

**FAIRFIELD COUNTY COMMON PLEAS COURT  
JUVENILE DIVISION**

***RULES OF COURT***

***Judge Steven O. Williams***

***Hall of Justice, Third Floor  
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Lancaster, OH 43130  
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# 1. HEARINGS & PROCEDURES

## 1.1 SESSIONS OF COURT

Regular session of Court shall be from 9:00 a.m. to 4:00 p.m., with a lunch break from 12:00 p.m. to 1:00 p.m. and the clerk's office shall be open from 8:00 a.m. to 4:00 p.m., Monday through Friday, except for legal holidays and such other occasions as may be specifically ordered by the Court. Additionally, the Court shall be closed the day after Thanksgiving and at noon on Good Friday, Christmas Eve and New Year's Eve.

## 1.2 RECORDING OF PROCEEDINGS

*Amended 1/7/11*

- (A) Unless otherwise ordered by the Court, all matters of record shall be preserved by electronic recording.
- (B) Anyone wishing to have a written transcript of a proceeding shall contact the court's appointed reporter and request the same in writing. If a party wishes to use a court reporter other than the one appointed by the Court, a motion for the same must be submitted to and approved by the Court.
- (C) If a party desires an audio copy of a hearing, as opposed to a written transcript, a request must be made to the Court. A copy will be provided on a CD at the cost of \$10.

## 1.3 COSTS FOR TRANSCRIPT OF PROCEEDING

*Amended 3/20/09*

The rates per page to be charged by the Court Reporter for transcribed proceedings are established as follows:

Original (for filing with the court) & one copy .....	\$3.25 per page
Copy (of previously transcribed hearing).....	\$2.00 per page
Minimum Transcript Fee.....	\$50.00
Expedited Transcript Fee.....	\$75.00

A deposit is required by the Court Reporter upon the request of a transcript. In the absence of an express agreement to the contrary, an attorney who has ordered a transcript on behalf of a client will be liable for services rendered by the Court Reporter.

All rights to said transcripts are reserved by the Court Reporter; all others are prohibited from making copies of the same.

**1.4 MANDATORY APPEARANCES & WRITTEN DENIALS**

Any juvenile required to appear before this Court shall appear in person and be accompanied by a parent or legal custodian. If a juvenile appears at Court without a parent or legal custodian, the Court may reschedule such hearing to allow parent or legal custodian to appear or appoint a Guardian Ad Litem for the child and assess the cost of the same to the parent or legal custodian.

A written denial may be filed by counsel in lieu of appearance of a juvenile for arraignment. Said denial shall be filed prior to the scheduled arraignment.

**Exception:** The Court will not accept a written denial in lieu of appearance with regard to any sexual offense or OVI charge. Appearance by the juvenile and parent/legal custodian is **mandatory.** *Effective 7/15/02*

**1.5 MANDATORY APPEARANCE ON TRAFFIC OFFENSES**

All juveniles cited with a moving traffic violation are required to appear for traffic court with a parent or legal custodian. A written denial filed by counsel prior to the scheduled appearance will be accepted in lieu of appearance with the exception of matters involving OVI offenses.

A seatbelt offense or non-moving violation shall remain waivable and may be paid without appearing before the Court.

**1.6 TRAFFIC CITATIONS**

*Effective 5/26/05*

Any juvenile given a traffic citation shall be scheduled for arraignment no later than two weeks following the date of the offense or date of service, whichever occurs earlier. The citing officer shall provide the appearance date on the citation and said citation shall be filed with this Court no later than one court day prior to that appearance.

**1.7 CONTINUANCES**

Except in cases of emergency or by order of the Court, all requests for continuance of hearings shall be in the form of a written motion and accompanied by an entry for the same. Said entry shall be submitted to all parties for approval (phone approval is acceptable) and a notation of approval or denial shall be noted on the same. A request for continuance may only be granted by the Court.

**1.8 JURY COSTS**

*Amended 6/27/03*

On criminal cases wherein a trial by jury is demanded, no deposit shall be required, but the Court must be notified of any withdrawal of said demand or intention to change plea, in writing, no later than **ten (10) days** prior to the scheduled jury trial. If said notification is not

timely provided, a minimum charge of **\$500** for jury fees or the amount equal to the number of jurors to be paid shall be added to the defendant's court costs.

**1.9 ENTRIES**

It is the responsibility of the prosecuting attorney or his office to timely prepare all entries and rulings of the Court for journalization on those cases filed by said office. On all other cases, it will be the responsibility of the prevailing party to timely submit entries to the Court.

