a domestic relations or juvenile case, a team of evaluators shall possess the following qualifications:

(1) At least one evaluator conducting the neutral evaluation shall be licensed to practice law in Ohio, with at least five years of experience working in the area of domestic relations or juvenile law. The second evaluator may also be licensed to practice law in Ohio, with at least five years of experience working in the area of domestic relations or juvenile law, or possess a master's degree in the fields of psychology, social work, sociology, counseling, or related field acceptable to the court, with at least five years of experience working with children and families;

(2) Comply with the requirements of division (A)(2) of this rule;

(3) At least one evaluator shall have completed "Specialized Family or Divorce Mediation Training" approved by the Supreme Court Dispute Resolution Section in accordance with standards established by the Commission on Dispute Resolution under Sup.R. 16.23(B)(1)(c);

(4) At least one evaluator shall have completed "Specialized Domestic Abuse Issues and Mediation Training" approved by the Supreme Court Dispute Resolution Section in accordance with standards established by the Commission on Dispute Resolution under Sup.R. 16.23(B)(1)(d).

(C) Continuing education

(1) An evaluator shall complete at least three hours per calendar year of continuing education relating to neutral evaluation, negotiation, mediation, or the area of law in which the evaluator evaluates.

(2) If a neutral evaluator fails to comply with the continuing education requirement of division (C)(1) of this rule, the neutral evaluator shall not be eligible to serve as a neutral evaluator until the requirement is satisfied.

RULE 16.54. Responsibilities of Court.

(A) General

In order to ensure only qualified individuals perform the duties of an evaluator and the requirements of Sup. R. 16.50 through 16.55 are met, a court shall do all of the following:

(1) Establish screening procedures for the capacity of parties to participate in neutral evaluation;

(2) Establish procedures for monitoring and evaluating neutral evaluation to ensure the quality of the evaluators and programs to which cases are referred;

(3) Develop a process and designate a person for accepting and considering written comments and complaints regarding the performance of evaluators appointed by the court. A copy of comments and complaints submitted to the court shall be provided to the evaluator who is the subject of the complaint or comment. The neutral evaluator may submit a written response to the comment or complaint. The comment or complaint, and any written response submitted by the neutral evaluator, shall be forwarded to the administrative judge of the court or division of the court for consideration and appropriate action. Dispositions by the court shall be made promptly. The court shall maintain a written record in the evaluator's file regarding the nature and the disposition of any comment or complaint and shall notify the person making the comment or complaint and the evaluator of the disposition.

(4) Allow neutral evaluation to proceed only if the evaluator meets the qualifications, education, and training requirements of Sup.R. 16.53;

(5) Prohibit neutral evaluation when domestic abuse or domestic violence is alleged, suspected, or present, unless all of the following conditions are satisfied:

(a) Screening is conducted, both before and during neutral evaluation, for domestic abuse and domestic violence and for the capacity of the parties to engage in neutral evaluation;

(b) The person who is or may be the victim of domestic abuse or domestic violence is fully informed about the neutral evaluation process, the right to decline participation in the neutral evaluation process, and of the option to have a support person, in addition to an attorney, present at the neutral evaluation sessions;

(c) The parties have the capacity to participate in neutral evaluation without fear of coercion or control;

(d) The court has taken reasonable precautions to create a safe neutral evaluation environment for the parties and all other persons involved in the neutral evaluation process;

(e) Procedures are in place for the evaluator to terminate a neutral evaluation session if there is a threat of domestic abuse, domestic violence, or coercion between the parties.

(B) Number of evaluators

In a civil or probate case, a court may appoint one evaluator or a team of two evaluators to conduct the neutral evaluation. In a domestic relations or juvenile case, a court shall appoint a team of two evaluators to conduct the neutral evaluation.

RULE 16.55. Public Access.

The files maintained by an evaluator but not filed with a clerk or submitted to a court shall not be available for public access under Sup.R. 44 through 47.

RULES 16.56 through 16.59 are reserved for future use

RULE 16.60. Application.

Sup.R. 16.60 through 16.66 shall apply to a court of common pleas or division of the court that elects to use parenting coordination and to a parenting coordinator conducting parenting coordination.

RULE 16.61. Local Parenting Coordination Rule.

A court or division of a court shall adopt a local rule governing parenting coordination. The local rule shall do all of the following:

(A) Identify the case types eligible for parenting coordination and those that are precluded from parenting coordination, if any;

(B) Specify that, except as provided by law, communications made as part of parenting coordination shall not be confidential or privileged;

(C) Include procedures for the selection and referral of a case to parenting coordination at any point after an interim or final parental rights and responsibilities or companionship time order is filed;

(D) Prohibit the use of parenting coordination in domestic violence cases under R.C. 2919.25, 2919.26, 2919.27, and 3113.31. Nothing in this division shall prohibit the use of parenting coordination in either of the following cases:

(1) A subsequent divorce or custody case, even though the case may result in the termination of the provisions of a protection order under R.C. 3113.31;

(2) A juvenile delinquency case.

(E) Establish procedures for and encourage appropriate referrals to legal counsel, counseling, parenting courses, and other support services for all parties, including victims and suspected victims of domestic abuse and domestic violence;

(F) Address other issues as the court or division considers necessary and appropriate.

RULE 16.62. Ordering of Parenting Coordination.

(A) Reasons to order parenting coordination

A court or division of a court may order parenting coordination when one or more of the following factors are present:

(1) The parties have disagreements about the implementation of a parental rights and responsibilities or companionship time order and need assistance;

(2) There is a history of parental conflict that has been unresolved by previous litigation or other interventions and from which a child of the parties is adversely affected;

(3) The parties have a child whose parenting time schedule requires frequent adjustments, specified in an order of the court or division, to maintain age-appropriate contact with both parties, and the parties have been previously unable to reach agreements on their parenting time schedule without intervention by the court or division;

(4) The parties have a child with a medical or psychological condition or disability who requires frequent decisions regarding treatment or frequent adjustments in the parenting time schedule, specified in an order of the court or division, and the parties have been previously unable to reach agreements on their parenting time schedule without intervention by the court or division;

(5) One or both parties suffer from a medical or psychological condition or disability that results in an inability to reach agreements or to adjust their parenting time schedule without assistance, even when minor in nature;

(6) Any other factor as determined by the court or division.

(B) Reasons not to order parenting coordination

A court or division shall not order parenting coordination to determine any of the following:

(1) Changes in the designation of the residential parent or legal custodian;

(2) Changes in the school placement of a child, in the case of shared parenting;

(3) Substantive changes in parenting time;

(4) The modification of child support or the allocation of tax exemptions or benefits or the division of uncovered medical expenses.

RULE 16.63. Responsibilities of Parenting Coordinator.

(A) General responsibilities

In order to provide a fair parenting coordination process for the parties, a parenting coordinator shall comply with the "2019 Revised Guidelines for Parenting Coordination" developed by the Association of Family and Conciliation Courts Task Force on Parenting Coordination. Wherever a conflict exists between the guidelines and Sup.R. 16.60 through 16.66, the rules shall control.

(B) Conflicts of interest

(1) A parenting coordinator shall avoid any actual or apparent conflicts of interest arising from any relationship 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 parenting coordinator shall avoid self-dealing or associations from which the parenting coordinator may directly or indirectly benefit except from compensation for services as a parenting coordinator.

(2) Upon becoming aware of any actual or apparent conflict of interest, a parenting coordinator shall notify the appointing court or division of the court and the parties of the action taken to resolve the conflict and, if unable to do so, seek the direction of the court or division.

(3) A parenting coordinator shall avoid serving in multiple roles with the same family, even with the consent of the parties.

(C) Legal advice

A parenting coordinator shall not offer legal advice.

(D) Satisfaction of training requirements

(1) A parenting coordinator shall meet the qualifications and comply with all training requirements of Sup.R. 16.64 and local court rules governing parenting coordinators and parenting coordination adopted under Sup.R. 16.61.

(2) A parenting coordinator shall meet the qualifications for parenting coordinators for each court or division in which the parenting coordinator serves and promptly notify the court or division of any grounds for disqualification or any issues affecting the ability to serve.

(3) Upon request, a parenting coordinator shall provide a court or division from which the parenting coordinator receives appointments documentation indicating compliance with all training and education requirements so that the court may meet the requirements

of Sup.R.16.64(A)(4). The documentation shall include information detailing the date, location, contents, credit hours, and sponsor of any relevant trainings.

(E) Compliance with appointment order

A parenting coordinator shall comply with the requirements of and act in accordance with the appointment order issued by a court or division under Sup.R. 16.65(B).

(F) Competence or ability to perform

A parenting coordinator shall decline or withdraw from an appointment or request appropriate assistance in either of the following situations:

(1) The facts and circumstances of the case are beyond the skill or expertise of the parenting coordinator;

(2) Personal circumstances, including but not limited to medical, mental health, or substance misuse or dependence, exist that compromise the ability of the parenting coordinator to perform his or her role.

(G) Ex parte communications

A parenting coordinator shall have no ex parte communications with the appointing court or division regarding substantive matters or issues on the merits of the case.

(H) Recordkeeping of fees and costs

A parenting coordinator shall maintain records necessary to document charges for services and expenses. A parenting coordinator shall issue invoices for services and expenses to the parties no less than once per month.

RULE 16.64. Parenting Coordinator Education and Training.

(A) General

(1) Prior to accepting appointment of a court or division of a court to serve as a parenting coordinator, an individual shall meet all of the following qualifications:

(a) Be an independently licensed mental health professional, be licensed to practice law in Ohio, or otherwise have education and experience satisfactory to the appointing court or division;

(b) Possess extensive practical and professional experience with situations involving children. This experience may include counseling, casework, or legal representation in complex family law matters; serving as a guardian ad litem or mediator; or other equivalent experience satisfactory to the court or division.

(c) Complete "Fundamentals of Mediation Training" approved by the Supreme Court Dispute Resolution Section in accordance with standards established by the Commission on Dispute Resolution under Sup.R. 16.23(A)(1) or qualify for an exception as provided in Sup.R. 16.23(A)(2);

(d) Complete "Specialized Family or Divorce Mediation Training" approved by the Supreme Court Dispute Resolution Section in accordance with standards established by the Commission on Dispute Resolution under Sup.R. 16.23(B)(1)(c);

(e) Complete "Specialized Domestic Abuse Issues in Mediation Training" approved by the Supreme Court Dispute Resolution Section in accordance with standards established by the Commission on Dispute Resolution under Sup.R. 16.23(B)(1)(d);

(f) Complete "Parenting Coordination Training" approved by the Supreme Court Dispute Resolution Section in accordance with standards established by the Commission on Dispute Resolution.

(2) Prior to accepting appointment of a court or division to serve as a parenting coordinator in an abuse, neglect, or dependency case, an individual shall meet both of the following qualifications:

(a) Complete the requirements of division (A)(1) of this rule;

(b) Complete "Specialized Child Protection Mediation" that has been approved by the Supreme Court Dispute Resolution Section in accordance with standards established by the Commission on Dispute Resolution under Sup.R. 16.23(B)(2)(c).

(B) Continuing education

(1) A parenting coordinator shall complete at least six hours per calendar year of continuing education relating to children, mediation, or diversity. The diversity training may include awareness and responsiveness; cultural and racial diversity; and the effects of a parenting coordinator's personal biases, values, and styles on the parenting coordination process. The continuing education may include continuing education for lawyers, social workers, psychologists, or other licensed mental health professionals and professional development events that are acceptable to the court or division appointing the parenting coordinator.

(2) If a parenting coordinator fails to comply with the continuing education requirement of division (B)(1) of this rule, the parenting coordinator shall not be eligible to serve as a parenting coordinator until the requirement is satisfied.

RULE 16.65. Responsibilities of Court.

(A) General

In order to ensure only qualified individuals perform the duties of a parenting coordinator and the requirements of Sup.R. 16.60 through 16.66 are met, a court of common pleas or division of a court that elects to use parenting coordination shall do all of the following:

(1) Establish screening procedures for the capacity of the parties to participate in parenting coordination;

(2) Establish procedures for monitoring and evaluating parenting coordination to ensure the quality of the parenting coordinators to which cases are referred;

(3) Develop a process and designate a person for accepting and considering written comments and complaints regarding the performance of parenting coordinators appointed by the court or division of the court. A copy of comments and complaints submitted to the court or division shall be provided to the parenting coordinator who is the subject of the complaint or comment. The parenting coordinator may submit a written response to the comment or complaint. The comment or complaint, and any written response submitted by the parenting coordinator, shall be forwarded to the administrative judge of the court or division, as applicable, for consideration and appropriate action. Dispositions by the court or division shall be made promptly. The court or division shall maintain a written record in the parenting coordinator's file regarding the nature and disposition of any comment or complaint and shall notify the person making the comment or complaint and the parenting coordinator of the disposition.

(4) Allow parenting coordination to proceed only if the parenting coordinator meets the qualifications, education, and training requirements of Sup.R.16.64;

(5) Prohibit parenting coordination when domestic abuse or domestic violence is alleged, suspected, or present, unless all of the following conditions are satisfied:

(a) Screening is conducted, both before and during parenting coordination, for domestic abuse and domestic violence and for the capacity of the parties to engage in parenting coordination;

(b) The person who is or may be the victim of domestic abuse or domestic violence is fully informed about the parenting coordination process; the right to decline participation in the parenting coordination process; and, at the discretion of the parenting coordinator, the right to have any other individuals attend and participate in parenting coordination sessions;

(c) The parties have the capacity to participate in the parenting coordination process without fear of coercion or control;

(d) The court has taken reasonable precautions to create a safe parenting coordination environment for the parties and all other persons involved in the parenting coordination process;

(e) Procedures are in place for the parenting coordinator to terminate a parenting coordination session if there is a threat of domestic abuse, domestic violence, or coercion between the parties.

(B) Appointment order

When ordering parenting coordination, the court or division shall issue an appointment order that does all of the following:

(1) Includes the name and contact information of the parenting coordinator and outlines the definition and purpose of the parenting coordinator;

(2) Specifies the scope of authority of the parenting coordinator;

(3) Sets forth the term of the appointment;

(4) Allocates the responsibility for fees and expenses related to parenting coordination;

(5) Addresses procedures for decision-making of the parenting coordinator;

(6) Addresses procedures for objections to parenting coordinator decisions;

(7) Addresses other provisions as the court considers necessary and appropriate;

(8) Orders the parties to contact the parenting coordinator within the time period specified by the court.

RULE 16.66. Public Access.

The files maintained by a parenting coordinator but not filed with a clerk or submitted to a court shall not be available for public access under Sup.R. 44 through 47.

RULE 17. Assignment of Judges--Municipal and County Courts.

(A) Definitions

As used in this rule:

(1) "Retired judge" means a person who left service on the applicable court either voluntarily by reason of resignation or retirement or involuntarily by reason of Article IV, Section 6(C) of the Ohio Constitution. "Retired judge" does not include either of the following:

(a) A person who was removed or suspended without reinstatement from service on any court of the state pursuant to the Rules for the Government of the Judiciary or resigned or retired from service on any court of the state while a complaint was pending against the person under those rules;

(b) A person who is engaged in the practice of law.

(2) "Sitting judge" means a person who currently holds judicial office by reason of election or gubernatorial appointment.

(B) Assignment

The Chief Justice or acting Chief Justice of the Supreme Court may assign any of the following persons who consent to temporarily serve as a judge on any municipal or county court:

(1) A sitting judge of a municipal or county court;

(2) A retired judge of a municipal or county court, provided the judge was not defeated in the judge's final election for new or continued service on a municipal or county court;

(3) A sitting judge of a court of common pleas or court of appeals who formerly served as a judge of a municipal or county court, provided the judge was not defeated in the judge's final election for new or continued service on a municipal or county court;

(4) A retired judge of a court of common pleas or court of appeals who formerly served as a judge of a municipal or county court, provided the judge was not defeated in the judge's final election for new or continued service on a municipal or county court;

(5) A sitting judge of a court of common pleas who has not formerly served as a judge of a municipal or county court, but has completed an educational program established by the Supreme Court of Ohio Judicial College;

(6) A retired judge of a court of common pleas who has not formerly served as a judge of a municipal or county court, but has completed an educational program established by the Judicial College.

(C) Compensation

While serving on assignment pursuant to this rule, an assigned judge shall receive per diem compensation as provided in R.C. 1901.122(B) and 1907.142(B). Payment and reimbursement of the per diem compensation shall be as provided in R.C. 1901.123 and 1907.143.

(D) Expenses

While serving on assignment pursuant to this rule, an assigned judge shall receive actual and necessary expenses for each day assigned. Expenses shall be paid from the municipal treasury or, in the case of a county-operated municipal court or a county court, from the county treasury.

(E) Construction

This rule shall not be construed to limit affidavits of disqualification pursuant to R.C. 2701.031 or the assignment of acting judges pursuant to R.C. 1901.121 or 1907.142.

(F) Waiver

The Chief Justice may waive compliance with any requirement of this rule to assist the exercise of the Chief Justice's discretion in making temporary assignments of judges pursuant to the Ohio Constitution and the Revised Code.

Commentary

Assignment of sitting and retired municipal and county court judges

The assignment and compensation of all other sitting and retired judges is addressed in the Ohio Constitution, the Revised Code, and the Guidelines for the Assignment of Judges.

Compensation

The language "actual and necessary expenses" in division (C) of this rule does not appear in the Constitution, but reflects *State, ex rel. Winn* v. *Galvin* (1974), 39 Ohio St.2d 58, which held actual and necessary expenses are a part of the established compensation of a visiting judge as specified in Article IV, Section 6(C) of the Ohio Constitution. While *Winn* concerned common pleas judges, *State, ex rel. Graves* v. *Brown* (1969), 18 Ohio St.2d 61 held Article IV, Section 6(C) of the Ohio Constitution also applies to municipal court judges.

RULE 18. Minor Misdemeanors: Violations Bureau--Municipal and County Courts.

Each municipal and county court shall establish a violations bureau for minor misdemeanors utilizing the citation system and procedure set forth in Criminal Rule 4.1.

Commentary (July 1, 1997)

Only nonsubstantive changes were made to former M.C. Sup. R. 11 in the 1997 amendments to this rule.

A minor misdemeanor is any offense specifically classified as such or any unclassified offense for which the only penalty is a fine not exceeding one hundred dollars. R.C. 2901.02.

Crim. R. 4.1 provides that a court may establish a violations bureau for all or particular minor misdemeanors. Thus, each court, by local rule, must specify that all or particular minor misdemeanors are to be processed by violations bureau.

Crim. R. 4.1 specifies the form of citation to be used and that the citation "* * * shall inform the defendant that, in lieu of appearing at the time and place stated, he may, within that stated time, appear personally at the office of the clerk of court and upon signing a plea of guilty and a waiver of trial pay a stated fine and stated costs, if any."

Crim. R. 4.1(E) requires the court to establish a fine schedule listing the fines and court costs for each minor misdemeanor. The fine schedule is to be prominently posted at the place violation fines are paid.

RULE 19. Magistrates.

(A) Definition

As used in this rule, "magistrate" means a magistrate appointed by a court pursuant to App.R. 34, Crim.R. 19, Civ.R. 53, Juv.R. 40, or Traf.R. 14.

(B) Notification

An administrative judge of a court or division of a court shall notify the Office of Attorney Services of the Supreme Court, in a manner prescribed by the office, within thirty days of the appointment or termination of appointment of a magistrate for that court or division.

(C) Annual registration

A magistrate shall annually register with the Office of Attorney Services by filing a certificate of registration furnished by the office.

(D) Oath of office

(1) Upon appointment to a court or division, a magistrate shall take an oath of office administered by the administrative judge of that court or division. The oath shall be the same or substantially similar to the following:

> "I, (name), do solemnly swear (or affirm) that I will support the Constitution of the United States and the Constitution of Ohio, will administer justice without respect to persons, and will faithfully and impartially discharge and perform all the duties incumbent upon me as a magistrate of the (name of court) according to the best of my ability and understanding."

(2) Within thirty days of appointment, a magistrate shall file a certificate of oath, signed by the administrative judge administering the oath, with the clerk of the court in which the magistrate serves.

RULE 19.1. Magistrates - Municipal Court.

(A) Mandatory appointment and use. All municipal courts having more than two judges shall appoint one or more magistrates who may hear the following proceedings:

(1) Default proceedings under Civil Rule 55;

(2) Forcible entry and detainer proceedings under Chapter 1923 of the Revised Code in which the right to trial by jury is waived or not demanded;

(3) Small claims proceedings under Chapter 1925 of the Revised Code;

(4) Traffic proceedings in which there is a guilty plea or written waiver by the defendant of the right to trial by a judge;

(5) Other appropriate matters referred by the court for report and recommendation.

(B) Permissive appointment. This rule does not preclude the appointment of magistrates by courts having two or fewer judges.

RULES 20 through 22 are reserved for future use

RULE 23. Complaint for Abortion without Parental Notification Pursuant to R.C. 2151.85.

(A) Complaint

(1) All actions pursuant to R.C. 2151.85 shall be commenced by filing a complaint on "Form 23-A" in the juvenile court of the county in which the juvenile resides or in a county bordering the county where the juvenile resides. The complaint shall be filed promptly upon the request of the complainant.

(2) A certified copy of the second page of "Form 23-A," with the case number noted on it, shall be given to the complainant after she signs it. The original second page of the form shall be removed from the file jacket and filed under seal in a safe or other secure place where access is limited to essential juvenile court personnel. All index records shall be filed under, "In the Matter of Jane Doe."

(B) Assistance to minor

A minor seeking to file an action pursuant to R.C. 2151.85 shall be given prompt assistance by the clerk of the juvenile court in a private, confidential setting. Assistance shall include performing the notary services necessary to file the complaint and affidavits described in this rule and Sup.R. 24.

(C) Filing fees and court costs

A complaint filed pursuant to division (A) of this rule and other forms described in these rules shall be provided without cost to the minor. No filing fees or court costs shall be imposed on the minor in connection with these proceedings or any notice of appeal filed in connection with these proceedings.

(D) Appointment of counsel

Upon the filing of a complaint pursuant to division (A) of this rule, the juvenile court shall appoint an attorney to represent the complainant if she is not represented by an attorney. Court-appointed attorneys shall be paid by the court without expense to the complainant.

(E) Appointment of guardian ad litem

Upon the filing of a complaint pursuant to division (A) of this rule, the juvenile court shall appoint a guardian ad litem. The court may appoint the same individual to serve as both the attorney and the guardian ad litem. If the court appoints an individual who volunteers to serve as a guardian ad litem for the complainant, that individual need not be paid. Other guardians ad litem shall be paid by the court without expense to the complainant.

(F) Hearing

(1) The juvenile court shall promptly conduct a hearing after the filing of a complaint pursuant to division (A) of this rule and should, if possible, conduct the hearing within twenty-four hours. In no event shall the court hold the hearing later than five business days after the filing of the complaint. The court shall accommodate school hours if at all possible. The hearing shall be conducted by a judge and shall not be heard by a magistrate. Hearings shall be closed to the public and exclude all persons except witnesses on behalf of the complainant, her attorney, her guardian ad litem, and essential court personnel. The hearing shall be conducted in a manner that preserves the anonymity of the complainant. The complainant's name shall not appear on the record.

(2) If both maturity and either abuse or best interest are alleged in the complaint, or if maturity, abuse, and best interest are alleged in the complaint, the court shall rule on the issue of maturity first. If the court finds against the complainant on the issue of maturity, it then shall determine the other issues alleged in the complaint.

(G) Judgment

(1) The juvenile court shall enter judgment immediately after the conclusion of the hearing and immediately provide a copy of the judgment to the complainant. The court shall issue an order on "Form 23-B" authorizing the complainant to consent to the performance of an abortion without notice to a parent, guardian, or custodian if it finds either of the following by clear and convincing evidence:

(a) The complainant is sufficiently mature and well enough informed to decide intelligently;

(b) There is evidence of a pattern of physical, sexual, or emotional abuse by one or both of the complainant's parents, guardian, or custodian or that notification is not in the best interest of the complainant.

(2) If the court determines that the complainant has not established the allegations of the complaint by clear and convincing evidence, the court shall dismiss the complaint. The court shall notify the complainant that she has a right to appeal pursuant to R.C. 2505.073 and provide the complainant with a copy of the notice of appeal, "Form 23-C."

(H) Appeals

(1) Immediately after the notice of appeal has been filed by the complainant, the clerk of the juvenile court shall notify the court of appeals. Within four days after the notice of appeal is filed, the clerk shall deliver a copy of the notice of appeal and the record, except page two of the complaint, to the clerk of the court of appeals who immediately shall place the appeal on the docket of the court of appeals.

(2) The juvenile court shall prepare a written transcript if possible. If a transcript cannot be prepared timely and if the testimony is on an audio or video recording, the recording may be forwarded as part of the record in the case to the court of appeals without prior transcription and the court of appeals shall accept the recording as the transcript in the case without prior transcription. The juvenile court shall ensure that the court of appeals has the necessary equipment to play the recording.

(I) General rule of expedition

If a complainant files a notice of appeal on the same day as the dismissal of her complaint, the entire court process, including the juvenile court hearing, appeal, and decision, shall be completed in sixteen calendar days from the time the complaint was filed.

(J) Confidentiality

The juvenile court shall not notify the parents, guardian, or custodian of the complainant that she is pregnant, that she wants to have an abortion, or that the complaint was filed. All court papers and records that pertain to the action shall be kept confidential and shall not be available for public access pursuant to Sup.R. 44 through 47.

(K) Verification notice

Upon request of the complainant or her attorney, the clerk of the juvenile court shall verify on "Form 23-D" the date the complaint was filed and whether a hearing has been held within five business days after the filing of the complaint. The clerk shall file and include the form as part of the record and shall provide a date-stamped copy to the complainant or her attorney.

FORM 23-A. COMPLAINT FOR AN ORDER AUTHORIZING CONSENT TO AN ABORTION WITHOUT NOTIFICATION OF A PARENT, GUARDIAN, OR CUSTODIAN (R.C. 2151.85)

JUVENILE COURT

_____COUNTY, OHIO

In re complaint of Jane Doe

Case No. _____

COMPLAINT
Promulgated by the Supreme Court of Ohio pursuant to R.C. 2151.85(G)

I swear or affirm that:

1. I am pregnant.

2. I am unmarried, under 18 years of age, and unemancipated.

3. I wish to have an abortion without notification of my parent, guardian, or custodian.

4. This complaint is being filed in the juvenile court of the county where I reside or have a legal settlement or in a county bordering the county where I reside or have a legal settlement.

[CHECK ONE OR MORE OF THE FOLLOWING STATEMENTS.]

5. ___ I am sufficiently mature and well enough informed to intelligently decide whether to have an abortion without the notification of my parent, guardian, or custodian.

___ One or both of my parents, my guardian, or my custodian has engaged in a pattern of physical, sexual, or emotional abuse against me.

___ Notification of my parent, guardian, or custodian of my desire to have an abortion is not in my best interest.

[CHECK ONE OF THE FOLLOWING STATEMENTS.]

6. ___ I do not have a lawyer.

___ I have a lawyer. The name, address, and telephone number of my lawyer are:

Lawyer's Name: _____
Lawyer's Address: _____
_____
Lawyer's Telephone No: _____

THEREFORE, I request that this Court issue an order authorizing me to consent to an abortion without the notification of my parent, guardian, or custodian.

Case no. _____

THIS PAGE OF THE ORIGINAL MUST BE REMOVED AND PLACED UNDER SEAL IN A SAFE OR OTHER SECURE PLACE AS REQUIRED BY RULE 23(A)(2) OF THE RULES OF SUPERINTENDENCE FOR OHIO COURTS.

I swear or affirm that the information in the attached complaint is true and accurate to the best of my knowledge and belief.

_____
Signature

Sworn to or affirmed in my presence this _____ day of_____, ____.

_____
Notary Public

* *

PLEASE NOTE:

If you do **not** have a lawyer, please provide in the spaces below any address and telephone number where the Court may contact you until a lawyer is appointed to represent you. You do **not** need to use your home address and telephone number.

Address: _____
_____

Telephone No: _____

COMPLAINT FOR AN ORDER AUTHORIZING CONSENT TO AN ABORTION WITHOUT NOTIFICATION OF A PARENT, GUARDIAN, OR CUSTODIAN (R.C. 2151.85)

INSTRUCTIONS

If you are pregnant; unmarried, under 18 years old, and unemancipated; and want to have an abortion without telling your parent, guardian, or custodian, you may ask a juvenile court for permission. The court will then decide whether your parent, guardian, or custodian must be told before you may have an abortion. The attached form, called a complaint, should be used to ask a court to let you have an abortion without telling your parent, guardian, or custodian.

If you are under 18 and not married, you are "unemancipated" if any of the following apply:

1. You have not entered the armed services of the United States;

2. You do not have a job and support yourself;

3. You are under the care and control of your parent, guardian, or custodian.

By law, you do not have to pay a filing fee or any court costs. If you do not have a lawyer, the court will appoint one for you free of charge.

The court is not allowed to tell your parent, guardian, or custodian that you are pregnant or that you want to have an abortion. The court must keep the complaint and all other papers in your case confidential.

The complaint must be filed in a juvenile court in the county where you reside or have a legal settlement or in any county that borders the county where you reside or have a legal settlement.

HOW TO FILL OUT THE FORM

Completing Statement #5: Check one or more of the statements. If you check the first statement, the court will first consider if you are mature enough and well enough informed to intelligently decide whether to have an abortion without telling your parent, guardian, or custodian. If the court does not find that you are sufficiently mature and well enough informed to make the decision, and you have checked either or both of the remaining statements, the court will then consider either of the following:

- Whether there is a pattern of physical, sexual, or emotional abuse of you by your parent, guardian, or custodian;

- Whether telling your parent, guardian, or custodian is not in your best interest.

Completing Statement #6: Check the statement that applies to you. If you have a lawyer, fill in the name, address, and telephone number of your lawyer.

Completing the Top of Page 2: The law requires that the statements in the complaint be made under oath. This part of the form must be completed in the presence of a person who is allowed to administer oaths, such as a notary public. After you sign your name on the signature line, that person should notarize the form.

Completing the Bottom of Page 2: Fill out the bottom of Page 2 only if you do not have a lawyer. Provide any address and telephone number where you may be contacted about this matter. When the court appoints a lawyer for you, the lawyer will reach you at the address or telephone number you provide. You do not have to complete the bottom of Page 2 until after the notary public signs the top of Page 2.

FORM 23-B. JUDGMENT

JUVENILE COURT

_____COUNTY, OHIO

In re complaint of Jane Doe Case No._____

JUDGMENT

This matter came on for hearing on the _____ day of_____, _____. Based upon the testimony and evidence presented, this court finds:

1. The complainant is an unemancipated minor.

2. The complainant is pregnant and she wishes to obtain an abortion.

3. No parent, guardian, or custodian of the complainant has been notified that she is seeking an abortion.

4. That clear and convincing evidence has been presented to support the following [decide maturity issue first if pleaded]:

____ Complainant is sufficiently mature and well enough informed to decide intelligently whether to have an abortion without notifying a parent, guardian, or custodian.

____ There is evidence of a pattern of physical, sexual, or emotional abuse of the complainant by one or both of her parents, her guardian, or her custodian.

____ Notification of a parent, guardian, or custodian would not be in complainant's best interest.

____ None of the criteria set forth in paragraph 4 has been established by clear and convincing evidence.

THEREFORE, IT IS ORDERED:

____ The complaint is granted and the complainant is hereby authorized to consent to the performance or inducement of an abortion without the notification of a parent, guardian, or custodian.

____ The complaint is dismissed. The Clerk is instructed to provide the complainant with the notice of appeal form and advise her of her right to an expedited appeal.

_____, Ohio _____
Judge

_____, _____

FORM 23-C. NOTICE OF APPEAL

JUVENILE COURT

_____COUNTY, OHIO

In re complaint of Jane Doe Case No._____

NOTICE OF APPEAL
Promulgated by the Supreme Court of Ohio pursuant to R.C. 2151.85(G)

Notice is hereby given that the complainant appeals to the Court of Appeals for _____ County from the final order entered in the above-styled cause on_____, _____, dismissing the complaint seeking an abortion without notification of complainant's parents, guardian, or custodian.

_____
Signature of Attorney for Complainant

_____
Attorney Name

_____
Attorney Address

_____

_____
Attorney Telephone

FORM 23-D. VERIFICATION

JUVENILE COURT

_____COUNTY, OHIO

In re complaint of Jane Doe Case No._____

VERIFICATION
Promulgated by the Supreme Court of Ohio pursuant to R.C. 2151.85(G)

This will verify that on_____, _____, Jane Doe filed her complaint for an order authorizing consent to an abortion without notification of a parent, guardian, or custodian and as of_____, _____, which is more than five business days after the filing of the complaint, the court has not held a hearing to consider her complaint.

_____
Clerk

(Seal)

NOTICE REGARDING THE OCTOBER 15, 2001 AMENDMENTS TO SUPERINTENDENCE RULES 23.1 AND 25 AND ACCOMPANYING FORMS

The October 15, 2001 amendments to Superintendence Rules 23.1 and 25 and the accompanying forms are intended to provide procedures implementing Amended Substitute House Bill 421 of the 122nd General Assembly, effective May 6, 1998. The United States District Court for the Southern District of Ohio has enjoined enforcement of this legislative enactment by order dated April 29, 1998. The text of the district court order is as follows:

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

Cincinnati Women's Services, Inc., et al.	:	CIVIL ACTION NO. C-1-98-289 (Beckwith, J.)
Plaintiffs,	:	
vs.	:	AGREED ORDER GRANTING INJUNCTION
George Voinovich, et al.,	:	
Defendants.	:	

This matter came on for a scheduling conference on April 23, 1998. The parties reported to the court that the Ohio Supreme Court has not yet issued rules to guide the juvenile courts under HB 421 and is not expected to have such rules in place before the effective date of the Act on May 6, 1998. For this and other good cause shown, and on agreement of the parties as detailed in the parties' Joint Motion for Agreed Order Maintaining Status Quo of Existing Law, the court hereby preliminarily enjoins defendants and their employees, agents, servants and those acting in concert with them from enforcing House Bill 421. This order shall remain in place until further order of the court following full briefing and hearing pursuant to a schedule to be established by the court in due course.
No bond shall be required of the plaintiffs.

SO ORDERED

/s/
Sandra S. Beckwith
United States District Judge

Agreed:

/s/
Alphonse A. Gerhardstein
Trial Attorney for Plaintiffs

/s/
Roger E. Friedmann
Trial Attorney for Defendant Deters

/s/
Arthur Marziale, Jr.
Trial Attorney for Defendants Montgomery and Voinovich

Filed by Kenneth J. Murphy, Clerk
April 29, 1998 @ 3:29 p.m.

RULE 23.1. Application for Authorization to Consent to an Abortion or for Judicial Consent to an Abortion Pursuant to R.C. 2919.121.

(A) Definition

As used in this rule, Sup.R. 25, and "Forms 23.1-A, 23.1-B, 23.1-C, and 25," "petitioner" means the minor female who is seeking consent to have an abortion regardless of whether the minor female or a next friend files the petition.

(B) Petition

(1) All actions pursuant to R.C. 2919.121 shall be commenced by filing a petition on "Form 23.1-A" in the juvenile court of the county in which the juvenile resides or in a county bordering the county where the juvenile resides. The petition shall be filed promptly upon the request of the petitioner.

(2) A certified copy of the second page of "Form 23.1-A," with the case number noted on it, shall be given to the petitioner after she or next friend signs it. The original second page of the form shall be removed from the file jacket and filed under seal in a safe or other secure place where access is limited to essential juvenile court personnel. All index records shall be filed under, "In re the Petition of Jane Doe."

(C) Assistance to minor

A minor seeking to file an action pursuant to R.C. 2919.121 shall be given prompt assistance by the clerk of the juvenile court in a private, confidential setting. Assistance shall include performing the notary services necessary to file the petition and affidavits described in this rule.

(D) Filing fees and court costs

The petition and other forms described in these rules shall be provided without cost to the petitioner. No filing fees or court costs shall be imposed on the petitioner in connection with these proceedings or any notice of appeal filed in connection with these proceedings.

(E) Appointment of counsel

Upon the filing of a petition pursuant to division (B) of this rule and at least twenty-four hours before the hearing scheduled pursuant to division (G) of this rule, the juvenile court shall appoint an attorney to represent the petitioner if she is not represented by an attorney. Court-appointed attorneys shall be paid by the court without expense to the petitioner.

(F) Appointment of guardian ad litem

Upon the filing of a petition pursuant to division (B) of this rule, the juvenile court shall appoint a guardian ad litem pursuant to Juv.R. 4.

(G) Hearing

(1) The juvenile court shall promptly conduct a hearing after the filing of a petition pursuant to division (B) of this rule and should, if possible, conduct the hearing within twenty-four hours. In no event shall the court hold the hearing later than five calendar days after the filing of the petition. The court shall accommodate school hours if at all possible. The hearing shall be conducted by a judge and shall not be heard by a magistrate. Hearings shall be closed to the public and exclude all persons except witnesses on behalf of the petitioner, her attorney, her guardian ad litem, her next friend, if any, and essential court personnel. The hearing shall be conducted in a manner that preserves the anonymity of the petitioner. The petitioner's name shall not appear on the record.

(2) If maturity and best interest are alleged in the petition, the court shall rule on the issue of maturity first. If the court finds against the petitioner on the issue of maturity, it then shall determine the issue of best interest.

(H) Judgment.

(1) If the juvenile court finds by clear and convincing evidence that the petitioner is sufficiently mature and well enough informed to decide intelligently whether to consent to an abortion or that the abortion is in the best interests of the petitioner, the court shall issue an order on "Form 23.1-B" authorizing the petitioner to consent to the performance of an abortion or giving judicial consent to the abortion. If the court does not find by clear and convincing evidence that the petitioner is sufficiently mature and well enough informed to decide intelligently or that the abortion is in the best interests of the petitioner, or if the court finds that it does not have jurisdiction over the petition, the court shall issue an order on "Form 23.1-B" denying or dismissing the petition. The court shall enter judgment as soon as possible and no later than twenty-four hours after the conclusion of the hearing.

(2) If the judgment is entered immediately at the conclusion of the hearing, the court shall provide the petitioner and her attorney with a copy of the judgment. If the court denies or dismisses the petition, the court shall notify the petitioner that she has a right to appeal pursuant to R.C. 2919.121(C)(6) and provide the petitioner and her attorney with a copy of the notice of appeal, "Form 23.1-C."

(3) If the judgment is not entered immediately at the conclusion of the hearing, the court shall do all of the following:

(a) Inform the petitioner that the judgment will be entered within twenty-four hours;

(b) Inform the petitioner that the court will notify her attorney of the judgment upon its issuance;

(c) Inform the petitioner of the availability of other confidential procedures, which have been established by the court, to notify the petitioner of the court's

judgment, including, but not limited to, providing the petitioner with the name of a designated court employee whom the petitioner may contact to obtain the judgment, arranging for the pick-up of the judgment at the court, or arranging for delivery of the judgment to an address designated by the petitioner;

(d) Notify the petitioner that, if the court denies or dismisses the petition, she has the right to appeal pursuant to R.C. 2919.121(C)(6);

(e) Provide the petitioner and her attorney with a copy of the notice of appeal, "Form 23.1-C," and explain to the petitioner that the form may be filed only if the court denies or dismisses the petition.

(I) Appeals

(1) Immediately after the notice of appeal has been filed by the petitioner, the clerk of the juvenile court shall notify the court of appeals. Within four calendar days after the notice of appeal is filed, the clerk shall deliver a copy of the notice of appeal and the record, except page two of the petition, to the clerk of the court of appeals who immediately shall place the appeal on the docket of the court of appeals.

(2) The juvenile court shall prepare a written transcript if possible. If a transcript cannot be prepared timely and if the testimony is on an audio or video recording, the recording may be forwarded as part of the record in the case to the court of appeals without prior transcription, and the court of appeals shall accept the recording as the transcript in the case without prior transcription. The juvenile court shall ensure that the court of appeals has the necessary equipment to play the recording.

(J) General rule of expedition

(1) If a petitioner files a notice of appeal on the same day as the denial or dismissal of her petition, the entire court process, including the juvenile court hearing, appeal, and decision, shall be completed in sixteen calendar days from the time the petition was filed.

(2) If a petitioner files a notice of appeal after the day on which the court denies or dismisses her petition, the entire court process, including the juvenile court hearing, appeal, and decision, shall be completed in sixteen calendar days from the time the petition was filed, plus the number of calendar days that elapsed between the date on which the court's decision was issued and the date on which the notice of appeal was filed.

(K) Confidentiality

The juvenile court and the court of appeals shall not notify the parents, guardian, or custodian of the petitioner that she is pregnant, that she wants to have an abortion, or that the petition was filed. All court papers and records that pertain to the action shall be kept confidential and shall not be available for public access pursuant to Sup.R. 44 through 47.

FORM 23.1-A. PETITION FOR AUTHORIZATION TO CONSENT TO AN ABORTION OR FOR JUDICIAL CONSENT TO AN ABORTION (R.C. 2919.121)

JUVENILE COURT

_____COUNTY, OHIO

In re petition of Jane Doe. Case No._____

PETITION

I swear or affirm that:

1. I am pregnant.

2. I am unmarried, _____ years of age, and unemancipated.

3. I wish to have an abortion and have been fully informed of the risks and consequences of an abortion.

4. This petition is being filed in the juvenile court of the county where I reside or have a legal settlement or in a county bordering the county where I reside or have a legal settlement.

[CHECK ONE OR BOTH OF THE FOLLOWING STATEMENTS.]

5. ___ I am sufficiently mature and well enough informed to decide intelligently decide whether to have an abortion.

___ The court should find by clear and convincing evidence that an abortion is in my best interests and give judicial consent to the abortion.

[CHECK ONE OF THE FOLLOWING STATEMENTS.]

6. ___ I do not have a lawyer and ask that the court appoint a lawyer free of charge.

___ I have a lawyer. The name, address, and telephone number of my lawyer are:

Lawyer's Name: _____
Lawyer's Address: _____
_____
Lawyer's Telephone No: _____

Case no. _____

THIS PAGE OF THE ORIGINAL MUST BE REMOVED AND PLACED UNDER SEAL IN A SAFE OR OTHER SECURE PLACE AS REQUIRED BY RULE 23.1(B)(2) OF THE RULES OF SUPERINTENDENCE FOR THE COURTS OF OHIO.

7. The following is/are the name(s) and address(es) of my parent(s), guardian(s), custodian(s) or, if my parents are deceased and no guardian(s) is/are appointed, any person standing in place of my parent(s), guardian(s), or custodian(s):

Name(s): _____

Address(es): _____
_____

THEREFORE, I request that this Court appoint a lawyer if I do not already have one, appoint a guardian ad litem to represent my best interests, and issue an order authorizing me to consent or granting judicial consent to an abortion without the consent of my parent, guardian, or custodian.

I swear or affirm that the information in the attached petition is true and accurate to the best of my knowledge and belief.

_____
Signature (Minor or Next Friend)

If this petition is being filed by a next friend on behalf of a minor, the minor's initials are: _____.

Sworn to or affirmed in my presence this _____ day of _____, ____.

_____
Notary Public

* *

PLEASE NOTE:

If you do not have a lawyer, please provide in the spaces below any address and telephone number where the Court may contact you until a lawyer is appointed to represent you. You do not need to use your home address and telephone number.

Address: _____
_____

Telephone No: _____

PETITION FOR CONSENT TO AN ABORTION OR FOR JUDICIAL CONSENT TO AN ABORTION (R.C. 2919.121).

INSTRUCTIONS

If you are pregnant; unmarried, under 18 years old, and unemancipated; and want to have an abortion without the consent of your parents, you may ask a juvenile court for permission. The court will then decide whether you are sufficiently mature and well-enough informed to decide intelligently to have an abortion or whether an abortion is in your best interests. The attached form, called a petition, should be used to ask a court to let you have an abortion without the consent of your parents.

If you are under 18 and not married, you are "unemancipated" if any of the following apply:

1. You have not entered the armed services of the United States;

2. You do not have a job and support yourself;

3. You are under the care and control of your parent, guardian, of custodian.

By law, you do not have to pay a filing fee or any court costs. If you do not have a lawyer, the court will appoint one for you free of charge. The court also will appoint a guardian ad litem, who is a person responsible for protecting your interests. The court may appoint your lawyer to be your guardian ad litem.

The court is not allowed to tell your parent, guardian, or custodian that you are pregnant or that you want to have an abortion. The court must keep the petition and all other papers in your case confidential.

The petition must be filed in a juvenile court in the county where you reside or have a legal settlement or in any county that borders the county where you reside or have a legal settlement.

HOW TO FILL OUT THE FORM

Completing Statement #5: Check one or both of the statements. If you check the first statement, the court will first consider if you are mature enough and well enough informed to intelligently decide whether to have an abortion. If the court does not find that you are sufficiently mature and well enough informed to make the decision, and you have checked the second statement, the court will then consider whether the abortion is in your best interest. If you are not sure which statement to check, you may check both and then discuss this with your lawyer.

Completing Statement #6: Check the statement that applies to you. If you have a lawyer, fill in the name, address, and telephone number of your lawyer.

Completing the Top of Page 2: The law requires that the statements in the petition be made under oath. This part of the form must be completed by you or someone who is assisting you (called a

"next friend") in the presence of a person who is allowed to administer oaths, such as a notary public. After you or the person assisting you signs the petition, the person who administers oaths should sign the form.

Completing the Bottom of Page 2: Fill out the bottom of page 2 only if you do not have a lawyer. Provide any address and telephone number where you may be contacted about this matter. When the court appoints a lawyer for you, the lawyer will reach you at the address or telephone number you provide. You do not have to complete the bottom of page 2 until after the notary public signs on page 2.

FORM 23.1-B. JUDGMENT

JUVENILE COURT

_____COUNTY, OHIO

In re petition of Jane Doe Case No._____

JUDGMENT

This matter came on for hearing on the _____ day of _____, _____. Based upon the testimony and evidence presented, this court finds:

1. The court:

   _____ Has jurisdiction over the petition.

   _____ Does not have jurisdiction over the petition for the following reasons:
   _____
   _____
   _____.

2. _____ The petitioner is an unemancipated minor.

3. _____ The petitioner is pregnant and she wishes to obtain an abortion.

4. _____ The petitioner has been fully informed of the risks and consequences of the abortion.

5. _____ The court has specifically inquired about the minor's understanding of the possible physical and emotional complications of abortion and how the minor would respond if the minor experienced those complications after the abortion.

6. _____ The court has specifically inquired about the extent to which anyone has instructed the minor on how to answer questions and on what testimony to give at the hearing.

7. That clear and convincing evidence has been presented to support the following [decide maturity issue first if pleaded]:

   a.____ Petitioner is sufficiently mature and well enough informed to decide intelligently whether to have an abortion without obtaining the consent of a parent, guardian, or custodian.

b.____ The abortion would be in petitioner's best interest for the following reasons:

_____

_____

_____.

c.____ Neither 5a. nor 5b. has been established for the following reasons:

_____

_____

_____.

THEREFORE, IT IS ORDERED:

____ The petition is granted and the petitioner is hereby authorized to consent to the performance or inducement of an abortion.

____ The court finds the abortion is in the best interest of the petitioner and judicial consent is hereby authorized.

____ The petition is denied. The Clerk is instructed to provide the petitioner with the notice of appeal form and advise her of her right to an expedited appeal.

____ The petition is dismissed for lack of jurisdiction. The Clerk is instructed to provide the petitioner with the notice of appeal form and advise her of her right to an expedited appeal.

_____, Ohio

_____
Judge

_____
Date

FORM 23.1-C. NOTICE OF APPEAL

JUVENILE COURT

_____COUNTY, OHIO

In re petition of Jane Doe Case No._____

NOTICE OF APPEAL

Notice is hereby given that the petitioner appeals to the Court of Appeals for _____ County from the final order entered in the above-styled cause on _____, ____, denying or dismissing the petition seeking an abortion.

_____
Signature of Attorney for Petitioner

_____
Attorney Name

_____
Attorney Address

_____

_____
Attorney Telephone

RULE 24. Notifying Physicians of Affidavits Alleging Abuse Pursuant to R.C. 2919.12.

(A) Filing affidavits--procedure.

(1) Pursuant to R.C. 2919.12(B)(1)(b), a minor may have notice of an intended abortion given to a specified adult instead of one of her parents, guardian, or custodian. Two affidavits shall be filed with the clerk of the juvenile court by anyone seeking to invoke the notice provisions of the law. The first affidavit is executed by the minor and should be on "Form 24-A." The second affidavit is executed by the specified adult and should be on "Form 24-B." Anyone receiving these forms also shall be given the accompanying instruction sheet.

(2) Upon the filing of both affidavits and upon the request of the minor, her attorney, or the person who will perform the abortion, the clerk of the juvenile court shall issue a notice on "Form 24-C" verifying that the affidavits have been filed with the court.

(B) Confidentiality.

(1) All affidavits filed and notices issued pursuant to this rule shall be placed under seal in a safe or other secure place where access is limited to essential juvenile court personnel.

(2) Persons becoming aware of the contents of any affidavits prepared pursuant to this rule or R.C. 2919.12 are exempt from reporting such contents under R.C. 2151.421. Any reporting by court personnel would breach the duty of confidentiality and is prohibited by R.C. 102.03.

FORM 24-A. AFFIDAVIT OF MINOR

JUVENILE COURT

_____ COUNTY, OHIO

In re complaint of Jane Doe Case No._____

AFFIDAVIT
R.C. 2919.12(B)(1)(b)(ii)

STATE OF OHIO)
)
COUNTY OF)

I, _____, being duly sworn, state as follows:

1. I am pregnant, unmarried, under 18 years of age, and unemancipated.

2. I wish to have an abortion without notification of a parent, guardian, or custodian.

3. I request instead that notice of my intention to have the abortion be given to one of the following [Select One]:

   a. _____, a brother or sister 21 years of age or older or,
   Name

   b. _____, a stepparent or grandparent.
   Name

4. I am in fear of physical, sexual, or severe emotional abuse from a parent, guardian, or custodian who otherwise would be notified of my intention to have an abortion pursuant to R.C. 2919.12.

5. My fear is based on a pattern of physical, sexual, or severe emotional abuse exhibited by a parent, guardian, or custodian.

6. I understand that upon the filing of this affidavit and an affidavit from the person specified above with the juvenile court, an officer of that court will prepare a notice verifying that the affidavits have been filed.

7. The person who intends to perform or induce my abortion and the address of that person are as follows:

_____
Name of Abortion Provider

_____
Address

_____
Signature

Before me appeared the above named person who under oath or by affirmation did sign this affidavit this _____ day of_____, _____.

_____
Notary Public

FORM 24-B. AFFIDAVIT OF RECIPIENT OF NOTICE OF MINOR'S INTENTION TO RECEIVE AN ABORTION

JUVENILE COURT

_____COUNTY, OHIO

In re complaint of Jane Doe Case No._____

AFFIDAVIT
R.C. 2919.12(B)(1)(b)(iii)

STATE OF OHIO)
)
COUNTY OF)

_____, being duly sworn, states as follows:
(Name)

1. I am [select appropriate one]

   ____ over 21 years of age and I am a brother or sister of

   ____ a stepparent or grandparent of

   _____, (hereafter, minor) who has [name of pregnant minor] filed an affidavit with the Juvenile Court pursuant to R.C. 2919.12(B)(1)(b)(ii).

2. I have been specified in the minor's affidavit as the person to receive notice of the minor's intention to receive an abortion.

3. The minor has reason to fear physical, sexual, or severe emotional abuse from a parent, guardian, or custodian who otherwise would be notified of her intention to have an abortion pursuant to R.C. 2919.12.

4. Her fear is based on a pattern of physical, sexual, or severe emotional abuse exhibited by a parent, guardian, or custodian.

_____
Signature

Before me appeared the above named person who under oath or by affirmation did sign this affidavit this _____ day of_____, ____.

_____
Notary Public

FORMS ALLEGING ABUSE BY PARENT AND REQUESTING THAT NOTIFICATION OF ABORTION BE PROVIDED TO OTHER RELATIVE

INSTRUCTIONS FOR FORMS 24-A and 24-B

If you use these forms, the person performing your abortion will not be required to give notice of your abortion to a parent, guardian, or custodian. Instead, you can choose to have notice provided to a brother or sister over 21 years of age or a stepparent or grandparent.

These forms are called affidavits. An affidavit is a sworn statement signed before a person authorized to administer oaths, such as a notary public. The clerk's office will provide a notary public if you want to complete the forms in the clerk's office.

These forms may be used if all of the following apply.

You are:

1. Pregnant;

2. Unmarried;

3. Under 18 years old;

4. Unemancipated, which means that any of the following apply:

   - You have not entered the armed forces of the United States;

   - You do not have a job and support yourself;

   - You are under the care and control of a parent, guardian, or custodian.

5. You fear, based on events that have happened in the past, physical, sexual, or severe emotional abuse if notice of the abortion is given to a parent, guardian, or custodian.

These forms will be filed with the juvenile court and kept confidential. The clerk of the court will provide notice to the abortion provider that the forms have been filed and the clerk will inform the abortion provider of the name of the person you have chosen to receive notice of your abortion. The forms will not be released by the court.

You do not have to pay any filing fee or court costs to the clerk for notarizing these forms, filing these forms, or issuing the notice to the abortion provider.

The affidavit must be filed in a juvenile court in the county where you reside or have a legal settlement or in any county that borders the county where you reside or have a legal settlement.

HOW TO FILL OUT THE FORMS

There are two forms. You complete one of them. The other form is completed by the person you select to receive notice of your abortion. That must be a brother or sister over 21 years old or a stepparent or grandparent.

Your form requires that you name the person to receive notice and provide the name and address of the person to perform the abortion.

Both of the forms must be signed in front of a notary public or other person, such as a judge or attorney, authorized to administer oaths.

WHAT TO DO AFTER FILLING OUT THE FORMS

After the forms are signed and notarized, give them to the juvenile court clerk, who will file them in a confidential place within the clerk's office. Then the clerk will issue a notice that you may take to the abortion provider. With that notice the abortion provider will be authorized to provide notice of the abortion to the brother, sister, stepparent, or grandparent that you have selected.

Amended: 01/01/2015
Discard all previous versions of this form

FORM 24-C. NOTICE

JUVENILE COURT

_____COUNTY, OHIO

In re complaint of Jane Doe Case No._____

NOTICE

Notice is hereby given that on_____, _____, (minor's name) filed affidavits pursuant to R.C. 2919.12(B)(1)(b)(ii) and (iii) and may therefore proceed to have any notifications required by that statute issued to the following specified adult: _____.

_____
Clerk

(Seal)

RULE 25. Procedure on Appeals Pursuant to R.C. 2151.85, 2919.121, and 2505.073.

(A) Definition.

As used in this rule, "days" means calendar days and includes any intervening Saturday, Sunday, or legal holiday. If the last day on which a judgment is required to be entered falls on a Saturday, Sunday, or legal holiday, the computation of days shall not be extended and judgment shall be made either on the last business day before the Saturday, Sunday, or legal holiday, or on the Saturday, Sunday, or legal holiday.

(B) General rule of expedition.

(1) If a complainant or petitioner files a notice of appeal on the same day on which the juvenile court denies or dismisses her complaint or petition, the entire court process, including the court hearing, appeal, and decision, shall be completed in sixteen calendar days from the time the complaint or petition was filed.

(2) If a complainant or petitioner files a notice of appeal after the day on which the juvenile court denies or dismisses her complaint or petition, the entire court process, including the court hearing, appeal, and decision, shall be completed in sixteen calendar days from the time the complaint or petition was filed, plus the number of calendar days that elapsed between the date on which the court's decision was issued and the date on which the notice of appeal was filed.

(C) Processing appeal.

(1) Immediately after a notice of appeal has been filed by a complainant or petitioner, the clerk of the juvenile court shall notify the court of appeals. Within four days after the notice of appeal is filed, the clerk shall deliver a copy of the notice of appeal and the record, except page two of the complaint or petition, to the clerk of the court of appeals who immediately shall place the appeal on the docket of the court of appeals.

(2) Record of all testimony and other oral proceedings in actions pursuant to R.C. 2151.85 or 2919.121 may be made by audio or video recording. If the testimony is on a recording and a transcript cannot be prepared timely, the court of appeals shall accept the recording as the transcript in this case without prior transcription.

(3) The appellant under this section shall file her brief within four days after the appeal is docketed. Unless waived, the oral argument shall be within five days after docketing. Oral arguments shall be closed to the public and exclude all persons except the appellant, her attorney, her guardian ad litem, and essential court personnel.

(D) Confidentiality.

All proceedings pursuant to R.C. 2505.073(A) or 2919.121 shall be conducted in a manner that preserves the anonymity of the appellant on appeal. Except as set forth in division (F) of this rule, all papers and records that pertain to an appeal pursuant to R.C.

2505.073 or 2919.121 shall be kept confidential and shall not be available for public access pursuant to Sup.R. 44 through 47.

(E) Judgment entry.

The court of appeals shall enter judgment immediately after conclusion of oral argument or, if oral argument is waived, within five days after the appeal is docketed.

(F) Release of records.

(1) The public shall be entitled to secure all of the following from the records pertaining to each case filed pursuant to R.C. 2505.073 or 2919.121:

(a) The docket number;

(b) The name of the judge;

(c) The judgment entry and, if appropriate, a properly redacted opinion.

(2) Opinions shall set forth the reasoning in support of the decision in a way that does not directly or indirectly compromise the anonymity of the minor. Opinions written in compliance with this requirement shall be considered public records available upon request. If, in the judgment of the court, it is impossible to release an opinion without compromising the anonymity of the minor, the entry that journalizes the outcome of the case shall include a specific finding that no opinion can be written without disclosing the identity of the minor. Such finding shall be a matter of public record.

(3) The court shall remove any and all information in its opinion that would directly or indirectly disclose the identity of the minor.

(G) Notice and hearing before release of opinion.

(1) After an opinion is written and before it is available for release to the public, the court shall notify the minor and give her the option to appear and argue at a hearing if she believes the opinion may disclose her identity. Notice may be provided by including the following language in the opinion:

> "If appellant believes that this opinion may disclose her identity, appellant has a right to appear and argue at a hearing before this court. Appellant may perfect this right to a hearing by filing a motion for a hearing within fourteen days of the date of this opinion.
>
> The clerk is instructed that this opinion is not to be made available for release until either of the following:
>
> - Twenty-one days have passed since the date of the opinion and appellant has not filed a motion;

- If appellant has filed a motion, after this court has ruled on the motion."

(2) Notice shall be provided by mailing a copy of the opinion to the attorney for the appellant or, if she is not represented, to the address provided by appellant for receipt of notice.

(H) Constructive order.

Upon request of the appellant or her attorney in proceedings pursuant to R.C. 2151.85 or 2505.073, the clerk of the juvenile court shall verify on "Form 25-A" the date the appeal was docketed and whether a judgment has been entered within five days of that date. The completed form shall include the case number from the juvenile court and the court of appeals, and shall be filed and included as part of the record. A date-stamped copy shall be provided to the appellant or her attorney.

FORM 25-A. VERIFICATION

COURT OF APPEALS

_____COUNTY, OHIO

In re complaint of Jane Doe Case No._____

Juvenile Court No._____

VERIFICATION

This will verify that on_____, _____, the appeal of Jane Doe was docketed in this court pursuant to R.C. 2151.85 or 2505.073 and as of _____, _____, which is more than five calendar days after the docketing of the appeal, the court has not rendered a judgment in the matter.

_____
Clerk

(Seal)

RULE 26. Court Records Management and Retention.

(A) Applicability and intent

(1) Sup.R. 26 through 26.06 are intended to provide minimum standards for maintaining, preserving, and destroying court records and authorizing alternative electronic methods and techniques. Implementation of Sup.R. 26 through 26.06 is a judicial, governmental function.

(2) Acknowledging that courts use differing methods of records retention, Sup.R. 26 through 26.06 shall be interpreted to allow for technological advances that improve efficiency of courts and simplify maintenance, preservation, and destruction of court records.

(3) Sealed case files shall be retained in accordance with the applicable retention period associated with the case file.

(4) Effective April 1, 2025, any record that was properly disposed of under a then-effective records retention period does not constitute a violation of these rules.

(B) Definitions

As used in Sup.R. 26 through 26.06:

(1) "Administrative document" means a document and information in a document created, received, or maintained by a court that records the administrative, fiscal, personnel, or management functions, policies, decisions, procedures, operations, organization, or other activities of the court.

