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**WASHINGTON COURT HOUSE MUNICIPAL COURT
119 NORTH MAIN STREET
WASHINGTON COURT HOUSE, OHIO 43160
(740) 636-2352**

The Washington Court House Municipal Court was established by O. R. C. 1901.01(A). Its jurisdiction is defined by O.R.C. 1901.02(B) and O.R.C. 1901.17.

Local Rules of the Washington Court House Municipal Court

WCH Local R 1.1 Applicability; Authority; Citation

(A) Applicability

Except as otherwise provided, these rules are applicable to all proceedings in the Washington Court House Municipal Court.

(B) Authority

These rules are adopted pursuant to the rules of the Superintendent of the Supreme Court of Ohio and the inherit authority as reserved in Rule 83 of the Ohio Rules of Civil Procedure and Rule 57 of the Ohio Rules of Criminal Procedure.

(C) Citation

These rules shall be known as the Local Rules of the Washington Court House Municipal Court and shall be cited as "WCH Local R ____." They have been numbered to correspond with the numbering of the Superintendence Rule they are intended to supplement. (In accordance with Sup R 75)

WCH Local R 2.1 Definitions- See Sup. R. 2

WCH Local R 3.1 Presiding Judge

The Judge of the Washington Court House Municipal Court, being a single Judge Court, shall serve as the presiding judge, in accordance with Sup. R. 3 and all its subsections.

WCH Local R 4.1 Administrative Judge

The Judge of the Washington Court House Municipal Court, being a single Judge Court, shall serve as the administrative judge, in accordance with Sup. R. 4 and all its subsections.

WCH Local R 5 .1 Local Rules

(A) Updating Local Rule

Local rules shall be reviewed annually and updated after appropriate notice and an opportunity to comment on the proposed rule, if no immediate need exists. The rules shall be filed in accordance with Sup. R. 5 and all its subsections.

(B) Availability

Local rules shall be maintained on the Washington Court House Municipal Court's website

(C) Case and Jury management plans

Civil case management plan Addendum "A"

Criminal case management plan Addendum "B"

Jury management plan Addendum "C"

(D) Special Notices

Officers or employees of this court shall not prepare or help to prepare any pleading, affidavit, complaint, entry or order in any civil or criminal matter, except as provided under Section 1925.04 of the Ohio Revised Code.

No Fee shall be charged by any officer or employee of this court for notarizing affidavits or any other matter pertinent to the civil business of this court.

No Court employee shall knowingly be involved in any matter with a court proceeding which involves a relative by either blood or marriage unless authorized in advance by the Court.

No employee, attorney, officer or attaché' of the court or any member of his or her immediate family, shall furnish bail or surety for any person who is party to any type of action filed in this court.

All court employees should avoid impropriety and the appearance of impropriety in all their activities concerning court.

(E) Technology Plan – Addendum "D"

In accordance with Superintendence Rule 5(E), the Court shall adopt and maintain a court technology plan which will include:

(1) Technology Plan - to ensure the efficient and effective use of technology in the delivery of services of the court or division.

(2) A comprehensive strategy for implementing and maintaining technology solutions for conducting remote hearings, electronic service, the acceptance of electronic signatures, and any other technology-related solution utilized by the court or division; and

(2) Procedures for notifying and providing instructions to the public on how to use the technology solutions implemented by the court or division and how the

solutions will comply with any accessibility accommodation requirements, including any applicable requirements of the “Americans with Disabilities Act.”

As required by the Rules of Superintendence 5(E)

WCH Local R 5.2 Local Child Restraint Rule.

(A) Physical restraint shall not be utilized unless the judge or magistrate before whom the child is appearing makes an individualized determination on the record that there is no less restrictive alternative to the use of physical restraint and that the physical restraint of the child is necessary because of either of the following: (1) The child represents a current and significant threat to the safety of the child’s self or other persons in the courtroom; (2) There is a significant risk the child will flee the courtroom.

(B) If physical restraint is found necessary by the judge or magistrate, the restraint must be the least restrictive necessary to meet the risk requiring the restraint and in a manner which does not unnecessarily restrict the movement of the child’s hands.

WCH Local R 6.1 Attorney or Pro Hac Vice Registration Number

All attorneys must include the attorney or pro hac vice registration number issued by the Supreme Court on all documents filed with the court.

Each court shall use the attorney or pro hac vice registration number issued by the Supreme Court as the exclusive number or code to identify attorneys who file documents with the court.

WCH Local R 6.2 Appearance Pro Hac Vice

A request by an out-of-state attorney for permission to appear pro hac vice in a proceeding of a court shall be governed by Rule XII of the Rules for the Government of the Bar.

WCH Local R 7.1 Filing of Judgment Entries.

The judgment entry, as provided by counsel, specified in Civil Rule 58 and in Criminal Rule 32 shall be filed and journalized within thirty days of the verdict, decree, or decision. Should counsel fail to provide the entry the court shall prepare and file the entry.

WCH Local R 8.1 Court Appointments

Pursuant to Sup R 8 (B), the following local rules shall govern the most common appointments made by this court:

(A) Appraisers:

Whenever an appraiser is to be appointed by the court, the appraiser shall be selected from the current list of appraisers maintained by the Fayette County Common Pleas Court, Probate Division. The appraiser chosen shall be based upon qualifications,

property type and must be disinterested in the cause of action. Reasonable fees shall be paid upon the court's approval.

(B) Interpreter:

Foreign language interpreter appointments shall be based upon qualifications from a list maintained by the court. Any person who is qualified may be added to the list upon application.

Interpreter services for a hearing impaired or legally blind shall be paid by the court with appointments made from qualified agencies or individuals with expertise in such field or impairment.

Reasonable fees shall be paid upon the court's approval.

(C) Attorneys: Appointments shall be from a list of qualified attorneys who have made applications to be included on such a list. Reasonable fees shall be paid upon approval of the court.

WCH Local R 9.1 Security plans; Confidentiality

Pursuant to Sup R 9, The Washington Court House Municipal Court security policy and procedure has been adopted and filed with the administrative director of The Supreme Court and is NOT a public record. The court bailiff is the Chief Security Officer of the court and is charged with the management and implementation of the plan.

WCH Local R 10.1 Notification Regarding Criminal or Civil Protection Orders.

(A) Notification requirements may be completed in physical form or by electronic means and in accordance with Sup. R. 10.

WCH Local Rule 10.2 Standard Domestic Violence Criminal Temporary Protection Order Forms.

(A) Availability

Forms 10-C, 10.01-A, and 10.02-A. are available in physical form in the clerk of court's office

On the court website there will be a link to electronic versions of the forms.

WCH Local Rule 10.3 Standard Notice Concerning Possession or Purchase of a Firearm.

The court shall use a form that is substantially similar to "Form 10.04-A" that is to be signed by the defendant.

WCH Local Rule 10.4 Inter-Court Communication in Domestic Violence and Related Cases.

The clerk of the court shall make reasonable attempts to determine the existence of any current protection orders prior to presenting a protection order to the judge of this court for consideration.

WCH Local Rule 11.1 Recordings of Proceedings

The official method for recording court proceedings shall be by audio-electronic recording devices, unless otherwise ordered by the court.

Any party requesting a transcript of any recorded hearing shall bear the cost of said transcript, except as otherwise ordered by the court, and shall be required to file a deposit for preparation of said transcript as determined by the clerk.

WCH Local Rule 12.1 Media - Conditions for Broadcasting and Photographing Court Proceedings

- Must provide valid Identification
- Must have written approval from the Judge seven days in advance of the proceeding.
- The following are prohibited: use of electronic or photographic equipment which produces distracting sound or light, the use of artificial lights, moving about the courtroom during court proceedings.
- No more than one portable camera (television, videotape, digital or movie) with one operator is allowed.
- No more than one still photographer is permitted to photograph trial proceedings.
- The changing of film or recording tape in the courtroom during court proceedings is prohibited.
- For radio broadcast purposes, only one audio system shall be permitted in the courtroom.
- No talking shall be permitted while the court is in session other than by those that are a party to the court proceeding.
- All equipment shall be in a position thirty (30) minutes prior to the opening of the court, and the court will supervise the placement of the equipment.
- All other conditions specified in Sup R 12 shall be applicable at the discretion of the presiding judge.

WCHO Local Rule 12.2 Prohibited Electronics

- No wireless communication devices (including without limitation, cellular phones, laptops or notebook computers, I-pods, etc.) are permitted in the building.
- The following persons are exempt from this rule: Law Enforcement personnel acting in the course of their duties, government employees displaying issued identification badges or otherwise providing satisfactory identification, Attorneys who display an Ohio Supreme Court admission card or otherwise providing satisfactory identification, and members of the media with proper credentials/identification acting in the course of their employment and in compliance with WCHO Local Rule 12.1. (Still subject to all other rules and regulations of Washington Court House Municipal court or any other court

order regarding confidentiality and/or any other courtroom restrictions on the use of said communication devices)

- Any person bringing one of the above items into the building must declare the item(s) at the security checkpoint and have the item(s) inspected by the court security personnel. Any specific instructions for processing such item(s) shall be given at that time.
- Any person attempting to bring communication devices into the building contrary to law or court rule may be refused entry. Any item (which has not been cleared) found in the possession of an entrant may be confiscated and disposed of in a manner provided by law. Further the violation may result in other legal action being taken, but not limited to, Contempt of Court proceedings.

WCH Local Rule 12.3 Remote Appearance

The intent of Local Rule 12.3 is to promote uniformity in the practices and procedures related to remote appearances in cases where such an appearance is permitted by these rules, court order, statute, or other rules of court. "Remote" is defined as the use of live two-way video or audio technology. Notwithstanding any other provisions of this Rule, a judge may order a party's personal appearance in Court for any conference, hearing, or proceeding.

(A) Telephone Appearances. The Court may conduct conferences, hearings, and proceedings via telephone with attorneys and unrepresented parties in accordance with the Hearing Management Plan set forth in Division (F) of this Rule.

(1) All evidentiary proceedings involving a telephone appearance must be recorded and reported to the same extent as if the participants had appeared in person.

(2) The Court may specify the time and the person who will initiate the conference and any other matter or requirement necessary to accomplish or facilitate the telephone appearance.

(3) Upon convening a conference, hearing, or proceeding involving a telephone appearance, the Court shall recite the date, time, case name, case number, names and locations of parties and counsel, and the type of conference, hearing, or proceeding.

(4) The Court may require a party to appear in person, including video conferencing, at a conference, hearing, or proceeding in which a telephone appearance is otherwise permitted if the Court determines a personal appearance would materially assist in the determination or effective management or resolution of the particular case.

(5) If at any time during a conference, hearing, or proceeding conducted by telephone, the Court determines a personal appearance, including video conferencing, is necessary, the Court may continue the matter and require a personal appearance.

(B) Video Conferencing.

(1) The Court may conduct conferences, hearings, and proceedings via a live two-way video conferencing platform with attorneys and unrepresented parties in accordance with the Hearing Management Plan set forth in Division (F) of this Rule.

(2) All evidentiary proceedings involving a video conference appearance must be recorded and reported to the same extent as if the participants had appeared in person.

(3) Upon convening a conference, hearing, or proceeding involving a video conference appearance, the Court shall recite the date, time, case name, case number, names and locations of parties and counsel, and the type of conference, hearing, or proceeding.

(4) The Court may require a party to appear in person at a hearing, conference, or proceeding in which a video conference appearance is otherwise permitted if the Court determines a personal appearance would materially assist in the determination or effective management or resolution of the particular case.

(5) If at any time during a hearing, conference, or proceeding conducted by video conference the Court determines a personal appearance is necessary, the Court may continue the matter and require a personal appearance.

(C) Confidential Attorney-Client Communication. Provisions shall be made to preserve the confidentiality of attorney-client communications and privilege during any conference, hearing, or proceeding involving a telephone or video-conference appearance.

(D) Witnesses. A witness may testify via telephone or video conference if not otherwise permitted by this Rule, statute, or other rules of court.

(E) Technical Standards and Equipment. The equipment and platform used in any hearing or proceeding conducted under this Rule must conform to the following minimum requirements:

(1) All participants must have the ability to hear and communicate with each other simultaneously.

(2) All participants must be able to see, hear, or otherwise observe any documents, physical evidence, or exhibits presented during the proceedings, either by video, facsimile, or other medium.

(3) The equipment or platform must allow for the Court to generate a verbatim record of the conference, hearing, or proceeding.

(4) The equipment or platform must be able to be used by people with disabilities to accommodate their disabilities under the Americans with Disabilities Act.

(5) The use of telephone or video-conferencing platform used to conduct the conference, hearing, or proceeding shall in no way abridge any right of the public.

(F) Hearing Management Plan. The Court may conduct conferences, hearings, and proceedings in the following manner unless for good cause show:

Type	In Person	Video	Telephone	Hybrid
Arraignments	X	X		X
Plea	X	X		X
Pretrial	X	X	X	X
Review/Status	X	X	X	X
Evidentiary	X	X		X
Sentencing	X	X		X
Post Convictions	X			
Motion Hearings	X	X	X	X
Traffic Proceedings	X	X		X
Civil Proceedings	X	X		X
Administrative Proceedings	X	X	X	X

In Person: A hearing is conducted where the Court and all participants appear physically in the same location.

Video: A hearing is conducted using GoToZoomX where the Court and all participants appear remotely.

Telephonic: A hearing is conducted where the Court and all participants appear using a telephone.

Hybrid: A hearing is conducted using a combination of any of the above-listed appearance types (e.g., the Court appears in person in the courtroom and the remaining participants appear via GoToZoomX).

WCH Local Rule 13.1 Deposition Testimony and Evidence

In accordance with Sup R 13 and the Ohio Civil Rules.

WCH Local Rule 14.1 Declaration of Judicial Emergency

In accordance with Sup. R. 14 and pursuant to the court's authority {R.C. 1901.0211(A), 1907.111(A), 2301.011(A) and 2501.04(A)} the court may issue an order authorizing the court to operate out of a temporary location.

WCH Local Rules 15.1-16.1- Reserved

WCH Local Rule 17.1 Assignment of Judges-Municipal and County Courts

An Acting Judge shall only hear cases assigned to them by the Administrative Judge, with the exception of prisoners awaiting arraignment. No continuance shall be granted in any cases so assigned unless in the interest of justice and in accordance with Sup R 41 and WCH Local R 41.1.

No Acting Judge has the authority to reduce, minimize, or change the bond set on bench warrants in any manner without first consulting the Administrative Judge of the court.

WCH Local Rule 18.1 Minor Misdemeanors; Violations Bureau

Pursuant to Rule 13 of the Ohio Traffic Rules and Sup R 18, a Violations Bureau has been established for the acceptance of pleas of guilty in those cases not prohibited by said Ohio Traffic Rules.

The Clerk of the Court is appointed Violations Clerk of said Bureau. All Deputy Clerks shall be appointed Deputy Violations Clerks with privileges and rights of a Violations Clerk.

