

**IN THE COMMON PLEAS COURT OF MONTGOMERY COUNTY, OHIO
JUVENILE DIVISION**

IN RE: LOCAL RULES OF COURT : **JUDGE NICK KUNTZ**
: **JUDGE ANTHONY CAPIZZI**
:
:

**Montgomery County Common Pleas Court, Juvenile Division,
Rules of the Court**

It is ordered that the following rules be and are hereby adopted for the governance of the practice and procedures in the Court of Common Pleas, Juvenile Court Division, Montgomery County, Ohio, until otherwise provided pursuant to Article IV, Section (5) of the Ohio Constitution, to section 2151.23 Ohio Revised Code, and to the Rules of Superintendence promulgated by the Supreme Court of Ohio.

Adoption, Scope and Construction of Rules

1. The Juvenile Division of the Common Pleas Court for Montgomery County, Ohio, adopts the following Rules for the management of proceedings and other functions of the court. The Court may amend the Rules from time to time as needed or required by law.
2. These Rules are intended to supplement and complement the Ohio Rules of Juvenile Procedure, the Superintendence Rules of the Supreme Court of Ohio and controlling statutes.
3. These Rules shall be applied, construed and enforced so as to avoid inconsistency with other rules of Court and statutes governing proceedings of this Court. In their application, they shall be construed so as to provide fairness and to secure just, expeditious and inexpensive determination of all proceedings.
4. These Rules shall be cited as "Mont. Juv. Ct. Rules X.XX."
5. These Rules shall be effective July 1, 1992 and may be revised from time to time as is necessary.

(Effective: July 1, 1992. Amended effective: July 1, 1995; October 1, 2004; August 1, 2005; March 1, 2009; April 1, 2010)

Rule 5.1 Conduct in Court

5.1.1 Any person entering the Juvenile Justice Center is subject to search. No person carrying a bag, case or parcel shall be permitted to enter or remain in any courtroom without first, if requested by the Court, submitting such bag, case or parcel to security personnel for inspection.

5.1.2(a) The juvenile court may conduct its hearings in an informal manner and may adjourn its hearings from time to time. The court may excuse the attendance of the child at the hearing in neglect, dependency, or abuse cases.

5.1.2(b) Public access to hearings shall be governed by Ohio Revised Code section 2151.35 and Juvenile Rule 27. (Amended effective April 1, 2010)

5.1.3 No child shall be permitted to enter or remain in any courtroom unless accompanied by an adult.

5.1.4 Persons committing any violation of proper conduct shall be removed from any courtroom, waiting area, hallway, entryway or any other location within the Juvenile Justice Center or on its campus by security personnel charged with the enforcement of this rule.

5.1.5 Food, beverages and the use of cell phones is prohibited in the courtrooms and other areas of the Juvenile Justice Center as posted. Smoking is prohibited throughout the entire Juvenile Justice Center. (Effective July 1, 1992; amended effective April 1, 2010)

Rule 5.2 Records

5.2.1 Reports and records of the Probation Department, including social history or report of a mental or physical examination, shall be considered confidential information and shall not be made public. The inspection of Probation records or other internal records by attorneys and interested parties shall be governed by Rule 32(C) of the Ohio Rules of Juvenile Procedure and '2151.14 of the Ohio Revised Code. No person shall be permitted to read the Probation records or other internal record unless proper authorization is given by the Judge or Magistrate.

5.2.2 Official Court records of cases involving juveniles shall be open for inspection by the parent(s), guardian(s) or, if deceased, next of kin, or by legal counsel or guardian ad litem of any child affected by any order of any proceeding. Otherwise, such records shall not be available to any person except by order of the Judge or Magistrate or by written consent of the juvenile involved.

5.2.3 Traffic records maintained by the court are confidential and shall not be made public. Inspection by attorneys or interested parties may be allowed by leave of the court.

5.2.4 Any individual or entity that is authorized by an order issued pursuant to ORC §2151.14 (D) (1) to obtain copies of specified records or specified information related to a particular child, may file a written request for copies of the records or information with any individual or entity required by the order to provide copies of the records or the information. The request shall be in writing, describe the type of records or the information requested, explain the need for the records or the information and be accompanied by a copy of the order.

5.2.5 The records of adult cases shall be public record as provided by law.

5.2.6 No person except a Judge of the court, Magistrate or representative to either shall remove any documents or case files from the custody of the Clerk.

5.2.7 Upon request, the Clerk of Courts shall allow a party, or attorney of record representing the party, to examine but not remove any original document or case file that is maintained by its office. Examination shall be allowed during regular business hours.

5.2.8 Upon request and the payment of a photocopy fee, the Clerk shall provide copies of an original document, except official transcripts, maintained by its office. Copies shall be provided during regular business hours within a reasonable period of time as determined by the Clerk of Courts. A reasonable period of time shall be based upon the extent of the request with efforts toward a 24-hour response time.

5.2.9 All paperwork requesting filing will be filed within one business day, from the time of drop-off or receipt via mail. Facsimile transmissions will be held for one business day, and upon receipt of the original, will be filed as of the date that the facsimile was received.

(Effective April 1, 1997; amended October 1, 2004)

Rule 5.3 Official Law Journal

The Daily Court Reporter is the official daily law journal of the Montgomery County Juvenile Court wherein shall be published all notices, advertisements and other matters referred to in the Ohio Revised Code.

(Effective July 1, 1992)

Rule 5.4 Photographing, Recording and Broadcasting of Court Proceedings

No radio or television transmission, voice-recording device (other than a device used in making a record of the proceeding for the Court), or the making or taking of pictures shall be permitted, without prior approval of the Judge or Magistrate.

(Effective July 1, 1992; amended effective July 1, 1995)

Rule 5.5 Official Recording of Proceedings

5.5.1 Pursuant to Rule 40(D) of the Ohio Rules of Juvenile Procedure, a complete record of all testimony or other oral proceedings shall be taken in shorthand, stenotype or by any other adequate mechanical or electronic recording device.

5.5.2 No public use shall be made by any person, including a party, of any record or transcript thereof except in the course of any appeal or as authorized by the Court.

(Effective July 1, 1992; amended effective July 1, 1995)

5.5.3 Pursuant to Rule 9.01 of the Rules of Superintendence for Courts of Common Pleas, all documents filed with the Juvenile Division shall include the Attorney Registration Number issued by the Supreme Court of Ohio.

(Rule Number amended [October 1, 2004](#))

5.5.4 The Juvenile Division of the Court of Common Pleas shall use the Attorney Registration Number issued by the Supreme Court of Ohio as the exclusive number of code to identify attorneys who file documents with the Juvenile Division.

(Effective July 1, 1992; amended July 1, 1995; rule number amended [October 1, 2004](#))

Rule 5.6 Special Needs/Compliance With American's With Disabilities Act (ADA)

Individuals with disabilities, special needs or the need for an interpreter should make requests for reasonable accommodations to the court's Legal Department at (937)225-4250 seven (7) days prior to any scheduled hearing so that arrangements can be made. If the interpreter service is no longer required or if the parties continue the hearing, the parties must *immediately* notify the court in order to cancel or reschedule the service. Failure to do so may result in the party paying the cancellation fee for the interpreter service.

(Effective [October 1, 2004](#))

5.7 Transcripts

5.7.1 Any party requesting a transcript of any proceeding shall, in writing, file the

request with the Clerk of Courts and provide a time-stamped copy to the appropriate Court Stenographer.

5.7.2 All written requests for a transcript shall contain: 1) case name; 2) case number; 3)

assigned Judge and Magistrate; 4) date of hearing; 5) reason for request; 6) payer of transcript, and 7) date appeal was filed, where appropriate.

5.7.3 All original transcripts are filed with the Clerk of Courts and shall become part of the official record of the case.

5.7.4 Requests for transcripts for the benefit of indigent parties, other than those represented by the Office of the Public Defender, shall be submitted to the Court and supported by an order of the Court directing that the transcript be prepared at public expense.

5.7.5 The cost of a transcript, regardless of the type of case, shall be \$3.38 per page for the original and \$2.25 per page for copies to opposing counsel. Payment shall be deposited with the Court Stenographer prior to transcript preparation and within ten (10) days of the Stenographer's request for payment.

(Amended Effective [October 1, 2004](#))

Rule 5.8 Continuances

5.8.1 Continuance requests shall be made in accordance with Rules 9 and 23 of the Ohio Rules of Juvenile Procedure and with Rule 7 of the Ohio Rules of Superintendence for the Courts of Common Pleas.

5.8.2 No case, in which a date has been fixed, for a detention hearing, preliminary conference, adjudicatory or other hearings shall be continued, except for good cause, and only by the Judge or Magistrate to whom the matter is assigned.

5.8.3 All continuance requests shall be made to the Judge or Magistrate by written motion within three (3) days of the trial or hearing. Counsel must have notified all parties and attorneys of record, either in person, by telephone or in writing, prior to making said continuance request.

5.8.4 All Continuance requests shall be accompanied by a "Entry of Continuance". Additionally, a separate Notice of Hearing **including captions and case numbers** is required.

(Effective [October 1, 2004](#), [August 1, 2005](#)).

Rule 5.9 Filing of Appeals

5.9.1 Upon the filing of a notice of appeal, the Court shall appoint counsel if youth is found to be indigent and youth requests counsel to handle the appeal procedure. The assigned defense attorney shall file a motion to withdraw as counsel or to remain as counsel, giving a copy of the motion to the Lawyer Appointment Clerk.

5.9.2 If a transcript is wanted for the appeal or if a full transcript has not been prepared, then the Appellate Counsel will need to request a transcript pursuant to Rule 5.7 herein.

(Effective July 1, 1992)

5.9.3 Pursuant to Juvenile Court Rule 40(D)(3)(iv) A party shall not assign as error on appeal the Court's adoption of any finding of fact or conclusion of law, in that decision, unless the party timely and specifically objects to that finding or conclusion.

(Effective [October 1, 2004](#); [April 1, 2010](#))

Rule 5.10 Service Members Civil Relief Act

In any action or proceeding in this Court affected by the Service Members Civil Relief Act of 1940, 50 USC 501 et seq. As amended, the Court may appoint an attorney to represent the defendant and may set

a fee for the attorney's services. If the service member requests automatic 90 day stay, he/she must submit proof of active service assignment and orders at time of filing.