(2) "Case document" means a document and information in a document regarding a case that is submitted to a court or filed with a clerk of court in a judicial action or proceeding, including pleadings, motions, applications, proof or failure of service, exhibits, depositions, transcripts, orders, judgments, and any documents prepared by the court or clerk regarding a case, such as journals, dockets, and indices.

(3) "Case file" means the compendium of case documents filed in a judicial action or proceeding.

(4) "Court" means courts of appeal; all common pleas courts and divisions, including, but not limited to, general, domestic relations, juvenile, family, probate, or any combined divisions; and municipal and county courts.

(5) "Court record" means a case document or an administrative document, regardless of physical form or characteristic, manner of creation, or method of storage.

(6) "Docket" means the record where the clerk of a court enters all information required by the Revised Code or Supreme Court rule.

(7) "Filed" means the date or date and time stamping of a document.

(8) "Final judgment" means the order, disposition, or ruling by a court that terminates the case.

(9) "Financial record" means any document and information in a document that records a monetary transaction.

(10) "Index" means the reference record used to locate journal, docket, or case file records.

(11) "Journal" means the verbatim record of every order or judgment of a court.

(12) "OHC" means the Ohio History Connection, State Archives Division.

(13) "Recordings of proceedings" means audio recordings, video recordings, and stenographic notes.

(14) "Submit" means to deliver a document to the custody of and for consideration by a court.

(C) Required records

(1) Each court, through its clerk, shall maintain an index, docket, journal, and case files.

(2) A stamp indicating the day, month, and year of filing shall be placed on the paper or electronic entry of any paper or electronic entry permitted by the court.

(D) Content of docket

A docket shall include, at a minimum, all of the following:

(1) Names and addresses of all parties;

(2) Names, addresses, and Supreme Court attorney registration numbers of all counsel;

(3) Issuance of documents for service upon a party and the return of service or lack of return;

(4) Brief descriptions of all records and orders filed in the proceeding, including the date filed and cross-references to other records as appropriate;

(5) A schedule of court proceedings;

(6) All actions taken by a court to enforce orders or judgments;

(7) Any information necessary to document the activity of the clerk of court regarding the case. The docket shall provide the dates and a description of all hearings, pleadings, orders, and other filings in an action, proceeding, or other matter in the court. The docket shall be organized in a case specific and chronological manner.

(E) Combined records

Indexes, dockets, journals, and case files may be combined. Combined records must be retained in accordance with the record that has the longest retention period.

(F) Allowable record media

(1) A court record may be created, recorded, maintained, copied, replaced, or preserved on paper; electronic media, including text or digital images; or microfilm.

(2) A court record may be converted from its original medium to another medium. Upon conversion, the original or prior medium may be destroyed.

(3) Any records and information management process, including photography, microfilm, and electronic data processing, may be used as an alternative to paper, provided that the process produces an accurate record or copy of the record.

(a) The court shall cause a backup copy of a record to be made of any record that is created, recorded, maintained, copied, replaced, or preserved. A backup copy shall be made at periodic and reasonable times to ensure security and continued availability of the information. A backup of a record required to be permanently retained shall be stored in a different location than the record it secures.

(b) Records shall be maintained in a conveniently accessible and secure location. Provisions shall be made for inspecting and copying any public records in accordance with applicable statutes and rules. Machines and equipment necessary to allow inspection and copying of public records shall be provided.

(c) In accordance with applicable law and purchasing requirements, a court or clerk of court may acquire equipment, computer software, and related supplies and services for records and information management processes authorized by this division.

(G) Local rules and general retention schedules

(1) By local rule, a court may establish retention schedules for any records not listed in Sup. R. 26.01 through 26.06 and may extend, but not limit, the retention schedule for any record listed in Sup. R. 26.01 through 26.06.

(2) Any record not listed in Sup. R. 26.01 through 26.06 but listed in a general retention schedule established pursuant to R.C. 149.331 may be retained for the time set by that general retention schedule and then destroyed.

(H) Extension of retention period for individual case files

A court may order the retention period for an individual case file extended beyond the period specified in Sup. R. 26.02 through 26.05 for the case file.

RULE 26.01. Retention Schedule for the Administrative Documents of the Courts.

The following retention schedule shall apply for the administrative documents of the courts, regardless of physical form or characteristic, manner of creation, or method of storage:

(A) Administrative journal

Administrative journals that consist of court entries, or a record of court entries, regarding policies and issues not related to cases shall be retained permanently.

(B) Annual reports

Any required annual report shall be retained permanently.

(C) Communication, correspondence, calendar, and general office records

Communication, correspondence, calendar, and general office records, including paper, telephonic, and electronic records, may be destroyed as soon as they are considered to be of no value by the person holding them.

(D) Drafts and informal notes

Drafts and informal notes may be destroyed as soon as they are considered to be of no value by the person holding them.

(E) Employment applications

Employment applications shall be retained for two years.

(F) Employee benefit and leave records

Employee benefit and leave records, including life and medical insurance records, not retained by the appropriate city, county, or state fiscal officer shall be retained for three years or until the issuance of an audit report by the Auditor of State, whichever is later.

(G) Employee history and discipline records

Records concerning the hiring, promotion, evaluation, attendance, medical issues, discipline, termination, and retirement of court employees shall be retained for ten years after termination of employment.

(H) Financial records

Financial records, including cash books, bank transaction records, and expense and receipt ledgers, shall be retained for three years or until the issuance of an audit report by the Auditor of State, whichever is later.

(I) Fiscal records

Fiscal records, including copies of transactional budgeting and purchasing documents maintained by another office or agency, shall be retained for three years or until the issuance of an audit report by the Auditor of State, whichever is later.

(J) Grant records

Records of grants made or received by a court shall be retained for three years after expiration of the grant. Records of unsuccessful grant applications submitted by a court may be destroyed as soon as they are considered to be of no value by the person holding them.

(K) Payroll records

Payroll records of personnel time and copies of payroll records maintained by another office or agency shall be retained for three years or until the issuance of an audit report by the Auditor of State, whichever is later.

(L) Publications received

Publications received by a court may be destroyed as soon as they are considered to be of no value by the person holding them.

(M) Requests for proposals, bids, and resulting contracts

Requests for proposals, bids received in response to requests for proposals, and contracts resulting from requests for proposals shall be retained for three years after the expiration of the contract that is awarded.

RULE 26.02. Courts of Appeal — Records Retention Schedule.

(A) Retention schedule for the index, docket, and journal

The index, docket, and journal of the courts of appeal shall be retained permanently.

(B) Retention schedule for case files and recordings of proceedings

(1) Courts of appeal case files shall be retained for two years after the final judgment in the appellate case, except for files where the death penalty is imposed, which shall be retained permanently.

(2) Courts of appeal recordings of proceedings shall be retained for two years after the final judgment in the case, except for cases where the death penalty is imposed, which shall be retained permanently.

(C) Judge, magistrate, and clerk drafts, notes, and research

Judge, magistrate, and clerk drafts, notes, and research may be destroyed as soon as they are considered to be of no value by the person holding them.

RULE 26.03. General, Domestic Relations, and Juvenile Divisions of the Courts of Common Pleas Records Retention Schedule.

(A) Retention schedule for the index, docket, and journal

The index, docket, and journal of a division shall be retained permanently.

(B) Recordings of proceedings

Recordings of proceedings shall be retained for five years after the final judgment in the case, except for cases where the death penalty is imposed, which shall be retained permanently.

(C) Judge, magistrate, and clerk drafts, notes, and research

Judge, magistrate, and clerk drafts, notes, and research may be destroyed as soon as they are considered to be of no value by the person holding them.

(D) Retention schedule for court of common pleas — general jurisdiction case files

(1) Death penalty cases

Case files where the death penalty is imposed shall be retained permanently.

(2) Real estate

Case files of matters that resulted in a final judgment determining title or interest in real estate shall be retained permanently.

(3) Search and interception warrant records

Search and interception warrant records shall be indexed. Search warrants, returns, and the corresponding index shall be retained for five years after the date of service or last service attempt. Interception warrants, returns, and the corresponding index shall be retained for ten years after the date of service or last service attempt.

(4) Voluntary dismissals

Case files of matters that are voluntarily dismissed shall be retained for three years after the date of the dismissal.

(5) Civil stalking protection order petitions

(a) Case files of petitions for civil stalking protection orders shall be retained for one year after the expiration of any resulting protection order.

(b) Case files of petitions for civil stalking protection orders in which no protection order was issued shall be retained for one year after the date the petition was filed.

(c) Case files of petitions for civil stalking protection orders in which post-decree motions have been filed shall be retained for one year after the adjudication of the post-decree motion.

(6) Felony convictions

(a) Depositions and transcripts filed in cases resulting in a conviction of a felony of the first, second, or third degree or an unclassified felony shall be retained for fifty years after final judgment.

(b) Depositions and transcripts filed in cases resulting in a conviction of a felony of the fourth or fifth degree shall be retained for twelve years after final judgment.

(7) Other case files

Any case file not listed in this division shall be retained for twelve years after the final judgment. Documents within a case file admissible as evidence of a prior conviction, including evidence that a defendant was represented by counsel or waived their right to counsel, shall be retained for fifty years after the final judgment.

(E) Retention schedule for court of common pleas — domestic relations jurisdiction case files

(1) Real estate

Case files of matters that resulted in a final judgment determining title or interest in real estate shall be retained permanently.

(2) Divorce, dissolution, legal separation, annulment, custody, parentage, visitation, support enforcement, or Uniform Interstate Family Support Act: with minor children

Case files of divorce, dissolution, legal separation, annulment, custody, parentage, visitation, support enforcement or the Uniform Interstate Family Support Act that involve minor children shall be retained for twenty-five years after the date of the final judgment.

(3) Divorce, dissolution, legal separation, or annulment: without minor children

Case files of divorce, dissolution, legal separation, or annulment not involving minor children shall be retained for twelve years after the final judgment.

(4) Divorce, dissolution, legal separation, or annulment: with adult children

Case files of divorce, dissolution, legal separation, or annulment that involve children whose parents have a duty to support a child beyond the age of majority shall be retained for five years after the support obligation is terminated or as stated in (D)(2), whichever is later.

(5) Domestic violence and dating violence protection order petitions

(a) Case files of petitions for domestic violence or dating violence protection orders shall be retained for one year after the expiration of any resulting protection order.

(b) Case files of petitions for domestic violence or dating violence protection orders in which no protection order was issued shall be retained for one year after the date the petition was filed.

(c) Case files of petitions for domestic violence or dating violence protection orders in which post-decree motions have been filed shall be retained for one year after the adjudication of the post-decree motion.

(d) Case files of petitions for domestic violence or dating violence protection orders in which the parties are also parties to a divorce, dissolution, or legal separation shall be retained for one year after the expiration of any resulting protection order, until the parties are legally separated, or their marriage is terminated, whichever is later.

(6) Registration or adoption of foreign decree

Case files of registrations or adoptions of foreign decrees shall be retained for two years after the emancipation of all of the parties' minor children. Case files of registrations or adoptions of foreign decrees in which post-decree motions have been filed shall be retained for two years after the adjudication of the post-decree motion.

(F) Retention schedule for court of common pleas — juvenile jurisdiction case files

(1) Adult criminal case files

Adult criminal case files shall be retained for five years after the final judgment. Documents admissible as evidence of a prior conviction, including evidence that a

defendant was represented by counsel or waived their right to counsel, shall be retained for fifty years after the final judgment.

(2) Delinquency, unruly, and marriage consent case files

Delinquency, unruly, and marriage consent case files shall be retained for three years after the final judgment.

(3) Juvenile by-pass case files

Juvenile by-pass case files shall be maintained in two separate and secure files. The first file shall contain the first page of the complaint and other relevant documents and the second file shall contain the second page of the complaint bearing the signature of the complainant. Each file shall be retained for two years after the final judgment of the juvenile division or court of appeals, whichever is later.

(4) Permanent custody, custody, parentage, visitation, support enforcement, abuse, neglect, dependency, and Uniform Interstate Family Support Act case files

Permanent custody, custody, parentage, visitation, support enforcement, abuse, neglect, dependency, and Uniform Interstate Family Support Act case files shall be retained for two years after the child who is the subject of the case reaches the age of majority. Cases that involve children whose parents have a duty to support a child beyond the age of majority shall be retained for five years after the support obligation is terminated.

(5) Search and interception warrant records

Search and interception warrant records shall be indexed. Search warrants, returns, and the corresponding index shall be retained for five years after the date of service or last service attempt. Interception warrants, returns, and the corresponding index shall be retained for ten years after the date of service or last service attempt.

(6) Traffic case files

Unclassified and minor misdemeanor traffic case files shall be retained for five years after the final judgment. All other traffic case files shall be retained until the minor child reaches the age of twenty-three.

(7) Juvenile civil protection order petitions

(a) Case files of petitions for juvenile civil protection orders shall be retained for one year after the expiration of any resulting protection order.

(b) Case files of petitions for juvenile civil protection orders in which no protection order was issued shall be retained for one year after the date the petition was filed.

(c) Case files of petitions for juvenile civil protection orders in which post-decree motions have been filed shall be retained for one year after the adjudication of the post-decree motion.

Commentary (April 1, 2025 Amendments)

Drafts, notes, and research

Under Sup.R. 44(C)(2)(e), drafts, notes, and research created by judicial officers and staff are not "case documents" subject to public access, even when stored in the case file. But to avoid inadvertent disclosure in response to public access requests; drafts, notes, and research stored in the case file should be segregated in a clearly marked subfile.

RULE 26.04. Retention schedule for Court of Common Pleas — Probate Jurisdiction Case Files.

(A) Definition

"Record of documents" means a collection of single or several page documents, which includes petitions, applications, or affidavits, either original or copies, and information pertaining to those documents, or other information considered necessary by the court.

(B) Closed case file

For purposes of this rule, a case file of an estate, trust, or other fiduciary relationship shall be considered closed when a final accounting has been filed and, if required by law at the time of the filing, the account has been approved and settled. All other case files shall be considered closed when the probate division orders the matter closed or issues a final judgment.

(C) Required records

(1) Dockets

(a) The probate division shall maintain the following dockets:

(i) An administration docket showing the grant of letters of administration or letters testamentary, the name of the decedent, the amount of bond and names of sureties in the bond, the date of filing, and a brief note of each order or proceeding relating to the estate with reference to the journal or other record in which the order or proceeding is found;

(ii) A guardian's docket showing the name of each ward and, if the ward is a minor, the ward's age and name of the ward's parents, any limited powers or limited duration of powers, date of filing, and a brief note of orders and proceedings as described in division (i) of this section;

(iii) A civil docket showing the names of the parties, commencement date, filings and a brief note of orders, and date of filings and orders in actions and proceedings;

(iv) A testamentary trust docket showing the names of the testator and trustee or trustees;

(v) A change of name docket showing the name of the petitioner and the present and proposed name of the person whose name is to be changed;

(vi) A birth registration and correction docket showing the name of the person whose birth certificate is being registered or corrected. The docket

shall be kept in the form and manner that may be designated by the director of health.

(vii) A civil commitment docket showing the name of the prospective patient;

(viii) A separate adoption docket, in accordance with R.C. 3107.17, showing the name of the child as it would exist after finalization of the adoption and the name or names of the adoptive parent or parents;

(ix) A miscellaneous docket showing the names of parties or petitioners and the nature of the action or proceeding. The miscellaneous docket shall be limited to actions within the probate division's jurisdiction that are not kept in one of the other dockets described in division (C)(1) of this rule. A miscellaneous docket may be subdivided or grouped into sections containing files or records of similar content if the number of filings merits.

(b) All dockets of the probate division shall contain the following information, to the extent applicable:

(i) The dates of filing or occurrence;

(ii) A brief description of any bond and surety;

(iii) Letters of authority;

(iv) Each filing, order, or record of proceeding related to the case or action, with a reference to the file or record where the bond and surety, letter of authority, filing, order, or record of proceeding is to be found;

(v) Such other information as the court considers necessary.

(2) Records of documents

The probate division shall maintain both of the following records of documents:

(a) A record of wills, if wills are not copied and permanently retained as part of an estate case file under division (C)(1) of this rule. The wills proved in the court shall be recorded with a certificate of the probate of the will. The wills proved elsewhere shall be recorded with the certificate of the probate of the will, authenticated copies of which have been admitted to record by the court.

(b) A marriage record showing the names of persons applying for a license, a brief statement of the facts sworn to by persons applying for a

license, the names of persons to whom a license is issued, the license, and the return of the person solemnizing the marriage.

(3) Journal

The probate division shall maintain an administrative journal for orders, entries, or judgments, including the following:

(a) Orders of appointment and oaths of office pursuant to R.C. 2101.11 of court personnel and other nonfiduciary appointees;

(b) Orders of reference to magistrates;

(c) Changes to the local rules of the probate division.

(4) Indexes

The probate division shall maintain an index for each docket, record of documents, and journal described in division (C) of this rule. Each index shall be kept current with names or captions of proceedings in alphabetical order and references to a docket, record or documents, journal, or case file where information pertaining to those names or proceedings may be found.

(D) Destruction and preservation of probate records

(1) All records, vouchers, inventories, accounts, pleadings, applications, petitions, records of adoptions, marriages, and mental health commitments, wills, trusts, journals, indexes, dockets, records, or documents related to estate or inheritance taxes, and other papers and filings of the probate division, may be preserved in accordance with Sup.R. 26(F).

(2) In the probate division's discretion, any note, notice, letter, form, or other paper, document, or memorandum in a case file that is not essential to providing a record of the case and the judgment of the probate division may be destroyed as soon as they are considered to be of no value by the person holding them. Evidence of service of notice of the initial complaint, petition, or application that establishes the probate division's jurisdiction shall be retained in accordance with the applicable retention period associated with the case file.

(3) Judge, magistrate, investigator, and clerk drafts, notes, and research may be destroyed as soon as they are considered to be of no value by the person holding them.

(E) Case file and probate record retention schedule

(1) Adoption records

Adoption records shall be retained permanently.

(2) Birth and death registrations

Birth and death registrations occurring within the county, reported as provided by law, shall be retained permanently.

(3) Civil commitment records

Civil commitment records shall be retained for three years after the case is closed.

(4) Dockets, journals, and indexes

Dockets, journals, and indexes shall be retained permanently.

(5) Recordings of proceedings

Recordings of proceedings shall be retained for five years after the proceeding.

(6) Evidence filed in support of expenditures or distributions

Vouchers, proof, or other evidence filed in support of expenditures or distributions stated in an account may be returned to the fiduciary or retained in accordance with division (C)(1) of this rule for five years after the Court's approval of the final account.

(7) Marriage license records

Marriage license records shall be retained permanently.

(8) Trust accountings

Trust accountings shall be retained for twelve years after the court approves the accounting.

(9) Deposited wills

A deposited will that is not delivered or disposed of shall be retained for one hundred years after the date it was deposited. An electronic copy of the will shall be made before disposing of the will and retained permanently.

(10) Guardianship guide

The form executed by a guardian confirming receipt of the guardianship guide shall be retained permanently.

(11) All other records

All other records shall be retained for twenty-one years after the date the case, cause, proceeding, or matter is closed or completed.

RULE 26.05. Municipal and County Courts — Records Retention Schedule.

(A) Retention schedule for financial records

(1) Auditor reports

Auditor of State reports shall be retained permanently.

(2) Separate account of receipts and disbursements records

A separate account of receipts and disbursements in civil and criminal cases shall be retained permanently.

(3) Rental escrow account records

Rental escrow account records shall be retained for five years after the last date of deposit.

(B) Retention schedule for the index, docket, and journal

The index, docket, and journal shall be retained for twenty-five years.

(C) Recordings of proceedings

Recordings of proceedings shall be retained for five years after the final judgment in the case.

(D) Judge, magistrate, and clerk drafts, notes, and research

Judge, magistrate, and clerk drafts, notes, calendars, and research may be destroyed as soon as they are considered to be of no value by the person holding them.

(E) Retention schedule for case files

(1) Civil case files

Civil case files shall be retained for two years after the final judgment and issuance of an audit report by the Auditor of State, unless a longer minimum retention period is established by local rule.

(2) OVI case files

Operating a vehicle under the influence of alcohol or drug case files shall be retained for fifteen years after the final judgment. Documents within a case file admissible as evidence of a prior conviction, including evidence that a defendant

was represented by counsel or waived their right to counsel, shall be retained for fifty years after the final judgment.

(3) Felony criminal case files

Felony criminal case files shall be retained for two years after the final judgment of the municipal or county court.

(4) Misdemeanor criminal case files

Except for minor misdemeanor criminal cases, misdemeanor criminal case files shall be retained for fifteen years after the final judgment of the municipal or county court. Documents within a case file admissible as evidence of a prior misdemeanor criminal conviction, including evidence that a defendant was represented by counsel or waived their right to counsel, shall be retained for fifty years after the final judgment.

(5) First through fourth degree misdemeanor traffic files

Except for operating a vehicle under the influence of alcohol or drug case files, first through fourth degree misdemeanor traffic files shall be retained fifteen years after the final judgment of the municipal or county court. Documents within a case file admissible as evidence of a prior conviction including evidence that a defendant was represented by counsel or waived their right to counsel, shall be retained for twenty-five years after the final judgment.

(6) Unclassified misdemeanor, minor misdemeanor traffic, and minor misdemeanor criminal case files

Unclassified misdemeanor, minor misdemeanor traffic, and minor misdemeanor criminal case files shall be retained for five years after the final order of the municipal or county court.

(7) Parking ticket records

Parking ticket records shall be retained until the ticket is paid and the Auditor of State issues an audit report.

(8) Real estate

Case files of matters that resulted in a final judgment determining title or interest in real estate shall be retained permanently.

(9) Search warrant records

Search warrant records shall be indexed and the warrants and returns retained in their original form for five years after the date of service or last service attempt.

RULE 26.06. Destruction of Court Records.

(A) Destruction of records

(1) Subject to the notification and transfer requirements of division (A)(2) of this rule, a record and any back-up copy of a record produced in accordance with Sup.R. 26(F)(3)(a) may be destroyed after the record and its back-up copy have been retained for the applicable retention period set forth in Sup.R. 26.01 through 26.05.

(2) If Sup.R. 26.01 through 26.05 set forth a retention period greater than ten years and the record was created more than fifty years ago, the court shall notify the OHC in writing of the court's intention to destroy the record at least sixty days prior to the destruction of the record. Upon request of the OHC, the court shall transfer the record to the OHC or to a designated agency or institution.

(B) Exhibits

(1) Exhibits containing biological evidence shall be returned to the party who tendered the exhibit after final judgment for retention or destruction in accordance with the Revised Code.

(2) Unless otherwise provided by any other provision set forth in Sup.R 26 through 26.05, exhibits may be destroyed at the conclusion of litigation, including times for direct appeal, if all of the following conditions are satisfied:

(a) The party who tendered the exhibits is notified in writing, at their last known address, that the party may retrieve exhibits, depositions, or transcripts within sixty days from the date of the written notification;

(b) The written notification informs the party that the exhibits will be destroyed if not retrieved within sixty days from the date of the notification;

(c) The written notification informs the party of the location for retrieval.

(3) Exhibits may be destroyed one year following the date from the written notification if the notification is returned addressee unknown, undeliverable, or moved, with no forwarding address.

(4) For cases concluding on or after April 1, 2025, after one year from the conclusion of litigation, including times for direct appeal, exhibits may be destroyed without prior notice to the party who tendered the exhibits.

RULES 27-33 are reserved for future use

RULE 34. Electronic Case Management System Connectivity to the Ohio Courts Network.

(A) Definitions

As used in this rule:

(1) Computer case management system

"Computer case management system" means the system of one or more software applications that dockets and indexes all cases filed with a court and includes features such as the management of case information, workflow implementation, data organization, and the generation of notices and reports.

(2) Ohio courts network

"Ohio courts network" means the electronic statewide information exchange system operated by the Supreme Court that facilitates the exchange of data and information by and between the courts of the state and other justice system partners through a centralized warehouse.

(B) Connectivity of current computer case management systems

Effective July 1, 2016, a computer case management system utilized by a court or division of a court that is capable of sending case data to the Ohio courts network in the data formats required shall be connected with that network.

(C) Connectivity of new or upgraded case management systems

Effective July 1, 2016, any new computer case management system purchased, built, or otherwise procured by a court or division and any existing computer case management system upgraded by a court or division shall be capable of sending case data to the Ohio courts network in the data formats required and shall be connected with that network.

RULE 35. Case Management Section.

There shall be a Case Management Section of the Supreme Court. The Case Management Section shall have the authority and responsibility to do all of the following:

(A) Receive, analyze, maintain, audit, and publish, at the direction of the Chief Justice of the Supreme Court, statistical data from the courts of Ohio, including an annual compilation of the reports required by Sup. R. 37;

(B) Assist and train judges, court administrators, clerks, and other court personnel in performing the reporting functions required by these rules;

(C) Monitor statistical reporting by conducting audits of the various courts in accordance with statistical auditing standards and procedures;

(D) Review audit results with judges and court personnel;

(E) Prepare and provide an implementation manual that contains commentary and explanatory material pertaining to these rules and the report forms required by these rules;

(F) Make ongoing recommendations regarding both of the following:

(1) Amendments to the Rules of Superintendence in order that the rules remain current with changes in the law;

(2) Auditing standards and procedures so that the Case Management Section can effectively accomplish its stated objectives.

Commentary (July 1, 1997)

The purpose of creating the Case Management Section is to provide the administrative staff, structure, and procedure to implement the goals set forth in the Preface to these rules. In addition, the Case Management Section assists the administrative judges in resolving docket problems within their courts that the administrative judge has been unable to resolve at the local level.

The intent of conducting audits is to ensure uniform, accurate, and timely reporting of statistical information by all courts. One of the primary responsibilities of the Case Management Section is to provide continuing education and in-depth training for judges and court personnel in the proper preparation of statistical reports.

RULE 36. Designation of Trial Attorney.

A court may require by local rule that the trial attorney individually responsible for trying a case be designated as trial attorney in the pleadings or by separate notice or entry.

RULE 36.01. Definitions.

As used in Sup.R. 36.01 through 36.019:

(A) Assigned by lot

(1) "Assigned by lot" means the assignment of a case to a judge that meets each of the following requirements:

(a) The assignment is made by drawing from a pool of judges using paper, balls, or other objects as lots or counters or a computer;

(b) The assignment is arbitrated by chance with the determination fortuitous and wholly uncontrolled;

(c) The assignment is made using the entire base of the number of judges in the court or division, as applicable.

(2) "Assigned by lot" does not include an assignment of cases to judges in an established order of rotation, even if the order of rotation is altered periodically.

(B) Individual assignment system

"Individual assignment system" means the system in which, upon the filing in or transfer to a court or division of a court, a case immediately is assigned by lot to a judge of the court or division, as applicable, who becomes primarily responsible for the determination of every issue and proceeding in the case until its termination.

(C) Particular session of court

"Particular session of court" means the system in which cases are assigned by subject category rather than by the individual assignment system.

RULE 36.011. Individual Assignment System.

(A) Adoption of system

Except as provided in Sup.R. 36.012 through 36.015, each multi-judge general, domestic relations, probate, and juvenile division of a court of common pleas; multi-judge municipal court; and multi-judge county court shall adopt the individual assignment system for the assignment of all cases to judges of the court or division of the court, as applicable.

(B) Time of assignment

Cases shall be assigned pursuant to the individual assignment system as follows:

(1) In a civil case in a municipal or county court, when an answer is filed or when a motion, other than a motion for default judgment, is filed;

(2) In a traffic or criminal case in a municipal or county court, when a plea of not guilty is entered;

(3) In a civil case in a court of common pleas, when a complaint or petition is filed with the clerk of court;

(4) In a criminal case in a court of common pleas, no later than upon arraignment;

(5) In a delinquency, unruly, adult, or traffic case in the juvenile division of a court of common pleas, no later than upon arraignment or initial appearance. In all other cases in the juvenile division, when a compliant or petition is filed.

(C) Modifications to system

(1) Except as provided in Sup.R. 36.012, each multi-judge general, domestic relations, probate, and juvenile division of a court of common pleas and multi-judge municipal and county court may adopt modifications to the individual assignment system to provide for the following:

(a) The redistribution of cases involving the same criminal defendant, parties, family members, or subject-matter;

(b) The direct assignment of a new criminal or delinquency case involving a person who is currently on probation with the court or division to the judge to whom the probation case is assigned.

(2) Any modifications shall be adopted by local rule of court and ensure each of the following:

(a) Judicial accountability for the processing of individual cases;

(b) Timely processing of cases through prompt judicial control over cases and the pace of litigation;

(c) Random assignment of cases to judges of the division through an objective and impartial system that ensures the equitable distribution of cases between or among the judges of the division.

Commentary

The individual assignment system is defined by the rule as a system whereby, upon the filing or transfer of a civil case, or upon arraignment in a criminal case, the case is immediately assigned to a judge of the court. The rule sets forth three purposes of the individual assignment system. All multi-judge divisions of the court of common pleas and all multi-judge municipal and county courts, except as provided in Sup.R. 36.012 through 36.015, are required to adopt the individual assignment system. Courts or divisions are permitted to deviate from the individual assignment system only if the modifications satisfy the three stated purposes of the system and are adopted by local rule of court pursuant to Sup.R. 5. Permissible modifications include the assignment and consideration of cases involving the same criminal defendant, parties, family members, or subject-matter.

The distinguishing feature of the individual assignment system is that it places responsibility upon one judge for the disposition of cases. Once a case is assigned to a judge under this system, all matters pertaining to the case are to be submitted to that judge for determination. An exception is made where that judge is unavailable. In that instance, the administrative judge may act in the assigned judge's absence.

Under Sup.R. 36.011, the administrative judge is responsible for the assignment of cases to the individual judges of the court. Assignment may be made by the administrative judge personally or by court personnel at the administrative judge's direction. All assignments of cases to individual judges must be made by lot.

The purpose of the random assignment, by lot, of cases is to avoid judge-shopping on the part of counsel and to distribute the cases equitably among the judges.

RULE 36.012. Assignment of Commercial Docket Eligible Cases.

A case eligible for assignment into a commercial docket of a court of common pleas pursuant to Sup.R. 49.05 shall be assigned as follows:

(A) If the court has established a commercial docket pursuant to Sup.R. 49.01, the case shall be assigned to the commercial docket pursuant to Sup.R. 49.07;

(B) If the court has not established a commercial docket pursuant to Sup.R. 49.01, the cases shall be assigned by lot to a judge of the court or division of the court pursuant to the individual assignment system.

RULE 36.013. Assignment of Capital Cases.

Criminal cases in which an indictment or a count in an indictment charges the defendant with aggravated murder and contains one or more specifications of aggravating circumstances listed in R.C. 2929.04(A) shall be assigned to a judge of the court or division of the court who is qualified to hear the cases pursuant to either of the following methods:

(A) Randomly assigned by lot among all judges who are qualified;

(B) By a method that meets each of the following requirements:

(1) Assignments are made by lot from a pool consisting of the names of each judge of the court or division who is eligible to hear the criminal cases;

(2) Upon receipt of such criminal case, the name of the assigned judge is removed from the pool;

(3) Upon the assignment of such criminal case to the second-to-last judge in the pool, the names of each judge of the court or division who is eligible to hear capital cases are added back into the pool.

RULE 36.014. Assignment to Individual Judge or Particular Session.

(A) Cases eligible for assignment

In each multi-judge municipal or county court or division of the court, cases may be assigned to an individual judge or to a particular session of court. The following subject categories shall be disposed of by particular session:

(1) Civil cases in which a motion for default judgment is made;

(2) Criminal cases in which a plea of guilty or no contest is entered;

(3) Initial appearance in criminal cases;

(4) Preliminary hearings in criminal cases;

(5) Criminal cases in which an immediate trial is conducted upon initial appearance;

(6) Small claims cases;

(7) Forcible entry and detainer cases in which the right to trial by jury is waived or not demanded.

(B) Apportionment of assignments

(1) Except as provided in division (B)(2) of this rule, the administrative judge shall equally apportion particular session assignments among all judges. A judge shall not be assigned to a particular session of court for more than two consecutive weeks.

(2) Division (B)(1) of this rule shall not apply to cases involving an allegation that a judge or staff member of a court, a staff member of the office of the clerk of the court, or any relative of such individuals has committed a traffic or misdemeanor violation within the court's jurisdiction. Such cases shall be initially assigned to the administrative judge for:

(a) Reassignment to one of the judges of the court by random lot;

(b) Request for the assignment of a visiting judge for disposition;

(c) Retention and disposal by the administrative judge with the agreement of the parties.

Commentary

Assignment system

In multi-judge municipal and county courts, Sup.R. 36.014 establish a dual system for the assignment of cases. Under this system, certain types of cases are processed in a court session, designated particular session, presided over by a judge or magistrate for a specified period of time. Other types of cases are assigned to an individual judge pursuant to the individual assignment system.

Particular session; assignment

The types of cases designated in Sup.R. 36.014 for disposition in particular sessions of court are high volume cases that may be processed by a judge or magistrate at a single session. The rule does not preclude the processing of types of cases, other than those listed, that are susceptible to disposition in particular sessions.

Cases that may not be processed by particular session are civil cases where an answer is filed or a motion, other than one for default judgment, is filed and criminal cases in which a plea of not guilty is entered. These cases are to be assigned pursuant to the individual assignment system at the time the answer, motion, or plea is filed or made.

Duration of assignment to particular session

Assignments to particular session are to be equally divided among the judges of the court and are to be limited to two-week periods. The two-week limitation accommodates the individual assignment system, and allows each judge adequate time to work on the cases individually assigned to the judge. Judges should not be assigned to a particular session or a series of particular sessions for more than two consecutive weeks.

RULE 36.015. Assignment of Case Arising out of Pre-Indictment Matter.

If a judge has been randomly assigned to preside over a pre-indictment matter pertaining to a particular person, upon the filing of any case arising out of the same incident or subject matter against that person, the judge previously assigned shall preside over the new case, unless that judge is precluded from hearing the case or other good cause exists to reassign the case by lot.

RULE 36.016. Case Management of Individual Judge Docket.

(A) Authority

Pursuant to Sup.R. 4.01, the administrative judge may take necessary action to assist with the case management of an assigned judge's individual docket.

(B) Request

Upon the request of a judge in a multi-judge court of common pleas, municipal court, or county court, or the Case Management Section of the Supreme Court, the administrative judge of the court or division of the court may, for good cause, take necessary action to assist with the case management of the assigned judge's docket.

(C) Reassignment

Any cases transferred from the assigned judge's docket shall be reassigned by lot among the remaining judges of the court or division.

RULE 36.017. Assignment of Refiled Cases.

If a previously filed and dismissed case is refiled, the case shall be reassigned to the judge originally assigned by lot to hear it unless, for good cause shown, that judge is precluded from hearing the case.

Commentary

To promote judicial economy and discourage judge-shopping, this division mandates that all dismissed and subsequently refiled cases be reassigned to the originally assigned judge. An exception exists for circumstances in which the original judge develops a conflict or transfer to a newly drawn judge is sensible.

RULE 36.018. Assignment of Cases to New Judicial Positions and Successor Judges.

(A) Newly Established Judicial Positions

(1) After the date of election, but prior to the first day of the term of a newly established judicial position, the administrative judge of the court or division of the court, as applicable, through a random selection of pending cases shall equitably reassign cases pending in the court or division between or among the judges of the court or division and shall create a docket for the newly established judicial position similar to a representative docket. Reassignment shall be completed in a manner consistent with this rule and may exclude criminal cases and cases scheduled for trial.

(2) Any matters arising in cases assigned to the docket for the newly established judicial position prior to the date on which the judge elected to that position takes office shall be resolved by the administrative judge or assigned to another judge.

(B) Successor Judges

Upon taking office, an appointed or elected successor judge shall assume all cases previously assigned to the predecessor judge. If the terms of two or more successor judges commence simultaneously and there is no identified predecessor judge for each successor judge, the administrative judge of the court or division shall randomly designate the predecessor judge for each successor judge.

Commentary

For newly established judicial positions, the reassignment of cases must be random, equitable, and accomplished in a manner consistent with the principles set forth in Sup.R. 36.011(C)(2). In effect, a random selection system must be used, rather than culling cases from pending dockets. Certain dockets or portions of dockets may be created through the individual assignment system. This method may be particularly useful in assigning criminal cases. The process set forth in this rule should facilitate the creation of a balanced docket with a minimum disruption of the pending caseload of the court or division.

Pursuant to Sup.R. 38(B), judges must complete a case inventory within three months of the date of taking office. Gov.Jud.R. VII(2) requires the predecessor judge to deliver to the judge's successor all records; papers, books, and other instruments; and other property and effects belonging to the court.

Please contact the Case Management Section in the Office of Court Services of the Supreme Court if the court needs assistance determining the impacted judgeship.

RULE 36.019. Assignment of Cases Following Disqualification.

(A) General

Following the disqualification of a judge in a multi-judge court or division of a court, the administrative judge of the court or division shall randomly assign the case among the remaining judges of the court or division who are able to hear the case.

(B) Request for assigned judge

If all judges of the court or division are disqualified from the case, the administrative judge may request the Chief Justice of the Supreme Court temporary assign a sitting or retired judge to serve on that court or division pursuant to Article IV, Sections 5(A)(3) and 6(C) of the Ohio Constitution and the "Guidelines for the Assignment of Judges."

RULE 36.020. Assignment of Appellate Court Cases.

Cases filed in a court of appeals shall be randomly assigned to judges of the court through an objective and impartial system that ensures, to the extent practicable, equitable distribution of cases among the judges. The random assignment system should have no discernable pattern so that parties will not be able to predict to whom a case is assigned before the actual assignment.

RULE 36.02. Creation of Commission on Specialized Dockets.

There is hereby created by the Supreme Court the Commission on Specialized Dockets.

RULE 36.03. Duties and Authority.

(A) Duties

The Commission on Specialized Dockets shall advise the Supreme Court and its staff on all of the following:

(1) The promotion of statewide rules and uniform standards concerning specialized dockets in Ohio courts;

(2) The development and delivery of specialized docket services to Ohio courts, including training programs for judges and court personnel;

(3) The consideration of any other issues the commission deems necessary to assist the Supreme Court and its staff regarding specialized dockets in Ohio courts.

(B) Authority

The commission shall have no independent policy-setting authority.

RULE 36.04. Membership.

(A) Appointments

The Commission on Specialized Dockets shall consist of the following twenty-two members appointed by the Chief Justice and Justices of the Supreme Court:

(1) One member who shall be a judge of a court of common pleas assigned to a juvenile drug docket of the court nominated by the President of the Ohio Association of Juvenile Court Judges;

(2) One member who shall be a judge of a court of common pleas assigned to a juvenile family dependency treatment docket of the court nominated by the President of the Ohio Association of Juvenile Court Judges;

(3) One member who shall be a judge of a court of common pleas assigned to a juvenile mental health docket of the court nominated by the President of the Ohio Association of Juvenile Court Judges;

(4) One member who shall be a judge of a court of common pleas assigned to a juvenile specialized docket of the court nominated by the President of the Ohio Association of Juvenile Court Judges;

(5) One member who shall be a judge of a court of common pleas assigned to a drug docket of the court nominated by the President of the Ohio Common Pleas Judges Association;

(6) One member who shall be a judge of a court of common pleas assigned to a mental health docket of the court nominated by the President of the Ohio Common Pleas Judges Association;

(7) Two members, each of whom shall be a judge of a court of common pleas assigned to a specialized docket of the court, nominated by the President of the Ohio Common Pleas Judges Association;

(8) One member who shall be a judge of a municipal court assigned to a drug docket of the court nominated by the President of the Association of Municipal and County Judges of Ohio;

(9) One member who shall be a judge of a municipal court assigned to a mental health docket of the court nominated by the President of the Association of Municipal and County Judges of Ohio;

(10) Three members, each of whom shall be a judge of a municipal court assigned to a specialized docket of the court, nominated by the President of the Association of Municipal and County Judges of Ohio;

(11) One member who shall be a magistrate of a court of common pleas assigned to a juvenile specialized docket of the court nominated by the President of the Ohio Association of Magistrates;

(12) One member who shall be a magistrate of a court of common pleas assigned to a family dependency treatment docket of the court nominated by the President of the Ohio Association of Magistrates;

(13) One member who shall be a prosecutor nominated by the Executive Director of the Ohio Prosecuting Attorneys Association or the President of the Ohio Municipal Prosecuting Attorneys Association;

(14) One member who shall be a public defender nominated by the Director of the Ohio Public Defender Office;

(15) One member who shall be an adult probation officer nominated by the President of the Ohio Chief Probation Officers Association;

(16) One member who shall be a juvenile probation officer nominated by the President of the Ohio Chief Probation Officers Association;

(17) One program coordinator;

(18) Two at-large members.

(B) Nominations

The Administrative Director of the Supreme Court shall solicit a minimum of two nominees from each individual responsible for nominating a member of the commission pursuant to division (A) of this rule.

(C) Qualifications

Each commission member shall be a member of a treatment team established pursuant to Standard 1(B) of Appendix I to this rule.

(D) Composition

Commission membership should be broad based and multidisciplinary to represent a cross section of interests related to specialized dockets and reflect the gender, racial, ethnic, and geographic diversity of the state.

RULE 36.05. Terms and Vacancies.

(A) Initial terms

Initial terms for members of the Commission on Specialized Dockets shall be as follows:

(1) The member who is a judge of a court of common pleas assigned to a juvenile drug docket of the court nominated by the President of the Ohio Association of Juvenile Court Judges; the member who is a judge of a court of common pleas assigned to a juvenile specialized docket of the court nominated by the President of the Ohio Association of Juvenile Court Judges; one of the members who is a judge of a court of common pleas assigned to a specialized docket of the court nominated by the President of the Ohio Common Pleas Judges Association; the member who is a judge of a municipal court assigned to a mental health docket of the court nominated by the President of the Association of Municipal and County Judges of Ohio; one of the members who is a judge of a municipal court assigned to a specialized docket of the court nominated by the President of the Association of Municipal and County Judges of Ohio; the member who is a prosecutor nominated by the Executive Director of the Ohio Prosecuting Attorneys Association or the President of the Ohio Municipal Prosecuting Attorneys Association; the member who is a juvenile probation officer nominated by the President of the Ohio Chief Probation Officers Association; and one of the at-large members shall be appointed to a term that ends on December 31, 2013;

(2) The member who is a judge of a court of common pleas assigned to a juvenile family dependency treatment docket of the court nominated by the President of the Ohio Association of Juvenile Court Judges; the member who is a judge of a court of common pleas assigned to a drug docket of the court nominated by the President of the Ohio Common Pleas Judges Association; one of the members who is a judge of a court of common pleas assigned to a specialized docket of the court nominated by the President of the Ohio Common Pleas Judges Association; one of the members who is a judge of a municipal court assigned to a specialized docket of the court nominated by the President of the Association of Municipal and County Judges of Ohio; the member who is a magistrate of a court of common pleas assigned to a juvenile specialized docket of the court nominated by the President of the Ohio Association of Magistrates; the member who is a public defender nominated by the Director of the Ohio Public Defender Commission; and the program coordinator shall be appointed to a term that ends on December 31, 2014;

(3) The member who is a judge of a court of common pleas assigned to a juvenile mental health docket of the court nominated by the President of the Ohio Association of Juvenile Court Judges; the member who is a judge of a court of common pleas assigned to a mental health docket of the court nominated by the President of the Ohio Common Pleas Judges Association; the member who is a judge of a municipal court assigned to a drug docket of the court nominated by the President of the Association of Municipal and County Judges of Ohio; one of the members who is a judge of a municipal court assigned to a specialized docket of

the court nominated by the President of the Association of Municipal and County Judges of Ohio; the member who is a magistrate of a court of common pleas assigned to a family dependency treatment docket of the court nominated by the President of the Ohio Association of Magistrates; the member who is an adult probation officer nominated by the President of the Ohio Chief Probation Officers Association; and one of the at-large members shall be appointed to a term that ends on December 31, 2015.

(B) Subsequent terms and reappointment

Except as provided in division (A) of this rule, the term of a commission member shall be for three years. A commission member shall be eligible for reappointment, but shall not serve more than three consecutive full terms. A commission member shall be eligible for reappointment after serving three consecutive full terms, but only upon at least a one-year break in service. Abbreviated initial terms and appointments to fill a vacancy shall not constitute a full term.

(C) Judge, magistrate, and attorney vacancies

(1) If a commission member who is a judge involuntarily leaves office by reason other than Article IV, Section 6(C) of the Ohio Constitution, the member shall be disqualified and a vacancy shall occur.

(2) If a commission member who is a magistrate ceases to serve as a magistrate with an Ohio court, the member shall be disqualified and a vacancy shall occur.

(3) If a commission member who is an attorney no longer practices in Ohio, the member shall be disqualified and a vacancy shall occur.

(D) Filling of vacancies

Vacancies on the commission shall be filled in the same manner as original appointments. A commission member appointed to fill a vacancy occurring prior to the expiration of the term for which the member's predecessor was appointed shall hold the position for the remainder of that term.

RULE 36.06. Chairperson and Vice-Chairperson.

The members of the Commission on Specialized Dockets shall elect one member as chairperson and one member as vice-chairperson. The chairperson and vice-chairperson shall serve for two years and may be reelected to a second two-year term. The chairperson and vice-chairperson shall not serve in that position for more than two consecutive full terms, provided elections to fill a vacancy in the position of chairperson or vice-chairperson shall not constitute a full term.

RULE 36.07. Staff Support.

The Administrative Director of the Supreme Court shall assign to the Commission on Specialized Dockets one or more Supreme Court employees as may be necessary for the commission's work. The Supreme Court employee shall assist the commission as necessary, but shall at all times be considered an employee of the Supreme Court.

RULE 36.08. Meetings.

(A) Manner

The Commission on Specialized Dockets may meet in person or by telephonic or other electronic means available to the Supreme Court.

(B) Frequency

The commission shall meet as often as required to complete its work, provided the commission shall meet in person a minimum of two times per year. The commission may meet at the call of the chairperson or at the request of a majority of the commission members.

(C) Scheduling

All commission meetings shall be scheduled for a time and place so as to minimize costs to the Supreme Court and to be accessible to commission members, Supreme Court staff, and the public.

(D) Public attendance and notice

All commission meetings shall be open to the public. Public notice of all commission meetings shall be provided on the Supreme Court's website.

(E) Member attendance

(1) For a fully effective commission, a commission member shall make a good faith effort to attend, in person, by telephone, or by other electronic means, each commission meeting. The Supreme Court employee who staffs the commission shall notify the Chief Justice and the Administrative Director of the Supreme Court if a commission member misses three meetings of the commission within a twelve-month period. Upon such notice, the Administrative Director shall inform the Justices of the Supreme Court in order that the Justices may consider the replacement of the member.

(2) A commission member may not designate a replacement for participation in meetings.

(F) Minutes

Minutes shall be kept at every commission meeting and distributed to the commission members for review prior to and approval at the next meeting.

(G) Quorum

There shall be a quorum of the commission present when a majority of commission members is present for the meeting, including those members participating by telephonic or other electronic means.

(H) Actions

At any commission meeting at which a quorum is present, the commission members may take action by affirmative vote of a majority of the members in attendance.

RULE 36.09. Subcommittees.

(A) Creation

The Commission on Specialized Dockets may form such subcommittees it believes necessary to complete the work of the commission. A subcommittee should consist of select commission members and such other persons who the chairperson believes will assist in a full exploration of the issue under the review of the subcommittee.

(B) Size

A subcommittee should remain relatively small in size, not exceeding eight to twelve members, and have a ratio of commission members to non-commission members not exceeding one to three.

(C) Application of rules

Sup.R. 36.07, 36.08(A) through (D), (G), and (H), 36.10, and 36.12 through 36.15 shall also apply to the work of a subcommittee.

RULE 36.10. Code of Ethics.

Members of the Commission on Specialized Dockets shall comply with the requirements of the Supreme Court's *Code of Ethics for Court Appointees*. The Supreme Court employee who staffs the commission shall provide each commission member with a copy of the code following the member's appointment to the commission and thereafter at the first meeting each year of the commission.

RULE 36.11. Annual Report.

By January 31st of each year, the chairperson of the Commission on Specialized Dockets shall issue a report to the Chief Justice and Justices of the Supreme Court detailing the activities and accomplishments of the commission during the previous calendar year. The chairperson shall submit the report to the Administrative Director of the Supreme Court for publication on the Supreme Court's website and distribution to the Chief Justice and Justices.

RULE 36.12. Work Product.

The work product of the Commission on Specialized Dockets shall be the property of the Supreme Court.

RULE 36.13. Budget.

The budget of the Commission on Specialized Dockets shall be set by the Supreme Court through its internal budget process and as implemented by the Supreme Court Specialized Dockets Section. The commission shall have no authority to set its own budget.

RULE 36.14. Compensation.

A member of the Commission on Specialized Dockets shall serve without compensation.

RULE 36.15. Reimbursement of Expenses.

A member of the Commission on Specialized Dockets shall be reimbursed for expenses incurred in service to the commission as permitted by the Supreme Court's *Guidelines for Travel by Court Appointees*.

RULES 36.16 through 36.19 are reserved for future use

RULE 36.20. Specialized Docket Certification.

(A) Procedure for certification

The judge of a court of common pleas, municipal court, or county court or division of the court operating or establishing a particular session of court that offers a therapeutically oriented judicial approach to providing court supervision and appropriate treatment to individuals may receive certification of the session from the Supreme Court by doing both of the following:

(1) Complying with and adopting a local rule or issuing an administrative order implementing the "Specialized Docket Standards," as set forth in Appendix I to this rule;

(2) Successfully completing the certification application process pursuant to Sup.R. 36.21 through 36.26.

(B) Application

Division (A) of this rule shall not apply to a commercial docket of a court of common pleas or a housing or environmental division of a municipal court.

RULE 36.21. Submission of Certification Application.

(A) Intent to apply and application

The judge of a court of common pleas, municipal court, or county court or division of the court seeking certification from the Supreme Court of a particular session of court that offers a therapeutically oriented judicial approach to providing court supervision and appropriate treatment to individuals pursuant to Sup.R. 36.20(A) shall do both of the following in order:

(1) Prior to submitting the application for certification pursuant to (A)(2) of this rule, submit a "Notice of the Formation of Advisory Committee and Intent to Apply for Certification" to the Specialized Dockets Section of the Supreme Court in the form and manner as prescribed by the section. Providing "Notice of the Formation of Advisory Committee and Intent to Apply for Certification" does not require a court to subsequently implement a docket.

(2) Submit an application to the section in the form and manner as prescribed by the section that includes all of the following:

(a) A copy of the local rule adopted or administrative order issued by the court or division pursuant to Sup.R. 36.20(A)(1) and Standard 1(B) of the "Specialized Docket Standards" of Appendix I to this rule;

(b) A copy of the program description created by the court or division pursuant to Standard 1(C) of the "Specialized Docket Standards" of Appendix I to this rule;

(c) A copy of the written participation agreement and participant handbook created by the court or division pursuant to Standard 1(D) of the "Specialized Docket Standards" of Appendix I to this rule.

(B) Notification of receipt

Upon receipt of an application submitted by the judge of a court or division pursuant to division (A) of this rule, the section shall provide the judge notice by regular or electronic mail of the receipt.

RULE 36.22. Initial Review of Certification Application.

(A) Review by Section

Upon receipt of an application for certification submitted by the judge of a court of common pleas, municipal court, or county court or division of the court pursuant to Sup.R. 36.21(A), staff of the Specialized Dockets Section of the Supreme Court shall review the application to determine whether the application is complete.

(B) Deficiency in application

If pursuant to division (A) of this rule it is determined that an application for certification is incomplete, staff of the section shall provide the judge of the court or division notice by regular or electronic mail identifying the deficiency. If the judge fails to correct the deficiency within thirty days after the notice is issued, the manager of the section, pursuant to Sup.R. 36.26(A), may recommend the application be denied.

RULE 36.23. Substantive Review of Certification Application.

(A) Review by Section

Upon the determination of staff of the Specialized Dockets Section of the Supreme Court pursuant to Sup.R. 36.22(A) that an application for certification submitted by the judge of a court of common pleas, municipal court, or county court or division of the court pursuant to Sup.R. 36.21(A) is complete, staff of the section shall substantively review the application by assessing the application and the accompanying documents for completeness and compliance with the "Specialized Docket Standards" of Appendix I to this rule.

(B) Deficiency in application

If pursuant to division (A) of this rule it is determined that an application for certification is substantively deficient, staff of the section shall provide the judge of the court or division technical assistance pursuant to Sup.R. 36.29(B). If technical assistance does not resolve the deficiency, staff of the section shall provide the judge notice by regular or electronic mail identifying the deficiency. If the judge fails to correct the deficiency within forty-five days after the notice is issued, the manager of the section, pursuant to Sup.R. 36.26(A), may recommend the application be denied.

RULE 36.24. Initial Certification.

(A) Determination by section

Upon the determination of staff of the Specialized Dockets Section of the Supreme Court pursuant to Sup.R. 36.23(A) that all of the following conditions exist, a court of common pleas, municipal court, or county court or division of the court that submitted an application for certification pursuant to Sup.R. 36.21(A) shall receive initial certification of the session:

(1) The application is substantively complete;

(2) The application complies with the "Specialized Docket Standards" of Appendix I to this rule;

(3) The judge and, if applicable, magistrate assigned to the session has successfully completed an observation of a certified specialized docket identified by the section.

(B) Length of initial certification

The initial certification shall be effective for a period of six months or until a determination is made on final certification pursuant to Sup.R. 36.26, whichever occurs first.

RULE 36.25. Site Review.

(A) Performance of site review

Staff of the Specialized Dockets Section of the Supreme Court shall conduct a site review of the treatment team meeting and status review hearing for a court of common pleas, municipal court, or county court or division of the court that has received initial certification pursuant to Sup.R. 36.24. The section shall provide the judge of the court or division notice by regular or electronic mail specifying the date and time for the visit and identifying which staff of the court or division shall be available for interview during the visit. If the identified staff are not available for interview during the visit, the manager of the section, pursuant to Sup.R. 36.26(A), may recommend the application be denied.

(B) Unsatisfactory site review

If upon conducting the site review pursuant to division (A) of this rule a deficiency is identified, staff of the section shall provide the judge of the court or division technical assistance pursuant to Sup.R. 36.29(B). If technical assistance does not resolve the deficiency, staff of the section shall provide the judge of the court or division notice by regular or electronic mail identifying the deficiency. Staff of the section may conduct additional site reviews to verify compliance. If the judge fails to correct the deficiency within forty-five days after the notice is issued, the manager of section, pursuant to Sup.R. 36.26(A), may recommend the application be denied.

RULE 36.26. Determination on Final Certification.

(A) Recommendation on Certification

Upon the completion of the review of an application for certification and a site visit pursuant to Sup.R. 36.22 through 36.25, the manager of the Specialized Dockets Section of the Supreme Court shall issue a recommendation on final certification of the judge of the session. The manager shall provide the judge notice by regular or electronic mail of the recommendation.

(B) Review by Commission

The Commission on Specialized Dockets shall review and make a determination on a recommendation on final certification issued by the manager of the section pursuant to division (A) of this rule. Staff of the section shall provide to the judge of the court or division of the court notice by regular or electronic mail specifying the date and time the commission will meet to review the recommendation. The notice shall also inform the judge that at the meeting a representative of the court or division may be present and offer evidence and arguments in support of the application for certification. The decision of the commission on certification shall be final and not appealable.

RULE 36.27. Specialized Docket Title.

A particular session of court that offers a therapeutically oriented judicial approach to providing court supervision and appropriate treatment to individuals may be styled a "specialized docket" only upon receipt of initial certification pursuant to Sup.R. 36.24 or final certification pursuant to Sup.R. 36.26.

RULE 36.28. Maintenance of Certification.

To maintain certification of a specialized docket issued by the Supreme Court pursuant to Sup.R. 36.26, the judge of a court of common pleas, municipal court, or county court or division of the court operating the specialized docket shall do all of the following:

(A) Attest in the form and manner as prescribed by the section that each specialized docket judge and, if applicable, magistrate assigned to the docket has completed at least six hours of specialized docket education during the certification period to promote effective specialized docket planning, implementation, and operations. The education shall be completed prior to the specialized docket judge submitting an application for recertification pursuant to Sup.R. 36.21 through 36.26;

(B) Every three years after receipt of certification or within twelve months after a change in the judge or appointed judge assigned to the specialized docket, whichever occurs first, submit an application for recertification pursuant to Sup.R. 36.21 through 36.26, subject to both of the following:

(1) The section may assign an abbreviated certification period for a new docket and for dockets that are being recertified as a result of a change in the judge assigned to the specialized docket to allow for rotating certification periods among the courts and divisions or to allow for additional technical assistance;

(2) Certification shall lapse at the conclusion of the certification period or within twelve months after a change in the judge or the appointed judge assigned to the specialized docket, whichever occurs first, unless an application for recertification has been submitted. Upon submission of an application for recertification, certification shall be automatically extended and remain effective until a determination is made on the application.

(C) Submit a "Maintenance of Certification Materials form to the section whenever any changes to the procedures, documents, or treatment providers used by the specialized docket are made after certification is issued. The form shall be in the form and manner as prescribed by the section.

RULE 36.29. Requests for Technical Assistance.

(A) Prior to achieving certification

The judge of a court of common pleas, municipal court, or county court or division of the court that is considering the formation of a specialized docket or that has submitted an application for certification pursuant to Sup.R. 36.21 may request technical assistance from the staff of the Specialized Dockets Section of the Supreme Court at any time. The judge of the court or division shall achieve compliance with the "Specialized Docket Standards" of Appendix I to this rule within a reasonable amount of time during the certification application process. The staff of the section may elect to offer technical assistance prior to issuing any formal notifications of deficiencies during the application and site review processes.

(B) During the certification period

The judge of a court or division operating a specialized docket shall maintain compliance with the "Specialized Docket Standards" of Appendix I to this rule during the entire certification period. The staff of the section shall provide technical assistance to a specialized docket upon request of the team members or staff of a specialized docket, participants in the specialized docket, or others that indicate such assistance may be necessary or beneficial to maintain compliance with the certification standards.

RULE 36.30. Requests for Extension of Time.

Prior to the expiration of a certification period, time to remedy a deficiency, or any other deadline pursuant to Sup.R. 36.20 through 36.32, the judge of a court of common pleas, municipal court, or county court or division of the court operating a specialized docket may submit a written request to the Specialized Dockets Section of the Supreme Court for an extension of time. The request shall contain the reason for the extension and specify the length of time desired. Upon receipt of the request, or when otherwise deemed advisable, the manager of the section shall have the sole discretion to issue one or more written extensions for a total period not to exceed six months. Any additional requests for extensions, or extensions requested after the expiration of the deadline, shall be subject to approval by the Commission on Specialized Dockets.

RULE 36.31. Decertification Process.

(A) Initiating a complaint

(1) The judge of a court of common pleas, municipal court, or county court or division of the court operating a specialized docket that has been certified by the Supreme Court pursuant to Sup.R. 36.26 shall maintain compliance with the "Specialized Docket Standards" of Appendix I to this rule during the entire certification period. Anyone with information alleging non-compliance with the standards may initiate a complaint process which may prompt technical assistance from the staff of the Specialized Dockets Section of the Supreme Court pursuant to Sup.R. 36.29.

(2) If technical assistance does not resolve the alleged non-compliance, a formal written complaint may be submitted to the section. The complaint shall be in the form and manner as prescribed by the section and include the name and contact information for the person filing the complaint, the judge of the court or division operating the specialized docket, identification of any and all standards in question, and the nature of the areas of non-compliance. The section shall acknowledge receipt of the complaint within ten business days of its filing by regular or electronic mail.

(3) The section shall send a copy of the complaint with a request for response to the judge of the court or division operating the specialized docket. The judge shall provide a written response to the subcommittee of the Supreme Court Commission on Specialized Dockets within thirty days.

(4) The chair and vice-chair of the Commission on Specialized Dockets shall appoint a separate subcommittee of three commission members to review each complaint submitted to the section and the written response of the judge.

(B) Recommendation on decertification

Upon receipt of the complaint and response from the judge pursuant to division (A) of this rule or upon expiration of the response deadline if no response is received, the appointed subcommittee of the Commission on Specialized Dockets shall issue a recommendation on the certification of the specialized docket. The manager shall provide notice to the judge operating the specialized docket.

