

## Rule 23. Service

(A) Process: summons. Service shall be completed as provided in the Juvenile and Civil Rules of Procedure, as applicable.

(B) Service by publication: residence unknown. If the residence of the respondent is unknown, service by publication shall be made by posting and mail. Before service by posting and mail can be made, an affidavit of a party or the party's counsel shall be filed with the court. The affidavit shall contain the same averments required by Juvenile Rule 16 or Civil Rule 4.4(A)(1), whichever is applicable, and in addition shall set forth the first and last name of the child and the respondent's last known address. Upon the filing of the affidavit, the clerk shall cause service of notice to be made on the website of the court located at: <http://juvenile.cuyahogacounty.us> under the tab "Forms and Publications" and then after clicking "View Publications Here." Persons may also navigate directly to <http://juvenile.cuyahogacounty.us/PublicationSummons.html>.

(C) Notice to attorneys and guardians ad litem. Absent a prohibiting disability, counsel and guardians ad litem representing a party before the court shall provide a current email address to the court's Clerk's Office. Notice of all upcoming hearings will be provided to counsel via the email address they have provided. Nothing in this rule shall be construed as prohibiting the trial court in which the case is assigned from providing notice in any other manner.

(D) Subsequent service to parties where the address is unknown. Any pleadings and other papers filed subsequent to service of the original complaint upon a party whose address is unknown are deemed served upon said party, in accordance with Civ. R. 5(B)(2)(e), when said document(s) are properly filed with the Clerk of Court and the Certificate of Service or Instructions for Service attached to said document(s) denotes the name of each party being served pursuant to Civ. R. 5(B)(2)(e).

Last Revised ~~8/19/2021~~ [enter new date] Previously Revised 6/20/2019

## Rule 24. Special Process Servers

### (A) Standing Orders for Special Process Server

Persons requesting a standing order to be appointed as a "Special Process Server" must file an application with this Court supported by an affidavit. The application must include the name, address, and telephone number of the applicant. The affidavit must indicate that the applicant meets the requirements of Ohio Civil Rule of Procedure 4.1(D) by submitting a notarized affidavit certifying they:

- (1) Are not less than eighteen years of age;
- (2) Shall not be a party to a proceeding, related to a party of a proceeding, or have a financial interest in the outcome of a proceeding in which they serve process;
- (3) Are a United States citizen or a legal resident of the United States;
- (4) Hold a valid government-issued identification card, passport, or driver's license;
- (5) In the last ten years, have not been convicted of any felony, offense of violence, or offense involving dishonesty or false statement;
- (6) Are not currently under community control sanctions, probation, post-release control, or parole;
- (7) Are not currently a respondent under any civil protection order;
- (8) Are familiar with the required procedure for service of process; and
- (9) Will conduct themselves in a professional manner;

In addition, the applicant agrees to follow Ohio Civil Rules 4 through 4.7 and any applicable procedure set forth by this Court.

The procedure to be appointed as a standing "Special Process Server" is as follows:

- ~~(1) The application must include the name, address, and telephone number of the applicant.~~
- ~~(2) The applicant agrees not to accept service of process in any case(s) wherein he/she is named as a party or counsel for the party.~~
- ~~(3) The applicant agrees to follow Civil Rules 4 through 4.6 and any applicable local rules or procedure set forth in this Court.~~
- ~~(4) The applicant must be eighteen years of age or older.~~
- (1) The application must be filed at the Clerk's Office and the applicant must pay the appropriate filing fee.

- (2) The order shall be signed by the Administrative Judge and filed with the Clerk of Court's Office.
- (3) The Clerk's Office shall retain the original application and order and maintain a log of all standing orders.
- (4) The appointment will remain in effect for one (1) year, and the applicant must re-apply annually.