**1.10 FINDINGS OF FACT**

A party who requests findings of fact and conclusions of law shall also file, within ten (10) days after filing said request with the Court, a proposed findings of fact and conclusion of law and submit a copy thereof to opposing counsel. Opposing counsel shall then, within ten (10) days, submit any objections thereto and/or his/her proposed findings of fact and conclusions of law.

Failure of any party to request, submit or object to the findings within said time frame constitutes a waiver of the same.

**1.11 MEDIA & PUBLIC ACCESS TO HEARINGS**

*Effective 3/4/1999*

Any party to a juvenile court proceeding who wishes to have a hearing closed to the media and/or general public, shall file a written motion requesting closure and setting forth with particularity the reasons for closure that are in accordance with the Ohio Supreme Court decisions in *State ex. rel. Dispatch Printing Company v. Lias* (1994), 68 Ohio St. 3d 497 and *In re. T.R.*, (1990), 52 Ohio St. 3d 6 and the authorities of *Press-Enterprise v. Supreme Court of California*, 464 U.S. 501 (1983), and *Press-Enterprise v. Superior Court*, 478 U.S. 1 (1986). Motions which do not set forth the required particularity will be summarily overruled.

All written motions seeking closure of the Court to the media and/or general public must be filed at least seven (7) days prior to any hearing the moving parties are requesting to be closed to the media and/or general public. Exceptions to the seven day requirement may be granted by leave of court. The moving party must also serve a copy of its written motion upon the following entities: The Columbus Dispatch, c/o Zeiger and Carpenter, Attorneys-At-Law, 1600 Huntington Center, 41 South High Street, Columbus, Ohio 43215; The Lancaster Eagle Gazette, 138 West Chestnut Street, Lancaster, Ohio 43130 and Channels 4, 6 and 10 of the local television stations.

Unless summarily overruled, the Court will set a hearing regarding closure of the Court and will provide at least 48 hours advanced notice of the date and time of the hearing to the media referenced above, who shall be given the full opportunity to participate in the closure hearing.

**1.12 COURT SECURITY**

A plan for court security is on file with the Administrative Director's Office of The Supreme Court of Ohio, 65 South Front Street, Columbus, Ohio and is not treated as public record.

## 2.0 PLEADINGS & COURT FILINGS

### 2.1 PAPER

All pleadings and papers filed with this Court shall be on 8-1/2 x 11 inch paper, preferably double-spaced. The foregoing shall not apply to any Exhibits. All documents filed with this Court shall include counsel's Supreme Court registration number along with other identifying information such as address and phone number.

### 2.2 PLEADING SIGNATURES

*Effective. 2/3/03*

All original pleadings filed with the Court shall be signed in blue ink. Pleadings signed in black ink shall be returned.

### 2.3 FILES

No files shall be removed from the Court without the written permission of the Court.

### 2.4 ELECTRONIC FILING

*Effective 1/1/05*

- (A) The definition of "electronic filing" for the purpose of this rule of Court will be limited to fax. Pleadings or other papers, with the exception of those set out below, may be filed by paper facsimile with the Court to **740-687-0942**. Any pleading and/or other papers shall be deemed filed upon receipt and shall be file-stamped the date of receipt. Any pleading or papers received after 4:00 p.m. shall be considered filed the next day of court business.
- (B) Any document filed by fax shall be accepted as the original filing. The person making said filing shall maintain the original in his or her records and have available for production on request by the Court the source document and accompanying cover sheet.
- (C) All pleadings or papers filed by fax shall be accompanied by a cover page containing the following information:
1. The name of the court;
  2. Title of the case;
  3. The case number;
  4. The title of the document being filed and the number of pages thereto;
  5. Date of transmission;
  6. Name of the individual filing the document with contact information and transmitting fax number.

(D) Any pleading filed by fax that does not comply with the above requirements or is defective upon its face shall not be considered filed with the Court.

(E) The following documents may not be filed by facsimile:

1. Any original complaint, motion or document requiring a filing fee;
2. Grandparent/caretaker affidavit or power of attorney.

**2.5 REFUNDS OF MONEY ON DEPOSIT**

*(Effective 8-8-03, Added 4-20-10)*

In the interest of economy for the taxpayers of Fairfield County, any money held on deposit with this Court in an amount less than One Dollar (\$1.00) shall be paid into the County General Fund rather than refunded by check to the depositor.