(C) Review by commission

The Commission on Specialized Dockets shall review and make a determination on the recommendation of the certification of the specialized docket issued by the appointed subcommittee of the commission pursuant to division (B) of this rule. The section shall provide to the judge operating the specialized docket notice by regular or electronic mail specifying the date and time the commission will meet to review the recommendation. The notice shall also inform the judge that at the meeting a representative of the court or division may be present and offer evidence and arguments in opposition of the recommendation on decertification. The decision of the commission on decertification shall be final and not appealable.

RULE 36.32. Voluntary Discontinuance of Certification.

The judge of a court of common pleas, municipal court, or county court or division of the court operating a specialized docket may voluntary discontinue certification at any time. The judge of the court or division shall provide notification to the manager of the Specialized Dockets Section of the Supreme Court by regular or electronic mail. Voluntary discontinuance of certification shall be effective as of the date notice is received.

RULE 36.33. Magistrate Authority.

During the temporary absence or disability of the judge of a specialized docket in the general, probate, or domestic relations division of a court of common pleas; a municipal court; a county court; or a division of the court due to the vacation, illness, leave of absence, or unavailability due to judicial obligations of the judge, the following shall apply:

(A) A magistrate of the court or division may conduct treatment team meetings and status review hearings for the specialized docket;

(B) The magistrate shall act in accordance with the authority and limitations granted by this rule and the "Specialized Dockets Standards," as set forth in Appendix I to this rule;

(C) The magistrate shall have the same authority granted to the judge in conducting the proceedings of the specialized docket, excluding the imposition of jail.

RULE 37. Statistical Reports and Information.

(A) Submission of reports

The judges of a court shall submit to the Case Management Section of the Supreme Court in electronic format via the Supreme Court website reports as required by Sup.R. 37.01 through 37.03. The reporting judge, administrative judge, and preparer, if other than the reporting judge, shall be deemed to have attested to the accuracy of the report. The reports shall be as prescribed by the manager and submitted no later than the fifteenth day after the close of the reporting period.

(B) Website Credentials

The administrative judge of each court of appeals, court or division of a court of common pleas, municipal court, or county court shall take steps necessary to ensure the security of the Supreme Court website login credentials.

RULE 37.01. Courts of Appeals Reports.

(A) Presiding judge reports

The administrative judge of a court of appeals shall prepare and submit a quarterly "Presiding Judge Report" in compliance with Sup.R. 37.

(B) Judge reports

Each judge of a court of appeals shall prepare and submit a quarterly "Appellate Judge Report" which shall be submitted through the presiding or administrative judge in compliance with Sup.R. 37.

RULE 37.02. Courts of Common Pleas Reports.

(A) Judge reports

Each judge of a general, domestic relations, or juvenile division of a court of common pleas shall prepare and submit a monthly statistical report in compliance with Sup.R. 37. Each judge of a probate division of a court of common pleas shall prepare and submit a quarterly statistical report in compliance with Sup.R. 37.

(B) Assigned judge reports

Each judge temporarily assigned to a court of common pleas by the Chief Justice of the Supreme Court and each judge of a court of common pleas temporarily assigned to another division of the court by the presiding judge of the court shall prepare and submit a monthly statistical report. The reports shall be submitted to the judge for whom the assigned judge is sitting and included in that judge's report to the Case Management Section of the Supreme Court submitted by the administrative judge of the division in compliance with Sup.R. 37.

RULE 37.03. Municipal and County Court Reports.

(A) Administrative judge reports

Each administrative judge of a municipal or county court shall prepare and submit a monthly "Administrative Judge Report" in compliance with Sup.R. 37.

(B) Individual judge reports

Each judge of a municipal or county court shall prepare and submit a monthly "Individual Judge Report" in compliance with Sup.R. 37.

(C) Assigned judge reports

Each judge temporarily assigned to a municipal or county court by the Chief Justice of the Supreme Court and each judge of a municipal or county court temporarily assigned to another division of the court by the presiding judge of the court shall prepare and submit a monthly statistical report. The report shall be submitted to the judge for whom the assigned judge is sitting and included in that judge's report to the Case Management Section of the Supreme Court submitted by the administrative judge of the division in compliance with Sup.R. 37.

Staff Notes

Reports to administrative judge

Under Sup.R. 4(B)(3), the administrative judge may require reports from each judge as are necessary to discharge the overall responsibility for the administration, docket, and calendar of the court. Sup.R. 38 sets out the duties of the administrative judge with respect to the preparation of reports.

Municipal and county court reports

The Administrative Judge Report pertains to cases pending on the docket of the court which have not been individually assigned pursuant to Sup.R. 36. The preparation of this report and the review of cases required by Sup.R. 40 are the principal tools that the administrative judge uses to discharge the responsibilities under Sup.R. 4.

The timely and accurate preparation of the Individual Judge Report and the review of cases required by Sup.R. 40 provide the information necessary for the individual judge to discharge the judge's duties.

For purposes of this reporting requirement, an assigned judge may be an active or retired judge. Additionally, assigned judges, as well as acting judges, report their work in accordance with the instructions regarding the Visiting Judge column.

RULE 37.04. Reporting Standards.

The following standards shall apply in completing the statistical reports required by Sup.R. 37.01 through 37.03:

(A) In domestic relations cases, motions filed prior or subsequent to a final decree of divorce or dissolution shall be considered part of the original case and reported under the original case number;

(B) A motion filed in delinquency and unruly cases shall be considered part of the case in which the motion is filed, unless the motion is considered a separate delinquency case under R.C. 2151.02(B);

(C) A criminal case and a traffic case arising from the same act, transaction, or series of acts or transactions shall be considered separate cases.

RULE 37.05 is reserved for future use

RULE 37.06. Public Access to Submitted Reports and Information.

All reports and information submitted to the Case Management Section of the Supreme Court pursuant to Sup.R. 37 shall be available for public access pursuant to Sup.R 44 through 47.

RULE 37.07. Requests for Additional Information; Accuracy of Reports.

(A) Chief Justice requests

The Chief Justice of the Supreme Court or the Chief Justice's designee may require additional information concerning the disposition of cases and the management of the courts in order to discharge the Chief Justice's constitutional and statutory duties. All judges, clerks, and other officers of all courts shall furnish any requested information.

(B) Accuracy of reports

All judges, clerks, and other officers of all courts shall cooperate with the Case Management Section of the Supreme Court to ensure the accuracy of the reports submitted to section pursuant to Sup.R. 37.

RULE 38. Annual Case Inventory; New Judge Inventory.

(A) Definitions

As used in this rule:

(1) "Case inventory" means the review of the physical or electronic case files, as applicable, to ensure an accurate count and to evaluate the accuracy of the court's case management practice.

(2) "Case file" means the compendium of documents and information in documents submitted to a court or filed with a clerk of court in a judicial action or proceeding.

(B) Requirement

Within three months of the date of a judge taking office to the court of appeals, court of common pleas, municipal court, or county court and thereafter annually on or before October 1st, the judge shall be responsible for the completion of a case inventory of all cases reported as pending on the applicable statistical report forms filed by the judge in accordance with the instructions prescribed by the Case Management Section of the Supreme Court. If determined necessary by the judge, the judge may include in the case inventory all cases reported as closed or inactive on the applicable statistical report forms filed by the judge.

(C) Documentation of inventory

A judge shall document completion of a case inventory performed pursuant to division (B) of this rule in the appropriate space on the applicable statistical report forms.

(D) Reporting of discrepancies

A judge shall report corrections of discrepancies found during a case inventory performed pursuant to division (B) of this rule on the next statistical report form filed after the inventory is completed.

INSTRUCTIONS FOR COMPLETION OF CASE INVENTORY

New Judge Inventory.

1. Within three months of the date of a judge taking office to the court of appeals, court of common pleas, municipal court, or county court, the judge shall be responsible for the completion of a physical or electronic case inventory, as applicable, of all pending cases.

2. A case inventory involves actually reviewing the physical case files, if the court maintains paper files, or the electronic case files, if the court maintains electronic files through a case management system. A judge decides whether reviewing closed or inactive cases is necessary; however, pending cases must be reviewed. A computer-generated list of pending cases may be used to identify the pending cases which must be physically or electronically retrieved and reviewed.

3. Once the physical or electronic case files, as applicable, are retrieved, a judge should review each file and do the following:

    a. Identify cases in which a conflict of interest exists and therefore must be reassigned to another judge of the court or assigned to a visiting judge;

    b. Identify cases that lack a next scheduled event date;

    c. Identify cases that should be terminated or closed for purposes of reporting on the Supreme Court of Ohio Statistical Report Form;

    d. Identify cases that are ripe for settlement or resolution prior to the scheduled trial date;

    e. Identify cases that have been incorrectly classified on a previous report.

4. A judge shall document completion of the case inventory in the space provided on the applicable statistical report form by indicating the date the most recent case inventory was completed.

5. A judge may amend any report the judge's predecessors previously submitted. For example, a case inventory performed pursuant to Sup.R. 38 might reveal cases that are pending that were not previously being reported as such or cases that had been previously reported as pending which in fact have been terminated. In these and similar instances, the report preparer (if other than the judge) should confer with the reporting judge to determine the best solution for resolving the discrepant pending case counts or contact the Case Management Section for assistance. The most important goal is to ensure good quality data going forward.

Annual Case Inventory.

1. The judge shall be responsible for annually completing a physical or electronic case inventory, as applicable, of all pending cases.

2. A case inventory involves actually reviewing the physical case files, if the court maintains paper files, or the electronic case files, if the court maintains electronic files through a case management system. A judge decides whether reviewing closed or inactive cases is necessary; however, pending cases must be reviewed. A computer-generated list of pending cases may be used to identify the pending cases which must be physically or electronically retrieved and reviewed.

3. Once the physical or electronic case files, as applicable, are retrieved, a judge should review each file and do the following:

    a. Identify cases that lack a next scheduled event date;

    b. Identify cases that should be terminated or closed for purposes of reporting on the Supreme Court of Ohio Statistical Report Form;

    c. Identify cases that are ripe for settlement or resolution prior to the scheduled trial date;

    d. Identify cases that have been incorrectly classified on a previous report.

4. A judge shall document completion of the case inventory in the space provided on the applicable statistical report form by indicating the date the most recent case inventory was completed.

5. A judge may amend any report the judge's predecessors previously submitted. For example, a case inventory performed pursuant to Sup.R. 38 might reveal cases that are pending that were not previously being reported as such or cases that had been previously reported as pending which in fact have been terminated. In these and similar instances, the report preparer (if other than the judge) should confer with the reporting judge to determine the best solution for resolving the discrepant pending case counts or contact the Case Management Section for assistance. The most important goal is to ensure good quality data going forward.

RULE 39. Case Time Limits.

(A) Appellate and civil case time limits. The time limits for disposition of appellate and civil cases shall be as indicated on the Supreme Court report forms.

(B) Criminal case time limits.

(1) General. In common pleas court, ninety-five percent of all criminal cases shall be tried within nine months of the date of arraignment on an indictment or information. In municipal and county court, all criminal cases shall be tried within the time provided in R.C. Chapter 2945. Whenever a hearing or trial time is extended or shortened pursuant to R.C. 2945.72 or Crim.R. 5 or 45, the judge shall state the reason for the change in an order and journalize the order.

(2) Grand jury proceedings. When an accused has been bound over to a grand jury and no final action is taken by the grand jury within sixty days after the date of the bindover, the administrative judge of the court or division of the court shall dismiss the charge unless for good cause shown the prosecuting attorney is granted a continuance for a definite period of time.

(3) Felony preliminary hearing. A preliminary hearing in a felony case shall be held within two months of the date of arrest or the date of issuance of the summons in ninety-five percent of felony cases.

(4) Sentencing. Provided the defendant in a criminal case is available, the court shall impose sentence or hold a sentencing hearing with all parties present within fifteen days of the verdict or finding of guilt or receipt of a completed pre-sentence investigation report. Any failure to meet this time standard shall be reported to the administrative judge, who shall take the necessary corrective action. In a single judge division, the failure shall be reported by the judge to the Case Management Section, which shall refer the matter to the Chief Justice of the Supreme Court for corrective action.

(5) Post-conviction relief petitions; death penalty cases. All post-conviction relief petitions filed in death penalty cases shall be ruled upon within one hundred eighty days of the date of filing. In any month where a post-conviction relief petition in a death penalty case is filed, pending, or terminated, the administrative judge shall submit the Post-Conviction Relief Petition Report detailing the status of the petition.

(C) Reporting. Any failure to comply with the time limits specified in this rule, and the reason for the failure, shall be reported immediately to the administrative judge, who shall take the necessary corrective action. In a single-judge court or division, the failure shall be reported by the judge to the Case Management Section. The Case Management Section shall report to the Chief Justice, who may take such action as may be necessary to cause the delinquent case to be tried forthwith.

(D) Dismissal and refiling of cases. A judge shall not order, instruct, or otherwise direct, suggest, encourage, or request a party or attorney to dismiss and subsequently refile a case in order to avoid failure by the judge to comply with the time limits specified in this rule.

Commentary (July 1, 1997)

Rule 39 consolidates the time limits contained in former C.P. Sup. R. 8 and 8.01 and M.C. Sup. R. 5. The provisions of C.P. Sup. R. 8.01(B) have been moved to Rule 42. Division (B)(5) is a new time guideline and reporting requirement.

The time limits applicable to criminal cases are for the purpose of facilitating the prompt disposition of criminal cases. These time limits in no way affect the statutorily mandated limits contained in R.C. 2945.71. However, the failure to dispose of cases within these time guidelines may result in intervention by the Chief Justice. While the administrative guidelines set out in Rule 8(B) are keyed to the date of arraignment, the requirement of R.C. 2945.71 begins to run from the date of arrest.

Although criminal cases are not reported as filed on Common Pleas Form A until the accused is arraigned on an indictment or information, the responsibility of the court of common pleas for the processing of the case beings upon receipt of the papers in the case pursuant to Crim. R. 5 (B)(7). When no final action has been taken by a grand jury within sixty days after bindover, the court or administrative judge should dismiss the charge unless the prosecutor is, for good cause, granted a continuance. The key date for purposes of division (B)(2) is the date of bindover. Thus, the summoning of a grand jury under Crim. R. 8 should not be unduly delayed. Although R.C. 2945.71 does not mandate a time limit for completion of the grand jury process, the statutory time limit runs from the date of arrest, including time taken in the grand jury process.

The dismissal contemplated by division (B)(2) is not a dismissal with prejudice.

Crim. R. 5(B)(1) provides time guidelines for preliminary hearings only. Crim. R. 5(A)(2) and 5(B)(1) each contain provisions pertaining to the extension of preliminary hearing time limits. Crim. R. 45(A) explains the method to be used in computing time. Crim. R. 45(B) provides for the enlargement or reduction of time provisions.

Division (B)(1) provides for the journalization of all actions taken pursuant to section 2945.72 of the Revised Code, Crim. R. 5(A)(2), 5(B)(1) or 45(B), which either extend or shorten the time periods provided in section 2945.71 of the Revised Code or Crim. R. 5. The journal entry must include the fact of the extension or shortening of time and a statement of the reasons therefor to provide a record should any question arise concerning compliance with section 2945.71 of the Revised Code.

Rule 39(B)(4) Sentencing

If the defendant is available, the court must take action within fifteen days of the verdict or finding of guilty or within fifteen days of the receipt of a completed presentence investigation report. This action may be to impose sentence, to place on probation, or to hold a hearing on the report.

Although R.C. 2945.71 is satisfied if the accused is brought to trial within the appropriate period from arrest, the Form A report keys termination to the sentencing or granting of probation. Thus, the nine month guidelines contained on the report form includes any period of time between the commencement of trial and the imposition of sentence.

Failure to meet the time standard of this section must be reported to the administrative judge for corrective action. In a single judge division, any failure is to be reported to the Case Management Section.

The fifteen day time limit of division (B)(4) of this rule should not be confused with the requirement of Sup. R. 7 that the journal entry be made within thirty days of the judgment.

Rule 39(B)(5) Post-conviction relief petitions; death penalty cases

Prior to July 1997, no reporting requirements existed for post-conviction relief petitions, and these petitions were treated as motions in previously terminated cases. In view of the public policies reflected by the November 1994 constitutional amendment abolishing intermediate appeals in death penalty cases and legislation affecting post-conviction relief actions (Am. Sub. S.B. 4 of the 121st General Assembly, effective September 21, 1995), it is imperative that courts provide timely consideration of death penalty cases and ensuing post-conviction relief petitions in those cases. To assist in the management of post-conviction relief petitions in death penalty cases, division (B)(5) of this rule establishes a one hundred eighty day time guideline for the disposition of these petitions and provides for the monthly reporting of the status of the petitions. The one hundred eighty day time guideline is identical to the guideline contained in Rule 35 of the Ohio Rules of Criminal Procedure, effective July 1, 1997.

Although the assigned judge is ultimately responsible for the termination of the case and is so designated on the report form, the administrative judge is responsible for tracking and reporting the status of these petitions.

Rule 39(C) Reporting

The time limits imposed by this rule are for administrative purposes only. Failure to comply with these time limits does not give rise to the sanctions imposed by R.C. 2945.71. However, failure to dispose of cases within these times limits may result in the intervention of the administrative judge and the Chief Justice.

The reports required by this rule should be submitted monthly to the administrative judge or the Case Management Section. A case should be listed on this report for each month during which it is delinquent.

Although no specific form is prescribed for this report, it should contain, at a minimum, the style of the case, the offense charged, the date of its filing, an explanation of the delay in disposition, and the date on which it is anticipated that the case will be completed.

Failure to meet the time standard of this section must be reported to the administrative judge for corrective action. In a single-judge division, any failure is to be reported to the Case Management Section.

RULE 40. Review of Cases; Dismissal; Rulings on Motions and Submitted Cases.

(A) Review; dismissal; rulings.

(1) Each trial judge shall review, or cause to be reviewed, all cases assigned to the judge. Cases that have been on the docket for six months without any proceedings taken in the case, except cases awaiting trial assignment, shall be dismissed, after notice to counsel of record, for want of prosecution, unless good cause be shown to the contrary.

(2) All cases submitted for determination after a court trial shall be decided within ninety days from the date the case was submitted.

(3) All motions shall be ruled upon within one hundred twenty days from the date the motion was filed, except as otherwise noted on the report forms.

(4) All child support hearings involving an obligor or obligee called to active military service in the uniformed services, as defined in section 3119.77 of the Revised Code, shall be heard within thirty days from the date the court receives notice that the obligor or oblige has requested a hearing.

(B) Reporting.

(1) Each judge shall report to the administrative judge decisions that have not been ruled upon within the applicable time period. The administrative judge shall confer with the judge who has motions pending beyond the applicable time period and shall determine the reasons for the delay on the rulings. If the administrative judge determines that there is no just cause for the delay, the administrative judge shall seek to rectify the delay within sixty days. If the delay is not rectified within sixty days, the administrative judge shall report the delay to the Case Management Section of the Supreme Court.

(2) In a single-judge court, if the judge has not rectified the delay, the judge shall report the delay in the rulings to the Case Management Section within one hundred eighty days from the date of the filing of the overtime motion or the submission of the case.

(3) All reports submitted to the administrative judge and the Case Management Section under this rule shall be available for public access pursuant to Sup. R. 44 through 47.

(C) Assigned judges. The provisions of this rule apply to judges sitting by assignment of the Chief Justice of the Supreme Court.

Commentary (July 1, 1997)

Rule 40 is identical to former C.P. Sup. R. 6 and M.C. Sup. R. 6.

Rule 40(A) Review; dismissal; rulings

Each trial judge is required to periodically review all cases assigned to the judge. This requirement applies to civil and criminal cases. The dismissal sanction does not apply in criminal cases because it is overridden by Rule 39 and by R.C. 2945.73, which contain specific provisions as to criminal cases. The review may be conducted personally or be done under the direction of the judge.

The purpose of the review of assigned cases is to: (1) identify and dismiss those cases that have been on the docket for six months without any activity or action being taken; (2) dismiss those inactive cases for want of prosecution; and (3) bring to the attention of each judge those matters which are pending and require decision.

"Been on the Docket" as used in the rule means pending, that is, being on the appearance docket. It does not refer to being on the trial docket for six months.

"Except cases awaiting trial assignment" does not refer to cases that are not yet placed on the trial docket by reason of the issues not being made up or that are awaiting the next establishment of the trial docket. It refers to those cases that are ready for trial but have not been tried because of the volume of cases in the court. The exception exists to prevent the dismissal of those cases where the delay is not the responsibility of the parties or their counsel.

"Without any proceedings taken in the case" means a case that has been totally inactive as revealed by the appearance docket and the case file. The absence of appearance docket entries over a six-month period indicates a case either is ready for trial or is an inactive case.

Dismissal is not summary; notice to the parties or counsel is a condition precedent. The notice is not limited to plaintiff's counsel, but must go to the counsel of record for all parties. Ordinary mail notice suffices under the rule. The return of ordinary mail notice should not be permitted to frustrate the action of the court.

Counsel is required to provide counsel's address with all pleadings and motions; Civ. R. 11. The address must be kept current so that the notice requirements of the Civil Rules function throughout the litigation. The requirement of notice to counsel is not a requirement for an oral hearing on the matter of dismissal. Such a requirement does not appear in the rule and does not appear in Civ. R. 41(B)(1) (dismissal for failure to prosecute). An oral hearing may be conducted. The notice issued by the court may set a time period within which counsel can show cause as to why the action should not be dismissed.

The control and supervision of the docket is the responsibility of the administrative judge. The administrative judge must rely on the individual judges in implementing this assignment. The review, with its sanction of dismissal, is a powerful tool in keeping cases moving and dockets current.

"For want of prosecution", as used in the rule, does not limit the dismissal of cases to those situations where the inactivity is directly attributable to the plaintiff. When a defendant fails to take a required step, the plaintiff, under the Civil Rules, has an available remedy. If the plaintiff files a complaint and the defendant does not answer, and the court finds no proceedings taken for six months, the court may dismiss the case for want of prosecution because the plaintiff could have prosecuted the case by seeking a default judgment. The rule is an example of the intent of the rules of superintendence to expedite the disposition of cases.

Each trial judge is required by the rule to review, or cause to be reviewed, all pending motions and cases that have been submitted to the judge for determination following court trial.

As to motions, the applicable time period begins to run on the day the motion is filed or made. As to cases submitted, the ninety days runs from the day the trial is ended or, if applicable, the day all post-trial pleadings have been filed.

Rule 40 (B) Reporting

Each trial judge is required to report to the administrative judge motions and submitted cases pending beyond the applicable time period. If the administrative judge is unable to resolve the delay, or, in a single judge court, the matter is referred to the Case Management Section for reporting to the Chief Justice for corrective action.

Rule 40(C) Assigned judges

Visiting judges and retired judges sitting by assignment of the Chief Justice are subject to the applicable time periods for disposition of motions and submitted cases, and to the reporting requirements of this rule.

Commentary (July 4, 2005)

The 2005 amendment to Rule 40(A) added an expedited process for hearings regarding child support orders for those called to active military service pursuant to Amended Substitute House Bill 149 (eff. 06/02/04).

RULE 41. Conflict of Trial Court Assignment Dates, Continuances and Engaged Counsel.

(A) Continuances; granting of. The continuance of a scheduled trial or hearing is a matter within the sound discretion of the trial court for good cause shown.

No party shall be granted a continuance of a trial or hearing without a written motion from the party or counsel stating the reason for the continuance, endorsed in writing by the party as well as counsel, provided that the trial judge may waive this requirement upon a showing of good cause. No court shall grant a continuance to any party at any time without first setting a definite date for the trial or hearing.

When a continuance is requested by reason of the unavailability of a witness at the time scheduled for trial or hearing, the court shall consider the feasibility of resorting to the several methods of recording testimony permitted by Civil Rule 30(B) and authorized for use by Civil Rule 32(A)(3).

(B) Conflict of Trial Date Assignments

(1) When a continuance is requested for the reasons that counsel is scheduled to appear in another case assigned for trial on the same date in the same or another trial court of this state, the case which was first set for trial shall have priority and shall be tried on the date assigned. Criminal cases assigned for trial have priority over civil cases assigned for trial. The court should not consider any motion for a continuance due to a conflict of trial assignment dates unless a copy of the conflicting assignment is attached to the motion and the motion is filed not less than thirty days prior to trial.

(2) Except as provided in division (B)(3) of this rule, a continuance shall be granted, upon request, under either of the following circumstances:

(a) A party, counsel, or witness under subpoena is scheduled to appear on the same date at a hearing before the Board of Professional Conduct of the Supreme Court as a member of the Board, as a party, as counsel for a party, or as a witness under subpoena for the hearing;

(b) Counsel requesting the continuance will be unavailable to participate in the judicial proceeding because counsel is a member of the General Assembly whose attendance is required at a scheduled voting session or committee meeting of the General Assembly.

(3) In considering a continuance requested pursuant to division (B)(2)(b) of this rule, the court may require counsel to obtain the consent of the client and provide notice to all other parties to the action. The court may deny the requested continuance if either or both of the following apply:

(a) Counsel has been granted prior continuances in the same case based on attendance at scheduled voting sessions or committee meetings of the General Assembly;

(b) The court determines that further delay in the proceeding would result in substantial prejudice to a party.

(C) Engaged counsel. If a designated trial attorney has a number of cases assigned for trial in courts of this state that causes undue delay in the disposition of the cases, the administrative judge may summon the trial attorney who persistently requests continuances and extensions to warn the attorney of the possibility of sanctions and to encourage the attorney to make necessary adjustments in the management of his or her practice. Where such measures fail, the administrative judge may impose restrictions on the number of cases in which the attorney may participate at any one time.

(D) Continuances; reporting. Trial continuances shall be reported on a monthly basis to the administrative judge. Where a judge is persistently and unreasonably indulgent in granting continuances or extensions, the administrative judge shall investigate the reasons for the excessive continuances and take appropriate corrective action at the local level. If corrective action at the local level is unsuccessful, the administrative judge shall report that fact to the Case Management Section of the Supreme Court. If it comes to the attention of the Case Management Section that the judge of a single-judge division is persistently and unreasonably indulgent in granting continuances, it shall report the information to the Chief Justice, who shall take appropriate corrective action.

Commentary (July 1, 1997)

Rule 41 consolidates the provisions of former C.P. Sup. R. 7 and M.C. Sup. R. 16.

Rule 41(A) Continuances; granting of

Division (A) provides that the granting of a continuance is within the sound discretion of the court, and only upon a showing of good cause.

Written motion must be filed specifying the reason for the continuance. The motion must be signed by the party requesting the continuance, as well as their counsel. The requirement that the motion be signed by the party may be waived by the trial judge, for good cause. If a continuance is granted, the court shall, at that time, reset the trial or hearing for a definite date.

If a continuance is requested because of the unavailability of a witness, the court is required to consider the feasibility of recording testimony as permitted by Civ. R. 30(B).

The standards relating to court delay reduction adopted by the American Bar Association focus, to a great extent, upon the limitation of continuances as a means of expediting case dispositions.

Rule 41(B) Conflict of trial assignment dates

Division (B) sets priorities among all trial courts for resolution of conflicts when counsel is assigned for trial in more than one court on the same date.

When a continuance is requested by reason of conflict, the case first set for trial is to be given priority and tried on the date assigned. Priority is dependent on firm assignment for trial. Thus, a general policy of early assignment to achieve priority would be inconsistent with the purpose of this rule. Within this general system, criminal cases assigned for trial are to be accorded priority over civil cases.

Attached to the motion for a continuance should be a copy of the conflicting assignment, and the motion should be filed not less than thirty days prior to the trial sought to be continued. These provisions are not mandatory, and there may be situations where compliance with one or both is not possible.

Rule 41(C) Engaged counsel

Division (C) gives the administrative judge authority to restrict the number of cases that an attorney may handle at one time if trial counsel has so many cases assigned for trial that undue delay is caused in the disposition of those cases.

Rule 41(D) Continuances; reporting

Division (D) of this rule requires the administrative judge to take action if it appears that a judge grants an inappropriate number of continuances. The administrative judge shall first take corrective action at the local level. If that action is not successful, the administrative judge has the duty to refer the matter to the Case Management Section. The Case Management Section also has the responsibility to refer any matter to the Chief Justice for corrective action if it is brought to its attention that the judge of a single-judge division or court appears to be granting an inappropriate number of continuances.

RULE 42. Complex Litigation--Court of Common Pleas.

(A) Complex litigation determination. An attorney representing a party to an action filed in the general division of the court of common pleas may request that the case be designated as complex litigation. The attorney filing the request shall certify that the attorney has approval from his or her client to file the request. In determining whether a case shall be designated as complex litigation, the judge to whom the case is assigned shall consider all of the following:

(1) Number of parties involved;

(2) Whether a class action is involved;

(3) Whether it is a products liability case;

(4) Whether there are other related cases involving unusual multiplicity or complexity of factual or legal issues;

(5) Extent of discovery necessary to prepare the case for trial;

(6) Number or availability of parties and witnesses for trial;

(7) Any endorsement of or objections to the request from an opposing party or counsel for an opposing party.

(B) Complex litigation determination--judicial. The judge to whom the case is assigned may designate a case as complex litigation without a request from an attorney representing a party to the action. The designation shall be made after the judge considers the factors set forth in divisions (A)(1) to (7) of this rule.

(C) Time; reporting. A designation of a case as complex litigation pursuant to division (A) or (B) of this rule shall be made within six months of the date on which the case was filed. If a case is designated as complex litigation, the judge shall submit to the Case Management Section of the Supreme Court a report specifying the reasons for the designation of the case as complex litigation. The judge shall include the case in the statistical report submitted pursuant to Sup.R. 37.02(A) under the category of complex litigation. The judge shall have thirty-six months from the date of filing to terminate the case.

(D) Authority of the Chief Justice. The Case Management Section shall periodically report the designation of cases as complex litigation to the Chief Justice of the Supreme Court, who may decide that a case should not be classified as complex litigation. If the Chief Justice determines that a case should not be classified as complex litigation, the Case Management Section shall notify the judge who shall remove the case from the complex litigation docket and notify the parties.

Commentary (July 1, 1997)

This rule is analogous to former C.P. Sup. R. 8.01(B). No changes were made in the 1997 amendments to the Rules of Superintendence.

Commentary (January 1, 1996 Amendment)

Two significant changes have been made to this rule pertaining to complex litigation. First, counsel and the trial judge are in the best position to assess the factors set forth in division (A)(1) to (7) of the rule and determine whether the case merits designation as complex litigation. Accordingly, the process of designating a case as complex litigation is revised to allow an attorney, with the consent of his or her client, to make a request and to have the designation made by the trial judge. The trial judge also may designate a case as complex litigation without a request from counsel. Through Sup. R. 4 and by reviewing and signing Common Pleas Report Form A, the administrative judge of the general division will continue to monitor complex litigation determinations and ensure uniform application of the criteria throughout the division. If the trial judge is considering the designation of a case as complex litigation without a request from counsel, he or she should inform the parties of that fact and the significance of the designation. Once a determination has been made, the judge should notify the parties.

The second revision extends the time for making a complex litigation determination from ninety days to six months. Under the former rule, the complexities of a case often were not apparent within three months of filing, and the additional three months provided by this rule will allow for a more complete and accurate assessment and designation.

RULE 43. Case Numbering--Municipal and County Court.

(A) Method. When filed in the clerk's office, cases shall be categorized as civil, criminal, or traffic and serially numbered within each category on an annual basis beginning on the first day of January of each year. Cases shall be identified by year and by reference to the case type designator on the administrative judge report. Additional identifiers may be added by local court rule.

(B) Multiple defendants or charges in criminal cases. (1) In criminal cases, including traffic cases, all defendants shall be assigned separate case numbers.

(2) Where a defendant is charged with a misdemeanor and a traffic offense, the defendant shall be assigned separate case numbers pursuant to Sup. R. 37.04(C). The category selected for the case number and its case type designator shall be that of the offense having the greatest potential penalty.

(3) Where as a result of the same act, transaction, or series of acts or transactions, a defendant is charged with a felony or felonies and a misdemeanor or misdemeanors, including traffic offenses, the defendant shall be assigned separate case numbers, one for the felony or felonies and one for each other type of offense pursuant to Sup. R. 37.04(C). The category selected for the case number and its case type designator shall be that of the offense having the greatest potential penalty.

Commentary (July 1, 1997)

Rule 43 is analogous to former M.C. Sup. R. 12(E).

Rule 43(A) Method

This division provides the basis for the case numbering system to be used by all courts to which these rules are applicable. The rule states the following minimum requirements:

(a) All cases must be categorized as civil, criminal, or traffic;

(b) All cases must be serially numbered within one of the three categories listed above on an annual basis;

(c) All cases must be identified by year;

(d) All cases must be identified with the appropriate alphabetic case type designator from the Administrative Judge Report.

The civil case category is used for Personal Injury and Property Damage cases, Contracts cases, F.E.D. cases, Other Civil cases and Small Claims cases. The criminal case category is used for Felony cases and non-traffic Misdemeanor cases. The traffic case category is used for O.M.V.I. cases and for all Other Traffic cases. Definitions of these case types are contained in the comment concerning preparation of the Administrative Judge Report.

The numbering system can be explained by example. If the first case filed in 2000 is a felony, its case number would be 00-CR-A-00001. The "00" is the year reference. The "CR" is the criminal case

category reference. The “A” is the reference to the case type column on the Administrative Judge Report. The “00001” is the serial number for 2000 within the criminal case category. If the second case filed is a non-traffic misdemeanor, it would be numbered 00-CR-B-00002. If the third case filed is a driving under the influence case, it would be numbered 00-TR-C-00001.

(Note that this is the first serial number for 2000 in the traffic category.) If the fourth case filed is an Other Traffic case, it would be numbered 00-TR-D-00002. If the fifth case filed is a Personal Injury or Property Damage case, it would be numbered 00-CV-E-00001.

There are certain circumstances in which a case has been reported in one column on the Administrative Judge Report and the need subsequently arises for the case to be moved to another column.

Since the case designation on the Administrative Judge Report corresponds to the alphabetic designator segment of the case number, the alphabetic designator in the case number must be changed to reflect the change made on the Administrative Judge Report. This is the only segment of the case number which should ever be altered once a number is assigned. The combination of the year, category, and serial number form a unique number to identify a particular case. No matter what the alphabetic designator is, there should never be more than one case which has the same combination of year, category, and serial number. Thus, the alteration of the alphabetic designator segment cannot effect the uniqueness of the number.

The changes in the report and case number can be illustrated by the following example: Assume that a Small Claims case is filed. It is assigned the number 00-CV-I-00006. It is reported as filed on the Administrative Judge Report and is shown as pending at the end of the report period. After the close of the report period the defendant files a counterclaim on a contract which exceeds the jurisdiction of the small claims division. The following action would be taken pursuant to the case numbering rule and the monthly report form requirements:

(a) The case would be listed as terminated by transfer on line 7 of Column I, Administrative Judge Report;

(b) The case would be shown as transferred in on line 3 of Column F, Administrative Judge Report;

(c) The case number would be changed from 00-CV-I-00006 to 00-CV-F-00006;

(d) The case would be shown as terminated by transfer to an individual judge on line 7, Column F, Administrative Judge Report; and,

(e) The case would be shown as a new case filed on line 2, Column F, Individual Judge Report.

The last sentence of Rule 43(A) provides that courts may add additional identifiers to suit their needs. For example, an identifier for the judge to whom the case is assigned, or an identifier for the degree of misdemeanor charged, may be added.

Rule 43(B) Multiple defendants or charges in criminal cases

Under division (B), each criminal defendant is assigned at least one case number.

Multiple defendants charged with the same offense arising out of the same act or transaction or series of acts or transactions receive separate case numbers. Where there are multiple defendants, they may be charged in a single complaint or each may be charged by separate complaints. In any event, each defendant is assigned a separate case number and a copy of the complaint is placed in the defendant’s file.

Where one defendant is charged with more than one offense arising from the same act or transaction or series of acts or transactions, the defendant will be assigned separate case numbers pursuant to Rule 37.04(C). If the offenses charged fall in more than one category, *e.g.,* both criminal and traffic, the case number assigned will correspond to the category. If the offenses charged fall into one category, *e.g.,* traffic, but could be listed in more than one column on the Administrative Judge Report, then the case number assigned will be that of the offense which has the greatest potential penalty. For example, a defendant charged with O.M.V.I. and with a traffic offense other than O.M.V.I. would be assigned the case number of the offense having the greatest potential penalty.

Where a defendant is charged with more than one offense arising out of the same act or transaction or series of acts or transactions and one or more but not all of the offenses charged are felonies, case numbers for each offense type are assigned. One number is for the felony or felonies, and the other numbers are for each of the non-felony offense types. For example, a multi-count indictment that includes two felonies, two misdemeanors, and two traffic offenses would result in the assignment of three case numbers. In determining what number to assign to the non-felony offenses, the normal rule described above in this Comment is applied.

The criminal case numbering rule is illustrated by the following example. Assume that a defendant is charged with aggravated assault under section 2903.12(A)(2) of the Revised Code, disorderly conduct under section 2917.11(B)(2) of the Revised Code, menacing under section 2903.22(A) of the Revised Code, and driving under the influence of alcohol under section 4511.19 of the Revised Code. Three case numbers are assigned to this defendant as follows:

00-CR-A-00895.
Charge: Aggravated assault, R.C. 2903.12(A)(2)

00-CR-B-000896.
Charge: Disorderly conduct, R.C. 2917.11(B)(2),
Menacing, R.C. 2903.22(A)

00-TR-C-001334.
Charges: Operating a motor vehicle under the influence of alcohol, R.C. 4511.19

The first case number is for the offense of aggravated assault, which is a felony. The rule states that a felony charged against a defendant will always receive a case number separate from any non-felony offenses charged which occur from the same act or transaction or series of acts or transactions. The “CR” indicates that the case is in the criminal category and the “A” indicates that the case is reported in the Felonies column of the Administrative judge Report.

The second case number is for all the other criminal offenses. The third case number is for all the traffic offenses. The case number assigned is determined by comparing the potential penalties for the offenses charged. The case number is assigned based upon the offenses charged. In the example given, the offenses are as follows:

Driving under the influence of alcohol - imprisonment for six months. R.C. 2929.21(B)(1)

Disorderly conduct - fine of not more than $100. R.C. 22929.21(D)

Menacing - imprisonment for thirty days. R.C. 2929.21(B)(4)

In the example, the case number assigned is 00-TRC-001334 and 00-CR-B-000896. The “TR” represents the Traffic category and the “C” represents the O.M.V.I. column on the Administrative Judge Report. The “CR” represents the Criminal category and the “B” represents the misdemeanor column on the Administrative Judge Report. Regardless of the number of offenses, there will never be more than three case numbers for a defendant stemming from one incident.

Rule 43(B) is designed to make the case numbering system consistent with the reporting requirements established by Rule 37.03. If this rule is utilized properly, less bookkeeping will be needed to complete the review of pending cases required by Rule 40, and the record keeping necessary under the individual assignment system will be simplified.

RULE 44. Court Records - Definitions.

In addition to the applicability of these rules as described in Sup. R. 1, Sup. R. 44 through 47 apply to the Supreme Court.

As used in Sup. R. 44 through 47:

(A) "Actual cost" means the cost of depleted supplies; records storage media costs; actual mailing and alternative delivery costs, or other transmitting costs; and any direct equipment operating and maintenance costs, including actual costs paid to private contractors for copying services.

(B) "Court record" means both a case document and an administrative document, regardless of physical form or characteristic, manner of creation, or method of storage.

(C)(1) "Case document" means a document and information in a document submitted to a court or filed with a clerk of court in a judicial action or proceeding, including exhibits, pleadings, motions, orders, and judgments, and any documentation prepared by the court or clerk in the judicial action or proceeding, such as journals, dockets, and indices, subject to the exclusions in division (C)(2) of this rule.

(2) The term "case document" does not include the following:

(a) A document or information in a document exempt from disclosure under state, federal, or the common law;

(b) Personal identifiers, as defined in division (H) of this rule;

(c) A document or information in a document to which public access has been restricted pursuant to division (E) of Sup. R. 45;

(d) Except as relevant to the juvenile's prosecution later as an adult, a juvenile's previous disposition in abuse, neglect, and dependency cases, juvenile civil commitment files, post-adjudicatory residential treatment facility reports, and post-adjudicatory releases of a juvenile's social history;

(e) Notes, drafts, recommendations, advice, and research of judicial officers and court staff;

(f) Forms containing personal identifiers, as defined in division (H) of this rule, submitted or filed pursuant to division (D)(2) of Sup. R. 45;

(g) Information on or obtained from the Ohio Courts Network, except that the information shall be available at the originating source if not otherwise exempt from public access;

(h) In a court of common pleas or a division thereof with domestic relations or juvenile jurisdiction, the following documents, including but not limited to those prepared pursuant to R.C. 2151.281, 3105.171(E)(3), and 3109.04 and Sup.R. 48:

(i) Health care documents, including but not limited to physical health, psychological health, psychiatric health, mental health, and counseling documents;

(ii) Drug and alcohol use assessments and pre-disposition treatment facility reports;

(iii) Guardian ad litem reports, including collateral source documents attached to or filed with the reports;

(iv) Home investigation reports, including collateral source documents attached to or filed with the reports;

(v) Child custody evaluations and reports, including collateral source documents attached to or filed with the reports;

(vi) Domestic violence risk assessments;

(vii) Supervised parenting time or companionship or visitation records and reports, including exchange records and reports;

(viii) Financial disclosure statements regarding property, debt, taxes, income, and expenses, including collateral source documents attached to or filed with records and statements;

(ix) Asset appraisals and evaluations.

(D) "Case file" means the compendium of case documents in a judicial action or proceeding.

(E) "File" means to deposit a document with a clerk of court, upon the occurrence of which the clerk time or date stamps and dockets the document.

(F) "Submit" means to deliver a document to the custody of a court for consideration by the court.

(G)(1) "Administrative document" means a document and information in a document created, received, or maintained by a court that serves to record the administrative, fiscal, personnel, or management functions, policies, decisions, procedures, operations,

organization, or other activities of the court, subject to the exclusions in division (G)(2) of this rule.

(2) The term "administrative document" does not include the following:

(a) A document or information in a document exempt from disclosure under state, federal, or the common law, or as set forth in the Rules for the Government of the Bar;

(b) Personal identifiers, as defined in division (H) of this rule;

(c) A document or information in a document describing the type or level of security in a court facility, including a court security plan and a court security review conducted by a local court, the local court's designee, or the Supreme Court;

(d) An administrative or technical security record-keeping document or information;

(e) Test questions, scoring keys, and licensing, certification, or court-employment examination documents before the examination is administered or if the same examination is to be administered again;

(f) Computer programs, computer codes, computer filing systems, and other software owned by a court or entrusted to it;

(g) Information on or obtained from the Ohio Courts Network, except that the information shall be available at the originating source if not otherwise exempt from public access;

(h) Data feeds by and between courts when using the Ohio Courts Network.

(H) "Personal identifiers" means social security numbers, except for the last four digits; financial account numbers, including but not limited to debit card, charge card, and credit card numbers; employer and employee identification numbers; and a juvenile's name in an abuse, neglect, or dependency case, except for the juvenile's initials or a generic abbreviation such as "CV" for "child victim."

(I) "Public access" means both direct access and remote access.

(J) "Direct access" means the ability of any person to inspect and obtain a copy of a court record at all reasonable times during regular business hours at the place where the record is made available.

(K) “Remote access” means the ability of any person to electronically search, inspect, and copy a court record at a location other than the place where the record is made available.

(L) “Bulk distribution” means the distribution of a compilation of information from more than one court record.

(M)(1) “New compilation” means a collection of information obtained through the selection, aggregation, or reformulation of information from more than one court record.

(2) The term “new compilation” does not include a collection of information produced by a computer system that is already programmed to provide the requested output.

RULE 45. Court Records – Public Access.

(A) Presumption of public access

Court records are presumed open to public access.

(B) Direct access

(1) A court or clerk of court shall make a court record available by direct access, promptly acknowledge any person's request for direct access, and respond to the request within a reasonable amount of time.

(2) Except for a request for bulk distribution pursuant to Sup. R. 46, a court or clerk of court shall permit a requestor to have a court record duplicated upon paper, upon the same medium upon which the court or clerk keeps it, or upon any other medium the court or clerk determines it can be reasonably duplicated as an integral part of its normal operations.

(3) A court or clerk of court shall mail, transmit, or deliver copies of a requested court record to the requestor within a reasonable time from the request, provided the court or clerk may adopt a policy allowing it to limit the number of court records it will mail, transmit, or deliver per month, unless the requestor certifies in writing that the requestor does not intend to use or forward the records, or the information contained in them, for commercial purposes. For purposes of this division, "commercial" shall be narrowly construed and does not include news reporting, the gathering of information to assist citizens in the understanding of court activities, or nonprofit educational research.

(4) A court or clerk of court may charge its actual costs incurred in responding to a request for direct access to a court record. The court or clerk may require a deposit of the estimated actual costs.

(C) Remote access

(1) A court or clerk of court may offer remote access to a court record. If a court or clerk offers remote access to a court record and the record is also available by direct access, the version of the record available through remote access shall be identical to the version of the record available by direct access, provided the court or clerk may exclude an exhibit or attachment that is part of the record if the court or clerk includes notice that the exhibit or attachment exists and is available by direct access.

(2) Nothing in division (C)(1) of this rule shall be interpreted as requiring a court or clerk of court offering remote access to a case document in a case file to offer remote access to other case documents in that case file.

(3) Nothing in division (C)(1) of this rule shall be interpreted as prohibiting a court or clerk of court from making available on a website any court record that exists only in electronic form, including an on-line journal or register of actions.

(D) Omission of personal identifiers prior to submission or filing

(1) When submitting a case document to a court or filing a case document with a clerk of court, a party to a judicial action or proceeding shall omit personal identifiers from the document.

(2) When personal identifiers are omitted from a case document submitted to a court or filed with a clerk of court pursuant to division (D)(1) of this rule, the party shall submit or file that information on a separate form. The court or clerk may provide a standard form for parties to use. Redacted or omitted personal identifiers shall be provided to the court or clerk upon request or a party to the judicial action or proceeding upon motion.

(3) The responsibility for omitting personal identifiers from a case document submitted to a court or filed with a clerk of court pursuant to division (D)(1) of this rule shall rest solely with the party. The court or clerk is not required to review the case document to confirm that the party has omitted personal identifiers, and shall not refuse to accept or file the document on that basis.

(E) Restricting public access to a case document

(1) Any party to a judicial action or proceeding or other person who is the subject of information in a case document may, by written motion to the court, request that the court restrict public access to the information or, if necessary, the entire document. Additionally, the court may restrict public access to the information in the case document or, if necessary, the entire document upon its own order. The court shall give notice of the motion or order to all parties in the case. The court may schedule a hearing on the motion.

(2) A court shall restrict public access to information in a case document or, if necessary, the entire document, if it finds by clear and convincing evidence that the presumption of allowing public access is outweighed by a higher interest after considering each of the following:

(a) Whether public policy is served by restricting public access;

(b) Whether any state, federal, or common law exempts the document or information from public access;

(c) Whether factors that support restriction of public access exist, including risk of injury to persons, individual privacy rights and interests, proprietary business information, public safety, and fairness of the adjudicatory process.

(3) When restricting public access to a case document or information in a case document pursuant to this division, the court shall use the least restrictive means available, including but not limited to the following:

(a) Redacting the information rather than limiting public access to the entire document;

(b) Restricting remote access to either the document or the information while maintaining its direct access;

(c) Restricting public access to either the document or the information for a specific period of time;

(d) Using a generic title or description for the document or the information in a case management system or register of actions;

(e) Using initials or other identifier for the parties' proper names.

(4) If a court orders the redaction of information in a case document pursuant to this division, a redacted version of the document shall be filed in the case file along with a copy of the court's order. If a court orders that the entire case document be restricted from public access, a copy of the court's order shall be filed in the case file. A journal entry shall reflect the court's order. Case documents ordered restricted from public access or information in documents ordered redacted shall not be available for public access and shall be maintained separately in the case file.

(F) Obtaining access to a case document that has been granted restricted public access

(1) Any person, by written motion to the court, may request access to a case document or information in a case document that has been granted restricted public access pursuant to division (E) of this rule. The court shall give notice of the motion to all parties in the case and, where possible, to the non-party person who requested that public access be restricted. The court may schedule a hearing on the motion.

(2) A court may permit public access to a case document or information in a case document if it finds by clear and convincing evidence that the presumption of allowing public access is no longer outweighed by a higher interest. When making this determination, the court shall consider whether the original reason for the restriction of public access to the case document or information in the case document pursuant to division (E) of this rule no longer exists or is no longer applicable and whether any new circumstances, as set forth in that division, have arisen which would require the restriction of public access.

RULE 46. Court Records - Bulk Distribution.

(A) Requests for bulk distribution and new compilations

(1) Bulk distribution

(a) Any person, upon request, shall receive bulk distribution of information in court records, provided that the bulk distribution does not require creation of a new compilation. The court or clerk of court shall permit the requestor to choose that the bulk distribution be provided upon paper, upon the same medium upon which the court or clerk keeps the information, or upon any other medium the court or clerk determines it can be reasonably duplicated as an integral part of its normal operations, unless the choice requires a new compilation.

(b) The bulk distribution shall include a time or date stamp indicating the compilation date. A person who receives a bulk distribution of information in court records for redistribution shall keep the information current and delete inaccurate, sealed, or expunged information in accordance with Sup. R. 26.

(2) New compilation

(a) A court or clerk of court may create a new compilation customized for the convenience of a person who requests a bulk distribution of information in court records.

(b) In determining whether to create a new compilation, a court or clerk of court may consider if creating the new compilation is an appropriate use of its available resources and is consistent with the principles of public access.

(c) If a court or clerk of court chooses to create a new compilation, it may require personnel costs in addition to actual costs. The court or the clerk may require a deposit of the estimated actual and personnel costs to create the new compilation.

(d) A court or clerk of court shall maintain a copy and provide public access to any new compilation. After recouping the personnel costs to create the new compilation from the original requestor, the court or clerk may later assess only actual costs.

(B) Contracts with providers of information technology support

A court or clerk of court that contracts with a provider of information technology support to gather, store, or make accessible court records shall require the provider to comply with requirements of Sup. R. 44 through 47, agree to protect the confidentiality of the records, notify the court or clerk of court of all bulk distribution and new compilation requests, including its own, and acknowledge that it has no ownership or proprietary rights to the records.

RULE 47. Court Records – Application, Remedies, and Liability.

(A) Application

(1) The provisions of Sup.R. 44 through 47 requiring redaction or omission of information in case documents or restricting public access to case documents shall apply only to case documents in actions commenced on or after July 1, 2009. Access to case documents in actions commenced prior to July 1, 2009, shall be governed by federal and state law.

(2) The provisions of Sup.R. 44 through 47 restricting public access to administrative documents shall apply to all documents regardless of when created.

(3) The provisions of Sup.R. 44(C)(2)(h) restricting public access to certain case documents of a court of common pleas or a division thereof with domestic relations or juvenile jurisdiction shall apply only to case documents in actions commenced on or after January 1, 2016.

(B) Denial of public access - remedy

A person aggrieved by the failure of a court or clerk of court to comply with the requirements of Sup. R. 44 through 47 may pursue an action in mandamus pursuant to Chapter 2731. of the Revised Code.

(C) Liability and immunity

Sup. R. 44 through 47 do not affect any immunity or defense to which a court, court agency, clerk of court, or their employees may be entitled under section 9.86 or Chapter 2744. of the Revised Code.

(D) Review

Sup. R. 44 through 47 shall be subject to periodic review by the Commission on the Rules of Superintendence.

RULE 48. Application.

Sup.R. 48 through 48.07 shall apply in all domestic relations and juvenile cases in the courts of common pleas where a court appoints a guardian ad litem to act in the best interest of a child.

RULE 48.01. Definitions.

As used in Sup.R. 48 through 48.07:

(A) Allocation of parental rights and responsibilities

References in this rule to cases involving "allocation of parental rights and responsibilities" shall also include those cases in which legal custody, parenting time, companionship, or visitation rights are at issue. "Allocation of parental rights and responsibilities, legal custody, parenting time, companionship, or visitation rights" has the same meaning as in R.C. 3109.04 and 3109.051.

(B) Attorney for the child

"Attorney for the child" means an attorney appointed to act as legal counsel for a child and advocate for the wishes of the child.

(C) Guardian ad litem

"Guardian ad litem" means an individual appointed to assist a court in its determination of the best interest of a child.

(D) Child

"Child" means:

(1) A person under eighteen years of age;

(2) A person who is older than eighteen years of age who is deemed a child until the person attains twenty-one years of age under R.C. 2151.011(B)(6) or 2152.02(C);

(3) A child under R.C. 3109.04 or a disabled child under R.C.3119.86 who falls under the jurisdiction of a domestic relations or juvenile court.

RULE 48.02. Appointment of Guardian Ad Litem.

(A) Orders of appointment

Each court appointing a guardian ad litem 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 guardian ad litem appointment or a dual guardian ad litem 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 guardian ad litem 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 guardian ad litem report shall include the following language: "The guardian ad litem 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 guardian ad litem 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) Limited scope of appointment

A court may appoint a guardian ad litem to address a specific issue or issues. A court shall include in the order of appointment the specific issue or issues to be addressed and a statement the guardian ad litem is relieved of the duties set forth in Sup.R. 48.03(D) that are not applicable to the specific issue or issues.

(C) Mandatory appointments in abuse, neglect, dependency, unruly, and delinquent cases

A court shall appoint a guardian ad litem in abuse, neglect, dependency, unruly, and delinquency cases as required by rule or statute.

(D) Separate appointments in abuse, neglect, dependency, unruly, and delinquency cases and cases of conflict

(1) 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 guardian ad litem.

(2) If an attorney who has been appointed to serve as both guardian ad litem 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 guardian ad litem 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) Separate appointments in cases involving allocation of parental rights and responsibilities

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

(F) Discretionary appointments in allocation of parental rights and responsibilities, unruly, and delinquency cases

Unless a mandatory appointment is required by rule or statute, a court may make a discretionary appointment of a guardian ad litem in the allocation of parental rights and responsibilities, unruly, and delinquency cases. In making a discretionary appointment, a court should consider all of the circumstances of the case, including but not limited to all of the following factors:

(1) Allegations of abuse and neglect of the child;

(2) Consideration of extraordinary remedies, such as supervised visitation, terminating or suspending parenting time, or awarding custody or visitation to a non-parent;

(3) Relocation that could substantially reduce the time of a child with a parent or sibling;

(4) The wishes and concerns of the child;

(5) Harm to the child from drug or alcohol abuse by the party;

(6) Past or present child abduction or risk of future abduction;

(7) Past or present family violence;

(8) Past or present mental health issues of the child or a party;

(9) Special physical, educational, or mental health needs of the child that require investigation or advocacy;

(10) A high level of conflict;

(11) Inappropriate adult influence or manipulation;

(12) Interference with custody or parenting time;

(13) A need for more information relevant to the best interests of the child;

(14) A need to minimize the harm to the child from family separation or litigation;

(15) Any other relevant factor.

(G) Reappointment

A court should consider reappointment of the same guardian ad litem for a specific child in any subsequent case determining the best interest of the child.

(H) Guardian ad litem fee determinations in cases involving allocation of parental rights and responsibilities

(1) A court appointing a guardian ad litem 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 guardian ad litem 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 guardian ad litem.

(2) At any time prior to the conclusion of a case, a guardian ad litem may submit a motion for payment. A guardian ad litem 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. 48.03(H)(1).

(3) In determining the allocation of guardian ad litem fees and expenses, a court shall consider any relevant factor, including any of the following:

(a) The rate or amount of compensation of the guardian ad litem;

(b) The sources of compensation of the guardian ad litem, including the parties, any specialized funds allocated for payment of the guardian ad litem, or pro bono contribution of services by the guardian ad litem;

(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 guardian ad litem 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 guardian ad litem 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.

(I) Enforcement of payment

(1) If the fees and expenses of a guardian ad litem 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 guardian ad litem 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 guardian ad litem through contempt of court proceedings;

(c) Enforce any order regarding the payment of guardian ad litem fees and expenses in any other manner authorized by law.

(2) A court shall not delay or dismiss a proceeding solely because of the failure of a party to pay guardian ad litem fees and expenses required to be paid by the court.

(3) The inability of a party to pay guardian ad litem fees and expenses ordered by a court shall not delay any final entry.

RULE 48.03. Responsibilities of Guardian Ad Litem.

(A) General responsibilities

The responsibilities of a guardian ad litem shall include, but are not limited to, the following:

(1) Provide the court 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 guardian ad litem;

(4) Attend any hearing relevant to the responsibilities of the guardian ad litem;

(5) Upon becoming aware that the recommendations of the guardian ad litem 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 guardian ad litem 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 guardian ad litem and attorney in any dual appointments shall comply with Rule 3.7 of the Rules of Professional Conduct.

(9) If the guardian ad litem is not an attorney, avoid engaging in conduct that constitutes the unauthorized practice of law and be vigilant in performing the duties of the guardian ad litem;

(10) If the guardian ad litem is not an attorney, request the court to appoint an attorney for the guardian ad litem to file pleadings, motions, and other documents as appropriate 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 guardian ad litem 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 guardian ad litem shall avoid self-dealing or associations that might directly or indirectly benefit except from compensation for services as a guardian ad litem.

(2) Upon becoming aware of any actual or apparent conflict of interest, a guardian ad litem shall immediately notify the court in writing. The court shall take action as it deems necessary.

(C) Satisfaction of training requirements

A guardian ad litem shall meet the qualifications and satisfy all pre-service and continuing education requirements of Sup.R. 48.04 and 48.05 and any local court rules governing guardians ad litem. A guardian ad litem shall do both of the following:

(1) Meet the qualifications for guardians 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. 48.07. 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 guardian ad litem 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 custodian, and other significant individuals who may have relevant knowledge regarding the issues of the case. The guardian ad litem 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 guardian ad litem 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 guardian ad litem

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

(F) Confidentiality

A guardian ad litem 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 guardian ad litem, including as a mandated reporter. The guardian ad litem shall maintain the confidential nature of personal identifiers, as defined in Sup.R. 44, 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 guardian ad litem shall perform responsibilities in a prompt and timely manner.

(H) Record-keeping

(1) A guardian ad litem shall keep accurate records of the time spent, services rendered, and expenses incurred in each case while performing the responsibilities of a guardian ad litem.

(2) In allocation of parental rights and responsibilities cases, a guardian ad litem shall provide a monthly statement of fees and expenses to all parties.

(3) A guardian ad litem 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.

RULE 48.04. Pre-Service Education.

(A) Pre-service education required for appointment

A guardian ad litem shall complete pre-service education provided by the Supreme Court, the Ohio Court Appointed Special Advocates (CASA) Guardian ad Litem Association, or with the approval of the appointing court, another provider.

(B) Pre-service education hours and topics

(1) Pre-service education for guardians ad litem shall be twelve hours.

(2) Of the twelve hours of pre-service education, six hours shall be obtained via a live education program.

(3) The remaining six hours of pre-service education may be satisfied by online or live education, teaching, writing, mentoring, or field-training activities with approval by the appointing court.

(4) Six hours of pre-service education shall include training on all the following topics:

(a) Basic human needs, stages of child development, and the impact of trauma;

(b) Communication skills, including but not limited to communication with children and adults, interviewing skills, methods of critical questioning, use of open-ended questions, understanding the perspective of a child, sensitivity, building trust, multicultural awareness, diversity, and confidentiality;

(c) Child abuse, neglect, dependency, unruliness, delinquency, and assessing risk and safety;

(d) Family and child issues, including but not limited to family dynamics, substance abuse and its effects, basic psychopathology for adults and children, and domestic violence and its effects, including assessing for lethality and safety;

(e) Legal processes, available community agencies and resources, methods of service, records checks, the role of a guardian ad litem in court, local resources and service practice, report content, mediation, and other types of dispute resolution processes;

(f) Any other topic that concerns the role of the guardian ad litem to help determine the best interest of the child.

(C) Current Guardians ad Litem

An individual who is currently serving as a guardian ad litem on January 1, 2021, shall be deemed compliant with the pre-service education and not be required to complete the twelve hours of pre-service education.

RULE 48.05. Continuing Education.

(A) Continuing education hours and topics

(1) Continuing education for guardians ad litem shall total six hours annually and be provided by the Supreme Court; the Ohio Court Appointed Special Advocates (CASA) Guardian ad Litem Association; or, with the approval of the appointing court, another provider.

(2) Of the six hours of continuing education, three hours shall be obtained via a live education program.

(3) The remaining three hours of continuing education may be satisfied by online or live education, training, writing, mentoring, or field-training activities as pre-approved by the appointing court.

