



# JUVENILE & PROBATE DIVISIONS

## COMMON PLEAS COURT

JUDGE TERRE L. VANDERVOORT

### **Proposed Amendments to the Local Rules of Court for the Fairfield County Juvenile & Probate Court**

Comments are requested on the following proposed amendments to the Local Rules of Court for the Fairfield County Juvenile & Probate Court. The Court will accept public comments until Thursday, June 25, 2026.

Comments on the proposed amendments should be submitted in writing, not later than Thursday, June 25, 2026, to:

Troy M. Sitzmann, Magistrate & Probate Court Administrator  
Fairfield County Probate Court  
224 East Main Street, 3<sup>rd</sup> Floor  
Lancaster, OH 43130  
[troy.sitzmann@fairfieldcountyohio.gov](mailto:troy.sitzmann@fairfieldcountyohio.gov)

Please include your full name and mailing address in any comments submitted by email.

Key to Adopted Amendments:

1. Existing language appears in regular type. Example: text
2. Existing language to be deleted appears in strikethrough. Example: ~~text~~
3. New language to be added appears in underline. Example: text

**Fairfield County Juvenile Court Local Rule 10.0:  
Reporting to Law Enforcement & Compliance Plan**

- A. The court has a duty to ensure complete, accurate, and timely submission of information into the state's computerized criminal history repository at the Bureau of Criminal Investigation (BCI), the Ohio Law Enforcement Automated Data System (LEADS), and other law enforcement databases.
- B. The Court, in collaboration with all relevant clerks of court, law enforcement agencies, and any other applicable justice system partners, will develop a Reporting to Law Enforcement & Compliance Plan.
- C. The Reporting to Law Enforcement & Compliance Plan will identify procedures and timelines for:
  - 1. Obtaining and reporting fingerprints as prescribed by the Revised Code and Supreme Court of Ohio rules, including R.C. 109.57(A)(2), 109.60(A), 2151.311, 2151.313, and 2152.71(A)(2);
  - 2. Reporting information regarding protection orders as prescribed by the Revised Code and Supreme Court rules, including R.C. 2151.34 and 3113.31 and Sup.R. 10(A);
  - 3. Reporting information to the Ohio Department of Public Safety's Bureau of Motor Vehicles as prescribed by R.C. 4510.03, 4513.37, and 5502.10 and Supreme Court rules;
  - 4. Maintaining complete and accurate records in accordance with 18 U.S.C. 922(g), the Revised Code, including R.C. 2923.13, and Supreme Court rules in the event of an audit by the Federal Bureau of Investigation, the Bureau of Criminal Investigation, or state or local auditors; and
  - 5. Reporting sealed and expunged records to BCI, LEADS, and other law enforcement databases pursuant to the Revised Code, including R.C. Ch. 2151 and R.C. 2930.171 and 3113.31.
- D. The Court will review the Reporting to Law Enforcement & Compliance Plan every three (3) years from its adoption date.

## **Local Rule 5.5 Reporting to Law Enforcement & Compliance Plan**

- A. The Court has a duty to ensure complete, accurate, and timely submission of information into the state’s computerized criminal history repository at the Bureau of Criminal Investigation (BCI), the Ohio Law Enforcement Automated Data System (LEADS), and other law enforcement databases.**
  
- B. The Court, in collaboration with all relevant clerks of court, law enforcement agencies, and any other applicable justice system partners, will develop a Reporting to Law Enforcement & Compliance Plan.**
  
- C. The Reporting to Law Enforcement & Compliance Plan will identify procedures and timelines for:**
  - 1. Reporting information regarding mental health adjudications as prescribed by the Revised Code and Supreme Court rules, including R.C. 5122.311 (A); and
  - 2. Maintaining complete and accurate records in accordance with 18 U.S.C. 922(g), the Revised Code, including R.C. 2923.13, and Supreme Court rules in the event of an audit by the Federal Bureau of Investigation, BCI, or state or local auditors.
  