(Effective December 19, 2003; Amended effective [March 1, 2009](#))

Rule 5.11 Magistrates

5.11.1 MAGISTRATES WILL BE ASSIGNED CASES BY THE JUDGES. Magistrates will preside over hearings, pre-trials, trials and issue any and all Magistrates' orders and Magistrates' decisions in accordance with Juvenile Rule 40, Civil Rule 53 and Criminal Rule 19.

5.11.2 When a request for Findings of Fact and Conclusions of Law is made, the party requesting the same shall prepare and file proposed Findings of Fact and Conclusions of Law within seven (7) days of the Judge's order or the Magistrate's decision. Thereafter, the Judge or the Magistrate will prepare Findings of Fact and Conclusions of Law, which shall become part of the record. (Effective July 1, 1992; amended effective July 1, 1995)

Rule 5.12 Case Management

PURPOSE

This rule is adopted to facilitate case management and enable the Court to expeditiously process the cases brought before it, as well as to provide consistent procedures which can be followed by both the Court and members of the bar. This rule shall be for time guidance only and shall not affect the court's jurisdiction or the outcome of the case.

5.12.1 Parentage

A. All complaints filed to establish a parent/child relationship shall be set for pre-trial by the Judge's or Magistrate's Case Management Specialist no earlier than twenty-eight (28) days but no later than forty-five (45) days after service is complete upon the written request of a party to the action. All complaints and/or Motions shall include a SETS # in the caption of the document, if applicable.

B. All cases filed for which service is not perfected within six (6) months shall, after notice, be dismissed for want of prosecution, unless good cause can be shown to the contrary.

C. At the time of pretrial:

1. All plaintiffs must be present. If a plaintiff fails to appear and an excused failure to appear is not given, the complaint will be dismissed without prejudice;

2. If the plaintiff is represented by the State, the defendant shall be notified of his right to appointed counsel if he meets indigency guidelines;

3. If an agreement cannot be reached, a trial date will be set within four (4) week. If genetic testing is requested and ordered, a trial date will be set within eight (8) weeks. A notice, of the trial, date shall be sent by the Court to all parties and counsel of record;

(Amended 1/5/05)

5.12.2 Dependency, Neglect and Abuse

All cases alleging dependency, neglect and/or abuse of a child shall be governed by the following case management guidelines:

1. Shelter Care Hearing

A hearing to review the necessity for shelter care shall be held the next court day, but not later than seventy-two (72) hours after the removal of the child. Requests for appointment of counsel and/or guardian ad-litem shall be reviewed by the Judge or Magistrate and referred to the Custody Case Coordinator, as appropriate. If a shelter care hearing is continued, it shall be rescheduled within ten (10)

days before the Judge or Magistrate. Notice of the date, place and time on which the shelter care hearing shall reconvene shall be given to the parent, guardian or custodian at the time of adjournment.

2. Adjudicatory Hearing

A hearing to adjudicate the issues raised in the complaint will be scheduled within thirty (30) days after the earlier of the date of filing of the complaint or the date of removal of the child.

3. Dispositional Hearing

A dispositional hearing shall be scheduled according to statute at least one (1) day after the adjudication of the issues in the complaint. The parties may waive the requirement that the adjudicatory hearing and the dispositional hearing be separated by at least a day.

4. Annual Review

If the Court issues an order of temporary custody, an annual review shall be scheduled as a part of the disposition of the case, not less than five (5) weeks prior to the date of expiration of the temporary custody order. If the Court issues an order of permanent custody or for long-term foster care, an annual review shall be scheduled as a part of the disposition of the case, not less than eleven (11) months after the date of the issuance of such order.

5.12.3 Delinquency-Status Offenses

1. Non-detained Juveniles

Non-detained juveniles shall have their cases screened for possible diversion prior to an official filing. Official cases for non-detained juveniles will be scheduled for an Initial Adjudicatory Hearing within twenty (20) working days from the filing of the complaint and, if appropriate a Preliminary Conference or Adjudicatory Hearing within twenty (20) working days thereafter.

2. Detained Juveniles

Detention Hearings shall be held the next day following the juvenile's placement in detention. If the juvenile continues in detention, the Adjudicatory Hearing shall be set within ten (10) working days from the filing of the complaint and the Dispositional Hearing shall be set within fifteen (15) working days from the time of the adjudication. (Amended effective April 1, 2010)

5.12.4 Motions

1. All motions shall be made in writing in accordance with Rules 19 and 22 of the Ohio Rules of Juvenile Procedure, unless otherwise permitted by the court. All Motions shall include a SETS # in the caption of the document, if applicable.

2. The Court will accept motions that have several branches. However, the caption must contain the issue being raised in each branch. The caption shall indicate the number of branches in the Motion i.e. "Motion to Show Cause (Branch 1): Motion to Amend Support (Branch 2): Motion to Amend Visitation (Branch 3). (the caption "Motions" will *not* be accepted for filing) (Amended August 1, 2005)

3. Motions made in pending cases or cases of continuing jurisdiction shall be filed with the Clerk's Office. The motion will be forwarded to the Judge or Magistrate assigned, for a ruling on the motion or to set a hearing if appropriate. (Amended effective August 18, 2004).

4. If the motion is one that reopens a case. The motion will be filed, service and/or notice completed as required by law. The hearing set will be held within thirty (30) days of completion of service. Final disposition on these motions will be entered no later than sixty (60) days from the filing of the motion.

(Amended effective October 1, 2004, August 1, 2005).

5. If the motion is made in a pending case and a hearing is required, the motion will be scheduled at the same time of the scheduled hearing on the pending case. The date of the hearing will be placed on the motion. The motion will then be filed, and service and/or notice completed as required by law will follow.

6. If a hearing on a motion is not required, the motion shall be filed, copies of the motion shall be sent to the parties and/or attorneys of record, and a copy given to the assigned Judge or Magistrate. After seven (7) days from the date of mailing, to give the parties the opportunity to respond, the Judge or Magistrate shall rule on the motion.

7. A separate “Notice of Hearing” including captions and case numbers is required.

(Effective August 1, 2005).

5.12.5 Time Guidelines

Pursuant to Rule of Superintendence 37(A) (2) (a), cases shall be subject to the following time guidelines:

- Adult _____ 6 months
- Permanent Custody _____ 9 months
- Custody, Change of Custody, Visitation _____ 9 months
- Support Enforcement Modification/Termination _____ 12 months
- Parentage _____ 12 months
- UIFSA _____ 3 months
- Delinquency _____ 6 months
- Traffic _____ 3 months
- Abuse, Dependency, Neglect _____ 3 months
- Unruly _____ 3 months
- All Others _____ 6 months

(Effective July 1, 1992; Amended effective April 1, 2010)

Rule 5.13 Affidavit of Income, Expenses, Health Insurance & Financial Disclosure

5.13.1 Complaints/petitions for custody shall be accompanied by an Affidavit of Income, Expenses, Health Insurance and Financial Disclosure form and shall be served with the complaint/petition on the defendant(s). All defendants filing an answer, or an answer and a counterclaim, must also file said affidavit.

5.13.2 In agency cases, an Order to Submit must be used when parents have failed to cooperate with the request of the agency to complete the affidavit.

5.13.3 Agreed orders submitted to the Court along with a new filing (new complaint or motion) must include affidavits of income for all appropriate parties, and a notice of hearing. Any agreed order, requested by a Judge or Magistrate at a previous hearing on the issue, shall be submitted directly to that Judge or Magistrate. (Amended effective October 1, 2004)

5.13.4 In motions to modify where child support will be an issue, the moving party must file an affidavit, which will be served along with the motion upon the respondent. The respondent shall complete an affidavit prior to any hearing on the motion.

(Effective July 1, 1992; amended July 1, 1995)

Rule 5.14 Affidavit of Child Custody Information

In all actions where the Court is asked to make an order effecting parental rights and responsibilities regarding a minor child, or if a legal custodian or legal guardian files an application for child support, modification of custody or parenting time, the Affidavit of Child Custody Information must be completed and filed with the Clerk of Courts. This rule is adopted pursuant to Section 3109.27 et seq. of the Ohio Revised Code. A sample form may be obtained from the Clerk’s Office. The information about each child must be stated in clear and concise language. All affidavits of

child custody must contain the child's name and all information regarding Court case numbers of any past or pending litigation involving custody or visitation of the child. On a separate sheet of paper, to be retained by the clerk and not subject to service on the parties, shall be the child's name, date of birth and social security. (Effective [July 1, 1992](#); amended [July 1, 1995](#); Amended effective [March 1, 2009](#))

Rule 5.15 Agreed Orders and Child Support Computations

5.15.1 All final agreements which involve child support and/or where health insurance for the child(ren) is ordered to be provided by one (1) of the parties, shall be submitted to the Juvenile Court Support Office (Juvenile Justice Center 380 W. Second Street Dayton, Ohio 45422) for review of necessary language and attachments and for preparation of any necessary Orders or Notices to Withhold and/or Dependent Health Care Orders. When any matter has been referred by special order to a Magistrate, the Decree shall so state and include the date and time of hearing. Every agreement submitted to the Juvenile Court Support Office must have the following attached for filing:

1. Child Support Computation Worksheet
2. JCSO Information Sheet
3. Group Health Insurance Coverage Information Sheet
4. Application for IV-D Services
5. Obligee's Rights and Remedies for Enforcement of Support

5.15.2 When an Agreed Order prepared by an attorney is filed, the Child Support Computation Worksheet, along with the Affidavit of Income, Expenses, Health Insurance and Financial Disclosure, and Notice of Hearing shall be filed with the Agreed Order. All documents should be signed by the appropriate parties. In the event the amount of child support agreed upon by the parties differs from the amount as called for by the child support guidelines pursuant to Section 3113.215, the worksheet must state the reason for the deviation. A separate "Notice of Hearing" including captions and case numbers shall be filed, when applicable. (Effective [July 1, 1992](#); amended effective [July 1, 1995](#); [October 1, 2004](#), [August 1, 2005](#))

Rule 5.16 Required Language for Orders

In order for the Court to issue an Order or Notice to Withhold and Dependent Health Care Order(s), all pertinent information must be included: current addresses of parties, social security numbers, dates of birth, **SETS#**, employers, payroll addresses, pay cycles, health insurance information, names of financial institutions, address, account numbers, etc. This information must be supplied to the Court on the Juvenile Court Information Sheet. No person filing any document other than the cover sheet provided to the clerk, shall include the date of birth and social security number to be served on any document with the pleadings. If such information is deemed to be required, the party filing shall redact (remove) the first five (5) numbers of any social security number (when required to be filed). It is the responsibility of counsel who prepares an entry or order to include the appropriate language as indicated below in all orders containing a support order. (Amended effective [March 1, 2009](#))

5.16.1 SUPPORT ORDER LANGUAGE (Use One of Three {3} Options) (Use #2 only if the parties are agreeing to set an arrearage).