(4) Continuing education shall consist of advanced education related to topics identified in Sup.R. 48.04.

(B) Failure to comply

If a guardian ad litem fails to complete six hours of continuing education within any calendar year, the individual shall not be eligible to serve as a guardian ad litem on any new appointments until this continuing education requirement is satisfied. The court shall have the discretion to continue the current guardian ad litem appointments.

RULE 48.06. Guardian Ad Litem Reports.

(A) General report requirements

(1) A guardian ad litem 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 guardian ad litem in reaching the recommendations and in accomplishing the duties required by statute, by court rule, and in the order of appointment from the court.

(2) All reports shall include the following warning: "The guardian ad litem 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."

(3) Oral and written reports shall address relevant issues, but shall not be considered determinative.

(4) A guardian ad litem shall be available to testify at any relevant hearing and may orally supplement the report at the conclusion of the hearing.

(5) A guardian ad litem may provide an interim written or oral report at any time.

(B) Guardian ad litem reports in abuse, neglect, dependency, unruly, and delinquency reports

(1) A guardian ad litem in abuse, neglect, dependency, unruly, and delinquency 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.

(2) A court shall review all guardian ad litem reports, written or oral, to ensure that the guardian ad litem has performed those responsibilities required by R.C. 2151.281.

(C) Guardian ad litem reports in allocation of parental rights and responsibilities cases

(1) A guardian ad litem in proceedings involving the allocation of parental rights and responsibilities, custody, and visitation shall provide a report to the court, unrepresented parties, and legal counsel not less than seven days before the final hearing date, unless the due date is modified by the court.

(2) The court shall consider the recommendation of the guardian ad litem in determining the best interest of the child only when the report or a portion of the report has been admitted as an exhibit.

RULE 48.07. Responsibilities of the Court.

Each court appointing guardians ad litem shall do all of the following:

(A) Maintain a public list of approved guardians ad litem while maintaining individual privacy pursuant to Sup.R. 44 through 47;

(B) Establish criteria, which include all requirements of Sup.R. 48 through 48.07, for appointment and removal of guardians ad litem and procedures to ensure an equitable distribution of the work load among the guardians ad litem on the list. Equitable distribution means a system through which appointments are made in an objectively rational, fair, neutral, and nondiscriminatory manner and are widely distributed among substantially all persons from the list maintained by the court. The court may consider the complexity of the issues, parties, counsel, and the children involved, as well as the experience, expertise, and demeanor of available guardians ad litem.

(C) Coordinate the application and appointment process, keep the files and records required by Sup.R. 48 through 48.07, maintain information regarding training opportunities, and receive written comments and complaints regarding the performance of guardians ad litem practicing before that court;

(D) Maintain files for all applicants and for individuals approved for appointment as guardians ad litem with the court. The files shall contain all records and information required by Sup.R. 48 through 48.07 and by local rules for the selection and service of guardians ad litem, including a certificate or other satisfactory proof of compliance with training requirements.

(E) Require all applicants to submit a resume or information sheet stating the applicant's training, experience, and expertise demonstrating the ability of the applicant to successfully perform the responsibilities of a guardian ad litem;

(F) Review a criminal and civil background check and investigation of information relevant to the fitness of the applicant to serve as a guardian ad litem;

(G) Review all guardian ad litem reports, written or oral, to ensure that the guardian ad litem has performed those responsibilities required by R.C. 2151.281;

(H) Conduct, at least annually, a review of its list to determine that all guardians ad litem are in compliance with the training and education requirements of Sup.R. 48 through 48.07 and local rules, have performed satisfactorily on all assigned cases during the preceding calendar year, and are otherwise qualified to serve;

(I) Require all guardians ad litem on its list to 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 Sup.R. 48.05;

(J) Develop a process or local rule for comments and complaints regarding the performance of guardians ad litem practicing before that court that does all of the following:

(1) Designates a person for accepting and considering written comments and complaints;

(2) Provides a copy of the comments and complaints to the guardian ad litem who is the subject of the complaint or comment;

(3) Forwards any comments and complaints to the administrative judge of the court for consideration and appropriate action;

(4) Develops a provision for the timely disposition by the court;

(5) Notifies the person making the comment or complaint and the subject guardian ad litem of the disposition;

(6) Maintains a written record in the file of the guardian ad litem regarding the nature and disposition of any comment or complaint.

RULE 49. Definitions.

As used in Sup.R. 49 through 49.12**:**

(A) Business entity

"Business entity" means a for profit or nonprofit corporation, partnership, limited liability company, limited liability partnership, professional association, business trust, joint venture, unincorporated association, or sole proprietorship.

(B) Commercial docket judge

"Commercial docket judge" means a sitting judge designated or retired judge assigned by the Chief Justice pursuant to Sup.R. 49.02 to hear cases assigned to a commercial docket.

(C) Retired judge

"Retired judge" has the same meaning as in Sup.R. 17(A)(1).

RULE 49.01. Establishment of Commercial Docket.

A court of common pleas having six or more general division judges or located in a county having a population of three hundred thousand or more according to the latest federal decennial census may establish and maintain a dedicated docket to hear commercial litigation pursuant to Sup.R. 49 through 49.12. The docket shall be styled a "commercial docket."

RULE 49.02. Designation or Assignment of Commercial Docket Judges.

(A) Designation or assignment

Each court of common pleas that has established a commercial docket pursuant to Sup.R. 49.01 shall select either of the following methods for designating or assigning commercial docket judges:

(1) By majority vote of the judges of the general division of the court, designate two or more sitting judges of the division. A judge shall not be designated a commercial docket judge unless the judge agrees to participate and meets either of the following qualifications:

(a) Within the previous six years, the judge has served on the general division of the court for at least three consecutive years;

(b) The judge has at least seven years of substantial practice as a commercial or business-related litigator.

(2) Request the Chief Justice to assign one or more retired judges to active duty on the court pursuant to Article IV, Section 6(C) of the Ohio Constitution.

(B) Candidate considerations

When designating or assigning a commercial docket judge pursuant to division (A) of this rule, the judges of the general division of the court or the Chief Justice, as applicable, should consider each of the following:

(1) The candidate's length of judicial experience;

(2) Any commercial or business-related education or experience the candidate may possess;

(3) Any commercial or business-related litigation experience the candidate may possess, including any specific commercial or business-related litigation in which the candidate participated as an attorney or over which the candidate presided as a judge;

(4) The candidate's case management expertise and experience, including case management of complex litigation;

(5) For a sitting judge, the candidate's current caseload, including the number of pending cases the candidate may have that are beyond the time limits for disposition pursuant to Sup.R. 39;

(6) Whether the candidate has demonstrated a continuous commitment to the commercial docket concept;

(7) For a sitting judge, whether the candidate demonstrates a willingness to assume any additional duties and responsibilities required by the commercial docket;

(8) Whether the candidate demonstrates a willingness to participate in commercial and business law-related training and education;

(9) The candidate's judicial temperament;

(10) The input and opinion of the regional or local bar associations;

(11) Any other relevant factors or qualifications.

(C) Term length

A court of common pleas that has established a commercial docket with sitting judges of the general division of the court serving as the commercial docket judges pursuant to Sup.R. 49.01 and division (A)(1) of this rule shall adopt a local rule establishing a length of term of no less than three years for the judges.

RULE 49.03. Termination of Commercial Docket.

(A) Sitting judges serving as commercial docket judge

If a vacancy in the position of a commercial docket judge occurs in a court of common pleas that has established a commercial docket with sitting judges of the general division of the court serving as the commercial docket judges pursuant to Sup.R. 49.01 and 49.02(A)(1), resulting in the court having only one commercial docket judge, and no other judge of the court designated as a commercial docket judge pursuant to Sup.R. 49.02(A)(1), the court shall terminate the commercial docket as follows:

(1) The court shall cease assigning cases to the commercial docket;

(2) Commercial docket cases assigned to the remaining commercial docket judge shall remain with the judge until final disposition;

(3) Following final disposition of all commercial docket cases assigned to the remaining commercial docket judge, the commercial docket shall cease to exist.

(B) Retired judge serving as commercial docket judge

If a vacancy in the position of a commercial docket judge occurs in a court of common pleas that has established a commercial docket with a retired judge serving as the commercial docket judge pursuant to Sup.R. 49.01 and 49.02(A)(2), resulting in the court having no commercial docket judge, and no other retired judge volunteers to serve and is appointed by the Chief Justice to the commercial docket pursuant to Sup.R. 49.02(A)(2), the court shall terminate the commercial docket and all remaining commercial docket cases shall be randomly assigned to a judge of the court in accordance with the individual assignment system adopted by the court pursuant to Sup.R. 36(B)(2).

RULE 49.04. Commercial Docket Judge Education.

(A) Initial orientation and education program

Within the period of time commencing two years prior to appointment to the commercial docket and ending one year following the appointment, each commercial docket judge shall complete an orientation and education program on business law and the administration of commercial dockets to be offered or approved by the Supreme Court of Ohio Judicial College or the National Judicial College.

(B) Biennial education

As part of the forty hours of continuing legal education instruction required by Gov.Jud.R. IV, Section 2(A), each commercial docket judge shall complete at least twelve hours of commercial docket education offered or approved by the Supreme Court of Ohio Judicial College or the National Judicial College.

(C) Non-commercial docket judges

Non-commercial docket judges shall be encouraged to attend commercial docket education opportunities offered pursuant to divisions (A) and (B) of this rule. A non-commercial docket judge who complies with the requirements of divisions (A) and (B) of this rule shall be eligible for assignment by the Chief Justice pursuant to Article IV, Section 5(A)(3) of the Ohio Constitution to hear cases assigned to the commercial docket.

RULE 49.05. Cases Eligible for the Commercial Docket.

Any civil case, including any jury case; non-jury case; injunction, including any temporary restraining order; class action; declaratory judgment; or derivative action, shall be eligible for assignment into the commercial docket of a court of common pleas pursuant to Sup.R. 49.07 if the gravamen of the case relates to any of the following:

(A) The formation, governance, dissolution, or liquidation of a business entity;

(B) The rights or obligations between or among the owners, shareholders, partners, or members of a business entity, or rights and obligations between or among any of them and the business entity;

(C) Trade secret, non-disclosure, non-compete, or employment agreements involving a business entity and an owner, sole proprietor, shareholder, partner, or member of the business entity;

(D) The rights, obligations, liability, or indemnity of an officer, director, manager, trustee, partner, or member of a business entity owed to or from the business entity;

(E) Disputes between or among two or more business entities or individuals as to their business or investment activities relating to contracts, transactions, or relationships between or among them, including without limitation the following:

(1) Transactions governed by the uniform commercial code, except for consumer product liability claims described in Sup.R. 49.06(B);

(2) The purchase, sale, lease, or license of; a security interest in; or the infringement or misappropriation of patents, trademarks, service marks, copyrights, trade secrets, or other intellectual property;

(3) The purchase or sale of a business entity or the assets of a business entity;

(4) The sale of goods or services by a business entity to a business entity;

(5) Non-consumer bank or brokerage accounts, including loan, deposit, cash management, and investment accounts;

(6) Surety bonds and suretyship or guarantee obligations of individuals given in connection with business transactions;

(7) The purchase, sale, lease, or license of or a security interest in commercial property, whether tangible, intangible personal, or real property;

(8) Franchise or dealer relationships;

(9) Business related torts, such as claims of unfair competition, false advertising, unfair trade practices, fraud, or interference with contractual relations or prospective contractual relations;

(10) Cases relating to or arising under federal or state antitrust laws;

(11) Cases relating to securities or relating to or arising under federal or state securities laws;

(l2) Commercial insurance contracts, including coverage disputes.

RULE 49.06. Cases Not Eligible for the Commercial Docket.

A civil case shall not be eligible for assignment into the commercial docket of a court of common pleas pursuant to Sup.R. 49.07 if a labor organization is a party in the case, a governmental entity is other than a nominal party in the case, the case does not relate to any of the topics provided under Sup.R. 49.05, or the gravamen of the case relates to any of the following:

(A) Personal injury, survivor, or wrongful death matters;

(B) Consumer claims against business entities or insurers of business entities, including product liability and personal injury cases, and cases arising under federal or state consumer protection laws;

(C) Matters involving wages or hours, occupational health or safety, workers' compensation, or unemployment compensation;

(D) Environmental claims, except those arising from a breach of contractual or legal obligations or indemnities between business entities;

(E) Matters in eminent domain;

(F) Employment law cases, except those involving owners as described in Sup.R. 49.05(C);

(G) Discrimination cases based upon the federal or state constitutions or the applicable federal, state, or political subdivision statutes, rules, regulations, or ordinances;

(H) Administrative agency, tax, zoning, and other appeals;

(I) Petition actions in the nature of a change of name of an individual, mental health act, guardianship, or government election matters;

(J) Individual residential real estate disputes, including foreclosure actions, or non-commercial landlord-tenant disputes;

(K) Any matter subject to the jurisdiction of the domestic relations, juvenile, or probate divisions of a court of common pleas;

(L) Any matter subject to the jurisdiction of a municipal court, county court, mayor's court, small claims division of a municipal court or county court, or any matter required by statute or other law to be heard in some other court or division of a court;

(M) Any criminal matter, other than criminal contempt in connection with a matter pending on the commercial docket.

RULE 49.07. Assignment of Case to the Commercial Docket.

Notwithstanding the case assignment requirements of Sup.R. 36(B)(2), the following shall apply when a case is filed with a court of common pleas that has established a commercial docket pursuant to Sup.R. 49.02:

(A) If the case is eligible for assignment to the commercial docket pursuant to Sup.R. 49.05, the attorney filing the case shall include with the initial pleading a notification that it is a commercial docket case. Upon receipt of the pleading and notification, the clerk shall randomly assign the case to one of the commercial docket judges.

(B) If the case is eligible for assignment to the commercial docket pursuant to Sup.R. 49.05, but the attorney filing the case fails to file the notification pursuant to division (A) of this rule and the case is assigned to a non-commercial docket judge, an attorney representing any other party shall file a motion for transfer of the case to the commercial docket with that party's first responsive pleading. Copies of the motion shall be delivered to the administrative judge.

(C) If the case is eligible for assignment to the commercial docket pursuant to Sup.R. 49.05, but the attorney filing the case does not file the notification pursuant to division (A) of this rule, no attorney representing a party in the case files a motion for transfer pursuant to division (B) of this rule, and the case is assigned to a non-commercial docket judge, the judge shall sua sponte request the administrative judge to transfer the case to the commercial docket. If the judge requests the transfer of the case to the commercial docket one-hundred and twenty days or more after the case was filed, the transfer of the case to the commercial docket shall be at the discretion of the commercial docket judge to whom the case would be assigned.

(D) If the case is not eligible for assignment to the commercial docket pursuant to Sup.R. 49.06, but the case is assigned to the commercial docket, upon motion of any party or sua sponte at any time during the course of the litigation, the commercial docket judge shall transfer the case from the commercial docket.

RULE 49.08. Review of Transfer to the Commercial Docket.

(A) Ruling or decision on transfer

(1) A non-commercial docket judge shall rule on a party's motion for transfer of a case to the commercial docket filed pursuant to Sup.R. 49.07(B) no later than two days after the filing of the motion. A party to the case may appeal the non-commercial docket judge's decision to the administrative judge within three days of the non-commercial docket judge's decision. The administrative judge shall decide the appeal no later than two days after the filing of the appeal.

(2) An administrative judge shall decide the sua sponte request of a non-commercial docket judge for transfer of a case to the commercial docket made pursuant to Sup.R. 49.07(C) no later than two days after the request is made.

(B) Review of transfer

(1) The factors set forth in Sup.R. 49.05 and 49.06 shall be dispositive in determining whether a case shall be transferred to or removed from the commercial docket pursuant Sup.R. 49.07(B) through (D).

(2) The ruling or decision of the administrative judge as to the transfer of a case under division (A) of this rule is final and not appealable.

RULE 49.09. Commercial Docket Judge Workload.

(A) Adjustment of other case assignments

To promote a fair and equal distribution of cases, in a court of common pleas that has established a commercial docket with sitting judges of the general division of the court serving as the commercial docket judges pursuant to Sup.R. 49.01 and 49.02(A)(1), for each commercial docket case assigned to a commercial docket judge pursuant to Sup.R. 49.07, a similar non-commercial docket civil case shall be assigned by lot from the docket of the commercial docket judge to a non-commercial docket judge of the court.

(B) Adoption of local rule reducing workload

Notwithstanding the case assignment requirements of Sup.R. 36(B)(2), a court of common pleas that has established a commercial docket with sitting judges of the general division of the court serving as the commercial docket judges pursuant to Sup.R. 49.01 and Sup.R. 49.02(A)(1) shall adopt a local rule of court reducing the number of cases assigned to each commercial docket judge through one or more of the following measures:

(1) Each commercial docket judge receiving no fourth or fifth degree felony cases;

(2) A fifty percent reduction in the number of criminal cases assigned to each commercial docket judge;

(3) A meaningful reduction in the non-commercial docket civil cases assigned to each commercial docket judge.

RULE 49.10. Dispute Resolution.

(A) Referral of case

A commercial docket judge may refer a commercial docket case to any available dispute resolution process, including but not limited to dispute resolution by a commercial docket judge in another county or a retired or sitting former commercial docket judge with the approval of the judge to whom the case would be referred.

(B) Compensation

A sitting, retired, or sitting former commercial docket judge accepting a dispute resolution assignment pursuant to division (A) of this rule shall not be entitled to additional compensation. However, in appropriate circumstances where out-of-county travel, overnight lodging, or other out-of-pocket expenses are reasonably incurred, the judge shall be reimbursed from the court in which the commercial docket case is pending. Such expenses may be taxed as costs.

RULE 49.11. Rulings on Motions and Submitted Cases.

(A) Deadline for motions

A commercial docket judge shall rule upon all dispositive motions in a commercial docket case no later than ninety days from the completion of briefing or oral arguments, whichever is later, and all other motions no later than sixty days from the completion of briefing or oral arguments, whichever is later.

(B) Deadline for submitted cases

A commercial docket judge shall issue a decision in all commercial docket cases submitted for determination after a court trial no later than ninety days from the date on which the case was submitted.

RULE 49.12. Commercial Docket Case Disposition Time Guideline.

Except for a case designated as complex litigation pursuant to Sup.R. 42, a court shall aspire to dispose of a commercial docket case within eighteen months of the date on which the case was filed. This time guideline is not mandatory, but shall serve as a benchmark and assist courts and commercial docket judges in measuring the effectiveness of commercial docket case management.

RULE 50. Definitions.

As used in Sup. R. 50 to 82 "case" means any of the following when filed in the probate division of the court of common pleas:

(A) A civil complaint, petition, or administrative appeal;

(B) A decedent's estate; a testamentary, inter vivos or wrongful death trust; a guardianship, conservatorship or request for emergency orders pursuant to division (B)(3) of 2111.02 of the Revised Code; an adoption or name change. Each beneficiary of a wrongful death trust, each ward or conservatee, each adoptee and each individual requesting a change of name in those proceedings with multiple interested parties, shall be considered a separate "case."

(C) Any other proceeding for which a case number is assigned including but not limited to the following: tax filings, filings of wills for probate or record, real estate transfers, and filings of foreign records where an estate is not opened; release from administration; minor's settlements; birth corrections; delayed birth registrations; mental retardation or tuberculosis commitments; petition for protective services; petition to compel HIV testing; an application to appoint a guardian, trustee, protector, or conservator of a mentally retarded or developmentally disabled person; acknowledgment of paternity; a petition for release of adoption information; powers of attorney including those for health care; declarations concerning life-sustaining treatment; proceedings to designate heir; applications to disinter or to oppose disinterment; and voluntary assignment for the benefit of creditors.

Commentary (July 1, 1997)

Rule 50 is a new rule that defines "case" as used in the rules applicable to the probate division of the court of common pleas.

Commentary (March 25, 2002)

The March 25, 2002 amendment deleted an obsolete reference to the recording of chiropractic licenses in the probate division of the court of common pleas. See former R.C. 4734.08, repealed in H.B. 506 of the 123rd General Assembly.

RULE 51. Standard Probate Forms.

(A) Applicability. This rule prescribes the format, content, and use of standard forms for designated applications, pleadings, waivers, notices, entries, and other filings in certain proceedings in the probate division of the courts of common pleas.

Where a standard form has not been prescribed by this rule, the form used shall be that required by the Civil Rules, or prescribed or permitted by the probate division of the court of common pleas in which it is being filed.

(B) Effective date; use of standard and nonstandard forms.

(1) This rule takes effect July 1, 1977 and applies to proceedings had on and after that date, including proceedings in pending cases.

(2) The standard forms shall be used on and after January 1, 1978, and nonstandard forms shall be rejected for filing.

(C) Modification of standard forms; pleadings and filings prepared for particular cases.

(1) A printed, blank standard form may be modified by deletion or interlineation to meet the circumstances of a particular case or proceeding, if the modification can be accomplished neatly and conveniently. No court shall require the modification of a standard form as a routine matter. If any allegation, statement, data, information, pleading, or filing is required by an appropriate local rule of court and a standard form does not make provision therefor, it shall be provided in a separate or supplemental filing.

(2) Even though a standard form is prescribed, an original instrument may be prepared for filing. Any such instrument shall be typed on eight and one-half by eleven inch paper. The caption prescribed in Sup. R. 52 shall be used, and the instrument shall follow the format prescribed for the standard forms. Any such instrument may modify the language of the standard form, omit inapplicable matter required by the standard form, and add matter not included in the standard form to the extent required by the circumstances of the particular case or proceeding.

(D) Standard probate forms. The standard forms prescribed for use in the probate division of the courts of common pleas are as follows.

Commentary (October 1, 1997)

This rule is identical to former C.P. Sup. R. 16.

This rule was amended effective December 13, 1989, to add a temporary provision suspending the use of Standard Probate Forms 15.0 through 17.5, the guardianship forms. This was necessitated by the revisions to the guardianship laws embodied in Substitute Senate Bill 46 of the 118th General Assembly, effective January 1, 1990. New guardianship forms were adopted effective September 1, 1991 and the temporary provision was repealed. In addition, additional estate forms were adopted as the result of

Amended Substitute House Bill 346 of the 118th General Assembly, effective May 31, 1990. See R.C. 2113.03 and 2113.533.

The December 1989 amendment to this rule also added new Standard Probate Forms 18.0 through 19.1, which are used for adoptions.

RULE 52. Specifications for Printing Probate Forms.

(A) Applicability.

(1) The specifications in this rule govern the reproduction of blank forms intended for, or used in, the administration of decedents' estates, guardianships, and adoptions in this state, including:

(a) Standard forms prescribed in Sup. R. 51;

(b) Commercially prepared blank forms, including standard and nonstandard forms, designed for use in any aspect of the administration of decedents' estates, guardianships, and adoptions;

(c) Blank forms prescribed by local rule of court for use in situations for which no standard form is prescribed.

(2) This rule does not apply to any of the following:

(a) Any pleading, application, entry, waiver, notice, or other filing that is prepared ad hoc for use in a particular case or proceeding, or that is not reproduced in any manner for use as a blank form;

(b) Any routing slip, memorandum index, cost bill, or other form designed solely for internal administrative or clerical use;

(c) Forms intended for use in matters other than the administration of decedents' estates, guardianships, or adoptions;

(d) Estate tax returns, reports, and other forms prescribed by the Department of Taxation.

(B) Size of forms; stock. All forms shall be on paper size eight and one-half by eleven inches, printed on twenty-four pound bond or heavier stock.

(C) Margins. Right and left margins shall be approximately one-half to three-quarters of one inch, and shall be justified. The top margin shall be approximately seven-eighths to one and one-eighth inches, measured from the top edge of the paper to the top of the first line of the caption. The distance between the bottom of the repeat of the main heading at the foot of the first page shall be as required by division (K) of this rule.

(D) Type styles.

(1) All type shall be sans serif. Bold face type shall be used only as required or permitted by division (D)(2) of this rule. Italics shall not be used. Except as provided in division (D)(3) of this rule, all type shall be upper and lower case.

(2) Bold face type shall be used for the main heading immediately following the caption, and for the form number and repeat of the main heading at the foot of the first page. In addition bold face type may be used for:

(a) The caption;

(b) Subheadings;

(c) Directions enclosed in brackets;

(d) Instructions or identification under a blank line, indicating what is to be inserted in the line or identifying the office or status of a signer;

(e) Column headings;

(f) Any matter not covered in division (D)(2)(a) to (e) of this rule, for which the use of bold face type is expressly indicated on a standard form in Sup. R. 51.

(3) The following shall be printed in all capital letters:

(a) The first two lines of the caption;

(b) The main heading immediately following the caption;

(c) All subheadings;

(d) The form number and repeat of the main heading at the foot of the first page;

(e) Any matter not covered in division (D)(3)(a) to (d) of this rule, for which the use of all capital letters is expressly indicated on a standard form in Sup. R. 51.

(E) Type sizes.

(1) The following type sizes shall be used:

(a) Main headings immediately following the caption shall use sixteen-point or larger type;

(b) The first line of the caption, and all subheadings, shall use not smaller than twelve-point nor larger than sixteen-point type;

(c) The last two lines of the caption, the body, and the form number and repeat of the main heading at the foot of the first page, shall use not smaller than eight-point nor larger than twelve-point type;

(d) Instructions or identification under a blank line, indicating what is to be inserted in the line or identifying the office or status of a signer, shall use not larger than eight-point type.

(2) Whatever type size is used with the limitations of division (E)(1) of this rule:

(a) The first line of the caption and all subheadings shall use type at least two points smaller than the main heading immediately following the caption;

(b) The last two lines of the caption, the body, and the form number and repeat of the main heading at the foot of the first page, shall use type at least two points smaller than the subheadings;

(c) Instructions or identification under a blank line, indicating what is to be inserted in the line or identifying the office or status of a signer, shall use type at least two points smaller than the body.

(F) Vertical spacing.

(1) The vertical spacing on all forms shall be in units of one pica, to conform to standard typewriter vertical spacing.

(2) In order to permit optimum placement and promote visual appeal, the main heading and any subheading may be moved up or down within the available area without regard to the vertical spacing of the rest of the form, provided the rest of the form from head to foot maintains vertical spacing in units of one pica.

(G) Centering. The first line of the caption, the main heading, any explanatory information supplementing the main heading and appearing directly below it, subheadings, and the form number and repeat of the main heading at the foot of the first page of a form, shall be centered.

(H) Blank lines; length; vertical spacing in series.

(1) Blanks to be filled in shall be indicated by a printed solid line. Wherever possible, such lines shall be of sufficient length to accommodate comfortably all characters included in any word, phrase, name, date, or other information that might reasonably be expected to be placed in the blank. Spaces and punctuation shall be included in counting characters. It shall be assumed that six pica will accommodate ten characters in calculating the length of a line.

(2) Wherever possible, blank lines shall be a minimum length of:

(a) Eight pica, when the name of a county is to be inserted;

(b) Eighteen pica, when a date is to be inserted;

(c) Twenty pica, when a name or signature is to be inserted;

(d) Eight pica, not counting the dollar sign, when a dollar amount is to be inserted.

(3) One, or two or more blank lines may be used for the insertion of an address. Wherever possible, such lines shall be a minimum length of:

(a) Forty pica when a single line is used;

(b) Twenty pica per line when two or more lines are used.

(4) When a series of signature lines, lines for tabulating particular information, or other blank lines in vertical series are called for in a form, then except where expressly indicated on a standard form in Sup. R. 51, the vertical spacing between lines shall be two pica. This spacing shall be maintained without regard to instructions or identification printed below a line.

(I) Boxes to be checked.

(1) Where a form calls for a "check" or "X" to be inserted, a box shall be used for the purpose. The box shall precede the information to which it refers.

(2) When a series of "checks" or "X's" are called for in the same sentence or paragraph, each box and the information to which it refers shall be set apart visually from the preceding and following information in the same sentence or paragraph. Any device that provides visual separation and minimizes possible confusion may be used, including without limitation space-hyphen-space or a double or triple space, as in the following example:

"[check one of the following] - [ ]Decedent's will has been admitted to probate in this court - [ ]To applicant's knowledge decedent did not leave a will."

(J) Caption.

(1) Except as provided in division (J)(3) of this rule, the following captions shall be used, respectively, on all forms for the administration of decedents' estates, guardianships, and adoptions:

PROBATE COURT OF _____ COUNTY, OHIO

ESTATE OF _____ DECEASED

CASE NO. _____;

PROBATE COURT OF _____ COUNTY, OHIO

GUARDIANSHIP OF _____

CASE NO. _____ ;

PROBATE COURT OF _____ COUNTY, OHIO

ADOPTION OF_____
(Name after adoption)

CASE NO._____.

(2) The first line of the caption shall be centered. The second and third lines shall begin at the left margin and end at the right margin. The vertical space between the first and second lines may be two or three pica. The vertical space between the second and third lines shall be two pica.

(3) The following variations from the caption prescribed in division (J)(1) and (2) of this rule are permitted:

(a) The blank line in the first line of the caption may be replaced by the imprinted name of a particular county.

(b) The caption may be expanded to include the address of a particular court, using type of any suitable size. In such case, the blank lines intended for the court's address in the body of any form and introductory material for the address such as, "the court is located at _____," shall be omitted.

(c) In Standard Decedents' Estates Form 5.5, and in any other decedents' estates form dealing with two or more estates, the last two lines of the caption shall be omitted.

(K) Form number and repeat of main heading.

(1) The main heading of a form, which appears immediately below the caption on the first page of a form, shall be repeated at the foot of the first page. If the form is a standard form, the repeat of the main heading shall be preceded on the same line by the form number.

(2) The form number and repeat of the main heading shall be centered, and located not higher than three-eighths inch above the bottom edge of the form.

(L) Printing front and back. When a standard probate form consists of more than one page, each page shall contain the case number in the upper portion of the page.

(M) Standard forms to govern; variations.

(1) Matters not specifically covered in this rule are governed by the standard forms prescribed in Sup. R. 51. Overall, the format of all printed blank forms, whether standard or nonstandard, shall conform substantially to the standard forms. Except as provided in division

(M)(2) of this rule, no additions to, deletions from, or changes in the form, content, or language of the standard forms are permitted when printing blank standard forms.

(2) The following variations from the standard forms in Sup. R. 51 are permitted:

(a) In any form calling for a court's address, the blank lines intended for the insertion of such information may be replaced by the imprinted information itself. If the court's address is imprinted in the caption, the blank lines in the body of the form for the address and introductory material for the address shall be omitted as provided in division (J)(3) of this rule.

(b) The name as well as the title of the probate judge may be imprinted below a judge's signature line on any form.

(c) In any form calling for the attorney's typed or printed name, address, telephone number, and attorney identification number, the blank lines intended for the insertion of that information may be replaced by the imprinted information itself. The signature line for the attorney shall be retained.

(d) In Standard Decedents' Estates Form 4.2, the portion of the form below the date line and principal's signature line, and above the repeat at the foot of the page, may be replaced by the imprinted name and address of a corporate surety, identified in some appropriate manner as the surety on the particular bond, and including a signature line for the attorney in fact. The last paragraph of the body of the form, relating to justification of personal sureties, shall be omitted.

(e) When standard forms are generated by computer, they shall conform to all specifications for standard forms stated in this rule. A court may accept for filing nonstandard computer generated forms for the receipts and disbursements attached to a standard account form or the schedule of assets attached to a standard inventory and appraisal form.

(f) All forms may include suitable coding for optical or magnetic scanning, or similar system designed to aid docketing, indexing, cost accounting, or other administrative or clerical activities.

(g) On all forms, the publisher may add its name, logotype, or other suitable identification. The size, style, and placement shall be such as not to detract from, interfere with, or overpower any part of the form.

(h) Wherever a form contains "19__" or "199__", a blank line shall be substituted to accommodate the correct year.

(N) Effective date.

(1) This rule takes effect July 1, 1977.

(2) On and after January 1, 1978, any pleading, application, entry, waiver, notice, or other filing, prepared using a blank form to which this rule applies, shall not be accepted for filing

by the probate division of a court of common pleas of this state unless such blank form complies with the specifications in this rule.

(3) The amendment to division M(2)(h) shall take effect on November 16, 1999.

Commentary (November 16, 1999)

This amendment permits the change of preprinted dates on existing standard probate forms.

Commentary (October 1, 1997)

This rule is unchanged substantively from former C.P. Sup. R. 17.

RULE 53. Hours of the Court.

Each court shall establish hours for the transaction of business.

Commentary (October 1, 1997)

This rule is unchanged from former C.P. Sup. R. 18.

RULE 54. Conduct in the Court.

(A) Proper decorum in the court is necessary to the administration of the court's function. Any conduct that interferes or tends to interfere with the proper administration of the court's business is prohibited.

(B) No radio or television transmission, voice recording device, other than a device used by a court reporter making a record in a proceeding, or the making or taking of pictures shall be permitted without the express consent of the court in advance and pursuant to Sup. R. 12.

Commentary (October 1, 1997)

This rule is identical to former C.P. Sup. R. 19.

RULE 55. Examination of Probate Records.

(A) Records shall not be removed from the court, except when approved by the judge. Violation of this rule may result in the issuance of a citation for contempt.

(B) Copies of records may be obtained at a cost per page as authorized by the judge.

(C) Adoption, mental illness, and mental retardation proceedings are confidential. Records of those proceedings, and other records that are confidential by statute, may be accessed as authorized by the judge.

(D) A citation for contempt of court may be issued against anyone who divulges or receives information from confidential records without authorization of the judge.

Commentary (October 1, 1997)

This rule is analogous to former C.P. Sup. R. 20 and summarizes local practice and current law. In general, see R.C. 2101.11(A)(1), 2101.12, 2101.13, 3107.17, 5122.31, 5122.34.

Sup. R. 55 has been amended to make the rule grammatically correct and to make the rule applicable to all confidential records as opposed to specific enumerated confidential records.

RULE 56. Continuances.

(A) Motions for continuance shall be submitted in writing with the proper caption and case number.

(B) Except on motion of the court, no continuance shall be granted in the absence of proof of reasonable notice to, or consent by, the adverse party or the party's counsel. Failure to object to the continuance within a reasonable time after receiving notice shall be considered consent to the continuance.

(C) A proposed entry shall be filed with a motion for continuance, leaving the time and date blank for the court to set a new date.

Commentary (October 1, 1997)

Sup. R. 56 is analogous to former C.P. Sup. R. 23 and is the basic continuance rule within Sup. R. 50 through Sup. R. 78.

Sup. R. 56 has been amended to be gender neutral and to require a "proposed" entry as opposed to a "judgment" entry to be submitted to the court with all motions for a continuance.

RULE 57. Filings and Judgment Entries.

(A) All filings, except wills, shall be on eight and one-half by eleven inch paper, without backings, of stock that can be microfilmed.

(B) All filings shall contain the name, address, telephone number, e-mail address, and attorney registration number of the individual counsel representing the fiduciary and, in the absence of counsel, the name, address, and telephone number of the fiduciary. Any filing not containing the above requirements may be refused.

(C) Failure of the fiduciary to notify the court of the fiduciary's current address shall be grounds for removal. Not less than ten days written notice of the hearing to remove shall be given to the fiduciary by regular mail at the last address contained in the case file or by other method of service as the court may direct.

(D) Filings containing partially or wholly illegible signatures of counsel, parties or officers administering oaths may be refused, or, if filed, may be stricken, unless the typewritten or printed name of the person whose signature is purported to appear is clearly indicated on the filing.

(E) All pleadings, motions, or other filings are to be typed or printed in ink and correctly captioned.

(F) Unless the court otherwise directs, counsel for the party in whose favor a judgment is rendered, shall prepare the proposed judgment entry and submit the original to the court with a copy to counsel for the opposing party. The proposed judgment entry shall be submitted within seven days after the judgment is rendered. Counsel for the opposing party shall have seven days to object to the court. If the party in whose favor a judgment is rendered fails to comply with this division, the matter may be dismissed or the court may prepare and file the appropriate entry.

(G) When a pleading, motion, judgment entry or other filing consists of more than one page, each page shall contain the case number in the upper portion of the page.

Commentary (October 1, 1997)

Sup. R. 57 is analogous to former C.P. Sup. R. 24.

Sup. R. 57(A) is unchanged.

Sup. R. 57(B) has been amended to require the attorney's Supreme Court Registration Number on all filings in addition to the name, address and telephone number of the attorney.

Sup. R. 57 (B) and (D) have been amended to substitute the term "filings" for "papers" as being more descriptive of the documents received by the court.

Sup. R. 57(C) has been amended to provide for removal of a fiduciary who fails to keep the court apprised of a current address. Sup. R. 57(C) has also been amended to reflect the notice requirements of R.C. 2109.24 requiring ten days notice upon the removal of the fiduciary. Sup. R. 57(C) has been amended to allow for service of notice to be by regular mail at the fiduciary's last known address instead of pursuant

to Civil Rule 73(E). The amendment is to expedite the removal of dilatory fiduciaries and to timely complete the administration of estates by avoiding the eventual requirement of publication pursuant to Civil Rule 73(E)(6) and the requirement for certified mail notice when such notice is being given by the court.

See, generally R.C. 2109.02, 2109.06, 2109.18, 2109.19, 2109.24, 2109.31, 2109.53.

Sup. R. 57(E) has been amended to reflect recent case law that has noted a distinction between motions, pleadings and filings. The rule now requires all filings to be in ink.

Former C.P. Sup. R. 24(F) and (G) have been combined into new Sup. R. 57(F) since both matters were interrelated. There were no substantive changes made.

RULE 58. Deposit for Court Costs.

(A) Deposits in the amount set forth in a local rule shall be required upon the filing of any action or proceeding and additional deposits may be required.

(B) The deposit may be applied as filings occur.

Commentary (October 1, 1997)

Sup. R. 58 summarizes local practice and is analogous to former C.P. Sup. R. 25.

The reference to R.C. 2101.16 has been deleted as unnecessary in that the statute delegates the amount of the deposit to local rule.

RULE 59. Wills.

(A) Before an application is made to admit the will to probate, to appoint an estate fiduciary, or to relieve an estate from administration, each applicant or the applicant's attorney shall examine the index of wills deposited pursuant to section 2107.07 of the Revised Code. Wills deposited pursuant to section 2107.07 of the Revised Code previous to the will offered for probate shall be filed in the estate proceedings for record purposes only.

(B) Fiduciaries appointed to administer testate estates shall file a Certificate of Service of Notice of Probate of Will (Standard Probate Form 2.4) within two months of their appointment or be subject to removal proceedings. If required by the court, proof of service shall consist of either waivers of notice of the probate of will or certified mail return receipt cards as provided under Civil Rule 73(E)(3), or if necessary, under Civil Rule 73(E)(4) and (5). A waiver of notice may not be signed by any minor, or on behalf of a minor sixteen or seventeen years of age. See Civil Rule 4.2.

Commentary (October 1, 1997)

This rule substantially revises former C.P. Sup. R. 26. The title of Sup. R. 59 has been amended because the subject matter of the rule is more inclusive.

The provisions of former C.P. Sup. R. 26(A) and (D) have been deleted to reflect the repeal of R.C. 2107.13 and 2107.14 and reflect the revised method of admitting a will to probate effective May 31, 1990.

Sup. R. 59(A) has been amended to reflect wills in safekeeping pursuant to R.C. 2107.07. Sup. R. 59(A) imposes a duty upon the applicant or his or her attorney to ascertain before applying to administer an estate if a will is in safekeeping. The purpose of this division is to: (1) make certain that an estate is not administered intestate when a will in safekeeping does exist, (2) make certain the decedent's last will and testament has been offered for probate, and (3) remove all prior wills of a decedent from safekeeping.

Sup. R. 59(B) is amended to require a timely filing of the "Certificate of Service of Notice of Probate of Will" so that the will contest period will expire prior to the time for the filing of the account. The amended rule also confirms that waivers of notice of probate of wills shall conform to Civil Rule 4(D).

Former C.P. Sup. R. 26(C) has been entirely deleted. The requirement of R.C. 109.26 and 109.29 are adequately provided for in Standard Probate Form 2.0.

RULE 60. Application for Letters of Authority to Administer Estate and Notice of Appointment.

(A) Notice of an application for appointment of administrator shall be served at least seven days prior to the date set for hearing. If there is no known surviving spouse or next of kin resident of the state, the notice shall be served upon persons designated by the court.

(B) The administrator shall give notice of the appointment within seven days after the appointment to all persons entitled to inherit, including persons entitled to an allowance for support, unless those persons have been provided notice of the hearing on the appointment or have waived notice.

(C) The probate court shall serve by certified mail the spousal citation and summary of rights required by R.C. 2106.02 to the surviving spouse within 7 days of the initial appointment of the administrator or executor, unless a different time is established by local court rule.

Commentary (October 1, 1997)

This rule is analogous to former C.P. Sup. R. 27. The title to Sup. R. 60 has been amended to be more descriptive of the rule's requirements.

Former C.P. Sup. R. 27(A) and (B) have been joined and incorporated under amended Sup. R. 60(A). Any language changes were merely grammatical and not substantive.

Amended Sup. R. 60(B) is a new division that deals with notice of the appointment of a fiduciary. Sup. R. 60(B) reflects local practice requiring that notice of the appointment be given to all persons interested in the decedent's estate, so that they may properly monitor their particular interests.

RULE 61. Appraisers.

(A) Without special application to the court, a fiduciary may allow to the appraiser as compensation for services a reasonable amount agreed upon between the fiduciary and the appraiser, provided the compensation does not exceed the amount allowed by local court rule. If no local court rule exists, the compensation shall be subject to court approval.

(B) If, by reason of the special and unusual character of the property to be appraised, the fiduciary is of the opinion that the appraisal requires the services of persons qualified in the evaluation of that property, a qualified appraiser may be appointed and allowed compensation as provided in division (A) of this rule.

Commentary (October 1, 1997)

This rule is analogous to former C.P. Sup. R. 28. The title to Sup. R. 61 has been amended to be more inclusive and applies to appraisers in all probate matters. The term "appointment" in the title has been deleted since the rule no longer deals with this issue.

Former law required three disinterested appraisers. Former C.P. Sup. R. 28(A) was intended to clarify the transition from three appraisers to one appraiser. The rule is no longer needed and has been deleted.

Former divisions (B), (C), (D), and (F) attempted to set guidelines for appraiser fees when the court did not set forth a local rule. Division (A) now permits the compensation to be set by agreement of the fiduciary and appraiser unless set by local rule. All disputes shall be settled by the probate court.

Former C.P. Sup. R. 28(A), (B), (C), (D), and (F) are unnecessary since the appraiser's compensation is adequately addressed by R.C. 2115.06.

Former C.P. Sup. R. 28(E) has been redesignated as Sup. R. 61(B) without substantive changes.

RULE 62. Claims Against Estate.

(A) When a claim has been filed with the court pursuant to section 2117.06 of the Revised Code, the fiduciary shall file a copy of any rejection of the claim with the court.

(B) If the court requires a hearing on claims or the fiduciary requests a hearing on claims or insolvency, the fiduciary shall file a schedule of all claims against the estate with the court. The schedule of claims shall be filed with the fiduciary's application for hearing or within ten days after the court notifies the fiduciary of a court-initiated hearing.

Commentary (October 1, 1997)

The rule is analogous to former C.P. Sup. R. 30. The title of Sup. R. 62 has been amended to be more inclusive and descriptive. R.C. 2117.06 neither limits nor requires that claims be filed with the court. Filing with the court is merely one alternative pursuant to R.C. 2117.06(A)(2).

The last sentence of former C.P. Sup. R. 30(A) has been deleted because the issue is adequately addressed by R.C. 2117.06(I).

The statutory reference in Sup. R. 62(B) has been deleted as limiting the former rule. Insolvency hearings have been added to the requirement of Sup. R. 62(B). There is no statutory provisions regarding advising the court of the specific claims in an insolvent estate. The court requires this information and the rule supplements this void.

RULE 63. Application to Sell Personalty.

An application to sell personal property shall include an adequate description of the property. Except for good cause shown, an order of sale shall not be granted prior to the filing of the inventory.

Commentary (October 1, 1997)

This rule is analogous to former C.P. Sup. R. 31. Sup. R. 63 has been amended to delete requirements that are currently required by statute. See, R.C. 2109.45.

The first and last sentences of former C.P. Sup. R. 31 have been deleted as they duplicate the requirements of the statute. The second sentence has been amended to permit an order of sale to issue upon the filing of the inventory as opposed to the previous version, which permitted the order to be granted upon the approval of the inventory. This would expedite the administration by permitting the order to be granted at an earlier date.

RULE 64. Accounts.

(A) The vouchers or other proofs required by section 2109.302 and 2109.303 of the Revised Code and receipts filed or exhibited pursuant to section 2109.32(B)(1)(b) of the Revised Code, shall be referenced to the account by number, letter, or date.

(B) If land has been sold during the accounting period, the account shall show the gross amount of the proceeds and include a copy of the closing statement itemizing all of the disbursements.

(C) Receipts for distributive shares signed by persons holding power of attorney may be accepted, provided the power of attorney is recorded in the county in which the estate is being administered and a copy of the recorded power is attached to the account.

(D) Exhibiting assets.

(1) The court may require that all assets be exhibited at the time of filing a partial account.

(2) Cash balances may be verified by exhibiting a financial institution statement, passbook, or a current letter from the financial institution in which the funds are deposited certifying the amount of funds on deposit to the credit of the fiduciary. Assets held in a safe deposit box of a fiduciary or by a surety company on fiduciary's bond may be exhibited by filing a current inventory of the assets. The inventory shall be certified by the manager of the safe deposit box department of the financial institution leasing the safe deposit box or by a qualified officer of the surety company if the assets are held by a surety. If the assets are held by a bank, trust company, brokerage firm, or other financial institution, exhibition may be made by proper certification as to the assets so held. For good cause shown, the court may designate a deputy clerk of the court to make an examination of the assets located in the county, not physically exhibited to the court or may appoint a commissioner for that purpose if the assets are located outside the county. The commissioner appointed shall make a written report of findings to the court.

(E) A final or distributive account shall not be approved until all court costs have been paid.

Commentary (October 1, 1997)

This rule revises former C.P. Sup. R. 32.

Former C.P. Sup. R. 32(A) and (B) have been deleted. This subject matter is more appropriately addressed in proposed Sup. R. 78, the case management rule.

Former C.P. Sup. R. 32(C) has been changed grammatically and relettered as division (A). The substance has remained the same in that it requires the vouchers to be cross referenced to the account entries. Former divisions (A)(1) to (4) have been deleted in that they describe the parameters of the probate forms created under Sup. R. 52(D) and are therefore superfluous.

Former C.P. Sup. R. 32(D) has been relettered as division (B). The rule has been amended to require a closing statement to be submitted in lieu of the reporting requirements under the former rule.

Former C.P. Sup. R. 32(E) has been deleted to reflect local practice where each guardianship of a minor's estate is administered in a separate case file and a separate corresponding case number.

Former C.P. Sup. R. 32(F) has been relettered as division (C) and amended to require that when a power of attorney is used for the receipt of assets, the instrument must be recorded in the county of the court accepting the account. The previous rule required the instrument to be recorded in the State of Ohio.

Former C.P. Sup. R. 32(G) has been relettered as division (D). The term "safety deposit box" has been amended to "safe deposit box" to parallel Revised Code references. The term "financial institution" has been substituted for "bank" in order to be consistent with the terminology of Title XI of the Revised Code and to be more inclusive.

Former C.P. Sup. R. 32(H) has been relettered as division (E), and no amendments or language changes have been made.

Commentary (April 8, 2004)

This Rule Amendment is necessary because of the adoption of Sub. H.B. 85, effective October 31, 2001.

RULE 65. Land Sales - R.C. Chapter 2127.

(A) In all land sale proceedings, the plaintiff, prior to the issuance of an order finding the sale necessary, shall file with the court evidence of title showing the record condition of the title to the premises described in the complaint and prepared by a title company licensed by the state of Ohio, an attorney's certificate, or other evidence of title satisfactory to the court. Evidence of title shall be to a date subsequent to the date on which the complaint was filed.

(B) The plaintiff shall give notice of the time and place of sale by regular mail at least three weeks prior to the date of a public sale to all defendants at their last known addresses. Prior to the public sale, the plaintiff shall file a certificate stating that the required notice was given to the defendants and the sale was advertised pursuant to section 2127.32 of the Revised Code.

(C) In all private land sale proceedings by civil action, the judgment entry confirming sale, ordering issuance of deed, and ordering distribution shall show the gross amount of the proceeds and include a copy of the proposed closing statement itemizing all of the proposed disbursements.

(D) The court may appoint a disinterested person, answerable to the court, who shall investigate the circumstances surrounding the proposed transaction, view the property, ascertain whether the proposed sale is justified and report findings in writing. The report shall be a part of the record. The compensation for the person performing these services shall be fixed by the court, according to the circumstances of each case, and shall be taxed as costs.

Commentary (October 1, 1997)

This rule is analogous to former C.P. Sup. R. 33 and has been amended to be inclusive and to apply to all land sale proceedings. Former C.P. Sup. R. 33(A) only applied to public land sale, and not private land sale proceedings. The rule has been amended to require that evidence of title prepared by a title company must be prepared by a title company that is licensed in the State of Ohio.

Former C.P. Sup R. 33(B) has been amended to delete the requirement of giving notice by posting the notice of sale upon the premises. This appeared unnecessary since actual notice of the sale must be given to all defendants, and R.C. 2127.32 requires notice by publication to the general public.

Reference to the filing of an affidavit has been amended to refer to a "certificate," to reflect Civil Rule 73(H), which does not require certificates and pleadings to be under oath. An affidavit, by definition, is under oath. The content of the "certificate" has been amended to comply with the amended notice requirements of division (B).

Former C.P. Sup. R. 33(C) has been deleted in that the requirements are unnecessary and adequately covered by R.C. 2127.23 and 2127.35.

Amended division (C) requires that a proposed closing statement be attached to the order of confirmation of sale issued pursuant to R.C. 2127.35. The inclusion of the proposed closing statement provides the court with the details of the costs associated with the land sale proceedings.

Division (D) has been amended in order to be made gender neutral. No substantive changes have been made.

RULE 66. Guardianships.

(A) All applications for the appointment of a guardian on the grounds of mental incompetency shall be accompanied by either a statement of a physician or clinical psychologist or a statement that the prospective ward has refused to submit to an examination or the agent of the prospective ward or other individual has refused to consent to an examination.

(B) An Application for Authority to Expend Funds (Standard Probate Form 15.7) shall not be approved until an Inventory (Standard Probate Form 15.5) has been filed.

(C) An application for allowance of care and support of a minor shall allege, if such is the fact, that the parents are financially unable to provide the items for which the amount is sought.

Commentary (October 1, 1997)

This rule is analogous to former C.P. Sup. R. 34, and the title has been amended to be more inclusive in that the rule does not only apply to the guardian but also to all issues affecting the guardianship.

Division (A) has been deleted in that it described the parameters of the probate forms created under Sup. R. 51(D) and is therefore superfluous.

Former C.P. Sup. R. 34(B) has been relettered as division (A). The rule required the submission of a statement of a physician upon the filing of an application for guardianship or an application for dismissal of a guardianship or a declaration of competency. The rule has been amended to permit a clinical psychologist to complete the expert evaluation. This amendment recognizes that a psychologist's report is often more thorough than that of the physician and recognizes that the psychologist may complete the expert evaluation for the biennial report. The rule has not been expanded to permit the initial evaluation to be completed by a licensed clinical social worker.

The requirement for an expert evaluation for the dismissal or termination of a guardianship has been deleted due to statutory changes under R.C. 2111.49(C).

Former C.P. Sup. R. 34(C) has been deleted and incorporated in part in amended division (B), which continues the requirement to file an inventory prior to the authorization of any expenditure required in former C.P. Sup. R. 34(C).

Former C.P. Sup. R. 34(D) has been relettered as division (C). Division (C) has been amended to delete the term "parent-guardian" from the rule and to allow the application to be filed by the appointed guardian, who is not in all cases also the parent of the minor ward. With an application to expend funds for support of a minor ward, the rule formerly required a parent-guardian to state whether the parents had the ability to provide the support. The amendment expands the rule to require any guardian to state whether the parents can provide the support when requesting expenditure of the ward's funds for support.

RULE 66.01. Definitions.

As used in Sup.R. 66.01 through 66.09:

(A) Best interest

"Best interest" means the course of action that maximizes what is best for a ward, including consideration of the least intrusive, most normalizing, and least restrictive course of action possible given the needs of the ward.

(B) Direct services

"Direct services" means services typically provided in exchange for compensation by home and community-based care and institutionally-based care providers, including medical and nursing care, care or case management services, care coordination, speech therapy, occupational therapy, physical therapy, psychological services, counseling, residential, legal representation, job training, and any other similar services. The term "direct services" does not include services of a guardian.

(C) Guardian

"Guardian" has the same meaning as in R.C. 2111.01(A).

(D) Ward

"Ward" means any adult person found by the probate division of a court of common pleas to be incompetent and for whom a guardianship is established.

(E) Guardianship services

"Guardianship services" means the duties assigned to a guardian in an adult guardianship case pursuant to R.C. Chapters 2109 and 2111.

(F) Family member

"Family member" means a parent, stepparent, spouse, sibling, stepsibling, grandparent, grandchild, aunt, uncle, nephew, niece, cousin, child, stepchild, or any other individual related by blood or marriage.

RULE 66.02. Application of Rules.

(A) General

Sup.R. 66.01 through 66.09 shall apply in an adult guardianship case where the probate division of a court of common pleas appoints a guardian to protect and control a ward pursuant to R.C. 2111.02, provided the appointing court for good cause may, by order of the court, exempt a guardian who is related to the ward by consanguinity or affinity.

(B) Corporation as guardian

Sup.R. 66.01 through 66.09 shall apply to the employees of a corporation who provide guardianship services in an adult guardianship case where the probate division of a court of common pleas appoints the corporation as guardian.

RULE 66.03. Local Guardianship Rule.

The probate division of a court of common pleas that establishes guardianships shall adopt local rules governing the establishment of guardianships that do all of the following:

(A) Establish a process for emergency guardianships;

(B) Establish a process for submitting in electronic format or hard copy comments and complaints regarding the performance of guardians appointed by the court, including actions of the guardian in denying a request of a person to visit with the ward, and for considering such comments and complaints. The process shall include each of the following:

(1) The designation of a person for accepting and considering comments and complaints;

(2) A requirement that a copy of the submitted comment or complaint be provided to the guardian who is the subject of the comment or complaint;

(3) A requirement that the court give prompt consideration to the comment or complaint and take appropriate action;

(4) A requirement that the court maintain a record regarding the nature and disposition of the comment or complaint;

(5) A requirement that the court notify the person making the comment or complaint and the guardian of the disposition of the comment or complaint.

(C) Addresses other provisions as the court considers necessary and appropriate, including but not limited to indicating where filed comments and complaints will be kept.

RULE 66.04. Establishment of Guardianship.

(A) Scope of guardianship

When establishing a guardianship, the probate division of a court of common pleas shall consider a limited guardianship before establishing a plenary guardianship.

(B) County of residence

The last county of residence in Ohio in which a ward resided prior to losing the cognitive ability to choose shall be the ward's county of residence for purposes of establishing a guardianship, unless determined otherwise by the probate division of the court of common pleas establishing the guardianship.

(C) Guardianship of estate

The probate division of a court of common pleas may waive establishing or continuing the guardianship of the estate of a ward if the assets and principal income of the ward do not support a guardianship of the estate.

RULE 66.05. Responsibilities of Court Establishing Guardianships.

(A) General responsibilities

The probate division of a court of common pleas that establishes a guardianship shall do all of the following:

(1) Conduct, or cause to be conducted, a criminal background check of all applicants for appointment as guardian. If the applicant for appointment as a guardian is a licensed Ohio attorney, the court may accept a certificate of good standing with disciplinary information issued by the Supreme Court in place of a criminal background check.

(2) Require each guardian appointed by the court to execute an affidavit affirming the applicant has no pending misdemeanor or felony charges, has not been convicted of or pleaded guilty to any misdemeanor or felony offense, and shall notify the court within seventy-two hours of any change in the information in the affidavit.

(3) Determine what weight to give to the any pending charges or convictions of misdemeanor or felony offenses as disclosed in the criminal background check or the affidavit.

(4) Require each guardian appointed by the court to submit to the court information documenting compliance with the guardian qualifications pursuant to Sup.R. 66.06 or 66.07, as applicable;

(5) Direct the court investigator to inquire into the visitation history and preferences of the prospective ward during the service of notice and initial guardianship investigation pursuant to R.C. 2111.041 or at any other time that the court directs. The court investigator shall make a written report of the visitation recommendation to the court.

(B) Responsibilities regarding guardians with ten or more wards

The probate division of a court of common pleas shall do all of the following with respect to guardians with ten or more wards under the guardian's care:

(1) Maintain a roster, including the name, address, telephone number, and electronic mail address, of the guardians. The court shall require the guardians to notify the court of any changes to this information.

(2) Require the guardians to include in the guardian's report a certification stating that the guardian is unaware of any circumstances that may disqualify the guardian from serving as a guardian;

(3) Require the guardians to submit to the court an annual fee schedule that differentiates guardianship services fees, as established pursuant to local rule, from legal or other direct services;

(4) On or before March 1st of each year, review the roster of guardians to determine if the guardians are in compliance with the education requirements of Sup.R. 66.06 or 66.07, as applicable, and that the guardians are otherwise qualified to serve.

STATE OF OHIO)
)
COUNTY OF_____) **SS:**

AFFIDAVIT OF GUARDIAN APPLICANT

I, _____ affirm the following:
(Name)

☐ I have no pending misdemeanor or felony cases and have not been convicted of or pleaded guilty to any misdemeanor or felony offense; **OR**

☐ I have pending misdemeanor or felony cases or have been convicted of or pleaded guilty to a misdemeanor or felony offense. (*List below any pending cases or convictions that have not been sealed pursuant to R.C. 2953.31-2953.62.*)

DATE	TYPE OF CHARGE	COURT NAME	PENDING / CONVICTED / PLEADED GUILTY
_____	_____	_____	☐ Pending ☐ Convicted ☐ Pleaded Guilty
_____	_____	_____	☐ Pending ☐ Convicted ☐ Pleaded Guilty
_____	_____	_____	☐ Pending ☐ Convicted ☐ Pleaded Guilty
_____	_____	_____	☐ Pending ☐ Convicted ☐ Pleaded Guilty

I understand that I have a duty to notify _____ within seventy-two
(Court Name)
hours if the information contained in this affidavit should change.

_____
Signature of Applicant

SWORN TO, BEFORE ME, and subscribed in my presence, on this _____ day of _____, 20_____.

_____
Notary Public / Deputy Clerk

_____
Printed Name of Notary Public

Commission Expiration Date: _____
(Affix seal here)

RULE 66.06. Guardian Pre-Appointment Education.

(A) Requirement

Except as provided in division (B) of this rule, the probate division of a court of common pleas shall not appoint an individual as a guardian unless, at the time of appointment or within six months thereafter, the individual has successfully completed, at a minimum, a six-hour guardian fundamentals course provided by the Supreme Court or, with the prior approval of the appointing court, another entity. The fundamentals course shall include, at a minimum, education on the following topics:

(1) Establishing the guardianship;

(2) The ongoing duties and responsibilities of a guardian;

(3) Record keeping and reporting duties of a guardian;

(4) Any other topic that concerns improving the quality of the life of a ward;

(5) Abuse, neglect, and exploitation training in order to detect and report allegations to authorities.

(B) Exception

An individual serving as a guardian on June 1, 2015, or who served as a guardian during the five years immediately preceding that date shall have until June 1, 2016, to complete the training required under division (A) of this rule unless the appointing court waives or extends the requirement for good cause.

RULE 66.07. Guardian Continuing Education.

(A) Requirement

In each succeeding year following completion of the requirement of Sup.R. 66.06, a guardian appointed by the probate division of a court of common pleas shall successfully complete a continuing education course that meets all of the following requirements:

(1) Is at least three hours in length;

(2) Is provided by the Supreme Court or, with the prior approval of the appointing court, another entity;

(3) Is specifically designed for continuing education needs of guardians and consists of advanced education relating to the topics listed in Sup.R. 66.06(A)(1) through (4).

(B) Annual compliance

On or before January 1st of each year, a guardian shall report to each probate division of a court of common pleas from which the guardian receives appointments information documenting compliance with the continuing education requirement pursuant to division (A) of this rule, including the title, date, location, and provider of the education or a certificate of completion.