(B) Motion to be Appointed as a Special Process Server in a specific case

Persons requesting to be appointed as a "Special Process Server" in a specific case must file a motion ~~in the Clerk's Office, and the procedure is as follows:~~ with this Court supported by an affidavit. The application must include the name, address, and telephone number of the applicant. The affidavit must indicate that the applicant meets the requirements of Ohio Civil Rule of Procedure 4.1(D) by submitting a notarized affidavit certifying they:

- (1) Are not less than eighteen years of age;
- (2) Shall not be a party to a proceeding, related to a party of a proceeding, or have a financial interest in the outcome of a proceeding in which they serve process;
- (3) Are a United States citizen or a legal resident of the United States;
- (4) Hold a valid government-issued identification card, passport, or driver's license;
- (5) In the last ten years, have not been convicted of any felony, offense of violence, or offense involving dishonesty or false statement;
- (6) Are not currently under community control sanctions, probation, post-release control, or parole;
- (7) Are not currently a respondent under any civil protection order;
- (8) Are familiar with the required procedure for service of process; and
- (9) Will conduct themselves in a professional manner;

In addition, the applicant agrees to follow Ohio Civil Rules 4 through 4.7 and any applicable procedure set forth by this Court.

The procedure to be appointed as a "Special Process Server" is as follows:

- ~~(1) The applicant must agree not to accept service of process in any case(s) whereas he/she is named as a party or counsel for the party.~~
- ~~(2) The applicant agrees to follow Civil Rules 4 through 4.6 and any applicable local rules or procedure set forth in this Court.~~

(1) The motion must be filed at the Clerk's Office and the applicant must pay the appropriate filing fee.

~~(3)~~ The applicant must pay a filing fee when filing the motion.

~~(4)~~(2) The individual jurist assigned to the case will sign the order and file same in the Clerk's Office for journalization.

~~(5)~~(3) Once the order has been journalized, the Clerk's Office will prepare the summons, notice, pleading, etc. to be served.

~~(6)~~(4) The Special Process Server will pick-up service information and, if necessary, documentation desired to be served from the Clerk's Office.

(5) The Special Process Server will file the return service in the Clerk's Office.

Last Revised 6/13/2016

## Rule 27. Court Records

(A) Reports and records of the Probation Department, including social history and report of a mental or physical examination, shall be considered confidential information and shall not be made public. The inspection of probation records or other internal records by attorneys and other interested parties shall be governed by Juvenile Rule 32(C) and R.C. 2151.14. No person shall be permitted to read the probation records unless proper authorization is given by the jurist. Any individual or entity that is authorized by an order issued pursuant to R.C. 2151.14(D)(1) to obtain copies of specified records or specified information related to a particular child may file a written request for copies of the records or information requested which shall explain the need for the records or the information requested and include a copy of the order.

(B) Court record requests are governed by requests Ohio Rules of Superintendence 44-47 and the applicable sections of the Ohio Revised Code. Court procedures for Official court records of cases involving juveniles shall be open for inspection by the parent(s), guardian(s) or, if deceased, next of kin, or by legal counsel or guardian ad litem of any child affected by any order of any proceeding. Otherwise, such records shall not be available to any person except by order of the jurist or by written consent of the juvenile involved and his/her parent(s), guardian(s) or, if deceased, next of kin, or by legal counsel or guardian ad litem.

(C) Traffic records maintained by the Court are confidential and shall not be made public. Inspection by attorneys or interested parties may be allowed by leave of the Court.

(D) Any individual or entity that is authorized by an order issued pursuant to R.C. 2151.14(D)(1) to obtain copies of specified records or specified information related to a particular child may file a written request for copies of the records or information requested which shall explain the need for the records or the information requested and include a copy of the order.

(E) The records of adult cases shall be public record as provided by law.

(F) No person, except a jurist or his/her representative, shall remove any documents or case files from the custody of the Clerk of Court. No records shall be removed from the custody of the Clerk of Court without the permission of Court Administration and/or the Director of the Clerk of Court.

(G) Upon request, the Clerk of Court shall allow a party, or attorney of record representing the party, to examine, but not remove, any original document or case file that is maintained by his/her office. Examination shall be allowed during regular business hours.

(H) Upon request and the payment of a photocopy fee, the Clerk of Court shall provide copies of an original document, except official transcripts, maintained by his/her office. Copies shall be provided during regular business hours within a reasonable period of time as determined by the Clerk of Court. Photocopy fees may be waived for guardians ad litem and assigned counsel. A reasonable period of time shall be based upon the extent of the request and availability of the legal file. Additional information, including contact information and photocopy fees, can be found on the court's website. There is a \$0.05/page fee for photocopies and a \$1.00/page fee for certified copies. Efforts will be made to provide copies within a 24-hour response time.