- D. The Court will review the Reporting to Law Enforcement & Compliance Plan every three years from its adoption date.**

## **Local Rule 57.4 Method of Filing**

Filings with the Court may be presented in any of the methods described in this Rule.

### **A. In Person**

Filings may be made in person to the Court's Deputy Clerks during the Court's normal business hours. (See Rule 53.1).

### **B. By Mail**

The Court will accept filings by mail or other private delivery service. The Court must actually receive the mail or delivery before expiration of the required deadline to be considered timely filed. The filing must be accompanied by a cover letter identifying the sender's complete contact information, the case by name and case number, and must provide clear instructions of the action the filer desires. Payment of the exact amount of the filing fee must also accompany the filing, if a filing fee is due. If the Court is requested to return file-stamped copies, the filer must provide a self-addressed, stamped envelope adequate in size to hold the return documents and with sufficient postage prepaid. Otherwise, the Court will place the return documents in the Court's pick-up box for up to 14 days.

### **C. By Fax**

The Court will not accept filings to create a new case by fax. Any subsequent filings may be made by fax only in emergency or time critical circumstances. The sender bears the risk of successful transmission to and receipt by the Court. The fax filing must be accompanied by a cover sheet identifying the sender's complete contact information, the case by name and case number, a short statement explaining the time critical circumstances. Filings the Court receives by fax and accepts for filing as complying with these Rules will be filed upon receipt. In the event that all procedures are not followed, the Court may order the filing stricken from the record. The Court reserves the right, in any case, to request that the filer provide the Court with the original document. In the event of this request, the filer must provide the original document within 10 Court Days of the Court's request.

### **D. Electronic**

All initial filings shall be made in person or by mail. Any subsequent filings can be filed by email at [probatecourt@fairfieldcountyohio.gov](mailto:probatecourt@fairfieldcountyohio.gov) ~~does not presently accept any filings by email unless expressly authorized by the Court in individual circumstances. This rule may be updated in the future. to provide a mechanism for utilizing an electronic filing system for filing in new and existing cases.~~

# Superintendence Rule 77

## Compliance

### Local Rule 77.1 General

This Rule applies in all instances in which a Fiduciary is delinquent in filing an account, inventory, certificate of notice of probate of will, report or any other mandatory filing within the time required by law, by these Rules or by Court order.

#### A. Purpose of Rule

The purpose of this Rule is to encourage timely performance of the Fiduciary's legal obligations and to assure the prompt and uniform administration of probate cases.

#### B. Who is Subject to Rule

This Rule applies to all Fiduciaries. If the Fiduciary is represented by an attorney, this Rule also applies to the Fiduciary's attorney of record. (See Sup. R. 78(A)).

#### C. Reminders

Our Court does not provide advanced reminders of upcoming filing deadlines to any Fiduciary or attorney. It is the Fiduciary and the attorney's responsibility to determine filing dates and to make the filings within the required time.

#### D. Extensions

Fiduciaries may apply for an extension of time to file a required document in the manner provided in Rule 56.1. If the Court grants the extension, the Fiduciary and attorney will not be out of compliance as long as the filing is made by the new filing due date stated in the Court's entry granting the extension.

### Local Rule 77.2 Citation Process

The Court will issue a notice of non-compliance to the Fiduciary and the Fiduciary's attorney if any required filing becomes overdue. ~~This notice of non-compliance will automatically convert into a citation if the required filing is not submitted into the Court during the grace period.~~

#### A. Timing

The Court will issue the notice of non-compliance promptly after expiration of the required due date. The Court will not send any prior notice that the filing will be due or is overdue.

#### B. Contents of Notice

The notice of non-compliance will identify the filing or filings that ~~is~~ are overdue and will order the Fiduciary to file the document(s) immediately. The notice of non-compliance will set a hearing date for an in-person hearing at the Court approximately 30-45 days from the issuance of the notice. ~~specify a grace period of 15 Court Days from issuance of the notice, in which time the Fiduciary may file the overdue document without the notice turning into a citation, or with good cause shown, request that the Court extend the time to file the required document. The date and time of a citation hearing will be included in the event the filing is not made before the grace period expires. The citation hearing will be automatically cancelled if the filing is submitted to the Court within the grace period. The~~

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notice will indicate that the Court will likely cancel the hearing if required filings are satisfactorily submitted at least 2 Court days prior to the hearing. The notice of non-compliance will also indicate state that the Court will not grant any consider any requests for an extensions if promptly submitted upon receipt of the notice of non-compliance. of the due date during the delinquency, except as the Court may order after the citation hearing under Rule 77.3.