(C) Failure to comply

If a guardian fails to comply with the continuing education requirement of division (A) of this rule, the guardian shall not be eligible for new appointments to serve as a guardian until the requirement is satisfied. If the deficiency in continuing education is more than three calendar years, the guardian shall complete, at a minimum, a six-hour fundamentals course pursuant to Sup.R. 66.06(A) to qualify again to serve as a guardian.

RULE 66.08. General Responsibilities of Guardian.

(A) Orders, rules, and laws

A guardian shall obey all orders of the probate division of a court of common pleas establishing the guardianship and shall perform duties in accordance with local rules and state and federal law governing guardianships.

(B) Pre-appointment meeting

Unless otherwise determined by the probate division of a court of common pleas, an applicant guardian shall meet with a proposed ward at least once prior to appearing before the court for a guardianship appointment.

(C) Reporting abuse, neglect, or exploitation

A guardian shall immediately report to the probate division of a court of common pleas and, when applicable, to adult protective services, the long-term care ombudsman, or law enforcement any appropriate allegations of abuse, neglect, or exploitation of a ward.

(D) Limitation or termination of guardianship

A guardian shall seek to limit or terminate the guardianship authority and promptly notify the probate division of a court of common pleas if any of the following occurs:

(1) A ward's ability to make decisions and function independently has improved;

(2) Less restrictive alternatives are available;

(3) A plenary guardianship is no longer in the best interest of a ward;

(4) A ward has died.

(E) Change of residence

(1) A guardian shall notify the probate division of a court of common pleas of a ward's change of residence and the reason for the change. Except if impracticable, the guardian shall notify the court no later than ten days prior to the proposed change.

(2) A ward's change of residence to a more restrictive setting in or outside of the county of the guardian's appointment shall be subject to the court's approval, unless a delay in authorizing the change of residence would affect the health and safety of the ward.

(F) Court approval of legal proceedings

A guardian shall seek approval from the probate division of a court of common pleas before filing a suit for the ward.

(G) Annual plan

A guardian of a person shall file annually with the probate division of the court of common pleas a guardianship plan as an addendum to the guardian's report. A guardian of an estate may be required to file an annual guardianship plan with the probate division of the court of common pleas. The guardianship plan shall state the guardian's goals for meeting the ward's personal and financial needs.

(H) Annual registration

All guardians appointed by the court who have ten or more wards under their care shall annually register with the probate division of the court of common pleas and provide such information as the court may require, including but not limited to a fee schedule that differentiates guardianship services from legal or other direct services.

(I) Ward's principal income

A guardian shall inform the probate division of the court of common pleas and apply to close the guardianship of the estate if the principal income of the ward is from governmental entities, a payee for that income is identified, and no other significant assets or income exist.

(J) Limits on guardian's compensation

(1) A guardian's compensation is subject to Sup.R. 73.

(2) A guardian who is in receipt of fees other than through the guardianship of the estate shall report to the probate division of the court of common pleas the source and entity which reviewed and authorized payment.

(3) A guardian shall not receive incentives or compensation from any direct service provider providing services to a ward.

(K) Conflict of interest

A guardian shall avoid actual or apparent conflicts of interest regarding a ward's personal or business affairs. A guardian shall report to the probate division of the court of common pleas all actual or apparent conflicts of interest for review and determination as to whether a waiver of the conflict of interest is in the best interest of the ward.

(L) Filing of ward's legal papers

In addition to filing an inventory, if applicable, pursuant to R.C. 2111.14(A)(1) and within three months after the guardian's appointment, a guardian shall file with the probate division of the court of common pleas a list of all of the ward's important legal papers, including but not limited to estate planning documents, advance directives, and powers of attorney, and the location of such legal papers, if known at the time of the filing.

RULE 66.09. Responsibilities of Guardian to Ward.

(A) Professionalism, character, and integrity

A guardian shall act in a manner above reproach, including but not limited to avoiding financial exploitation, sexual exploitation, and any other activity that is not in the best interest of the ward.

(B) Exercising due diligence

A guardian shall exercise due diligence in making decisions that are in the best interest of a ward, including but not limited to communicating with the ward and being fully informed about the implications of the decisions.

(C) Least restrictive alternative

Unless otherwise approved by the probate division of a court of common pleas, a guardian shall make a choice or decision for a ward that best meets the needs of the ward while imposing the least limitations on the ward's rights, freedom, or ability to control the ward's environment. To determine the least restrictive alternative, a guardian may seek and consider an independent assessment of the ward's functional ability, health status, and care needs.

(D) Person-centered planning

A guardian shall advocate for services focused on a ward's wishes and needs to reach the ward's full potential. A guardian shall strive to balance a ward's maximum independence and self-reliance with the ward's best interest.

(E) Ward's support system

A guardian shall strive to foster and preserve positive relationships in the ward's life unless such relationships are substantially harmful to the ward. A guardian shall be prepared to explain the reasons a particular relationship is severed and not in the ward's best interest.

(F) Communication with ward

(1) A guardian shall strive to know a ward's preferences and belief system by seeking information from the ward and the ward's family and friends. The guardian is encouraged to identify those persons with whom the ward desires to communicate and facilitate the communication the guardian believes is in the best interest of the ward.

(2) A guardian shall do all of the following:

(a) Meet with the ward as needed, but not less than once quarterly or as determined by the probate division of the court of common pleas;

(b) Communicate privately with the ward;

(c) Assess the ward's physical and mental conditions and limitations;

(d) Assess the appropriateness of the ward's current living arrangements;

(e) Assess the needs for additional services;

(f) Notify the court if the ward's level of care is not being met;

(g) Document all complaints made by a ward and assess the need to report the complaints to the court of common pleas.

(h) Encourage visitation and communication with the ward so long as such visitation and communication is in the best interest of the ward;

(i) Promptly submit a list of names to the court of any persons or entities whom the guardian has excluded or seeks to exclude from visiting or communicating with the ward.

(G) Direct services

A guardian, except a family member guardian of the ward, shall not provide any direct services to a ward without notifying the probate court. All guardians providing any direct services to a ward shall comply with all licensing, training, and accreditation rules required of paid providers by any applicable state agency.

(H) Monitor and coordinate services and benefits

A guardian shall monitor and coordinate all services and benefits provided to a ward, including doing all of the following as necessary to perform those duties:

(1) Having regular contact with all service providers;

(2) Assessing services to determine they are appropriate and continue to be in the ward's best interest;

(3) Maintaining eligibility for all benefits;

(4) Where the guardian of the person and guardian of the estate are different individuals, consulting regularly with each other.

(I) Extraordinary medical issues

(1) A guardian shall seek ethical, legal, and medical advice, as appropriate, to facilitate decisions involving extraordinary medical issues.

(2) A guardian shall strive to honor the ward's preferences and belief system concerning extraordinary medical issues.

(J) End of life decisions

A guardian shall make every effort to be informed about the ward's preferences and belief system in making end of life decisions on behalf of the ward.

(K) Caseload

A guardian shall appropriately manage the guardian's caseload to ensure the guardian is adequately supporting and providing for the best interest of the wards in the guardian's care.

(L) Duty of confidentiality

A guardian shall keep the ward's personal and financial information confidential, except when disclosure is in the best interest of the ward or upon order of the probate division of a court of common pleas.

RULE 67. Estates of Minors of Not More Than Twenty-Five Thousand Dollars.

(A) Each application relating to a minor shall be submitted by the parent or parents or by the person having custody of the minor and shall be captioned in the name of the minor.

(B) Each application shall indicate the amount of money or property to which the minor is entitled and to whom such money or property shall be paid or delivered. Unless the court otherwise orders, if no guardian has been appointed for either the receipt of an estate of a minor or the receipt of a settlement for injury to a minor, the attorney representing the interests of the minor shall prepare an entry that orders all of the following:

(1) The deposit of the funds in a financial institution in the name of the minor;

(2) Impounding the principal and interest;

(3) Releasing the funds only upon an order of the court or to the minor at the age of majority.

(C) The entry shall be presented at the time the entry dispensing with appointment of a guardian or approving settlement is approved. The attorney shall be responsible for depositing the funds and for providing the financial institution with a copy of the entry. The attorney shall obtain a Verification of Receipt and Deposit (Standard Probate Form 22.3) from the financial institution and file the form with the court within seven days from the issuance of the entry.

Commentary (October 1, 1997)

This rule is analogous to former C.P. Sup. R. 35. The title of the rule has been amended to include only the estates of minor wards, since the substantive rules even under former C.P. Sup. R. 35 only spoke of minors. The amended title is more descriptive of the subject matter covered by the rule.

Division (A) has been amended to delete any reference to one application being permitted to be filed on behalf of all minors of the same parent. This amendment is to reflect local practice whereby a separate application and corresponding case number is required for each minor ward. The rationale for the amendment is that the amount of funds received and the dates of majority are rarely the same for each ward. The remainder of the amendments to this division are grammatical and not substantive.

Divisions (B) and (C) set forth the requirements of the judgment entry counsel presents to the court for estates of minors less than $10,000. The words “unless the court otherwise orders” has been added in division (B) to alert counsel to the fact that specific circumstances or local court rule may alter these requirements. In addition, the former version of the rule required the attorney to deposit all funds within seven days of the approval of the entry and to obtain a receipt from the financial institution. As amended the rule requires the receipt to be filed with the court within seven days of the issuance of the entry and references the uniform form number of the receipt. The term “bank” has been changed to “financial institution” to reflect the term utilized in Title XI of the Revised Code and to recognize that funds are invested in institutions other than banks.

Commentary (June 6, 2017)

The rule has been amended to reflect Sub.S.B. 106 of the 128th General Assembly, which amended R.C. 2111.18 to increase from $10,000 or less to $25,000 or less the amount of an estate of a

ward that the court may terminate upon application by the guardian, for which the court may distribute the estate assets without a guardianship, and for which the court may authorize the settlement of claims of minors or adult incompetents without the appointment of a guardian.

RULE 68. Settlement of Injury Claims of Minors.

(A) An application for settlement of a minor's claim shall be brought by the guardian of the estate. If there is no guardian appointed and the court dispenses with the need for a guardian, the application shall be brought by the parents of the child or the parent or other individual having custody of the child. The noncustodial parent or parents shall be entitled to seven days notice of the application to settle the minor's claim which notice may be waived. The application shall be captioned in the name of the minor.

(B) The application shall be accompanied by a current statement of an examining physician in respect to the injuries sustained, the extent of recovery, and the permanency of any injuries. The application shall state what additional consideration, if any, is being paid to persons other than the minor as a result of the incident causing the injury to the minor. The application shall state what arrangement, if any, has been made with respect to counsel fees. Counsel fees shall be subject to approval by the court.

(C) The injured minor and the applicant shall be present at the hearing.

Commentary (October 1, 1997)

This rule is analogous to former C.P. Sup. R. 36 and 37. Former C.P. Sup. R. 36 and 37 dealt with claims to minors and bifurcated the claims into claims brought by the guardian and claims of less than $10,000 where there was no guardian. The former rules were virtually identical and thus the issues relating to minors have been consolidated into Sup. R. 68 to avoid duplication.

Division (A) has been amended to incorporate the provisions of former C.P. Sup. R. 37(A). In addition, the rule has been amended to require notice to the parents of the minor regardless of their county of residence and to increase the notice time requirement to the parents from three days to seven days in order that the notice is more meaningful.

Division (B) has been amended to provide that the statement of the examining physician is mandatory as opposed to discretionary. Former C.P. Sup. R. 36(D) and (E) have been consolidated into division (B)

Division (C) has been amended to make the applicant's and the minor's appearance at the hearing mandatory. This is to comply with prevailing local practice where the court wishes to view the minor in order to evaluate the nature of the injuries. Pursuant to Sup. R. 76, the court has the ability to waive the appearance of the minor for good cause.

RULE 69. Settlement of Claims of or Against Adult Wards.

(A) An application for settlement of a claim in favor of or against an adult ward shall be brought by the guardian of the estate. Notice of the hearing on the application shall be given to all persons who are interested parties to the proposed settlement, as determined by the court. The court may authorize or direct the guardian of the ward's estate to compromise and settle claims as the court considers to be in the best interest of the ward. The court may dispense with notice of hearing.

(B) The application for settlement of an injury claim shall be accompanied by a current statement of an examining physician describing the injuries sustained, the extent of recovery from those injuries, and permanency of any injuries. The application shall state what additional consideration, if any, is being paid to persons other than the ward as a result of the incident causing the injury to the ward. The application shall state what arrangement, if any, has been made with respect to counsel fees. Counsel fees shall be subject to approval by the court.

Commentary (October 1, 1997)

This rule is not analogous to former C.P. Sup. R. 37, which has been incorporated in Sup. R. 68.

Sup. R. 69 is basically a new rule as it applies to all claims of incompetent adult wards. The purpose for the amended rule is to provide the court with information necessary to make an informed decision regarding a proposed settlement.

Division (A) provides for the application to settle a claim to be brought by the ward's guardian. Absent a guardianship, the "ward" is competent to settle the claim without court approval. Division (A) further gives the court discretion to require notice to interested parties or to dispense with notice with court approval.

Division (B) is similar to Sup. R. 68(B), which provides the court with adequate information to make an informed decision. Division (C) is similar to the last sentence of Sup. R. 68 (B) and requires disclosure to the court and approval of the court of counsel fees in pursuing the adult ward's claim.

RULE 70. Settlement of Wrongful Death and Survival Claims.

(A) An application to approve settlement and Distribution of Wrongful Death and Survival Claims (Standard Probate Form 14.0) shall contain a statement of facts, including the amount to be allocated to the settlement of the claim and the amount, if any, to be allocated to the settlement of the survival claim. The application shall include the proposed distribution of the net proceeds allocated to the wrongful death claim.

(B) The fiduciary shall give written notice of the hearing and a copy of the application to all interested persons who have not waived notice of the hearing. Notwithstanding the waivers and consents of the interested persons, the court shall retain jurisdiction over the settlement, allocation, and distribution of the claims.

(C) The application shall state what arrangements, if any, have been made with respect to counsel fees. Counsel fees shall be subject to approval by the court.

Commentary (October 1, 1997)

This rule is analogous to former C.P. Sup. R. 38. The title has been amended to stress the existence and recognition of survival claims in a decedent's estate and to be in compliance with Standard Probate Forms Series 14.

Division (A) has been amended to incorporate the title of the uniform form as the description of the application to which the rule applies. The phase "right of action for conscious pain and suffering" has been changed to "survival claim" as being a more complete description of the personal claim of the decedent. The remaining changes are grammatical and intended to stress the need for an allocation between the survival claim and the wrongful death claim.

Division (A) now requires a copy of the proposed distribution in addition to the notice of hearing to be served upon all interested persons who have not waived notice of the hearing. Those who have waived notice are required to receive a copy of the proposed distribution by the requirements of Form 14.1. The amended paragraph contains instructional language to remind interested persons and counsel that the court retains jurisdiction over the settlement notwithstanding an agreement by the parties as to the distribution.

Division (C) has been amended grammatically. There are no substantive changes.

RULE 71. Counsel Fees.

(A) Attorney fees in all matters shall be governed by Rule 1.5 of the Ohio Rules of Professional Conduct.

(B) Attorney fees for the administration of estates shall not be paid until the final account is prepared for filing unless otherwise approved by the court upon application and for good cause shown.

(C) Attorney fees may be allowed if there is a written application that sets forth the amount requested and will be awarded only after proper hearing, unless otherwise modified by local rule.

(D) The court may set a hearing on any application for allowance of attorney fees regardless of the fact that the required consents of the beneficiaries have been given.

(E) Except for good cause shown, attorney fees shall not be allowed to attorneys representing fiduciaries who are delinquent in filing the accounts required by section 2109.30 of the Revised Code.

(F) If a hearing is scheduled on an application for the allowance of attorney fees, notice shall be given to all parties affected by the payment of fees, unless otherwise ordered by the court.

(G) An application shall be filed for the allowance of counsel fees for services rendered to a guardian, trustee, or other fiduciary. The application may be filed by the fiduciary or attorney. The application shall set forth a statement of the services rendered and the amount claimed in conformity with division (A) of this rule.

(H) There shall be no minimum or maximum fees that automatically will be approved by the court.

(I) Prior to a fiduciary entering into a contingent fee contract with an attorney for services, an application for authority to enter into the fee contract shall be filed with the court, unless otherwise ordered by local court rule. The contingent fee on the amount obtained shall be subject to approval by the court.

Commentary (October 1, 1997)

This rule is analogous to former C.P. Sup. R. 40. Divisions (A), (B), (C), (D), (E), (F), and (G) have not been amended substantively.

The second sentence of division (H), pertaining to contingent fee contracts, has been transferred to a new division (I) where it has been combined with former C.P. Sup. R. 39.

Division (I) recognizes that unless a governing instrument has given the power to the fiduciary, the fiduciary has no inherent authority to enter into a contingent fee contract on behalf of the trust. Authority must be granted by the court. The rule as amended adopts the previous rule which required the fiduciary

to file an application to enter into a contingent fee contract prior to the contract becoming enforceable. The rule has been amended to permit courts to establish their own procedure in the contingent fee approval process. The second sentence of division (I) was a portion of former C.P. Sup. R. 39 and restates the court's authority to review the contingent fee contract to ascertain whether it meets with the additional standards of this rule.

RULE 72. Executor's and Administrator's Commissions.

(A) Additional compensation for extraordinary services may be allowed upon an application setting forth an itemized statement of the services rendered and the amount of compensation requested. The court may require the application to be set for hearing with notice given to interested persons in accordance with Civil Rule 73(E).

(B) The court may deny or reduce commissions if there is a delinquency in the filing of an inventory or an account, or if, after hearing, the court finds that the executor or administrator has not faithfully discharged the duties of the office.

(C) The commissions of co-executors or co-administrators in the aggregate shall not exceed the commissions that would have been allowed to one executor or administrator acting alone, except where the instrument under which the co-executors serve provides otherwise.

(D) Where counsel fees have been awarded for services to the estate that normally would have been performed by the executor or administrator, the executor or administrator commission, except for good cause shown, shall be reduced by the amount awarded to counsel for those services.

Commentary (October 1, 1997)

This rule is analogous to former C.P. Sup. R. 41. Division (A) has primarily been amended for grammatical purposes. The term "parties" has been replaced with the more descriptive term "interested person". The manner of service pursuant to Civil Rule 4.1 has been replaced with the more appropriate reference to Civil Rule 73(E), which incorporates by reference Civil Rule 4.1.

Division (B) has been amended to parallel R.C. 2113.35. The rule defines the delinquent filing of inventories and accounts as acts that are included within the phrase "not faithfully discharged the duties of the office".

Division (D) has been amended to be more inclusive and to apply to all counsel fees and not only extraordinary fees. The rule continues to allow the probate court discretion to reduce fiduciary fees by the amount of attorney fees charged in performing fiduciary services. The remaining language changes in the division are grammatical and not substantive.

RULE 73. Guardian's Compensation.

(A) Setting of compensation

Guardian's compensation shall be set by local rule.

(B) Itemization of expenses

A guardian shall itemize all expenses relative to the guardianship of the ward and shall not charge fees or costs in excess of those approved by the probate division of a court of common pleas.

(C) Additional compensation

Additional compensation for extraordinary services, reimbursement for expenses incurred and compensation of a guardian of a person only may be allowed upon an application setting forth an itemized statement of the services rendered and expenses incurred and the amount for which compensation is applied. The probate division of a court of common pleas may require the application to be set for hearing with notice given to interested persons in accordance with Civ.R. 73(E).

(D) Co-guardians

The compensation of co-guardians in the aggregate shall not exceed the compensation that would have been allowed to one guardian acting alone.

(E) Denial or reduction of compensation

The probate division of a court of common pleas may deny or reduce compensation if there is a delinquency in the filing of an inventory or account, or after hearing, the court finds the guardian has not faithfully discharged the duties of the office.

RULE 74. Trustee's Compensation.

(A) Trustee's compensation shall be set by local rule.

(B) Additional compensation for extraordinary services may be allowed upon application setting forth an itemized statement of the services rendered and the amount of compensation requested. The court may require that the application be set for hearing with notice given to interested parties in accordance with Civil Rule 73(E).

(C) The compensation of co-trustees in the aggregate shall not exceed the compensation that would have been allowed to one trustee acting alone, except where the instrument under which the co-trustees are acting provides otherwise.

(D) Except for good cause shown, neither compensation for a trustee nor fees to counsel representing the trustee shall be allowed while the trustee is delinquent in the filing of an account.

(E) The court may deny or reduce compensation if there is a delinquency in the filing of an inventory or account, or after hearing, the court finds the trustee has not faithfully discharged other duties of the office.

Commentary (October 1, 1997)

This rule is analogous to former C.P. Sup. R. 43. The statement requiring the filing of the local rule with the Supreme Court has been deleted from division (A) in that the filing is required by Sup. R. 5(A) and Sup. R. 75.

Former C.P. Sup. R. 43(C) has been deleted as being unnecessary.

Former C.P. Sup. R. 43(D) has been relettered division (C) and amended to clarify the requirements and procedure for extraordinary compensation for the trustee. The procedure parallels the procedure that was previously in place for extraordinary compensation to an executor or administrator. Division (C) incorporates the requirements of former C.P. Sup. R. 43(C), which has been deleted. The reference to service in accordance with Civil Rule 4.1 has been revised, since service is controlled by Civil Rule 73.

Former C.P. Sup. R. 43(E) has been relettered as division (D) and has been amended grammatically without substantive changes.

Division (E) is new and parallels R.C. 2113.35. It defines the delinquent filing of inventories and accounts as acts that are included within the phrase "not faithfully discharged other duties of the office."

RULE 75. Local Rules.

Local rules of the court shall be numbered to correspond with the numbering of these rules and shall incorporate the number of the rule it is intended to supplement. For example, a local rule that supplements Sup. R. 61 shall be designated County Local Rule 61.1.

Commentary (October 1, 1997)

This rule is analogous to former C.P. Sup. R. 44. Former C.P. Sup. R. 44(A) has been deleted entirely as its provisions are addressed adequately by Sup. R. 5.

RULE 76. Exception to the Rules.

Upon application, and for good cause shown, the probate division of the court of common pleas may grant exception to Sup. R. 53 to 79.

Commentary (October 1, 1997)

This rule is identical to former C.P. Sup. R. 45.

RULE 77. Compliance.

Failure to comply with these rules may result in sanctions as the court may direct.

Commentary (October 1, 1997)

This rule is identical to former C.P. Sup. R. 46.

RULE 78. Probate Division of the Court of Common Pleas -- Case Management in Decedent's Estates, Guardianship, and Trusts.

(A) Each fiduciary shall adhere to the statutory or court-ordered time period for filing the inventory, account, and, if applicable, guardian's report. The citation process set forth in section 2109.31 of the Revised Code shall be utilized to ensure compliance. The attorney of record and the fiduciary shall be subject to the citation process. The court may modify or deny fiduciary commissions or attorney fees, or both, to enforce adherence to the filing time periods.

(B)(1) If a decedent's estate must remain open more than six months pursuant to R.C. 2109.301(B)(1), the fiduciary shall file an application to extend administration (Standard Probate Form 13.8).

(2) An application to extend the time for filing an inventory, account, or guardian's report, shall not be granted unless the fiduciary has signed the application.

(C) The fiduciary and the attorney shall prepare, sign, and file a written status report with the court in all decedent's estates that remain open after a period of thirteen months from the date of the appointment of the fiduciary and annually thereafter. At the court's discretion, the fiduciary and the attorney shall appear for a status review.

(D) The court may issue a citation to the attorney of record for a fiduciary who is delinquent in the filing of an inventory, account, or guardian's report to show cause why the attorney should not be barred from being appointed in any new proceeding before the court or serving as attorney of record in any new estate, guardianship, or trust until all of the delinquent pleadings are filed.

(E) Upon filing of the exceptions to an inventory or to an account, the exceptor shall cause the exceptions to be set for a pretrial within thirty days. The attorneys and their clients, or individuals if not represented by an attorney, shall appear at the pretrial. The trial shall be set as soon as practical after pretrial. The court may dispense with the pretrial and proceed directly to trial.

Commentary (October 1, 1997)

This rule imposes case management standards for actions filed in the probate division of the court of common pleas. In addition to establishing time periods for filing of documents and conducting pretrials and trials, the rule requires that an application for a continuance must be signed by the fiduciary and that written status reports be filed in estates that are open for more than one year. The rule also contains a citation procedure that may be employed to bar an attorney who is delinquent in the filing of an inventory, account, or guardian's report from being appointed or serving as attorney of record in any new proceeding until all delinquent pleadings have been filed.

RULE 79. Dispute Resolution.

The probate division of a court of common pleas or a family court exercising probate jurisdiction may encourage the use of alternative dispute resolution in any matter the court deems appropriate. A judge is authorized to facilitate the use of voluntary alternative dispute resolution processes by taking any one or more of the following actions in disputes brought to the attention of the court:

(A) Suggesting that the parties engage in settlement negotiations and appropriately participate in such negotiations;

(B) Informing the parties about eldercaring coordination, if available, and, upon agreement of the parties, entering an appropriate order either referring the dispute to eldercaring coordination or implementing the result of the eldercaring coordination process. As used in this rule, "eldercaring coordination" means a dispute resolution process modeled after the concept of parenting coordination for high-conflict families regarding the care and safety of elders.

(C) Referring the parties to mediation consistent with Sup.R. 16 and a local rule governing mediation, if any;

(D) Informing the parties about the availability of early neutral evaluation programs, including those offered by local bar associations, and, upon agreement of the parties, entering an appropriate order doing any of the following:

(1) Referring the dispute to early neutral evaluation;

(2) Staying the proceedings in the litigation for up to sixty days pending completion of the early neutral evaluation process;

(3) Implementing the result of the early neutral evaluation process.

(E) Upon request of the parties to the litigation, evidenced by a written certification of agreement from all parties, entering such orders to refer the dispute to any other alternative dispute resolution method as the judge deems to be consistent with the interest of justice.

RULE 79.01. Assisted Outpatient Treatment Programs.

(A) Definitions

As used in this rule:

(1) "Assisted outpatient treatment program" means a particular session of court for persons with a mental illness subject to court order to receive treatment while being monitored in the community pursuant to R.C. Chapter 5122 and R.C. 2945.38, 2945.39, 2945.40, 2945.401, and 2945.402.

(2) "Person with a mental illness subject to court order" has the same meaning as in R.C. 5122.01(B).

(B) Establishment of program

(1) A court or a division of a court may establish an assisted outpatient treatment program for the purposes of monitoring compliance with a treatment plan for persons with a mental illness subject to court order who are supervised in an outpatient setting within the community.

(2) An assisted outpatient treatment program is not a specialized docket pursuant to Sup.R. 36.20.

(C) Local rule

A court or division that operates an assisted outpatient treatment program shall adopt a local rule governing the program. The rule shall include all of the following:

(1) Eligibility criteria for assisted outpatient candidates;

(2) Procedures for the selection and referral of an individual to the assisted outpatient treatment program;

(3) Expectations for assisted outpatient participants;

(4) Procedures for hospitals, treatment providers, county alcohol drug and mental health boards, participants, and attorneys to make confidential filings in the participant's underlying civil commitment pursuant to R.C. Chapter 5122;

(5) Procedures for notifying the parties and nonparty participants;

(6) Procedures for conducting the initial review and subsequent reviews;

(7) Criteria for successful completion of the program.

(D) Responsibilities of court

A court or division that operates an assisted outpatient treatment program shall be responsible for all of the following:

(1) Facilitating communication, as needed, among representatives of the court, treatment providers, and other individuals or agencies supporting the program participants;

(2) Monitoring a program participant's adherence to the treatment plan created by the community-based provider;

(3) Evaluating a program participant throughout the court-ordered treatment period;

(4) Maintaining confidentiality of proceedings, information, and records pursuant to R.C. Chapter 5122;

(5) Evaluating program outcomes.

RULE 80. Definitions.

As used in Sup.R. 80 through 89:

(A) Ancillary court services

"Ancillary court services" means any activity, other than a case or court function, that includes the exchange of legal or general court-related information with the public or parties in interest and is paid for, provided by, or ordered by the court. "Ancillary court services" includes, but is not limited to, the following:

(1) Dispute-resolution programs;

(2) Evaluations in the probate, guardianship, divorce, child-custody, and other judicial contexts;

(3) Information counters and clerk of courts' counters;

(4) Probation or criminal-diversion-program functions;

(5) Self-represented clinics, resources, or help centers established by the court;

(6) Specialized dockets and dedicated-subject-matter dockets.

(B) Case or court function

"Case or court function" means any hearing, trial, pre-trial conference, settlement conference, or other appearance before a court in an action, appeal, proceeding, or other matter conducted by a judge, magistrate, or other court official.

(C) Consecutive interpretation

"Consecutive interpretation" means interpretation in which a foreign language interpreter or sign language interpreter waits until the speaker finishes an entire message rendered in a source language before rendering the message in a target language.

(D) Crime of moral turpitude

"Crime of moral turpitude" means either of the following:

(1) A crime punishable by death or imprisonment in excess of one year pursuant to the law under which the person was convicted;

(2) A crime involving dishonesty or false statement, regardless of the punishment and whether based upon state or federal statute or local ordinance.

(E) Deaf blind

"Deaf blind" means a combination of hearing and vision loss of any varying degree that causes an individual extreme difficulty in attaining independence in daily life activities, achieving psychosocial adjustment, or obtaining vocational objectives.

(F) Foreign language interpreter

"Foreign language interpreter" means an individual who, as part of any case or court function, facilitates communication between or among legal professionals and a limited English proficient or non-English speaking party or witness through consecutive interpretation, simultaneous interpretation, or sight translation.

(G) Language-access plan

"Language-access plan" means a document that outlines how the court provides services to people who are limited English proficient, deaf, or hard of hearing. It should include the contact at the court responsible for managing the plan and for requests for assistance, timelines, and allocation of resources to maintain compliance with the language-access requirements under federal and state law.

(H) Limited English proficient

"Limited English proficient" means an individual who does not speak English as a primary language or who has a limited ability to read, speak, write, or understand English and requires the assistance of a foreign language interpreter or sign language interpreter to effectively communicate.

(I) Provisionally qualified foreign language interpreter

"Provisionally qualified foreign language interpreter" means a foreign language interpreter who has received provisional certification from the Supreme Court Language Services Section pursuant to Sup.R. 81(G)(3).

(J) Registered foreign language interpreter

"Registered foreign language interpreter" means a foreign language interpreter who has registered with the Supreme Court Language Services Section pursuant to Sup.R. 81.01.

(K) Registered sign language interpreter

"Registered sign language interpreter" means a sign language interpreter who has registered with the Supreme Court Language Services Section pursuant to Sup.R. 82.01.

(L) Sight translation

"Sight translation" means interpretation in which a foreign language interpreter or sign language interpreter renders in a target language a written document composed in a source language.

(M) Sign language interpreter

"Sign language interpreter" means an individual who, as part of any case or court function, facilitates communication between or among legal professionals and a deaf, hard-of-hearing, or deaf-blind party, witness, or juror through the use of sign language or other manual or oral representation of a spoken language.

(N) Simultaneous interpretation

"Simultaneous interpretation" means interpretation in which, after a brief pause to listen for or view key grammatical information, a foreign language interpreter or sign language interpreter renders in a target language the message of a person rendered in a source language as the person continues to communicate.

(O) Supreme Court certified foreign language interpreter

"Supreme Court certified foreign language interpreter" means a foreign language interpreter who has received certification from the Supreme Court Language Services Section pursuant to Sup.R. 81.

(P) Supreme Court certified sign language interpreter

"Supreme Court certified sign language interpreter" means a sign language interpreter who has received certification from the Supreme Court Language Services Section pursuant to Sup.R. 82.

(Q) Telephonic interpretation

"Telephonic interpretation" means the use via telephone of a foreign language interpreter who is in a location that is physically separate from that of the party or witness who is limited English proficient and requires the services of the interpreter for meaningful participation.

(R) Translator

"Translator" means an individual who, as part of any case or court function, takes written text composed in a source language and renders it into an equivalent written text of a target language.

(S) Video remote interpretation

"Video remote interpretation" means the use, via video, of a foreign language or sign language interpreter who is in a location that is physically separate from the limited English proficient, deaf, or hard-of-hearing individual who requires the services of the interpreter for meaningful participation.

RULE 81. Supreme Court Certified Foreign Language Interpreters, and Provisionally Qualified Foreign Language Interpreters.

(A) Certification

A foreign language interpreter may receive certification from the Supreme Court Language Services Section and be styled a "Supreme Court certified foreign language interpreter" pursuant to the requirements of this rule.

(B) General requirements for certification

An applicant for certification as a Supreme Court certified foreign language interpreter shall satisfy each of the following requirements:

(1) Be at least eighteen years old;

(2) Be a citizen or legal resident of the United States or have the legal right to remain and work in the United States;

(3) Have not been convicted of any crime involving moral turpitude.

(C) Application for certification

An applicant for certification as a Supreme Court certified foreign language interpreter shall file an application with the Section. The application shall include each of the following:

(1) Verification the applicant is at least eighteen years old;

(2) Verification the applicant is a legal resident or citizen of the United States or has the legal right to remain and work in the United States;

(3) A copy of an oral assessment in English and the target foreign language demonstrating at minimum general professional proficiency based on an oral proficiency interview;

(4) A nonrefundable application fee in an amount as determined by the Section.

(D) Orientation training

An applicant shall attend an orientation training session conducted or sponsored by the Section providing an introductory course to interpreting and addressing ethics, legal procedure and terminology, modes of interpretation, and other substantive topics. The Section may waive this requirement upon demonstration by the applicant of equivalent experience or training. The Section shall charge the applicant a nonrefundable fee in an amount as determined by the Section for attendance at a Section-sponsored training session.

(E) Written examination

(1) An applicant for certification as a Supreme Court certified foreign language interpreter shall take the written examination of the National Center for State Courts. The examination shall be administered by the Section in accordance with the standards described in the test administration manuals of the center.

(2) To pass the written examination, an applicant shall receive an overall score of eighty percent or better in the English language and grammar, court-related terms and usage, and professional conduct sections of the examination. The written exam score may be carried to qualify for the oral exam for a period of no more than five years.

(3) An applicant who fails the written examination shall wait no less than six months before retaking the examination provided that there are two written exams made available by the National Center for State Courts.

(4) An applicant who has taken the written examination in another state within the past twenty-four months may apply to the Section for recognition of the score. The Section shall recognize the score if it is substantially comparable to the score required under division (E)(2) of this rule.

(F) Post-written examination training course

Upon compliance with the written examination requirements of division (E) of this rule, an applicant for certification as a Supreme Court certified foreign language interpreter shall attend a training course sponsored by the Section focusing on simultaneous, consecutive, and sight translation modes of interpretation in English and the target language of the applicant. The Section may charge the applicant a nonrefundable fee in an amount as determined by the Section for attendance at the training course.

(G) Oral examination

(1) After attending the post-written examination training course pursuant to division (F) of this rule, an applicant for certification as a Supreme Court certified foreign language interpreter shall take the oral examination of the National Center for State Courts. The examination shall be administered by the Section in accordance with the standards described in the test administration manuals of the center.

(2) To pass oral examination, an applicant shall receive a score of seventy percent or better in each of the sections of the examination. The sight-translation section in either the English part or the foreign language part must be no less than sixty-four percent and must average at seventy percent or above in combination.

(3) An applicant who receives a score of less than seventy percent but at least fifty-five percent in each of the sections of the oral examination shall receive provisional certification from the Section and be styled a “provisionally qualified foreign language interpreter.” The

applicant may maintain provisional certification, provided the applicant's certification is not revoked pursuant to Sup.R. 83.

(4) An applicant who receives a score of at least seventy percent in two of the sections of the oral examination may carry forward the passing scores for up to thirty-six months or three testing cycles, whichever occurs last. If the applicant fails to successfully pass any previously failed sections of the examination during the time period which passing scores may be carried forward, the applicant shall complete all sections of the examination at a subsequent examination. An applicant may not carry forward passing scores from an examination taken in another state.

(H) Written and oral examination preparation

The Section shall provide materials to assist applicants for certification as Supreme Court certified foreign language interpreters in preparing for the written and oral examinations, including overviews of each examination. The Section also shall provide, approve, or coordinate training for applicants.

(I) Reciprocity

An applicant for certification as a Supreme Court certified foreign language interpreter who has previously received certification as a foreign language interpreter may apply to the Section for certification without fulfilling the training and examination requirements of division (D) through (G) of this rule as follows:

(1) An applicant who has received certification from the federal courts shall provide proof of certification and be in good standing with the certifying body.

(2) An applicant who has received certification from another state shall provide proof of having passed the oral examination. The Section may verify the test score information and testing history before approving certification.

(3) An applicant who has received certification from the National Association of Judiciary Interpreters and Translators shall provide proof of having received a score on the examination of the association substantially comparable to the scores required under divisions (E)(2) and (G)(2) of this rule. The Section may verify the test score information and testing history before approving reciprocal certification.

(4) Requests for reciprocal certification from all other applicants shall be reviewed by the Section on a case-by-case basis, taking into consideration testing criteria, reliability, and validity of the examination procedure of the certifying body. The Section shall verify the test score of the applicant after accepting the certification criteria of the certifying body.

RULE 81.01. Registered Foreign Language Interpreters.

(A) Registration

A foreign language interpreter may register with the Supreme Court Language Services Section and be styled a "registered foreign language interpreter" pursuant to the requirements of this rule.

(B) Requirements for registration

An applicant for registration as a registered foreign language interpreter shall satisfy each of the following requirements:

(1) Be at least eighteen years old;

(2) Be a citizen or legal resident of the United States or have the legal right to remain and work in the United States;

(3) Have not been convicted of any crime involving moral turpitude;

(4) Is ineligible for certification as a Supreme Court certified foreign language interpreter due to the lack of an oral examination of the National Center for State Courts for that language or there are less than ten in-state certified interpreters for that foreign language listed on the Supreme Court roster;

(5) Receive an overall score of eighty percent or better in the English language and grammar, court-related terms and usage, and professional conduct sections of the written examination of the National Center for State Courts. The examination shall be administered by the Section in accordance with the standards described in the test administration manuals for the National Center for State Courts.

(6) Complete twenty-four hours of court interpreter training. The training shall consist of six hours of legal terminology, six hours of court interpreter ethics, and twelve hours of modes of interpretation.

(7) Complete an oral proficiency assessment in that foreign language and receive a score at the top of the scale demonstrating superior native fluency.

(C) Application for registration

An applicant for registration as a registered foreign language interpreter shall file an application with the Section. The application shall include each of the following:

(1) Verification the applicant is at least eighteen years old;

(2) Verification the applicant is a legal resident or citizen of the United States or has the legal right to remain and work in the United States;

(3) A copy of a completed criminal background check showing no conviction of a crime involving moral turpitude;

(4) A nonrefundable application fee in an amount as determined by the Section.

(5) An applicant from another state or the District of Columbia or a territory of the United States may apply for reciprocity of registered status as a registered foreign language interpreter provided that the applicant meets the requirements of division (B) of this rule.

RULE 82. Certification for Sign Language Interpreters.

(A) Certification

A sign language interpreter who has received a passing score on the "Specialist Certification: Legal" examination of the Registry of Interpreters for the Deaf may receive certification from the Supreme Court Language Services Section and be styled a "Supreme Court certified sign language interpreter" pursuant to the requirements of this rule.

(B) General requirements for certification

An applicant for certification as a Supreme Court certified sign language interpreter shall satisfy each of the following requirements:

(1) Be at least eighteen years old;

(2) Be a citizen or legal resident of the United States or have the legal right to remain and work in the United States;

(3) Have not been convicted of any crime involving moral turpitude.

(C) Application for certification

An applicant for certification as a Supreme Court certified sign language interpreter shall file an application with the Section. The application shall include each of the following:

(1) Verification the applicant is at least eighteen years old;

(2) Verification the applicant is a legal resident or citizen of the United States or has the legal right to remain and work in the United States;

(3) A copy of a completed criminal background check showing no conviction of a crime involving moral turpitude;

(4) Proof of having received a passing score on the "Specialist Certification: Legal" examination;

(5) A nonrefundable application fee in an amount as determined by the Section.

RULE 82.01. Registered Sign Language Interpreters.

(A) Registration

A sign language interpreter may be registered by the Supreme Court Language Services Section and be styled a "registered sign language interpreter" pursuant to the requirements of this rule.

(B) Requirements for registration

An applicant for registration as a registered sign language interpreter shall satisfy each of the following requirements:

(1) Be at least eighteen years old;

(2) Be a citizen or legal resident of the United States or have the legal right to remain and work in the United States;

(3) Have not been convicted of any crime involving moral turpitude;

(4) Hold one of the following certifications:

(a) A "National Interpreter Certification" from the Registry of Interpreters for the Deaf;

(b) A "Certification of Interpretation" and "Certification of Transliteration" from the Registry of Interpreters for the Deaf;

(c) A "Comprehensive Skills Certificate" from the Registry of Interpreters for the Deaf;

(d) A "Level V Certification" from the National Association of the Deaf;

(e) A "Level IV Certification" from the National Association of the Deaf;

(f) A "Level III Certification" from the National Association of the Deaf.

(5) Be in good standing with the entity from which the interpreter received certification;

(6) Receive an overall score of eighty percent or better in the English language and grammar, court-related terms and usage, and professional conduct sections of the written examination of the National Center for State Courts. The examination shall be administered by the Section in accordance with the standards described in

the test administration manuals of the center. An interpreter who has taken the written examination in another state within the past twenty-four months may apply to the Section for recognition of the score. The Section shall recognize the score if it is substantially comparable to the score required under this division.

(7) Complete twenty-four hours of court interpreter training. The training shall consist of six hours of legal terminology, six hours of court interpreter ethics, and twelve hours of modes of interpretation or other specialized legal topics for court interpreters.

(8) An applicant from another state or the District of Columbia or a territory of the United States may apply for reciprocity of registered status as a registered sign language interpreter provided the applicant meets the requirements of division (B) of this rule.

(C) Application for registration

An applicant for registration as a registered sign language interpreter shall file an application with the Section. The application shall include each of the following:

(1) Verification the applicant is at least eighteen years old;

(2) Verification the applicant is a legal resident or citizen of the United States or has the legal right to remain and work in the United States;

(3) A copy of a completed criminal background check showing no conviction of a crime involving moral turpitude;

(4) A nonrefundable application fee in an amount as determined by the Section.

RULE 83. Revocation of Supreme Court Credentials.

The Supreme Court Language Services Section may revoke the certification of a Supreme Court certified foreign language interpreter, a Supreme Court certified sign language interpreter, a provisionally qualified foreign language interpreter, a registered foreign language interpreter or a registered sign language interpreter for any of the following reasons:

(A) A material omission or misrepresentation in the application for certification from the interpreter;

(B) A substantial breach of the "Code of Professional Conduct for Court Interpreters and Translators," as set forth in Appendix H to this rule;

(C) Noncompliance with the applicable continuing education requirements of Sup.R. 85;

(D) Revocation of credentials by initial certification body, another state court system, or other entity listed in Sup.R. 81(I).

RULE 84. Code of Professional Conduct for Court Interpreters and Translators.

Supreme Court certified foreign language interpreters, provisionally qualified foreign language interpreters, registered foreign language interpreters, Supreme Court certified sign language interpreters, registered sign language interpreters, and translators shall be subject to and take an oath or affirmation under which the interpreter or translator affirms to know, understand, and act in accordance with the "Code of Professional Conduct for Court Interpreters and Translators," as set forth in Appendix H to this rule. The Supreme Court Language Services Section shall maintain a signed oath as part of the records of the Section.

RULE 85. Continuing Education.

(A) Requirements

Each Supreme Court certified foreign language interpreter, provisionally qualified foreign language interpreter, registered foreign language interpreter, Supreme Court certified sign language interpreter, and registered sign language interpreter shall complete and report, on a form provided by the Supreme Court Language Services Section, at least twenty-four credit hours of continuing education offered or accredited by the Section for each two-year reporting period. Six of the credit hours shall consist of ethics instruction and the remaining eighteen general credit hours shall be relevant to the work of the interpreter in the legal setting. The interpreter may carry forward a maximum of twelve general credit hours into the following biennial reporting period.

(B) Compliance with requirements

The Section shall keep a record of the continuing education hours of each Supreme Court certified foreign language interpreter, provisionally qualified foreign language interpreter, registered foreign language interpreter, Supreme Court certified sign language interpreter, and registered sign language interpreter, provided it shall be the responsibility of the interpreter to inform the Section of meeting the continuing education requirements.

(C) Accreditation

The Section shall accredit continuing education programs, activities, and sponsors and establish procedures for accreditation, provided any continuing education programs or activities offered by the National Center for State Courts, the National Association of Judiciary Interpreters and Translators, the Registry of Interpreters for the Deaf, and the American Translators Association shall not require accreditation. The Section may assess a reasonable nonrefundable application fee in an amount as determined by the Section for a sponsor submitting a program or activity for accreditation.

RULE 86. Roster of Interpreters.

The Supreme Court Language Services Section shall maintain a roster of each Supreme Court certified foreign language interpreter, Supreme Court certified sign language interpreter, provisionally qualified foreign language interpreter, registered foreign language interpreter, and registered sign language interpreter who is in compliance with the applicable continuing education requirements of Sup.R. 85. The Section shall post the roster on the website of the Supreme Court. The Section may also include a list of assessed interpreters who have scored no less than 70 percent on the written exam, have attended twenty-four hours of court-related training, and have demonstrated proficiency in the foreign language through an oral proficiency interview. Assessed interpreters must also pass a background check showing no conviction of a crime involving moral turpitude and have the legal right to work in the United States.

RULE 87. Use of Artificial Intelligence in Court Interpretation and Translation.

(A) Translation

(1) A court shall not utilize artificial intelligence in translating any substantive legal writings. As used in this rule, "substantive legal writings" include legal forms, court orders, probation conditions, and any other similar writings that may impact the outcome of a case or constitutional or civil rights of a litigant.

(2) A court may use artificial intelligence in translating non-substantive, non-legal writings, provided the court clearly discloses to public users the use of artificial intelligence and as such may contain errors. As used in this rule, "non-substantive, non-legal writings" include materials relating to general court information such as websites, webpages, chatbots, court signage, court hours, department or office locations, and other writings that are not legal in nature and do not implicate a litigant's constitutional or civil rights.

(3) When possible, a court should review translated pages or items for accuracy and completeness. The review may be performed by a qualified human translator or a proficient native speaker of the language.

(B) Interpretation

A court shall not utilize artificial intelligence for interpretation in any substantive legal proceeding, case, or court function, whether this includes oral interpretation or translated closed captioning.

Commentary

The use of artificial intelligence oral interpretation is subject to error, misrepresentation, breach of privacy, and may cause harm to the individual who receives the information in the foreign language, or when the court receives the information in English.

By using artificial intelligence oral interpretation, the output may jeopardize the litigant's constitutional or civil rights.

R.C. 2311.14(A) requires a court to appoint a *"qualified"* interpreter and to administer an oath before the interpreter enters upon official duties as specified in R.C. 2311.14(B).

Sup.R. 88(D) through (I) requires a court to appoint a certified, provisionally qualified, registered or language-skilled interpreter to participate *"in-person"* or through telephonic or video remote participation.

Sup.R. 87 may be subject to change as technology advances.

RULE 88. Appointment of a Foreign Language Interpreter or Sign Language Interpreter.

(A) When appointment of a foreign language interpreter is required

A court shall appoint a foreign language interpreter in a case or court function in either of the following situations:

(1) A party or witness who is limited English proficient or non-English speaking requests a foreign language interpreter and the court determines the services of the interpreter are necessary for the meaningful participation of the party or witness;

(2) Absent a request from a party or witness for a foreign language interpreter, the court concludes the party or witness is limited English proficient or non-English speaking and determines the services of the interpreter are necessary for the meaningful participation of the party or witness.

(B) When appointment of a sign language interpreter is required

(1) A court shall appoint a sign language interpreter in a case or court function in either of the following situations:

(a) A party, witness, or juror who is deaf, hard of hearing, or deaf blind requests a sign language interpreter;

(b) Absent a request from a party, witness, or juror for a sign language interpreter, the court concludes the party, witness, or juror is deaf, hard of hearing, or deaf blind and determines the services of the interpreter are necessary for the meaningful participation of the party, witness, or juror.

(2) When appointing a sign language interpreter pursuant to division (B)(1) of this rule, the court shall give primary consideration to the method of interpretation chosen by the party, witness, or juror, in accordance with 28 C.F.R. 35.160(b)(2), as amended.

(C) Appointments to avoid

A court shall use all reasonable efforts to avoid appointing an individual as a foreign language interpreter pursuant to division (A) of this rule or sign language interpreter pursuant to division (B) of this rule if any of the following apply:

(1) The interpreter is compensated by a business owned or controlled by a party or a witness;

(2) The interpreter is a friend or a family or household member of a party or witness;

(3) The interpreter is a potential witness;

(4) The interpreter is court personnel employed for a purpose other than interpreting;

(5) The interpreter is a law enforcement officer, probation-department personnel, prosecutor, defense counsel, or counsel for a party or witness;

(6) The interpreter has a pecuniary or other interest in the outcome of the case;

(7) The appointment of the interpreter would not serve to protect a party's rights or ensure the integrity of the proceedings;

(8) The interpreter does or may have a real or perceived conflict of interest or appearance of impropriety.

(D) Appointment of certified foreign language interpreters

Except as provided in divisions (E) through (G) of this rule, when appointing a foreign language interpreter pursuant to division (A) of this rule, a court shall appoint a Supreme Court certified foreign language interpreter to participate in-person at the case or court function.

(E) Appointment of provisionally qualified foreign language interpreters or registered foreign language interpreters

Except as provided in divisions (F) through (G) of this rule, if a Supreme Court certified foreign language interpreter does not exist or is not reasonably available to participate in-person at the case or court function and after considering the gravity of the proceedings and whether the matter could be rescheduled to obtain a Supreme Court certified foreign language interpreter to participate in-person at the case or court function, a court may appoint a provisionally qualified foreign language interpreter or registered foreign language interpreter to participate in-person at the case or court function. The court shall summarize on the record its efforts to obtain a Supreme Court certified foreign language interpreter to participate in-person at the case or court function and the reasons for using a provisionally qualified foreign language interpreter.

(F) Appointment of language-skilled foreign language interpreters

(1) Except as provided in division (G) of this rule, if a Supreme Court certified foreign language interpreter, provisionally qualified foreign language interpreter, or registered foreign language interpreter does not exist or is not reasonably available to participate in-person at the case or court function and after considering the gravity of the proceedings and whether the matter could be rescheduled to obtain a Supreme Court certified foreign language interpreter, provisionally qualified foreign language interpreter, or registered

foreign language interpreter to participate in-person at the case or court function, a court may appoint a foreign language interpreter who demonstrates to the court proficiency in the target language and sufficient preparation to properly interpret the proceedings to participate in-person at the case or court function. Such interpreter shall be styled a "language-skilled foreign language interpreter."

(2) The court shall summarize on the record its efforts to obtain a Supreme Court certified foreign language interpreter, provisionally qualified foreign language interpreter, or registered foreign language interpreter to participate in-person at the case or court function and the reasons for using a language-skilled foreign language interpreter.

(3) The language-skilled foreign language interpreter's experience, knowledge, and training should be stated on the record. Each language-skilled foreign language interpreter shall take an oath or affirmation under which the interpreter affirms to know, understand, and act according to the "Code of Professional Conduct for Court Interpreters and Translators," as set forth in Appendix H to this rule.

(G) Appointment of telephonic and video remote foreign language interpreters

(1) If a Supreme Court certified foreign language interpreter, provisionally qualified foreign language interpreter, registered foreign language interpreter, or language-skilled foreign language interpreter does not exist or is not reasonably available to participate in-person at the case or court function and after considering the gravity of the proceedings and whether the matter could be rescheduled to obtain a Supreme Court certified foreign language interpreter, provisionally qualified foreign language interpreter, registered foreign language interpreter, or language-skilled foreign language interpreter to participate in-person at the case or court function, a court may appoint an interpreter to participate in the case or court function through telephonic or video remote interpretation.

(2) The court shall summarize on the record its efforts to obtain a Supreme Court certified foreign language interpreter, provisionally qualified foreign language interpreter, registered foreign language interpreter, or language-skilled foreign language interpreter to participate in-person at the case or court function and the reasons for using an interpreter who will participate in the case or court function through telephonic or video remote interpretation.

(3) In appointing the interpreter, the court shall follow the order of certification preference in divisions (D) through (F) of this rule and comply with the "Standards for the Use of Telephonic Interpretation," as set forth in Appendix J to this rule, or the "Standards for the Use of Video Remote Interpretation," as set forth in Appendix G to this rule, as applicable.

(H) Appointment of certified, registered, and eligible sign language interpreters

(1) Except as provided in divisions (H)(2) through (6) of this rule, when appointing a sign language interpreter pursuant to division (B) of this rule, the court shall appoint a Supreme Court certified sign language interpreter.

(2) Except as provided in divisions (H)(3) through (H)(6) of this rule, if a Supreme Court certified sign language interpreter does not exist or is not reasonably available and after considering the gravity of the proceedings and whether the matter could be rescheduled to obtain a Supreme Court certified sign language interpreter, a court may appoint a court interpreter certified by the Board for Evaluation of Interpreters (BEI) of the Texas Health and Human Services Office of Deaf and Hard of Hearing Services.

(3) Except as provided in divisions (H)(4) through (6) of this rule, if a Supreme Court certified sign language interpreter or a court interpreter certified by BEI does not exist or is not reasonably available and after considering the gravity of the proceedings and whether the matter could be rescheduled to obtain a Supreme Court certified sign language interpreter or a court interpreter certified by BEI, a court may appoint a registered sign language interpreter.

(4) Except as provided in divisions (H)(5) and (6) of this rule, if a Supreme Court certified sign language interpreter, a court interpreter certified by BEI, or registered sign language interpreter, a court interpreter certified by BEI, does not exist or is not reasonably available and after considering the gravity of the proceedings and whether the matter could be rescheduled to obtain a Supreme Court certified sign language interpreter, a court interpreter certified by BEI, or registered sign language interpreter, a court may appoint an eligible sign language interpreter who holds one of the following certifications:

(a) A "National Interpreter Certification" from the Registry of Interpreters for the Deaf;

(b) A "Certification of Interpretation" and "Certification of Transliteration" from the Registry of Interpreters for the Deaf;

(c) A "Comprehensive Skills Certificate" from the Registry of Interpreters for the Deaf;

(d) A "Level V Certification" from the National Association of the Deaf;

(e) A "Level IV Certification" from the National Association of the Deaf;

(f) A "Level III Certification" from the National Association of the Deaf.

(5) If the communication mode of the deaf, hard-of-hearing, or deaf-blind party, witness, or juror is unique and cannot be adequately accessed by a sign language interpreter

who is hearing, a court shall appoint a sign language interpreter certified as a "Certified Deaf Interpreter" by the Registry of Interpreters for the Deaf.

(6) If the communication mode of the deaf, hard-of-hearing, or deaf-blind party, witness, or juror requires silent oral techniques, a court may appoint a sign language interpreter who possesses an "Oral Transliteration Certificate" from the Registry of Interpreters for the Deaf.

(7) A court shall summarize on the record its efforts to obtain and reasons for not using a Supreme Court certified sign language interpreter or registered sign language interpreter. The sign language interpreter's name, experience, knowledge, and training should be stated on the record.

(I) Appointment of multiple foreign language interpreters or sign language interpreters

(1) To ensure the accuracy and quality of interpretation, when appointing a foreign language interpreter pursuant to division (A) of this rule or sign language interpreter pursuant to division (B) of this rule, a court shall appoint two or more foreign language interpreters or sign language interpreters in either of the following situations:

(a) The case or court function will last two or more hours and requires continuous, simultaneous, or consecutive interpretation;

(b) The case or court function will last less than two hours, but the complexity of the circumstances warrants the appointment of two or more interpreters.

(2) To ensure the accuracy and quality of interpretation, a court shall appoint two or more foreign language interpreters or sign language interpreters for a case or court function involving multiple parties, witnesses, or jurors requiring the services of an interpreter.

(J) Examination on record

(1) In determining whether the services of a foreign language interpreter are necessary for the meaningful participation of a party or witness pursuant to division (A) of this rule, the court shall conduct an examination of the party or witness on the record. During the examination, the court shall utilize the services of a foreign language interpreter, who may participate remotely. However, in doing so the court is not required to comply with the requirements of divisions (D) through (G) of this rule.

(2) In determining whether the services of a sign language interpreter are necessary for the meaningful participation of a party, witness, or juror, pursuant to division (B) of this rule, the court shall conduct an examination of the party, witness, or juror on the record. During the examination, the court shall utilize the services of a sign language interpreter, who may participate remotely. However, in doing so the court is not required to comply with the requirements of division (H) of this rule.

(K) Waiver

A party may waive the right to a foreign language interpreter under division (A) of this rule or sign language interpreter under division (B) of this rule, unless the court has determined the interpreter is required for the protection of the party's rights and the integrity of the case or court function. When accepting the party's waiver, the court shall utilize the services of a foreign language interpreter or sign language interpreter, who may participate remotely. However, in doing so the court is not required to comply with the requirements of divisions (D) through (H) of this rule.

(L) Administration of oath or affirmation

A court shall administer an oath or affirmation to a foreign language interpreter appointed pursuant to division (A) of this rule or sign language interpreter appointed pursuant to division (B) of this rule in accordance with R.C. 2311.14.

(M) Language-Access Plan

For purposes of ensuring language access and effective appointment of interpreters, a court shall develop and implement a language access plan. The language-access plan shall address how the court will provide language services in case or court functions and ancillary court services. The court shall update the language access plan at least once every three years. A court that adopts the Supreme Court of Ohio Model Language Access Plan template is presumed to have complied with this rule.

(N) Interpreter responsibility in case or court function and ancillary court services

When directed by the court, an interpreter appointed pursuant to divisions (D) through (H) of this rule shall provide interpreting services, without regard to whether the services take place inside the courtroom, for all of the following: proceedings, case or court function, ancillary court services, and attorney-client communications related to the proceeding or ancillary court service. The terms in this paragraph do not apply to an interpreter who is providing services as an expert witness and subject to Evid.R. 604 and 702.

RULE 89. Use of Communication Services in Ancillary Court Services.

(A) Limited English proficient individuals

A court shall provide foreign language communication services to limited English proficient individuals in conjunction with ancillary court services. Dependent upon the significance and complexity of the ancillary court service, the following individuals may provide the communication services in person, telephonically, or via other electronic means available:

(1) An employee of the court, other than a Supreme Court certified foreign language interpreter or provisionally qualified foreign language interpreter, who has demonstrated proficiency in English and the target language in accordance with standards set by Supreme Court Language Services Section and who the Section has determined is qualified to conduct communication services directly with a limited English proficient individual in the target language;

(2) A Supreme Court certified foreign language interpreter;

(3) A provisionally qualified foreign language interpreter;

(4) A registered foreign language interpreter;

(5) A language-skilled foreign language interpreter.

(B) Deaf, hard-of-hearing, and deaf-blind individuals

A court shall provide sign language communication services to deaf, hard-of-hearing, and deaf-blind individuals in conjunction with ancillary court services. Dependent upon the significance and complexity of the ancillary court service, a Supreme Court certified sign language interpreter, a court interpreter certified by BEI, a registered sign language interpreter, or an interpreter eligible pursuant to Sup.R. 88(H)(4) may provide the communication services in person, telephonically, or via other electronic means available.

RULE 90 is reserved for future use

RULE 91.01. Definitions.

As used in Sup.R. 91.01 through 91.09:

(A) Best interest

"Best interest" has the same meaning as in R.C. 3109.04 and 3109.051.

(B) Custody evaluation

"Custody evaluation" means an expert study and analysis, by an individual qualified to be a custody evaluator, of the needs and development of a child who is the subject of an action or proceeding in which child custody or parenting visitation is an issue, and of the comparative and relative capacities of the parties and other relevant adults to care for and meet the needs and best interest of the child. Custody evaluation shall include full and partial evaluation. Custody and parenting visitation shall include allocation of parental rights and responsibilities, companionship, and visitation.

(C) Custody evaluator

"Custody evaluator" means an individual meeting the requirements of Sup.R. 91.08. As used in this rule, a custody evaluator can be one of the following:

(1) "Court-connected evaluator," a person employed by the court or with whom the court contracts custody evaluation services.

(2) "Private custody evaluator," a person in private practice who provides custody evaluation services to the court.

(D) Evaluation

"Evaluation" includes an investigation and assessment.

(E) Full evaluation

"Full evaluation" means a comprehensive examination of the best interest of a child.