The fines and costs to be accepted by the Violations Clerk of said Violations Bureau shall be in accordance with the printed schedule and prior to the commencement of trial

Waivers will be accepted after the seven (7) day period as stated in Traffic Rule 13 (D) with consent of the court.

Payment of fines and costs shall be made by cash, certified check, money order or electronic payment through E-filing.

WCH Local Rules 19.1 – 25.1 Reserved

WCH Local Rule 26.1 Court Records Management and Retention

The Clerk shall maintain such dockets, books of record, and indices as are required by law or practical necessity as public record.

Except as otherwise provided, the Clerk shall permit any person to make a copy of any papers filed at a minimal cost or for free upon subscription to the courts e-filing and case management system.

No court employee shall release to any person any information concerning a criminal or civil complaint until the complaint has been served upon the defendant.

All original papers filed in any case shall not be removed from the office without prior authority of the Clerk.

Pre-sentence reports, psychiatric reports, alcohol treatment program reports, or criminal history reports shall not be copied for any person or viewed by anyone other than court personnel.

WCH Local Rule 26.2 Retention Schedule for the Administrative Records of the Courts

The Clerk shall maintain such dockets, books of record, and indices as are required by law or practical necessity as public record.

Except as otherwise provided, the Clerk shall permit any person to make a copy of any paper filed. No court employee shall release to any person any information concerning a criminal or civil complaint until the complaint has been served upon the defendant. All original papers filed in any case shall not be permitted to be removed from the office without prior authority of the Clerk. Pre-sentence reports, psychiatric reports, alcohol treatment program reports, or criminal history reports shall not be copied for any person or viewed by anyone other than court personnel.

WCH Local Rule 26.3 Municipal and County Court Records Retention Schedule

Except where the Superintendent rules provide for a longer retention period for certain court records, all civil, traffic and criminal case files shall be retained for a period of fifty (50) years, unless the Clerk determines the shorter period established in Sup. R. 26.05 (G) to be more appropriate due to storage capacity.

WCH Local Rule 27.1 – 32.1 Reserved

WCH Local Rule 33.1- Electronic Filing; E-Filing Portal

E- Filing Portal

1. Filing of electronic documents shall be made by submitting the documents through the Court's E-Filing portal.
2. Confirmation of receipt is only confirmation that the document was received ***not*** confirmation that the documents were accepted for filing.
3. Any document filed through e-filing shall meet all requirements of these rules, except that multiple copies are not required, unless requested by the clerk.
4. A document filed through f-filing shall be in PDF format.
5. E-Filing does ***not*** provide service of documents. All parties submitting documents through e-filing shall still comply with all service requirements pursuant to Ohio Rules of Criminal Procedure and/or Ohio Rules of Civil Procedure.
6. Filing of documents though e-filing does not alter any filing deadlines.
7. Documents received in the E-File Portal after 11:59:59 p.m. local observed time in Washington Court House, Ohio shall not be considered for filing until the next business day.

8. The time of the receipt of a document is the timestamp provided by the Court's E-Filing Portal and the time stamp of any other computer system shall not alter the time of receipt and effect of this rule.
9. Documents submitted through E-Filing Portal after 4:00:00 p.m. local observed time in Washington Court House, Ohio will not be reviewed by the clerks until the next business day. They will be considered timely only if the documents comply with these rules and were received on or before the date, they were due in accordance with this rule.
10. After review by the Clerk's Office, a separate communication that indicates whether the documents were accepted for filing will be sent to the e-mail address registered with the account of the person who submitted the documents through the E-Filing Portal.
11. A document that is filed through the E-Filing Portal shall include a scanned version of the person's original signature or a signature line with a slash forward followed by an "s" followed by the person's name in print (e.g. /s John T Smith).

A. Fees and Payment of Fees with E-Filing

- 1) The Clerk of Court shall assess normal filing fees.
- 2) Case deposits will be collected via user credit card or escrow account at the time the filing is processed.
- 3) No personal check shall be accepted.
- 4) Receipt of fees will be docketed with a text entry and electronic image of receipt.
- 5) The Clerk's office will not maintain, or offer, electronic billing for lawyers or law firms.
- 6) Any documents filed electronically that requires a fee may be rejected by the Clerk of Court unless the filer complied with the mechanism established by the Court for the payment of the filing fees.

B. Failed Electronic or Fax Submission

The Clerk of Court is not required to send any form of notice to the sending party of a failed electronic or fax filing. However, if practicable, the Clerk of Court may inform the sending party of a failed filing.

C. Disposition and Maintenance of Source Documents

1. A document electronically filed shall be accepted as the original filing, consistent with Ohio Civil Rule 5(E), and Criminal Rule 12(B), and this local rule.
2. The person filing electronically need not file a conventional copy with the Clerk of Courts but must maintain in his or her records and have available for production upon request by the Court, the Clerk of Courts or other counsel, the source document of any document electronically filed.
3. The filer must maintain the source document until the final disposition of the case and through any appeal period.

D. Exhibits

1. Each exhibit to an electronic or facsimile produced document that cannot be accurately transmitted via electronic or facsimile transmission for any reason must be placed by an insert page describing the exhibit and why it is missing. Unless the Court otherwise orders, the missing exhibit shall be filed with the Court as a separate document, not later than (5) business days following the filing of the electronic or facsimile document. Failure to file the missing exhibits as required by this paragraph may result in the Court striking the document and/or exhibit or imposing other sanctions.
2. Any exhibit filed in this manner shall be attached to a cover sheet containing the caption of the case which sets forth the name of the Court, title of the case, the case number, name of the Judge and title of the exhibit being filed and shall be signed and served in the conformance with the rules governing the signing and service of pleadings in the Court.

E. Notifications

1. Paper- In court notifications shall be handed to the parties involved either in the courtroom or at the clerk's window. All parties are required to stop at the clerk's window prior to leaving the courthouse.
2. Electronic – shall be phased into practice as technology is upgraded to permit full functionality of electronic filings and notifications.
3. Attorneys – Each attorney shall be required to provide the clerk with an official e-mail address to be used for notification when applicable, a cell phone number to be used for hearing prompts when applicable, a mailing address, fax number and office phone number.
4. Parties – each party shall be required to provide contact data, including, at the minimum, e-mail address, street address, mailing address, cell phone number and telephone number.
5. Victims- All victims shall be notified by the Prosecuting Attorney Victim Advocate
6. Witnesses- Notice of hearings shall be distributed to the prosecutor, law director, and, or counsel of record (or if party, pro se). Prosecution shall be distributing notice to their witnesses and the defense shall distribute to their witnesses.

F. Length of Document

1. Facsimile filings shall not exceed 25 pages in length. There is no page limit on electronic filings.

WCH Local R 34.1- Electronic Case Management System Connectivity to Ohio Courts Network (OCN)

The courts electronic case management system shall connect and report directly to OCN.

WCH Local R 35.1- Case Management Section

- Addendum A- Civil Case Management Plan
- Addendum B - Criminal Case Management Plan

WCH Local R 36.1 Reserved

WCH Local R 37.1 Statistical Reports and Information- Municipal Court- Administrative, Individual and Assigned Judges

Reports are submitted monthly by electronic means, in accordance with Sup. R. 37 and all its subsections.

WCH Local R 38.1 Annual Physical Case Inventory; New Judge Inventory

A case inventory shall be conducted during the months of January and July each calendar year by the Clerk of Court on behalf of the Judge.

WCH Local R 39.1 Case Time Limits

Case time limitations for disposition of civil and criminal cases shall be as set forth in Supreme Court Rule 39, Ohio Civil Rules, Ohio Criminal Rules and the Ohio Revised Code. Provided the defendant is available, sentencing shall be imposed immediately following conviction unless a pre-sentence report is requested or unless otherwise ordered by the court. If a pre-sentence report is requested, the court will set the sentencing hearing within fifteen (15) days after the court receives the report from the probation department.

WCH Local R 40.1 Review of Cases

- all open cases shall be reviewed monthly to ensure compliance with time guidelines, including the issuance of decisions.

WCH Local R 41.1 Conflict of Trial Court Assignment dates, Continuances and engaged Counsel.

Written motion from the party/counsel is required. The motion shall set forth; original trial date, specific reasons for the continuance, statement the reasons were unknown at the time of scheduling proof of service upon the opposing party. The motion shall be accompanied by an entry providing blanks for the new trial or hearing time and date and appropriate documentation of the underlying facts. Criminal cases assigned for trial have priority over civil cases assigned for trial.

Sup R 41 is controlling, and it applies to all trial courts in all cases.

All continuances are within the sound discretion of the court.

WCH Local R42.1 Reserved

WCH Local R43.1 - Case Numbering

Shall be in accordance with Sup. R. 43 and Sup. R. 37.04.

WCH Local R44.1- 47.1 Court Records

Definitions, access, distribution and redaction shall be in accordance with Sup. R. 44-47 and all the subsections.

WCH Local R48.1 - 52.1- Reserved

WCH Local R53.1 Hours of the Court

The hours for Court sessions are eight o'clock a.m. until twelve o'clock noon and from one o'clock p.m. until four o'clock p.m., unless otherwise ordered by the Judge presiding at the session.

Arraignments and initial appearances for those incarcerated in the Fayette County Jail shall be 9:00 a.m. Monday-Tuesday, Wednesday at 1:00 pm, and Thursday- Friday 9:00am.

Sessions will be held on Monday through Friday, except on any day designated by law or proclamation of the President of the United States or Governor of this State as a national or state holiday, on which holidays the court will be closed.

The court will also close at such other times and on such other dates as may be prescribed by the Presiding Judge.

The office of the Clerk shall be open for the transaction of business from eight o'clock a.m. until four o'clock p.m., Monday through Friday, except on such days as the court is closed as provided by this rule.

WCH Local R54.1 Conduct in the Court

No food or drinks shall be permitted in the courtroom unless expressly permitted by the Presiding Judge.

All the people entering the courtroom must be properly attired.

All electronic communication devices must be turned off upon entering the courtroom or placed in a noiseless mode. Such devices may be ordered confiscated and held at the discretion of the Presiding Judge if they disrupt courtroom proceedings.

Any person creating any distraction or disturbance in the court facility, at any time, may be asked to leave the facility or be escorted out of the facility by any means necessary.

No person is permitted to tamper with any court equipment, furnishings or public restroom facilities.

Probation staff may inspect everyone who wishes to enter the building. The inspection shall include the person, clothing, belongings, bags, briefcases, packages, and any other items necessary to ensure the safety of everyone.

**The following persons are exempt from the inspection provisions of this rule:

- On duty uniformed law enforcement officers
- Non-uniformed law enforcement officers who show visible official ID
- Probation officers who show official ID
- Court personnel
- Attorneys with Ohio Supreme Court registration card
- Others who are pre-approved in writing by the presiding and administrative Judge.

(A) Guidelines for Dress

1. Clothing should be consistent with the seriousness and dignity of the judicial process. It should be constructed and worn in a manner that it is not unduly revealing or offensive.
2. Shirts and shoes must be worn at all times.
3. Shorts may be worn as long as they are at least mid-thigh in length.

(B) Clothing that WILL NOT BE permitted

1. Clothing that is dirty, torn, ripped, cut or mutilated
2. Clothing that is associated with drugs or gangs
3. Any clothing that contains words, pictures, or symbols that are obscene, profane, sexually suggestive, or racially insensitive.
4. Halter tops, tank tops, tube tops, see through, or bare midriff tops.
5. Short shorts (Less than mid-thigh in length)
6. Swim wear, bathing suits, lingerie, pajamas
7. Pants that allow undergarments or bare skin to show
8. All hats and or headgear unless otherwise approved by the Judge

No person, except court personnel, law enforcement officers or attorneys, may approach any prisoner within five (5) feet of the courtroom railing nor shall any such person give to any prisoner any objects, notes or papers of any type, unless expressly permitted by the Presiding Judge.

WCH Local R55.1 Reserved

WCH Local R56.1 Continuances

- Must be submitted in writing with the appropriate caption and case number.

- Must contain reasonable facts and documentation to support a continuance.
- Continuances are within the sound discretion of the court.

WCH Local Rule 57.1 Paper Filings and Judgement Entries

All papers offered for filing with the court shall be typewritten or legibly printed in ink on eight and one-half by eleven-inch paper. Original documents attached or offered as exhibits and official court forms supplied by the Clerk are exempt from the requirements of this rule. The Clerk shall accept only legible copies of documents attached to pleadings or motions.

If unreported opinions are cited, copies of the opinions shall be attached to the briefs or memoranda and shall be furnished to opposing counsel. Failure to do so may be grounds for striking the pleading.

Counsel for the party in whose favor an order or judgment is rendered shall prepare the proposed judgement entry and submit the original to the court with a copy to counsel for the opposing party in accordance with Sup R 57 (F).

All criminal and traffic judgments and orders of this court shall be entered on the journals of the court as of the date the said judgments were announced by the court.

WCH Local Rule 58.1 Deposit for Court Costs

Fees and costs shall be as prescribed by the court, by court order. All costs and deposits shall be delivered to and disbursed by the Clerk.

On motion of the opposing party or at the request of the officer of the court, and if satisfied that the deposit specified is insufficient, the court may require said deposit to be increased from time to time so as to secure all costs that may accrue in the cause. If such security is not given after reasonable notice, the court shall dismiss the action if before judgment or shall dismiss the proceeding if after judgment.

WCH Local R59.1 - 80.1 Reserved

WCH Local R81.1- 89.1 Language Services

All language services provided by the court shall be in accordance with Sup. R. 81 – 89 and all the subsections within.

The court offers forms that have been translated into other languages when available. These forms are available in the clerk's office.

WCH Local R90.1 - 94.1 Reserved

WCH Local R95.1 Notifying Law Enforcement Agencies of Mental Illness

The court shall use Form 95 to provide required notifications.

WCH Local R96.1 Forms for Sealing or Expungement of or Restricting Public Access to Court Records

The court shall use forms 96-A1 through 96- G3.

WCH Local R97.1 - 98.1 Reserved

WCH Local Rule 99.1 Effective Date

Except as otherwise provided, these Local Rules shall take effect on February 1, 2025, and shall govern all proceedings in actions brought on or after the effective date and to further proceedings in actions then pending, except to the extent that application in a particular pending action would not be feasible or would work and injustice, in which case the former procedure applies.

Amendments shall take effect as adopted after the court provides appropriate notice and an opportunity to comment on the proposed rule. If the court determines that there is an immediate need for the rule, the court may adopt the rule without prior notice and opportunity for comment, but promptly shall afford notice and opportunity for comment.

Appendix

- A Civil Case Management Plan**
- B Criminal Case Management Plan**
- C Jury Use & Management Plan**
- D Technology Plan**
- E Language Services Plan**
- F Costs Schedule**
- G Protection Order Forms**
- H Sealing or Expungement Forms**

Addendum A

WASHINGTON COURT HOUSE MUNICIPAL COURT
119 NORTH MAIN STREET
WASHINGTON COURT HOUSE, OHIO 43160
(740) 636-2350

Local Civil Rules and Case Management

1.1 Applicability; Authority; Citation

These rules prescribe local civil procedure to be followed in the Washington Court House Municipal Court adopted pursuant to the inherent authority as reserved in Rule 83 of the Ohio Rules of Civil Procedure and establish, pursuant to Sup R 5, a system for civil case management which will achieve the prompt and fair disposal of civil cases.