### **3. COUNSEL**

#### **3.1 APPEARANCE OF COUNSEL**

All counsel representing a party in any pending case before this Court shall file an appearance in writing so that the same may be entered upon the record. Said appearance may be made on the form provided by the Court or any written pleading. Attorneys failing to file such written appearance shall forfeit notice of hearing, recognition as counsel for a party and other courtesies provided by the Court.

#### **3.1(A) WITHDRAWAL OF COUNSEL**

*Effective 9/25/06*

A written motion and entry must be presented to the Court if counsel wishes to withdraw representation of a party. Counsel may not withdraw representation without permission being granted by the Court in writing.

#### **3.2 COURT-APPOINTED COUNSEL**

(A) This Court shall appoint only attorneys on the general court-appointed list held by this Court. One-time appointments and special appointments shall not be granted.

*Effective 06/14/04*

(B) All counsel appointed by the Court shall personally represent and appear at all hearings on cases in which they are appointed except when after good cause shown, and with approval of the party being represented, the Court excuses their appearance.

*Effective 01/06/03*

(C) Any counsel appointed by the Court in an abuse, neglect or dependency cases shall remain as counsel during the entire pendency of the case unless the Court grants permission to withdraw as counsel. The Court reserves the right to request the parties, at any time, to complete a new application for counsel to determine any change in financial circumstances.

*Effective 06/13/02*

#### **3.3 APPOINTED COUNSEL FEES**

*Amended 03/19/08*

Appointed counsel shall submit an application for fees no later than 30 days from the date of disposition, or in post-adjudicatory matters, 30 days from the date of the last action. Any applications submitted after this deadline will be denied payment.

Said fee application shall have a copy of the application for attorney and entry of appointment attached. Counsel shall file the original, plus three copies with the Court.

### 3.4 SCHEDULE OF COURT-APPOINTED ATTORNEY FEES

*Effective 3/19/08*

In order to comply with the fee limits for juvenile cases as set forth by the Ohio Public Defender Office, the Court hereby establishes the following schedule of attorney fees for court-appointed counsel:

All services shall be billed at \$50 per hour for in-court appearances and \$40 per hour for out-of-court services, with the maximum amount as listed below:

Traffic (from appointment to disposition)	\$ 500.00
Delinquency (from appointment to disposition)	\$1,000.00
Adult Criminal (from appointment to sentencing)	\$1,000.00
Ongoing Probation	
Annually (from time of disposition/sentencing)	\$1,000.00
Abuse, Dependency, Neglect	
From complaint until original disposition	\$1,000.00
From original disposition to <u>first annual review</u>	\$1,000.00
Annually (ongoing)	
from <u>annual review</u> to <u>annual review</u>	\$1,000.00

The Court shall not reimburse for preparation of invoices, mileage or routine office expenses such as postage, phone charges or support staff time. Motions for extraordinary fees shall not be granted on a routine basis.

Applications for fees must be submitted within thirty (30) days of the last in-court action for the billing period as set forth in the above schedule. For ongoing cases, applications may be submitted on an annual or bi-annual basis, but no more frequently than on a quarterly basis.

All applications for fees in ongoing cases shall include an itemized statement of services performed, listing date of service, a brief description of service performed or hearing attended and time worked, as well as a motion and entry for extraordinary fees, if applicable.

### 3.5 DUTIES OF THE GUARDIAN AD LITEM/ATTORNEY FOR THE CHILD

*Amended 3/1/09*

The Guardian Ad Litem shall comply with all requirements set forth in Rule 48(D), (E) and (F) of the Rules of Superintendence for the Courts of Ohio, in addition to the following:

#### **A. Before Adjudication and Disposition**

- (1) Meet the child. If the child is of sufficient age to have communicative ability, interview the child.
- (2) Interview both parents if permitted by their counsel.

- (3) When possible, observe each parent with the child. Observe the interaction between parent and child, and be aware of the appropriateness of discipline, conversations, and activities.
- (4) Perform home visits of each parent to determine living conditions.
- (5) If child is not residing with a parent, perform a home visit of child's current living conditions. Ask the child's care givers for their assessment of the child's overall condition.
- (6) Determine whether there is a conflict in the dual appointment as Guardian Ad Litem and Attorney for the child. If there is a conflict, contact the Court immediately in writing.
- (7) Be prepared to summarize the extent as to which you have performed these duties if asked by the Court or any party.