(F) Partial evaluation

"Partial evaluation" means an examination of the best interest of a child that is limited by court order in either time or scope.

RULE 91.02. Application of Rules.

Sup.R. 91.01 through 91.09 shall apply in a case in which a court of common pleas appoints a person to perform a custody evaluation to assist the court when child custody or parenting visitation is at issue.

RULE 91.03. Local Custody Evaluator Rule.

A court of common pleas that appoints custody evaluators shall adopt local rules governing appointment. The local rules shall do both of the following:

(A) Establish a process for submitting in electronic format or hard copy comments and complaints regarding the performance of custody evaluators appointed by the court and for considering such comments and complaints. The process shall include each of the following:

(1) The designation of a person for accepting and considering comments and complaints;

(2) A requirement that a copy of the submitted comment or complaint be provided to the custody evaluator who is the subject of the comment or complaint;

(3) A requirement that the court give prompt consideration to the comment or complaint and take appropriate action;

(4) A requirement that the court maintain a record, indicating where the filed comments and complaints will be kept, regarding the nature and disposition of the comment or complaint;

(5) A requirement that the court notify the person making the comment or complaint and the custody evaluator of the disposition of the comment or complaint.

(B) Address other provisions as the court considers necessary and appropriate.

RULE 91.04. Custody Evaluation.

(A) Order

Upon motion of a party, guardian ad litem, counsel for a child, or on its own initiative, a court of common pleas may order a custody evaluation to aid the court in evaluating the best interest of a child in a contested custody or parenting visitation case.

(B) Description of custody evaluation

Unless contraindicated in the judgment of the custody evaluator or limited by the order of appointment, a custody evaluation shall include but is not limited to all of the following:

(1) Information obtained through interviews, joint or individual, with each party seeking custody or parenting visitation;

(2) Information obtained through interviews with each child;

(3) Information obtained through interviews with stepparents, significant others, or any other adult residing in the home;

(4) Information obtained through interviews with step or half siblings residing in the home;

(5) Information obtained from child care providers, schools, counselors, hospitals, medical professionals, social service agencies, guardians ad litem, and law enforcement agencies;

(6) Information from home visits or observations of each child with the appropriate adults involved;

(7) Results of clinical tests administered;

(8) History of child abuse, domestic violence, substance abuse, psychiatric illness, and involvement with the legal system;

(9) Investigation into any other relevant information about the child’s needs.

RULE 91.05. Appointment of Custody Evaluator.

(A) Custody evaluator

A court of common pleas that has ordered a custody evaluation pursuant to Sup.R. 91.04 may appoint a court-connected custody evaluator or a private custody evaluator to perform the evaluation. The custody evaluator shall meet the requirements of Sup.R. 91.08. The court shall not appoint as a custody evaluator a guardian ad litem appointed to the case pursuant to Sup.R. 48. The court shall consider only evaluations completed by a custody evaluator appointed by the court.

(B) Private custody evaluator list

A court of common pleas that appoints custody evaluators shall establish and maintain a list of private custody evaluators eligible to receive appointments from the court. The court shall do all of the following with respect the list:

(1) Establish criteria, which include all requirements of Sup.R. 91.01 through 91.09, for appointment and removal of private custody evaluators from the list and procedures to ensure an equitable distribution of the work load among the private custody evaluators on the list. "Equitable distribution" means a system through which appointments are made in an objectively rational, fair, neutral, and nondiscriminatory manner and are widely distributed among all private custody evaluators on the list. The court may consider the complexity of the issues, parties, counsel, and the children involved, as well as the experience, expertise, and demeanor of available private custody evaluators.

(2) Maintain a record of all private custody evaluators eligible for appointment by the court, including the name, business address, telephone number, and electronic mail address of the evaluator. The court shall require each private custody evaluator to immediately notify the court of any changes to this information or changes in licensure status, including disciplinary actions.

(3) Require each private custody evaluator to submit to the court a resume documenting compliance with the custody evaluator qualifications and completion of the initial training program under Sup.R. 91.08(B).

(4) Require each private custody evaluator to submit to the court on or before January 1st of each year any updates to the resume and a list of continuing education training completed by the evaluator during the previous calendar year pursuant to Sup.R. 91.09, including the provider, title, date, and location of each training.

(5) Develop a procedure to verify that, at a minimum on an annual basis, custody evaluators on the appointment list have met the training requirements.

(C) Order of appointment

(1) A court of common pleas that appoints a custody evaluator pursuant to division (A) of this rule shall enter an order of appointment that includes all of the following information:

(a) The name, business address, licensure, and telephone number of the evaluator;

(b) The purpose and scope of the appointment;

(c) The term of the appointment;

(d) A provision that a written report is required and oral testimony may be required;

(e) Any deadlines pertaining to the submission of reports to the court, including the dates of any pretrial, settlement conference, or trial associated with the furnishing of reports;

(f) A provision for payment of fees, expenses, and any hourly rate or fee that will be charged;

(g) Any provision the court deems necessary to address the safety and protection of all parties, the children of the parties, any other children residing in the home of a party, and the person being appointed;

(h) Any other provisions the court deems necessary.

(2) An order of appointment shall do both of the following:

(a) Grant the custody evaluator the right to access information as authorized by the appointment;

(b) Require the parties to cooperate with the custody evaluator and provide information promptly when requested to do so.

(D) Removal

The court may remove a custody evaluator appointed to perform a custody evaluation upon a showing of good cause.

(E) Resignation

A custody evaluator appointed to perform a custody evaluation may resign prior to completing the evaluation only upon a showing of good cause, notice to the parties, an opportunity to be heard, and with the approval of the court.

(F) Fees and expenses

(1) Prior to the appointment of a custody evaluator, the parties to the case shall have a right to be heard on the issue of the allocation of reasonable fees and expenses.

(2) The court shall inquire as to the rate and terms of compensation required by the custody evaluator and shall make a determination of the ability of any party to the case to pay for the reasonable fees and expenses of the evaluator. 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 or statement of income and expenses, testimony to the court, or evidence of qualification for any means-tested public assistance;

(b) The complexity of the issues;

(c) The anticipated fees and expenses of the custody evaluator, including any fees or expenses related to potential testimony.

(3) Upon determination that the appointment of a custody evaluation should proceed, the court shall issue an order regarding allocation of payment of the evaluator's reasonable fees and expenses which shall consist of both of the following:

(a) Any requirement for a party to pay fees and expenses, including an initial deposit;

(b) Any requirement for any other entity or individual to contribute toward fees and expenses.

(4) For good cause shown, based upon a change of financial circumstances, the conduct of any party, or other unforeseen circumstances, the court may approve additional reasonable fees or expenses, reallocate fees or expenses, or require a party to reimburse another party in part or in whole for fees or expenses paid.

RULE 91.06. Responsibilities and Authority of Custody Evaluator.

(A) Responsibilities

A custody evaluator appointed by a court of common pleas pursuant to Sup.R. 91.04 shall do all of the following when performing the custody evaluation:

(1) Maintain objectivity, provide and gather balanced information from both parties to the case, and control for bias;

(2) Strive to minimize the potential psychological trauma to children during the evaluation and report writing by performing responsibilities in a prompt and timely manner;

(3) Protect the confidentiality of the parties and children with collateral contacts and not release information about the case to any individual except as authorized by the court or statute;

(4) Immediately identify himself or herself as a custody evaluator when contacting individuals in the course of a particular case and inform these individuals about the role of a custody evaluator and that documents and information obtained may become part of court proceedings;

(5) Refrain from any ex parte communications with the court regarding the merits of the case;

(6) Not offer any recommendations about a party unless that party has been evaluated directly or in consultation with another qualified neutral professional;

(7) Consider the health, safety, welfare, and best interest of the child in all phases of the process, including interviews with parents, extended family members, counsel for the child, and other interested parties or collateral contacts;

(8) Not pressure children to state a custodial preference;

(9) Inform the parties of the evaluator's reporting requirements, including, but not limited to suspected child abuse and neglect and threats to harm one's self or another person;

(10) Not disclose any recommendations to the parties, their attorneys, or the attorney for the child before having gathered the information necessary to support the conclusion;

(11) Be conscious of the socioeconomic status, gender, race, ethnicity, sexual orientation, cultural values, religion, family structures, and developmental characteristics of the parties;

(12) Upon discovery, notify the court in writing of any conflicts of interest arising from any relationship or activity with parties or others involved in the case. A custody evaluator shall avoid self-dealing or associations from which the custody evaluator may benefit, directly or indirectly, except from services as a custody evaluator.

(B) Assistance

When one party resides in another jurisdiction, a custody evaluator, upon order of the court, may rely upon another qualified neutral professional for assistance in gathering information.

(C) Communication with court

A custody evaluator may communicate with the court when necessary to amend the scope or time frame of the order of appointment.

RULE 91.07. Custody Evaluator Report.

(A) General

(1) A custody evaluator shall prepare and file with the court a written report at least 30 days prior to the final hearing. The report shall provide a detailed analysis of the relative strengths and areas in need of improvement of the parties with respect to meeting the needs of the child as well as a comparative analysis of different parenting or companionship plans under consideration. The report shall not be considered an investigation pursuant to Civ.R. 75(D).

(2) The written report shall include the statement "The custody evaluator's report shall be provided to the court for distribution to unrepresented parties and legal counsel. Unauthorized disclosure or distribution of the report may be subject to court action, including the penalties for contempt which include fines and/or incarceration."

(B) Court access to report

The court may receive and read the written report in advance of a hearing or trial for the purpose of conducting a settlement conference in the case.

(C) Record keeping

A custody evaluator shall establish and maintain a record-keeping system that shall include active control of their records and reasonable precautions to prevent the loss or destruction of records in compliance with established record retention standards.

(D) Discovery and public access

(1) The written report shall be subject to the Ohio Rules of Civil Procedure applicable to discovery in civil actions.

(2) The written report shall not be available for public access pursuant to Sup.R. 44 through 47.

(E) Copying and dissemination

A party may copy a written report of a custody evaluation but, except as permitted by the court, shall not disseminate the report by any means, including by social media. In particular, reports or the recommendations shall not be shared with minor children who are the subject of the case. Unauthorized disclosure or distribution of the report may be subject to court action, including the penalties for contempt which include fines and/or incarceration.

(F) Testimony and report at hearing or trial

(1) The evaluator's report shall be admitted into evidence at a hearing or trial on the court's motion. The report shall be admitted as the court's exhibit in the form of the evaluator's expert direct testimony. A party challenging the report shall subpoena the evaluator to appear not less than fourteen days before a hearing or trial.

(2) The court shall notify the evaluator as soon as a hearing or trial date is set. The evaluator shall be available to testify on cross-examination regarding the report if subpoenaed by a party not less than fourteen days prior to trial.

RULE 91.08. Custody Evaluator Licensure and Pre-Appointment Education Requirements.

(A) Licensure requirement

A court of common pleas shall appoint an individual as a custody evaluator only if the individual is one of the following:

(1) An Ohio licensed psychologist or a psychologist licensed in another jurisdiction and authorized by the Ohio Board of Psychology to practice psychology in this state on a temporary basis;

(2) An Ohio licensed social worker, professional clinical counselor, or marriage and family therapist or a professional with an equivalent level of licensure issued by another jurisdiction and authorized by the Ohio Counselor, Social Worker, and Marriage and Family Therapist Board to practice in this state on a temporary basis;

(3) A physician licensed in any state and board-certified in psychiatry or who has completed a psychiatry residency accredited by the Accreditation Council for Graduate Medical Education or a successor to that Council;

(4) A court-connected evaluator who has a minimum of a master's degree in a mental health field that includes formal education and training in the legal, social, familial, and cultural issues involved in custody decisions.

(B) Pre-appointment training

(1) Except as provided in division (B)(2) of this rule, a court of common pleas shall appoint an individual as a custody evaluator only if, at the time of appointment, the individual has completed an initial training program of forty hours to qualify for appointment. The initial training course shall be provided by the Supreme Court or other provider that has received prior approval of the Supreme Court. Approved topics for the initial training are detailed in the Supreme Court of Ohio's Custody Evaluator Training Guidelines.

(2) An individual serving as a custody evaluator on September 1, 2022, shall have until February 1, 2024, to complete the training required under division (B)(1) of this rule.

RULE 91.09. Custody Evaluator Continuing Education.

(A) Requirement

In each succeeding year following completion of the pre-appointment educational requirements of Sup.R. 91.08(B), a custody evaluator appointed by a court of common pleas shall complete a minimum of six hours of continuing education that meets all of the following requirements:

(1) Is provided by the Supreme Court or other provider that has received prior approval of the Supreme Court;

(2) Is comprised of approved continuing education topics detailed in the Supreme Court of Ohio's Custody Evaluator Training Guidelines.

(B) Failure to comply

The following shall apply to a custody evaluator who fails to comply with the continuing education requirement of division (A) of this rule:

(1) The custody evaluator shall not be eligible for new appointments to serve as a custody evaluator until the requirement is satisfied. If the deficiency in continuing education is more than three calendar years, the custody evaluator shall complete the initial training program pursuant to Sup.R. 91.08(B) to qualify again for appointment.

(2) If the custody evaluator is currently conducting an evaluation at the time of noncompliance, the appointing court may allow the custody evaluator to complete the evaluation and fulfill the requirements within the order of appointment.

RULES 92-94 are reserved for future use

RULE 95. Notifying Law Enforcement Agencies of Mental Illness.

(A) Definitions

As used in this rule:

(1) "Local law enforcement agency" means the police department of a municipal corporation in which an offense occurred or, if the offense did not occur in a municipal corporation, the sheriff of the county in which the offense occurred.

(2) "Mental illness" has the same meaning as in R.C. 5122.01.

(3) "Offense of violence" has the same meaning as in R.C. 2901.01.

(B) Completion of form

A court shall complete "Form 95" upon issuance, modification, or termination of a court order doing any of the following:

(1) Ordering a person who pled guilty to or who was convicted of an offense of violence to receive a mental health evaluation;

(2) Ordering a person who pled guilty to or who was convicted of an offense of violence to receive treatment for mental illness;

(3) Approving a conditional release of a person who was found not guilty by reason of insanity;

(4) Approving a conditional release of a person who was found incompetent to stand trial with no substantial probability of becoming competent again even with a course of treatment.

(C) Filing of form

Upon completion of "Form 95," a court shall submit a copy of the court order and the form to the local law enforcement agency for entrance of the information into the "National Crime Information Center Supervised Release File" through the "Law Enforcement Automated Data System" pursuant to R.C. 2929.44(B) and 2945.402(E)(1).

RULE 96. Forms for Sealing or Expungement of or Restricting Public Access to Court Records.

Forms 96-A1 through 96-G3 are standard forms for use in sealing or expungement of or restricting public access to court records pursuant to R.C. 2151.356, 2151.358, 2953.32, 2953.37, 2953.38, and 2953.52 and Sup.R. 45. Forms 96-A1 through 96-G3 shall be accepted for filing by courts, provided forms adopted by local courts substantially similar to Forms 96-A1 through 96-G3 may also be accepted for filing.

IN THE _____COURT

_____ COUNTY, OHIO

_____	:	
Applicant Name	:	Case No(s). _____
	:	_____
	:	
	:	Judge:_____
	:	
	:	**Application to Seal Juvenile Record Pursuant to R.C. 2151.356**

The Applicant moves the Court to order the sealing of records pertaining to a juvenile pursuant to R.C. 2151.356. In support of this application, the Applicant provides the following information:

1. Type of Case: ☐ Delinquency ☐ Traffic ☐ Unruly child

2. Were you on probation or parole as a result of this charge? ☐ Yes ☐ No

   If Yes, name of probation or parole officer _____

3. To the best of your knowledge, have you been adjudicated or convicted of any other juvenile and/or adult criminal or traffic offense since your last contact with the Court for this offense or this case? ☐ Yes ☐ No

   If Yes, please complete the following (you may attach additional pages if necessary):

Date	Offense	Court or Location

4. If you have a driver's license, is it currently suspended? ☐ Yes ☐ No

5. Please indicate any other information you would like the Court to know in reviewing your application (you may attach additional pages if necessary).

_____

_____

_____

_____

_____

_____

The Applicant hereby certifies all requirements for sealing the records are met.

Name of Applicant	Name of Attorney (if applicable)
Signature of Applicant (if pro se)	Signature of Attorney (if applicable)
Street Address of Applicant	Attorney Registration No. (if applicable)
City, State, and Zip Code of Applicant	Street Address of Attorney (if applicable)
Driver's License No. of Applicant (if applicable)	City, State, and Zip Code of Attorney (if applicable)
Telephone of Applicant (if pro se)	Email Address of Attorney (if applicable)
	Telephone of Attorney (if applicable)

(TO BE COMPLETED BY THE COURT)

SERVICE

A copy of this application was served by this Court on the Office of the Prosecutor for_____, this _____ day of _____, 20___.

IN THE _____COURT

_____ COUNTY, OHIO

_____	:	
Name	:	Case No(s). _____
	:	_____
	:	
	:	Judge:_____
	:	
	:	**Decision of Magistrate to Seal Juvenile Record**
	:	**Pursuant to R.C. 2151.356**

This matter to order the sealing of records pertaining to a juvenile pursuant to R.C. 2151.356 came before the Court on ☐ the Court's own motion or ☐ the Applicant's application.

The Court finds the applicable requirements for sealing under R.C. 2151.356 have been met.

Notice has been given to the Prosecuting Attorney and the following public office(s) or agency(ies) the Court has reason to believe may have a record of the sealed record:

_____

_____

_____.

THEREFORE, all official records pertaining to the Applicant shall be sealed.

_____ _____

Date Magistrate

Written objections to the magistrate's decision must be filed within fourteen (14) days of the filing of this decision. The objections must be specific and state with particularity the grounds of the objections. A party may request findings of fact and conclusions of law before the entry of a magistrate's decision or within seven days after the filing of a magistrate's decision. A party shall not assign as error on appeal the court's adoption of a magistrate's factual finding or legal conclusion in this decision unless the party timely and specifically objects to that finding or conclusion as required by Juv.R. 40.

ENTRY ADOPTING THE DECISION OF THE MAGISTRATE

Upon an independent review of the record and the Decision of the Magistrate, the Court hereby:

☐ Adopts the Decision of the Magistrate as reported and ORDERS all official records pertaining to this case to be sealed.

IT IS FURTHER ORDERED that certified copies of this entry shall be served by the Clerk of Courts to the following:

1. The Applicant, or the Applicant's attorney (if applicable), at the address that appears on the application filed in this matter;

2. _____

_____

_____

_____.

IT IS SO ORDERED.

☐ Rejects the Decision of the Magistrate.

☐ Modifies the Decision of the Magistrate as follows: _____

_____

_____

_____.

_____ _____

Date Judge

IN THE _____COURT

_____ COUNTY, OHIO

State of Ohio	:	
	:	Case No(s). _____
v.	:	_____
	:	
	:	Judge:_____
_____	:	
Name	:	**Order of Judge to Seal Juvenile Record Pursuant to R.C. 2151.356**

This matter to order the sealing of records pertaining to a juvenile pursuant to R.C. 2151.356 came before the Court on ☐ the Court's own motion or ☐ the Applicant's application.

The Court finds the applicable requirements for sealing under R.C. 2151.356 have been met.

Notice has been given to the Prosecuting Attorney and the following public office(s) or agency(ies) the Court has reason to believe may have a record of the sealed record:

_____

_____

_____.

THEREFORE, IT IS HEREBY ORDERED that all official records pertaining to the Applicant shall be sealed.

IT IS FURTHER ORDERED that certified copies of this entry shall be served by the Clerk of Courts to the following:

1. The Applicant, or the Applicant's attorney (if applicable), at the address that appears on the application filed in this matter;

2. _____

_____

_____

_____.

IT IS SO ORDERED.

_____ _____

Date Judge

IN THE _____COURT

_____ COUNTY, OHIO

_____	:	
Applicant Name	:	Case No(s). _____
	:	_____
	:	
	:	Judge:_____
	:	
	:	**Application to Expunge Juvenile Record**
	:	**Pursuant to R.C. 2151.358**

The Applicant moves the Court to order the expungement of records pertaining to a juvenile pursuant to R.C. 2151.358. In support of this application, the Applicant provides the following information:

1. Type of Case: ☐ Delinquency ☐ Traffic ☐ Unruly child

2. Date of sealing order: _____

3. Nature of the offense for which the records were sealed: _____
_____

4. Are you aware of any civil case that has been filed regarding this case that has been sealed? ☐ Yes ☐ No

5. To the best of your knowledge, have you been adjudicated or convicted of any other juvenile and/or adult criminal or traffic offense since your last contact with the Court for this offense or this case? ☐ Yes ☐ No

   If Yes, please complete the following (you may attach additional pages if necessary):

Date	Offense	Court or Location

6. Please provide your education and employment history below (you may attach additional pages if necessary):

Employer	Dates Employed	Reason for Leaving

Name of School	Date of Graduation	Area of Study / Degree

7. Please indicate any other information you would like the Court to know in reviewing your application (you may attach additional pages if necessary).

_____

_____

_____

_____

The Applicant hereby certifies all requirements for expunging the records are met.

_____
Name of Applicant

_____
Signature of Applicant (if pro se)

_____
Street Address of Applicant

_____
City, State, and Zip Code of Applicant

_____
Driver's License No. of Applicant (if applicable)

_____
Telephone of Applicant (if pro se)

_____
Name of Attorney (if applicable)

_____
Signature of Attorney (if applicable)

_____
Attorney Registration No. (if applicable)

_____
Street Address of Attorney (if applicable)

_____
City, State, and Zip Code of Attorney (if applicable)

_____
Email Address of Attorney (if applicable)

_____
Telephone of Attorney (if applicable)

(TO BE COMPLETED BY THE COURT)

SERVICE

A copy of this application was served by this Court on the Office of the Prosecutor for_____, this _____ day of _____, 20___.

IN THE _____COURT

_____ COUNTY, OHIO

_____	:	
Name	:	Case No(s). _____
	:	_____
	:	
	:	Judge:_____
	:	
	:	**Decision of Magistrate to Expunge Juvenile**
	:	**Record Pursuant to R.C. 2151.358**

This matter to order the expungement of records pertaining to a juvenile pursuant to R.C. 2151.358 came before the Court on ☐ the Court's own motion or ☐ the Applicant's application.

The Court finds the applicable requirements for expungement under R.C. 2151.358 have been met.

Notice has been given to the Prosecuting Attorney and the following public office(s) or agency(ies) the Court has reason to believe may have a record of the expunged record:

_____

_____

_____.

THEREFORE, all official records pertaining to the Applicant shall be expunged.

_____ _____

Date Magistrate

Written objections to the magistrate's decision must be filed within fourteen (14) days of the filing of this decision. The objections must be specific and state with particularity the grounds of the objections. A party may request findings of fact and conclusions of law before the entry of a magistrate's decision or within seven days after the filing of a magistrate's decision. A party shall not assign as error on appeal the court's adoption of a magistrate's factual finding or legal conclusion in this decision unless the party timely and specifically objects to that finding or conclusion as required by Juv.R. 40.

ENTRY ADOPTING THE DECISION OF THE MAGISTRATE

Upon an independent review of the record and the Decision of the Magistrate, the Court hereby:

☐ Adopts the Decision of the Magistrate as reported and ORDERS all official records pertaining to this case to be expunged.

IT IS FURTHER ORDERED that certified copies of this entry shall be served by the Clerk of Courts to the following:

1. The Applicant, or the Applicant's attorney (if applicable), at the address that appears on the application filed in this matter;

2. _____

_____

_____

_____.

IT IS SO ORDERED.

☐ Rejects the Decision of the Magistrate.

☐ Modifies the Decision of the Magistrate as follows: _____

_____

_____

_____.

_____ _____

Date Judge

IN THE _____COURT

_____ COUNTY, OHIO

State of Ohio	:	
	:	Case No(s). _____
v.	:	_____
	:	
	:	Judge:_____
_____	:	
Name	:	**Order of Judge to Expunge Juvenile Record**
	:	**Pursuant to R.C. 2151.358**

This matter to order the expungement of records pertaining to a juvenile pursuant to R.C. 2151.358 came before the Court on ☐ the Court's own motion or ☐ the Applicant's application.

The Court finds the applicable requirements for expungement under R.C. 2151.358 have been met.

Notice has been given to the Prosecuting Attorney and the following public office(s) or agency(ies) the Court has reason to believe may have a record of the expunged record:

_____

_____

_____.

THEREFORE, IT IS HEREBY ORDERED that all official records pertaining to the Applicant shall be expunged.

IT IS FURTHER ORDERED that certified copies of this entry shall be served by the Clerk of Courts to the following:

1. The Applicant, or the Applicant's attorney (if applicable), at the address that appears on the application filed in this matter;

2. _____

_____

_____

_____.

IT IS SO ORDERED.

_____ _____

Date Judge

IN THE _____COURT

_____ COUNTY, OHIO

_____ Applicant Name	Case No(s). _____ _____
	Judge:_____
	Application to Seal Record of Conviction Pursuant to R.C. 2953.32

The Applicant moves the Court to order the sealing of the record of conviction in this case and all related records pursuant to R.C. 2953.32.

The Applicant hereby certifies all requirements for sealing the record of conviction are met.

_____ Name of Applicant	_____ Name of Attorney (if applicable)
_____ Signature of Applicant (if pro se)	_____ Signature of Attorney (if applicable)
_____ Street Address of Applicant	_____ Attorney Registration No. (if applicable)
_____ City, State, and Zip Code of Applicant	_____ Street Address of Attorney (if applicable)
_____ Driver's License No. of Applicant (if applicable)	_____ City, State, and Zip Code of Attorney (if applicable)
_____ Telephone of Applicant (if pro se)	_____ Email Address of Attorney (if applicable)
	_____ Telephone of Attorney (if applicable)

(TO BE COMPLETED BY THE COURT)

SERVICE

A copy of this application was served by this Court on the Office of the Prosecutor for_____, this _____ day of _____, 20___.

IN THE _____COURT

_____ COUNTY, OHIO

_____ Applicant Name	Case No(s). _____ _____
	Judge:_____
	Decision of Magistrate to Seal Record of Conviction Pursuant to R.C. 2953.32

This matter came before the Court on the Applicant's application to seal the Applicant's record of conviction pursuant to R.C. 2953.32.

Notice has been given to the Prosecuting Attorney and the Probation Department, and a report has been received from the Probation Department as to the Applicant.

Upon evidence, the Court finds the Applicant was convicted of the following offense(s):_____, the required time period has passed since the final discharge, there are no criminal proceedings now pending against the Applicant, the Applicant is an eligible offender and the offense is eligible for sealing, and the Applicant's interests in having these records sealed outweigh the legitimate needs, if any, of the government to maintain the records.

The State of Ohio has / has no **[circle one]** objections to the motion.

The Applicant was represented by himself / herself pro se or by _____

_____.

THEREFORE, all official records pertaining to this case shall be sealed; all index references hereto shall be deleted; the proceedings in this case shall be deemed not to have occurred; and the Applicant's arrest and conviction records shall be sealed, subject to the exceptions and provisions of R.C. 2953.31 to 2953.36.

_____ Date

_____ Magistrate

Written objections to the magistrate's decision must be filed within fourteen (14) days of the filing of this decision. The objections must be specific and state with particularity the grounds of the objections. A party may request findings of fact and conclusions of law before the entry of a magistrate's decision or within seven days after the filing of a magistrate's decision. A party shall not assign as error on appeal the court's adoption of a magistrate's factual finding or legal conclusion in this decision unless the party timely and specifically objects to that finding or conclusion as required by Crim.R.19.

ENTRY ADOPTING THE DECISION OF THE MAGISTRATE

Upon an independent review of the record and the Decision of the Magistrate, the Court hereby:

☐ Adopts the Decision of the Magistrate as reported and ORDERS all official records pertaining to this case to be sealed.

IT IS FURTHER ORDERED that certified copies of this entry shall be served by the Clerk of Courts to the following:

1. The Applicant, or the Applicant's attorney (if applicable), at the address that appears on the application filed in this matter;

2. The law enforcement official in charge of the agency or organization that caused the Applicant's arrest;

3. The Prosecutor for _____;

4. Any other public office or agency the Court knows or has reason to believe may have any record of the case that is the subject of this order.

IT IS FURTHER ORDERED that none of the foregoing persons or agencies shall inspect or use such records, or permit the inspection or use of such records, except as provided by R.C. 2953.32.

IT IS SO ORDERED.

☐ Rejects the Decision of the Magistrate.

☐ Modifies the Decision of the Magistrate as follows: _____

_____

_____

_____.

_____ _____

Date Judge

IN THE _____COURT

_____ COUNTY, OHIO

State of Ohio	:	
	:	Case No(s). _____
v.	:	_____
	:	
	:	Judge:_____
_____	:	
Applicant Name	:	**Order of Judge to Seal Record of Conviction Pursuant to R.C. 2953.32**

This matter came before the Court on the Applicant's application to seal the Applicant's record of conviction pursuant to R.C. 2953.32.

Notice has been given to the Prosecuting Attorney and the Probation Department, and a report has been received from the Probation Department as to the Applicant.

Upon evidence, the Court finds the Applicant was convicted of the following offense(s):_____, the required time period has passed since the final discharge, there are no criminal proceedings now pending against the Applicant, the Applicant is an eligible offender and the offense is eligible for sealing, and the Applicant's interests in having these records sealed outweigh the legitimate needs, if any, of the government to maintain the records.

The State of Ohio has / has no **[circle one]** objections to the motion.

The Applicant was represented by himself / herself pro se or by _____

_____.

THEREFORE, IT IS HEREBY ORDERED that all official records pertaining to this case shall be sealed; all index references hereto shall be deleted; the proceedings in this case shall be deemed not to have occurred; and the Applicant's arrest and conviction records shall be sealed, subject to the exceptions and provisions of R.C. 2953.31 to 2953.36.

IT IS FURTHER ORDERED that certified copies of this entry shall be served by the Clerk of Courts to the following:

1. The Applicant, or the Applicant's attorney (if applicable), at the address that appears on the application filed in this matter;

2. The law enforcement official in charge of the agency or organization that caused the Applicant's arrest;

3. The Prosecutor for _____;

4. Any other public office or agency the Court knows or has reason to believe may have any record of the case that is the subject of this order.

IT IS FURTHER ORDERED that none of the foregoing persons or agencies shall inspect or use such records, or permit the inspection or use of such records, except as provided by R.C. 2953.32.

IT IS SO ORDERED.

_____ _____

Date Judge

IN THE _____COURT

_____ COUNTY, OHIO

_____ Applicant Name	Case No(s). _____ _____
	Judge:_____
	Application to Expunge Record of Conviction for Improperly Handling Firearm in Motor Vehicle Pursuant to R.C. 2953.37

The Applicant moves the Court to order the expungement of the record of conviction for improperly handling a firearm in a motor vehicle pursuant to R.C. 2953.37. In support of this application, the Applicant provides the following information:

1. Please complete the following (you may attach additional pages if necessary):

Offense	Date of the Conviction or Guilty Plea	Court

2. Please attach evidence the offense was a violation of R.C. 2923.16 (B), (C), or (E) and the Applicant is authorized by R.C. 2923.16(H)(2)(a) to file this application.

3. Please indicate any other information you would like the Court to know in reviewing your application (you may attach additional pages if necessary).

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

The Applicant hereby certifies all requirements for expunging the records are met.

Name of Applicant	Name of Attorney (if applicable)
Signature of Applicant (if pro se)	Signature of Attorney (if applicable)
Street Address of Applicant	Attorney Registration No. (if applicable)
City, State, and Zip Code of Applicant	Street Address of Attorney (if applicable)
Driver's License No. of Applicant (if applicable)	City, State, and Zip Code of Attorney (if applicable)
Telephone of Applicant (if pro se)	Email Address of Attorney (if applicable)
	Telephone of Attorney (if applicable)

(TO BE COMPLETED BY THE COURT)

SERVICE

A copy of this application was served by this Court on the Office of the Prosecutor for_____, this _____ day of _____, 20___.

IN THE _____COURT

_____ COUNTY, OHIO

_____ Applicant Name	Case No(s). _____ _____
	Judge:_____
	Decision of Magistrate to Expunge Record of Conviction for Improperly Handling Firearm in Motor Vehicle Pursuant to R.C. 2953.37

This matter came before the Court on the Applicant's application to expunge the record of conviction for improperly handling a firearm in a motor vehicle pursuant to R.C. 2953.37.

☐ Notice has been given to the Prosecuting Attorney.

☐ A probation officer, a state probation officer, or the department of probation of the county in which the applicant resides has made inquiries and written reports as the Court requires concerning the applicant.

Upon evidence, the Court finds the Applicant was convicted of an offense, more than_____ year(s) has lapsed since the Applicant completed this sentence, the Applicant has not been convicted of or pleaded guilty to any other applicable prohibitions against improperly handling firearms in a motor vehicle, and the Applicant's interests in having these records expunged outweigh the interests of the government in keeping the arrest, charge, and conviction on the Applicant's record.

THEREFORE, all official records pertaining to this case shall be expunged; all index references hereto shall be deleted; the proceedings in this case shall be deemed not to have occurred; and the Applicant's arrest and conviction records shall be expunged, subject to the exceptions and provisions of R.C. 2953.31 to 2953.36.

_____ _____

Date Magistrate

Written objections to the magistrate's decision must be filed within fourteen (14) days of the filing of this decision. The objections must be specific and state with particularity the grounds of the objections. A party may request findings of fact and conclusions of law before the entry of a magistrate's decision or within seven days after the filing of a magistrate's decision. A party shall not assign as error on appeal the court's adoption of a magistrate's factual finding or legal conclusion in this decision unless the party timely and specifically objects to that finding or conclusion as required by Crim.R.19.

ENTRY ADOPTING THE DECISION OF THE MAGISTRATE

Upon an independent review of the record and the Decision of the Magistrate, the Court hereby:

☐ Adopts the Decision of the Magistrate as reported and ORDERS all official records pertaining to this case to be expunged.

IT IS FURTHER ORDERED that certified copies of this entry shall be served by the Clerk of Courts to the following:

1. The Applicant, or the Applicant's attorney (if applicable), at the address that appears on the application filed in this matter;

2. The law enforcement official in charge of the agency or organization that caused the Applicant's arrest;

3. The Prosecutor for _____;

4. Any other public office or agency the Court knows or has reason to believe may have any record of the case that is the subject of this order.

IT IS FURTHER ORDERED that none of the foregoing persons or agencies shall inspect or use such records, or permit the inspection or use of such records, except as provided by R.C. 2953.32.

IT IS SO ORDERED.

☐ Rejects the Decision of the Magistrate.

☐ Modifies the Decision of the Magistrate as follows: _____

_____

_____

_____.

_____ _____

Date Judge

IN THE _____COURT

_____ COUNTY, OHIO

State of Ohio	:	
	:	Case No(s). _____
v.	:	_____
	:	
	:	Judge: _____
_____	:	
Applicant Name	:	**Order of Judge to Expunge Record of Conviction for Improperly Handling Firearm in Motor Vehicle Pursuant to R.C. 2953.37**

This matter came before the Court on the Applicant's application to expunge the record of conviction for improperly handling a firearm in a motor vehicle pursuant to R.C. 2953.37.

☐ Notice has been given to the Prosecuting Attorney.

☐ A probation officer, a state probation officer, or the department of probation of the county in which the applicant resides has made inquiries and written reports as the Court requires concerning the applicant.

Upon evidence, the Court finds the Applicant was convicted of an offense, more than_____ year(s) has lapsed since the Applicant completed this sentence, the Applicant has not been convicted of or pleaded guilty to any other applicable prohibitions against improperly handling firearms in a motor vehicle, and the Applicant's interests in having these records expunged outweigh the interests of the government in keeping the arrest, charge, and conviction on the Applicant's record.

THEREFORE, IT IS HEREBY ORDERED that all official records pertaining to this case shall be expunged; all index references hereto shall be deleted; the proceedings in this case shall be deemed not to have occurred; and the Applicant's arrest and conviction records shall be expunged, subject to the exceptions and provisions of R.C. 2953.31 to 2953.36.

IT IS FURTHER ORDERED that certified copies of this entry shall be served by the Clerk of Courts to the following:

1. The Applicant, or the Applicant's attorney (if applicable), at the address that appears on the application filed in this matter;

2. The law enforcement official in charge of the agency or organization that caused the Applicant's arrest;

3. The Prosecutor for _____;

4. Any other public office or agency the Court knows or has reason to believe may have any record of the case that is the subject of this order.

IT IS FURTHER ORDERED that none of the foregoing persons or agencies shall inspect or use such records, or permit the inspection or use of such records, except as provided by R.C. 2953.32.

IT IS SO ORDERED.

_____ _____

Date Judge

IN THE _____COURT

_____ COUNTY, OHIO

_____ Applicant Name	:	Case No._____
	:	Judge:_____
	:	**Application to Expunge Record of Conviction as Victim of Human Trafficking Pursuant to R.C. 2953.38**

The Applicant moves the Court to order the expungement of record of conviction as a victim of human trafficking pursuant to R.C. 2953.38. In support of this application, the Applicant provides the following information:

1. Please complete the following (you may attach additional pages if necessary):

Date	Offense	Court or Location

2. Please describe the evidence and provide copies of any document showing you are entitled to have the records expunged (you may attach additional pages if necessary).

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

The Applicant hereby certifies all requirements for expunging the records are met.

Name of Applicant	Name of Attorney (if applicable)
Signature of Applicant (if pro se)	Signature of Attorney (if applicable)
Street Address of Applicant	Attorney Registration No. (if applicable)
City, State, and Zip Code of Applicant	Street Address of Attorney (if applicable)
Driver's License No. of Applicant (if applicable)	City, State, and Zip Code of Attorney (if applicable)
Telephone of Applicant (if pro se)	Email Address of Attorney (if applicable)
	Telephone of Attorney (if applicable)

(TO BE COMPLETED BY THE COURT)

SERVICE

A copy of this application was served by this Court on the Office of the Prosecutor for_____, this _____ day of _____, 20___.

IN THE _____COURT

_____ COUNTY, OHIO

_____ Applicant Name	Case No(s). _____ _____
	Judge:_____
	Decision of Magistrate to Expunge Record of Conviction as Victim of Human Trafficking Pursuant to R.C. 2953.38

This matter came before the Court on the Applicant's application to expunge the Applicant's record of conviction as a victim of human trafficking pursuant to R.C. 2953.38.

Notice has been given to the Prosecuting Attorney and the Probation Department, and a report has been received from the Probation Department as to the Applicant.

The Court finds the Applicant's participation in the offense with which the Applicant was convicted was the result of the Applicant having been a victim of human trafficking and the Applicant's interests in having these records expunged outweigh the interests of the government in keeping the arrest, charge, and conviction on the Applicant's record.

THEREFORE, all official records pertaining to this case shall be expunged; all index references hereto shall be deleted; the proceedings in this case shall be deemed not to have occurred; and the Applicant's arrest and conviction records shall be expunged, subject to the exceptions and provisions of R.C. 2953.31 to 2953.36.

_____ Date

_____ Magistrate

Written objections to the magistrate's decision must be filed within fourteen (14) days of the filing of this decision. The objections must be specific and state with particularity the grounds of the objections. A party may request findings of fact and conclusions of law before the entry of a magistrate's decision or within seven days after the filing of a magistrate's decision. A party shall not assign as error on appeal the court's adoption of a magistrate's factual finding or legal conclusion in this decision unless the party timely and specifically objects to that finding or conclusion as required by Crim.R.19.

ENTRY ADOPTING THE DECISION OF THE MAGISTRATE

Upon an independent review of the record and the Decision of the Magistrate, the Court hereby:

☐ Adopts the Decision of the Magistrate as reported and ORDERS all official records pertaining to this case to be expunged.

IT IS FURTHER ORDERED that certified copies of this entry shall be served by the Clerk of Courts to the following:

1. The Applicant, or the Applicant's attorney (if applicable), at the address that appears on the application filed in this matter;

2. The law enforcement official in charge of the agency or organization that caused the Applicant's arrest;

3. The Prosecutor for _____;

4. Any other public office or agency the Court knows or has reason to believe may have any record of the case that is the subject of this order.

IT IS FURTHER ORDERED that none of the foregoing persons or agencies shall inspect or use such records, or permit the inspection or use of such records, except as provided by R.C. 2953.32.

IT IS SO ORDERED.

☐ Rejects the Decision of the Magistrate.

☐ Modifies the Decision of the Magistrate as follows: _____

_____

_____

_____.

_____ _____

Date Judge

IN THE _____COURT

_____ COUNTY, OHIO

State of Ohio	:	
	:	Case No(s). _____
v.	:	_____
	:	
	:	Judge:_____
_____	:	
Applicant's Name	:	**Order of Judge to Expunge Record of Conviction as Victim of Human Trafficking Pursuant to R.C. 2953.38**

This matter came before the Court on the Applicant's application to expunge the Applicant's record of conviction as a victim of human trafficking pursuant to R.C. 2953.38.

Notice has been given to the Prosecuting Attorney and the Probation Department, and a report has been received from the Probation Department as to the Applicant.

The Court finds the Applicant's participation in the offense with which the Applicant was convicted was the result of the Applicant having been a victim of human trafficking and the Applicant's interests in having these records expunged outweigh the interests of the government in keeping the arrest, charge, and conviction on the Applicant's record.

THEREFORE, IT IS HEREBY ORDERED that all official records pertaining to this case shall be expunged; all index references hereto shall be deleted; the proceedings in this case shall be deemed not to have occurred; and the Applicant's arrest and conviction records shall be expunged, subject to the exceptions and provisions of R.C. 2953.31 to 2953.36.

IT IS FURTHER ORDERED that certified copies of this entry shall be served by the Clerk of Courts to the following:

1. The Applicant, or the Applicant's attorney (if applicable), at the address that appears on the application filed in this matter;

2. The law enforcement official in charge of the agency or organization that caused the Applicant's arrest;

3. The Prosecutor for _____;

4. Any other public office or agency the Court knows or has reason to believe may have any record of the case that is the subject of this order.

IT IS FURTHER ORDERED that none of the foregoing persons or agencies shall inspect or use such records, or permit the inspection or use of such records, except as provided by R.C. 2953.32.

IT IS SO ORDERED.

_____ _____

Date Judge

IN THE _____COURT

_____ COUNTY, OHIO

_____ Applicant Name	Case No(s). _____ _____
	Judge:_____
	Application to Seal Records of Nonconviction Pursuant to R.C. 2953.52

The Applicant moves the Court to order the sealing of the record of arrest, charge(s), and _____ in this case and all related records. The Applicant is not depositing a fee with this application, as R.C. 2953.52 does not require a fee to seal records after a not guilty finding, dismissal of proceedings, or a no bill by a grand jury. The Applicant hereby certifies all requirements for sealing the records are met.

_____ Name of Applicant	_____ Name of Attorney (if applicable)
_____ Signature of Applicant (if pro se)	_____ Signature of Attorney (if applicable)
_____ Street Address of Applicant	_____ Attorney Registration No. (if applicable)
_____ City, State, and Zip Code of Applicant	_____ Street Address of Attorney (if applicable)
_____ Driver's License No. of Applicant (if applicable)	_____ City, State, and Zip Code of Attorney (if applicable)
_____ Telephone of Applicant (if pro se)	_____ Email Address of Attorney (if applicable)
	_____ Telephone of Attorney (if applicable)

(TO BE COMPLETED BY THE COURT)

SERVICE

A copy of this application was served by this Court on the Office of the Prosecutor for_____, this _____ day of _____, 20___.

IN THE _____COURT

_____ COUNTY, OHIO

_____ Applicant Name	Case No._____ Judge:_____ **Decision of Magistrate to Seal Record of Nonconviction Pursuant to R.C. 2953.52**

This matter came before the Court on Applicant's application to seal the Applicant's record of arrest, charge, and _____ pursuant to R.C. 2953.52.

Notice has been given to the Prosecuting Attorney and the Probation Department, and a report has been received from the Probation Department as to the Applicant.

Upon evidence, the Court finds the Applicant was charged with following offense(s): _____, and the charge(s) was/were _____, there are no criminal proceedings now pending against the Applicant; if applicable, two years have passed since the grand jury reported a no bill; and the Applicant's interests in having the Applicant's records sealed outweigh the interests of the government in keeping the arrest and charge on the Applicant's record.

The State of Ohio has / has no **[circle one]** objections to the motion.

The Applicant was represented by himself / herself pro se or by _____

_____.

THEREFORE, all official records pertaining to this case shall be sealed, including any DNA specimens, DNA records, and DNA profiles unless the Applicant is otherwise eligible to have DNA records or a DNA profile in the National DNA Index System; all index references hereto shall be deleted; the proceedings in this case shall be deemed not to have occurred; and the Applicant's arrest and dismissal records shall be sealed, subject to the exceptions and provisions of R.C. 2953.51 to 2953.56.

_____ _____

Date Magistrate

Written objections to the magistrate's decision must be filed within fourteen (14) days of the filing of this decision. The objections must be specific and state with particularity the grounds of the objections. A party may request findings of fact and conclusions of law before the entry of a magistrate's decision or within seven days after the filing of a magistrate's decision. A party shall not assign as error on appeal the court's adoption of a magistrate's factual finding or legal conclusion in this decision unless the party timely and specifically objects to that finding or conclusion as required by Crim.R.19.

ENTRY ADOPTING THE DECISION OF THE MAGISTRATE

Upon an independent review of the record and the Decision of the Magistrate, the Court hereby:

☐ Adopts the Decision of the Magistrate as reported and ORDERS all official records pertaining to this case to be sealed.

IT IS FURTHER ORDERED that certified copies of this entry shall be served by the Clerk of Courts to the following:

1. The Applicant, or the Applicant's attorney (if applicable), at the address that appears on the application filed in this matter;

2. The law enforcement official in charge of the agency or organization that caused the Applicant's arrest;

3. The Prosecutor for _____;

4. All parties in the case;

5. Any other public office or agency the Court knows or has reason to believe may have any record of the case that is the subject of this order.

IT IS FURTHER ORDERED that the Clerk of Courts shall remove all references to this case from its public accessible computer information.

IT IS FURTHER ORDERED that none of the foregoing persons or agencies shall inspect or use such records, or permit the inspection or use of such records, except as provided by R.C. 2953.52.

IT IS SO ORDERED.

☐ Rejects the Decision of the Magistrate.

☐ Modifies the Decision of the Magistrate as follows: _____

_____

_____

_____.

_____ _____

Date Judge

IN THE _____COURT

_____ COUNTY, OHIO

State of Ohio	:	
	:	Case No(s). _____
v.	:	_____
	:	
	:	Judge:_____
_____	:	
Applicant's Name	:	**Order of Judge to Seal Record of Nonconviction Pursuant to R.C. 2953.52**

This matter came before the Court on Applicant's application to seal the Applicant's record of arrest, charge, and _____ pursuant to R.C. 2953.52.

Notice has been given to the Prosecuting Attorney and the Probation Department, and a report has been received from the Probation Department as to the Applicant.

Upon evidence, the Court finds the Applicant was charged with following offense(s): _____, and the charge(s) was/were _____, there are no criminal proceedings now pending against the Applicant; if applicable, two years have passed since the grand jury reported a no bill; and the Applicant's interests in having the Applicant's records sealed outweigh the interests of the government in keeping the arrest and charge on the Applicant's record.

The State of Ohio has / has no **[circle one]** objections to the motion.

The Applicant was represented by himself / herself pro se or by _____

_____.

THEREFORE, IT IS HEREBY ORDERED that all official records pertaining to this case shall be sealed, including any DNA specimens, DNA records, and DNA profiles unless the Applicant is otherwise eligible to have DNA records or a DNA profile in the National DNA Index System; all index references hereto shall be deleted; the proceedings in this case shall be deemed not to have occurred; and the Applicant's arrest and dismissal records shall be sealed, subject to the exceptions and provisions of R.C. 2953.51 to 2953.56.

IT IS FURTHER ORDERED that certified copies of this entry shall be served by the Clerk of Courts to the following:

1. The Applicant, or the Applicant's attorney (if applicable), at the address that appears on the application filed in this matter;

2. The law enforcement official in charge of the agency or organization that caused the Applicant's arrest;

3. The Prosecutor for _____;

4. All parties in the case;

5. Any other public office or agency the Court knows or has reason to believe may have any record of the case that is the subject of this order.

IT IS FURTHER ORDERED that the Clerk of Courts shall remove all references to this case from its public accessible computer information.

IT IS FURTHER ORDERED that none of the foregoing persons or agencies shall inspect or use such records, or permit the inspection or use of such records, except as provided by R.C. 2953.52.

IT IS SO ORDERED.

_____ _____

Date Judge

IN THE _____COURT

_____ COUNTY, OHIO

_____ Applicant Name	Case No(s). _____ _____ Judge:_____ **Motion to Restrict Public Access to Civil or Criminal Case Document Pursuant to Sup.R. 45(E)**

The Applicant moves the Court to restrict public access to a case document or information in a case document pursuant to Sup.R. 45(E). The presumption of allowing public access to the case document or information in the case document is outweighed by a higher interest based upon the following:

_____

_____

_____

_____

_____

_____

_____

_____

_____

The Applicant hereby certifies that all requirements for restricting access to the case document or information in the case document are met.

Notice to Applicant: Restricting public access to a case document or information in the case document pursuant to Sup.R. 45(E) means the public will generally no longer have the right to see or copy the case document or information. Restricting public access does not have the same effect as the sealing or expungement of a case document. Sealing the document generally prevents anyone from seeing it without receiving a court order while expunging a case document generally means it is destroyed.

_____ Name of Applicant	_____ Name of Attorney (if applicable)
_____ Signature of Applicant (if pro se)	_____ Signature of Attorney (if applicable)
_____ Street Address of Applicant	_____ Attorney Registration No. (if applicable)
_____ City, State, and Zip Code of Applicant	_____ Street Address of Attorney (if applicable)

Driver's License No. of Applicant (if applicable)

Telephone of Applicant (if pro se)

City, State, and Zip Code of Attorney (if applicable)

Email Address of Attorney (if applicable)

Telephone of Attorney (if applicable)

IN THE _____COURT

_____ COUNTY, OHIO

_____ Applicant Name	Case No(s). _____ _____ Judge: _____ **Decision of Magistrate to Restrict Public Access to Civil or Criminal Case Document Pursuant to Sup.R. 45(E)**

This matter to order the restriction of public access to a case document or information in a case document pursuant to Sup.R. 45(E) came before the Court on ☐ the Court's own motion or ☐ the Applicant's motion.

The Court finds by clear and convincing evidence the presumption of allowing public access to the case document or information in the case document is outweighed by a higher interest based upon the following:_____

_____

_____

_____

_____

_____

_____

THEREFORE, public access to the case document or information in the case document shall be restricted as follows: _____

_____

_____

_____

_____

_____

_____

Notice: The restriction of public access to the case document or information in the case document means the public will generally no longer have the right to see or copy the document or information. The restriction of public access does not have the same effect as the sealing or expungement of the case document. Sealing the case document generally prevents anyone from seeing it without receiving a court order while expunging the case document generally means it is destroyed.

_____ _____

Date Magistrate

Written objections to the magistrate's decision must be filed within fourteen (14) days of the filing of this decision. The objections must be specific and state with particularity the grounds of the objections. A party may request findings of fact and conclusions of law before the entry of a magistrate's decision or within seven days after the filing of a magistrate's decision. A party shall not assign as error on appeal the court's adoption of a magistrate's factual finding or legal conclusion in this decision unless the party timely and specifically objects to that finding or conclusion as required by Civ.R. 53, Crim.R. 19, or Juv.R. 40, as applicable.

ENTRY ADOPTING THE DECISION OF THE MAGISTRATE

Upon an independent review of the record and the Decision of the Magistrate, the Court hereby:

☐ Adopts the Decision of the Magistrate as reported and ORDERS public access to the case document or information in the case document be so restricted.

IT IS FURTHER ORDERED that certified copies of this entry shall be served by the Clerk of Courts on the following:

1. The Applicant, or the Applicant's attorney (if applicable), at the address that appears on the application filed in this matter;

2. _____

_____

_____

_____

_____

IT IS SO ORDERED.

☐ Rejects the Decision of the Magistrate.

☐ Modifies the Decision of the Magistrate as follows: _____

_____

_____

_____.

_____ _____

Date Judge

IN THE _____COURT

_____ COUNTY, OHIO

State of Ohio	:	
	:	Case No(s). _____
v.	:	_____
	:	
	:	Judge:_____
_____	:	
Name	:	**Order of Judge to Restrict Public Access to Civil or Criminal Case Document Pursuant to Sup.R. 45(E)**

This matter to order the restriction of public access to a case document or information in a case document pursuant to Sup.R. 45(E) came before the Court on ☐ the Court's own motion or ☐ the Applicant's motion.

The Court finds by clear and convincing evidence the presumption of allowing public access to the case document or information in the case document is outweighed by a higher interest based upon the following:_____

_____

_____

_____

_____

_____

_____

THEREFORE, IT IS HEREBY ORDERED that public access to the case document or information in the case document shall be restricted as follows:_____

_____

_____

_____

_____

_____

_____

Notice: The restriction of public access to the case document or information in the case document means the public will generally no longer have the right to see or copy the document or information. The restriction of public access does not have the same effect as the sealing or expungement of the case document. Sealing the case document generally prevents anyone from seeing it without receiving a court order while expunging the case document generally means it is destroyed.

IT IS FURTHER ORDERED that certified copies of this entry shall be served by the Clerk of Courts on the following:

1. The Applicant, or the Applicant's attorney (if applicable), at the address that appears on the application filed in this matter;

2. _____

_____

_____

_____

_____.

IT IS SO ORDERED.

_____ _____

Date Judge

RULES 97-98 are reserved for future use

RULE 99. Effective Date.

(A) Except as otherwise provided in this rule, the Rules of Superintendence, adopted by the Supreme Court of Ohio on April 15, 1997, shall take effect on July 1, 1997. The rules govern all proceedings in actions brought on or after the effective date and to further proceedings in actions then pending, except to the extent that application in a particular pending action would not be feasible or would work an injustice, in which case the former procedure applies. Sup. R. 37(A)(4)(b) and (c) and 43(B)(2) shall take effect January 1, 1998.

(B) The amendments to Sup. R. 51 to 78, adopted by the Supreme Court of Ohio on July 7, 1997, shall take effect on October 1, 1997.

(C) Sup. R. 26 to 26.05, adopted by the Supreme Court of Ohio on July 7, 1997, shall take effect on October 1, 1997.

(D) The amendments to standard probate forms 18.0, 18.1, 18.2, 18.3, 18.4, 18.5, 18.6, 18.7, 18.8, and 18.9, adopted by the Supreme Court of Ohio on August 26, 1997, shall take effect on October 1, 1997.

(E) The amendments to Sup. R. 26.02 to 26.05 adopted by the Supreme Court of Ohio on September 9, 1997, shall take effect on October 1, 1997.

(F) The amendments to Sup. R. 10.01, 10.02 and standard domestic violence protection order forms (Forms 10.01-A to 10.01-J and 10.02-A), adopted by the Supreme Court of Ohio on October 7, 1997, shall take effect January 1, 1998.

(G) The amendments to standard domestic violence protection order form 10.02-A, adopted by the Supreme Court of Ohio on November 4, 1997, shall take effect on January 1, 1998.

(H) The amendments to Sup.R. 16 of the Rules of Superintendence for the Courts of Ohio, adopted by the Supreme Court on September 9, 1997, shall take effect on November 24, 1997.

(I) The amendments to Sup. R. 10 of the Rules of Superintendence for the Courts of Ohio, adopted by the Supreme Court on March 24, 1998, shall take effect on March 24, 1998.

(J) The amendments to Sup.R. 9 of the Rules of Superintendence for the Courts of Ohio, adopted by the Supreme Court on May 12, 1998, shall take effect on May 12, 1998.

(K) The amendments to Sup. R. 10, 10.03 and stalking protection order forms (Forms 10.03-A to 10.03-H), adopted by the Supreme Court of Ohio on December 14, 1999, shall take effect on March 1, 2000.

(L) The amendments to Sup. R. 10.01, Forms 10.01-A through 10.01-J, 10.02-A, and Form 10-A were adopted by the Supreme Court on April 10, 2000, shall take effect on June 1, 2000.

(M) The amendments Sup. R. 52(L) and to standard probate form 18.2, adopted by the Supreme Court of Ohio on May 9, 2000, shall take effect June 1, 2000.

(N) The amendment to Sup. R. 26 and 27 adopted by the Supreme Court on April 24, 2001, shall take effect on July 1, 2001.

(O) The amendments to Sup. R. 23.1, Forms 23.1-A to 23.1-C, Sup. R. 25 and Form 25-A adopted by the Supreme Court on September 18, 2001, shall take effect on October 15, 2001.

(P) The amendment to Sup. R. 50(C) adopted by the Supreme Court on February 26, 2002, shall take effect on March 25, 2002.

(Q) The amendment to Sup. R. 36.1 adopted by the Supreme Court on March 26, 2002, shall take effect on July 1, 2002.

(R) The amendments to Sup. R. 52(L), 57(G), 59(B), 60(C), 78(B) and (C) and Standard Probate Forms 1.0, 2.0, 2.1, 2.2, 4.0, 4.4, 6.0, 8.0, 8.1, 8.2, 8.3, 8.4, 8.5, 10.4A (eliminated), 13.0, 13.3, 13.8, 13.9, and 13.10 adopted by the Supreme Court on September 17, 2002, shall take effect on December 1, 2002.

(S) The amendment to Sup. R. 20 adopted by the Supreme Court on December 4, 2002, shall take effect on January 6, 2003.

(T) The amendments to Sup. R. 41 adopted by the Supreme Court on June 24, 2003, shall take effect on October 1, 2003.

(U) The amendments to Sup. R. 64 and Standard Probate Forms 7.0 and 8.6 adopted by the Supreme Court on February 3, 2004, shall take effect on April 8, 2004.

(V) The amendments to Sup. R. 26.03 and 26.05 adopted by the Supreme Court on September 14, 2004, shall take effect on September 23, 2004.

(W) The amendments to Sup. R. 26.03 and 26.05 adopted by the Supreme Court on February 1, 2005, shall take effect on March 23, 2005.

(X) The amendments to Sup. R. 40 adopted by the Supreme Court on June 14, 2005, shall take effect on July 4, 2005.

(Y) The amendments to standard probate form 15.2, adopted by the Supreme Court of Ohio on June 14, 2005, shall take effect on July 4, 2005.

(Z) The amendments to Sup. R. 16 adopted by the Supreme Court on August 8, 2006 shall take effect on January 1, 2007.

(AA) The amendments to Sup. R. 36 adopted by the Supreme Court of Ohio on September 19, 2006, shall take effect on November 1, 2006.

(BB) The amendments to Sup. R. 71 adopted by the Supreme Court on January 23, 2007 shall take effect on February 1, 2007.

(CC) The amendments to Sup. R. 10.02, 10.03, and protection order forms 10.01-A through 10.01-J, 10.02-A, 10.03-A through 10.03-H, 10-A shall take effect on May 1, 2007.

(BB) The amendments to standard probate form 17.8, adopted by the Supreme Court of Ohio on September 18, 2007, shall take effect on October 1, 2007.

(EE) The amendment to Sup. R. 27 adopted by the Supreme Court of Ohio on November 6, 2007, shall take effect on December 1, 2007.

(FF) The amendments to Sup. R. 19 and 19.1 adopted by the Supreme Court of Ohio on February 5, 2008, shall take effect on March 1, 2008. A magistrate appointed prior to the effective date of these amendments shall be deemed in compliance with the eligibility and qualifications requirements of Sup. R. 19.

(GG) The amendments to standard probate forms 5.10, 12.0, 15.9, 16.1, 17.0, and 18.0 and adopted by the Supreme Court of Ohio on February 5, 2008, shall take effect on March 1, 2008.

(HH) The amendments to Sup. R. 10.04 and forms 10.04-A, 10.01-G, and 10.03-H adopted by the Supreme Court of Ohio on December 15, 2008, shall take effect on February 1, 2009.

(II) The amendments to Sup. R. 9 and Appendix C, adopted by the Supreme Court on November 18, 2008, shall take effect on March 1, 2009.

(JJ) The amendments to Sup. R. 48 of the Rules of Superintendence adopted by the Court on January 20, 2009 shall take effect on March 1, 2009.

(KK) The amendments to Sup. R. 44 through 47 adopted by the Supreme Court on December 15, 2008 shall take effect on July 1, 2009.