Civil Rules

1. Commencement of Action

(A) Scheduling

1. The scheduling of a case begins when a civil case is filed. The clerk shall, upon receiving papers for filing, docket the same and place the original of said papers in the file jacket without delay. The court may order stricken any filed paper which does not comply with the Ohio Rules of Civil Procedure. Thereafter, the case is managed in five (5) clerical steps.

(B) Clerical Steps

1. Summons shall be served in accordance with the Ohio Rules of Procedure. In the event there is a failure of service, the clerk shall notify counsel immediately. In order to save time and expense, counsel may, and is encouraged to, include within the initial complaint and/or precipe for service a waiver of the notification of failure to service and request for the clerk to proceed with the ordinary mail service pursuant to Civil Rule 4.6(C) or (D). If counsel fails to obtain service of summons within six (6) months from the date the cause of action was filed, then the clerk shall notify counsel that the case will be dismissed in thirty (30) days unless a good cause is shown
2. The attorney of record or the serving party shall be responsible for determining if service has been made and that a failure to submit a motion and an entry within thirty (30) days may result in the case being dismissed.
3. If a responsive pleading is required, and after any responsive pleading is filed, the clerk shall immediately forward said pleading and filed to the judge so the matter may be set for a hearing.
4. If no action has been taken on a file for a six (6) month period and the case is not set for trial, then the clerk shall notify the party that the matter will be dismissed within thirty (30) days unless good cause is shown.

5. When a file has been marked "settlement entry to come" and the entry has not been received within thirty (30) days, then the clerk shall notify the party the case will be dismissed unless the entry is received within ten (10) days.

(C) Judicial Steps

1. Pre-trial reports:
 - a. After the last responsive pleading is filed, the case will be forwarded to the judge. The court will then order pre-trial reports to be filed within forty-five (45) days if the claim is \$1,000.00 or more. If the claim is under \$1,000.00, no pre-trial reports shall be ordered unless the court orders otherwise, and the case shall be set for trial within sixty (60) days.
 - b. Upon receipt of the pre-trial order, it shall be the duty of counsel to contact each other, make a sincere effort to dispose of the matter by settlement, and agree on any matters of evidence about which there is not genuine dispute.
 - c. All discovery is to be completed by the date set for the filing of the pre-trial reports unless the court grants an extension of time upon filing a motion and judgment.
 - d. Failure to file the pre-trial report with the court, as ordered, may result in appropriate sanctions being taken against the party.
2. Motions:
 - a. All motions must be in writing and accompanied by a written memorandum containing citations or the arguments of counsel. Opposing counsel shall answer in like manner within fourteen (14) days thereafter. All motions will be considered submitted at the end of said fourteen (14) day period unless time is extended by the court.
3. Pre-trials:
 - a. A pre-trial conference may be ordered by the court and shall be ordered if a timely jury demand has been filed.
 - b. For the purpose of this rule, "pre-trial" shall mean a court-supervised conference chiefly designed to produce an amicable settlement, the term "party" or "parties" used hereinafter shall mean the party or parties to the action, and/or his, hers, or their attorney of record.
 - c. Any attorney for the party to the action who fails to attend a scheduled pre-trial conference, without just cause being shown, may be punished as for contempt of this court.
 - d. Notice of pre-trial conference shall be given to all counsels of record by mail and/or by telephone from the assignment commissioner not less than fourteen (14) days prior to the conference. Any application for continuance of the conference shall be addressed to the judge to whom the case has been assigned.
 - e. Counsel attending the pre-trial conference must have complete authority to stipulate items of evidence and must have full settlement authority. If counsel does not have such authority, then the parties must attend the pre-trial conference including representatives of any insurance companies which are involved in the case.
 - f. The primary purpose of the pre-trial conference shall be to achieve an amicable settlement of the controversy in the suit. The court shall attempt to narrow legal issues, to reach stipulations as to facts in controversy, and in general, to shorten the

time and expense of trial. The court will file a pre-trial statement to become part of the record, embracing all stipulations, admissions, and other matters which have come before it in the pre-trial. The court shall, at that time, determine whether trial briefs should be submitted and shall fix a date when they are to be filed.

- g. The court shall have the authority to dismiss the action for want of prosecution on motion of the defendant upon failure of plaintiff, and/or his counsel, to appear in person at any pre-trial conference or trial; to order the plaintiff to proceed with the case and to decide and determine all matters ex parte upon failure of the defendant to appear in person or by counsel at any pre-trial conference or trial as required; and to make such other orders as the court may deem appropriate under all the circumstances.
 - h. If the case cannot be settled at pre-trial, then the case will be set for trial at a time agreeable to all parties.
4. Jury Trials:
- a. If a jury trial is requested, a timely written jury demand must be filed with the court and jury demand fees must be paid at the clerk's office. The counsel for the party demanding a jury trial, within thirty (30) days after the pretrial conference, must prepare, file with the court, and serve upon counsel of the other party, the proposed jury instructions pertaining to the specific issues of law including, but not limited to, the issue of damages. After receipt of the proposed jury instructions, counsel for the other party may, within twenty (20) days, file necessary amendments or changes to the proposed jury instructions. Failure to file the jury instructions and trial briefs will result in appropriate sanctions being taken against the party, including possible loss of right to a jury trial. If the jury demand fees are not filed, then the court may proceed to try the case without jury.
5. Continuances:
- a. Procedures for continuances are set forth in Sup R 41 and WCH Local R 41.1 as well as Sup R 56.
6. Judgement entries:
- a. Judgment entries shall be filed in accordance with Sup R 57 and WCH Local R 57.1.
 - b. Entries of settlement may be filed at any time. The avoidance of trial by settlement shall be allowed without the filing of any entry, but such entry shall be filed within fourteen (14) days or the case will be dismissed for want of prosecution.
 - c. Upon notification from the clerk that the case has defaulted, prevailing counsel shall submit an application for default judgment within fourteen (14) days or the case will be dismissed for want of prosecution.
 - d. The journal entry shall state which party will pay the court costs.

2. Case Management in Special Proceedings

(A) The purpose of this rule is to establish, pursuant to Sup R 5, a case management system for special proceedings to achieve a prompt and fair disposition of these matters. The following civil matters are considered special proceedings and may be heard by a judge or magistrate,

to wit: forcible entry and detainer, small claims, default hearings, trusteeships, rent escrow, replevin, motion to cite, garnishment hearings, and debtor's exams.

1. Cases that have time limits established by the Ohio Revised Code shall be set within those time limits for hearing.
2. In all other special proceedings, the case shall be set for hearing within a reasonable time not to exceed ninety (90) days, except Bureau of Motor Vehicle hearings which shall be set for a pre-trial conference.
3. All applicable clerical and judicial steps provided in WCH CIV R 3.1 shall be followed in cases involving special proceedings.

(B) Forcible Entry & Detainer Hearings

1. Jurisdiction in forcible entry and detainer actions is as established by Ohio Revised Code Section 1923.01. All forcible entry and detainer cases shall be set for hearing pursuant to the time limits set forth in the Ohio Revised Code. At that hearing, the Ohio Rules of Evidence and the applicable Ohio Rules of Civil Procedure will be applied.
2. Complaints in actions in forcible detainer will be called on the appearance call day as indicated in the summons. Trial by jury will be waived unless demand is filed before the appearance date. The time for serving a responsive pleading to any claim for relief, in addition to the possessory action, will be governed by the Civil Rules. A judge or referee of this court shall preside at the appearance call for forcible detainer cases.
3. The Clerk shall refuse to accept for filing any forcible detainer case wherein the notice given by the landlord to recover residential premises does not contain the wording required by Section 1923.04 of the Ohio Revised Code printed in a conspicuous manner on said notice and wherein a copy of such notice is not attached to the complaint.
4. If an answer or jury demand is filed in a forcible entry and detainer case, then the clerk shall forward the case to a judge so the case can be scheduled for the appropriate hearing.

(C) Small Claims Court

1. A small claim division is established under authority of Section 1925.01 of the Ohio Revised Code. A small claim action is commenced by filing a small claims petition, pursuant to Ohio Revised Code Section 1925.04. No defendant is required to file an answer or statement of defense. However, should the defendant fail to appear for hearing, after being duly served, then a default judgement will be entered against said defendant. All pleadings will be construed to accomplish substantial justice.
2. Upon filing of motion and affidavit and upon payment of the required cost, the small claim will be transferred to the regular docket pursuant to Ohio Revised Code Section 1925.10. No transfer will be granted until the filing costs are paid.
3. The plaintiff and defendant may subpoena and call witnesses if they desire to do so. The Ohio Rules of Evidence and the Ohio Rules of Civil Procedure will not apply to a hearing in small claims court.
4. The employees of the court shall assist the prevailing parties in collecting their judgments pursuant to Ohio Revised Code Section 1925.13.

(D) Default Hearings

1. This Court will not grant a default judgement unless it is in compliance with Civil Rule 54 (C). A judgment by default shall not be different in kind from, or exceed in amount,

that prayed for in the demand for judgment. Except as to a party against whom a judgment shall grant the relief to which the party in whose favor it is rendered is entitled, even if the party has not demanded the relief in the pleadings.

2. When filing for default judgment on civil actions, an affidavit must be filed indicating the defendant is not in the military service
3. When filing for default judgments of civil actions for liquidated amounts when a hearing is not required by Civil Rule 55 of the Ohio Rules of Civil Procedures, an affidavit by the plaintiff should be submitted along with the judgment stating the amount owed.
4. In cases involving damages, the Court requires copies of checks, accident reports and any other information showing money paid out.

(E) Trusteeships

1. The application for appointment of a trustee shall include a complete and accurate statement, under oath, of:
 - a. The debtor's name, address and marital status
 - b. The name and address of his/her employer or employers
 - c. The amount of gross earnings for the previous thirty (30) days
 - d. A statement indicating the name of a creditor from whom a fifteen (15) day written notice of proceedings against the debtor's earnings has been received.
2. Upon the filing of an application the clerk shall immediately become the trustee without formal order of the court. Objections of interested parties to the application shall be heard at the appearance call, as designated by the Clerk.
3. At the time of filing the application, the debtor shall deliver to the Clerk a notice of the appointment and hearing in which the Clerk will insert a hearing time, and which notice shall be sent to each creditor by certified mail, return receipt. Each notice shall contain the name of the applicant, the sum applicant claims is owing to the creditor, the time and place objections to said application shall be heard, and a space for the verification or objections of the creditor.
4. The filing of the application shall stay all proceedings against personal earnings of the applicant. If the order of attachment or order in aid of execution is served upon the employer or garnishee prior to the time of the filing of the application, the personal earnings subject to the order of the court shall be paid to the Clerk of Court for distribution in the case in which said order was made. In the event that the application is filed prior to the time the order of attachment or order in aid of execution is served upon the employer or garnishee, the personal earnings subject to the order of the court shall be ordered paid to the trustee.
5. Additional creditors may be listed in the trusteeship only upon application, and the service of a notice to each additional creditor as heretofore provided. If such application is made by a creditor, a similar notice must be given to the debtor unless the creditor has obtained a judgment in a court of record.
6. Fees for legal services rendered the debtor by counsel of record in the trusteeship may be added or increased only by entry endorsed by counsel and the debtor. The trustee shall make distribution herein only to a creditor or his/her agent.
7. The Clerk, or a Deputy appointed by the Clerk, shall supervise payments of debtors and distribute the funds in each case at least every six (6) months, unless the amount available does not equal ten percent (10%) of the claims listed. Where the debtor pays directly, the Clerk shall require the debtor to produce payroll stubs or similar records and the clerk

may refuse to accept payments or installments thereof, which do not equal the amount required by law. In the event that payments are not made according to the law and when two (2) consecutive payments to the court are not made or whenever the trusteeship is in arrears in the amount of two (2) full payments, the trusteeship may be dismissed and proceeds distributed proportionately to trusteeship creditors.

8. The order of dismissal of a trusteeship shall not be vacated, nor shall a trusteeship otherwise be reinstated, except as provided under Section 2329.70 of the Ohio Revised Code, and upon payment of the amount required by law, unless otherwise directed by the court.

3. Process; summons

Plaintiffs shall tender, with the original complaint, a sufficient number of service copies for all defendants to be served. The original, plus all copies of the complaint, must be signed in order to be accepted for filing with the court.

4. Service and filing of pleadings and other papers subsequent to the original complaint

All documents, except the complaint offered for filing, required to be served on other parties shall contain proof of service in the form provided by Civ R 5 (D).

5. Use of depositions in court proceedings

(A) Opening of depositions.

1. When a deposition has been filed in any action, except in actions for which the law prescribes a different procedure, it shall be opened only by the Clerk at the direction of the court or at the direction of any counsel of record. The fact and date of opening, and the name of the person making such request, shall be endorsed by the clerk on the envelope containing the deposition, which envelope shall be preserved with the deposition.

(B) Withdrawal of depositions.

1. Depositions on file shall not be withdrawn except by leave of the court, granted upon motion, and due notice to the proper party on whose behalf the depositions were filed.

6. Failure to make discovery; sanctions

- (A) Interrogatories, requests for production of documents, requests for admissions, and responses to such discovery shall not be filed with the court except in those cases where informal attempts at discovery are ineffective and it becomes necessary to file a motion to compel discovery under the provisions of Rule 37 of the Ohio Rules of Civil Procedure.

7. Jury trial of right

- (A) Requests for trial by jury shall be made in accordance with Rule 38 of the Ohio Rules of Civil Procedure. A filing fee is required for the jury demand and is to be paid at the time the demand is filed. Unless an affidavit of hardship, approved by the court, is filed in lieu of said filing fee. The filing fee shall be as set forth in the most recently adopted Fees and Costs Schedule for Civil Cases.
- (B) The court shall order the parties to pay a deposit for the payment of jury as security for costs, unless an affidavit of hardship, approved by the court, is filed in lieu of the deposit.
- (C) The failure of a party demanding a jury to comply with any of the provisions of this rule shall constitute a waiver of the jury, and the matter shall be submitted to and decided by the court.

8. Subpoena

- (A) When a precipe for a subpoena is filed for a person, the appropriate fees shall be paid, which includes but not limited to, fees for one days attendance and the mileage allowed by law, with the filing of the precipe.
- (B) The return for subpoenas of witnesses shall be filed with the clerk before the date of trial.
- (C) The failure to appear of a witness for whom the return was not filed in accordance with this rule will not be grounds for a continuance of the case. Failure of any witnesses to appear in court may subject them to prosecution for contempt of court if said witness was duly subpoenaed.