**B. If a Post-Dispositional Motion has been filed**

- (1) Interview the child again to determine whether there is a conflict in the dual appointment now that a post-dispositional motion has been filed. If there is a conflict, contact the Court at least thirty days before the date of the hearing on the post-dispositional motion.
- (2) If a motion for permanent custody has been filed, comply with Ohio Revised Code Section 2151.414 (C) which states that the written report of the Guardian Ad Litem shall be submitted to the Court prior to or at the time of the permanent custody hearing.

**C. General Duties**

- (1) The Guardian Ad Litem shall attend all court hearings, court reviews, and semi-annual reviews. If possible, the Guardian Ad Litem should attend all meetings at Fairfield County Children Services regarding the child.
- (2) The Guardian Ad Litem will continue to serve as the Guardian Ad Litem until the case is dismissed, terminated, or until specifically ordered by the Court.

Counsel shall comply with the above duties unless specifically excused by the Court.

**3.6 REQUIREMENTS & PROCEDURE REGARDING COURT-APPOINTED COUNSEL**

*Effective 8/24/10*

All counsel placed on this Court's appointed counsel list must meet the requirements of Rule 48 of the Ohio Rules of Superintendence. All new counsel shall meet the initial requirements prior to being given appointments. Counsel active on said list shall have until February 1<sup>st</sup> to

provide the Court with an annual statement and proof of continuing legal education for the preceding year.

The Court shall appoint the Court Administrator to coordinate the application and appointment process, maintain the files and records as required and receive written comments and complaints regarding selection and service of counsel.

Counsel shall be appointed on a rotation basis, unless (a) specific counsel is requested by a party, (b) counsel has previously been appointed for a party or has a companion case or (c) other appointment is necessary for judicial economy.

All complaints or comments regarding appointed counsel shall be made in writing, and a copy shall be provided to counsel for response, and both shall be submitted to the Court for a determination of action, if any. A written response shall be issued by the Court and sent to all parties.

## **4.0 CUSTODY & SUPPORT ISSUES**

### **4.1 CUSTODY CASES**

Having concurrent jurisdiction of custody matters with the Fairfield County Domestic Relations Court and pursuant to an agreement with said Court, this Court shall handle only those custody cases involving a transfer of custody to non-related parties. All other custody matters will be handled through the Fairfield County Domestic Court.

Temporary custody cases involving non-related parties may be filed in this Court using the form packet available in the clerk's office. Upon filing, the Court will have a home investigator visit the home of the party requesting custody.

If all parties are in agreement and all consents, waivers and required documentation has been submitted to the Court, the matter will be scheduled for a non-oral hearing. Upon receipt of a favorable home investigation, the Court will grant the temporary custody. If the Court is not in receipt of all consents, waivers and required documentation, the matter will be scheduled for an oral hearing and all parties will be required to attend.

Temporary custody will be granted for a one-year period. Prior to the expiration of the temporary custody order, a request for the extension of the temporary custody, along with signed consents & waivers of all parties, may be filed with the Court. If no such request is filed, the Court will schedule the matter for hearing.

### **4.2 CHILD SUPPORT**

*Effective 11/17/03*

Fairfield County Child Support Enforcement Agency is authorized by this Court to change the payee (obligee) of any existing child support order upon notification of a legally authorized change of custodian or residential parent for any child, with the exception of temporary shelter custody, who is the subject of any child support order.

## **5.0 COURT COSTS & PROGRAM FEES**

### **5.1 COURT COSTS**

Court costs and program fees are set forth in Appendix A and attached hereto.

### **5.2 REIMBURSEMENT FEES FOR DETENTION & FOSTER**

Any party ordered to make reimbursement to the Court for support of a child placed in detention and/or foster shall do so at the minimum rate of \$5.00 per day or pursuant to the Child Support Guidelines, whichever rate is greater.

Parents or legal custodian of any child placed in foster or detention shall be responsible for the cost of the same in full if there is no previous court order setting the rate of reimbursement. A review of the same for modification will be conducted upon submission of financial information of the parties to the probation department.

### **5.3 RESTITUTION**

*Effective 4/8/02*

Any restitution ordered by the Court will be limited to a maximum of \$500 per child, per case. Restitution payments shall be monitored by the probation department and a 5% surcharge for collection shall be assessed as court costs.

### **5.4 PROBATION FEES**

A probation services fee shall be assessed against any juvenile placed on probation by this Court.