### **Local Rule 77.3 Citation Hearing**

The Court will conduct an in person hearing on all citations in which the Fiduciary and/or Counsel fails to file a required document before expiration of the grace period stated in the notice of non-compliance unless the filing is submitted to the Court 3 Court Days prior to the citation hearing prior to the hearing, unless an extension or continuance has been granted by the Court.

#### **A. Extensions or Continuance of Hearing**

The Court will consider appropriate requests for extensions or for a continuance of the citation hearing. Such requests shall include information regarding the reason for the delay, and an approximate filing date for the required documents(s). The Court will be more likely to grant such requests if the requests are filed promptly upon receipt of the notice of non-compliance. only grant a continuance of the citation hearing upon a showing of exceptional circumstances. An application for a continuance of the citation hearing must be filed at least three Court Days before the scheduled citation hearing.

#### **B. Who Must Appear**

The Fiduciary and the attorney of record must appear in person at all citation hearings unless otherwise ordered. In cases in which there are Co-Fiduciaries, all of the Fiduciaries must attend. The attorney of record may not send any other attorney in his or her place.

#### **C. Failure to Appear**

Failure of the Fiduciary and/or the attorney of record to appear in person at the citation hearing may constitutes contempt of court. The Court will consider removal of the fiduciary and/or the attorney of record from the case, as well as all other sanctions described in this rule.

#### **D. Citation Hearing Order**

At the conclusion of the citation hearing, the Court will issue an order imposing sanctions consistent with this Rule 77. The order will also set a additional deadlines as necessary, and will impose all appropriate sanctions including removal from the case and any other appropriate sanction as included in this rule. by which the Fiduciary must file the required documents in order to avoid additional per diem sanctions. The Court may also issue further orders as the Court deems necessary under the circumstances.

### **Local Rule 77.4 Sanctions**

The Court's goal will be to avoid sanctions whenever possible, so long as the fiduciary and/or attorney of record demonstrate a willingness and ability to move the case forward in a timely manner. will assess the following costs and sanctions against the Fiduciary and the attorney if the Court issues a citation.

#### **A. Assessment of Costs or Sanctions**

In those instances in which the Court finds that monetary costs or sanctions are appropriate, those charges may be assessed to the fiduciary and/or the attorney of record. Financial charges may ordered in a lump sum of up to \$100.00 and additional payments of violations, the Court has the ability to impose further sanctions pursuant to R.C. 2109.31(C) as the Court deems warranted under the circumstances. ~~The Court will assess costs of \$5.00 against the Fiduciary and the attorney for issuance of a notice of non-compliance, regardless of whether the Fiduciary files the required documents before expiration of the grace period stated in the notice of non-compliance. The cost will increase to \$25.00 each if the Fiduciary fails to file the required documents before expiration of the grace period. Costs are payable upon filing the required documents during the grace period, or at the time of the citation hearing if the filing is not made during the grace period.~~

**B. ~~Initial Sanction~~**

~~In addition to the cost assessments, if a citation hearing goes forward, the Court may impose a \$100.00 sanction against the Fiduciary and the attorney at the citation hearing for failing to timely file the required documents. The Fiduciary and the attorney must pay the sanction at the time of the citation hearing.~~

**C. ~~Per Diem Sanction~~**

~~If the Fiduciary fails to file the required documents before expiration of the deadline set in the Court's citation order under Rule 77.3(D), the Court will automatically assess against the Fiduciary and the attorney an additional sanction of \$10.00 per day until the required documents are filed. This additional sanction must be paid simultaneously with filing the required document.~~