9. Execution

(A) Aid of Execution:

1. Proceedings in aid of execution shall be filed on forms prescribed by the court and shall consist of the original to be retained by the clerk, as many copies thereof as there are parties to be served in the proceedings, and one copy for the return of service. The name of the attorney filing the proceedings shall appear at the place provided on the original and upon all copies.
2. In case of multiple judgement debtors, separate proceedings shall be filed for each debtor; costs shall be taxed as for the number of proceedings filed for each debtor.
3. In all cases in which an order of attachment or an order in aid of execution is filed against personal earnings, a copy of the written demand and proof of service thereof, as required by Section 2716.04 of the Ohio Revised Code, shall be attached to the original copy of the proceedings to be filed with and retained by the clerk.
4. Orders in aid of execution shall be served as provided in Section 2716.02 of the Ohio Revised Code.
5. Should the plaintiff or his attorney fail to appear at the time for examination set forth in the order, the presence of anyone summons to appear shall be noted on the docket.

(B) Citation in Contempt:

1. The failure of any person to appear for examination or to hold funds, as directed under proceedings in aid of execution, shall be grounds for the issuance of a citation in contempt against said person. Such citation shall be issued as ordered by the court.

(C) Sales and Confirmation:

1. A copy of the notice of the sale of personal property shall be mailed to the parties and attorneys of record in the case by ordinary mail; however, failure to mail such notice shall not invalidate the sale.
2. Unless otherwise directed by the court, entries of confirmation and distribution shall be prepared by the party who requested the sale and shall contain a statement that the sale was regular and proper in every respect and a statement of the balance, if any, still due on the judgment.

(D) Cancellations and Releases:

1. Releases and assignments of judgments or certificates of judgment shall be in writing and signed by a person authorized to execute the instrument.

10. Effective Date

These rules shall take effect on the 1st day of January, 2025. They govern all proceedings in actions brought after they take effect and also all further proceedings in actions then pending, except to the extent that in the opinion of the court their application in a particular action pending when the rules take effect would not be feasible or would work injustice, in which event the former procedure applies.

Amendments shall take effect as adopted after the court provides appropriate notice and an opportunity to comment on the proposed rule. If the court determines that there is an immediate need for the rule, the court may adopt the rule without prior notice and opportunity for comment, but promptly shall afford notice and opportunity for comment.

**WASHINGTON COURT HOUSE MUNICIPAL COURT
119 NORTH MAIN STREET
WASHINGTON COURT HOUSE, OHIO 43160
(740) 636-2352**

Addendum "B"

Local Criminal Rules and Case Management

These rules govern the practice and procedure in the criminal division of the Washington Court House Municipal Court. They are adopted pursuant to the inherit authority as reserved in Rule 57 of the Ohio Rules of Criminal Procedure and establish, pursuant to Sup R 5, a system for criminal case management which will achieve the prompt and fair disposal of criminal cases. These rules shall be construed and applied to eliminate unnecessary delay and expense for all parties involved in the court justice system.

All rules set forth in Addendum "A" with the reference to civil proceedings shall, where applicable, be enforced in criminal proceedings before this court.

Criminal Rules

(A) Arraignment Times

1. Arraignments and initial appearances shall be held Monday-Friday for persons incarcerated in the Fayette County Jail at 10:00 a.m. until completion. Arraignments and initial appearances by those incarcerated in the Fayette County Jail will generally be conducted via the courts video system. The court shall broadcast the proceedings in live time in order to make family and interested parties attendance meaningful.
2. Arraignments and initial appearances for those not incarcerated shall be conducted on Wednesdays in 2 separate sessions. The first session shall commence at 9:00 a.m and the second session shall commence at 11:00 a.m. Prior to both courtroom and jail arraignments, the Judge will explain in a video, both a defendant's state and federal constitutional and statutory rights as well as a full explanation of the pleas that a defendant may enter. In addition, any person accused of a felony shall view a video of their constitutional and statutory rights before their initial appearance and those accused of violating probation or a court order will be advised of their constitutional and statutory right through a video as well before entering an admission or denial of the violations alleged.

(B) Law Enforcement Officer Assignment of Arraignment Date Minor Misdemeanors

1. On all minor misdemeanor traffic citations and criminal complaints, the citing officer shall provide the defendant with an arraignment appearance date within ten (10) days of the issuance of the citation or complaint and advise the defendant as to whether the violation may be paid through the court's violations bureau.

(C) Filing of Criminal Complaints and Traffic Citations by Law Enforcement with the Clerk of Court

1. Both the Ohio Traffic Rules and the Ohio Criminal Rules anticipate that the traffic citation and criminal complaint in both felony and misdemeanor cases shall be served upon the defendant at the time of the arrest or very shortly thereafter to permit the defendant to appear at the scheduled arraignment and enter an informed plea.
2. All traffic citations shall be filed with the Clerk of Court per Ohio Traffic Rule 3 (E) without unnecessary delay and in no case past the date given the defendant to appear at a traffic arraignment on the charge. Likewise, all criminal complaints shall be filed and served upon the defendant at the time of arrest or no less than twenty-four (24) hours prior to the arraignment. All summons shall contain the charging document and a notice of the arraignment date.
3. No traffic or criminal filing shall contain an entire social security number or an entire account number of a defendant, co-defendant, victim or witness. In addition, all filings involving juveniles as victims shall identify those individuals by initials only and the City Law Director's office shall be given the full name and contact information as to the juvenile for case reference purposes.
4. Law enforcement officers shall provide the following victim and case information to the Victim Advocate Office:
 - a. Victim name, age, address, current contact phone number
 - b. Whether photographs of the victim or incident have been taken
 - c. The defendant's name, the charge, the incident date, and the arresting officer

(D) Traffic Violations Bureau, Fine and Cost Schedule, and Bail Schedule

1. The Court has established a traffic and violations bureau and a fine and cost schedule to permit the payment of routine fine and costs on a plea of guilty in those matters. There is also a bail schedule for certain criminal and traffic offenses established by separate entry, which is available through Fayette County jail system.

(E) Discovery in Misdemeanor and Traffic Cases

1. In criminal and traffic matters, the City Law Director's Office does not maintain a file spate from the courts file. Documents beyond the original complaint and probable cause affidavit in a criminal matter and the original citation in a traffic matter, which would traditionally be available only upon discovery requests are available in the court's file and can be copied for use by the defense at any time from that file. If an item or document is sought which is not available in the file, a discovery request can be made directly to the City Law Director's Officer per the Ohio Rules of Criminal Procedure.
2. Video Footage from dash cameras or booking cameras is not automatically placed in the Courts file unless requested by either the State of Ohio or the defense. Upon request to the assignment commissioner in a contested matter, the video will be demanded of the applicable law enforcement agency having control of the footage by the assignment commissioner for use at a subsequent hearing for pretrial.

(F) Preparation of Private Criminal Complaints (Misdemeanors)

1. All private criminal complaints are to be prepared under the direction and control of the City or Village Law Director's Office(s).
2. A Law enforcement officer, in his professional discretion, may prepare and file a private complaint if the complainant's person or property is in immediate danger of safety or if the complainant has visible injuries which are readily apparent to the law enforcement officer. The Law enforcement officer must use his own discretion in determining whether the complainant can wait to meet with the appropriate Law Director.
3. All complainants must appear at all criminal proceedings. Failure to appear, without prior consent of the court, may result in appropriate contempt sanctions unless otherwise ordered by the court in the interest of justice.

(G) Criminal Cross-Complaints

1. No criminal cross complaints will be filed by a defendant in a criminal case against the complainant and/or prosecuting witness until the defendant's case is disposed of unless the Statutes of Limitations will run or expire. This rule applies only to offenses arising out of the same fact situation or occurrence within the same proximity.
2. This section will not apply if there are separate prosecuting attorneys for each case and separate trials.

Case Management in Criminal Cases

(A) Scheduling of Events

1. Criminal scheduling begins at arraignment. In all domestic violence, assault and stalking cases, the defendant shall personally appear for purposes of entering a plea, establishing bond and determining whether a temporary protection order shall issue.
2. The Court shall initially assign the case to trial or pretrial conferences at the court's discretion at the arraignment. Dates so assigned are subject to continuance, status change, or other modification by the court to reasonably accommodate an appearance of counsel in any case or a timely filed jury demand under the Ohio Criminal Rules of Procedure. Re-Scheduling shall occur by motion request to the court through the assignment commissioner's officer.
3. Any case set for pretrial conference shall be conducted in accordance with Criminal Rule 17.1 and shall conclude with a written pretrial agreement using a form approved by the court, setting forth and pleas offered by the State and the time frame that the plea offer remains open. A request for pretrial conference tolls any applicable speedy trial requirement. Generally, the court does not set pretrial conferences for minor misdemeanors, however, upon request and for good cause shown, the court may choose to do so.
4. As in civil cases, any motion in a criminal case shall be in writing, accompanied by a memorandum in support and an entry reflecting the decision sought by the court. The Ohio Criminal Rules of Procedure shall control all applicable time frames for filing motions.
5. Cases not resolved at pretrial conference or at subsequently scheduled pretrial conference shall be assigned a court trial or jury trial date, depending on whether a valid assigned a final pretrial date to discuss any final plea negotiations, jury instructions and any evidentiary matters of particular note. At a final pretrial, trial counsel and the defendant shall appear and all plea negotiations shall be finalized on that date. Any case not resolved in that date shall either be resolved by trial, plea to the original charge or charges or by dismissal by the State of Ohio. No further plea negotiations resulting in an amendment of the charges shall occur after the final pretrial date.
6. When a jury demand has been timely filed or when a jury is required by law, the case shall be set for a pre-jury trial hearing in no less than two (2) weeks prior to the scheduled trial date. This hearing shall be conducted on open court for the benefit of the presiding Judge and for the purpose of updating discovery, narrowing of issues, considering prospective jury charges, and any other evidentiary issues. The Prosecuting attorney, defense counsel, complainant and/or arresting officer and defendant shall be present for this hearing.

7. Court Trials shall be set for any cases not resolved at pre-trial when a timely demand for a jury trial has not been filed.
8. Jury costs will be assessed to the defendant if the jury is waived for court trial or as a result of a plea of guilty to the charge and jurors have been called in and cannot reasonably be called off prior to the scheduled trial date.
9. Jury questionnaires shall be submitted to potential jurors and shall be available for review by either party or their counsel three (3) days before the trial date.
10. It is the responsibility of each party to subpoena the appropriate witnesses for trial purposes.
11. Demand for jury trial must be filed at least ten (10) days prior to the trial date, or on or before the third day following receipt of notice of the date set for trial, whichever is later. Failure to demand a jury trial as provided in this section is a complete waiver of the right thereof.
12. Upon demand for jury trial, the Clerk will summon, fourteen (14) days prior to the jury trial date, fifty (50) prospective jurors to appear for jury duty on such date assigned. If the trial is cancelled after the jury has been summoned it is the responsibility of the assignment commissioner to notify jurors of such cancellation. All attorneys shall notify the court no later than 3:00 p.m. on the day before the trial is scheduled as to whether the trial will proceed or incurred jury costs will be attached to their case.

(B) Sentence, Pre-Sentence Investigation, Probation, Occupational Driving Privileges

1. Sentencing shall be imposed immediately following conviction unless a pre-sentence investigation is requested or otherwise ordered by the Court. If a pre-sentence investigation is requested, the court will set the hearing for sentencing within fifteen (15) days after the court receives the report from the Probation Department.
2. Defendants admitted to probation as part of a suspended sentence or other sanctions imposed by the court, will be subject to the general and specific conditions of probation as directed by the Court.
3. Unless otherwise ordered, occupational driving privileges shall be issued according to law and the guidelines and rules of the Court then in effect. Before being issued a driving privilege, a defendant must complete a petition for driving privileges and shall pay a fee established by the Court. General conditions for limited driving privileges are set forth in Addendum "F" and are subject to additional or specific conditions as required by law or the court.

(C) Bail, Bond Forfeiture, Payments

1. In cases where bond or bail has been posted and the defendant fails to appear as scheduled, the court may issue a warrant for the arrest of the defendant and bond shall be forfeited. The forfeiture may be set aside with or without costs, as the court deems proper if the defendant, in such case, appears and shows good cause for the earlier non-appearance.
2. Officers in charge shall release any person arrested and charged with any offense who gives bail, or executes bond according to law, which is satisfactory for the Clerk and is in the amount indicated in the Bail and Bond schedule of the Washington Court House Municipal Court. These persons shall be given an arraignment date in accordance with the normal procedures where an arrest is made. In cases where the offense charged is a crime of violence, the defendant shall be given the next court session as an arraignment date to appear upon posting bail.

The arresting officer or any command officer may release misdemeanor defendants on their own recognizance if it appears that they will appear as directed. This does not apply to persons charged with a felony, persons charged with domestic violence, or those defendants arrested subsequent to being placed on probation with this court. With the exception of an arrest for a minor misdemeanor traffic offense, those individuals on probation shall be held without bond until the next available session of court unless waived by a probation officer of this court. Those persons charged with crimes of violence shall be given the next court session to appear upon being released on their own recognizance.

Any Person who is found by any law enforcement officer to be in violation of a condition of "home arrest" with or without an electronic monitoring device shall be incarcerated and held without bond until the next session of court.

3. Whenever a defendant has been charge with a traffic offense under either the Ohio Revised Code or Ordinance of any village of municipality and fails to appear for court, or fails to pay the fine when due, the defendants operator's license and/or right to drive in the State of Ohio will be ordered cancelled and the proper judgment shall be forwarded to the Bureau of Motor Vehicles of the State of Ohio pursuant to law.

According to law, registration blocks will be placed through the Ohio Bureau of Motor Vehicles against the renewal of the operator's license and/or license plates and registration of any defendant who fails to timely pay and fines and costs assessed in any criminal or traffic case in the Court, against any

defendant who fails to appear as ordered, or against any defendant who fails to make a schedule payment for a period of 90 days. Removal of the registration block may only be accomplished upon payment in full of the amount owed and any additional fees assessed by the Bureau of Motor Vehicles.

4. Upon approval of the court, a defendant may execute a "cost sheet" agreeing to pay all fines and costs within twelve (12) months. Unless otherwise directed by the Court, the following policy shall apply:
 - a. The minimum payment shall be established by dividing the total amount due by 12.
 - b. The minimum amount will be the least amount accepted unless otherwise approved by the Clerk of Court.
 - c. Minimum payments must be received every 30 days beginning 30 days after the conviction date.
 - d. Minimum payments not received every 30 days in traffic cases will be subject to declaration of forfeiture of operator's license that will be forwarded to the Bureau of Motor Vehicles.
 - e. Notice of failure to pay as scheduled will be mailed monthly. Notices will be limited to 3 notices in a 90 day period for each defendant.
 - f. Public service work may be offered to those unable to pay fines and costs.
 - g. If all alternative methods of payment have failed, the defendant's case will be forwarded to a collection agency contracted by the Court to attempt to collect the debt. The defendant shall pay all fees associated with the collection process.
5. Court ordered restitution shall be paid in full within six (6) months, unless otherwise directed by the Court.