1. IT IS THEREFORE ORDERED that when private health insurance is not being provided as ordered the Obligor shall pay as and for child support, \$ per child per month for ___ children, representing current support, \$ per month for cash medical support, and \$ per month on the arrearage (if any) in addition to the 2% CSEA fee. This amount will continue for all months that private health insurance is provided.

IT IS FURTHER ORDERED that when private health insurance is not being provided as ordered the Obligor shall pay as and for child support, \$ per child per month for ___ children, representing current support, \$ per month for cash medical support, and \$ per month on the arrearage (if any) in addition to the 2% CSEA fee. This amount will continue for all months that private health insurance is NOT provided.”

“The Cash Medical Support Order becomes effective on the first day of the month immediately following the month in which private health insurance coverage that had been in effect for the child(ren) becomes unavailable or terminates. The obligation to pay the Case Medical Support Order shall cease on the last day of the month immediately preceding the month in which private health insurance coverage begins or resumes.”

“These payments are to be discharged in equal amounts according to the pay schedule of the Obligor. These payments must be made through the Ohio Child Support Payment Central (OCSPC), P.O. Box 182394, Columbus, Ohio 43218, and OBLIGOR SHALL MAKE SAID PAYMENTS by cash, certified check or money order, plus the 2% service fee to the SEA, UNTIL SUCH TIME AS SAID AMOUNTS ARE WITHHELD BY THE WITHHOLDING ORDER ISSUED HEREWITH.”

2. “The parties agree that there is an arrearage of \$ as of the date of filing of this order (or as of a date certain). The parties further agree that the monthly support obligation listed full, plus the 2% CSEA fee.” (When there is an arrearage, no Department of Job & Family Services arrearages may be waived.)

(Amended effective [March 1, 2009](#))

5.16.2 WITHHOLDING ORDER AND/OR NOTICE LANGUAGE

(Use One of the Seven {7} Options)

1. "Obligor is employed. A Notice to Withhold (Employer) shall issue to (name and payroll address)."
2. "Obligor is self-employed, has no assets or income available for withholding. A Notice to Withhold (Non-Employer) shall issue to (financial institution's name and address and obligor's account number)."
3. "Obligor is self-employed, but has no assets or income available for withholding, but is able to post a bond to guarantee payment of child support. An Order to Post Bond in the amount of \$ by (date), shall issue." (This amount may be up to \$10,000.)
4. "Obligor is not employed, but receives Workers' Compensation. An order to Withhold (Non-Employer) shall issue to the Ohio Bureau of Workers' Compensation, (account number)."
5. "Obligor is not employed but has funds on deposit in a financial institution. A Notice to Withhold (Non-Employer) shall issue to (name, address and account number)."
6. "Obligor is not employed, has no assets or income for withholding, but is able to post a bond to guarantee payment of child support. An Order to Post Bond in the amount of \$ by (date) shall issue." (This amount may be up to \$10,000.)
7. "Obligor is not employed and does not have funds or assets from which support can be paid or secured. An Order of Seek Work shall issue."

5.16.3 REQUIRED SUPPORT ORDER LANGUAGE. (Use All of These Paragraphs)

1. "IT IS FURTHER ORDERED that Obligor is restrained from making said payment directly to the Obligee and the Obligee is enjoined from accepting direct payments from the Obligor. Any payments of support not made through the SEA shall be deemed a gift."
2. "IT IS FURTHER ORDERED that Obligor and Obligee immediately notify the SEA in writing of any change in mailing and/or residential address. This duty to notify the

SEA of any change in either address shall continue until further notice of the Court."

3. "IT IS FURTHER ORDERED that the Obligor shall immediately notify the SEA, in writing, of any change in employment status or employer. This duty to notify the SEA shall continue until further notice of the Court, and a failure to provide such notification may make the Obligor liable for retroactive support that would have been ordered."

4. "IT IS FURTHER ORDERED that both parties shall take notice of the Obligee's Rights and Remedies for Enforcement of Support, attached hereto, available to the Obligee in the event the Obligor fails to make payment of support as ordered herein." Counsel shall attach "Obligee's Rights and Remedies for Enforcement of Support" form to each copy of the order.)

5. "IT IS FURTHER ORDERED that the Obligor and Obligee shall immediately notify the SEA, in writing, of any change in the status of the minor child (ren) of the parties which would terminate the duty of Obligor to pay child support."

6. All child support ordered by this order shall be withheld or deducted from the wages or assets of the Obligor under the order in accordance with Section 3121.037 of the Revised Code and shall be forwarded to the Obligee under the order in accordance with Section 3121.037 or 3113.214 of the Revised Code. The specific withholding or deduction requirements or other appropriate requirements to be used to collect the support shall be set forth in and determined by reference to the notices that are mailed by the court or the Child Support Enforcement Agency in accordance Section 3121.037 of the Revised Code or the court orders that are issued and sent out in accordance with Section 3121.037 of the Revised Code and shall be determined without the need for any amendment to the support order. Those notices and court orders, plus the notices provided by the court or the agency that requires the person who is required to pay the support to notify the Child Support Enforcement Agency of any change in his employment status or any change in the status of his assets, are final and are enforceable by the court.

5.16.4 Service by Publication Language.

In the event service of the complaint is made by publication, and only in said event, the following language should be included in the final decree in lieu of the language required in 5.16.1 and 5.16.2 above:

"It appearing to the Court that the defendant or parent herein was served by publication, no support is ordered since the whereabouts of parent are unknown. This case shall be referred to the Parent Locator Services of the Montgomery County Support Enforcement Agency."

5.16.5 Health Insurance Language.

Standards 1-6 apply to all orders, utilize 7-12 as applicable.

1. Unless otherwise specified, when the Court uses the term "extraordinary health care expenses" in Juvenile Court proceedings, it shall be construed as all necessary medical, dental, orthodontic, optical, hospital, and prescribed drug expenses in excess of \$100.00 per year per child.

2. In accordance with the policy under the Child Support Guidelines, the residential parent shall pay the ordinary health care expenses, being defined as necessary medical, dental, orthodontic, optical, hospital and prescribed drug expenses not exceeding \$100.00 per year per child.

3. If health care insurance is available to cover ordinary or extraordinary health care expenses to either of the parties through his/her employment at a reasonable cost to said party, that party shall apply for said medical insurance and each of the parties shall submit all medical, dental, optical, hospital, and prescribed drug expenses of the minor children to said medical insurers.

4. Any extraordinary health care expenses which are uninsured, shall be paid by the respective parties in accordance with their respective percentages of the family income as said percentages are calculated on the Child Support Guidelines Worksheets, to the closest ten percent.

5. Either parent who has health care insurance available to him/her under this Rule, through his/her employment, shall supply the other parent with a medical insurance card and any other blank forms or other documentation needed to submit the medical expenses of the minor children to the insurance company. (Amended effective January 16, 2007)

6. The responsibility for providing medical insurance remains with the parent or parents who have been ordered to provide medical insurance. However, that parent's obligation shall be deemed to have been met if that parent's current spouse or significant other has insurance through his or her employer that covers the children of the order. The parent who has the responsibility to provide medical insurance shall produce documentation satisfactory to the Court or Montgomery County Child Support Enforcement Agency of such insurance. When the Court or Agency is satisfied that the spouse or significant other of the parent who has the responsibility to provide medical insurance has the children of the order covered by his or her insurance, the Agency, subject to the Court's authority, will terminate or cancel any National Medical Support Notice (NMSN) that may have been issued to the employer of said parent. In the event that such insurance is no longer available due to termination of employment, divorce, separation, cancellation, or other action, the parent who has the responsibility to provide medical insurance shall immediately notify the Agency. If such parent has medical insurance through his or her

employer, the Agency shall immediately cause a NMSN to be issued to said employer.

7. Health Insurance Provided by Obligor's Group Insurance:

"Because private health insurance is accessible and reasonable, in accordance with ORC section 3119.30 IT IS THEREFORE ORDERED that, no later than 30 days after the issuance of this support order, the Obligor shall obtain and maintain private health insurance for the child(ren) named above and shall hereafter be referred to as the Health Insurance Obligor. Upon receipt of notice by the CSEA that private health insurance coverage is not available to the Obligor at a reasonable cost, cash medical support shall be paid in the amount as determined by the child support computation worksheet in section 3119.022 or 2119.023 of the Revised Code as applicable.:

8. Health Insurance Provided by Obligee's Group Insurance:

"Because private health insurance is accessible and reasonable, in accordance with ORC section 3119.30 IT IS THEREFORE ORDERED that, no later than 30 days after issuance of this support order, the Obligee shall obtain and maintain private health insurance for the child(ren) named above and shall hereafter be referred to as the Health Insurance Obligor. Upon receipt of notice by the Court that private health insurance coverage is not available to the Obligee at a reasonable cost, cash medical support shall be paid in the amount as determined by the child support computation worksheet in section 3119.022 or 3119.023 of the Revised Code as applicable.

9. Both Obligor and Obligee Have Group Insurance Available – Dual Coverage:

"Because private health insurance is accessible and reasonable, in accordance with ORC section 3119.30 IT IS THEREFORE ORDERED that, no later than 30 days after the issuance of this support order, both the Obligor and Obligee shall obtain and maintain private health insurance for the child(ren) named above and both shall hereafter be referred to as the Health Insurance Obligors. Upon receipt of notice by the Court that private health insurance is not available to at least one of the parties at a reasonable cost, cash medical support shall be paid in the amount as determined by the child support computation worksheet in section 3119.022 or 3119.023 of the Revised Code as applicable."