**D. ~~Further Sanctions~~**

~~The Court may impose further sanctions pursuant to R.C. §2109.31(C) as the Court deems warranted under the circumstances of the case.~~

**E. ~~Multiple Violations~~**

~~If a Fiduciary is delinquent in filing more than once in the same case, then in addition to the sanctions described above, the Court may impose any sanction under R.C. §2109.31(C) that the Court deems necessary or appropriate in that case.~~

**F. ~~Who is Liable~~**

All costs and sanctions the Court imposes under this rule ~~Rule 77~~ are the personal responsibility of the Fiduciary and the attorney, each of whom must separately pay the full amount of the stated cost and sanctions from their personal funds. No costs or sanctions under this Rule may be paid from, reimbursed by or charged against the estate or trust.

## Best Practice

### Local Rule 77.1

There is a simple concept to remember about compliance and sanctions: if you complete your work correctly within the time required by law, you will never be subject to sanctions. Therefore, you should not have to worry about this rule. Attorneys should discuss this and emphasize it to their Fiduciary clients at the beginning of the representation to avoid surprises and misunderstandings.

It is your responsibility to manage and monitor your calendar for due dates. You need to create your own calendars and alerts. The Court does not send you reminders. If you are not sure of a particular due date, you can check the case docket on the Court's website. The prior practice of sending 30-day postcards before the citation is eliminated.

This Rule applies to attorneys, too. If an attorney is concerned that a filing will be delinquent because the client is not being cooperative, the attorney needs to immediately request a status conference (Local Rule 78.1(C)) to address the issue with the Court. ~~If you do not seek the Court's assistance in advance, you likely will not get the Court's mercy after your filing becomes delinquent.~~

### Local Rule 77.2

The Court will generally issue a citation the day after the due date has passed. If you find that you are running out of time, apply for an extension (Local Rule 56.1) before the due date. ~~The Court will not grant extensions after the due date.~~

~~The citation will give you 15 Court Days to file your delinquent documents. Make good use of that grace period because the Court will not extend it. If the grace period expires without filing the delinquent documents, you must attend the citation hearing.~~

### Local Rule 77.3

~~The prior practice of cancelling the citation hearing if you file the documents before the citation hearing date is eliminated. The only way to avoid the citation hearing is to file the documents no later than the last day of the 15 day grace period. Once the grace period expires, the citation hearing will go forward without exception.~~

~~The Court views compliance, and citations for non-compliance, as serious matters. Therefore, all Fiduciaries and their attorney of record must appear in person at citation hearings.~~

### Local Rule 77.4

~~It is important to understand the difference between "costs" and "sanctions." Costs are charges to reimburse the Court for the time and expense it incurs in preparing, mailing and managing compliance and citations. Sanctions are monetary fines intended to punish noncompliance and to deter future delinquent actions on the case.~~

~~If the Court issues a citation, a \$10.00 cost is automatically assessed against the Fiduciary. If there is an attorney on the case, the attorney is also assessed with a \$10.00 cost (meaning the total cost in that instance is \$20.00). Those costs must be paid no later than the end of the grace period.~~

~~If the delinquent documents are not filed by the end of the grace period, an additional \$15.00 cost is automatically assessed against the Fiduciary and the attorney, if any. That means the total cost is now \$25.00 each (\$50.00 total if there is an attorney). Those costs must be paid at the citation hearing. Be sure to bring your checkbook to the hearing.~~

~~The Court will impose a separate \$100.00 sanction against the Fiduciary and the attorney (if any) at the citation hearing. It is very unlikely that the Court will waive the sanction. The Court will also impose additionally sanctions if the delinquency is not resolved promptly, or if there is repeated noncompliance in the same case. Be sure to study~~

~~R.C. §2109.31(C) to understand the full scope of remedies the Court has to deal with delinquent activity in a case.~~

Costs and sanctions are both the personal responsibility of the Fiduciary and the attorney. That means they have to pay those amounts out of their own pocket. They cannot pay those amounts from the estate. They also cannot be reimbursed for those amounts from the estate. The "estate" itself did not cause the non-compliance, so it is not proper to charge these costs and sanctions against the estate as administrative expenses.