(D) Motions

1. All motions shall be made in writing and accompanied by a written memorandum containing the arguments of counsel. All motions shall set forth clearly and specifically the grounds for such motions, along with supporting case citations (copies of foreign and federal decisions to be attached).
2. Motions to suppress shall contain the specific legal grounds therefore and be accompanied by memorandum containing the specific factual basis in support of the motion. Such motions shall be filed within two (2) weeks following completion of any pretrial conference held in the case. Unless the defendant, by law, has the

burden of proof, if specifics are not detailed in both the motion and supporting memorandum, the hearing will either be denied or the defendant will have the burden of going forward.

3. All motions must be filed within the time limits established by the Ohio Rules of Criminal Procedure unless leave is granted by the Court. All properly filed motions shall be set for oral hearing. Such oral hearings shall be set within thirty (30) days of the date such filing is made and it shall be the responsibility of each party to secure the attendance of all witnesses necessary to establish their position. To expedite its business, the Court will consider the submission and determination of motions without oral hearing upon brief written statements of reasons in support and opposition.

(E) Dismissal

1. All recommendations for withdrawal, reduction, amendment, or dismissal of charges and the reasons therefore shall be made in open court by the prosecuting attorney, and/or shall be specifically set forth in writing upon the case file. Any written agreed entry of dismissal shall be filed within two (2) weeks of any oral agreement of parties or the matter shall be scheduled for trial. No reduction or amendment will be allowed unless for good cause shown.
2. Upon agreement of the parties and approval of the court, a case may be dismissed upon payment of court cost. Unless otherwise directed by the court, such costs shall be paid within thirty (30) days of the filing of entry setting forth the agreement. Failure to pay within the time established may result in continued prosecution of the case.

(F) Service and Filing of Papers

1. Service of pleadings shall be accomplished by following the applicable Rules of Civil Procedure. No pleadings shall be deemed served by leaving a copy with the Clerk or any personnel. Neither the Clerk nor any other personnel of the court have an obligation to forward pleadings left by counsel to the opposing party.

These rules shall take effect February 1, 2021, except for rules or portions of rules for which a later date is specified, which shall take effect on such later date. They govern all proceedings in actions brought after they take effect, and also all further proceedings in actions then pending, except to the extent that their application in a particular action pending when the rules take effect would not be feasible or would work injustice, in which event the former procedure applies.

Amendments shall take effect as adopted after the court provides appropriate notice and opportunity to comment on the proposed rule. If the court determined that there is an immediate need for the rule, the court may adopt the rule without prior notice and opportunity for comment, but promptly shall afford notice and opportunity for comment.

M

VWASHINGTON COURT HOUSE MUNICIPAL COURT
119 NORTH MAIN STREET
WASHINGTON COURT HOUSE, OHIO 43160
(740) 636-2350

Addendum "C"

Jury Use and Management Plan

This local rule of practice has been adopted in compliance with Sup. Rule 5(D)(2), which requires that each municipal court develop and implement a Jury Management Plan. It is the purpose of this Rule to implement an efficient and comprehensive system of jury use and management for the Washington Court House Municipal Court.

(A) Opportunity for Service

1. The opportunity for jury service shall not be denied or 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.
2. Jury service is an obligation of all qualified citizens of Fayette County, Ohio
3. All reasonable efforts shall be made to accommodate prospective jurors who have special needs.

(B) Jury Source List

1. Potential jurors shall be drawn from a jury source list, which shall constitute a list of all registered voters in Fayette County by the use of random selection procedures using the processing equipment in conformity with Ohio Revised Code Section 2313.09. The Court shall designate a key number based upon its needs and communicate the number to the Jury Commissioner. The jury source list shall be reviewed and unsuitable names purged from such list in accordance with the powers provided to jury commissioners by Ohio Revised Code Section 2313.01.
2. If, in the opinion of the Court, this jury source list is not representative of the adult population of the jurisdiction, additional source lists shall be utilized as authorized by law.

(C) Random Selection Procedure

1. Random Selection Procedures shall be as ordered by the Fayette County Court of Common Pleas.
2. Departure from the principle of random selection are appropriate only to comply with lawful expectations.

(D) Eligibility for Jury Service/Exemption, Excuse, and Deferral

1. All persons except those who exercise their right to exemption are subject to service. Eligible persons who are summoned may be excused from service only if it is determined that their ability to receive and evaluate information is so impaired that

they are unable to perform their duties as jurors, or that service upon a jury would constitute a significant hardship to them or members of the public. Persons excused from service shall be deferred and may be subject to jury service at a later time. All requests for excuse, exemption or deferral must be made in the form provided and shall be accompanied by appropriate documentation. These documents shall be retained by the Court.

2. The Following factors constitute a partial, although not exclusive, list of excuses for which a person may be excused or deferred from jury service:
 - a. Any person who suffers from a substantial physiological or psychological impairment.
 - b. Any person who has a scheduled vacation or business trip during potential jury service.
 - c. Any person for whom jury service would constitute a substantial economic hardship.
 - d. Any person for whom service on a jury would constitute a substantial hardship on their family, clients, or members of the public affected by the prospective juror's occupation.
 - e. Any person who served on a jury within the last year.
 - f. Any person for whom it may be readily determined is unfit for jury service.
 - g. Any person for whom it is readily apparent would be unable to perform their duty as a juror.
 - h. Other valid excuse.

(E) Terms of and Availability for Jury Service/Notification and Summoning Procedures

1. All prospective jurors shall be notified by regular mail of their requirement of service by the issuance of a summons directing them to appear on the date assigned. Further, all prospective jurors shall be required to complete a jury information card and, if appropriate, a request for excuse, exemption or deferral. Said summons shall be phrased so as to be readily understood by an individual unfamiliar with the legal process and shall be delivered by ordinary mail. Said summons shall clearly explain how and when the recipient must respond and the consequences of his/her failure to respond. Any person who fails to respond to a duly served summons shall be subject to contempt proceedings.
2. Prospective jurors shall be summoned only upon the filing of a written jury demand if required. In civil cases, a jury deposit of Three Hundred Dollars (\$300) shall be assessed. If the jury demand is made upon the filing of a complaint or made upon the filing of a responsive pleading, an additional Twenty-Five Dollars (\$25) shall accompany said pleading. The Three Hundred Dollar jury deposit shall be deposited with the Court along with proposed jury instructions within 30 days of the Court's order for pretrial reports. In the event either deposit is not made, no jury will be summoned, and failure to make deposit shall be deemed a waiver of the right to a

trial by jury. A person determined to be indigent may petition the Court for a waiver of the jury deposit requirement.

3. In criminal cases, no deposit shall be required.
4. Prospective jurors shall be summoned to appear in sufficient number to accommodate trial activity. Panels of fifty (50) persons per trial shall be summoned for service unless the Court determines that a lesser or greater number is necessary for a particular trial.
5. Every effort shall be made to resolve cases prior to summoning juries. A jury panel shall not be summoned unless it appears that there is a substantial likelihood of trial. The assignment commissioner shall contact counsel, or the parties, whichever is appropriate, at least two weeks prior to a scheduled trial date. If it appears that trial is inevitable, a jury panel shall be summoned upon court order, at least fourteen (14) days in advance of trial.
6. In cases where multiple trial are set for the same date, jury costs shall be assessed to the last trial settled on that date. If a trial is settled on the day of trial, all lawful jury costs shall be assessed against the party who requested the jury.
7. The term of service for any prospective panel shall be one day or the completion of one trial, whichever is longer.

(F) Removal From the Jury Panel for Cause/Peremptory Challenge

1. Voir dire examination is conducted to determine the qualifications or disqualification of prospective jurors. The scope of the examination is at the sound discretion of the Court. The Court will allow reasonable inquiry by the parties. Generally speaking, the Court considers a time allocation of up to one and one-half (1 ½) hours per party as a reasonable inquiry. This time may be extended for good cause shown, and if it is apparent upon the record that voir dire is being conducted in good faith within the scope of these rules.
2. Questions on voir dire must be asked in good faith for the purpose of discovering possible bias. Questions should be worded to enable the parties to ascertain bias rather than arouse passion or prejudice. Examination of jurors is not conducted in order to pry into their affairs, and purely personal or embarrassing questions are not to be asked of them.
3. Further, in any supplemental examination, the parties should not ask the same questions of each juror, but should direct questions to the entire panel. Counsel are not to repeat questions previously asked by the Court or other counsel to a particular juror.
4. Examination of jurors is for the purpose of:
 - a. Insuring the litigants of a fair and impartial trial.
 - b. Determining whether prospective jurors are qualified to sit in the trial.
 - c. Enabling the parties to intelligently decide about their right to challenge prospective jurors.

5. If at any time any party abuses his/her right in voir dire examination by taking an unreasonable length of time or continuously asking personal and embarrassing questions, repeating questions previously asked by the Court of other party, or otherwise acting in an unreasonable manner, this Court will end that party's right to voir dire examination as that party has been given the right of reasonable inquiry.
6. Jury information cards indicating basic background information concerning panel members shall be made available to counsel one day prior to the day of which jury selection is to begin. Counsel is permitted to record or hand copy the information contained on the jury cards, except addresses and telephone numbers. No photocopies shall be permitted and the original cards are to remain in possession of the Court at all times. Under no circumstances may counsel or a party retain any jury information card.
7. Neither counsel nor party will be permitted to question prospective jurors as to matters contained in the questionnaire. Parties and counsel may be permitted to ask follow-up questions concerning such information.
8. The Court shall conduct a preliminary voir dire examination concerning basic and relevant matters, and counsel shall be permitted a reasonable period of time to question panel members thereafter.
9. In the event there exist a potential for sensitive or potentially invasive questions, the Court or the parties may request a hearing preceding voir dire to consider these questions.
10. In all cases, voir dire shall be held on the record, but may be conducted outside the presence of jurors in order to protect juror privacy, or to avoid juror embarrassment.
11. Further, counsel or parties shall conform their voir dire questioning to the following rules:
 - a. The case may be argued in any way while questioning the jurors.
 - b. Counsel may not engage in efforts to indoctrinate jurors.
 - c. Jurors may not be questioned concerning anticipated instructions or theories of law, hypothetical questions or answers to hypothetical questions, or what kind of verdict they might return under any circumstance. This does not prevent general questions concerning the validity and philosophy of reasonable doubt, burden of proof, or the presumption of innocence.
 - d. Questions are to be asked collectively of the entire panel whenever possible.
12. The Judge should ensure that the privacy of prospective jurors is reasonably protected, and the questioning is consistent with the purpose of the voir dire process.
13. In criminal cases, the voir dire process shall be held on the record. In civil cases, the voir dire process shall be held in the record unless waived by the parties.
14. If counsel anticipates unusual or potentially troublesome questions, counsel should request a conference.
15. 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.

16. 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.

(G) Administration of the Jury System/Juror Use/Juror Orientation and Instruction/Jury size and unanimity of verdict/Jury Deliberations/Sequestration of Jurors.

1. Jury size and unanimity of verdict in civil and criminal cases shall conform with existing Ohio law.
2. Jurors shall report for service no later than 8:30 a.m., unless otherwise directed. After the orientation, voir dire shall commence promptly. All unresolved trial issues must be brought to the attention of the Court before the completion of orientation. No motions shall be entertained by the Court the day of the trial, except those which the Court must consider by law or by rule of procedure.
3. Prospective jurors shall be provided with written and audio/visual orientation materials upon their initial appearance and prior service.
4. All communications between the Judge and the members of the jury panel, from the time of reporting to the Court through dismissal, shall be committed to writing or placed in the record in open Court. Counsel for each party shall be informed of any communication, and shall be given the opportunity to be heard as to such communication. Under no circumstances shall counsel, a party, or other witnesses, have any contact with jurors.
5. 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 notetaking and questioning by jurors, 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 deliberations. Such instructions should be made available to the jurors during deliberations.
6. Deliberations shall not continue after a reasonable hour, unless the trial Judge determines that evening or weekend deliberations would not impose undue hardship upon the jurors, and are required in the interest of justice. Jurors shall be consulted prior to any decision.
7. If Jury deliberations are halted, jurors shall be permitted to be separated, unless for good cause shown, the Court finds that sequestration is necessary. If a jury is sequestered, the Court shall undertake the responsibility to oversee the conditions of sequestration and the transportation of all jurors.
8. Upon the completion of service, each juror shall be given a personalized certificate of appreciation and the Court shall release the jurors from their duty of confidentiality.

(H) Juror Compensation

1. Persons called for jury service should receive a reasonable fee for their service and expense pursuant to statutory authority.
2. Such fees shall be paid promptly.
3. Employers shall be prohibited from discharging, laying-off, denying advancement opportunities to, or otherwise penalizing employees who miss work because of jury service in accordance with Ohio Revised Code Section 2313.18.

(I) Monitoring the Jury System

1. The Court shall collect and analyze information regarding the performance of the jury system annually in order to evaluate:
 - a. The representativeness and inclusiveness of the jury source list.
 - b. The effectiveness of qualification and summoning procedures.
 - c. The responsiveness on individual citizens to jury duty summons.
 - d. The efficient use of jurors.
 - e. The cost effectiveness of the jury management system
 - f. Overall juror satisfaction.
2. To achieve these goals, the Court shall adopt and utilize a juror exit survey, along with maintaining regular data on all jury pools.

(J) Jury Facilities

1. The Court shall provide an adequate and suitable environment for jurors.
2. Jury deliberation room shall include space, furnishings, and facilities conducive to reaching a fair verdict. The safety and security of the deliberation rooms shall be insured.
3. To the extent feasible, juror facilities should be arranged to minimize contact between jurors, parties, counsel, and public.

Addendum "D"

Washington Court House Municipal Court Technology Plan

In accordance with Local Rule 5.1, this Technology Plan provides an overview of the Washington Court House Municipal Court's utilization of technology in the delivery of court services and maintenance of judicial operations. The applications outlined in this Plan include both public-facing technologies serving litigants, attorneys, members of the public, and other justice system stakeholders, as well as internal technology systems utilized by judicial officers and court staff. IT infrastructure information is not included in this list for safety and security reasons, including firewall, storage system, backup, anti-virus, disaster recovery, and cyber security. The purpose of this Plan is to:

- Define how the Court uses technology to support attorneys, parties, and the public to be aware these services are available for case management, case filing, recordkeeping, efficient communications, and administrative functions
- Provide a list of the Court's IT functions and applications that support serving the public
- Assist the Court in more readily identifying opportunities for improved efficiency and cost saving through the use of technological solutions
- Promote the alignment of IT initiatives with the goals of the Court

Current Capabilities

The Court uses the following applications to manage their docket and related case records:

Henschen's & Associates	E Citation	BIS	Tyler Systems
Case management	Transmitting traffic citations electronically to the court	Courtroom recording	Probation monitoring and reporting
electronic notifications		remote attendance	
document storage		dirty transcripts	
electronic court filings		language assistance	
Workflo- document production		Language line	
Mergepro- document production		Mobile recording system	
Scanworks- record retention			

supreme court reporting			
Lexis Nexis- Electronic Payments			
Scan documents to electronic format			
Scheduling			
Jury Management <i>Courts may want to cross reference their jury management plans pursuant to Sup.R. 5.</i>			
Interfacing with Other Entities Clerk of courts, Ohio Courts Network, Bureau of Criminal Investigation, Bureau of Motor Vehicles, and Fayette County Jail			
Public Access- public access computer - access on website			
Fiscal-			
Victim Services- forms available on website- dedicated room for in the courthouse			
Website- access to forms- docket- rules- costs schedule- waivers			

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Future Implementation Plans

Using the operational categories set forth above, the Court intends to acquire and/or implement the following technologies over the next 5 years.