10. Neither Obligor Nor Obligee Has Group Health Insurance for a Reasonable Cost:

"IT IS THEREFORE ORDERED because private health insurance is not accessible and/or not reasonable in cost, in accordance with paragraph (C) of ORC section 3119.30, it is further ORDERED that the Parent Ordered to Pay Child Support shall also pay cash medical support during the period in

which the child(ren) named above are not covered by private health insurance and a health insurance obligor has not been identified.

If health insurance coverage for the parties' minor children is not presently available at a reasonable cost through a group policy, contract, or plan offered by either party's employer or through any other group policy, contract, or plan available to either party, and if health insurance coverage for the parties' minor children becomes available later at a reasonable cost, the person to whom the coverage becomes available shall obtain health insurance immediately inform the Child Support Enforcement Agency at 14 West Fourth Street, Dayton, Ohio 45401, or the Court in writing.

If the Court determines that the private health insurance coverage is accessible and reasonable in cost, the Court shall notify both parties that the person to whom the coverage is available is now the Health Insurance Obligor and is ordered to obtain and maintain private health insurance for the child(ren) named above and to meet the requirements identified under "notice to the Health Insurance Obligor" without an additional order or hearing.

11. Responsibility for Uncovered Healthcare Expenses when Health Insurance is Provided

"IT IS THEREFORE ORDERED THAT the parent ordered to receive Child Support shall pay the first \$100.00 of uninsured medical, dental, orthodontic, optical, psychological, or psychiatric expenses, including deductibles and/or co-payments under the health insurance plan for the child(ren) exceeding \$100.00 per year, shall be shared in amounts equal to their percentage of total income found on Line 14 of the Child Support Computation Worksheet, unless otherwise agreed as follows:"

12. Responsibility for Uncovered Healthcare Expenses When Health Insurance is not provided:

"IT IS THEREFORE ORDERED THAT the parent ordered to receive child support shall pay the first \$100.00 for ordinary medical, dental and optical expenses, and that the Obligor and Obligee shall share liability for the cost of extraordinary medical, dental, optical or psychological expenses in amounts equal to their percentages of total income found on Line 14 of the Child Support Computation Worksheet as follows: Obligor % and Obligee %.(Amended effective [March 1, 2009](#))

5.16.6 Qualified Medical Child Support Order (QMCSO)

1. In all cases involving an employer-provided group health plan(s), as defined in the Employment Retirement Income Security Act of 1974, Section 607(1), a Qualified Medical Child Support Order (QMCSO) shall be issued identifying the medical, dental, optical and other health benefits, if any are available, as well as listing the child (ren) of the parties, who shall be designated as the "Alternate Recipients." The Alternate Recipients shall be enrolled in the group health care plan(s) and shall receive all medical, dental, optical and other health benefits available under any of the employer's group health plans, as if they meet all the requirements of a dependent and thus are dependents under the group health plan(s).

2. The QMCSO shall apply to any and all successor group health plan(s) and shall continue for that period during which, where the Alternate Recipient(s) would have been eligible for, or could have elected coverage under the group health plan(s). Nothing in these Local Rules shall be construed so as to require a group health plan to provide any benefit to an Alternate Recipient, which would not have been available to a dependent under the plan.

5.16.7 Parenting Time

1. The Court has adopted a Standard Order of Parenting Time as well as a Transitional Order of Parenting Time, where appropriate. (Forms available in the Juvenile Court Support Office, Juvenile Justice Center, 380 West Second Street, Dayton, Ohio 45422.)

2. In the event that the Standard Order of Parenting Time is not ordered, the following language shall be included in all Parenting Time orders:

3. "Out-of-State Relocation: Neither parent shall relocate the children out of state without first obtaining a modified Parenting Time Order. The parties may submit an agreed order modifying Parenting Time, with a provision for allocation of transportation expenses, to the Court for adoption by the Court as an order. If the parents are unable to agree, the moving parent shall, prior to relocation, 1) file a motion asking the Court to modify the Parenting Time schedule, 2) set a hearing and 3) obtain a modified visitation order. No continuances of the hearing will be granted without written permission of the assigned Judge or Magistrate."

4. Access to Records: The non-residential parent shall have access to the same records, same school activities and to any daycare center which the child(ren) attend on the same basis that said records and access is legally permitted to the residential parent, unless a restrictive order has been obtained from the Court. It is the responsibility of the parent obtaining a restrictive order to serve it on the appropriate organization.

5. "Notice of Change of Address: Both parents shall give written notice to the other parent immediately upon any change of address and/or phone number, unless a restrictive order has been obtained from the Court. A copy of the notice, including the party's name and case number, shall also be provided to the Juvenile Court Support Office, Juvenile Justice Center 380 W. Second Street, Dayton, Ohio 45422."

5.16.8 Court Costs

"It is further ordered that the costs of the foregoing Order shall be paid by within thirty (30) days of the date of filing to the Clerk of Courts, Juvenile Division."

5.16.9 Final Appealable Order and/or Judgment and Post-Decree

Agreed Order The following shall be included on every Final Appealable Order the Judgment and every Post-Decree Agreed Order directly beneath the signatures: "Copies of the foregoing Entry and Order, which may be a Final Appealable Order, were entered upon the journal and mailed to the parties indicated below, via regular mail, on or within three (3) days of the time-stamped date on this Order." Judge H. Nick Kuntz By: Jennifer Petrella (Chief Deputy Clerk) Clerk, Juvenile Division

(Effective [July 1, 1992](#); Amended [effective July 1, 1995](#); [January 1, 2005](#))

Rule 5.17 IV-D Services

Obligee's Application for Title IV-D Services

In any case involving a support order, the Obligee under the order shall be required to sign an application for Title IV-D Services. The executed application shall be submitted to the Court. If the Obligee is certified IV-D at the time of the hearing, Obligee does not have to sign the application. Order must say "Obligee is requesting support enforcement services under Title IV-D of the Social Security Act." (Effective July 1, 1992)

Rule 5.18 Child Support Modifications

5.18.1 Content of Motion.

Any motion requesting a modification of an existing child support order shall set forth the specific language of the last order, the date of such order and the reasons for requesting the modification. The motion shall be supported by an affidavit signed by the moving party and the Advisement of Legal Rights.

5.18.2 Affidavit of Income, Expense, Health Insurance and Financial Disclosure and Child Support Guidelines Computation Worksheet. Prior to the time of the hearing on any motion to modify child support or custody, each party shall have completed an updated Affidavit of Income, Expenses, Health Insurance and Financial Disclosure. Both the Affidavit of Income, Expenses, Health Insurance and Financial Disclosure and a proposed Computation Worksheet shall, when possible, be submitted to the Judge or Magistrate at the hearing on said motion and copies exchanged with the opposing party or his/her counsel, if such has not been done prior to the hearing. Each party shall also present documentation of his/her current earnings at the time of hearing, as well as his/her most recent Federal income tax return.

(Effective July 1, 1992; amended effective July 1, 1995)

Rule 5.19 Motion to Show Cause

5.19.1 Content of Motion

Any motion to show cause shall state with specificity each provision of a prior Court order with which a party has failed to comply, the date of such order, and the facts constituting the noncompliance. The motion shall be supported by an affidavit signed by the party. A separate Notice of Hearing, including captions and case numbers, is required.

(Effective [August 1, 2005](#))

5.19.2 Content of Summons (attached to the motion)

NOTICE TO THE PERSON SERVED WITH THIS NOTICE: YOU ARE ACCUSED OF CONTEMPT OF A COURT ORDER. YOU SHOULD READ THIS NOTICE.

(A) A notice of hearing date is attached. Your failure to appear at this hearing may result in the issuance of an order for your arrest. If this case involves alleged failure to pay support, the Court may also issue an order for the payment of support by withholding an amount from your personal earnings or by withholding or deducting an amount from some other asset of yours.

(B) You have a right to be represented by legal counsel in this matter. If you believe that you are indigent, you must apply for a public defender or Court-appointed counsel within three (3) business days after receipt of the attached summons. **THE ADDRESS OF THE**

MONTGOMERY COUNTY PUBLIC DEFENDER'S OFFICE IS: 117 S. MAIN STREET, SUITE 400, DAYTON, OHIO 45422. THE TELEPHONE NUMBERS ARE (937) 225-4652 or (937) 225-5566.

(C) The Court may refuse to grant you a continuance at the time of hearing for the purpose of obtaining counsel, if you fail to make a good faith effort to retain counsel or to obtain a public defender.

(D) The following potential penalties could be imposed upon you if you are found guilty of contempt for your failure to pay support, or for your failure to comply with a visitation order or decree:

STATUTORY PENALTIES: FOR A FIRST OFFENSE, YOU MAY BE FINED NOT MORE THAN \$250 AND IMPRISONED NOT MORE THAN THIRTY (30) DAYS, OR BOTH. FOR A SECOND OFFENSE, YOU MAY BE FINED NOT MORE THAN \$500 AND IMPRISONED FOR NOT MORE THAN SIXTY (60) DAYS, OR BOTH. FOR A THIRD OFFENSE, YOU MAY BE FINED NOT MORE THAN \$1,000 AND IMPRISONED NOT MORE THAN NINETY (90) DAYS, OR BOTH (O.R.C. 2705.5) IMPRISONMENT UNTIL COMPLIANCE: IF YOUR CONTEMPT CONSISTS OF

THE OMISSION TO DO AN ACT WHICH THE COURT FINDS YOU CAN YET PERFORM, YOU MAY BE IMPRISONED UNTIL YOU PERFORM IT. (O.R.C. 2705.06) SUPPORT CONTEMPT: IF YOU ARE FOUND IN CONTEMPT FOR FAILURE TO MAKE CHILD SUPPORT OR SPOUSAL SUPPORT PAYMENTS AS ORDERED, IN ADDITION TO ALL OTHER PENALTIES, THE COURT MAY ORDER YOU TO PAY ALL COURT COSTS AND REASONABLE ATTORNEY

FEES TO THE OTHER PARTY. (O.R.C. 3105.21; 33113.31(K); & 3105.18(G). IN ADDITION, IF THE COURT FINDS YOUR FAILURE TO PAY CHILD SUPPORT WAS WILLFUL, IT MUST REQUIRE YOU TO PAY INTEREST ON YOUR CHILD SUPPORT ARREARAGES. (O.R.C. 3123.17) PARENTING TIME CONTEMPT: IF YOU ARE FOUND IN CONTEMPT FOR FAILURE TO COMPLY WITH OR INTERFERENCE WITH ANY COMPANIONSHIP OR PARENTING TIME RIGHTS, IN ADDITION TO ALL OTHER PENALTIES, THE COURT MAY ORDER YOU TO PAY ALL COURT COSTS AND REASONABLE ATTORNEY FEES TO THE OTHER PARTY, AND MAY ALSO AWARD COMPENSATORY VISITATION TIME. (O.R.C. 3105.051(K) ADDITIONAL PENALTIES: IN ADDITION TO ALL PENALTIES IMPOSED BY STATUTE, THE COURT HAS THE INHERENT POWER TO IMPOSE ADDITIONAL SANCTIONS FOR CONTEMPT OF COURT (Amended [October 1, 2004](#))

5.19.3 Motions for Non-support.

If the motion pertains to nonpayment of child support, the motion shall clearly set forth the date of the last order of support, the amount of said order, the total elapsed weeks from date of the order to date of filing of the motion, the amount which should have been paid and the amount which was actually paid during that period, and the amount of arrearage existing to the date of filing. For purposes of computing arrearage, the effective date of any order for support shall be the date of journalization of the order unless the order specifically designates some other effective date. At the hearing, the moving party shall be prepared to update the arrearage computation to the date of the hearing. Attorneys can request an audit from the SEA or request that the Court, through the Support Office, obtain the audit.