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# Superintendence Rule 79

## Local Rule 79.01 Assisted Outpatient Treatment Programs

This rule is being adopted to comply with Ohio Rules of Superintendence Rule 79.01.

### A. Definitions.

As used in this rule:

1. “Assisted outpatient treatment program” (“AOT Program”) means a particular session of court for persons with a mental illness subject to court order to receive treatment while being monitored in the community pursuant to R.C. Chapter 5122 and R.C. 2945.38, 2945.39, 2945.40, 2945.401, and 2945.402. An assisted outpatient treatment program is not a specialized docket pursuant to Sup. R. 36.20.
2. “Person with a mental illness subject to court order” has the same meaning as in R.C. 5122.01(B).
3. “Respondent” means a person who is the subject of a civil commitment affidavit filed pursuant to R.C. Chapter 5122.
4. “AOT Team” means a group of individuals from various entities in Fairfield County facilitating and monitoring the Court’s AOT Program. The membership of the AOT Team may be updated at any time without updates to this rule. The current AOT Team includes individuals in the following positions:
  - a. ADAMH - Clinical Care Coordinator
  - b. Probate Court - Strategic Initiatives Coordinator
  - c. Treatment Provider - AOT Case Manager
  - d. Treatment Provider - AOT & Court Services Coordinator
5. “Counsel for the Respondent” means the attorney hired or appointed to represent the Respondent throughout proceedings.
  - a. In all cases in which the Respondent does not have privately retained counsel, the Court will appoint an attorney to represent the Respondent
6. In all cases in which the Respondent does not have privately retained counsel, the Court will appoint an attorney to represent the Respondent

### B. Eligibility Criteria/Procedures for Referral.

1. Any Fairfield County resident adjudicated a mentally ill person subject to court order under R.C. 5122.01(B) will be considered for AOT.
2. The AOT Team will be responsible for making a recommendation to the Court as to whether a Respondent is appropriate for AOT. At a hearing with ADAMH Counsel and Counsel for the Respondent present, the Court will make a determination as to whether the Respondent should be placed on AOT, and issue other orders for the Respondent.

**C. Hearings/Procedures for Conducting the Initial Hearing and Subsequent Reviews.**

1. After the filing of a civil commitment affidavit, the Court will schedule the initial hearing on the affidavit within 10 days of the detainment of the Respondent or within 10 days of the filing of the affidavit, whichever comes first. The initial hearing will take place virtually via Zoom unless otherwise ordered. The AOT Team is responsible for working with the appropriate facility or other entity to ensure that the Respondent is afforded an opportunity to participate in the virtual hearing.
2. Subsequent review hearings will take place on the first Friday of each month at 10:00 A.M. unless otherwise ordered.
3. Subsequent review hearings will have both virtual and in-person options. Respondents are encouraged to attend review hearings in person to meet with the judicial officer and members of the AOT Team. A virtual Zoom link will also be provided for Counsel for the Respondent, ADAMH Counsel, and other members of the AOT Team and providers, and may be shared with the Respondent in the discretion of the AOT Team.
4. At the time of the review, the Court will receive updates from the AOT Team, before providing the Respondent, Counsel for the Respondent, and any other party the opportunity to provide an update on the case.

**D. Expectations for Assisted Outpatient Treatment Participants**

1. AOT participants are expected to at all times follow the treatment recommendation of the AOT Team and other treatment providers.
2. AOT participants shall follow all Court orders issued throughout the duration of the AOT involvement and shall attend hearings when requested by the AOT Team and/or the Court.
3. AOT participants shall take all medications as prescribed, and attend all appointments scheduled as part of the treatment plan.
4. AOT participants shall maintain reasonable contact with the AOT Team throughout the duration of the AOT commitment.

**E. Procedures for hospitals, treatment providers, county alcohol, drug, and mental health boards, participants, and attorneys to make confidential filings in the participants underlying civil commitment.**

1. Filings in the participant's underlying civil commitment may be made in any way authorized under these Local Rules. With respect to all civil commitment filings, clerk staff shall appropriately mark the electronic filings to ensure that the filings

remain confidential and thus unavailable for public viewing online, and clerk staff shall take all steps necessary to ensure that the physical Court file is confidential.