A. Evidence Management

New Application	Purpose	How Users Receive Instructions	Dept/Role Responsible	Funding Secured (Yes/No)

B. Dispute Resolution

New Application	Purpose	How Users Receive Instructions	Dept/Role Responsible	Funding Secured (Yes/No)

C. Secondary Courtroom

New Application	Purpose	How Users Receive Instructions	Dept/Role Responsible	Funding Secured (Yes/No)

D. Certified Interpreter on staff

New Application	Purpose	How Users Receive Instructions	Dept/Role Responsible	Funding Secured (Yes/No)

E. Human Resources

New Application	Purpose	How Users Receive Instructions	Dept/Role Responsible	Funding Secured (Yes/No)

F. Fingerprinting

New Application	Purpose	How Users Receive Instructions	Dept/Role Responsible	Funding Secured (Yes/No)

Wish List

Elevator

free standing check-in kiosk

Locations Monitors

**Washington Court House Municipal Court
LANGUAGE ACCESS PLAN
January 1st 2025**

I. LEGAL BASIS AND PURPOSE

This document serves as the Language Access Plan (“LAP”) for Washington Court House Municipal Court to provide services to limited English proficient (“LEP”) individuals in compliance with Title VI of the Civil Rights Act of 1964; 45 C.F.R. § 80 et seq; and 28 C.F.R. § 42 et seq. The purpose of this plan is to provide a framework for the provision of timely and reasonable language assistance to LEP persons who come in contact with the [NAME OF COURT].

The Supreme Court of Ohio provides the following advisement:

In order to comply with the prohibition against national origin discrimination in Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, et. seq., the Omnibus Crime Control and Safe Streets Act of 1968, 42 U.S.C. 3789d(c), and 28 C.F.R. Part 42, Subparts C and D, recipients of federal funds must provide meaningful access to limited English proficient (LEP) individuals. *Lau v. Nichols*, 414 U.S. 563 (1974). The U.S. Department of Justice advises that practices, such as charging for interpretation and translation services or seeking recoupment for those costs, significantly impair, restrict, or preclude the participation of LEP individuals in the judicial system and are inconsistent with recipients’ Title VI obligations. For more information, please refer to Guidance from the U.S. Department of Justice to state court justices and administrators’ Letter from Assistant Attorney of the Civil Rights Division to Chief Justices and State Court Administrators (Aug. 16, 2010); Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, 67 Fed. Reg. 41455 (June 18, 2002).

This LAP is developed to ensure equal access to court services for LEP persons and persons who are deaf or hard of hearing. Although deaf and hard of hearing individuals are covered under the Americans with Disabilities Act (ADA) rather than Title VI of the Civil Rights Act, they have been included in this plan insofar as they relate to our policy of access to justice and equal protection under the law. Protections for individuals with qualifying disabilities includes the following:

- Title II of the Americans with Disabilities Act (ADA) requires public entities, including state and local courts, to provide equal access to their programs and services. 42 U.S.C. §§ 12131–12134.
- Public entities are required to “take appropriate steps to ensure that communications with applicants, participants, and members of the public with disabilities are as effective as communications with others.” 28 C.F.R. § 35.160(a).
- Public entities must “furnish appropriate auxiliary aids and services where necessary to afford an individual with a disability an equal opportunity to participate in, and enjoy the benefits of, a service, program, or activity conducted by a public entity.” 28 C.F.R. § 35.160(b)(1).
- These auxiliary aids and services include the provision of “qualified interpreters, notetakers, computer-aided transcription services, written materials,... or other effective methods of making aurally delivered materials available to individuals with hearing impairments.” 28 C.F.R. § 35.104.
- To determine “what type of auxiliary aid and service is necessary, a public entity shall give primary consideration to the requests of the individual with disabilities.” 28 C.F.R. § 35.160(b)(2).
- Deaf and hard of hearing people may not be charged for the costs of such auxiliary aids or services. 28 C.F.R. § 35.130(f).

II. NEEDS ASSESSMENT

Resource:

The Supreme Court of Ohio will update this LAP template on a biannual basis. Local courts should visit the [Language Services webpage](#) to obtain the most current version of the template or reference in its annual review pursuant to Section IX.

A. Statewide

The State of Ohio provides court services to a wide range of persons, including people who do not speak English or who are deaf or hard of hearing. Service providers include the Supreme Court of Ohio, the courts of appeals, and trial courts throughout the state.

According to the American Community Survey as released in October 2019 by the U.S. Census Bureau, the number of people over the age of five in Ohio who, at home, speak a language other than English is approximately 825,270. The survey includes the following top 15 languages in Ohio:

<u>Language</u>	<u>No. of speakers over age of five</u>
1. Spanish	265,761
2. PA Dutch and other West Germanic	62,701
3. Chinese (Mandarin, Cantonese)	46,828
4. German	42,942
5. Arabic	41,582
6. Nepali, Marathi or Other Indic	32,446
7. Somali, Amharic & Other Afro-Asiatic	28,994
8. French	27,884
9. Hindi	18,964
10. Telugu	17,908
11. Ukrainian and Other Slavic Languages	15,067
12. Russian	14,265
13. Vietnamese	14,223
14. Tagalog (Filipino)	14,153
15. Swahili	13,389

Correspondingly, data compiled by the Language Services Section on the use of telephonic interpreters in the state of Ohio from 2019–2020 revealed that the most widely used remote languages used in courts statewide are the following:

<u>Language</u>	<u>2019-2020 Avg.</u>
1. Spanish	1,828
2. Nepali	332
3. Arabic	270
4. French	209
5. Swahili	209
6. Somali	184
7. Kinyarwanda	103
8. Mandarin	101
9. Russian	69
10. Vietnamese	55
11. Burmese	35
12. Tigrinya	35
13. Amharic	30
14. Punjabi	25
15. Korean	20

B. Washington Court House Municipal Court

The Washington Court House Municipal Court will make every effort to provide services to all LEP and deaf or hard- of-hearing persons in its jurisdiction. The most commonly used languages in Washington Court House Municipal Court are the following:

- Spanish
- Haitian

- Creole

III. LANGUAGE ASSISTANCE RESOURCES

A. Language Access Coordinator

The Washington Court House Municipal Court will designate a Language Access Coordinator. The Language Access Coordinator should report to the administrative judge since high level support is essential to successful implementation. The Language Access Coordinator, along with the Court Administrator (as applicable) and the Administrative Judge, will assist in ensuring that language services are delivered by the court in accordance with this plan and in accordance with this plan and the Rules of Superintendence for the Courts of Ohio, Rules 80–89.

Washington Court House Municipal Court’s Language Access Coordinator is Gene Iver. He can be reached at 740-636-2350. Complaints submitted under Section VIII of this Language Access Plan will be addressed by the Language Access Coordinator within five business days.

- Identify qualified interpreters and translators to be included in an interpreter database or list as maintained by the court;
- Track and collect data regarding the use of interpreters, the languages needed, etc.;
- Outline measures to ensure quality control of interpreters and translators; and
- Assign qualified interpreters, translators and bilingual employees to perform language assistance functions.

B. Interpreters Used in the Courts

Under Ohio law and Supreme Court rules, there are two different instances in which a court must provide an interpreter: in a case or court function (see ATTACHMENT A: Sup.R. 80) and in connection with ancillary services (see ATTACHMENT C: Sup.R. 89). This distinction is important because the type of interpreter to be provided and the court’s responsibilities differ depending on the specific situation.

By statute, Ohio courts must appoint qualified interpreters. Specifically, section 2311.14 of the Ohio Revised Code provides that courts shall provide interpreters due to hearing, speech, or other impairments of a party or a witness to a case.

Additionally, pursuant to R.C. 2930.041 (Marsy’s Law), the court will provide a Supreme Court certified foreign language interpreter, Supreme Court registered, Supreme Court provisionally qualified, or language-skilled interpreter in all legal proceedings for a limited English proficient victim at no cost to the victim.

Similarly, the court will provide a Supreme Court certified sign language interpreter, a Supreme Court registered sign language interpreter, a Supreme Court Sup.R. 88(E)(3) eligible sign language interpreter, or a certified American Sign Language interpreter from the Registry for Interpreters of the Deaf, in all legal proceedings for a deaf or hard of hearing victim at no cost to the victim.

Additionally, Rule 88 of the Rules of Superintendence for the Courts of Ohio, requires that the Washington Court House Municipal Court appoint an interpreter in a case or court function when a LEP or deaf or hard-of-hearing individual requests an interpreter or when the court determines the services of an interpreter are necessary for the meaningful participation of the party or witness.

Under Ohio law, foreign language interpreters will be provided at court expense if the party is found to be indigent. However, in order to comply with the prohibition against national origin discrimination in Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, et. seq., the Omnibus Crime Control and Safe Streets Act of 1968, 42 U.S.C. 3789d(c), and 28 C.F.R. Part 42, Subparts C and D, recipients of federal funds must provide meaningful access to limited English proficient (LEP) individuals. *Lau v. Nichols*, 414 U.S. 563 (1974). The U.S. Department of Justice advises that practices, such as charging for interpretation and translation services or seeking recoupment for those costs, significantly impair, restrict, or preclude the participation of LEP individuals in the judicial system and are inconsistent with recipients' Title VI obligations. For more information, please refer to Guidance from the U.S. Department of Justice to state court justices and administrators' letter from Assistant Attorney of the Civil Rights Division to Chief Justices and State Court Administrators (Aug. 16, 2010); Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, 67 Fed. Reg. 41455 (June 18, 2002).

In the Washington Court House Municipal 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.

IV. USE OF INTERPRETERS

A. Determining the Need for an Interpreter

There are various ways that the Washington Court House Municipal 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.

Second, court personnel and judges may determine that an interpreter is necessary for the meaningful participation of a party or witness. Many people who need an interpreter will not request one because they do not realize that interpreters are available, they mistakenly think they will have to pay for the interpreter, or because they do not recognize the level of English proficiency or communication skills needed to understand the court proceeding. Therefore, 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.

The Washington Court House Municipal Court will rely on the following materials provided by the Ohio Supreme Court:

- [Appointment & Credentialing of Foreign Language Interpreters](#)
- [Language Services in Case or Court Function and Ancillary Court Services](#)
- [Video Remote Interpreting \(VRI\) in Ohio Courts](#)
- [Working With Interpreters for Deaf & Hard of Hearing Persons in the Courts](#)
- [Working With Telephonic Interpretation Services in Courts](#)
- www.supremecourt.ohio.gov/docs/JCS/interpreterSvcs/certification/roster.pdf
- <https://www.dhs.gov/xlibrary/assets/crcl/crcl-i-speak-booklet.pdf>

- [Working With Telephonic Interpretation Services in Courts](#)
- [Standards for the Use of Telephonic Interpretation \(Sup.R. Appendix J\)](#)
- [Interpretation Services Language Card](#)
- [Language Identification Card](#)
- [How to Access an Interpreter](#)
-

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. Furthermore, the court will follow the requirements of Sup.R. 88 to appoint an interpreter (see Section C below). 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, Appendix J, use the services of a telephonic interpreter.

B. Court Interpreter Qualifications

The Language Services Section of the Supreme Court of Ohio maintains a statewide roster of interpreters who are qualified to interpret in the courts. Foreign language interpreters on the roster have passed a written examination, attended at least 24 hours of court interpreter training, and have scored within a designated range that measures their language and interpreting skill. Sign language interpreters have also met similar requirements as necessary for national certification through the Registry of Interpreters for the Deaf. The definition of each category of interpreter is set forth in.

C. Appointment of a Court Interpreter

The Washington Court House Municipal Court will appoint in-person and telephonic 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.

Pursuant to Sup.R. 88(C), the Washington Court House Municipal 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.

D. Language Services Outside the Courtroom

In accordance with Sup.R. 89, the Washington Court House Municipal 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 Washington Court House Municipal 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, refer to an "I Speak" Language Identification Guide which is available in 63 languages. The Language Access Coordinator is responsible for distributing cards to all staff and to any new staff.
- In order to meet the needs of those who speak less-common languages, court staff may rely on telephonic interpretation or relay services to bridge communication.

V. TRANSLATED FORMS AND DOCUMENTS

Ohio courts understand the importance of translating forms and documents so that LEP individuals have greater access to the courts' services.

The Washington Court House Municipal Court currently has the following forms translated into commonly used languages:

- Explanation of Rights
- Waiver of Counsel
- Application for Appointed Counsel
- Time Waiver

When interpreters are hired for hearings, interpreters are expected to provide sight translations for corresponding documentation to LEP individuals. Additionally, the Supreme Court of Ohio has translated a number of court forms into various languages: Arabic, Chinese, Russian, Somali and Spanish. These are posted on the Supreme Court of Ohio website and are available to all courts. They can be found here: www.supremecourt.ohio.gov/forms/all-forms/protection-order/2

The Washington Court House Municipal Court follows the process to translate material described in Appendix J (found here: www.supremecourt.ohio.gov/docs/Publications/interpreter_services/IShandbook.pdf) of the *Interpreters in the Judicial System: A Handbook for Ohio Judges*. Appendix J identifies the steps to translate material from project management to editing, proofreading, and publishing. The section also describes the process for the selection of qualified translators. The court will also rely

on the Language Services Section at the Supreme Court of Ohio for consultation and technical assistance.

Washington Court House Municipal Court will assess demographics and analyze the most commonly used forms and embark in the translation of additional forms as resources allow.

VI. LOCAL RULE

The Washington Court House Municipal Court has/has not adopted a local rule regarding appointment of interpreters. [Insert NAME OF COURT's local rule regarding appointment of interpreters as well as where it is available and how to access it.]

VII. TRAINING

Ohio courts are committed to providing language access training opportunities for all staff members who come in contact with or may come in contact with LEP individuals and individuals who are deaf or hard of hearing. The Ohio Judicial College and the Language Services Section provide on-going training for court staff regarding issues related to LEP populations, individuals who are deaf or hard of hearing, the use of interpreters, and other language access matters.

Washington Court House Municipal Court staff with direct contact with LEP individuals or individuals who are deaf or hard of hearing will receive training on language access, to be coordinated by the Language Access Coordinator. The Language Access Coordinator will ensure that all staff receives updated training regularly and new staff are trained at the time of hire.

www.ohiochannel.org/video/training-video-understanding-rule-88-for-judges-court-personnel

VIII. COMPLAINT PROCESS

The Washington Court House Municipal 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 Supreme Court of Ohio has developed a process for handling such complaints.