## **Rule 28. ~~Telephonic Orders Reserved.~~**

~~A person who intends to take an alleged abused, neglected, or dependent child into custody may request that a jurist grant by telephone an ex parte emergency order authorizing the taking of the child into custody if the following conditions are present:~~

~~(A) — It is between the hours of 4:30 pm and 8:30 am, the court is closed, or it is a weekend or holiday;~~

~~(B) — There are reasonable grounds to believe:~~

~~(1) — The child is suffering from illness or injury and is not receiving proper care; or~~

~~(2) — The child is in immediate danger from the child's surroundings; or that a parent, guardian, custodian, or other household member has abused or neglected another child in the house hold; or~~

~~(3) — The child's removal is necessary to prevent immediate or threatened physical or emotional harm.~~

~~(C) — The person who wishes to take the child into custody shall call the on-call jurist who shall conduct a hearing to determine whether the child should be taken into custody. The hearing shall be recorded and the recording shall become part of the court record.~~

~~(D) — After the hearing is conducted, the person who requested the hearing shall prepare an entry pursuant to Juvenile Rule 25.~~

~~(E) — The prepared journal entry shall be signed and journalized pursuant to Juvenile Rule 25 and 25.1.~~

~~(F) — A sworn complaint shall be filed with respect to the child before the end of the next business day on which the child is taken into custody.~~

~~(G) — A hearing shall be conducted before the end of the next business day after the day on which the emergency custody order is issued, except that it shall not be conducted later than seventy-two hours after the emergency order is issued. The person taking the child into custody shall give the parents of the child notice of the next business day hearing.~~

~~Last Revised 11/8/2012~~

## **Rule 40. Interpreters**

### **(A) Foreign Language Interpreter**

Subject to the qualifications and pursuant to the process outlined in Sup.R. 88, the court shall appoint a foreign language interpreter in a case or court function when the court determines, either in its discretion or at the request of a party or witness, that a party or witness is limited English proficient or non-English speaking and the services of an interpreter are necessary for the meaningful participation of the party or witness.

### **(B) Sign Language Interpreter**

Subject to the qualifications and pursuant to the process outlined in Sup.R. 88, the court shall appoint a sign language interpreter in a case or court function when the court determines, either in its discretion or at the request of a party or witness, that a party or witness is deaf, hard-of-hearing, or deaf-blind, and determines the services of a sign language interpreter are necessary for the meaningful participation of the party or witness.

### **(C) Ancillary Services**

Subject to the qualifications and pursuant to the process outlined in Sup.R. 89, the court shall ensure that individuals with limited English proficiency and individuals who are deaf, hard-of-hearing, or deaf-blind have meaningful access to ancillary services outside the courtroom.

### **(D) Requests for Interpreter Services**

Requests by individuals for reasonable accommodations or language interpretation may be made to an employee of the court orally or in writing. Requests shall be made within a reasonable time, not less than seven (7) days, prior to the scheduled hearing or court function for which interpreter services are needed.

If the hearing or court function for which the services are requested is canceled or continued, the person(s) requesting the services shall immediately notify the court that interpreter services are no longer required.

### **(E) Language Access Plan**

The court has adopted a detailed “Language Access Plan,” which is available at <https://juvenile.cuyahogacounty.gov/court-services>. Requests for interpreters/translations will be fulfilled in accordance with this plan.

**Cuyahoga County Juvenile Court**  
**LANGUAGE ACCESS PLAN**  
**[EFFECTIVE DATE]**

Note to Public:  
LAP Plan provided for  
convenience for review  
during Public Comment  
Process. This will not be  
attached to Local Rule  
itself.

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**I. PURPOSE**

This document serves as the Language Access Plan (“LAP”) for Cuyahoga County Juvenile Court to provide services to limited English proficient (“LEP”) individuals and individuals who are deaf or hard of hearing. Cuyahoga County Juvenile Court is committed to ensuring equal access to court services. Approximately, 12% of Cuyahoga County’s population speak a language other than English. The purpose of this plan is to provide a framework for the provision of timely and reasonable language assistance for all individuals who come into contact with the court.

**II. BACKGROUND**

**A. Language Vendors**

Cuyahoga County Juvenile Court partners with vendors to ensure the appointment of qualified interpreters for LEP or deaf or hard of hearing individuals. All interpreters are appointed in accordance with Sup.R. 88.