*Amended 4/29/02*

Any juvenile having an informal citation filed against them in this Court shall be charged a probation service fee for the same.

*Effective 4/11/02*

### **5.5 PAYMENT OF FEES & COURT COSTS**

*Effective 4/11/02*

Anyone unable to pay a fine, fees or court costs on a case within 30 days shall be placed on a payment schedule and be charged a one-time processing fee. If payment in full is not made within a reasonable time period, the Court may elect to employ a collection agency to collect the same, pursuant to O.R.C. 2152.20.

## 6.0 RECORD RETENTION

*Revised 12/7/07*

### 6.1 MEDIUM (*Superintendence Rule 26*)

The Court adopts the combined indexes, dockets and journals as defined in **Superintendence Rule 26** through **26.05**. The indexes, dockets and journals shall be maintained in an electronic medium. The records shall be **permanently** retained. Microfilm, digital imaging or electronic data shall be considered the permanent record. Traditional paper or bound book records may be destroyed after having been transferred to such medium. **Case files** shall be maintained in traditional paper medium until after having been converted to digital imaging.

### 6.2 ADMINISTRATIVE RECORDS (*Superintendence Rule 26.01*) *Effective 12/7/07*

**Administrative Journal.** Administrative journals that consist of court entries or a record of court entries, regarding policies and issues not related to cases shall be retained permanently.

**Bank Transaction Records,** whether paper or electronic, shall be retained for **three (3) years** or until the issuance of an audit report by the Auditor of State, whichever is later.

**Cash Books,** including receipt and disbursement records, shall be retained for **three (3) years** or until the issuance of an audit report by the Auditor of State, whichever is later.

**Communication Records,** including routine telephone messages on any medium where official action will be recorded elsewhere, may be destroyed in the normal course of business as soon as they are considered of no value by the person holding the record.

**Correspondence and General Office Records,** including all sent and received correspondence, in any medium may be destroyed in the normal course of business as soon as they are considered of no value by the person holding the record.

**Drafts and Informal Notes,** consisting of transitory information used to prepare the official record in any form may be destroyed in the normal course of business as soon as they are considered of no value by the person holding the record.

**Employment Applications** shall be retained for **two (2) years**.

**Employee Benefit and Leave Records,** including copies of life and medical insurance records, shall be retained by the appropriate fiscal officer for **three (3) years** or until the issuance of an audit report by the Auditor of State, whichever is later.

**Employee History and Discipline Records,** shall be retained for **ten (10) years** after termination of employment.

**Fiscal Records**, including but not limited to copies of the transactional budgeting, unclaimed funds, records, payment of jurors and witnesses, shall be retained for **three (3) years** or until the issuance of an audit report by the Auditor of State, whichever is later.

**Grant Records** shall be retained for **three (3) years** after expiration of the grant.

**Payroll Records** shall be retained for **three (3) years** or until the issuance of an audit report by the Auditor of State, whichever is later.

**Publications** received may be destroyed in the normal course of business as soon as they are considered of no value by the person holding the record.

**Receipt and Balance Records** shall be retained for **three (3) years** or until the issuance of an audit report by the Auditor of State, whichever is later.

**Request for Proposals, Bids and Resulting Contracts** received in response to requests for proposals, bids and resulting contracts shall be retained for **three (3) years** or until the issuance of an audit report by the Auditor of State, whichever is later.

### 6.3 **COURT RECORDS** (*Superintendence Rule 26.03*)

**Index, Docket and Journal** shall be retained **permanently**.

**Judge, Magistrate and Clerk Notes, Drafts and Research** may be destroyed at the discretion of the preparer or as soon as they are considered of no value by the person holding the record.

### 6.4 **JUVENILE COURT FILES** (*Superintendence Rule 26.03*)

**Delinquency and Adult Records** shall be retained for **two (2) years** after the final order of the juvenile division or one year after the issuance of an audit report by the Auditor of State, whichever is later. Documents admissible as evidence of a prior conviction in a criminal proceeding shall be retained for **fifty (50) years** after the final order of the juvenile division.

**Juvenile By-Pass Records** shall be maintained in two separate and secure files. The first file shall contain the first page of the form complaint and other relevant documents and the second file shall contain the second page of the form complaint bearing the signature of the complainant. Each file shall be retained for **two (2) years** after the final order of the juvenile division or, if an appeal is sought, for **two (2) years** after the filing of the appeal.