(LL) The amendments to Sup. R. 2, 4, 35, 37, 39, 40, 41, 42, and Temp Sup. R. 1.08 and 1.10 were adopted by the Supreme Court on March 9, 2009 shall take effect on July 1, 2009.

(MM) The amendments to Sup. R. 17, adopted by the Supreme Court on November 2, 2009, shall take effect on December 1, 2009.

(NN) The amendments to Sup. R. 80 through 87 and Appendix H, adopted by the Supreme Court on November 2, 2009, shall take effect on January 1, 2010.

(OO) The amendments to standard probate forms 18.0, 18.2, 18.4, 21.5, 23.0, 23.1, 23.2, 23.3, 23.4, 23.6, and 23.7 and adopted by the Supreme Court of Ohio on November 2, 2009 shall take effect on January 1, 2010.

(PP) The amendments to Sup. R. 10, 10.01 and 10.03 and Domestic Violence Forms (10-A and 10-B, 10.01-A through 10.01-N, 10.02-A, 10.03-A, 10.03-B, 10.03-D through 10.03-H, and 10.04-A), adopted by the Supreme Court of Ohio on May 25, 2010, shall take effect on July 1, 2010.

(QQ) The amendments to Sup. R. 6 and 6.01 adopted by the Supreme Court of Ohio on December 14, 2010, shall take effect on January 1, 2011.

(RR) The amendments to Sup. R. 10.05 and juvenile domestic violence forms 10.05-A through 10.05-F, adopted by the Supreme Court of Ohio on February 3, 2011, shall take effect on March 1, 2011.

(SS) The amendments to Sup. R. 80 and 88 adopted by the Supreme Court on June 21, 2011 shall take effect on January 1, 2013.

(TT) New Sup.R. 36.02 through 36.28 and Appendix I, adopted by the Supreme Court of Ohio on November 13, 2012, shall take effect on January 1, 2013.

(UU) The amendments to standard probate forms 14.2 and 18.9 and new standard probate form 45(D), adopted by the Supreme Court of Ohio on August 8, 2011 shall take effect on September 1, 2011.

(VV) New standard probate forms 24.0 through 24.6, adopted by the Supreme Court of Ohio on December 8, 2011, shall take effect on January 1, 2012.

(WW) The amendments to Sup. R. 16 and new rules 16.01 through 16.14, adopted by the Supreme Court of Ohio on January 3, 2012, shall take effect on February 1, 2012.

(XX) New Sup. R. 10.06, adopted by the Supreme Court of Ohio on January 17, 2012, shall take effect on March 1, 2012.

(YY) The amendment to Temp. Sup. R. 1.11, adopted by the Supreme Court of Ohio on May 8, 2012, shall take effect on June 1, 2012.

(ZZ) The amendments to Sup. R. 7 and repeal of Sup. R. 36.1, adopted by the Supreme Court of Ohio on August 21, 2012, shall take effect on October 1, 2012.

(AAA) The amendments to Sup. R. 3 and 4 and new rules 3.01, 3.02, and 4.01 through 4.04, adopted by the Supreme Court of Ohio on October 23, 2012, shall take effect on December 1, 2012.

(BBB) The amendments to standard probate forms 17.0, 21.0, and 21.1, adopted by the Supreme Court of Ohio on August 21, 2012 shall take effect on January 1, 2013.

(CCC) New Sup.R. 49 through 49.12 and the repeal of Temp.Sup.R. 1.01 through 1.11, adopted by the Supreme Court of Ohio on February 26, 2013, shall take effect on July 1, 2013.

(DDD) The amendments to Sup.R. 37 and 42 and new Sup.R. 37.01 through 37.07, adopted by the Supreme Court of Ohio on April 11, 2013, shall take effect on July 1, 2013.

(EEE) The amendments to Sup.R. 49, 49.02, 49.03, and 49.09, adopted by the Supreme Court of Ohio on May 21, 2013, shall take effect on July 1, 2013.

(FFF) New Sup.R. 95 and new Form 95, adopted by the Supreme Court of Ohio on December 12, 2013, shall take effect on January 1, 2014.

(GGG) The amendments to Sup.R. 10.03 and Protection Order Forms 10-A - 10.05(F), adopted by the Supreme Court of Ohio on December 12, 2013, shall take effect on March 1, 2014. Form 10.03-A was repealed.

(HHH) The amendments to standard probate forms 12.0 and 12.1 and new forms 19.2 and 19.3 and 25.0-25.6, adopted by the Supreme Court of Ohio on January 9, 2014, shall take effect on March 1, 2014.

(III) The amendments to Sup.R. 90 – 90.12, adopted by the Supreme Court of Ohio on January 9, 2014, shall take effect on April 1, 2014.

(JJJ) The amendments to Sup.R. 80 through 88 and Appendix J adopted by the Supreme Court of Ohio on February 25, 2014, shall take effect on July 1, 2014.

(KKK) The amendments to Sup.R. 16.03 and 16.04 adopted by the Supreme Court of Ohio on April 30, 2014, shall take effect on July 1, 2014.

(LLL) The amendments to Sup.R. 14 and new Sup.R. 14.01 and 14.02, adopted by the Supreme Court of Ohio on September 9, 2014, shall take effect on January 1, 2015.

(MMM) The amendments to Sup.R. 49 and 49.02 adopted by the Supreme Court of Ohio on October 7, 2014, shall take effect on October 7, 2014.

(NNN) The amendments to Sup. R. 23 through 25 and Forms 23.-A through 25-A, adopted by the Supreme Court on November 18, 2014, shall take effect on January 1, 2015.

(OOO) The repeal of Sup.R. 20 through 20.05 and 22, adopted by the Supreme Court of Ohio on January 13, 2015, shall take effect on February 1, 2015.

(PPP) New Sup.R. 66.01 through 66.09 and the amendments to Sup.R. 73, adopted by the Supreme Court of Ohio on March 10, 2015, shall take effect on June 1, 2015.

(QQQ) New Sup.R. 34, adopted by the Supreme Court of Ohio on May 5, 2015, shall take effect on July 1, 2015.

(RRR) The amendment to Sup.R. 41, adopted by the Supreme Court on August 11, 2015, shall take effect on August 11, 2015.

(SSS) The amendments to Sup.R. 44, adopted by the Supreme Court of Ohio on October 27, 2015, shall take effect on January 1, 2016.

(TTT) The amendments to Sup.R. 26.04 and 66 and Protection Order Forms 10.05-C through 10.05-E, adopted by the Supreme Court of Ohio on February 23, 2016, shall take effect on March 15, 2016.

(UUU) New Sup.R. 5.01, adopted by the Supreme Court of Ohio on March 8, 2016, shall take effect on July 1, 2016.

(VVV) The amendments to Sup.R. 80 and 87 and new Sup.R. 89, adopted by the Supreme Court of Ohio on April 19, 2016, shall take effect on July 1, 2016.

(WWW) New standard probate forms 21.6 and 26.0 through 26.14, adopted by the Supreme Court of Ohio on May 3, 2016, shall take effect on July 1, 2016.

(XXX) The amendments to Sup.R. 38, adopted by the Supreme Court of Ohio on August 16, 2016, shall take effect on January 1, 2017.

(YYY) The amendments to Sup.R. 8, adopted by the Supreme Court of Ohio on December 13, 2016, shall take effect on January 1, 2017.

(ZZZ) The amendments to Sup.R. 67 and standard probate forms 3, 17.5, 17.7, 18.0, 18.6, 18.7, and 19.0 and new standard probate forms 27.0 through 27.12, adopted by the Supreme Court of Ohio on February 7, 2017, shall take effect on March 1, 2017.

(AAAA) The amendments to Sup.R. 36 and 49.02 through 49.04, adopted by the Supreme Court of Ohio on February 28, 2017, shall take effect on March 1, 2017.

(BBBB) New Temp.Sup.R. 1.01 through 1.08, adopted by the Supreme Court of Ohio on May 2, 2017, shall take effect on June 1, 2017.

(CCCC) The amendments to Sup.R. 67, adopted by the Supreme Court of Ohio on June 6, 2017, shall take effect on June 6, 2017.

(DDDD) The amendments to Sup.R. 3 and 4, adopted by the Supreme Court of Ohio on July 11, 2017, shall take effect on August 1, 2017.

(EEEE) The amendments to Sup.R. 4.01, 19, and 19.1, adopted by the Supreme Court of Ohio on July 11, 2017, shall take effect on January 1, 2018.

(FFFF) The amendments to Sup.R. 36 and new Sup.R. 36.01 through 36.019, adopted by the Supreme Court of Ohio on September 26, 2017, shall take effect on January 1, 2018.

(GGGG) The amendments to Sup.R. 5 and 27, adopted by the Supreme Court of Ohio on May 8, 2018, shall take effect on June 1, 2018.

(HHHH) The amendments to Sup.R. 4, adopted by the Supreme Court of Ohio on July 17, 2018, shall take effect on August 1, 2018.

(IIII) The amendments to Sup.R. 16.02 and new Sup.R. 16.40 through 16.44, adopted by the Supreme Court of Ohio on January 29, 2019, shall take effect on January 29, 2019.

(JJJJ) New Sup.R. 79, adopted by the Supreme Court of Ohio on January 29, 2019, shall take effect on January 29, 2019.

(KKKK) The repeal of Sup.R. 37.05, adopted by the Supreme Court of Ohio on February 19, 2019, shall take effect on March 1, 2019.

(LLLL) New Sup.R. 36.020, adopted by the Supreme Court of Ohio on February 19, 2019, shall take effect on January 1, 2020.

(MMMM) The amendments to Sup.R. 16 through 16.14, 16.40 through 16.43, and Appendices F and G, and new Sup.R. 16.20 through 16.25, adopted by the Supreme Court of Ohio on September 10, 2019, shall take effect on January 1, 2020.

(NNNN) New Temp.Sup.R. 2.01, adopted by the Supreme Court of Ohio on June 16, 2020, shall take effect on June 26, 2020.

(OOOO) The amendments to standard probate forms 6.0, 7.1, and 8.3 and new standard probate forms 28.0 and 28.1, adopted by the Supreme Court of Ohio on September 22, 2020, shall take effect on October 1, 2020.

(PPPP) New Sup.R. 96 and Forms 96-A1 through 96-G3, adopted by the Supreme Court of Ohio on September 22, 2020, shall take effect on October 1, 2020.

(QQQQ) The amendments to Sup.R. 80 through 89, adopted by the Supreme Court of Ohio on August 6, 2019, shall take effect on January 1, 2021.

(RRRR) The amendments to Sup.R. 40 through 48.07, adopted by the Supreme Court of Ohio on August 18, 2020, shall take effect on January 1, 2021.

(SSSS) The amendments to Sup.R. 36.20 through 36.32 and Appendix I, adopted by the Supreme Court of Ohio on August 18, 2020, shall take effect on January 1, 2021.

(TTTT) The amendments to Sup.R. 17, adopted by the Supreme Court of Ohio on January 12, 2021, shall take effect on January 12, 2021.

(UUUU) The amendments to Sup.R. 10 through 10.05 and Forms 10-A through 10-G; 10.01-A through 10.01-T; 10.02-A; 10.03-B, 10.03-D through 10.03-J; 10.04-A; and 10.05-A through 10.05-F, adopted by the Supreme Court of Ohio on January 26, 2021, shall take effect on April 15, 2021.

(VVVV) The amendments to Sup.R. 16.14, 16.21, and 16.30 through 16.32; Forms 16.30-A through 16.30-D; and Temp.Sup.R. 1.01 through 1.08, adopted by the Supreme Court of Ohio on January 26, 2021, shall take effect on April 15, 2021.

(WWWW) The amendments to standard probate forms 17.8, 23.0 through 23.7, 27.7, and 29.0 through 29.29.4, adopted by the Supreme Court of Ohio on April 13, 2021, shall take effect on May 1, 2021.

(XXXX) The amendments to Sup.R. 66.05, adopted by the Supreme Court of Ohio on April 13, 2021, shall take effect on June 1, 2021.

(YYYY) New Sup.R. 5.02, adopted by the Supreme Court of Ohio on March 2, 2021, shall take effect on July 1, 2021.

(ZZZZ) The amendments to Appendix C, adopted by the Supreme Court of Ohio on March 30, 2021, shall take effect on July 1, 2021.

(AAAAA) New Sup.R. 36.33, adopted by the Supreme Court of Ohio on April 13, 2021, shall take effect on July 1, 2021.

(BBBBB) The amendments to standard probate forms 7.0, 21.6, and Sup.R. 66.05, adopted by the Supreme Court of Ohio on January 25, 2022, shall take effect on May 1, 2022.

(CCCCC) The amendments to Sup.R. 66, 66.03, 66.05, 66.06, 66.08, and 66.09, adopted by the Supreme Court of Ohio on January 25, 2022, shall take effect on July 1, 2022.

(DDDDD) The amendments to Sup.R. 2, 5, 13, 16.06, 36.08, 48.04 to 48.06, and 57, adopted by the Supreme Court of Ohio on March 8, 2022, shall take effect on July 1, 2022.

(EEEEE) New Sup.R. 91.01 through 91.09, adopted by the Supreme Court of Ohio on May 11, 2021, shall take effect on September 1, 2022.

(FFFFF) The amendments to Sup.R. 16.14 and new Sup.R. 16.50 through 16.55, adopted by the Supreme Court of Ohio on September 6, 2022, shall take effect on January 1, 2023.

(GGGGG) The amendments to Sup.R. 16.14, new Sup.R. 16.60 through 16.66, and the repeal of Sup.R. 90 through 90.12, adopted by the Supreme Court of Ohio on September 6, 2022, shall take effect on January 1, 2023.

(HHHHH) The amendments to standard probate forms 13.11, 17.1, 21.0 through 21 through 21.4, 21.6A through 21.14, 22.0, 22.2, and 22.4, adopted by the Supreme Court of Ohio on December 13, 2022, shall take effect on January 1, 2023.

(IIIII) The amendments to Sup.R. 16.02 and 16.03, adopted by the Supreme Court of Ohio on February 9, 2023, shall take effect on April 1, 2023.

(JJJJJ) The amendments to Sup.R. 80, 82.01, 85, 88 and 89 and Appendices G and H, adopted by the Supreme Court of Ohio on February 9, 2023, shall take effect on July 1, 2023.

(KKKKK) The repeal of Sup.R. 5.02, adopted by the Supreme Court of Ohio on June 29, 2023, shall take effect on July 1, 2023.

(LLLLL) The amendments to Sup.R. 39, adopted by the Supreme Court of Ohio on December 14, 2023, shall take effect on December 14, 2023.

(MMMMM) The amendments to Sup. R. 16.06 and 36.08, adopted by the Supreme Court on October 15, 2024, shall take effect on October 15, 2024.

(NNNNN) The amendments to Sup.R. 11 and 12, adopted by the Supreme Court on March 13, 2025, shall take effect on April 1, 2025.

(OOOOO) The amendments to Sup.R. 26 through 26.06, adopted by the Supreme Court on March 13, 2025, shall take effect on April 1, 2025.

(PPPPP) New Temp.Sup.R. 1.01, adopted by the Supreme Court of Ohio on April 3, 2025 shall take effect on May 1, 2025.

(QQQQQ) The amendments to Sup.R. 36.24, 66.01, 66.04, 66.09, and Appendix I, new Sup.R. 79.01, and the repeal of Temp.Sup.R. 1.01 through 2.01 adopted by the Supreme Court of Ohio on June 26, 2025, shall take effect on July 10, 2025.

(RRRRR) The amendments to Sup.R. 5 adopted by the Supreme Court of Ohio on June 26, 2025, shall take effect on September 1, 2025.

(SSSSS) The amendments to Sup.R. 5, 8, 14, 14.01, 14.02, 16.24, 16.54, 16.61, 16.62, 16.63, 16.64, 16.65, 19, 34, 36.01, 36.011, 36.012, 36.013, 36.014, 36.016, 36.018, 36.019, 36.26, 37, 37.01, 37.02, 37.03, 39, 41, 43, 80, 81, 81.01, 82, 82.01, 83, 84, 85, 86, 88, and 89, the new Sup.R. 87, Appendices B, G, H, and J, and standard probate forms 18.0, 18.2, 18.4, 18.6, 18.7, 19.0, and 19.2, and new standard probate form 19.4, adopted by the Supreme Court of Ohio on October 30, 2025, shall take effect on November 13, 2025.

(TTTTT) The amendments to Sup.R. 39 adopted by the Supreme Court of Ohio on April 3, 2025, shall take effect on January 1, 2026.

APPENDIX A
STATISTICAL REPORTING FORMS

APPENDIX B
OHIO TRIAL COURT JURY USE AND MANAGEMENT STANDARDS

The Ohio Trial Court Jury Use and Management Standards
were adopted by the Supreme Court of Ohio on August 16, 1993.

APPENDIX B
TABLE OF CONTENTS

Standard 1	Opportunity for Service	1
Standard 2	Jury Source List	2
Standard 3	Random Selection Procedures	3
Standard 4	Eligibility for Jury Service	4
Standard 5	Term of and Availability for Jury Service	5
Standard 6	Exemption, Excuse, and Deferral	6
Standard 7	Voir Dire	8
Standard 8	Removal from the Jury Panel for Cause	9
Standard 9	Peremptory Challenges	10
Standard 10	Administration of the Jury System	12
Standard 11	Notification and Summoning Procedures	13
Standard 12	Monitoring the Jury System	14
Standard 13	Juror Use	15
Standard 14	Jury Facilities	16
Standard 15	Juror Compensation	17
Standard 16	Juror Orientation and Instruction	18
Standard 17	Jury Size and Unanimity of Verdict	20
Standard 18	Jury Deliberations	21
Standard 19	Sequestration of Jurors	22

STANDARD 1 OPPORTUNITY FOR SERVICE

A. The opportunity for jury service should not be denied or limited on the basis of race, national origin, gender, age, religious belief, income, occupation, disability, or any other factor that discriminates against a cognizable group in the jurisdiction.

B. Jury service is an obligation of all qualified citizens.

Commentary

Standard 1 is essentially identical to the ABA Standard.

It is the obligation of every court to reasonably accommodate the special needs of physically handicapped jurors. While physically handicapped jurors may pose special issues for courts and their personnel, these issues are manageable.

Support agencies and advancing technologies exist to aid courts in accommodating the special needs of hearing impaired and visually impaired jurors, for example.

The obligation of jury service falls on all citizens; it is vitally important that the legal system open its doors to each person who desires to serve on a jury.

Reference is made to the ADA.

Ohio Statutes

O.R.C. 2313.47 Race or color shall not disqualify a juror.

STANDARD 2 JURY SOURCE LIST

A. The names of potential jurors should be drawn from a jury source list compiled from one or more regularly maintained lists of persons residing in the court jurisdiction.

B. The jury source list should be representative and should be as inclusive of the adult population in the jurisdiction as is feasible.

C. The court should periodically review the jury source list for its representativeness and inclusiveness of the adult population in the jurisdiction as is feasible.

D. Should the court determine that improvement is needed in the representativeness or inclusiveness of the jury source list, appropriate corrective action should be taken.

Commentary

Standard 2 is identical to the ABA Standard.

There should be a periodic review of the representativeness and inclusiveness of the jury source list.

Ohio Statutes

O.R.C. 1901.25	Selection and impaneling of a jury.
O.R.C. 1907.28	Authorizes county courts to adopt local rules regarding jury selection and impaneling.
O.R.C. 2311.42	Authorizes the drawing of a jury from an adjoining county if a party to the case is the board of county commissioners.
O.R.C. 2313.06	Provisions relative to the summoning of jurors using lists of voters and licensed drivers.
O.R.C. 2313.07	Construction of a jury wheel and the use of data processing equipment in drawing jurors.
O.R.C. 2313.08	Contains provisions relative to the annual jury list.
O.R.C. 2313.09	Supplemental jury lists.
O.R.C. 2313.15	Report of names of jurors excused.
O.R.C. 2313.20	Notice of drawing.
O.R.C. 2313.21	Conduct of drawing.
O.R.C. 2313.26	Order for additional number of jurors.

STANDARD 3 RANDOM SELECTION PROCEDURES

A. Random selection procedures should be used throughout the juror selection process. Any method may be used, manual or automated, that provides each eligible and available person with an equal probability of selection. These methods should be documented.

B. Random selection procedures should be employed in:

1. Selecting persons to be summoned for jury service;
2. Assigning prospective jurors to panels; and
3. Calling prospective jurors for voir dire.

C. Departures from the principle of random selection are appropriate:

1. To exclude persons ineligible for service in accordance with Standard 4;
2. To excuse or defer prospective jurors in accordance with Standard 6;
3. To remove prospective jurors for cause or if challenged peremptorily in accordance with Standards 8 and 9; and
4. To provide all prospective jurors with an opportunity to be called for jury service and to be assigned to a panel in accordance with Standard 13.

Commentary

Standard 3 is essentially identical to the ABA Standard.

Ohio Statutes

O.R.C. 1901.25	Selection and impaneling of a jury.
O.R.C. 1907.28	Authorizes county courts to adopt local rules regarding jury selection and impaneling.
O.R.C. 2101.30	Drawing of a jury in probate cases.
O.R.C. 2313.07	Construction of a jury wheel and the use of data processing equipment in drawing jurors.
O.R.C. 2313.08	Contains provisions relative to the annual jury list.
O.R.C. 2313.09	Supplemental jury lists.
O.R.C. 2313.15	Report of names of jurors excused.
O.R.C. 2313.21	Conduct of drawing.

STANDARD 4 ELIGIBILITY FOR JURY SERVICE

All persons should be eligible for jury service except those who:

A. Are less than eighteen years of age;
B. Are not citizens of the United States;
C. Are not residents of the jurisdiction in which they have been summoned to serve;
D. Are not able to communicate in the English language; or
E. Have been convicted of a felony and have not had their civil rights restored.

Commentary

Standard 4 is identical to the ABA Standard.

Legislative changes recommended in order for Standard 4 to be consistent with Standard 6.

Ohio Statutes

O.R.C. 1901.25	Selection and impaneling of a jury.
O.R.C. 1907.28	Authorizes county courts to adopt local rules regarding jury selection and impaneling.
O.R.C. 2961.01	Precludes convicted felons from serving as jurors.

STANDARD 5 TERM OF AND AVAILABILITY FOR JURY SERVICE

A. The time that persons are called upon to perform jury service and to be available should be the shortest period consistent with the needs of justice.

B. A term of service of one day or the completion of one trial, whichever is longer, is recommended. However, a term of one week or the completion of one trial, whichever is longer, is acceptable.

C. Persons should not be required to maintain a status of availability for jury service for longer than two weeks except in jurisdictions where it may be appropriate for persons to be available for service over a longer period of time.

Commentary

Standard 5 is essentially identical to the ABA Standard.

Courts should reduce, to the extent possible, the number of days a person serves and the period of availability.

STANDARD 6 EXEMPTION, EXCUSE, AND DEFERRAL

A. All automatic excuses or exemptions, with the exception of statutory exemptions, from jury service should be eliminated.

B. Eligible persons who are summoned may be excused from jury service only if:

1. Their ability to receive and evaluate information is so impaired that they are unable to perform their duties as jurors and they are excused for this reason by a judge; or

2. They request to be excused because their service would be a continuing hardship to them or to members of the public and they are excused by a judge or a specifically authorized court official.

C. Deferrals for jury service for reasonably short periods of time may be permitted by a judge or a specifically authorized court official.

D. Requests for excuses and deferrals and their disposition should be written or otherwise made or recorded. Specific uniform guidelines for determining such requests should be adopted by the court.

Commentary

Standard 6 has been changed from the ABA Standard to be consistent with the O.R.C.

Deferrals are encouraged rather than the granting of excuses.

With a shorter term of service (see Standard 5), reasons for being excused should be reduced.

The Jury Management Project Team recommends that all statutory exceptions be eliminated.

Ohio Statutes

O.R.C. 737.26	Exempts fireman from jury duty.
O.R.C. 1901.25	Selection and impaneling of a jury.
O.R.C. 1907.28	Authorizes county courts to adopt local rules regarding jury selection and impaneling.
O.R.C. 2313.12	Jury exemptions; proof of exemptions.
O.R.C. 2313.13	Postponement of jury service; temporary excuse or discharge.
O.R.C. 2313.14	Failure to attend after postponed service.
O.R.C. 2313.15	Report of names of jurors excused.
O.R.C. 2313.16	Reasons for which jurors may be excused.
O.R.C. 2313.27	Evasion of jury service.
O.R.C. 2313.36	Exemptions from jury service in court of record.
O.R.C. 5919.20	Exempts certain officers and personnel of the Ohio National Guard from jury service.
O.R.C. 5920.10	Exempts members of the Ohio Military Reserve from jury duty.
O.R.C. 5921.09	Exempts members of the Ohio Naval Militia from jury service.

STANDARD 7 VOIR DIRE

A. Voir dire examination should be limited to matters relevant to determining whether to remove a juror for cause and to determine the juror's fairness and impartiality.

B. To reduce the time required for voir dire, basic background information regarding panel members should be made available to counsel in writing for each party on the day on which jury selection is to begin.

C. The trial judge should conduct a preliminary voir dire examination. Counsel shall then be permitted to question panel members for a reasonable period of time.

D. The judge should ensure that the privacy of prospective jurors is reasonably protected, and the questioning is consistent with the purpose of the voir dire process.

E. In criminal cases, the voir dire process shall be held on the record. In civil cases, the voir dire process shall be held on the record unless waived by the parties.

Commentary

Standard 7 is essentially identical to the ABA Standard.

The questionnaire shall be handled in a manner to ensure privacy.

When prospective jurors are initially sworn, the oath should also indicate that the answers to the jury questionnaire are true.

Ohio Statutes

O.R.C. 1901.25	Selection and impaneling of a jury.
O.R.C. 1907.28	Authorizes county courts to adopt local rules regarding jury selection and impaneling.

Court Rules

Civ. R. 47	Jurors.
Crim. R. 24	Trial jurors.

STANDARD 8 REMOVAL FROM THE JURY PANEL FOR CAUSE

If the judge determines during the voir dire process that any individual is unable or unwilling to hear the particular case at issue fairly and impartially, that individual should be removed from the panel. Such a determination may be made on motion of counsel or by the judge.

Commentary

Standard 8 is essentially identical to the ABA Standard.

Jurors should be reminded that jury service is an obligation of each qualified citizen (see Standard 1).

Ohio Statutes

O.R.C. 1901.25	Selection and impaneling of a jury.
O.R.C. 1907.28	Authorizes county courts to adopt local rules regarding jury selection and impaneling.
O.R.C. 2313.42	Challenge for cause of persons called as jurors.
O.R.C. 2313.43	Challenge of petit jurors.
O.R.C. 2945.25	Causes for challenging jurors.
O.R.C. 2945.26	Challenge of juror for cause.

Court Rules

Civ. R. 47	Jurors.
Crim. R. 24	Trial jurors.

STANDARD 9 PEREMPTORY CHALLENGES

A. Rules determining procedure for exercising peremptory challenges should be uniform throughout the state.

B. Peremptory challenges should be limited to a number no larger than necessary to provide reasonable assurance of obtaining an unbiased jury.

C. In civil cases, the number of peremptory challenges should not exceed three for each side. If the court finds that there is a conflict of interest between parties on the same side, the court may allow each conflicting party up to three peremptory challenges.

D. In criminal cases, the number of peremptory challenges should not exceed:

1. Six for each side when a death sentence may be imposed upon conviction;
2. Four for each side when a sentence of imprisonment (state institution) may be imposed upon conviction; or
3. Three for each side in all other prosecutions. One additional peremptory challenge should be allowed for each defendant in a multi-defendant criminal proceeding.

E. In criminal and civil proceedings each side should be allowed one peremptory challenge if one or two alternate jurors are impaneled, two peremptory challenges if three or four alternates are impaneled, and three peremptory challenges if five or six alternates are impaneled. These additional peremptory challenges shall be used against an alternate juror only, and the other peremptory challenges allowed by law shall not be used against an alternate juror.

Commentary

Standard 9 has been changed from the ABA Standard to be consistent with the O.R.C. and Ohio Rules of Court.

Ohio Statutes

O.R.C. 1901.25	Selection and impaneling of a jury.
O.R.C. 1907.28	Authorizes county courts to adopt local rules regarding jury selection and impaneling.
O.R.C. 2938.06	Number of jurors and challenges.
O.R.C. 2945.21	Peremptory challenges.
O.R.C. 2945.23	Use of peremptory challenges.

Court Rules

Civ. R. 47	Jurors.
Crim. R. 24	Trial jurors.

STANDARD 10 ADMINISTRATION OF THE JURY SYSTEM

A. The responsibility for administration of the jury system should be vested exclusively in the judicial branch of government.

B. All procedures concerning jury selection and service should be governed by the Ohio Constitution, the Revised Code, rules promulgated by the Supreme Court of Ohio, and local rules of the court or division of the court.

C. Responsibility for administering the jury system should be vested in a single administrator acting under the supervision of the administrative judge of the court or division of the court.

Commentary

Standard 10 is essentially identical to the ABA Standard.

Standard 10 suggests that current legislation be repealed.

Ohio Constitution

Article IV, Section 5(B)	Allows the Supreme Court to adopt Rules of Practice and Procedure and permits courts to adopt rules concerning local practice that do not conflict with Supreme Court Rules.

Ohio Statutes

O.R.C. 1901.14	Authorizes the adoption of local rules regarding the summoning of jurors.
O.R.C. 1907.28	Authorizes county courts to adopt local rules regarding jury selection and impaneling.
O.R.C. 2313.01	Authorizes the appointment of jury commissioners.
O.R.C. 2313.02	Compensation and appointment of deputies and clerks in the office of jury commissioners.
O.R.C. 2313.03	Oath of office for jury commissioners.
O.R.C. 2313.04	Lists cases in which the deputy jury commissioner may act.

STANDARD 11 NOTIFICATION AND SUMMONING PROCEDURES

A. The notice summoning a person to jury service and the questionnaire eliciting essential information regarding that person should be:

1. Combined in a single document;
2. Phrased so as to be readily understood by an individual unfamiliar with the legal and jury systems; and
3. Delivered by ordinary mail.

B. A summons should clearly explain how and when the recipient must respond and the consequences of a failure to respond.

C. The questionnaire should be phrased and organized so as to facilitate quick and accurate screening and should request only that information essential for:

1. Determining whether a person meets the criteria for eligibility;
2. Providing basic background information ordinarily sought during voir dire examination; and
3. Efficiently managing the jury system.

D. Policies and procedures should be established for monitoring failures to respond to a summons and for enforcing a summons to report for jury service.

Commentary

Standard 11 is essentially identical to the ABA Standard.

Ohio Statutes

O.R.C. 1905.28	Gives the mayor of a municipal corporation the authority to compel the attendance of jurors.
O.R.C. 1907.29	Cross-references to civil and criminal rules and authorizes the punishment by contempt for summoned jurors who refuse to serve.
O.R.C. 2101.30	Drawing of a jury in probate cases.
O.R.C. 2313.10	Notice to jurors to appear and testify before jury commissioners.
O.R.C. 2313.11	Failure of summoned juror to attend or testify.
O.R.C. 2313.14	Failure to attend after postponed service.
O.R.C. 2313.25	Service and return of venire.
O.R.C. 2313.26	Order for additional number of jurors.
O.R.C. 2313.29	Failure of juror to attend.
O.R.C. 2313.30	Arrest for failure to attend.

STANDARD 12 MONITORING THE JURY SYSTEM

Courts should collect and analyze information regarding the performance of the jury system on a regular basis in order to evaluate:

A. The representativeness and inclusiveness of the jury source list;

B. The effectiveness of qualification and summoning procedures;

C. The responsiveness of individual citizens to jury duty summonses;

D. The efficient use of jurors; and

E. The cost-effectiveness of the jury management system.

Commentary

Standard 12 is essentially identical to the ABA Standard, and the Jury Standard Project Team recognizes that the information gathered must be analyzed to ensure efficient jury management.

STANDARD 13 JUROR USE

A. Courts should employ the services of prospective jurors so as to achieve optimum use with a minimum of inconvenience to jurors.

B. Courts should determine the minimally sufficient number of jurors needed to accommodate trial activity. This information and appropriate management techniques should be used to adjust both the number of individuals summoned for jury duty and the number assigned to jury panels.

1. Courts using jury pools should ensure that each prospective juror who has reported to the court is assigned for voir dire; and
2. Courts using panels should ensure that each prospective juror who has reported to the court is assigned for voir dire.

C. Courts should coordinate jury management and calendar management to make effective use of jurors.

Commentary

Standard 13 is essentially identical to the ABA Standard.

Ohio Statutes

O.R.C. 2313.19 Number of jurors drawn.
O.R.C. 2313.24 Number of jurors; exception for smaller counties.

STANDARD 14 JURY FACILITIES

A. Courts should provide an adequate and suitable environment for jurors.

B. The entrance and registration area should be clearly identified and appropriately designed to accommodate the daily flow of prospective jurors to the courthouse.

C. Jurors should be accommodated in pleasant waiting facilities furnished with suitable amenities.

D. Jury deliberation rooms should include space, furnishings, and facilities conducive to reaching a fair verdict. The safety and security of the deliberation rooms should be ensured.

E. To the extent feasible, juror facilities should be arranged to minimize contact between jurors, parties, counsel, and the public.

Commentary

Standard 14 is essentially identical to the ABA Standard.

Ohio Statutes

O.R.C. 1907.29	Cross-references to civil and criminal rules and authorizes the punishment by contempt for summoned jurors who refuse to serve.
O.R.C. 2313.05	Office and supplies for the jury commissioners.
O.R.C. 2315.03	Deliberations of jury.
O.R.C. 2945.33	Keeping and conduct of the jury after case is submitted to the jury.

Rules of Superintendence

Appendix D	Court facility standards.

STANDARD 15 JUROR COMPENSATION

A. Persons called for jury service should receive a reasonable fee for their service and expenses.

B. Such fees should be paid promptly.

C. Employers shall be prohibited from discharging, laying-off, denying advancement opportunities to, or otherwise penalizing employees who miss work because of jury service.

Commentary

Standard 15 is essentially identical to the ABA Standard.

Ohio Statutes

O.R.C. 1901.25	Selection and impaneling of a jury.
O.R.C. 1907.28	Authorizes county courts to adopt local rules regarding jury selection and impaneling.
O.R.C. 2101.16	Cross-references to other sections regarding jury fees.
O.R.C. 2313.34	Discharge of juror; compensation.

STANDARD 16 JUROR ORIENTATION AND INSTRUCTION

A. Orientation programs should be:

1. Designed to increase prospective jurors' understanding of the judicial system and prepare them to serve competently as jurors; and
2. Presented in a uniform and efficient manner using a combination of written, oral, and audiovisual materials.

B. Courts should provide some form of orientation or instructions to persons called for jury service:

1. Upon initial contact prior to service;
2. Upon first appearance at the court; and
3. Upon reporting to a courtroom for voir dire.

C. The trial judge should:

1. Give preliminary instructions to all prospective jurors.
2. Give instructions directly following impanelment of the jury to explain the jury's role, the trial procedures including notetaking and questioning by jurors, the nature of evidence and its evaluation, the issues to be addressed, and the basic relevant legal principles;
3. Prior to the commencement of deliberations, instruct the jury on the law, on the appropriate procedures to be followed during deliberations, and on the appropriate method for reporting the results of its deliberations. Such instructions should be made available to the jurors during deliberations;
4. Prepare and deliver instructions which are readily understood by individuals unfamiliar with the legal system; and
5. Recognize utilization of written instructions is preferable.
6. Before dismissing a jury at the conclusion of a case:
    a. Release the jurors from their duty of confidentiality;
    b. Explain their rights regarding inquiries from counsel or the press;
    c. Either advise them that they are discharged from service or specify where they must report; and
    d. Express appreciation to the jurors for their service, but not express approval or disapproval of the result of the deliberation.

D. All communications between the judge and members of the jury panel from the time of reporting to the courtroom for voir dire until dismissal shall be in writing or on the record in open court. Counsel for each party shall be informed of such communication and given the opportunity to be heard.

Commentary

Standard 16 is essentially identical to the ABA Standard with addition of C., 4.

Reference may be made to Ohio Jury Instructions.

Ohio Statutes

O.R.C. 2945.10	Order of trial proceedings, including the charge to the jury.
O.R.C. 2945.11	Charge to the jury on questions of law and fact.
O.R.C. 2945.34	Admonition to be administered to jurors if they are separate during trial.

Court Rules

Civ. R. 51	Instructions to the jury; objections.
Crim. R. 30	Instructions to the jury.

STANDARD 17 JURY SIZE AND UNANIMITY OF VERDICT

Jury size and unanimity in civil and criminal cases shall conform with existing Ohio law.

Commentary

Standard 17 has been changed from the ABA Standard to be consistent with the O.R.C.

Ohio Constitution

Article I, Section 5	Trial by jury; reform in civil jury system

Ohio Statutes

O.R.C. 1901.24	Cross-references to civil and criminal rules relating to juries.
O.R.C. 1907.29	Cross-references to civil and criminal rules and authorizes the punishment by contempt for summoned jurors who refuse to serve.
O.R.C. 2938.06	Number of jurors and challenges.

Court Rules

Civ. R. 38	Jury trial of right.
Civ. R. 48	Juries; majority verdict; stipulation of number of jurors.
Civ. R. Form 18	Judgment on jury verdicts.
Crim. R. 23	Trial by jury or by the court.

STANDARD 18 JURY DELIBERATIONS

A. Jury deliberations should take place under conditions and pursuant to procedures that are designed to ensure impartiality and to enhance rational decision-making.

B. The judge should instruct the jury concerning appropriate procedures to be followed during deliberations in accordance with Standard 16C.

C. The deliberation room should conform to the recommendations set forth in Standard 14C.

D. The jury should not be sequestered except under the circumstances and procedures set forth in Standard 19.

E. A jury should not be required to deliberate after a reasonable hour unless the trial judge determines that evening or weekend deliberations would not impose an undue hardship upon the jurors and are required in the interest of justice.

F. Training should be provided to personnel who escort and assist jurors during deliberation.

Commentary

Standard 16 is essentially identical to the ABA Standard.

Counsel and appropriate court personnel should remain readily available during jury deliberations.

Juries should be provided with a pleasant, comfortable, secure, and safe place in which to work.

Ohio Statutes

O.R.C. 2315.03	Deliberations of jury.
O.R.C. 2315.04	Duty of officer in charge of jury.
O.R.C. 2945.32	Contains the oath to be administered to an officer if the jury is sequestered.
O.R.C. 2945.33	Keeping and conduct of the jury after case is submitted to the jury.

Court Rules

Civ. R. Form 18	Judgment on jury verdict.
Crim. R. 30	Instructions to the jury.

STANDARD 19 SEQUESTRATION OF JURORS

A. A jury should be sequestered only for good cause, including but not limited to insulating its members from improper information or influences.

B. During deliberations in the guilt phase and penalty phase, the jury shall be sequestered in a capital case.

C. The trial judge shall have the discretion to sequester a jury on the motion of counsel or on the judge's initiative and shall have the responsibility to oversee the conditions of sequestration.

D. Standard procedures should be promulgated to:

1. Achieve the purpose of sequestration; and
2. Minimize the inconvenience and discomfort of the sequestered jurors.

E. Training shall be provided to personnel who escort and assist jurors during sequestration.

Commentary

Standard 19 differs from the ABA Standard.

1. "Should" was changed to "shall" in C and E.
2. Jury escorts may be law enforcement personnel.

Standard 19 has been changed to be consistent with the O.R.C.

Ohio Statutes

O.R.C. 2315.04	Duty of officer in charge of jury.
O.R.C. 2945.31	Allows, but does not require, sequestering of jurors after a trial has commenced.
O.R.C. 2945.33	Requires sequestration of jurors in capital cases once a case is submitted to the jury.

Court Rules

Crim. R. 24	Trial jurors.

OHIO COURT SECURITY STANDARDS

APPENDIX C
COURT SECURITY STANDARDS

PREAMBLE

The following Ohio Court Security Standards represent the efforts of the Supreme Court Advisory Committee on Court Security & Emergency Preparedness. The Standards were first adopted by the Supreme Court in 1994 and are now revised to reflect changes in our society affecting them.

Ohio citizens should expect all court facilities to be safe and secure for all who enter so that justice for all may be sought and not unjustly interrupted. Court facilities and each courtroom therein should have appropriate levels of security to address any foreseeable concern or emergency that may arise during the course of business. Elected officials charged with court facility authority must be proactive and sensitive to court security and emergency preparedness concerns. While the Advisory Committee understands providing a safe court facility to all carries a financial price, it is imperative that the topics discussed in the Ohio Court Security Standards be addressed.

Court security and emergency strategies and actions must be consistent with individual rights, civil liberties, and freedoms protected by the United States Constitution, the Ohio Constitution, and the rule of law. Because Ohio has a diverse population, special thought should be given to overcoming language and cultural barriers and physical disabilities when addressing security and emergency issues. However, Ohio citizens must be assured that any security practice or policy is employed in a neutral manner.

The Ohio Court Security Standards attempt to balance the diverse needs of each community. However, each locale is encouraged to promulgate policies and procedures to meet its specific needs. Special consideration should be given to defining the roles and responsibilities of the court and law enforcement officials within each local jurisdiction.

TABLE OF CONTENTS

Standard 1.	Court Security Committee	1
Standard 2.	Security Policy and Procedures Manual	2
Standard 3.	Emergency Preparedness Manual	4
Standard 4.	Continuity of Operations Manual	5
Standard 5.	Persons Subject to a Security Search	6
Standard 6.	Court Security Officers	7
Standard 7.	Weapons in Court Facilities	8
Standard 8.	Prisoner Transport Within Court Facilities	9
Standard 9.	Duress Alarms for Judges and Court Personnel	10
Standard 10.	Closed-Circuit Video Surveillance	11
Standard 11.	Restricted Access to Offices	12
Standard 12.	Off-Site Personal Security	13
Standard 13.	Structural Design of Court Facilities and Courtrooms	14
Standard 14.	Security Incident Reporting	15
Standard 15.	Communication Devices in the Court Facility	16
Standard 16.	Information Technology Operations Security	18

STANDARD 1. COURT SECURITY COMMITTEE

Each court shall appoint a court security committee to meet on a periodic basis for the purpose of implementing these standards. If more than one court occupies a court facility, the courts shall collectively appoint a single committee.

Commentary

Court security issues affect many sectors of the community and include differing local needs and serious funding concerns. Therefore, a Court Security Committee should review these issues in a cooperative and constructive manner.

The Court Security Committee should include representatives of first responders, emergency management agencies, and funding authorities, and may include representatives from each entity within the court facility and the community.

STANDARD 2. SECURITY POLICY AND PROCEDURES MANUAL

(A) Adoption of manual

As part of its court security plan, each court shall adopt a written security policy and procedures manual governing security of the court and the court facility to ensure consistent, appropriate, and adequate security procedures. The manual shall include each of the following:

(1) A physical security plan;

(2) Routine security operations;

(3) An emergency action plan that addresses events such as a hostage situation, an escaped prisoner, violence in the courtroom, a bomb threat, and fire;

(4) A high risk trial plan.

(B) Review of manual

A court shall periodically test and update its security policy and procedures manual for operational effectiveness.

(C) Multiple courts

If more than one court occupies a court facility, the courts shall collectively adopt and review a single security policy and procedures manual.

Commentary

Although traditional forms of security, such as security searches of entrants to the court facility, are an excellent primary safeguard, it is important that courts have a written Security Policy and Procedures Manual addressing the items listed above.

To ensure a thorough knowledge of the court's Security Policy and Procedures Manual, all court security officers should review the manual as a part of their orientation and as a component of regular, continuing education for retained court security officers.

A copy of the Security Policy and Procedures Manual should be available to all court security officers to ensure they understand the appropriate security procedures.

All court security officers should be immediately informed of any changes or amendments to the Security Policy and Procedures Manual.

Security Policy and Procedures Manual is a protected document which should not be shared with non-security court personnel other than court leadership. However, it is recommended that a shorter guidebook be prepared for all other court personnel, which should include emergency evacuation procedures, routes, and building safety guidelines.

STANDARD 3. EMERGENCY PREPAREDNESS MANUAL

(A) Adoption of manual

As part of its court security plan, each court shall adopt a written emergency preparedness manual. The manual shall include a plan providing for the safety of all persons present within the court facility during an emergency.

(B) Review of manual

A court shall periodically test and update its emergency preparedness manual for operational effectiveness.

(C) Multiple courts

If more than one court occupies a court facility, the courts shall collectively adopt and review a single emergency preparedness manual.

STANDARD 4. CONTINUITY OF OPERATIONS MANUAL

(A) Adoption of manual

As part of its court security plan, each court shall adopt a written continuity of operations manual. The manual shall include a plan that addresses each of the following:

(1) The continued operation of the court at an alternative site should its present site be rendered inoperable due to a natural disaster, act of terrorism, security breach within the building, or other unforeseen event;

(2) The provisions of the "Court Continuity of Operations (COOP) Plan Template" available on the website of the Supreme Court.

(B) Review of manual

A court shall periodically test and update its continuity of operations manual for operational effectiveness.

(C) Multiple courts

If more than one court occupies a court facility, the courts shall collectively adopt and review a single continuity of operations manual.

STANDARD 5. PERSONS SUBJECT TO A SECURITY SEARCH

All persons entering a court facility shall be subject to a security search. A security search should occur for each visit to the court facility, regardless of the purpose or the hour.

Commentary

The credibility of court security requires the public be subject to a security search when entering a court facility. Any exemption of personnel from the security search process, including elected officials, court personnel, attorneys, law enforcement officers, or court security officers, should be decided and documented by the Court Security Committee.

At a minimum, each court facility should have at least one portable walk-through magnetometer and a hand-held magnetometer, with court security officers trained in the proper use of that equipment. Walk-through magnetometers at a single point of entry, with accompanying x-ray viewing of packages and handbags, is the optimal method of searching entrants to a court facility and should be utilized to provide the type of security needed to ensure a safe environment. A single point of entry for the public is strongly recommended.

STANDARD 6. COURT SECURITY OFFICERS

(A) Assignment

Uniformed court security officers should be assigned in sufficient numbers to ensure the security of each courtroom and the court facility.

(B) Certification and training

All court security should be certified through the Ohio Peace Officers Training Council. These officers should receive specific training on court security and weapons instruction specific to the court setting.

Commentary

For the purpose of these standards, “court security officer” means an individual employed or contracted to perform security duties or functions at a court facility and includes a law enforcement officer assigned to court security and a bailiff who performs court security duties or functions. “Court security officer” does not include an administrative bailiff who does not perform court security duties or functions.

Law enforcement officers who are present within the court facility for purposes other than court security, such as testifying at a trial, should not be considered a component of the court security system. These law enforcement officers' full attention should be directed to the duties to which they are assigned. The security of the court should not be reliant upon these law enforcement officers, who may have no specific training in court security.

STANDARD 7. WEAPONS IN COURT FACILITIES

(A) Prohibition

No weapons should be permitted in a court facility except those carried by court security officers or as permitted under division (B)(1) of this standard. The court should establish and install adequate security measures to ensure no one will be armed with any weapon in the court facility.

(B) Law enforcement

(1) Each court should promulgate a local court rule governing the carrying of weapons into the court facility by law enforcement officers who are not a component of court security and are acting within the scope of their employment. If more than one court occupies a court facility, the courts shall collectively promulgate a single rule.

(2) In all cases, law enforcement officers who are parties to a judicial proceeding as a plaintiff, defendant, witness, or interested party outside of the scope of their employment should not be permitted to bring weapons into the court facility.

Commentary

There is no issue more controversial relating to court security than whether law enforcement officers should be required to surrender their weapons at the court facility door. As a result, each individual court should review its needs and formulate policy based upon local needs and realities.

STANDARD 8. PRISONER TRANSPORT WITHIN COURT FACILITIES

(A) Transport

Prisoners should be transported into and within a court facility through areas that are not accessible to the public. When a separate entrance is not available and public hallways must be utilized, prisoners should be handcuffed behind the back or handcuffed with use of "belly chains" to limit hand movement and always secured by leg restraints.

(B) Carrying of firearms

During the transport of prisoners, personnel in direct contact with the prisoners should not carry firearms. However, an armed court security officer should be present.

(C) Holding area

Once within a court facility, prisoners should be held in a secure holding area equipped with video monitoring, where practicable, while awaiting court hearings and during any recess.

Commentary

If prisoners cannot be transported through private court facility entrances, public movement in the area should be restricted during the time of prisoner transport since transport through a public area exposes the public to danger, enhances the possibility of prisoner escape, and increases the ability to transfer weapons or other contraband to prisoners.

Law enforcement officers should accompany prisoners to the courtroom, remain during the hearing, and return prisoners to the secured holding area. Court security officers should not assume this responsibility.

STANDARD 9. DURESS ALARMS FOR JUDGES AND COURT PERSONNEL

All courtrooms, hearing rooms, judges' chambers, clerks of courts' offices, and reception areas should be equipped with a duress alarm system connected to a central security station. The duress alarm system should include enunciation capability.

Commentary

There are times when individuals may be able to circumvent standard court security measures. Judges and court personnel should have a readily accessible signal system upon which to rely in emergency situations.

It is important that the duress alarm system be a type which includes an audible alarm at the central security station. However, the system should not include an audible alarm at the activation site. The duress alarm system should quickly summon additional help from the county sheriff's department or the nearest police jurisdiction when needed.

To ensure confidence in the duress alarm system is maintained, duress alarms should be tested periodically and all efforts should be made to minimize false alarms.

STANDARD 10. CLOSED-CIRCUIT VIDEO SURVEILLANCE

If a court utilizes closed-circuit video surveillance, the system should include the court facility parking area, entrance to the court facility, court lobby, courtroom, and all other public areas of the court facility.

Commentary

Posted notices that every judicial proceeding is under surveillance may dissuade those who have intentions of disrupting a hearing. Some court facilities may lack the architectural and structural elements necessary for court security and, therefore, require greater reliance on security devices. Closed-circuit video surveillance is secondary to security searches of entrants to a court facility.

STANDARD 11. RESTRICTED ACCESS TO OFFICES

To ensure safe and secure work areas and to protect against inappropriate interaction between judges and participants in the judicial process, an effective secondary security perimeter should be utilized at the entrance to the office space housing judges and court personnel.

Commentary

The security of the office space housing judges and court personnel must be maintained. Unlimited access to these areas is dangerous and unnecessary. The general public should not be permitted to wander through these areas for any reason. However, attorneys should have controlled access to the areas. Persons having business with a judge or court personnel should be encouraged to make appointments.

Steps which may be taken to facilitate this standard include a main receptionist checkpoint, passive or active electromagnetic hall locks, and cardreader door locks.

Also, the judges' chambers, as differentiated from the staff offices, and judges' parking spaces should not be designated by "Judge" signage.

Finally, parking spaces should be located as close as possible to an entrance.

STANDARD 12. OFF-SITE PERSONAL SECURITY

As part of its court security plan, each court, in conjunction with law enforcement officers, should adopt procedures for the personal security of judges and court personnel at locations outside the court facility. If more than one court occupies a court facility, the courts shall collectively adopt procedures applicable to all judges and court personnel in the court facility.

Commentary

The protection of judges and court personnel from work-related threats and acts of violence outside the court facility is important. It is essential that procedures be in place, when necessary, to respond to such incidents.

The particular procedures may include personal security profiles, residential alarm systems, cellular telephones, weapons training, self-defense training, and personal/family bodyguard security. While all of these steps include some financial commitment, the procedures may be graduated to respond to the needs of any given situation.

STANDARD 13. STRUCTURAL DESIGN OF COURT FACILITIES AND COURTROOMS

When designing new or remodeling old court facilities, consideration should be given to circulation patterns that govern the movement of people to, from, and in the courtroom. Judges, juries, court personnel, and prisoners should have routes to and from the courtroom separate from public routes. Waiting areas should be available to allow separation of parties, victims, and witnesses.

Commentary

The circulation patterns should separate the prisoners from all other persons. The public should also be separated from the judges, juries, and court personnel.

STANDARD 14. SECURITY INCIDENT REPORTING

(A) Reporting of security incidents

(1) Every violation of law that occurs within a court facility should be reported to the law enforcement agency having jurisdiction. To facilitate reporting, all court personnel should familiarize themselves with the law enforcement agency that has jurisdiction within and around their court facility.

(2) Each court should adopt a policy for reporting court security incidents and should include the policy in the court's security policy and procedures manual. If more than one court occupies a court facility, the courts shall collectively adopt a single policy.

(3) A summary of court security incidents should be compiled annually for the court's benefit in evaluating security measures.

(B) Periodic review of security incidents

All courts within the court facility should periodically review all court security incidents so the judges and court personnel are aware of recent events.

Commentary

Although the facility may be a county court facility, in some areas, if the facility is located within the limits of a municipal corporation, the local police may be the law enforcement agency having jurisdiction.

A “court security incident” is any infraction outlined within the court's Security Policy and Procedures Manual and includes any and all disruptions made in the confines of the court facility.

To measure the effectiveness of court security procedures and to aid in securing necessary funding for court security measures, it is useful to recognize and record court security incidents. A standard incident reporting form should be utilized by court personnel to record each event which compromised the security of the court and/or the safety of the participants in the judicial process. Additionally, each court should do an annual summary of court security incidents for its own benefit in evaluating court security measures using the model incident reporting form.

STANDARD 15. COMMUNICATION DEVICES IN THE COURT FACILITY

The court security committee, along with other court officials, should consider and formulate a plan that governs the presence and use of communication devices in the courthouse, courtroom, and surrounding courthouse grounds. "Communication device" means any device intended to communicate, disperse, or retrieve information, including cell phones, computers, tablet computers, and cameras. The plan should comply with the requirements of Rule 12 of the Rules of Superintendence for the Courts of Ohio and provide all of the following:

(A) The use of communication devices in the courtroom, as well as the entrance into and departure from the courtroom, should be minimally intrusive so as not to disturb court functions or distract the court proceedings in any manner;

(B) Communication devices should be used and moved into and out of the courtroom safely, so as to protect all persons in the courtroom and not create an impediment to court operations;

(C) Except as provided in paragraphs (D) and (E) of this standard, at no time should the public, jurors, or witnesses be permitted to use communication devices in the courtroom. The plan should explicitly prohibit the public, jurors, and witnesses from using any communication devices while in attendance at trial. "Use" includes texting, audio and video recording, and still photography.

(D) If the court determines there is a need for such use, the court may permit the use of communication devices in the courtroom for scheduling purposes and to obtain or disseminate information. Other uses of communication devices in the courtroom should be at the court's discretion. Communication devices should either be turned off or put in silent mode when not in use.

(E) With the court's prior approval, the news media must be permitted to use communication devices in the courtroom. However, the plan should provide that no audio recording, video, or photograph of any juror, witness, or juvenile defendant should be taken.

(F) Appropriate signage should be posted identifying the procedure for use of communication devices in the courtroom and stating that use of communication devices in the courtroom may be prohibited if it interferes with the administration of justice, poses a threat to safety or security, or compromises the integrity of the proceedings.

Commentary

The presence of communication devices in the courtroom during court operations should be pre-approved to avoid disruption of court proceedings.

The use of communication devices for texting, audio/video recording, and still photography, has been a rather controversial subject resulting in varied responses from the courts. As a result, each court should adopt a Best Practices policy based on local court expectations and the ability to enforce its policy. Failure to comply with established Best Practices may result in a fine, including confiscation, incarceration, or both, for contempt of court.

STANDARD 16. INFORMATION TECHNOLOGY OPERATIONS SECURITY

With the proliferation of court information technology standards, each court should periodically evaluate and update its security for its information technology systems and operations. Information technology security is a broad and complex arena and this standard is best addressed by having a discussion with the court information technology representative and ensuring that these issues are understood. An adequate information technology security plan should include at least the following components:

(A) Disaster recovery

A disaster recovery plan is one of the most important aspects of every information technology security program. A disaster recovery plan, also known as a business continuity plan, can be defined as a set of steps an entity will take to get its business up and running in the event of a disaster.

(B) Physical security

Physical security addresses where key information technology equipment, such as servers, core routers and switches, and data storage, is housed and who has access to it. A well-designed server room should have access control restrictions. Only the people who need to be in the server room should have access to it. There should be humidity and temperature control in the room, as well as protection systems for smoke, fire, and water. Since server rooms tend to house critical equipment, backup emergency power, such as an uninterrupted power source or generator, should be considered.

(C) Patch management

Patch management involves keeping computer system firmware and software up to date. It is one of the most difficult administrative tasks for information technology professionals. New vulnerabilities are found every day. Keeping all systems up to date on patches and fixes can take much time and effort, but can also provide the greatest benefit in terms of security threats.

(D) Endpoint/antivirus security

A comprehensive endpoint antivirus security solution should be used on all network attached computers to prevent malware infections on user devices. Antivirus software must frequently be updated in order to protect against the ever-growing list of threats. A good antivirus product will be one that can be automatically updated on a daily basis with new threat detection files.

(E) Access control security

Access control involves managing who has access to different resources. The principle of least privilege for users, groups, and applications should be used. This principle involves restricting access for users, groups, and applications to only those required to perform the job.

(F) Authentication and authorization

Authentication is the use of security methods and processes such as identification and passwords to verify the identity of a user. Authorization is the process of checking whether a person, an information technology component, or an application is authorized to perform a specific action.

(G) Network security

Network security can involve a wide range of tools and methods to help secure the information technology systems. At a minimum, the information technology security plan should include both of the following components:

(1) A firewall, which is a system or set of systems that control access between the internal network and some other external network, such as the internet. A firewall is a gateway to the network that controls access. Firewalls provide the first line of defense for network security infrastructure. The firewall protection methods may include access control lists, blacklists, VPN's, proxy/NAT, etc.

(2) Access control lists on network routers and switches. An access control list is an ordered set of rules that is used on routers and switches to filter traffic. Access control lists are used to protect networks and specific hosts from unnecessary or unwanted traffic. For example, access control lists can be used to disallow internet traffic from a high-security network to the internet.

(H) Email security and protection

Email security appliances and software, such as spam filters, should be used to protect against phishing and virus emails and to keep unwanted email from entering your users' inboxes and junk folders. Users also should be taught how to identify junk mail even if it's from a trusted source.

(I) Data Security, protection, and backup

Data security refers to the protection of data's confidentiality, availability, and integrity. "Data protection" refers to the protection of personal data against misuse by third parties. "Data backup" refers to the copying of existing data to prevent its loss.

APPENDIX D
COURT FACILITY STANDARDS

Court Facility Standards

These standards apply to all courts of record in Ohio except as otherwise indicated. The standards represent the minimum requirements to ensure the efficient and effective administration of justice and are intended to complement federal, state, and local laws, regulations, and standards pertaining to building construction, safety, security, and access.

(A) General considerations. In order to maintain suitable judicial atmosphere and properly serve the public, clean, well-lighted, adequately heated and air-conditioned court facilities shall be provided and maintained.

(B) Location. The facilities should be located in a courthouse or county or municipal building. The location within the building should be separate from the location of non-judicial governmental agencies. Court facilities should be located in a building that is dignified and properly maintained.

(C) Courtroom. Every trial judge should have a separate courtroom.

The courtroom should have adequate seating capacity so that litigants and others are not required to stand or wait in hallways and areas adjacent to the courtroom.

All participants must be able to hear and to be heard. If the room acoustics are not satisfactory, an efficient public address system shall be provided.

Every courtroom should have an elevated bench. Adequate shelving should be provided adjacent to the bench for legal reference materials. United States and Ohio flags should flank the bench.

The witness chair should be near the bench, slightly elevated, and situated in an appropriate enclosure.

Desks, tables, and chairs should be provided for all court personnel regularly present in the courtroom.

Tables and chairs should be provided for parties and counsel. Tables shall be situated to enable all participants to hear and to allow private interchanges between litigants and counsel.

Each trial courtroom should be equipped with a jury box, suitable for seating jurors and alternates sufficient to meet the demands of the court. The jury box should be situated so that jurors may observe the demeanor of witnesses and hear all proceedings.

A blackboard and other necessary demonstrative aids should be readily available. Unnecessary material or equipment should not be kept in the courtroom.

Each judge should have private chambers convenient to the courtroom. Access from chambers to the courtroom should be private. Chambers should be decorated and equipped in appropriate fashion.

(D) Library. Each court shall be provided an adequate law library comprised of those materials, including electronic media, considered necessary by the court.

(E) Magistrate. Magistrates should have courtroom and office facilities similar to those of a judge.

(F) Juror and witness facilities. Each trial courtroom shall have a soundproof jury deliberation room located in a quiet area as near the courtroom as possible. Access from the jury deliberation room to the courtroom should be private. Private personal convenience facilities should be available for the jurors.