Vendors will provide the court with Supreme Court certified foreign language and sign language interpreters. If a Supreme Court certified interpreter does not exist or is not reasonably available, vendors will provide a provisionally qualified foreign language interpreter or a registered foreign language/sign language interpreter. If a provisionally qualified or registered foreign language interpreter does not exist or is not reasonably available the vendor may provide a language-skilled foreign language interpreter who demonstrates proficiency in the target language. If a registered sign language interpreter does not exist or is not reasonably available, the vendor may appoint a certified sign language interpreter in accordance with Sup.R. 88(E)(3).

Interpreter requests for rare languages may be facilitated through telephonic or video interpretation in accordance with Section V.C of this plan.

**III. LANGUAGE ASSISTANCE REQUESTS**

**A. Requesting an Interpreter or Translation**

Request for interpreters or translations may be made directly to a court employee. They will assist in ensuring that language services are delivered by the court in accordance with this plan and the Rules of Superintendence for the Courts of Ohio, Rules 80–89.

**B. Language Services Costs**

In the Cuyahoga County Juvenile Court sign language interpreters will be provided at court expense for all deaf or hard-of-hearing court parties, witnesses, or jurors in compliance with the



ADA. Under Ohio law, foreign language interpreters will be provided at court expense if the party is found to be indigent. Subject to funding availability, the court generally provides language services to all litigants at no cost. However, the court reserves the right to assess costs for language services to all litigants not found to be indigent.

Pursuant to R.C. 2930.041 (Marsy's Law), the court will provide sign language or foreign language interpreters in all legal proceedings at no cost to a victim(s).

#### **IV. USE OF INTERPRETERS**

##### **A. Determining the Need for an Interpreter**

There are various ways that the Cuyahoga County Juvenile Court will determine whether an LEP or deaf or hard-of-hearing person needs the services of a court interpreter. First, the LEP or deaf or hard-of-hearing person may request an interpreter (see Section III.A).

Second, court personnel and judges may determine that an interpreter is necessary for the meaningful participation of a party or witness. When it appears that an individual has any difficulty communicating, the court staff, judge, or magistrate must provide an interpreter to ensure full access to the court. See Sup.R. 88(A)(2), (B)(1)(b). In legal proceedings, judges and magistrates must decide on the record, whether an interpreter is needed. In court functions and ancillary services, designated staff may decide whether an interpreter is needed.

Third, once a party or a witness has been identified as an LEP or deaf or hard-of-hearing individual, the court will exercise every effort to appoint interpreters in all future related proceedings or court functions.

##### **B. Appointment of Court Interpreter**

The Cuyahoga County Juvenile Court will appoint in-person and remote court interpreters in accordance with all criteria set forth in Sup.R. 88 and will ensure that certified court interpreters are used whenever reasonably available. If no in-person interpreter is available at the given instance, the court will grant a continuance or if possible and appropriate, in accordance with Sup.R. 88, Appendices G and J, use the services of a telephonic or video remote interpreter. For individuals requesting language services in rare languages the use of video remote or telephonic interpretation is more likely.

Pursuant to Sup.R. 88(C), the court will make all reasonable efforts to avoid appointing foreign language interpreters or sign language interpreters if they are compensated by a business owned or controlled by a party or a witness; friend or a family or household member of a party or witness; a potential witness; court personnel employed for a purpose other than interpreting; law enforcement officer or probation department personnel; or would not serve to protect a party's rights or ensure the integrity of the proceedings or have a conflict of interest, real or perceived.

### **C. Video Remote Interpreters**

Cuyahoga County Juvenile Court employs the use of video remote interpretation when necessary to facilitate court access in a timely manner. Foreign language and sign language interpreters may participate through video remote interpretation pursuant to Sup.R. 88(D), 88(E), and 89. Use of video remote interpreters by Cuyahoga County Juvenile Court complies with all standards set forth in Appendix G of the Ohio Rules of Superintendence. Video remote interpretation may be utilized particularly when rare languages are requested.

Video remote interpretation services may be used in a case or court function or ancillary court service when reasonable to ensure meaningful access to the court for LEP individuals or deaf or hard of hearing individuals. Video remote interpretation will be employed only in instances where the quality of the interpretation will not be compromised by its use. The court will provide necessary technology to ensure successful use of video remote interpretation for LEP individuals and deaf or hard of hearing individuals.