**Permanent Custody, Custody, Parentage, Visitation, Support Enforcement, Abuse, Neglect, Dependency and URESA records** shall be retained for **two (2) years** after the

child who is the subject of the case obtains the age of majority. If post-decree motions have been filed, records shall be retained for one year after the adjudication of the post-decree motion or the date specified for said case file as set forth herein, whichever is later.

**Search Warrant records** shall be indexed and the warrants and returns retained in their original form for **five (5) years** after the date of service or last service attempt.

**Traffic records** (minor misdemeanors) shall be retained for **five (5) years** after the final order of the juvenile division. All other traffic records shall be retained for **fifty (50) years** after the final order of the juvenile division.

**Unruly and Marriage Consent records** shall be retained for **two (2) years** after the final order of the juvenile division or one year after the issuance of an audit report by the Auditor of State, whichever is later.

## **6.5**     **DESTRUCTION OF RECORDS** *(Superintendence Rule 26)*

**Paper Records.** Traditional paper or bound book records may be destroyed after having been transferred to electronic medium.

**Notification.** The Clerk shall notify, **in writing**, the Ohio Historical Society of all case files that were created **prior to 1960** or have a **retention period greater than 10 years** which are scheduled for destruction **sixty (60) days** prior to the destruction of the records and offer the original records for safekeeping to them. These records may be transferred to the possession of said entity as long as they maintain the records as **public records**. The records may **not** be destroyed or otherwise disposed of by said organizations without prior written consent of the Court.

**Exhibits, depositions and transcripts** may be destroyed after the conclusion of the litigation and the exhaustion of the times for direct appeal upon the following conditions:

- a) The Clerk of Courts notifies, **in writing**, the party who tendered the exhibits, depositions or transcripts that the party may retrieve the exhibits, depositions or transcripts within sixty (60) days of the written notification.
- b) The written notification appraises the party who tendered the exhibits, depositions or transcripts that the exhibits, depositions or transcripts that the exhibits, depositions or transcripts will be destroyed within sixty (60) days if not retrieved.
- c) The written notification informs the party who tendered the exhibits, depositions or transcripts of the location for retrieval of the exhibits, depositions or transcripts.

- d) The party who tendered the exhibits, deposition or transcripts does **not** retrieve the exhibits, depositions or transcripts within sixty (60) days from the date of notification.

## **7.0 JURY MANAGEMENT PLAN**

### **7.1 OPPORTUNITY FOR SERVICE**

- A. The opportunity for jury service shall not be denied nor limited on the basis of race, national origin, gender, age, religious belief, income, occupation, disability or any other factor that discriminates against a cognizable group in the jurisdiction.
- B. Jury service is an obligation of all qualified citizens of Fairfield County, Ohio.

### **7.2 JURY LIST SOURCE**

An entry setting forth the number of jurors required for the jury term shall be sent to the Jury Manager of the Fairfield County Common Pleas Court, General Division, and random juror selection shall take place pursuant to said Division's Jury Management Plan.

### **7.3 ELIGIBILITY FOR JURY SERVICE**

All persons shall be eligible for jury service except those who:

- 1. Are less than eighteen years of age;
- 2. Are not citizens of the United States;
- 3. Are not residents of the jurisdiction in which they have been summoned to serve; to wit, Fairfield County.
- 4. Are not able to communicate in the English language;
- 5. Have been convicted of a felony and have not had their civil rights restored.

### **7.4 TERM OF AVAILABILITY FOR JURY SERVICE**

Jurors shall be on call during the four month term and will be given as much notice as possible if actually called to serve.

### **7.5 EXEMPTION, EXCUSE AND DEFERRAL**

- A. All automatic excuses from jury service are eliminated.
- B. Prospective jurors may be rescheduled or excused for good cause shown, such as financial hardship, personal or family illness, child care hardship, employment responsibilities or previously planned trips.
- C. Deferrals for jury service for reasonably short periods of time may be permitted by a judge or specifically authorized court official.
- D. Requests for excuses and deferrals shall be in writing.