Resource:

For more information on the complaint resolution process, please visit:

- [Legal Requirements for Language Access](#)
- [Complaint Resolution](#)

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

Washington Court House Municipal Court employees will also provide information on this complaint process to LEP individuals or individuals who are deaf or hard of hearing upon request or if an LEP/deaf or hard-of-hearing individual voices concern about the lack of language access services or the quality of services that were provided.

In addition to the Supreme Court's complaint process, the Washington Court House Municipal Court has developed a local complaint resolution process as well. If the Language Access Coordinator receives a language access complaint, s/he will document receipt of the complaint and provide information about it to the individual who supervises the affected employee(s). Once the supervisor or monitor receives notice of a language access complaint, s/he will take prompt action to review, investigate and respond to its allegations. The Language Access Coordinator will also notify the Supreme Court of Ohio manager of the Language Services Section of such complaint.

The Washington Court House Municipal 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:

*Gene Ivers
119 N. Main St., Wash. C.H., Ohio 43160
740-636-2350
Givers@cityofwch.com*

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

The Washington Court House Municipal Court will display this sign at common areas visible to all court users. In the Washington Court House Municipal Court, the Language Access Coordinator is responsible to make sure signs are visible, interpreters are provided, and our LAP plan is monitored.

The poster is also available at www.supremecourt.ohio.gov/docs/JCS/interpreterSvcs/compliance/Poster.pdf

IX. PUBLIC NOTIFICATION AND EVALUATION OF LAP

A. LAP Approval

The Washington Court House Municipal 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 Washington Court House Municipal Court LAP will be distributed to all court staff by the Language Access Coordinator.

B. Notification

The Language Access Coordinator will ensure that any new staff receives a copy of the plan. Copies of the Washington Court House Municipal Court LAP will be provided to the public upon request. In addition, the Washington Court House Municipal Court will post this plan on its website.

C. Evaluation of the LAP

The Language Access Coordinator will review this plan on an annual basis and make changes based on the review. 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. Elements of the evaluation may include:

- Assessing the number of LEP/deaf and hard-of-hearing persons requesting court interpreters in Ohio courts;
- Assessing current language needs to determine if additional services or translated materials should be provided;
- Assessing whether staff members adequately understand LEP policies and procedures and how to carry them out;
- Reviewing complaints received since the last review; and
- Gathering feedback from LEP/deaf hard of hearing communities around the state; using that feedback as collaboration on any revisions to the LAP.

Any revisions made to the plan will be approved by the Administrative Judge and will be communicated by posting on the Washington Court House Municipal Court public website.

X. OFFICIAL DESIGNATION OF LANGUAGE ACCESS COORDINATOR AND BACK-UP LANGUAGE ACCESS COORDINATOR.

Language Access Coordinator

Name: Gene Ivers

Title: Bailiff, Probation Officer

Language Services Coordinator

Address: 119 N. Main St.

City, State, Zip: Wash. C.H., Ohio 43160

Phone: 740-636-2350

Email: Givers@cityofwch.com

In the event that the Language Access Coordinator is unavailable, the back-up Language Access Coordinator will serve as the substitute.

Back-up Language Access Coordinator

Name: Jay Hicks

Title: Probation & Pre Trial Services Officer

Address: 119 N. Main St.

City, State, Zip: Wash. C.H., Ohio 43160

Phone: 740-636-2350

Email: Jhicks@cityofwch.com

XI. HELPFUL RESOURCES

- Federal interagency website about language access- LEP.GOV
- [American Bar Association Standards for Language Access in Courts, February 2012](#)
- [Department of Justice Language Access Planning](#)
- Supreme Court of Ohio's [Language Services Section](#)

XII. LAP ADMINISTRATIVE JUDGE APPROVAL

This LAP was reviewed and approved by:

Judge Susan R. Wollscheid

XIII. EFFECTIVE DATE

January 1st, 2025

IN THE _____ COURT

_____	:	Case No. _____
Plaintiff	:	
v.	:	Judge _____
_____	:	Magistrate _____
Defendant	:	
	:	Notice for Appointment of Sign Language Interpreter

Pursuant to the Americans with Disabilities Act and Sup.R. 88(B) and (E),
 _____ (party) requests a sign language interpreter at all hearings scheduled
 in this case. _____ (party) is a deaf or hard of hearing person and cannot
 meaningfully participate without the services of an interpreter. _____
 (party) prefers the following method of interpretation _____.
 The interpreter fee is to be assumed by the Court.

A proposed Order is attached.

Respectfully submitted,

 INSERT SIGNATURE BLOCK
 Attorney for _____ (party)

Certificate of Service

On _____, a copy of the Notice for Appointment of Sign Language
 Interpreter was served via ordinary mail on: _____
 (opposing parties).

 INSERT SIGNATURE BLOCK
 Attorney for _____ (party)

IN THE _____ COURT

_____,
Plaintiff

v.

_____,
Defendant

:
:
:
:
:
:
:
:
:
:
:

Case No. _____

Judge _____

Magistrate _____

**Appointment of Sign Language
Interpreter**

The Court hereby orders that a sign language interpreter pursuant to the criteria in Sup.R. 88(B) and (E) shall appear to interpret at all hearings scheduled in this case. Furthermore, it is ordered that the Court shall assume the interpreter's fees and not tax said fees as court costs.

IT IS SO ORDERED.

Date

Judge/Magistrate

IN THE _____ COURT

_____	:	Case No. _____
Plaintiff	:	
v.	:	Judge _____
	:	
_____	:	Magistrate _____
Defendant	:	
	:	Notice for Appointment of Foreign
	:	Language Interpreter

Pursuant to Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et. seq.) and Sup.R. 88(A) and (D), _____ (party) requests a foreign language interpreter in _____ (language) at all hearings scheduled in this case.

_____ (party) is a non-English speaking person (or has limited English proficiency) and cannot meaningfully participate without the services of an interpreter. The interpreter fee is to be assumed by the Court.

A proposed Order is attached.

Respectfully submitted,

INSERT SIGNATURE BLOCK
Attorney for _____ (party)

Certificate of Service

On _____, a copy of the Notice for Appointment of Foreign Language Interpreter was served via ordinary mail on: _____ (opposing parties).

INSERT SIGNATURE BLOCK
Attorney for _____ (party)

IN THE _____ COURT

_____,
Plaintiff

v.

_____,
Defendant

:
:
:
:
:
:
:
:
:
:

Case No. _____

Judge _____

Magistrate _____

**Appointment of Foreign
Language Interpreter**

The Court hereby orders that a foreign language interpreter in _____ pursuant to the criteria in Sup.R. 88(A) and (D) shall appear to interpret at all hearings scheduled in this case. Furthermore, it is ordered that the Court shall assume the interpreter's fees and not tax said fees as court costs.

IT IS SO ORDERED.

Date

Judge/Magistrate

IN THE _____ COURT

_____,
 Plaintiff, :
 v. :
 _____, :
 Defendant :
 :

Case No. _____

ORDER

Sign Language Interpreter

A party, witness, or juror is either deaf, hard of hearing, or deaf blind. At the request of a party or witness, or after examination by the Court, the Court finds that the services of a sign language interpreter are necessary for the meaningful participation of the party, witness, or juror in the proceedings.

A Supreme Court Certified Sign Language Interpreter is appointed and is presumed to comply with Evid.R. 604 and 702. Sup.R. 88(E)(1).

A Supreme Court Certified Sign Language Interpreter does not exist or is not reasonably available. The Court has considered the gravity of the proceedings and the ability to reschedule in order to obtain a Supreme Court Certified Sign Language Interpreter. For good cause shown, a sign language interpreter who holds one of the certifications listed in Sup.R. 88(E)(2) is appointed. Type of certification of appointed interpreter _____.

The communication mode of the deaf, hard of hearing, or deaf blind party, witness, or juror is unique and cannot be adequately accessed by a sign language interpreter who is hearing. A sign language interpreter certified as "Certified Deaf Interpreter" by the Registry of Interpreters for the Deaf is appointed.

The communication mode of the deaf, hard of hearing, or deaf blind party, witness, or juror requires silent oral techniques. A sign language interpreter who possesses an "Oral Transliteration Certificate" is appointed.

OATH OR AFFIRMATION

(for interpreters who are not certified by the Supreme Court of Ohio)

On the record, the interpreter has sworn or affirmed that s/he will interpret accurately, completely, and impartially using the best of his or her skill and judgment.

The sign language interpreter has sworn or affirmed that s/he knows, understands, and will act according to the Code of Professional Conduct for Court Interpreters and Translators. (Sup.R. 88, App. H)

 Date

 Judge/Magistrate

Interpreter's Name:	<input type="checkbox"/> Certification #
Signature:	Date of Service:
Agency:	

PROTECTION ORDER NOTICE TO NCIC (Required fields appear in bold print)

- Initial NCIC Form Amended NCIC Form Removal from NCIC
- Service Completed (Law Enforcement Agency: If unchecked, presume Service Unknown)

Pursuant to Rules 10.01, 10.02, 10.03, and 10.05 of the Rules of Superintendence for the Courts of Ohio, this information shall be promptly entered into the National Crime Information Center Index.

SUBJECT NAME _____ (LAST) _____ (FIRST) _____ (M.I.)

ADDRESS _____ (STREET) _____ (CITY) _____ (STATE) _____ (ZIP)

PHYSICAL DESCRIPTION: HGT _____ WGT _____ HAIR _____
 EYES _____ RACE _____ SEX M F

NUMERICAL IDENTIFIER (NOTE: Only ONE of the 4 numerical identifiers is needed.)

1. SSN _____ - _____ - _____ 2. DOB _____ / _____ / _____

3.* DRIVER'S LIC. NO. _____ STATE _____ EXPIRATION YR. _____

4.* VEHICLE LIC. NO. _____ STATE _____ EXPIRATION YR. _____

(* If #3 or #4 is used as a numerical identifier, entire line MUST be completed.)

BRADY DISQUALIFIERS:
 Pursuant to 18 U.S.C. 922(g)(8), a "yes" response to all three Brady questions disqualifies the subject from purchasing or possessing any firearms, including a rifle, pistol, revolver, or ammunition.

- Does the Order protect an intimate partner or child(ren)? YES NO
- Did the subject have notice of the hearing and opportunity to participate in the hearing regarding the Order? YES NO
- Does the Order find the subject a credible threat or explicitly prohibit physical force? YES NO

CASE / ORDER NO. _____ (15 DIGIT MAXIMUM) **Is order term of probation/ community control?** YES NO

COURT ORIGINATING AGENCY IDENTIFIER _____ (9 DIGIT ORI ASSIGNED BY NCIC)

NAME OF JUDGE/MAGISTRATE _____

DATE OF ORDER _____ / _____ / _____ **EXPIRATION OF ORDER** _____ / _____ / _____
 (IN R.C. 2919.26 AND 2903.213 CASES, "NONEXP" MAY BE USED)

TERMS AND CONDITIONS OF ORDER (Mark all that are applicable):

01 The subject is restrained from assaulting, threatening, abusing, harassing, following, interfering, or stalking the protected person and/or the child(ren) of the protected person.

02 The subject shall not threaten a member of the protected person's family or household.

03 The protected person is granted exclusive possession of the residence or household.

04 The subject is required to stay away from the residence, property, school, or place of employment of the protected person or other family or household member.

05 The subject is restrained from making any communication with the protected person, including but not limited to, personal, written, or telephone contact, or their employer, employees, or fellow workers, or others with whom the communication would be likely to cause annoyance or alarm the victim.

06 The subject has visitation or custody rights of the child(ren) named in this Order.

07 The subject is prohibited from possessing and/or purchasing a firearm or other weapon as identified in the Miscellaneous Field.

08 See the Miscellaneous Field for comments regarding the specific terms and conditions of this Order.
 Miscellaneous comments: _____

09 The protected person is awarded temporary exclusive custody of the child(ren) named.

OHP
DATA

ONLY

#EPO

Subject's Name _____

Case/Order No. _____

LIST ALL PROTECTED PERSONS (Total of 9 allowed. SSN is NOT necessary if DOB is given.)

PROTECTED PERSON _____
(LAST) (FIRST) (M.I.)

DOB ____ / ____ / ____ SSN ____ - ____ - ____ RACE _____

SEX M F

PROTECTED PERSON _____
(LAST) (FIRST) (M.I.)

DOB ____ / ____ / ____ SSN ____ - ____ - ____ RACE _____

SEX M F

PROTECTED PERSON _____
(LAST) (FIRST) (M.I.)

DOB ____ / ____ / ____ SSN ____ - ____ - ____ RACE _____

SEX M F

PROTECTED PERSON _____
(LAST) (FIRST) (M.I.)

DOB ____ / ____ / ____ SSN ____ - ____ - ____ RACE _____

SEX M F

PROTECTED PERSON _____
(LAST) (FIRST) (M.I.)

DOB ____ / ____ / ____ SSN ____ - ____ - ____ RACE _____

SEX M F

PROTECTED PERSON _____
(LAST) (FIRST) (M.I.)

DOB ____ / ____ / ____ SSN ____ - ____ - ____ RACE _____

SEX M F

PROTECTED PERSON _____
(LAST) (FIRST) (M.I.)

DOB ____ / ____ / ____ SSN ____ - ____ - ____ RACE _____

SEX M F

PROTECTED PERSON _____
(LAST) (FIRST) (M.I.)

DOB ____ / ____ / ____ SSN ____ - ____ - ____ RACE _____

SEX M F

PROTECTED PERSON _____
(LAST) (FIRST) (M.I.)

DOB ____ / ____ / ____ SSN ____ - ____ - ____ RACE _____

SEX M F

Authorized by (signature): _____ Date ____ / ____ / ____
Judge/Magistrate (circle one)

FORM 10.01-A: GENERAL INFORMATION ABOUT DOMESTIC VIOLENCE PROTECTION ORDERS

DEFINITIONS YOU NEED TO KNOW

Domestic violence is when a family or household member uses physical violence, threats, intimidation, and/or emotional, sexual, and economic abuse to maintain power and control over the other person, usually within an intimate relationship. Domestic violence is most often a combination of psychological and physical actions; the physical results are just the most visible. Domestic violence is a pattern of conduct in which one intimate partner uses force or threats of force to control the other person.

State law has determined that some forms of abuse do not constitute criminal behavior or behavior requiring the Court's intervention. For example, psychological battering, economic abuse, or verbal harassment without evidence of threats or physical harm are not recognized by Ohio law as domestic violence that allows a petitioner to obtain a protection order or request that criminal charges be filed.

When a family or household member tries to cause you bodily harm by hitting, pushing, beating, or physically hurting you, that is domestic violence. When a family or household member makes you afraid that you will be harmed, that is domestic violence. When a family or household member stalks, commits sexually oriented offenses against you, or forces sexual relations on you, that is domestic violence. When a family or household member abuses your children, that is domestic violence.

IN A CIVIL DOMESTIC VIOLENCE CASE:

Petition for Domestic Violence Civil Protection Order ("CPO") is the document a domestic violence victim, the victim's parent, or an adult household member of the victim must file with the domestic relations court to obtain a civil protection order against an alleged offender.