### **D. Language Services Outside the Courtroom**

In accordance with Sup.R. 89, the Cuyahoga County Juvenile Court shall ensure that LEP individuals and individuals who are deaf or hard of hearing have meaningful access to ancillary services outside the courtroom. LEP individuals and individuals who are deaf or hard of hearing may come in contact with court personnel via the phone, counter, or other means. The court has the following resources to assist LEP individuals and individuals who are deaf or hard of hearing:

- When a court staff member does not know what language the person is speaking, the “I Speak” Language Identification Guide is available in 63 languages to facilitate language identification
- To meet the needs of those who speak less-common languages, court staff may rely on telephonic/video remote interpretation or relay services to bridge communication. Telephonic interpreter services are available through LanguageLine Solutions to increase access to ancillary services of the Cuyahoga County Juvenile Court.

## **V. TRANSLATED FORMS AND DOCUMENTS**

The court understands the importance of translating forms and documents so that individuals have greater access to the courts’ services.

Cuyahoga County Juvenile Court currently has the following forms translated into Spanish:

- Instructions for Filing an Application to Determine Custody
- Instruction to Modify Custody
- Standard Parenting Time Schedule
- Instructional Sheet for Completing Instructions for Service Form

All translated forms can be accessed here: <https://juvenile.cuyahogacounty.gov/forms>.

When interpreters are hired for hearings, interpreters are expected to provide sight translations for corresponding documentation to LEP individuals. Requests for translations can also be made directly to a court employee or through the process designated above (see Section III.A).

## **VI. LOCAL RULE**

The Cuyahoga County Juvenile Court has adopted a local rule regarding appointment of interpreters. Local Rule \_\_\_\_\_ can be accessed at <https://juvenile.cuyahogacounty.gov/local-rules>.

## **VII. COMPLAINT PROCESS**

The Cuyahoga County Juvenile Court will ensure that all LEP individuals and individuals who are deaf or hard of hearing receive language assistance services in their primary language. To promptly address any concerns that an LEP person or an individual who is deaf or hard of hearing did not receive language assistance, the court has developed a process for handling such complaints.

Complaints regarding language services can be made at the Cuyahoga County Juvenile Court's Clerk's Office by filling out a complaint form, <https://juvenile.cuyahogacounty.gov/court-services>. Receipt of complaints will be documented by the court. The court will take prompt action to review, investigate, and respond to all allegations within a complaint.

Complaints can also be made to the Supreme Court of Ohio. Parties may call 1(888)-317-3177, Monday-Friday, 8 AM to 5 PM, or send correspondence via email to: [InterpreterServices@sc.ohio.gov](mailto:InterpreterServices@sc.ohio.gov) or via US Postal Service to: Language Services Section, Complaint Resolution, 65 South Front Street, Columbus, Ohio 43215.

The Cuyahoga County Juvenile Court will display a sign translated into Ohio's 12 most frequently used languages which states:

*If you are limited English proficient, you have the right to a court-appointed interpreter. To request one please contact the person or number below:*

*Your local contact information here*

*If you are not provided an interpreter, call the Supreme Court of Ohio complaint line at 1.888.317.3177*

## **VIII. PUBLIC NOTIFICATION AND EVALUATION OF LAP**

### **A. Approval and Notification**

The Cuyahoga County Juvenile Court LAP has been approved by the Administrative Judge of the court. Any future revisions to the plan will be submitted to the Administrative Judge for approval. Copies of the Cuyahoga County Juvenile Court LAP will be distributed to court employees. Copies of the Cuyahoga County Juvenile Court LAP will be provided to the public upon request. In addition, the Court will post this plan on its website.

### **B. Evaluation**

This Language Access Plan will be reviewed and updated as needed every three years in compliance with Sup. R. 88(J). The evaluation will include review of any complaints received, identification of any problem areas, development of required corrective action strategies, and input from court staff.

Any revisions made to the plan will be approved by the Administrative Judge and will be communicated by posting on the court's website.