5.19.4 Medical Bills or Other Support Obligations

If the motion asserts nonpayment of medical/dental bills or support other than periodic payments, the motion shall also itemize such expenses and state whether demand for payment has been made prior to the filing of the motion.

5.19.5 Interest

If interest on unpaid periodic support is being sought, the party must request, in writing, such interest and shall have, prior to hearing, determined how many weeks of support the computed arrearage constitutes and categorize the total weeks of arrearage based on the amount of weekly support ordered (if the amount of support increased or decreased over the period of arrearage) and based on the change in the rate of interest as follows:

1. prior to July 1, 1962, 4%
2. from July 1, 1962 to July 29, 1980, 6%
3. from July 30, 1980 to July 4, 1982, 8%
4. from July 5, 1982 - forward, 10%

The interest awarded on arrearage and judgments on arrearage shall be simple interest. (Effective July 1, 1992; amended effective July 1, 1995)

Rules 5.20 Award of Attorney Fees in Contempt Actions

5.20.1 The Court shall award attorney fees to the moving party in any contempt action involving child support (O.R.C. 3105.21). At the hearing, the moving party must testify as to what attorney fees he/she has incurred in enforcing the Court's orders. Absent testimony to the contrary, \$250 shall be considered a reasonable attorney fee.

5.20.2 If the moving party requests fees in excess of \$250 for a more complicated enforcement case, there must be testimony from an expert witness (e.g. another attorney with family law experience) to the reasonableness of the request.

(Effective July 1, 1992; amended July 1, 1995)

Rule 5.21 Petition to Register a Foreign Decree for Enforcement of Modification of Support or Property Division

5.21.1 Enforcement

A petition to register a foreign decree may be filed for purposes of enforcing the provisions of the decree pertaining to support or property division. The responding party to the petition must be a resident of Ohio unless there is property in the Court's jurisdiction out of which a judgment can be satisfied.

5.21.2 Modification

A petition to register a foreign decree may be filed for purposes of modifying the provisions of the decree pertaining to support only if the state rendering the decree has relinquished jurisdiction and the responding party is an Ohio resident. Proof that the state rendering the decree has relinquished jurisdiction shall accompany any motion to modify.

5.21.3 Procedure

The party seeking registration of a foreign decree shall file and serve on the opposing party a petition requesting such registration. A certified copy of the foreign decree shall be attached to the petition. The petition shall also be supported by a letter of transmittal from the tribunal requesting registration, a sworn statement by the party requesting registration or the custodian of records stating the amount of arrears, and the information required by O.R.C. §3115.39.

5.21.4 Motions

Any motion to be filed on the foreign decree may be filed at the same time as the petition. The motion must also be served on the opposing party.

5.21.5 Hearings

The petition shall be set for hearing if the responding party requests a hearing within 20 days of the date on which it was served upon the responding party. Any motion filed simultaneously with the petition shall be set for hearing at the time the petition is filed. If the petition is granted, the Court shall proceed to entertain motions.

(Effective [July 1, 1992](#); Amended effective [July 1, 1995](#); [October 1, 2004](#))

Rule 5.22 Support Order Time Limits

The Court may make temporary orders for support if the issues are so complex as to require full judicial review or in other appropriate circumstances. Where necessary to comply with the statutory mandate, the Court may give priority to support cases.

(Effective July 1, 1992, Amended [effective October 1, 2004](#))

Rule 5.23 Emancipation

To provide for orderly emancipation of children at the Support Enforcement Agency, the Court will adopt the date of June 8th in the year the child graduates and reaches eighteen (18) years of age as the presumed date of emancipation in furtherance of O.R.C. 3103.03. The Court shall cause a Notice to be sent to both parties stating the Court's intention to emancipate the child and providing for a response from either party as to any reason for the emancipation not to proceed. Nothing in this Rule shall prevent either party from filing a motion to

emancipate as of a date different than provided herein. All Motions shall include a SETS # in the caption of the document, if applicable.
(Effective July 1, 1992)

Rule 5.24 Jury Management Plan

The selection of jurors for Montgomery County Common Pleas Court, Juvenile Division, shall be in accordance with Montgomery County Court of Common Pleas Rule 1.23.
(Effective July 1, 1995)

Rule 5.25 Failure to Abide by the Rules (Court)

A failure to abide by the rules of the Montgomery County Court of Common Pleas Rules of the Juvenile Division by the Court does not give either party grounds for dismissal. However, a party may make a motion to the Court to correct the violation.
(Effective July 1, 1992; amended effective July 1, 1995)

Rule 5.26 Failure to Abide by the Rules (Party)

A failure to abide by the rules of the Montgomery County Court of Common Pleas Rules of the Juvenile Division by a party may be grounds for dismissal without prejudice by the Court. However, a party must file a motion to correct the violation.
(Effective July 1, 1992; amended effective July 1, 1995)

Rule 5.27 Filing fees and costs

General Special Project Fee

5.27.1 Pursuant to Ohio Revised Code, Section 2303.201 (E)(1), the Juvenile Division of the Court of Common Pleas for Montgomery County, Ohio, has determined that for the efficient operation of the court, additional funds are necessary to acquire and pay for special projects of the court.

5.27.2 All fees collected shall be used for special projects consistent with Ohio Revised Code 2303.201(E)(1). All fees collected shall be paid to the Montgomery County Treasurer. The Treasurer shall place the funds from the fees in separate general special project fund to be disbursed upon an order of the Juvenile Division of the Court of Common Pleas for Montgomery County.
(Fee schedule is located under Appendix A of these rules)

Fees for Computer Research and Services

5.27.3 Pursuant to the authority of R.C.2151.541(A)(1)(b) it is determined that, for the efficient operation of the Juvenile Branch of this Court additional funds are required to obtain computerized legal research services.

5.27.4 The Clerk of this Court is directed and hereby authorized to charge and collect a fee of three dollars (\$3.00) upon the filing of each cause or appeal under R.C.2303.20(A), (Q), and (U). The fee is included in the appropriate security for costs sections listed above.

5.27.5 All funds collected pursuant to this rule shall be paid to the County Treasurer to be maintained by the County Auditor in a separate account for utilization of this Court in procuring and maintaining computerized legal research services.

5.27.6 Pursuant to the authority of R.C.2303.201 (B)(1) it is determined that for the efficient operation of the Juvenile Branch of this Court, additional funds are required to

computerize the Clerk's office located therein.

5.27.7 The Clerk of this Court is directed and hereby authorized to charge an additional fee of ten dollars (\$10.00) upon the filing of each cause of action, appeal, certificate of judgment, or the docketing and indexing of each aid in execution or petition to vacate, revive, or modify a judgment under R.C.2303.20(A), (P), (Q), (T) and (U).

5.27.8 All funds collected pursuant to this rule shall be paid to the County Treasurer to be disbursed, upon an order of the Court of Common Pleas, Juvenile Division, and subject to appropriation by the Board of County Commissioners, in an amount no greater than the actual cost of the court of procuring and maintaining computer systems for the efficient operation of the Court.

RULE 5.28 FILING OF PAPERS

A. Duties of the Clerk: The Clerk of Courts shall file and maintain all documents delivered to the Clerk's Office. No entry shall be accepted or docketed, by the Clerk, until the appropriate judge approves it.

B. Size of Documents, Pagination and Heading Requirement: All pleadings, motions, briefs and other similar documents that are filed with the Clerk shall be typewritten or printed, on white 8-1/2" x 11" paper, in at least a 10 point regular type font, and paginated sequentially. In all filings a blank space of at least two inches shall be left at the top of the first page for endorsements, time stamps and other identifying marks thereon and shall have appropriate side and bottom margins. Each consecutive page shall have appropriate top, bottom, and side margins.

C. Documents Requiring Service or Notice: All documents requiring service or notice upon filing shall:

1. Include the address of the plaintiffs and defendants in the caption of the document; OR
2. Indicate that the addresses of the plaintiffs and defendants are unknown if such addresses are in fact, unknown. The Clerk shall not accept for filing any document that must be served upon counsel or parties, which does not designate names and addresses. In addition, the Clerk shall not accept a filing without instructions for service unless an attorney has obtained permission signed by the assigned judge to defer service of summons for a specific period of time.

D. Attorney Registration Number: All attorneys shall include their attorney registration number issued by the Supreme Court of Ohio on all documents filed with the Court.

E. All complaints and/or motions shall include a SETS # in the caption of the document, if applicable.

F. The Court will accept motions that have several branches. However, the caption must contain the issue being raised in each branch. The caption shall indicate the number of branches in the Motion i.e. "Motion to Show Cause (Branch 1): Motion to Amend Support (Branch 2): Motion to Amend Visitation (Branch 3). (The caption "Motions" will *not* be accepted for filing) (Amended [August 1, 2005](#))

5.29 SERVICE BY PUBLICATION

Publication of all cases, other than abuse, neglect and dependency shall be pursuant to Juvenile Rule 16A. In cases of abuse/neglect or dependency service shall be made by posting and mailing. Upon the filing of an affidavit, the clerk shall cause service of notice to be made by posting in the Montgomery County Court of Common Pleas Juvenile Division, the Montgomery County Children Services, the main branch of The Dayton-Montgomery County Public Library, and Montgomery County Job Center. The notice shall be posted in the required location in a conspicuous place and manner for seven (7) consecutive days prior to the date of the hearing. The clerk shall also cause the summons and pleadings

to be mailed by ordinary mail, address correction requested, to the last known address of the party to be served, and obtain a certificate of mailing from the United States Postal Service. (Effective January 16, 2007)

NOTE: Filings not in compliance with these rules may be refused for filing. Every filing that requires a “Notice of Hearing” shall be included on a separate document, including a complete caption and applicable case numbers.

