

Local Rules



The Court of Common Pleas Juvenile Division

HOLMES COUNTY, OHIO

Thomas C. Lee, Judge

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RULE 1.0 Service by Publication

When 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 (see Appendix A to Rule 1.0 for affidavit).

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.

Adopted effective April 13, 2012

APPENDIX A TO RULE 1.0

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:

RULE 2.0 Electronically Produced Traffic 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.

Adopted effective July 28, 2014

RULE 3.0 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 and removal 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, pursuant to Ohio Administrative Code section 120-1-10, 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 appointment 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 shall require the avoidance of conflicts of interest or other situations that may potentially delay timely completion of the case. The determination of such conflicts of interest and other situations that may potentially delay timely completion of the case is at the discretion of the Court.

(10) An attorney on the Court's appointment list may be removed at any time at the discretion of the Court. The Court may take into account many factors including the judicial officer's experience with the attorney, including current or prior representation of a client and the judicial officer's perception of the attorney's commitment to providing timely, cost-effective, quality representation to each prospective client.

(11) The appointment process may include other provisions considered appropriate by the Court.

(12) 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.

***Amended January 2023, July 2021,
Adopted effective January 2017***

RULE 4.0 Restraint of Juveniles

(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.

Adopted effective August 3, 2017

RULE 5.0 Electronic Filing

1. All documents filed electronically in accordance with this Rule also must comply with standards set forth in the Local Rules of the Juvenile Court, the Ohio Rules of Civil Procedure, and the Rules of Superintendence.
2. In matters where electronic filing is authorized, the electronically filed document will be printed and become part of the official court record.
3. Any signature on electronically transmitted documents shall be considered that of the attorney or party it purports to be for all purposes. If it is established that the documents were transmitted without authority, the court shall order the document stricken.
 - (a) No attorney shall authorize anyone to electronically file on that attorney's behalf, other than his/her employee or a service provider retained to assist in electronic filing.
 - (b) The electronic filing of a document by an attorney, or by another under the authorization of said attorney, or by a party not represented by an attorney shall constitute a signature of that attorney or party under Ohio Civil Rule 11.
4. Electronic filing shall be available twenty-four hours per day, seven days per week. All electronic filing of documents must be completed by 4:30 PM to be timely filed that day. Documents transmitted outside of regular court hours of operation shall be deemed filed on the next normal business day of the Court.
5. All electronic filings to Juvenile Court shall be sent to: **efilejuvenile@co.holmes.oh.us**.
6. A document electronically filed shall be accepted as the original filing if the filer complies with all the requirements set forth in this rule. The filer shall not be required to file the source document with the court but must maintain the same in the filer's records, and have the same available for production on request of the court, or other counsel. The filer shall maintain the source document until the subject case is closed and all appeals and opportunities for appeal have been exhausted.
7. On filings that require payment, the Court may delay processing the e-filed documents until payment has been received. This would include cost deposits due at the initiation of new cases and final costs due at conclusion of a case. Payment may be made by credit card via telephone or in person, or by check via mail or in person.
8. Users are strongly encouraged to request a delivery receipt for the documents filed electronically and may also consider requesting a read receipt.

9. Electronic Filers must include a face sheet with their documents which includes the following:

- (a) Date and Time of Filing
- (b) Agency to be filed with
- (c) Filer's Name
- (d) Filer's Email Address
- (e) Form Name
- (f) Filing Fee paid or information regarding how payment will be submitted

10. Filings should NOT include the following:

- (a) Social Security Numbers
- (b) Full account numbers for an individual's bank account, security account, debit card, or charge card

11. In the event that a document is electronically filed with incomplete information, the court may reject the document and notify the filer via electronic mail or by telephone of said rejection.

12. The following definitions shall apply herein, unless the context requires otherwise:

- (a) "Electronic filing" means the transmission of a digitized source document electronically via the internet to the court for the purpose of filing the document and refers to the means of transmission or to a document so transmitted.
- (b) "Document" means any pleading, motion, exhibit, order, notice, and any other filing by or to the Court, except trial exhibits that have not yet been admitted into evidence by the Court.

Adopted effective June 17, 2020

RULE 6.0 Notice to Foster/Kinship Caregivers

- A. In accordance with Ohio Revised Code (ORC) Section 2151.424, the Court will provide notice to foster caregivers and kinship caregivers of their right to attend hearings and the right to be heard concerning the child(ren) in their care.
- B. To facilitate the Court in fulfilling its duty to provide proper notice of hearings to foster caregivers and kinship caregivers a Child Placement Form shall be completed and filed with the Court no later than three (3) business days following the initial placement and any change in placement of the child(ren) (*see Appendix A to Rule 6.0 for Child Placement Form*).
- C. Information regarding the identity of and contact information for foster caregivers or kinship caregivers provided to assist the Court in fulfilling its duty to give notice under this rule is not accessible to the public, including to any party to a case. The Court shall maintain such information in such a manner as to ensure such information is not accessible to the public, including any party to a case.

Adopted effective June 25, 2020

APPENDIX A TO RULE 6.0

CHILD PLACEMENT FORM

In the Matter of:

_____ (DOB _____) CASE NO. _____

___ The above child has been placed with the Foster Caregiver or Kinship Caregiver listed below. The caregiver must be provided with notice of all hearings pursuant to Ohio Revised Code Section 2151.424. Any previous Foster Caregiver or Kinship Caregiver should no longer be provided with notice of hearings.

___ The above child is no longer placed with a Foster Caregiver or Kinship Caregiver and therefore any previous Foster Caregiver or Kinship Caregiver should no longer be provided with notice of hearings.

Caregiver Name(s) _____

___ Foster

___ Kinship Relationship to child: _____

Caregiver mailing address: _____

Caregiver telephone: _____ (cell)

_____ (home)

Placement information provided by:

Name (print) _____

Signature: _____

Date information provided: _____