## **IX. ADMINISTRATIVE JUDGE APPROVAL**

This LAP was reviewed and approved by:

[INSERT ADMINISTRATIVE JUDGE NAME HERE]

[INSERT ADMINISTRATIVE JUDGE SIGNATURE HERE]

[INSERT SIGNATURE DATE HERE]

Effective Date:

**Local Rule 42.1. Positive Parenting Program (Triple P) Requirement.**

- (A) Applicability.** This Local Rule pertains to all private custody actions. This does not pertain to Abuse/Neglect/Dependency Actions in which the Department of Children and Family Services is an active party. Starting December 1, 2025, all parties to a private custody case are required to complete the Positive Parenting Program (Triple P).
- (B) Requirements of the Program.** This is offered at no cost and be completed online from the comfort of a party's home or other location of their choice. Said program is an individualized program of six to eight modules to help support parents in their journey to raising happy and resilient children. Each module will take less than one hour to complete.
- (C) Submitting Proof of Completion.** Upon completion, the participating party will be issued a certificate of completion that said party must either file at the clerks office (in person, by mail or online) or the party may print it out the certificate and bring it with them to their next hearing (so long as the scheduled hearing is prior to any deadline imposed by Order of court). Parties should also come to that hearing prepared to discuss what they have learned.
- (D) Compliance.** Failure to provide proof of completion will impact your case.

**Rule 43. Mediation**

(A) Mediation is a structured process in which a mediator facilitates communication and negotiation between the parties to assist them in reaching a voluntary agreement regarding their matter.

(B) The following cases may be referred to the Court Mediation Department for a mandatory mediation session:

- (1) Applications to determine custody, shared parenting, or parenting time;
- (2) Applications for companionship or visitation time;
- (3) Motions to modify custody, parenting time, or visitation time;
- (4) All other matters concerning allocation of parental rights and third-party custody and visitation.

(C) When referred - A matter may be referred to mediation at any time after a complaint or motion is filed. Parties may agree to mediate before service has been perfected if the responding party signs a Waiver of Service.

(D) Notice of Mediation Session, Continuances

- (1) When a mediation session is scheduled, the court will send a notice to the parties with the date and time of the mediation. The parties must appear to the scheduled mediation session unless it is cancelled or continued.
- (2) Parties may request a continuance of the mediation session by filing a "Motion for Continuance" with the Clerk of Court in compliance with Local Rule 35.

(E) Pre-mediation Screening

- (1) Each matter that is referred to mediation shall be screened by the assigned mediator prior to the scheduled mediation session. The screening process is designed to determine if and how the case should be mediated, assess each party's ability to meaningfully participate in mediation and detect any safety concerns. Pre-mediation screening is NOT the time to discuss the merits of the case or each party's grievances.
- (2) Each party is responsible for ensuring that the Court has up-to-date contact information. Mediators will reach out to the parties by phone during pre-mediation screening. Parties wishing to update their address and/or phone number can file a "Change of Address" form with the Clerk of Court.

(F) The following cases are exempted from mediation:

- (1) Cases that do not comply with Local Rule 42;
- (2) Cases in which a litigant is the respondent in an active protection order naming the child as a protected party;
- (3) Cases in which the Court may be unable to exercise jurisdiction over the child;

- (4) In emergency circumstances requiring an immediate hearing by a jurist;
  - (5) Cases in which the parties have executed an Agreed Judgment Entry;
  - (6) Cases in which mediation would be inappropriate due to domestic abuse or domestic violence concerns;
  - (7) Mediation is prohibited as an alternative to the prosecution or adjudication of domestic violence; In determining whether to grant, modify, or terminate a protection order; In determining the terms and conditions of a protection order; In determining the penalty for violation of a protection order.
- (G) Parties participating in mediation shall follow all rules and guidelines communicated to them by the mediator. Each party will be given a chance to assert their position and desired goals.
- (H) The mediator will communicate the results of a mediation to the Court as follows:
- (1) If the parties reach an agreement, the agreed-upon terms will be put in writing, signed by the parties, and submitted to the Court.
  - (2) If the parties are unable to reach an agreement, the mediator will prepare a report to the Court and disclose only whether a mediation hearing occurred, whether a settlement was reached, and who attended the mediation hearing. The matter will then be set for further hearing by a Judge or Magistrate.
- (I) Privilege and Confidentiality
- (1) Statements and nonverbal communications that occur during a mediation are generally confidential and privileged. Consequently, communications made during mediations are generally not admissible in evidence in a proceeding unless the privilege is waived. Any party or participant may refuse to disclose and may be able to prevent others from disclosing mediation communications.
  - (2) There is no privilege for mediation communications to which any of the following applies:
    - a. Communications that involve imminent threats or statements of a plan to inflict bodily injury or commit a crime of violence against others;
    - b. A party or participant uses the mediation process to commit, conceal, plan, or attempt to commit a crime;
    - c. A party or participant makes a communication that can be used to prove or disprove abuse, neglect, abandonment, or exploitation of a child or elderly person, including in a proceeding initiated by a child protection agency which alleges that a child is an abused, neglected, or dependent child;
    - d. A party or participant makes a communication that is connected to the commitment of a felony or delinquency proceeding involving a felony if committed by an adult;