Effective July 1, 1992; Amended effective July 1, 1995; January 1, 2005; August 1, 2005.

Rule 5.30 Appointed Counsel and Guardians Ad Litem

5.30.1 Right to Counsel; Appointment of Guardian ad Litem

Every party shall have the right to be represented by counsel, and as provided in R.C.2151.352, the right to appointed counsel, if indigent. The court shall maintain a list of private attorneys willing to accept appointments for Juvenile Court cases to serve as attorney, as guardian ad litem or in a dual capacity as attorney and guardian ad litem, and a list of Court Appointed Special Advocate [CASA] volunteers qualified to serve as guardian ad litem. Appointments may be made in delinquency, unruly, abuse, neglect and dependency cases, adults in criminal matters and contempt actions other than in parentage cases initiated by the state, and contempt actions related to custody, child support or visitation, and for children who file a complaint pursuant to O.R.C. 2151.85.

5.30.2 Application and List Requirements

(1) Attorneys desiring to be placed on the appointment list shall apply in writing on a form promulgated by the court, to the court legal director, specifying the case type(s) from which (s) he is willing to accept appointments.

(2) In order to be approved and maintain placement on any of the court's list of attorneys the following standards must be met:

(a) Licensed Ohio attorney in good standing;

(b) Inform the court of any prior disciplinary complaints against the attorney which resulted in sanctions;

(c) Maintain a working telephone with a local telephone number or toll free long distance number, with staff and/or working service to be able to respond to calls from the court or client;

(d) Either maintain professional liability (malpractice) insurance in an amount equal to the minimum coverage required by the Ohio Rules of Professional Conduct, or comply with Rule 1.4(c) at the time of the appointment.

(e) Attorneys are under an ongoing duty to notify the court of changes in their status, address, or telephone number.

(3) To be placed on the attorney appointment list, an applicant shall have, at a minimum, the following training:

(i) Successful completion of the Court's Attorney Certification Training.

(ii) Applicants wishing to receive appointments to represent children charged with delinquency offenses when: A) the offense is a category one or category two offense, as defined in R.C.2152.02; B) relinquishment of jurisdiction for purposes of prosecution as an adult is requested; or C) the child is charged as a serious youthful offender must also have served as lead counsel or co-counsel on three cases involving offenses which currently constitute category one or two offenses, as defined in R.C.2152.02, and which culminated in a trial, whether in juvenile or adult court, including probable cause hearings in Juvenile Court proceedings to relinquish jurisdiction for prosecution as an adult.

(4) To be placed on the guardian ad litem appointment list, an attorney applicant, and a CASA volunteer shall have, at a minimum, successfully completed the six hour guardian ad litem pre-service course

provided by the Supreme Court of Ohio, the Ohio CASA/GAL Association's pre-service training program, or with the Court's six hour GAL Training that covers the topic areas in Ohio Rule of Superintendence 48(E) (3).

5.30.3 Appointments

(1) Except as otherwise stated herein, all appointments of attorneys will be on a rotating basis. Excluded from the rotating appointments are companion cases, cases that are dismissed and refiled, multiple cases involving the same client, appointments made from the bench, appointments made at a preliminary conference, and reappointment of an attorney for a probation violation. Attorneys who will be unavailable for designated periods of time may notify the legal director of the dates of their unavailability. Once such notification is received, the attorney will not be appointed to any cases during the specified period of unavailability.

The Court will notify the appointed attorney of the availability of an appointment by telephone, speaking with the attorney personally, or with the attorney's staff. If the appointed attorney or their staff can not be contacted, or are not able to accept the appointment, the appointment will be offered to the next attorney on the list.

(2) All appointments of CASA volunteers shall be based upon availability with consideration also given to areas of specialty or expertise.

(3) The appointment entry will be signed by the judge or magistrate and filed with the Clerk of Courts. Once appointed, counsel must attend the hearing or arrange for coverage. An attorney should not accept a referral if at the time the case is referred the attorney has a scheduled conflict with the date and time. Continuances will not be granted except for emergency circumstances.

5.30.4 Duties and Responsibilities of Appointed Counsel and Guardians Ad Litem

Attorneys accepting appointments to serve as court appointed counsel, shall initiate and maintain reasonable contact with their client / ward. Attorneys accepting appointments to serve as guardian ad litem, or in the dual capacity of both attorney and guardian ad litem, and CASA volunteers shall initiate and maintain reasonable contact with their client / ward, said contact should be no less than once per month while a case is open and pre-disposition, and at least once within the month prior to an annual review hearing. The attorney/guardian ad litem shall advise his / her client / ward of the client's / ward's rights and the possible consequences of the pending action. Attorneys shall personally represent the client for which (s) he was appointed, and shall not, absent an emergency, allow substitute counsel to represent the client. Repeated failure to personally represent the client will result in removal from the guardian ad litem/appointed counsel list(s).

(1) When appointed in the dual capacity of attorney and guardian ad litem for the child, the attorney shall advocate for the child's best interest and the child's wishes in accord with the Rules of Professional Conduct. Attorneys who are to serve as both guardian ad litem and attorney should be aware of Rule 3.7 of the Rules of Professional Conduct and act accordingly. The attorney appointed in the dual capacity shall notify the court and counsel as soon as they are aware that the child's wishes are in opposition to the guardian ad litem's recommendation.

(2) A guardian ad litem shall represent the best interest of the child for whom the guardian is appointed. Representation of best interest may be inconsistent with the wishes of the child whose interest the guardian ad litem represents. The attorney appointed solely as guardian ad litem for the child, and a CASA volunteer shall notify the court and counsel as soon as they are aware that the child's wishes are in opposition to the guardian ad litem's recommendation and request in writing that the court appoint an attorney to represent the child.

(3) Appointed attorneys and guardians 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. Attorneys and guardians ad litem shall avoid self-dealing or associations from which the attorney / guardian ad litem might benefit, directly or indirectly, except from compensation for services as attorney or guardian ad litem.

(4) Upon becoming aware of any actual or apparent conflict of interest, an attorney or guardian ad litem shall immediately take action to resolve the conflict, shall advise the court and the parties of the action taken and may resign from the matter with leave of court, or seek court direction as necessary. Because a conflict of interest may arise at any time, an attorney / guardian ad litem has an ongoing duty to comply with this division.

5.30.5 Powers: The powers of the attorney/guardian ad litem shall be wide ranging, including but not limited to, the right to file motions and to review all confidential records involving their client(s) by request, through deposition by leave of Court under Juvenile Rule 25, and by subpoena. The attorney / guardian ad litem shall have reasonable access to the child at school or in placement.

Appointed attorneys and guardians ad litem shall be given notice of all hearings and proceedings and shall be provided a copy of all pleadings, motions, notices and other documents filed in the case. CASA volunteers appointed as guardians ad litem shall have the same powers as noted above except for those powers that by rule, statute or case law may only be performed by an attorney licensed to practice in the State of Ohio.

5.30.6 Reports and Court Appearances: A guardian ad litem shall be present at all hearings pertaining to the child (ren), and shall prepare written reports, including recommendations to the court, within the times set forth in this division. The report shall detail the activities performed, hearings attended, persons interviewed, documents reviewed, experts consulted, the wishes of the child and all other relevant information considered by the guardian ad litem in reaching the guardian ad litem's recommendations and in accomplishing the duties required by statute, by court rule, and in the court's Order of Appointment.

(1) Unless the due date is extended by the court, a hearing report shall be filed with the court and made available to the parties for inspection no less than seven days before the dispositional hearing.

(2) A guardian ad litem shall be available to testify at the dispositional hearing and may orally supplement the final report at the conclusion of the hearing.

(3) A guardian ad litem also may file interim reports any time prior to the dispositional hearing and prior to any hearings. Any written interim report shall be filed with the court and made available to the parties for inspection no less than seven days before a hearing, unless the due date is extended by the court.

The attorney/guardian ad litem may subpoena and examine independent witnesses. The lay guardian ad litem may be represented by counsel who may subpoena and examine independent witnesses presented by other parties.

(4) **Duration of Appointment:** guardians ad litem shall continue to serve until the guardian ad litem's duties terminate in accordance with R.C.2151.281 (G), or until discharged by order of the court.

Whenever feasible, the same guardian ad litem shall be reappointed for a specific child in any subsequent case in any court relating to the best interest of the child.

Attorneys representing parents whose children have been removed from their custody shall continue to serve until the complaint is dismissed, all dispositional orders relative to the child have terminated, legal custody of the child is granted to a relative or another person, parental rights are terminated, or the attorney withdraws or is removed by the court. Court appointed counsel and guardians ad litem shall advise their clients of the client's right to objection and appeal. The appointment of counsel continues through objections and shall terminate upon the filing of an entry disposing of all pending matters, or

counsel filing a notice of appeal, whichever is later. It is the duty of appointed counsel to consult with his or her client regarding the possibility of appeal and to file the notice of appeal, if any, in accordance with section (5) below. Appointment of the GAL shall continue until final disposition or an adoption is finalized.

(5) Notice of Appeal: When filing a notice of appeal, appointed counsel shall file a motion with the Clerk of this court requesting preparation of the transcript at state expense. Counsel shall present a time stamped copy of the motion and a proposed journal entry granting the motion to the judge assigned to the case. Following journalization of the entry by the clerk, counsel shall deliver a copy of the entry to the court reporter or stenographer. Thereafter, appointed counsel shall file a motion with the Clerk of the Court of Appeals seeking either leave to withdraw and appointment of new counsel or an appointment to prosecute the appeal.

(6) Fees and Costs: All filing fees and court costs are waived as to court appointed attorneys and guardians ad litem.

