

**COMMON PLEAS COURT OF HOLMES COUNTY, OHIO
JUVENILE DIVISION
LOCAL RULES**

NOTICE TO PARTIES

Pursuant to Juv. R. 16(A) the Court adopts the following Local Rule regarding notice to parties:

When the residence of a party is unknown and cannot be ascertained with reasonable diligence, service shall be made upon that party by posting and mail. The party seeking to serve the party whose residence is unknown must first file an affidavit with the Court stating the residence of the party is unknown to the affiant, all of the efforts made to ascertain the residence, the residence cannot be ascertained with reasonable diligence and shall state the last known address of the party to be served.

Upon receipt of the affidavit the clerk shall cause service of notice to be made by posting in the following locations:

- 1) Holmes County Courthouse on the 2nd floor in the hallway;
- 2) Bulletin board outside the office of the Holmes County Auditor at 75 E. Clinton Street, Millersburg; and
- 3) 1st floor vestibule area of the Holmes County Department of Job & Family Services located at 85 N. Grant Street, Millersburg.

The notice shall contain the name and address of the court, the case number, the name of the first party on each side, and the name and last known address, if any, of the person whose residence is unknown. It shall also contain a summary statement of the object of the complaint and shall notify the person to be served that the person is required to appear at the time and place stated. The time stated shall be not less than seven days after the date on which posting is completed.

The clerk also shall cause the summons and accompanying pleadings to be mailed by ordinary mail, address correction requested, to the last known address of the party to be served. The clerk shall obtain a certificate of mailing from the United States Postal Service. If the clerk is notified of a corrected or forwarding address of the party to be served within the seven day period that notice is posted pursuant to this rule, the clerk shall cause the summons and accompanying pleadings to be mailed to the corrected or forwarding address. The clerk shall note the name, address, and date of each mailing in the docket.

After the notice has been posted for seven consecutive days the clerk shall note on the docket where and when notice was posted. Service of notice shall be complete upon the entry of posting.

The above rule adopted on April 13, 2012.

**Holmes County Juvenile Court
Affidavit**

Case Name: _____

Case No. _____

Having been first duly sworn, I state the following:

1. I filed a Complaint in this case on _____

2. I do not know the residence of the following party or parties:

3. I have made the following efforts to locate the residence of the party or parties:

a) _____

b) _____

c) _____

4. The residence of the party or parties cannot be located with reasonable diligence.

5. The last known address of the party or parties is: _____

OATH

(Do not sign unless a Notary Public is present)

I, (print name) _____, swear or affirm that I have read this document and, to the best of my knowledge and belief, the facts and information stated in this document are true, accurate and complete. I understand that if I do not tell the truth I will be subject to penalties for perjury.

Your signature

Sworn before me and signed in my presence this _____ day of _____, _____.

Notary Public

My commission expires:

ELECTRONICALLY PRODUCED TRAFFIC TICKETS

The Holmes County Juvenile Court hereby adopts the following as a Local Rule of Court effective July 28, 2014. A copy of this Rule will be filed with the Supreme Court of Ohio in accordance with Superintendence Rule 5. The Court shall afford notice and opportunity for comment hereafter.

The Court finds that there is an immediate need for a local rule to expedite the use of electronically produced tickets.

Use of Electronically Produced Ticket

(A) Authorization. The use and filing of a ticket that is produced by computer or other electronic means is hereby authorized in the Holmes County Juvenile Court. The electronically produced ticket shall conform in all substantive respects to the “Ohio Uniform Traffic Ticket” set forth in the Ohio Traffic Rules’ Appendix of Forms. If an electronically produced ticket is issued at the scene of an alleged offense, the issuing officer shall serve the defendant with the defendant’s paper copy of the ticket as required by Rule 3(E) of the Ohio Traffic Rules.

(B) Form of Affidavit. In every case in which an electronically produced ticket is used and filed, the ticket shall use forms that are substantially similar to Form 29.01-A (Court Record) and Form 29.01-B (Abstract).

(C) Applicability. The purpose and scope of this rule is limited to the use and filing of a ticket that is produced by computer or other electronic means, not an e-ticket or paperless ticket.

The above rule adopted on July 28, 2014.

COURT APPOINTMENT OF COUNSEL

Pursuant to Rule 8 of the Rules of Superintendence for the Courts of Ohio and Ohio Administrative Code Section 120-1-10, this Local Rule shall govern the procedure for appointment of counsel in the Holmes County Court of Common Pleas Juvenile Division (Court).

Appointments of counsel by the Court shall comply with all of the following:

1. The appointment process shall ensure the equitable distribution as widely as possible among members of the Bar who qualify to be on an assignment list. This shall be accomplished by utilizing a rotary system designed to pair the seriousness and complexity of a case with attorneys who meet the qualifications for appointment to such a case.
2. On rare occasions it may be in the interest of justice for the Court to select an individual attorney whose expertise or experience is particularly well-suited to a given case or client.
3. The Court may consider the skill and expertise of the appointee in the designated area of the appointment and the management by the appointee of his or her current caseload. The Court may maintain separate lists for different types of appointments.
4. The appointment process shall be independent from individual influence by a member of the judiciary, anyone involved in prosecuting criminal cases or any elected official.
5. The appointment process shall not require an attorney to pay a fee to any organization as a condition of inclusion in the appointment system.
6. The appointment process shall include a written application procedure for inclusion, review, advancement in qualifications and removal from the appointed counsel list.
7. The appointment process shall include the maintenance of a record of all appointments of counsel, the qualification of counsel to accept cases based upon degree and severity of the charge, and a record of attorneys' refusals to accept appointments.

8. The appointment process shall include a description of the manner of compensation and the rate at which persons appointed will be compensated as a result of the appointment, including, if applicable, a fee schedule.
9. The appointment process may include other provisions considered appropriate by the Court.
10. The appointment process shall include a procedure by which all appointments made by the Court are reviewed periodically to ensure the equitable distribution of appointments among persons on each list maintained by the Court.

CHILD RESTRAINT

Pursuant to Sup. R. 5.01 the Court adopts the following Local Rule regarding Child Restraint:

1. Juveniles appearing in the courtroom shall not be physically restrained unless the Court finds that there is no less restrictive alternative to the use of physical restraints because of the following:
 - (a) The juvenile presents a current threat to the safety of the juvenile or other persons in the courtroom; or
 - (b) There is a significant risk that the juvenile will flee the courtroom.

2. Any party, court staff, prosecutor, assistant prosecutor, parent, or attorney for the juvenile may object to the use of restraints either in writing or orally. If such an objection is raised, the Court will review the issue of the use of physical restraints at the beginning of the hearing.

3. If physical restraint is found to be necessary by the Court, the juvenile's hands will be restrained by the least restrictive means available.

The above rule was adopted on the 3rd day of August, 2017.