## 7.6 **VOIR DIRE**

- A. Voir dire examination shall be limited to matters relevant to determining whether to remove a juror for cause and to determine the juror's FAIRNESS AND IMPARTIALITY.
- B. To reduce the time required for voir dire, basic background information regarding each panel member is available to counsel in writing one week before jury selection is to begin. (**Appendix G** Jury Questionnaire)
- C. The judge should ensure that the privacy and personal security of prospective jurors is reasonably protected, and the questioning is consistent with the purpose of the voir dire process.
- D. In all cases, the voir dire process shall be held on the record.
- E. Rules on Voir Dire
  - 1. The case may not be argued in any way while questioning the jurors.
  - 2. Counsel may not engage in efforts to indoctrinate jurors.
  - 3. Jurors may not be questioned concerning anticipated instructions or theories of law. This does not prevent general questions concerning matters such as the validity and philosophy of reasonable doubt or the presumption of innocence.
  - 4. Jurors may not be asked what kind of verdict they might return under any circumstance.
  - 5. Questions are to be asked collectively of the entire panel whenever possible.

## 7.7 **REMOVAL FROM THE JURY PANEL FOR CAUSE**

If the judge determines during the voir dire process that any individual is unable or unwilling to hear the particular case at issue fairly and impartially, that individual shall be removed from the panel. Such a determination may be made on motion of counsel or by the judge.

## 7.8 **PEREMPTORY CHALLENGES**

Rules determining procedure for exercising peremptory challenges shall be in accordance with the Ohio Civil and Criminal Rules adopted by the Supreme Court of Ohio and applicable statutory authority.

## **7.9 ADMINISTRATION OF THE JURY SYSTEM**

- A. The administration of the jury system, once jurors are selected for service by the General Division Jury Manager, shall be the responsibility of the Probate and Juvenile Court Judge and administered by the Court Administrator or deputy clerks as assigned.
- B. All procedures concerning jury selection and service should be governed by Ohio Rules of Court.

## **7.10 NOTIFICATION AND SUMMONING PROCEDURES**

The notice summoning a person to jury service and the questionnaire eliciting essential information regarding that person should be:

- A. Delivered by ordinary mail;
- B. Phrased so as to be readily understood by an individual unfamiliar with the legal and jury system; and,
- C. A summons should clearly explain how and when the recipient must respond and the consequences of a failure to respond.
- D. The jury questionnaire should be phrased and organized so as to facilitate quick and accurate screening and should request only that information essential for:
  - 1. Determining whether a person meets the criteria for eligibility;
  - 2. Providing basic background information ordinarily sought during voir dire examination; and
  - 3. Efficiently managing the jury system.
- E. Policies and procedures should be established for monitoring failures to respond to a summons and for enforcing a summons to report for jury service.
- F. See example of notification letter (**Appendix H**) which is delivered to prospective jurors via ordinary mail, along with a summons.

## **7.11 MONITORING THE JURY SYSTEM**

The Court shall review the performance of the jury system annually in order to evaluate:

- 1. The representativeness and inclusiveness of the jury source list;
- 2. The effectiveness of qualifications and summoning procedures;

3. The responsiveness of individual citizens to jury duty summonses;
4. The efficient use of jurors; and
5. The cost-effectiveness of the jury management system.

**7.12. JUROR USE**

- A. The Court shall employ the services of prospective jurors so as to achieve optimum use with a minimum of inconvenience to jurors.
- B. The Court shall determine the minimally sufficient number of jurors needed to accommodate trial activity. This information and appropriate management techniques should be used to adjust both the number of individuals summoned for jury duty and the number assigned to jury panels.

**7.13 JURY FACILITIES**

The Court shall provide an adequate and suitable environment for jurors.

- A. The entrance and registration area shall be clearly identified and appropriately designed to accommodate the daily flow of prospective jurors to the courthouse.
- B. Jurors shall be accommodated in pleasant waiting facilities furnished with suitable amenities.
- C. Jury deliberation rooms shall include space, furnishings and facilities conducive to reaching a fair verdict.
- D. Juror facilities shall be arranged to minimize contact between jurors and the parties, counsel and the public.

**7.14 JUROR COMPENSATION**

- A. Persons called for jury service shall receive a reasonable fee for their service pursuant to statutory authority.
- B. Such fees shall be paid at the end of the term.
- C. Employers shall be prohibited from discharging, laying off, denying advancement opportunities to, or otherwise penalizing employees who miss work due to jury service.