5.30.7 Requirements to Remain on Guardian ad Litem or Court Appointed Counsel List(s):

Attorneys wishing to remain on the guardian ad litem or court appointed counsel list shall complete the following requirements:

(1) No later than January 30th each year, the attorney must complete and submit to the court legal director an eligibility report on a form provided by the Court. If an attorney does not complete and return the annual report certifying compliance timely, (s) he will be removed from eligibility for new appointments and will be removed from any current appointments.

(2) To remain eligible to receive guardian ad litem appointments, each calendar year attorneys accepting guardians ad litem appointments must successfully complete a continuing education training which must be at least three hours in length and be provided or approved by the Supreme Court of Ohio or by the Ohio CASA/GAL Association, or with prior approval of the Juvenile Court Administrative Judge, be a training that complies with Ohio Rule of Superintendence 48(E) (5).

If a guardian ad litem fails to complete a three hour continuing education course within any calendar year, that person shall not be eligible to serve as a guardian ad litem until this continuing education requirement is satisfied. If the person's gap in continuing education is three calendar years or less, the person shall qualify to serve after completing a three hour continuing education course. If the gap in continuing education is more than three calendar years that person must complete a six hour pre-service education course to qualify to serve. Additionally, section (F) of this rule shall apply to guardians ad litem losing eligibility.

(3) Attorneys and guardians ad litem shall promptly advise the court of any grounds for disqualification or unavailability to serve, and shall 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 division (E)(3) of this rule.

(4). An individual who is serving as an appointed attorney or guardian ad litem on the effective date of this rule shall, within sixty (60) days of that date submit an application to remain on the appointment list to the court legal director for legal services, specifying the list(s) from which (s)he is willing to accept appointments. The application shall be accompanied by the applicant's background disclosure statement, and if the individual wishes to be appointed as a guardian ad litem, a certificate of completion on the required six hour pre-service training.

5.30.8 Removal and Reinstatement

Attorneys and guardians ad litem may be removed from the court appointment list(s) by approval of the judges of the Montgomery County Juvenile Court. Attorneys and guardians ad litem failing to comply with the requirements of this rule will be removed from the court appointment list. After losing

eligibility for any reason, an attorney or guardian ad litem may not seek reinstatement of eligibility for six months and thereafter must submit a new application requesting reinstatement. Attorneys and guardians ad litem losing eligibility may also be required to complete the continuing education requirements.

5.30.9 Annual Review and Evaluation

At least annually, the court shall conduct a review of its list to determine that all individuals are in compliance with the training and education requirements of this rule, that they have performed satisfactorily on all assigned cases during the preceding calendar year and are otherwise qualified to serve.

5.30.10 Written Comments

The court legal director or his designee shall accept and consider written comments regarding the performance of attorneys and guardians ad litem practicing before that court. A copy of comments commending the performance shall be provided to the attorney or guardian ad litem who is the subject of the comments, and a copy shall be placed in their appointment file. The court legal director and the CASA manager will investigate the comments that raise complaints according to the Court's established performance evaluation procedure.

5.30.11 Compensation and Expenses

Rules governing billing procedures are set forth on the court's website at <http://mcjc.mcoho.org>. By accepting court appointments, attorneys agree to be bound by said rules.

The court shall determine the amount of compensation an appointed attorney will receive based upon the rates of compensation as determined from time to time by the Montgomery County Board of Commissioners.

(1) Prescribed Forms

Appointed attorneys and guardians ad litem seeking to be paid for fees and/or expenses shall correctly complete the forms prescribed in the Ohio Public Defender's STANDARDS AND GUIDELINES FOR APPOINTED COUNSEL REIMBURSEMENT, current edition. Appointed counsel shall use the software program provided by the Ohio Public Defender when submitting fee applications. The program may be downloaded from http://www.opd.ohio.gov/Resources/RC_Downloads.htm.

Appointed counsel shall submit the original fee application, a time stamped entry appointing the attorney, a time stamped copy of the dispositional entry, and the financial disclosure affidavit.

Appointed attorneys and guardians ad litem shall obtain the signature of the indigent client, or parent / guardian / custodian when applicable, on the financial disclosure / affidavit of indigency form required by the Ohio Public Defender. If the indigent client or parent / guardian / custodian is unavailable to sign the form, the appointed counsel / guardian ad litem shall obtain the signature from the assigned judge or magistrate, certifying the indigency of the defendant.

(2) Expenses

Necessary and reasonable expenses may be allowed for such items as expert witness fees, polygraph costs, long distance phone calls and photocopying. Attorneys seeking reimbursement for expenses must provide receipts for all expenses in excess of one dollar. Court approval is not required for expenses up to \$100.00. However, attorneys may not fractionalize expenses to circumvent the \$100.00 cap. Prior approval by the Assigned Judge is required before incurring expenses exceeding \$100.00. When determining whether to grant expenses the Assigned Judge shall consider the value added to the proper representation, and whether there is another available alternative which would fulfill the same function at a lesser cost.

(3) Non-reimbursable expenses

Attorneys and guardians ad litem will not be reimbursed for the following expenses:

- (a) mileage and parking incurred between the attorney's home and office, the attorney's home and court, or the attorney's office and court;
- (b) any fixed office overhead expenses;
- (c) court transcripts or depositions, except as provided by law;
- (d) lodging, meals, mileage, and travel by common carrier for the client, the client's family, the client's friends, or for the attorney's employees; and
- (e) hardcopies of discovery.

5.30.12 Extraordinary Fees

Requests for extraordinary fees must be made by written motion submitted with supporting information, including all regular billing documents, within 30 days of the date of the journal entry disposing of the complaint or motion, or date of the journal entry approving the case plan, whichever is later. Requests for extraordinary fees will not be considered prior to disposition.

APPENDIX A

FEE SCHEDULE

CASHIERING PROCEDURES

MONTGOMERY COUNTY JUVENILE COURT CLERK'S OFFICE

FILING FEES

FILING FEE . . . (DEPOSIT) \$90.00

(Filings with same parties and more than one child is \$90.00 for the first child and \$45.00 for each additional child.)

FINGERPRINTING FEE /BCI . . . (CUSTODY CASES ONLY) . . . \$40.00

FINGERPRINTING FEE / ADDITIONAL FOR FBI \$50.00

PUBLICATION . . . (DAYTON DAILY NEWS) \$150.00

PUBLICATION . . . (DAILY COURT REPORTER) \$75.00

PUBLICATION..(POSTING — EFF. 1/16/07) \$45.00

MARRIAGE CONSENT \$50.00

COURT OF APPEALS \$75.00

APPLICATION FOR SEALING . . . (PER CHILD'S RECORD) . . . \$45.00

APPLICATION FOR SEALING (ADULT CASES) \$50.00

APPLICATION FOR APPOINTED COUNSEL \$25.00

WRIT HABEAS CORPUS \$90.00

JURY DEMAND . . . (PATERNITY CASES ONLY) \$25.00

NO CHARGE FOR JURY DEMAND ON CRIMINAL CASES.

INSTRUCTIONS FOR SERVICE . . . (DEPOSIT) \$45.00

Deposit for Service Not Required On Juvenile Criminal Cases.

SERVICE FOR PRAECIPES AND SUBPOENAS \$45.00

Note: Counsel Must Submit A Check from Trust Account Payable To Witness Being Subpoenaed Before Filing.

"NSF" FEE \$25.00

HALF DAY WITNESS FEE \$6.00

FULL DAY WITNESS FEE \$12.00

OUT OF COUNTY WITNESS FEE \$12.00

(Plus Ten Cents Per Mile Round Trip Mileage)

Note: Witness Checks Provided By Counsel Should Be Made Out

To Each Individual Witness.)

TEMPORARY RESTRAINING ORDER..... \$20.00

CASHIERING PROCEDURES

B. FIGURING COSTS

ADD FIGURES FOR POSTAGE, ETC. TO THE SET AMOUNT FOR THE FOLLOWING DOCUMENTS, ETC., TO ARRIVE AT THE TOTAL COURT COSTS.

ALL ENTRIES (INCLUDING FINAL)..... \$2.00

NEW SERVICE (SUMMONS, SUBPOENAS) PER PERSON..... \$2.00

WARRANTS / CAPIAS..... \$1.00

(ENTRY: PRAECIPE + WARRANT = \$3.00)

AFFIDAVITS \$1.00

CERTIFIED MAIL \$6.00

REGULAR MAIL \$3.00

RESTRICTED MAIL \$5.00

JC MISDEMEANOR FILING FEE & TRAFFIC MOVING VIOL) \$20.00

(\$9.00 VICTIM FUND + \$11.00 PUBLIC DEFENDER FUND)

JC FELONY FILING FEE \$41.00

(\$30.00 VICTIM FUND + \$11.00 PUBLIC DEFENDER FUND)

CERTIFIED COPIES (PER PAGE) \$1.00

REGULAR COPIES..... (PER PAGE)..... \$1.10

MCSO JAIL BOOKING /RELEASE FEE

BOOKING FEE . . . INTO JAIL \$4.00

BOOKING FEE FOR RELEASE FROM JAIL \$4.00

FOREIGN SHERIFF ADD FIGURES IN DOCKET

LOCAL SHERIFF ADD FIGURES IN DOCKET

STENOGRAPHER..... ADD FIGURES IN DOCKET

POSTAGE ADD FIGURES IN DOCKET

LEGAL RESEARCH \$3.00

COMPUTER FUND \$10.00

SPECIAL PROJECTS FEE..... \$10.00

CASHIERING PROCEDURES

C. MULTIPLE CHILD DISCOUNT

Montgomery County Juvenile Court allows for a discount in the filing fees when there are siblings.

Primary Case..... \$90.00

Each Additional Child \$45.00

Motions/Reactivations \$45.00

The attorney may write one check for the entire amount.

If the case is being filed as a “Pro Se,” the private individual may pay with one money order in the amount of all the cases. The discount is provided to all that file cases.

D. SERVICE FEES

If service involves more than one case number and all case numbers are included on one “Request for Service” only \$45.00 is required.

A Service Deposit is Never Required On A Criminal Case

Criminal cases are Delinquency, Traffic and Unruly. If a service deposit is ever taken on these cases it must be refunded. If an offender pleads “Not Guilty” and obtains the services of an attorney, still, **do not take money for service or when the offender subpoenas witnesses.**

E BASIC COURT COSTS

1. TRAFFIC

- Moving Violations \$63.00
- Non Moving Violations \$43.00
- Reset Fee \$30.00
- BMV Forfeiture Fee \$15.00

Fines and additional Court Costs can be added to the above Basic Traffic Court Costs.