- e. The parties reach an agreement that is memorialized in writing and signed by the parties;
- f. Participants seek to prove or disprove a claim of professional misconduct or malpractice filed against a mediator;
- g. The mediation communication qualifies as a public record that is required to be disclosed under section 149.43 of the Ohio Revised Code.

(J) Attorneys and guardians ad litem may attend the mediation hearing with the parties but are not required to do so.

(K) Prohibitions

(1) Mediators are prohibited from giving legal advice to parties. Mediators will maintain the following information for the public:

- a. Attorney referral contact information;
- b. Information regarding children's services; and
- c. Resource information for local domestic violence prevention, counseling, substance abuse and mental health services.

(2) Mediators are prohibited from serving as an ongoing resource for parties after the mediation is concluded. Parties shall not solicit input from mediators about a pending matter or contact the mediator outside of the mediation process.

(L) Per Diem Mediators

(1) When Appointed

The Court shall appoint a per diem mediator to any case referred to the Court Mediation Department for a mediation session:

- (a) Applications to Determine Custody, Shared Parenting, or Parenting Time;
- (b) Applications for Companionship or Parenting Time
- (c) Motion to Modify Custody, Parenting Time, or Visitation;
- (d) All other matters concerning allocation of parental rights and third-party custody and parenting time.

(2) Qualifications

Per Diem Mediators must have a Juris Doctorate Degree and a Minimum of five (5) years of professional experience as a practicing attorney in private custody juvenile court cases, domestic relations cases or experience dealing with high conflict parenting issues.

In addition, Per Diem Mediators must have completed fourteen (14) hours of Fundamentals of Mediation Training, and any prerequisite classes as required under Rule 16.22 and 16.23 of Rules of Superintendence for the Courts of Ohio.

(2)(3) How appointed

The Court shall maintain an alphabetical listing of qualified per diem mediators.

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When the Court appoints a mediator, the Court shall select the next available individual from the per diem mediator list. When the court determines that unique circumstances exist or facilitate the management of the docket, the Court may appoint any qualified individual from the per diem mediator list.

(4) Compensation

Per Diem Mediators shall be compensated in accordance with the Fee Bill Policy and Fee Schedule in effect at the time the mediator was appointed upon the filing of a Motion for Per Diem Mediator Fees (Form \_\_\_\_\_) and shall be compensated at the authorized rate in effect at the time of acceptance of the assignment.

It shall be the responsibility of the per diem mediator to file an itemized and signed Form \_\_\_\_\_.

If a Per Diem Mediator files a motion for extraordinary fees with the Clerk of Court, it shall be referred to the assigned judge for review and approval of payment.

(5) Periodic Review

The Court shall periodically review the per diem mediator assignments and assignment practices to ensure equitable distribution of appointments among the mediators from the qualified list.

(a) Quality Control

The Court may remove a mediator from the qualified list in the interest of justice and for good cause shown.

(b) Duration of assignment

The mediator's role shall terminate upon the submission of a mediated agreement or submission of a summary report of failure to reach an agreement or failure to appear.

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(M) Fees - A \$100 mediation fee shall be assessed to each party unless otherwise ordered by the Court.

(N) Incorporation of the Ohio Uniform Mediation Act – Ohio Revised Code Chapter 2710 is incorporated into this rule by reference as if fully rewritten. Ohio's Uniform Mediation Act can be found on the Juvenile Court's website.

Previously Revised 3/13/2019

Last revised 11/17/2022

#### **Rule 47. Diversion (Effective January 1, 2019)**

The Court recognizes the guidance set forth in Juvenile Rule 9 which states "In all appropriate cases formal court action should be avoided and other community resources utilized to ameliorate situations brought to the attention of the court." Prior to the filing of a formal delinquency or unruly complaint, the complaint shall be screened for diversion ~~pursuant to the Court's Intervention Center Policies and Procedures. Copies of the Court's Intervention Center Policies and Procedures will be kept with the Clerk of Court.~~ by the Court's Early Intervention and Diversion Center, and in cases of delinquency only, in conjunction with the Prosecutor's Office.