An adequate waiting room must be provided for jurors. Reading material of general interest, television, and telephones should be provided.

A waiting room comparable to the jurors' waiting room should be provided for witnesses.

(G) Consultation room. A room should be provided for use of attorneys.

(H) Violations Bureaus and pay-in windows. Facilities for violations bureaus and pay-in windows should be located near public parking areas.

(I) Court staff and court-related personnel facilities. Adequate space and equipment shall be provided for court personnel to prepare, maintain, and store necessary court records. Space and equipment should be utilized to ensure efficiency, security, and confidentiality.

Adequate restroom facilities separate from public restroom facilities should be provided for all court personnel.

(J) Public convenience facilities. Clean, modern restroom facilities should be available in the vicinity of the public areas of the court. Public telephones should be available and afford privacy.

APPENDIX E
FACSIMILE FILING STANDARDS

These Facsimile Filing Standards are adopted November 3, 2003 pursuant to Superintendence Rule 27, effective May 1, 2004.

FACSIMILE FILING STANDARDS FOR OHIO COURTS

These Facsimile Filing Standards are adopted November 3, 2003 pursuant to Superintendence Rule 27, effective May 1, 2004.

Table of Contents

1.00 Definitions
- 1.01 Facsimile Transmission
- 1.02 Facsimile Machine
- 1.03 Fax
- 1.04 Source document
- 1.05 Effective original document
- 1.06 Effective date and time of filing

2.00 Applicability of local rules
- 2.01 Effect of local rules
- 2.02 Cover page

3.00 Place of Filing
- 3.01 Specifications for placement of facsimile machine

4.00 Time of Filing
- 4.01 Date and time imprinted by receiving facsimile machine
- 4.02 Facsimile machine operable 24/7
- 4.03 Queuing of documents
- 4.04 Acknowledgment of receipt

5.00 Filing of originals
- 5.01 Effective original document
- 5.02 Signatures
- 5.03 Exhibits

6.00 Filing fees
- 6.01 Acceptance by Clerk of Court

7.00 Effective Date of Local Rules
- 7.01 Approval of local rules

8.00 Time to Compliance

1.00 Definitions

1.01 "**Facsimile transmission**" means the transmission of a source document by a facsimile machine that encodes a document into signals, transmits, and reconstructs the signals to print a duplicate of the source document at the receiving end.

1.02 "**Facsimile machine**" means a machine that can send and receive a facsimile transmission either as a stand alone device or as part of a computer system.

[Commentary: E-MAILING OF FILING IS NOT CONSIDERED PART OF FAX FILING. IT WILL BE ADDRESSED IN ELECTRONIC FILING STANDARDS.]

1.03 "**Fax**" is an abbreviation for "facsimile" and refers, as indicated by the context, to facsimile transmission or to a document so transmitted.

1.04 "**Source document**" means the document transmitted to the court by facsimile machine/system.

1.05 "**Effective original document**" means the facsimile copy of the source document received by the Clerk of Court and maintained as the original document in the court's file.

1.06 "**Effective date and time of filing**" means the date and time that a facsimile filing is accepted by the Clerk of court for filing.

2.00 Applicability of local rules.

2.01 All local rules of court adopted to permit filing of facsimile documents will be deemed to permit filing of all pleadings, motions, exhibits and other documents that may be filed with the Clerk of Courts. The local rules must specify any exceptions to this permission.

[Commentary: There is not a mandate that requires a court to accept filings by FAX. Only those Courts, that choose to accept faxes, need to create local rules that meet the minimum standards set. We also created a "model rule" for those courts that are looking for more guidance. Clerks who serve in more than one location should specify all exceptions to fax filing.]

2.02 All local rules of court for facsimile filing SHALL place a requirement that the filer provide a cover page containing the following:

(I) the caption of the case;
(II) the case number;
(III) the assigned judge;
(IV) a description of the document being filed;
(V) the date of transmission;
(VI) the transmitting fax number; and
(VII) an indication of the number of pages included in the transmission, including the cover page.

If a document is sent by fax to the Clerk of Court without the cover page information listed above, it may be deposited in the case jacket but need not be entered into the Case Docket and may be considered to be a nullity and thereby stricken from the record.

3.00 Place of filing

3.01 All local rules of court must specify the telephone number of the facsimile machine receiving transmission. The facsimile machine must have a dedicated telephone line and must be available to receive facsimile transmissions on the basis of 24 hours per day 7 days per week.

4.00 Time of filing

4.01 All local rules of court must specify that the date and time of receipt of any document is the date and time imprinted on the document by the facsimile machine receiving the transmission.

4.02 All local rules of court must permit receipt of facsimile transmissions on the basis of 24 hours per day 7 days per week.

4.03 All local rules of court may specify the effective date and time of filing for all documents received outside of the normal business hours of the office of the Clerk of Court and queue them in order of their receipt as documented by the date and time imprinted by the receiving facsimile machine.

4.04 The Clerk of Court may but need not acknowledge receipt of a facsimile transmission.

[Commentary: It was the intention of the committee that if for any reason the fax is not received, the burden of validating or confirming the receipt of the complete fax transmission is on the sending party. Most Fax machines are equipped with the capacity to report back to the sending party, a validation of transmission or a "failed transmission" report.]

5.00 Filing of originals

5.01 All local rules of court must provide that documents filed by facsimile are accepted as the effective original document in the court file. The source document need not be filed. However, the sending party must maintain possession of the source document and make them available for inspection by the court upon request.

[Commentary: The Standards Subcommittee recommends that local rules address the issue of retention of the source document until opportunities for the post judgment relief are exhausted.]

5.02 Documents shall be filed with a signature or notation "/s/" followed by the name of the person signing the source document. The person transmitting the document represents that the signed source document is in his/her possession.

5.03 A local rule of court may limit the number of pages that it will accept by facsimile transmission. If the document to be transmitted exceeds the page limit established by local rule, the original must be filed. All local rules of court may permit exhibits that cannot be transmitted accurately or are lengthy to be replaced by an insert page describing the exhibit. The local rules may provide that the original of such an exhibit may be filed within a specified time subsequent to the facsimile filing.

5.04 A local rule may be adopted that is not inconsistent with any standard regarding the filing of an original source document.

[Commentary: The local rule should address and define what it felt was reasonable page limit. A filing that exceeds the page limit detailed in the local rule would either require filing through other allowable channels. or as is the case with Exhibits in section 6.01 of the Model rule; if the filing has exhibit(s) that cause it to exceed the page limit, then, in the fax filing the exhibit (or other lengthy document), would 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 facsimile document. Failure to file the missing exhibits as required by this paragraph may result in the court striking the document and/or exhibit." This allows the local court to facilitate filing by allowing faxes without placing an unusual burden on the clerk's office.]

6.00 Filing Fees

6.01 All local rules of court must specify the effective methods of paying fees and costs for any pleading or other document requiring such a fees or costs. The local rules may provide that the Clerk of Court does not have to accept a facsimile transmission filing unless the acceptable method of payment has been paid or arranged to be paid. Local rules of court may not require premium fee schedules for facsimile filings.

[Commentary: In terms of costs associated with acceptance of fax filings, some clerks have expressed concern over related costs. In the case of FAX filing, the only substantive difference between a single original coming in over the counter and one coming in via FAX is the presentation. Section 6 specifically prohibits the charging of fees above and beyond the $3.00/$10.00 fee allowed for court technology, for accepting a FAX filing. However, if it's customary for a clerk's office to charge for copies (including service copies) or additional charges for administrative costs, mailing /postage costs, etc. ... then those fees would still apply regardless of how the original filing came in. Those additional fees would most likely fall under a separate local rule regarding fees that your court would already have in place.]

7.00 Effective Date of Local Rules

7.01 All local rules of court will become effective upon approval by the Supreme Court Committee on Technology and the Courts.

8.00 Time to Compliance

8.01 Courts which choose to offer facsimile filing shall submit local rules for approval by the Supreme Court of Ohio. Courts offering facsimile filing at the time this standard is adopted shall submit their local rule for approval within six months of the adoption of this standard.

APPENDIX

Model Facsimile Filing Rule for Ohio Courts

The Model Facsimile Rule for Ohio Courts is included for illustration. This form is expressly declared as sufficient to meet the requirements of the Facsimile Filing Standards for Ohio Courts. Departures from this form shall not void a local rule that is otherwise sufficient to meet the requirements of the aforesaid Facsimile Filing Standards for Ohio Courts.

STANDARDS SUBCOMMITTEE OF THE SUPREME COURT ADVISORY COMMITTEE ON TECHNOLOGY AND THE COURTS

MODEL FACSIMILE FILING RULE FOR OHIO COURTS

The provisions of this local rule are adopted under [Civ.R. 5(E)] [Civ.R. 73(J)] [Crim.R.12(B)] [Juv.R. 8] [App.R. 13(A)].

Pleadings and other papers may be filed with the Clerk of Courts by facsimile transmission to [area code and number of receiving machine] subject to the following conditions:

APPLICABILITY

1.01 These rules apply to [civil], [criminal], [small claims], [probate], [juvenile], [appellate] and [domestic relations], proceedings in the [name of court].

1.02 These rules do not apply to [civil], [criminal], [small claims], [probate], [juvenile], [appellate] and [domestic relations], proceedings. In these proceedings no facsimile transmission of documents will be accepted.

1.03 The following documents will not be accepted for fax filing: [original wills and codicils] **[cognovit promissory notes],** [insert other examples]

ORIGINAL FILING

2.01 A document filed by fax shall be accepted as the effective original filing. The person making a fax filing need not file any source document with the Clerk of Court but must, however, maintain in his or her records and have available for production on request by the court the source document filed by fax, with original signatures as otherwise required under the applicable rules, together with the source copy of the facsimile cover sheet used for the subject filing.

2.02 The source document filed by fax shall be maintained by the person making the **filing** until the case is closed and all opportunities for post judgment relief are exhausted.

DEFINITIONS

As used in these rules, unless the context requires otherwise:

3.01 A "facsimile transmission" means the transmission of a source document by a facsimile machine that encodes a document into optical or electrical signals, transmits and reconstructs the signals to **print** a duplicate of the source document at the receiving end.

3.02 A "facsimile machine" means a machine that can send and receive a facsimile transmission.

3.03 "Fax" is an abbreviation for "facsimile" and refers, as indicated by the context, to facsimile transmission or to a document so transmitted.

COVER PAGE

4.01 The person filing a document by fax shall also provide therewith a cover page containing the following information: [See appendix for sample cover page form.]

(I) the name of the court;
(II) the title of the case;
(III) the case number;
(IV) the assigned judge;
(V) the title of the document being filed (e.g. Defendant Jones' Answer to Amended Complaint; Plaintiff Smith's Response to Defendants' Motion to Dismiss; Plaintiff Smith's Notice of Filing Exhibit "G" to Plaintiff Smith's Response to Defendants' Motion to Dismiss) ;
(VI) the date of transmission;
(VII) the transmitting fax number;
(VIII) an indication of the number of pages included in the transmission, including the cover page;
(IX) if a judge or case number has not been assigned, state that fact on the cover page;
(X) the name, address, telephone number, fax number, Supreme Court registration number, if applicable, and e-mail address of the person filing the fax document if available; and
(XI) if applicable, a statement explaining how costs are being submitted.

4.02 If a document is sent by fax to the Clerk of Court without the cover page information listed above, the Clerk may, at its discretion:

(I) **enter the document in the Case Docket and file the document; or**

(II) deposit the document in a file of failed faxed documents with a notation of the reason for the failure; in this instance, the document *shall not* be considered filed with the Clerk of Courts.

4.03 The Clerk of Court is not required to send any form of notice to the sending party of a failed fax filing. However, if practicable, the Clerk of Court may inform the sending party of a failed fax filing.

SIGNATURE

5.01 A party who wishes to file a signed source document by fax shall either:

(I) fax a copy of the signed source document; or

(II) fax a copy of the document without the signature but with the notation "/s/" followed by the name of the signing person where the signature appears in the signed source document.

5.02 A party who files a signed document by fax represents that the physically signed source document is in his/her possession or control.

[*Commentary: 5.01 (II) addresses those instances where the fax transmission is generated by the sending party's computer and therefore the document is not printed and capable of being signed prior to transmission.]*

EXHIBITS

6.01 Each exhibit to a facsimile produced document that cannot be accurately transmitted via facsimile transmission 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 facsimile document. Failure to file the missing exhibits as required by this paragraph may result in the court striking the document and/or exhibit.

6.02 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 and the title of the exhibit being filed (e.g., **Plaintiff Smith's Notice of Filing Exhibit "G" to Plaintiff Smith's Response to Defendants' Motion to Dismiss), and shall be signed and served in conformance with the rules governing the signing and service of pleadings in this court. [See appendix for sample exhibit cover sheet.]**

TIME OF FILING

(OPTION I)

7.01 Subject to the provisions of these rules, all documents sent by fax and accepted by the Clerk shall be considered filed with the Clerk of Courts as of the date and time the fax transmission was received by the Clerk of Court. The office of the Clerk of Court will be deemed open to receive facsimile transmission of documents on the basis of 24 hours per day seven days per week including holidays. Each page of any document received by the Clerk will be automatically imprinted with the date and time of receipt. The date and time imprinted on the document will determine the time of filing, provided the document is deemed accepted by the Clerk.

(OPTION II)

7.01 Subject to the provisions of these rules, all documents sent by fax and accepted by the Clerk shall be considered filed with the Clerk of Courts as of the date and time the Clerk time-stamps the document received, as opposed to the date and time of the fax transmission. The office of the Clerk of Court will be deemed open to receive facsimile transmission of documents on the same days and at the same time the court is regularly open for business.

7.02 Fax filings may NOT be sent directly to the court for filing but may only be transmitted directly through the facsimile equipment operated by the Clerk of Courts.

7.03 The Clerk of Court may, but need not, acknowledge receipt of a facsimile transmission.

7.04 The risks of transmitting a document by fax to the Clerk of Courts shall be borne entirely by the sending party. Anyone using facsimile filing is urged to verify receipt of such filing by the Clerk of Court through whatever technological means are available.

FEES AND COSTS

8.01 No document filed by facsimile that requires a filing fee shall be accepted by the Clerk for filing until court cost and fees have been paid. Court cost and fees may be paid by credit or debit cards or through an escrow account established with the Clerk. The forms necessary for the authorization of payment by credit card or escrow account shall be available at the Clerk's office during normal business hours [and are accessible on-line at _____]. Documents tendered to the Clerk without payment of court cost and fees, or with incomplete information on the charge authorization or request, or which

do not conform to applicable rules will not be filed. [See appendix for sample credit card payment form.]

[*Commentary: Information furnished for authorization of payment by credit/debit card shall not be part of the case file.]*

8.02 No additional fee shall be assessed for facsimile filings.

LENGTH OF DOCUMENT

9.01 Facsimile filings shall not exceed _____ pages in length. The filer shall not transmit service copies by facsimile.

[Commentary: The local rule should address and define what it felt to be a reasonable page limit. The subcommittee also recommends that service copies not be sent by fax. However, this is optional, and at the discretion of the local court.]

EFFECTIVE DATE

10.01 These local rules shall be effective [insert date], and shall govern all proceedings in actions brought after they take effect and also further proceedings in pending actions, except to the extent that, in the opinion of the court, their application in a particular action pending on the effective date would not be feasible or would work an injustice, in which event, the former procedure applies.

[Commentary: Facsimile filing standards in the model rule contemplate the facsimile transmission of documents to a court by electronic means. The court receiving the facsimile transmission will maintain its equipment to reconstruct a paper copy version of the source document to serve as the original document. These standards should be differentiated from other types of electronic filing, for which other standards will apply.]

APPENDIX

1. Sample Facsimile Filing Cover Page

2. Sample Exhibit Cover Page

3. Sample Credit Card Payment Form

FACSIMILE FILING COVER PAGE

RECIPIENT INFORMATION:

NAME OF COURT: _____

FAX NUMBER: _____

SENDING PARTY INFORMATION:

NAME: _____
SUPREME COURT
REGISTRATION NO. (if applicable): _____

OFFICE/FIRM: _____

ADDRESS: _____

TELEPHONE NO. _____

FAX NUMBER: _____

E-MAIL ADDRESS (if available): _____

CASE INFORMATION:

TITLE OF THE CASE: _____

CASE NUMBER*: _____

TITLE OF THE DOCUMENT: _____
_____

JUDGE*: _____

FILING INFORMATION:

DATE OF FAX TRANSMISSION: _____

NUMBER OF PAGES (including this page): _____

STATEMENT EXPLAINING HOW COSTS ARE BEING SUBMITTED, IF APPLICABLE: _____
_____

*If a judge or case number has not been assigned, please state that fact in the space provided.

IN THE COURT OF COMMON PLEAS
_____ COUNTY, OHIO

JOHN SMITH, Plaintiff,	
v.	Case No.: 1234567
BILL JONES, Defendant.	Judge _____ *(in the alternative a notation here that the case is not yet assigned)*

PLAINTIFF SMITH'S NOTICE OF FILING EXHIBIT "G"
TO
PLAINTIFF SMITH'S RESPONSE TO DEFENDANT'S MOTION TO DISMISS

Plaintiff Smith, through counsel, hereby files Exhibit "G" to Plaintiff Smith's Response to Defendant's Motion to Dismiss. The referenced pleading was filed by facsimile transmission with the Court on [date]. Exhibit "G" could not be accurately transmitted by fax and is therefore being timely filed as a separate document with the Court pursuant to Local Rule XX.X.

Respectfully Submitted,

_____
Attorney Name (Sup. Crt. Reg. No.)
Office/Firm
Address
Telephone
Facsimile
E-mail

Counsel for Plaintiff John Smith

CERTIFICATE OF SERVICE

I certify that a copy of this Notice of Filing Exhibit "G" was sent by ordinary U.S. mail on [date] to counsel for defendant Bill Jones, [name and address of recipient].

_____
Attorney Name
Counsel for Plaintiff John Smith

CREDIT / DEBIT CARD AUTHORIZATION FORM

To: Clerk, _____ County Common Pleas Court _____ Division

Fax No:_____

Regarding (if applicable):

Case Name:_____
Case Number:_____

Dear Clerk's Office Representative:

Please charge my credit / debit card in the amount of $_____ in payment of fees for the following court costs/service(s): [Identify document to be filed or other service to be performed by the Clerk's Office for which a fee is assessed.] _____

_____

Circle One: MasterCard Visa

Credit / Debit Card Number: _____
Expiration Date: _____

Name of Cardholder: _____

Billing Address: _____

_____

Telephone No.: _____

Fax No.: _____

Cardholder Signature: _____

Date: _____

Name & Telephone No. of Person Submitting This form: _____

APPENDIX F

Appendix F is reserved for future use

APPENDIX G

STANDARDS FOR THE USE OF VIDEO REMOTE INTERPRETATION

Overview.

These standards are established to guide Ohio courts appointing foreign language and sign language interpreters who participate through video remote interpretation pursuant to Sup.R. 88(G) and 89.

These standards set forth the minimum requirements and recommendations. The guiding principle for these standards is to ensure due process is preserved when using video remote interpretation. A limited English, deaf, or hard-of-hearing individual shall be able to fully participate and be afforded meaningful access, including the ability to access complete and accurate information, confer with counsel, and exercise all rights as if the individual were present in person. The best way to ensure the rights of these individuals are protected is to have the deaf or hard-of-hearing individual and the court interpreter present on-site where the proceeding takes place. However, due to public health orders, natural disasters, or scarcity of resources, courts may find it necessary to use technology.

These standards aim to identify critical infrastructure for video remote interpretation. Technological specifications remain general to allow local courts to work within their technological capacity and to guide considerations to establish a functional and effective set up.

Standard 1. Video Remote Interpretation Technological Requirements and Recommendations.

(A) General requirements

A court shall have equipment, hardware, software, and connectivity that allows for the delivery of video remote interpretation without any issues with cameras, devices, audio, pixilation, platform, links, buffering, and internet connection. A Wi-Fi connection transmits data via wireless signals, while an Ethernet connection transmits data via cable. As such, Wi-Fi connection may not be accessible or stable in some places within the courthouse. Freezing and pixilation may be more frequent. Unless it is password protected, Wi-Fi may also not be as secure as a wired connection.

(B) Device screen

The device screen shall be of sufficient size to distinguish signs, fingerspelling, facial gestures, and capture sign language communication effectively and comply with the needs of visually impaired individuals.

(C) Video camera

The video camera shall have sharp high-definition resolution, to ensure clear viewing of images.

(D) Endpoint bandwidth

For the purposes of these guidelines each user terminal shall support at least 768k video calling.

(E) Computer

(1) The computer shall meet or exceed the following specifications:

(a) Processor speed of 2 GHz;

(b) 3 GB of physical RAM;

(c) 300 GB of hard-drive memory with at least 5 GB of free hard-drive memory;

(d) A dedicated video card;

(e) USB 2.0.

(2) The computer shall be dedicated to video remote interpretation during an interpreting event if operating a software endpoint.

(F) Quality of Service

Equipment shall have a connection to a wide-area-network circuit with quality-of-service settings that consider the potential number of concurrent video calls over the wide-area-network and the quality settings for each video call. In addition to the bandwidth reserved by quality-of-service settings, an adequate amount of bandwidth shall be available to support other operations, such as email and web traffic.

(G) Encryption

Each device or user terminal, regardless of type, such as room-based all-inclusive unit or software/computer-based, shall support encrypted transmissions, preferably using 256-bit Advanced Encryption Standard.

(H) Firewall opening

Equipment shall have the capability to safely traverse court firewalls without compromising security.

Standard 2. Video Remote Interpretation Placement Logistics.

(A) Visibility

All participants, interpreters, parties, judicial officers, court personnel, and attorneys shall be completely and clearly visible on the screen.

(B) Virtual backgrounds

Sign language interpreters and deaf or hard-of-hearing individuals and witnesses shall not use virtual backgrounds. Movement on the video disrupts the stability of the virtual background and may cause the sign language to be unclear.

(C) Video feeds

(1) A total of nine visible video feeds on the screen is recommended. However, no more than nine visible video feeds should be on the screen, as the visible video feed of the sign language interpreter and the deaf or hard-of-hearing individual are reduced in size, making visibility of small hand and face movement difficult. If more than twelve visible video feeds are necessary, technology shall be used to allow the visible video feed of the sign language interpreter and the deaf or hard-of-hearing individual to remain in a stable location on the screen or to be larger than other participants.

(2) Participants may not turn their video feed off and on once the proceeding has begun. Doing so may cause movement of individual visible video feed locations on the screen and disrupt the ability to seamlessly view the foreign language interpreter, the limited English proficient person, sign language interpreter, or deaf or hard-of-hearing individual. If it is critical that a video feed be turned off and on during the proceeding, technology should be used to allow the visible video feed of the limited English speaker, foreign language interpreter, sign language interpreter, and the deaf or hard-of-hearing individual to remain in a stable location on the screen or to be larger than other participants.

(3) Participants on the device screen shall be visible from approximately the waist to the top of the head to allow the deaf or hard-of-hearing individual to read participants' facial expressions and body language.

(D) Video screens

(1) Video screens used in the courtroom should be mobile to accommodate a variety of remote interpreting configurations.

(2) When a sign language interpreter is remote and the individual, the judicial officer, court personnel, and attorneys are in the courtroom, the video screen should be placed so the deaf or hard-of-hearing individual can see both the interpreter and the judge in the same line of sight.

(3) Beware of using small tablets or phones with small screens that may not be adequate for sign language interpreting.

(E) Video camera placement

(1) Video camera placement in the courtroom shall allow for complete and clear visibility of a sign language interpreter and deaf or hard-of-hearing individual in a variety of remote interpreting configurations. Video cameras should be independent of the video screen and stationary during the proceeding.

(2) When a sign language interpreter is remote and the deaf or hard-of-hearing individual, the judicial officer, court personnel, and attorneys are in the courtroom, the video camera should be located so the deaf or hard-of-hearing individual is framed to be visible from approximately the waist to the top of the head.

(3) When a sign language interpreter and the deaf or hard-of-hearing individual are remote and the judicial officer, court personnel, and attorneys are in the courtroom, the video camera should be located so the interpreter and the deaf or hard-of-hearing individual can see the various parties in the courtroom.

(4) When the deaf or hard-of-hearing individual is remote and the judicial officer, court personnel, and attorneys are in the courtroom, the video camera in the external location should be located so the deaf or hard-of-hearing individual is clearly and completely visible to the sign language interpreter. The video camera in the courtroom should be placed so the sign language interpreter, as well as those in the courtroom who will be speaking primarily, are clearly and completely visible to the deaf or hard-of-hearing individual.

(F) Audio

(1) Audio shall allow for all to clearly hear what is being said by the interpreter, the judicial officer, court personnel, and attorney throughout the courtroom.

(2) When any participant is remote while others are in the courtroom, sound from the video screen should be amplified in some manner. Additionally, sound from the courtroom should be amplified in some manner so as to be audible to the interpreter, regardless of where the deaf or hard-of-hearing individual is in the courtroom.

(3) When all participants are remote, participants who will be using spoken language to communicate may use a microphone that is independent of the built-in microphone on the computer.

Commentary

Ideally, the screen will be placed so that the interpreter is also able to see everyone in the courtroom, save the judge. In this way, identification of who is speaking is more readily accomplished than by relying on the ability to discriminate between disembodied voices. This may require a larger screen than the minimum recommendation in this standard.

Polycom and other such platforms have video cameras that may be adjustable enough despite being somewhat stationary. Ideally, multiple video cameras would be employed to allow those who are remote to be able to clearly see all who are in the courtroom. As noted in this standard, this increases the effectiveness of the interpretation. Video cameras that are fixed to a ceiling location that record courtroom activity for safety and security purposes are not adequate to allow for effective remote sign language interpretation.

Standard 3. When Video Remote Interpretation Services May be Used.

A court may use video remote interpretation services in a case or court function or ancillary court service if all of the following apply:

(A) The court meets the minimum technological standards;

(B) The limited English proficient or deaf or hard-of-hearing individual, witness, or juror consents to the use of video remote interpretation services or the court determines the remote interpreting services are necessary for the meaningful participation of the deaf or hard-of-hearing individual, witness, or juror due to constitutional requirements, continuity of operations plan, or emergency health orders compliance;

(C) The court has the necessary video remote interpretation set up to offer services in a manner that is consistent with video, regulatory, and legal requirements;

(D) The matter is simple, routine, and brief, lasting no more than forty-five minutes;

(E) The quality of interpretation will not be compromised.

Commentary

While it is impossible to list all situations where video remote interpretation might be appropriate, the court may consider the following: initial appearances, arraignments, simple traffic hearings, uncontested name changes, uncontested guardianships, ex parte civil protection orders, and marriages. For ancillary court services, the court may consider the clerk's office, probation, intakes, and so forth. The court may identify any other instances where video remote interpretation may be suitable if the event is simple and routine.

Standard 4. When Video Remote Interpretation Should Not be Used.

A court may not use video remote interpretation services in a case or court function or ancillary court service if any of the following apply:

(A) A Supreme Court certified, provisionally qualified, registered foreign language or registered sign language interpreter is reasonably available to serve on-site;

(B) The matter can be postponed or delayed;

(C) The quality of interpretation will be compromised;

(D) The case, court function, or ancillary court service is expected to last longer than sixty minutes;

(E) The case, court function, or ancillary court service involves prolonged witness testimony or introduces complex evidence;

(F) The deaf or hard-of-hearing individual is a child, elderly, or an unsophisticated user of interpreter services and technology; has profound communication problems; or is perceived by the court to be mentally disabled or mentally ill;

(G) It is determined that using video remote interpretation would negatively impact access for any reason.

Standard 5. Compliance with Applicable Laws, Rules, and Standards.

A court using video remote interpretation shall comply with all court rules and federal and state laws, regulations, and standards pertaining to use of court interpretation services.

Commentary

When appointing a video remote interpreter, the court must comply with Sup.R. 88 and 89, Title II of the Americans with Disabilities Act, and Title VI of the Civil Rights Act of 1964. Even if the interpreters are out of state, the court must ensure compliance with Ohio requirements.

Standard 6. Provision of Case and Platform Information to Interpreter.

To allow an interpreter to work effectively, efficiently, and accurately, a court shall provide case information to the interpreter, including, but not limited to, the following:

(A) The name of the judge, magistrate, or judicial officer and the courtroom number or designation;

(B) The nature of the charges, type of hearing, case details, or category of event;

(C) Contact information of the person coordinating video remote interpretation, including the name, phone number, email address, and any other information needed to resolve technology or video platform issues;

(D) Information on the number of participants and their names, titles, or roles;

(E) Any documents that may be helpful, discussed, or viewed.

Commentary

Courts should provide general information about the case at the time of securing the service. If possible, case documents should be provided fifteen to thirty minutes prior to video remote interpretation session.

A court may want to limit the number of people on the screen. Ideally, case information and details should be shared well in advance; at least seven days if possible.

Standards 7. Video Remote Interpretation Parameters and Protocols.

Before proceeding with a case or court function or ancillary court services, a court shall ensure all of the following:

(A) The connection is stable and ready to use;

(B) The speakers and microphone are tested to ensure communication is clear and can be accessible to participants;

(C) Lighting is appropriate and deaf or hard-of-hearing individuals are appropriately visible;

(D) If the deaf or hard-of-hearing individual is represented by counsel, counsel is equipped with a headset so private communication may occur with the deaf or hard-of-hearing individual or the attorney, deaf or hard-of-hearing individual, and interpreter can move to a cyberspace to have confidential and private communication. If the individual is deaf or hard of hearing and uses sign language, the court shall consider providing a private space so that the conversation between the deaf or hard-of-hearing individual and counsel cannot be visible to others.

(E) Participants are in place to commence the video remote event;

(F) The number of individuals on the screen is limited in order not to reduce the image of the interpreter or deaf or hard-of-hearing individual.

Standard 8. Accommodating Modes of Interpretation.

(A) General

Subject to division (B) of this standard, a court using video remote interpretation should accommodate sight translation, consecutive interpretation, or simultaneous interpretation as is necessary for proper and effective communication among the court, the parties, their representatives, and other applicable individuals.

(B) Sight translation

A court should not use sight translation with video remote interpretation unless the interpreter has access to the documents beforehand and ample time to render the document from one language into the other. If sight translation is used with video remote interpretation, the document should be short and routine.

Standard 9. Oath.

An interpreter participating through video remote interpretation shall take an oath or affirmation that the interpreter knows, understands, and will act according to the "Code of Professional Conduct for Court Interpreters and Translators," as set forth in Appendix H to these rules.

Standard 10. Coordination of Video Remote Interpretation Services.

A court using video remote interpretation may designate one individual to arrange and monitor the provision of the service to ensure its continuous and efficient operation.

Commentary

Having a coordinator arrange and monitor video remote interpretation helps ensure efficient operation and eliminate minor issues that can arise with the use of such technology. Additionally, the accumulated experience of one individual produces efficiency.

Standard 11. Training on the Use of Video Remote Interpretation.

A court using video remote interpretation shall provide training to users of the technology, relevant support staff, and other involved individuals to ensure efficient operation and the integrity in the use of the service.

Standard 12. Monitoring Video Remote Interpretation Services.

A court using video remote interpretation shall collect and analyze information regarding the performance of the service on a regular basis to evaluate the quality of the service, its benefits and limitations, and its cost-effectiveness.

APPENDIX H

CODE OF PROFESSIONAL CONDUCT FOR COURT INTERPRETERS AND TRANSLATORS

Preamble.

Foreign language interpreters, sign language interpreters, and translators help ensure that individuals enjoy equal access to justice, including case and court functions and court support services. Foreign language interpreters, sign language interpreters, and translators are highly skilled professionals who fulfill an essential role by assisting in the pursuit of justice. They act strictly in the interest of the courts they serve and are impartial officers of those courts, with a duty to enhance the judicial process.

Definitions.

As used in this code, "provisionally qualified foreign language interpreter," "Supreme Court certified foreign language interpreter," "Supreme Court certified sign language interpreter," "registered foreign language interpreter," "registered sign language interpreter," "telephonic interpretation," "video remote interpretation," and "translator" have the same meanings as in Rule 80 of the Rules of Superintendence for the Courts of Ohio.

Applicability.

This code applies to Supreme Court certified foreign language interpreters, provisionally qualified foreign language interpreters, Supreme Court certified sign language interpreters, registered foreign language interpreters, registered sign language interpreters, telephonic interpreters, video remote interpreters, and translators. This code shall bind all agencies and organizations that administer, supervise, use, or deliver interpreting or translating services in connection with any case or court function.

A court may use this code to assist it in determining the qualifications of any individual providing services as an interpreter under Rule 702 of the Rules of Evidence.

Canon 1. High Standards of Conduct.

Interpreters and translators shall conduct themselves in a manner consistent with the dignity of the court and shall be as unobtrusive as possible, consistent with the ends of justice.

Commentary

Interpreters and translators should maintain high standards of conduct at all times to promote public confidence in the administration of justice, including compliance with all state and federal laws and regulations and court rules and policies.

Canon 2. Accuracy and Completeness.

Interpreters and translators shall render a complete and accurate interpretation or translation without altering, omitting, or adding anything to what is spoken or written, and shall do so without explaining the statements of the original speaker or writer.

Commentary

In order to preserve the record of the court and assist in the administration of justice, interpreters should completely and accurately interpret the exact meaning of what is said or written without embellishing, explaining, omitting, adding, altering, or summarizing anything. This includes maintaining accuracy of style or register of speech, as well as not distorting the meaning of the source language, even if it appears obscene, incoherent, non-responsive, or a misstatement. Interpreters and translators have a duty to inform the court of any error, misinterpretation, or mistranslation so that the record may be promptly corrected. The terms "accurately," "completely," and "exact" do not signify a word-for-word or literal interpretation, but rather mean to convey the exact meaning of the discourse of the speaker or writer.

Canon 3. Impartiality and Avoidance of Conflicts of Interest.

Interpreters and translators shall be impartial and unbiased. Interpreters and translators shall refrain from conduct that may give the appearance of bias and shall disclose any real or perceived conflict of interest.

Commentary

Interpreters and translators must disclose to the court any prior involvement with a case or court function, parties, or witnesses that creates or could be viewed as creating a conflict of interest, provided such disclosure must not include anything that is privileged or confidential. The court must then determine whether the interpreter or translator may continue on the case or court function. Counsel for either party may petition the court for appointment of a different interpreter or translator on the basis of a conflict of interest and the court must determine on the record whether to release the interpreter or translator from the case or court function.

Canon 4. Confidentiality.

Interpreters and translators shall protect from unauthorized disclosure all privileged or other confidential communications, documents, or information they hear or obtain while acting in a professional capacity.

Commentary

Interpreters and translators must maintain confidentiality with respect to any communication, document, information, or other type of confidential matter, including police and medical records and attorney-client privileged communications protected under section 2317.02 of the Revised Code. Interpreters and translators must not derive, either directly or indirectly, any profit or advantage from any confidential communication, document, or information acquired while acting in a professional capacity.

Canon 5. Representation of Qualifications.

Interpreters and translators shall accurately and completely represent their credentials, certifications, training, references, and pertinent experience.

Commentary

Interpreters and translators have a duty to present accurately and completely any applicable credentials, certifications, training, references, and pertinent experience, consistent with Canon 6 of this code. It is essential that interpreters and translators present a complete and truthful account of their qualifications before appointment to allow the court to fairly evaluate their qualifications for delivering interpreting or translating services.

Canon 6. Proficiency.

Interpreters and translators shall provide professional services only in matters in which they can proficiently perform.

Commentary

By accepting an assignment, interpreters and translators warrant they have the skills, training, and understanding of terminology to interpret or translate accurately and effectively in the given setting, are fluent in the required languages, and have the ability to understand regional differences and dialects. Interpreters have a duty to request from the court and the parties all pertinent information and materials necessary to prepare for the case or court function.

Interpreters and translators should strive continually to improve language skills and knowledge of specialized vocabulary and familiarize themselves with the judicial system and any applicable court rules. Interpreters and translators are responsible for having the proper dictionaries and other reference materials available when needed.

Canon 7. Assessing and Reporting Impediments to Performance.

Interpreters and translators shall at all times assess their ability to perform effectively and accurately. If an interpreter or translator discovers anything impeding full compliance with the oath or affirmation of the interpreter or translator and this code, the interpreter or translator shall immediately report this information to the court. Interpreters and translators shall not accept assignments they cannot fulfill. Interpreters and translators shall further refrain from recommending other interpreters or translators who are unqualified.

Commentary

Interpreters and translators must immediately inform the court of any condition interfering with their ability to provide accurate and complete interpretation or translation. This may include excessively rapid, quiet, or indistinct speech, physical interference such as inability to see exhibits, noise in their surroundings, or any other interfering factor.

Interpreters and translators must inform the court if they are having difficulties obtaining pertinent information or materials required to prepare for a case or court function that may impede their ability to perform adequately. If at the time of a hearing or trial the interpreter or translator has not been provided with necessary information or materials, the interpreter or translator must inform the court on the record and request a recess to review such information or materials.

Interpreters and translators should withdraw from an assignment if they are unable to understand or satisfactorily communicate with the non-English speaking, limited English proficient, deaf, deaf-blind, or hard-of-hearing party, witness, or juror, or if they lack required skills, preparation, or terminology to perform effectively in the case or court function for which they have been summoned.

If, after accepting an assignment, an interpreter or translator is unable to fulfil the same, the interpreter or translator shall notify the court. Interpreters or translators shall not transfer their assignments. Interpreters who knowingly recommend unqualified interpreters may be subject to disciplinary action pursuant to Sup.R. 83.

Canon 8. Duty to Report Ethical Violations.

Interpreters and translators shall report to the court any efforts to impede their compliance with any law, this code, or other official policy governing interpreting or translating. Interpreters and translators shall promptly report to the appropriate legal or disciplinary authority if they observe another interpreter or translator improperly performing an assignment; accepting remuneration apart from authorized fees; disclosing privileged or confidential communications, documents, or information; or otherwise committing a breach of this code.

Commentary

Interpreters and translators must report to the court any ethical violation, action, or information that refers to the persistence of a party demanding that an interpreter or translator violate this code, subject to any applicable privilege.

Canon 9. Scope of Practice.

Interpreters and translators shall not give legal advice, communicate their conclusions with respect to any answer, express personal opinions to individuals for whom they are interpreting or translating, or engage in any other activity that may be construed to constitute a service other than interpreting or translating while serving as an interpreter.

Commentary

Since interpreters and translators are only responsible for enabling others to communicate, they should exclusively limit themselves to the activity of interpreting and translating. Interpreters and translators should refrain from initiating communications while interpreting or translating or at all times except as set out below.

Interpreters may be required to initiate communications during a case or court function when they find it necessary to seek assistance in performing their duties. Examples of such circumstances include seeking direction when unable to understand or express a word or thought, requesting speakers to moderate their rate of communication or repeat or rephrase something, correcting their own interpreting errors, or notifying the court of reservations about their ability to satisfy an assignment competently. In such instances the interpreter should refer to him or herself in the third person, making it clear and on the record that the interpreter is speaking for him or herself.

At no time may an interpreter give advice. An interpreter should not explain the purpose of forms, services, or otherwise act as counselor or advisor. The interpreter may sight translate language on a form, but may not provide independent legal advice as to the purpose of the form or instruct the litigant as to the proper manner of completing the form.

Interpreters and translators should not personally serve to perform acts that are the official responsibility of other court officials including, but not limited to, court clerks, pretrial release investigators or interviewers, or probation officers, except as required by and in the presence of such officials.

Canon 10. Restrictions from Public Comment.

Consistent with Canon 4 of this code, interpreters and translators shall not publicly discuss, report, or offer an opinion concerning a matter in which they are or have been engaged, even when that information is not privileged or required by law to be confidential.

Commentary

Interpreters and translators must refrain from making public comments or giving opinions or reports concerning any particulars of a case or court function in which they are or have provided professional services, regardless whether the information is privileged or confidential. This restriction does not apply to general public comments or reports concerning the interpreting or translating professions.

APPENDIX I

SPECIALIZED DOCKET STANDARDS

Overview.

The following standards are established to guide courts of common pleas, municipal courts, and county courts and divisions of these courts in the planning and implementation of all specialized dockets. The standards set forth minimum requirements and recommendations for the certification and operation of all specialized dockets. The Specialized Dockets Section of the Supreme Court will provide written guidance for compliance with the specialized docket standards as they apply to all dockets generally and as they should be implemented by specific types of dockets. While the standards seek to create a minimum level of uniform practices for specialized dockets, they still allow local specialized dockets to innovate and tailor their specialized docket to respond to local needs and resources.

Standard 1. Planning Process.

A specialized docket shall utilize a comprehensive and collaborative planning process that includes all of the following:

(A) An advisory committee. All of the following apply to the advisory committee:

(1) The advisory committee shall be comprised of a multidisciplinary team of key officials, policymakers, and relevant parties needed to support the effective operations of the specialized docket. The relevant parties should represent criminal justice representatives; treatment representatives, including mental health, substance abuse, medical, and other treatment areas; and community stakeholders. The relevant parties may include, but are not limited to, the following:

(a) The specialized docket judge;

(b) The court;

(c) The prosecutor;

(d) Defense counsel;

(e) Licensed treatment providers;

(f) Children services for family dependency treatment dockets;

(g) The probation department and the parole authority for criminal and juvenile dockets;

(h) Law enforcement agencies;

(i) The veterans administration for veterans dockets;

(j) Funding authorities;

(k) Community-based service providers.

(2) The advisory committee should provide oversight on policies and procedures, facilitate agreements with partner agencies, improve the quality and expand the quantity of available services, garner political and community support for the specialized docket, evaluate specialized docket effectiveness, and plan for the sustainability of the specialized docket;

(3) The advisory committee shall establish and monitor measurable goals and objectives for the specialized docket;

(4) Advisory committee meetings shall include the specialized docket judge, who shall attend and serve as the chair of the committee. In the event of a shared advisory committee, each specialized docket judge shall chair the portion of the agenda concerning that judge's docket.

(B) A local rule or an administrative order authorizing the operation of the specialized docket.

(C) A program description that contains written policies and procedures that demonstrate compliance with all specialized docket certification requirements. The judge of a court or division establishing a specialized docket should incorporate national best practices for the particular type of docket and participants to be served.

(D) A written participation agreement and participant handbook detailing the rights and responsibilities of participants in the specialized docket;

(E) A process that is non-adversarial, but recognizes the distinct role of a prosecutor in pursuing justice and protecting public safety and victim's rights and the distinct role of a defense counsel in preserving the constitutional rights of a specialized docket participant.

Standard 2. Legal and Clinical Eligibility.

A specialized docket shall identify its target population and establish written legal and clinical eligibility criteria that have been collaboratively developed, reviewed, and agreed upon by the advisory committee. Each of the following shall apply with regard to legal and clinical eligibility:

(A) Eligibility and exclusion criteria shall identify the individuals who can be treated safely and effectively within the type of specialized docket established;

(B) A specialized docket shall generally target individuals with a moderate to high risk for recidivism and a high need for treatment. If a specialized docket is unable to target only high-risk and high-need offenders, the docket may be required to use alternative tracks with services that are modified to meet the risk and need levels of its participants.

(C) A specialized docket shall ensure equal opportunity for everyone to participate and succeed, regardless of race, ethnicity, or gender. A specialized docket shall take affirmative steps to detect and correct disproportionate census, inequitable services, and disparate outcomes involving those who have historically faced discrimination. A specialized docket shall ensure that teams understand and are responsive to the cultural differences within their population.

Standard 3. Program Entry and Case Flow.

(A) Referral process

A specialized docket shall include a written referral process that addresses how candidates are identified, evaluated, and transferred into the docket. The referral process shall indicate at what stage or stages of the legal process referrals will be considered.

(B) Assessment

(1) Candidates shall be promptly evaluated for admission into a specialized docket using assessment tools and procedures based upon written legal and clinical eligibility criteria.

(2) A specialized docket should use risk scales specific to the type of legal case, participant, and desired outcome to increase predictive accuracy.

(3) All substance abuse, mental health, and other programming assessments shall include available collateral information to ensure the accuracy of the assessment;

(4) A participant or the participant's guardian shall complete a release of information form to provide for communication about confidential information, participation/progress in treatment, and compliance with the provisions of relevant law, including the "Health Insurance Portability and Accountability Act of 1996," 42 U.S.C. 300gg-42, as amended; 42 CFR Part 2; and R.C. 2151.421 and 2152.99;

(5) All screenings and assessments for treatment determinations shall be provided by programs or persons who are appropriately licensed and trained to deliver such services according to the standards of the profession.

(C) Decision on admission

(1) A specialized docket judge shall have discretion to decide the admission into a specialized docket in accordance with the written criteria for the specialized docket.

(2) The written legal and clinical eligibility criteria do not create a right to participation in a specialized docket.

(D) Acceptance into docket

(1) Before entering a specialized docket, each participant shall receive and agree to the terms and conditions set forth in a detailed, written participation agreement and participant handbook outlining the requirements and process of the specialized docket.

(2) Each participant shall receive an explanation of responses to compliance and noncompliance, including criteria for successful, neutral, and unsuccessful specialized docket completion.

(3) In addition to any constitutional or legal right to counsel throughout the process, a participant shall have the right to request the attendance of defense counsel during the portion of a specialized docket treatment team meeting concerning the participant.

Standard 4. Treatment and Rehabilitation.

(A) Prompt access

A specialized docket shall provide prompt access to a continuum of approved treatment and other rehabilitation services.

(B) Placement in treatment services

Specialized docket participants shall be placed as soon as possible in appropriate treatment services and programs.

(C) Screenings and assessments

All screenings and assessments for treatment determinations shall be provided by programs or persons appropriately licensed and trained to deliver such services according to the standards of the profession.

(D) Licensing and training

All required treatment and programming shall be provided by programs or persons appropriately licensed and trained to deliver such services according to the standards of their profession.

(E) Treatment and services

(1) Coordinated treatment and other rehabilitative services shall meet the individualized needs of each specialized docket participant and incorporate evidence-based strategies for the participant population being served by the docket. Treatment and services shall be trauma informed, gender-responsive, and culturally appropriate and shall effectively address co-occurring disorders. Whenever possible, service providers should have separate tracks for specialized docket participants.

(2) Medication assisted treatment services shall be provided in a form and manner that adhere to "The Supreme Court of Ohio's Principles for the Use of Medication Assisted Treatment (MAT) in Specialized Dockets."

(3) Treatment and services should be comprehensive and family-centered, meeting the assessed needs of the participant in the context of family relationships.

(F) Ancillary services

A full continuum of complementary treatment and social services should be provided for conditions that are likely to interfere with a specialized docket participant's compliance with docket requirements, increase criminal recidivism, or diminish treatment gains and long term rehabilitation, including all of the following:

(1) Education;

(2) Vocational training;

(3) Employment;

(4) Transportation;

(5) Housing;

(6) Domestic violence programming;

(7) Physical, mental, and dental health;

(8) Parenting;

(9) Language Services pursuant to Sup. R. 89.

Standard 5. Docket Progression.

(A) General

Progression through a specialized docket is based upon the participant's performance in the treatment plan and compliance with requirements of the docket phases. A participant's progress through the docket phases shall not be based solely upon preset timelines.

(B) Structure

A specialized docket shall include a clearly defined structure for progression through the docket. The progression shall include all of the following:

(1) The minimum length of time, if any, that shall be spent achieving any particular phase;

(2) The nature and frequency of specialized docket appearances, supervision meetings, and other attendance requirements;

(3) Realistic and concrete behavioral based requirements for the docket, case management, substance monitoring, and treatment objectives that shall be satisfied before advancing;

(4) The process for advancing to the next phase, including any applications, if any, that shall be completed.

(C) Sequence and timing

The sequence and timing of requirements and services provided by the specialized docket should take into account the relative priority of participant needs to be addressed.

(D) Productive activities

The structure of a specialized docket should include productive activities, such as employment, education, or attendance in peer support groups.

Standard 6. Treatment Team.

(A) Composition

A treatment team shall be comprised of a multidisciplinary group of professionals needed to implement the daily operations of the specialized docket. Treatment team members may include, but are not limited to, the following:

(1) The specialized docket judge;

(2) Probation staff / community control staff;

(3) Parole officers;

(4) Licensed treatment providers;

(5) A prosecutor;

(6) Defense counsel;

(7) A specialized docket program coordinator;

(8) Case managers;

(9) Law enforcement personnel;

(10) Jail, prison, or juvenile detention personnel;

(11) Children services personnel;

(12) Veterans justice outreach coordinator;

(13) Representatives of other community-based stakeholders.

(C) Roles and responsibilities

The specific roles and responsibilities for each treatment team member shall be set forth in writing.

(D) Meetings

The treatment team shall hold regular meetings prior to the status review hearings to evaluate participant progress, develop plans to improve individual outcomes, and prepare for the status review hearings.

(E) Participation of specialized docket judge

The specialized docket judge shall attend and chair treatment team meetings.

(F) Communication

Ongoing communication shall take place among the treatment team members, including frequent exchanges of timely and accurate information about the participant's overall performance.

(G) Length of service

For consistency and stability in specialized docket operations, treatment team members should serve on the treatment team for a minimum of one year.

Standard 7. Participant Monitoring.

(A) General

(1) A specialized docket shall monitor each participant's performance and progress.

(2) Participants shall be placed under reporting supervision as soon as possible to monitor compliance with docket requirements.

(3) A specialized docket shall maintain a current treatment plan and record of activities.

(B) Ongoing judicial interaction

(1) A specialized docket shall incorporate ongoing judicial interaction with each participant as an essential component of the docket.

(2) A specialized docket participant shall appear at least twice monthly before the specialized docket judge during the initial phase, no less than monthly after the initial phase, and no less than every six weeks during the final phase to review the participant's progress. Frequent status review hearings establish and reinforce the specialized docket's policies and ensure effective supervision of the participant.

(3) A specialized docket should have a significant number of specialized docket participants appear at a single specialized docket session in order to educate each participant as to the benefits of docket compliance and consequences for noncompliance.

(4) Hearings shall, as much as practicable, be before the same specialized docket judge for the length of each participant's time in the specialized docket.

Standard 8. Incentives, Sanctions, and Therapeutic Adjustments.

(A) General

Specialized dockets shall establish written policies and procedures regarding responses to a participant's behavior that are predictable, fair, and consistent and that are administered in accordance with evidence-based principles of effective behavior modification.

(B) Incentives

(1) Immediate, graduated, and individualized incentives shall govern the responses of a specialized docket to a participant's compliance.

(2) Praise and positive incentives should be offered consistently to promote achieving productive behaviors.

(C) Sanctions

(1) Immediate, graduated, and individualized sanctions shall govern the responses of a specialized docket to a docket participant's noncompliance.

(2) The magnitude of the sanction should take into the relative ease with which the participant can achieve the desire behavior at that point in time.

(D) Therapeutic adjustment

Therapeutic adjustments in treatment services, as well as participation in community-based mutual support meetings, should be based upon the clinically informed needs of the participant.

Standard 9. Substance Monitoring.

(A) General

A specialized docket shall monitor each docket participant's substance use by random, frequent, and observed alcohol and other drug testing protocols that include all of the following:

(1) Written policies and procedures for sample collection, sample analysis, and result reporting. The testing policies and procedures shall address elements that contribute to the reliability and validity of the testing process.

(2) Individualized drug and alcohol testing plans;

(3) Testing protocols that ensure that all testing is random, frequent, and observed. Random testing shall be implemented in a manner so that the odds of being tested are the same on any given day of the week. Drug and alcohol testing shall be performed frequently enough to ensure substance use is detected quickly and reliably. The collection of test specimens shall be witnessed directly by a staff person who has been trained to prevent tampering and substitution of fraudulent specimens.

(B) Positive tests

(1) Testing positive, failure to submit to testing, submitting an adulterated sample or the sample of another individual, or diluting the sample shall be treated as positive tests.

(2) A specialized docket shall receive immediate notification of all positive tests.

(3) An appropriate sanction or therapeutic adjustment for all positive tests after entering a specialized docket program shall be immediately enforced and reinforced by the specialized docket judge.

(C) Sufficiency of testing

Testing shall be sufficient to include the participant's primary substance of use, as well as a sufficient range of other common substances.

(D) Compliance by agencies

All agencies conducting substance testing for use with the specialized docket shall comply with the requirements of this section.

Standard 10. Program Completion.

(A) Criteria

A specialized docket shall have written policies and criteria related to program completion that have been collaboratively developed, reviewed, and agreed upon by the advisory committee.

(B) Categories

The categories of completion for a specialized docket shall be "successful completion," "unsuccessful completion," and "neutral termination."

(C) Decision on termination

After affording participants any legal process to which they may be entitled, a specialized docket judge shall have discretion to decide the category of completion of the specialized docket and associated outcomes in accordance with the written criteria for the docket and after affording participants any legal process to which they may be entitled.

(D) No right to continued participation

The written legal and clinical eligibility and termination criteria do not create a right to continued participation in a specialized docket.

Standard 11. Professional Education.

(A) General

A specialized docket should assure continuing interdisciplinary education of advisory committee members, treatment team members, and personnel to promote effective specialized docket planning, implementation, and operations.

(B) Continuing education plan

A specialized docket should establish and maintain a viable continuing education plan for specialized docket personnel.

(C) Treatment team

(1) Treatment team members should make reasonable efforts to observe all required specialized docket service provider programs to gain confidence in the services provided and to better understand the treatment and programming process.

(2) A specialized docket should plan for the transition of a treatment team member and provide sufficient training and program document for new treatment team members.

(3) For consistency in the non-adversarial approach, prosecutors and defense counsel should be trained in specialized docket processes.

(D) Judicial knowledge

The specialized docket judge should be knowledgeable about treatment and programming methods and limitations of the methods.

Standard 12. Effectiveness Evaluation.

A specialized docket judge shall evaluate the effectiveness of the specialized docket by doing each of the following:

(A) Reporting data as required by the Supreme Court, including information to assess compliance with these standards;

(B) Engaging in on-going data collection in order to evaluate whether the specialized docket is meeting its goals and objectives;

(C) Establishing a data collection plan. The plan should identify who is collecting the data, how the data is collected, and the time frames for conducting program reviews based on the data. Treatment team members should provide data. The specialized docket should

develop policies concerning protection of confidential information and identities when collecting data.

Standard 13. Constitutional and Due Process Rights.

A specialized docket shall comply with all constitutional and statutory rights of their participants. Any such rights that are permitted to be waived by said participants are to be done in a manner that ensures substantive due process rights of the participant. All certified specialized dockets shall comply with the "Constitutional and Due Process Guidance Document issued by the Commission on Specialized Dockets."

APPENDIX J

STANDARDS FOR THE USE OF TELEPHONIC INTERPRETATION

Preamble.

These standards apply to courts appointing a foreign language interpreter who, pursuant to Sup.R. 88(G), is participating in the case or court function through telephonic interpretation.

Due process requires courts to ensure limited English proficient individuals are able to fully participate in the proceedings of and are afforded meaningful access in case and court functions. The fundamental role of a foreign language interpreter is to provide complete and accurate interpretation services in the case or court function in order to meet these due process requirements. The best way to accomplish this, especially in complex or prolonged proceedings, is to have the foreign interpreter present on-site where the case or court function is taking place.

However, in some instances, this may prove difficult due to factors such as the interpreter's lack of proximity. In these instances telephonic interpretation may be an appropriate alternative. However, telephonic interpretation should not be used when a Supreme Court certified foreign language interpreter, provisionally qualified foreign language interpreter, or language-skilled foreign language interpreter is reasonably available to facilitate communication in person.

Furthermore, the quality and success of telephonic interpretation depend on a variety of factors. Examples include the interpreter's quality of training, the quality of the equipment used, the length of the case or court proceeding, the number of speakers, and whether reference will be made to evidence or documents to which the interpreter does not have access. These and other factors can all have a bearing on the effectiveness of the telephonic interpretation.

Ultimately, telephonic interpretation services should aim to provide the same quality of services as in-person interpretation. To this end, these standards represent recommended practices and minimum requirements to ensure the efficient and effective administration of justice and are intended to complement court rules and federal and state laws, regulations, and standards pertaining to use of court interpretation services.

Definitions.

As used in these standards, "case or court function," "consecutive interpretation," "foreign language interpreter," "limited English proficient," "provisionally qualified foreign language interpreter," "sight translation," "simultaneous interpretation," "Supreme Court certified foreign language interpreter," and "telephonic interpretation" have the same meanings as in Sup.R. 80 and "language-skilled foreign language interpreter" means a foreign language interpreter appointed by a court pursuant to Sup.R. 88(F).

Standard 1. When Telephonic Interpretation May be Used.

A court may use telephonic interpretation in a case or court function if all of the following apply:

(A) A Supreme Court certified foreign language interpreter, provisionally qualified foreign language interpreter, or language-skilled foreign language interpreter is not reasonably available to serve on-site;

(B) The matter cannot be postponed or delayed;

(C) The quality of interpretation will not be compromised.

Commentary

While it is impossible to list all situations where telephonic interpretation might be appropriate, the court may consider the following: initial appearances, arraignments, simple traffic hearings, uncontested name changes, uncontested guardianships, ex parte civil protection orders, and marriages. The court may identify any other instances where telephonic interpretation may be suitable.

Standard 2. When Telephonic Interpretation Should Not be Used.

A court should not use telephonic interpretation in a case or court function if any of the following apply:

(A) A Supreme Court certified foreign language interpreter, provisionally qualified foreign language interpreter, or language-skilled foreign language interpreter is reasonably available to serve on-site;

(B) The interpretation is necessary for a proceeding that is expected to last longer than forty-five minutes, provided the interpretation may exceed forty-five minutes if the communication is clear, the proceeding is simple and routine, and the rights of the party are not compromised;

(C) The interpretation is necessary for a proceeding that involves witness testimony or introduces complex evidence;

(D) The limited English proficient party or witness is a child, is elderly, is an unsophisticated user of interpreter services, has profound speech or language problems, or is or is alleged to be mentally disabled or mentally ill;

(E) It is determined that using telephonic interpretation would negatively impact access for any reason.

Standard 3. Compliance with Applicable Laws, Rules, and Standards.

A court using telephonic interpretation shall comply with all court rules and federal and state laws, regulations, and standards pertaining to use of court interpretation services.

Standard 4. Accommodating Modes of Interpretation.

(A) General

Subject to division (B) of this standard, court using telephonic interpretation should accommodate sight translation, consecutive interpretation, or simultaneous interpretation, as is necessary for proper and effective communication between the court, the parties, and the limited English proficient speaker.

(B) Sight translation

A court should not use sight translation with telephonic interpretation unless the foreign language interpreter has access to the documents beforehand and ample time to render the document from one language into the other. If sight translation is used with telephonic interpretation, the document should be short and routine.

Standard 5. Oath.

A foreign language interpreter participating through telephonic interpretation shall take an oath or affirmation that the interpreter knows, understands, and will act according to the "Code of Professional Conduct for Court Interpreters and Translators," as set forth in Appendix H to these rules and that the interpreter will make a true translation or interpretation as required by Evid.R. 604.

Standard 6. Telephonic Interpretation Equipment.

(A) Adequacy of equipment

A court using telephonic interpretation should have adequate equipment in the courtroom and other locations where case and court functions involving the presence and participation of limited English proficient individuals take place.

(B) Quality of transmission

A court using telephonic interpretation should ensure the telephonic interpretation equipment has the capacity to deliver clear and audible transmission of voice and minimizes background noise and disruptions that might affect the quality of the interpretation.

(C) Integration into existing audio speaker system

A court using telephonic interpretation may integrate the telephonic interpretation into a courtroom's existing audio speaker system using a digital audio platform device or a simple stand-alone device with amplification.

Standard 7. Coordination of Telephonic Interpretation Services.

A court using telephonic interpretation should designate one individual to arrange and monitor the provision of the service in order to ensure continuous and efficient operation.

Commentary

Having a coordinator to arrange and monitor telephonic interpretation helps to ensure an efficient operation and eliminate minor issues that can arise with the use of telephonic interpretation. Additionally, the accumulated experience of one individual produces efficiency.

Standard 8. Training on the Use of Telephonic Interpretation Services.

A court using telephonic interpretation should provide training to users of the technology, relevant support staff, and other involved individuals in order to ensure an efficient operation and the integrity in the use of the service.

Standard 9. Monitoring Telephonic Interpretation Services.

A court using telephonic interpretation should collect and analyze information regarding the performance of the service on a regular basis in order to evaluate the quality of the service, its benefits and limitations, and its cost-effectiveness.