## **7.15 JUROR INSTRUCTION**

The trial judge should:

- A. Give preliminary instructions to all prospective jurors.
- B. Give instructions directly following empanelment of the jury to explain the jury's role, the trial procedures including note-taking, the nature of evidence and its evaluation, the issues to be addressed, and the basic relevant legal principles;
- C. Prior to the commencement of deliberations, instruct the jury on the law, on the appropriate procedures to be followed during deliberations, and on the appropriate method for reporting the results of its deliberation. Such instructions may be made available to the jurors in writing during the deliberations;
- D. Before dismissing a jury at the conclusion of a case, the trial judge should:
  - 1. Release the jurors from the duty of confidentiality;
  - 2. Explain their rights regarding inquiries from counsel or the press;
  - 3. Either advise them that they are discharged from service or specify when they must call or report; and
  - 4. Express appreciation to the jurors for their service, but not
  - 5. express approval or disapproval of the verdict.
- E. All communication between the judge and members of the jury panel from the time of reporting to the courtroom for voir dire until dismissal shall be in writing or on the record in open court. Counsel for each party shall be informed of such communication and given the opportunity to be heard.

## **7.16 JURY DELIBERATIONS**

- A. Jury deliberations should take place under conditions and pursuant to procedures that are designed to ensure impartiality and to enhance rational decision making.
- B. The judge should instruct the jury concerning appropriate procedures to be followed during deliberations.
- C. A jury should not be required to deliberate after a reasonable hour unless the trial judge determines that evening or weekend deliberations would not impose an undue hardship upon the jurors and are required in the interests of justice.

**7.17 SEQUESTRATION OF JURORS**

- A. A jury may be sequestered only for good cause, including, but not limited to, insulating its members from improper information or influences.
- B. The jury shall be sequestered after a capital case is submitted to the jury in conformity with existing Ohio law.
- C. The trial judge shall have the discretion to sequester a jury on the motion of counsel or on the judge's initiative and shall have the responsibility to oversee the conditions of sequestration.
- D. Standard procedures should be promulgated to achieve the purpose of sequestration; and minimize the inconvenience and discomfort of the sequestered jurors.
- E. Training shall be provided to personnel who escort and assist jurors during sequestration.

**FAIRFIELD COUNTY JUVENILE COURT  
LOCAL RULES - APPENDIX A**

**SCHEDULE OF COURT COSTS& PROGRAM FEES**

(Revised 1/7/11)

**BASE COSTS:**

(Includes \$5 special project fee)

Misdemeanor	\$ 59.00
Felony	\$ 91.00

**TRAFFIC:**

Moving	\$ 69.00
Non-moving	\$ 40.00
Waiver (\$25 fine)	\$ 65.00
Seatbelt (driver)	\$ 30.00 (fine only)
Seatbelt (passenger)	\$ 20.00 (fine only)
Release of Forfeiture	\$ 40.00
Right-to-Drive	\$ 20.00
Revisions	\$ 5.00

**ADULT CHARGES:**

Nonsupport	\$ 59.00
Contributing	\$ 59.00
Failure to Send	\$ 59.00

**TOBACCO WAIVER \$154.00**

**MISCELLANEOUS:**

Seal/Expunge Record	\$ 68.00
Marriage Consent	\$ 59.00
School Withdrawal	\$ 59.00
Custody (Inc. home-study deposit)	\$300.00

**PROBATION FEES:**

Probation	\$120.00
Monitor Probation	\$ 60.00
Warrants (ordered)	\$ 10.00
Informals	\$ 25.00
Restitution	5% of amount ordered
Detention	\$120.00 (per day)
Electronic Monitor	\$ 5.00 (per day)

**SERVICE FEES (Process)**

Service	\$ 10.00
Mileage (per mile)	\$ .55

**PROGRAM FEES:**

**Drug Court:**

Program Fee	\$250.00
Intervention Group	\$ 50.00
FACT Program	\$ 70.00

**Alternative School:**

Books/supplies	(varies)
J-Corp (per day)	\$ 5.00
DEFT (traffic school)	\$100.00
Rescheduling fee	\$ 25.00
BMV Certificate fee	\$ 5.00
LABOR Program (per day)	\$ 15.00
LABOR Plus (per day)	\$ 15.00
LABOR Plus .5 (per day)	\$ 10.00

**Other:**

Copies	\$ .05
Certification of copies	\$ 1.00
Certified mail	\$(actual cost)
Witness fee	\$ 6.00
Juror fee (per day)	\$ 30.00
Juror notification	\$ 25.00
Application for Counsel	\$ 25.00

**PAYMENT SCHEDULE**

Bounced Check	\$ 25.00
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**SHERIFF FEES:**

Warrants, plus mileage	\$ 20.00
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**ENTRY**

The foregoing rules are hereby adopted as the local rules of the Fairfield County  
Juvenile Court.

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**JUDGE STEVEN O. WILLIAMS**