2. The Court will accept any filings from private parties initiating a civil commitment. However, the Court strongly encourages private parties to contact the ADAMH Board prior to submitting initial pleadings, and the Court will consider whether the parties have done so prior to taking significant action on the case, especially with respect to the issuance of a pick-up order.

**F. Procedures for notifying the parties and nonparty participants.**

1. With respect to notice of the initial civil commitment affidavit, the Court will facilitate personal service on the Respondent.
2. With respect to all subsequent filings, service will be provided to Counsel for Respondent.

**G. Criteria for successful completion of the program.**

1. Successful completion of the AOT program may take place while an ongoing civil commitment remains in place, or may be terminated at the same time as an ongoing civil commitment.
2. The Court will consider completion of the program upon the filing of a Motion from the ADAMH Board, the Respondent, or any other party. The Motion shall make clear whether termination of the civil commitment and other orders are being requested, or simply removal from the AOT program and its requirements.
3. The Court will hear arguments on the Motion at the time of the Respondent's next scheduled review hearing unless otherwise ordered. The Court will consider factors including but not limited to:
  - a. The Respondent's compliance with medication.
  - b. The recommendation of the AOT Team and/or other providers.
  - c. The Respondent's ability to maintain compliance with medications and other treatments outside of the Court's monitoring.
  - d. Any relevant safety factors for the Respondent and the community.

## **Other Responsibilities**

**H. Communication among representatives of the Court, treatment providers, and other individuals or agencies supporting the program participants.**

1. The AOT Team shall maintain regular communication regarding each Respondent in the program.
2. The frequency and method of communication shall be in the discretion of the AOT Team so long as the AOT Team can adequately update the Court and other parties at

the monthly review hearings, and update all parties and providers in between hearings when necessary.

**I. Monitoring a Program Participant's Adherence to the Treatment Plan Created by the Community-Based Provider.**

1. The AOT Team shall be responsible for monitoring the compliance of all Respondents in the Program.
2. The AOT Team, in coordination with ADAMH Counsel, will be responsible for making appropriate recommendations to the Court at the time of the monthly review hearings, and to update all necessary parties and providers on urgent matters in between hearings

**J. Evaluating a Program Participant Throughout the Court Ordered Treatment Period.**

1. The AOT Team will be responsible for monitoring the compliance of the Respondent throughout the court ordered treatment period.
2. The AOT Team, in coordination with ADAMH legal counsel, shall also make recommendations with respect to which Respondents are on the docket for monthly reviews, and which Respondents are monitored by the AOT Team without being on the monthly docket. These requests may occur in between hearings via Motion, and may also be made at the time of monthly review hearings. The Court will make the final determination with respect to which respondents appear on each month's docket.

**K. Maintaining Confidentiality of Proceedings, Information, and Records Pursuant to R.C. 5122.**

1. Clerk staff shall appropriately mark the electronic filings to ensure that the filings remain confidential and thus unavailable for public viewing online, and clerk staff shall take all steps necessary to ensure that the physical Court file is confidential.
2. Civil commitment hearings and AOT review hearings will typically only involve one Respondent in the courtroom at a time. The Court reserves the right to hold review hearings with multiple respondents present. In these instances, if the Respondent or Counsel for the Respondent request an individual hearing for only the Respondent, the Court is likely to accommodate that request. Additionally, with respect to review hearings, the Court will strongly consider any requests from Respondent or Counsel for the Respondent to have unnecessary individuals removed from the courtroom or from the Zoom meeting to ensure greater privacy. Final determinations as to the necessity of an individual to remain in the proceedings will be made by the Court.

**L. Evaluating Program Outcomes**

1. The AOT Team will be responsible for measuring program outcomes.
2. At a minimum, the team will track and evaluate program compliance, psychiatric hospitalizations, and incarcerations with respect to program participants.