Last Revised 1/1/2019

## **Rule 61. Juvenile Re-Entry Court Reserved.**

### ~~(A) — Establishment of the Juvenile Re-Entry Court Docket~~

~~The Juvenile Re-Entry Court was established in 2007. The goal of the Juvenile Re-Entry Court, which is voluntary, is to provide high risk youth who are released from the Department of Youth Services, with more intensive supervision for a successful transition into the community. The objective of the Juvenile Re-Entry Court program is to reduce recidivism and re-incarceration, provide an early release from parole and to prevent relapse into substance abuse and gang activity.~~

### ~~(B) — Placement in the Juvenile Re-Entry Court Docket~~

~~The Juvenile Re-Entry Court target population is selected from youth who have been adjudicated delinquent of any felony offense and are committed to the Department of Youth Services. Additional criteria are specified upon release from the institution; the individual will reside in Cuyahoga County and be under the supervision of parole in the Cuyahoga County jurisdiction. Individuals with mental health, drug or alcohol issues are included in the target population provided they are competent to understand the criteria of the Juvenile Re-Entry Court because it is a voluntary program.~~

~~The targeted youth, while in the institution, are identified by Department of Youth Services staff and are engaged by trained case managers several months prior to their release from the institution. The parole officer and treatment team make the recommendation that the youth be considered for participation in the Juvenile Re-Entry Court. The Juvenile Re-Entry Court Jurist has final discretion whether to accept the individual into the program.~~

~~Official acceptance into the Juvenile Re-Entry Court occurs at the initial scheduled court review hearing within a month of release from the institution. The youth must voluntarily agree to participate in the Juvenile Re-Entry Court and the youth must sign an agreement to abide by the rules and conditions of both parole supervision and the Juvenile Re-Entry Court program.~~

### ~~(C) — Case Assignment in Multi-Judge Courts~~

~~The Juvenile Re-Entry Court youth's parole case is transferred to the docket of the Juvenile Re-Entry Court jurist for the sole purpose of the Juvenile Re-Entry Court and the services provided. The case will remain the responsibility of the assigned jurist who will oversee any matters not related to the Juvenile Re-Entry Court.~~

### ~~(D) — Juvenile Re-Entry Court Case Management~~

~~Each youth shall sign an agreement that states that he or she will comply with the rules of the Juvenile Re-Entry Court and that he or she has received a copy of the participant handbook. The handbook details the rights and responsibilities of the Juvenile Re-Entry Court youth, the benefits to participation in the Juvenile Re-Entry Court, the possible sanctions and incentives, and the requirements expected of the participant.~~

~~The Juvenile Re-Entry Court parole officer and treatment team will provide a range of supportive services including assessment, diagnosis, determination of appropriate treatment intervention and level of care, intensive case management, urinalysis screens, follow-up and linkage with referring justice systems and to ancillary services~~

~~such as educational support, vocational support, mentoring, transportation, respite, housing, electronic monitoring and other necessary interventions.~~

~~(E) — Termination from the Juvenile Re-Entry Court Docket~~

~~A participant can be terminated from the Juvenile Re-Entry Court in one of three ways.~~

~~A successful termination occurs when the youth completes all directives and orders of the Juvenile Re-Entry Court program. Successful termination from the Juvenile Re-Entry Court is within the discretion of the Juvenile Re-Entry Court jurist, and typically will coincide with successful discharge from parole supervision.~~

~~An unsuccessful termination occurs when the youth is persistently noncompliant with the terms and conditions of the Juvenile Re-Entry Court program and parole, or a youth may be unsuccessfully discharged if convicted of a new serious criminal charge, or the youth is re-committed to the Department of Youth Services or adult jail. A youth who is unsuccessfully terminated from the Juvenile Re-Entry Court is continued under parole supervision, and is monitored by the assigned Juvenile Court jurist.~~

~~A neutral discharge can occur when a youth is no longer capable of engaging in the Juvenile Re-Entry Court due to mental health issues, hospitalization, relocation, or at the discretion of the treatment team, parole and the Re-Entry Court jurist. A youth who is neutrally discharged from the Juvenile Re-Entry Court is continued under parole supervision, and is monitored by the assigned juvenile court jurist.~~

~~Last Revised 10/18/2013~~