- Seat Belt Fine/Driver \$30.00
- Seat Belt Fine/Passenger \$20.00

Basic Costs and additional Court Costs can be added to the above Basic Seat Belt Fines.

2. DELINQUENCY AND UNRULY

- Felony \$89.00
- Misdemeanor and Unruly \$68.00
- Tobacco Cases pay ticket/no hearing . \$100.00
- Tobacco Cases \$68.00

Fines and additional Court Costs can be added to the above Basic Delinquency and Unruly Court Costs.

CLERK’S OFFICE FILING FEES

FILING FEE / COMPLAINT \$90.00

(Filings with same parties and more than one child is \$90.00 for the first child and \$45.00 for each additional child.)

FILING FEE / MOTION \$45.00

FINGERPRINTING FEE / BCI . . . (CUSTODY CASES ONLY) . \$40.00 [EFF 8/11/08]

FINGERPRINTING FEE / FBI..... \$50.00 [EFF 3/1/09]

PUBLICATION . . . (DAYTON DAILY NEWS)..... \$150.00

PUBLICATION . . . (DAILY COURT REPORTER) \$75.00

PUBLICATION...(POSTING – EFF. 1/16/07)..... \$45.00

MARRIAGE CONSENT \$50.00

COURT OF APPEALS \$100.00 [EFF 1/1/10]

APPLICATION FOR SEALING ... (PER CHILD’S RECORD) ... \$45.00

APPLICATION FOR SEALING ... (ADULT CASES)..... \$50.00

APPLICATION FOR APPOINTED COUNSEL..... \$25.00

WRIT HABEAS CORPUS \$90.00

JURY DEMAND . . . (PATERNITY CASES ONLY)..... \$25.00

NO CHARGE FOR JURY DEMAND ON CRIMINAL CASES.

INSTRUCTIONS FOR SERVICE \$45.00

Deposit for Service Not Required On Juvenile Criminal Cases.

SERVICE FOR PRAECIPES AND SUBPOENAS \$45.00

Note: Counsel Must Submit A Check from Trust Account Payable
To Witness Being Subpoenaed Before Filing.

“NSF” FEE..... \$25.00

HALF DAY WITNESS FEE \$6.00

FULL DAY WITNESS FEE \$12.00

OUT OF COUNTY WITNESS FEE \$12.00

(Plus Ten Cents Per Mile Round Trip Mileage)

Note: Witness checks provided by counsel should be made out to each individual witness.

TEMPORARY RESTRAINING ORDER..... \$20.00

FIGURING COURT COSTS

**NOTE: MAILING FEES/COSTS MAY BE ADJUSTED TO COINCIDE WITH CHANGES IN U.S
GOVERNMENT POSTAL INCREASES, WITHOUT FILING A LOCAL RULE AMENDMENT.**

ALL ENTRIES (INCLUDING FINAL)..... \$2.00

NEW SERVICE (SUMMONS, SUBPOENAS) PER PERSON..... \$2.00

WARRANTS / CAPIAS \$1.00

(ENTRY: PRAECIPE + WARRANT = \$3.00)

AFFIDAVITS \$1.00

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LEGAL RESEARCH \$3.00

COMPUTER FUND \$10.00

SPECIAL PROJECTS FEE.....\$10.00

CASHIERING PROCEDURES
MONTGOMERY COUNTY JUVENILE COURT CLERK’S OFFICE

MULTIPLE CHILD DISCOUNT

Montgomery County Juvenile Court allows for a discount on complaints filing fees when there are siblings.

Primary Case	\$90.00
Each Additional Child	\$45.00
Motions / Reactivations.....	\$45.00

The attorney may write one check for the entire amount. If the case is being filed as a “Pro Se,” the private individual may pay with one money order in the amount of all the cases. The discount is provided to all that file cases.

SERVICE FEES

If service involves more than one case number and all case numbers are included on one "Request for Service" only \$45.00 is required.

BASIC COURT COSTS

1. TRAFFIC

Moving Violations	\$93.00 [EFF 12/09]
Non Moving Violations	\$53.00 [EFF 12/09]
Reset Fee	\$30.00
BMV Forfeiture Fee	\$15.00

Fines and additional Court Costs can be added to the above Basic Traffic Court Costs.

Seat Belt Fine/Driver	\$30.00
Seat Belt Fine/Passenger	\$20.00

Basic Costs and additional Court Costs can be added to the above Basic Seat Belt Fines.

2. DELINQUENCY AND UNRULY

Felony	\$119.00 [EFF 12/09]
Misdemeanor and Unruly	\$68.00
Tobacco Cases (pay ticket / no hearing)	\$100.00
Tobacco Cases	\$68.00

Fines and additional Court Costs can be added to the above Basic Delinquency and Unruly Court Costs.

APPENDIX B
RULE 5.30 FORMS

IN THE COMMON PLEAS COURT OF MONTGOMERY COUNTY, OHIO
JUVENILE DIVISION

APPOINTED ATTORNEY / _____ : **JUDGE NICK KUNTZ**
GUARDIAN AD LITEM _____ **JUDGE ANTHONY CAPIZZI**
_____ :

APPLICATION FOR PLACEMENT ON APPOINTMENT LIST
BACKGROUND DISCLOSURE STATEMENT

Name: _____
_____ **First** _____ **Middle** _____ **Last**

Current Business Address: _____

_____ **City** _____ **County** _____ **State** _____ **Zip Code**

_____ **(Office)** _____ **(Cell)** _____ **(Fax)**
Telephone Numbers

_____ **Email Address** _____ **Ohio Supreme Court Registration Number**

Pursuant to Local Rule 5.30, I hereby make application to the Montgomery County, Ohio Juvenile Court for placement on the list of individuals eligible for appointment to indigent clients to serve as their attorney , guardian ad litem , and/or attorney/guardian ad litem [check all that apply]

BACKGROUND **YES** **NO**

1. Have you ever been charged with a crime involving a minor?
2. Have you ever committed an act that resulted in a child being adjudicated abused or neglected?

CONDUCT

3. Have you ever been disbarred, suspended, censured, sanctioned, or otherwise reprimanded or disqualified as a member of the legal profession or another profession, or as a holder of public office?
4. Have you ever been the subject of any written charges, complaints, or grievances to a court or administrative agency concerning your conduct as a Guardian ad Litem or attorney, including any now pending? Do not disclose referrals to the Bar Association or Disciplinary Counsel unless formal action was later taken.

If you answered yes to any of the questions above, furnish a thorough explanation on a separate sheet.

**IN THE COMMON PLEAS COURT OF MONTGOMERY COUNTY, OHIO
JUVENILE DIVISION**

APPOINTED ATTORNEY / _____ **:** _____ **JUDGE NICK KUNTZ**
GUARDIAN AD LITEM _____ **JUDGE ANTHONY CAPIZZI**
_____ **:**

ANNUAL ELIGIBILITY REPORT

Name: _____
_____ **First** _____ **Middle** _____ **Last**

Current Business Address: _____

_____ **City** _____ **County** _____ **State** _____ **Zip Code**

_____ **(Office)** _____ **(Cell)** _____ **(Fax)**
Telephone Numbers

_____ **Email Address** _____ **Ohio Supreme Court Registration Number**

Pursuant to Local Rule 5.30.07 of the Montgomery County, Ohio Juvenile Court, I hereby affirm that I am in compliance with the provisions of Local Rule 5.30, et seq and am eligible to remain on the list of individuals eligible for appointment to indigent clients to serve as their attorney , guardian ad litem , and/or attorney/guardian ad litem [check all that apply]. **Guardian ad litem and/or attorney/guardian ad litem: a copy of the appropriate certificate of compliance with the continuing education requirements of Ohio Rule of Superintendence 48(E)(5) is attached.**

I further affirm that there are not / there are changes to my responses to my Background Disclosure Statement on file with the Court.

If there are changes to your responses on the Background Disclosure Statement, please furnish a thorough explanation on a separate sheet.

I hereby affirm the above is true, and I understand that should any of the above be found false I will lose my eligibility to be appointed as an attorney and/or guardian ad litem in the Montgomery County Common Pleas Court, Juvenile Division. I further understand that I have the ongoing duty to supplement my answers to the questions herein.

STATE OF OHIO }
 } ss.
COUNTY OF MONTGOMERY }

Signature of Affiant

Subscribed and sworn to or affirmed before me this _____ day of _____, _____
_____ month _____ year

Notary Public

My commission expires _____

IN THE COMMON PLEAS COURT OF MONTGOMERY COUNTY, OHIO
JUVENILE DIVISION

IN RE: * **CASE NO. JC**

DOB: * **Judge**

* **Magistrate**

*

* **REPORT & RECOMMENDATIONS**
* **OF GUARDIAN AD LITEM**

*

*

*

*

*

*

*

*

***** Now comes the Court-appointed Guardian ad Litem for the above referenced minor child/children and respectfully submits the following report and recommendations, which are of a confidential nature for the benefit of the Court and may be distributed only to parties to the proceedings.

MOTHER:

FATHER:

DATE OF HEARING:

TYPE OF HEARING:

GAL LAST SAW CHILD:

CASE HISTORY:

MATERIALS/RECORDS REVIEWED:

LIST INDIVIDUALS INTERVIEWED/OBSERVED:

CHILD:

MOTHER:

FATHER:

SIGNIFICANT OTHER(S):

SUMMARY OF INDIVIDUAL INTERVIEWS/OBSERVATIONS:

CHILD'S WISHES [if unable to provide, please explain]:

GAL CONCERNS:

GAL RECOMMENDATIONS [must include basis and why in best interest of the child]:

Respectfully submitted,

_____, Guardian ad Litem

[Name]

[Address]

[Telephone Number]

[Attorneys include OhSupCt Reg No]

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has been served upon, Attorney for, Address, Dayton, Ohio Zip Code and, Attorney for, Address, Dayton, Ohio Zip Code by ordinary U.S. mail service, and facsimile transmission, on the same day of filing.

By: _____

Guardian ad Litem

**MONTGOMERY COUNTY COMMON PLEAS COURT
JUVENILE DIVISION**

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Appendix A

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