Domestic Violence Civil Protection Order ("CPO") *Ex Parte* is an emergency order the Court issues in response to the Petition for a Civil Protection Order after an *ex parte* hearing. The *ex parte* hearing is described in this form on page 3.

Domestic Violence Civil Protection Order ("CPO") Full Hearing is the final order the Court issues after a full hearing. The full hearing is described in this form on page 3. The full hearing CPO replaces the *ex parte* CPO. Sometimes the final order issued by the Court is a **Consent Agreement and Domestic Violence Civil Protection Order**, Form 10.01-J, upon terms agreed to by the parties.

Petitioner is the person asking or "petitioning" the Court for protection. By filing the Petition for a CPO, YOU are the Petitioner.

Respondent is the alleged domestic violence offender. Petitioner seeks protection from the Respondent by filing for a CPO.

IN A CRIMINAL DOMESTIC VIOLENCE CASE:

Motion for a Criminal Domestic Violence Temporary Protection Order ("DVTPO") is the document that must be filed in a criminal case if a victim of domestic violence or victim of a sexually oriented offense wishes to obtain a protection order against an alleged offender, who is a family or household member. The criminal case must allege the offender committed negligent assault, criminal damaging or endangering, criminal mischief, burglary, aggravated trespass, endangering children, any offense of violence, or any sexually oriented offense against a family or household member. The prosecutor has a form for this purpose.

Domestic Violence Temporary Protection Order ("DVTPO") is the order the Court issues in response to the Motion for Temporary Protection Order. The DVTPO requires the offender to stop abusing and to stay away from the victims named in the Motion for Temporary Protection Order. A DVTPO expires when the alleged offender's criminal case ends or when a new CPO is issued based on the same facts.

Alleged Victim is the person asking the Court for protection in the Motion for a DVTPO.

Defendant is the person the Motion for a DVTPO is filed against. The Defendant is the person accused of the crimes of negligent assault, criminal damaging or endangering, criminal mischief, burglary, aggravated trespass, endangering children, any sexually oriented offense, or any offense of violence against a family or household member.

FEES

You cannot be charged any costs or fees for filing, issuing, registering, modifying, enforcing, dismissing, withdrawing, serving, or obtaining a protection order.

DOMESTIC VIOLENCE CIVIL PROTECTION ORDERS (CPO)

What is a Domestic Violence Civil Protection Order ("CPO")?

A CPO is issued by a domestic relations court to protect a victim of domestic violence. A CPO is intended to prevent further domestic violence. It orders someone who has been abusive to do or not do certain things in the future. You may want to consider getting a CPO even if you have a DVTPO from a criminal court because a CPO lasts longer and provides more benefits – such as child custody and support orders. Domestic violence includes the commission of sexually oriented offenses.

Violating a CPO is a crime. If the Respondent violates the CPO, he or she may be arrested, jailed, and fined for disobeying the CPO. A CPO can remain in effect for up to 5 years. If the Respondent violates the CPO, you can call the police, go back to the domestic relations court to file a contempt charge, and go to the prosecutor's office to have the Respondent charged with the crime of violating the CPO.

Why get a Domestic Violence Civil Protection Order?

If you are a victim of domestic violence, a CPO may help you. Once domestic violence starts, the violence often happens more often and gets increasingly severe. A CPO may stop this cycle of violence because the Court orders the Respondent to stop hurting or threatening you and your family or household members. The Court can use a CPO to order the Respondent to stay away from you for up to five years. A CPO can give you time to "sort things out" and decide what you want to do next without having to be afraid all of the time. If your children have seen domestic violence, a CPO may give all of you a chance to get some help so that you and your children are safe.

Domestic violence is a crime. A CPO tells the Respondent you and the Court are serious about requiring the Respondent to stop his or her abusive behavior and not to hurt or threaten you again.

A CPO sets some "rules" that the Respondent must obey while the CPO is in effect. These rules may require the Respondent to pay child or spousal support; give up possession of a home or car; and/or obey the Court's orders about visitation.

A CPO issued by a domestic relations court may last longer than a DVTPO issued by a criminal court and can provide more kinds of help. You should know that if you get a CPO based upon the same facts as the DVTPO, the DVTPO from the criminal court will automatically end, even if the criminal case continues.

Who can get a Domestic Violence Civil Protection Order?

You can apply for a CPO if you are related to the Respondent by blood or marriage AND have lived with Respondent at any time; OR you are living with or have lived with the Respondent during the past five years; OR you used to be married to the Respondent; OR you have a child with the Respondent, whether or not you ever married or lived together.

You can also get a CPO for any member of your household.

You may be able to get a CPO if you have been dating the Respondent; if you share family or financial responsibilities with the Respondent; AND you have an intimate relationship with the Respondent.

Remember that a CPO has limits. If you suspect that the Respondent will not obey the terms of a CPO, contact your local domestic violence program or the Ohio Domestic Violence Network at 800-934-9840.

Do I need an attorney for me to obtain a Domestic Violence Civil Protection Order?

No, but you are often better off having legal representation in your CPO proceeding. Neither the Clerk of Court nor other Court employees can give you legal advice. Having an attorney represent you is especially helpful when your case involves contested custody and visitation and/or when an attorney represents the Respondent. If you cannot afford an attorney, contact your local legal aid office at 866-LAWOHIO (toll free), bar association, or Ohio State Legal Services (800-589-5888) for information on low cost or free legal representation.

Must there be a court hearing for me to obtain a Domestic Violence Civil Protection Order?

Yes. There are two hearings involved in a CPO case: the *ex parte* hearing and the full hearing.

Ex Parte Hearing: At this hearing, only you are present. The Respondent is not present.

An *ex parte* hearing is held on the same day a Petition for Civil Protection Order is filed. If a Petition for a CPO is filed early enough in the day, an *ex parte* hearing is held that same day. At the *ex parte* hearing, you take an oath to tell the truth and a judge or magistrate hears your statement of what happened. If the judge or magistrate finds that the events you described meet the requirements of the law, the Court will issue an *Ex Parte* CPO and schedule a full hearing. If the Respondent is asked to vacate the home in which you live, there will be a full hearing within 7 business days. Otherwise, a full hearing will be set within 10 business days. The Court can hold a full hearing only after the Respondent has been served with the *Ex Parte* CPO. You may need to fill out forms for the Clerk of Court to cause service.

Full Hearing: The full hearing is the final hearing.

At this hearing, both you and the Respondent can testify. You must be present at the full hearing. You should bring any witnesses and other evidence to support your case. If the Court issues a Full Hearing CPO, it remains in force until the date indicated in the CPO, with 5 years being the maximum.

If the Respondent does not show up for the full hearing, you can still obtain a final CPO. However, if the Respondent is not served with the *Ex Parte* CPO before the full hearing, the Court postpones the full hearing until the Respondent is served. If the full hearing is postponed, the *Ex Parte* CPO remains in effect until the full hearing is held.

You may bring an advocate with you to the *ex parte* and full hearings for support. Some domestic violence shelters and victim assistance programs can provide advocates to go with you to these hearings. Contact your local domestic violence program or the Ohio Domestic Violence Network, 800-934-9840, for program and shelter information.

CRIMINAL DOMESTIC VIOLENCE TEMPORARY PROTECTION ORDERS (DVTPO)

Your local criminal court grants a DVTPO. You ask the Court for a DVTPO when a criminal complaint is filed alleging someone has committed domestic violence or a sexually oriented offense against you. The DVTPO orders someone who has abused you to do or stop doing certain things in the future. Violating a DVTPO is a crime. If the Defendant violates the DVTPO, the Defendant may be arrested, jailed, and fined for disobeying the DVTPO. Violating a DVTPO is also a reason for the Court to revoke the Defendant's bail. A DVTPO lasts only until the criminal case is ended or a CPO, based on the same facts, is issued by a domestic relations court.

RESOURCES

You can find information about Domestic Violence Civil Protection Orders in R.C. 3113.31 and information about Domestic Violence Temporary Protection Orders in R.C. 2919.26.

You may be able to find additional information about domestic violence at the following web sites:

Ohio Domestic Violence Network	www.odvn.org
Ohio Legal Help	www.ohiolegalhelp.org
National Resource Center on Domestic Violence	www.nrcdv.org
Supreme Court of Ohio – Domestic Violence Program	www.supremecourt.ohio.gov/domviol

PLEASE NOTE: Computer use can be monitored. It is impossible to completely clear all website footprints. If you are in danger, please use a safer computer that your abuser cannot access directly or remotely. For example, computers at a public library, internet café, domestic violence shelter, or community technology center, may be safer computers.

IN THE _____ COURT
 _____ COUNTY, OHIO

Order of Protection

Per R.C. 2919.26(G)(3), this Order is indexed at

LAW ENFORCEMENT AGENCY WHERE INDEXED

 () -
 PHONE NUMBER
 STATE OF OHIO/
 CITY OF _____
 v.

Case No.

Judge _____

State OHIO

DOMESTIC VIOLENCE TEMPORARY PROTECTION ORDER (DVTPO) (R.C. 2919.26)

New Order Modification of Previous Order

DEFENDANT

ALLEGED VICTIM:

First Middle Last

v.

PERSON(S) PROTECTED BY THIS ORDER:

Alleged Victim _____ DOB: _____

Alleged Victim's Family or Household Members:
 Additional forms attached

_____ DOB: _____

_____ DOB: _____

_____ DOB: _____

_____ DOB: _____

DEFENDANT:

First Middle Last

DEFENDANT IDENTIFIERS

SEX	RACE	HGT	WGT
EYES	HAIR	DOB	
		/ /	
DRIVER'S LIC. NO.	EXP. DATE	STATE	

Address where Defendant can be found: _____

Distinguishing features: _____

- WARNING TO LAW ENFORCEMENT: DEFENDANT HAS FIREARMS ACCESS – PROCEED WITH CAUTION**
- Ex Parte* DVTPO Granted: _____ / _____ / _____ (Date)
- DVTPO Granted: _____ / _____ / _____ (Date)

Violence Against Women Act, 18 U.S.C. 2265, Federal Full Faith & Credit Declaration: Registration of this Order is not required for enforcement.

THE COURT HEREBY FINDS:

That it has jurisdiction over the parties and subject matter, and the Defendant was provided with reasonable notice and opportunity to be heard within the time required by Ohio law. **Additional findings of this Order are set forth below.**

THE COURT HEREBY ORDERS:

That the above named Defendant be restrained from committing acts of abuse or threats of abuse against the Alleged Victim and other protected persons named in this Order. Additional terms of this Order are set forth below.

WARNING TO DEFENDANT: See the warning page attached to the front of this Order.

2. **DEFENDANT SHALL NOT INTERFERE** with the protected persons' right to occupy any residence by canceling utilities or insurance or interrupting telecommunication (e.g., telephone, internet, or cable) services, mail delivery, or the delivery of any other documents or items. [NCIC 03]

3. **DEFENDANT SHALL SURRENDER** all keys and garage door openers to the following residence

at the earliest possible opportunity after service of this Order to the law enforcement agency that serves the Defendant with this Order or as follows:

4. **DEFENDANT SHALL STAY AWAY FROM THE PROTECTED PERSONS NAMED IN THIS ORDER**, and shall not be present within 500 feet or _____ (distance) of any protected persons wherever those protected persons may be found, or any place the Defendant knows or should know the protected persons are likely to be, **even with protected persons' permission**. If the Defendant accidentally comes in contact with protected persons in any public or private place, the Defendant must depart *immediately*. This Order includes encounters on public and private roads, highways, and thoroughfares. [NCIC 04]

5. **DEFENDANT SHALL NOT INITIATE OR HAVE ANY CONTACT** with the protected persons named in this Order at their residences, businesses, places of employment, schools, day care centers, or child care providers. Contact includes, but is not limited to, landline, cordless, cellular or digital telephone; text; instant messaging; fax; e-mail; voicemail; delivery service; social media; blogging; writings; electronic communications; posting a message; or communications by any other means directly or through another person. Defendant may not violate this Order **even with the permission of a protected person**. [NCIC 05]

6. **DEFENDANT SHALL NOT** use any form of electronic surveillance on protected persons.

7. **DEFENDANT SHALL NOT REMOVE, DAMAGE, HIDE, OR DISPOSE OF ANY PROPERTY, COMPANION ANIMALS, OR PETS** owned or possessed by the protected persons named in this Order.

8. **THE ALLEGED VICTIM IS AUTHORIZED TO REMOVE THE FOLLOWING COMPANION ANIMALS OR PETS** owned by Alleged Victim, from the possession of Defendant:

Exchange of the listed companion animals or pets shall take place as follows:

9. **DEFENDANT SHALL NOT CAUSE OR ENCOURAGE ANY PERSON** to do any act prohibited by this Order.

10. **DEFENDANT SHALL NOT POSSESS, USE, CARRY, OR OBTAIN ANY DEADLY WEAPON, INCLUDING FIREARMS, AND AMMUNITION** at any time while the Order remains in effect to bring about a cessation of violence pursuant to 18 U.S.C. 922(g)(1) through (9), 18 U.S.C. 922(n), or R.C. 2923.13. [NCIC 07]

DEFENDANT IS EXCEPTED only for official use pursuant to 18 U.S.C. 925(a)(1), if no other firearms and ammunition disability applies.

- 11. **DEFENDANT SHALL TURN OVER ALL DEADLY WEAPONS, INCLUDING FIREARMS AND AMMUNITION**, owned by Defendant or in Defendant's possession to the law enforcement agency that serves Defendant with this Order no later than _____ or as follows:

Any law enforcement agency is authorized to accept possession of deadly weapons, including firearms, and ammunition pursuant to this paragraph and hold them in protective custody for the duration of this Order. [NCIC 07]

Law enforcement shall immediately notify the Court upon receiving Defendant's deadly weapons, including firearms, and ammunition for protective custody as set forth in this Order.

Upon the expiration or termination of this Order and if a civil protection order or consent agreement has not been issued or approved arising out of the same activities as those that were the basis of the complaint filed in this action, Defendant may reclaim any deadly weapons, including firearms, and ammunition held in protective custody by law enforcement pursuant to this Order, unless Defendant is otherwise disqualified as verified by a check of the NCIC protection order file.

- 12. **DEFENDANT'S CONCEALED CARRY WEAPON LICENSE**, if any, is now subject to R.C. 2923.128.

- 13. **DEFENDANT MAY PICK UP CLOTHING** and personal effects from the following residence:

only in the company of a uniformed law enforcement officer upon release or within seven or _____ days of the filing of this Order or the date of Defendant's release on bond in connection with this charge, whichever is later. Arrangements may be made by contacting:

- 14. **DEFENDANT SHALL NOT USE OR POSSESS** alcohol or illegal drugs.

- 15. **IT IS FURTHER ORDERED: [NCIC 08]**

- 16. **DEFENDANT IS ADVISED THAT VISITATION ORDERS DO NOT PERMIT THE DEFENDANT TO VIOLATE ANY OF THE TERMS OF THIS ORDER.**

- 17. **IT IS FURTHER ORDERED** a copy of this Order shall be delivered to the Defendant on the same day that the Order is entered.

- 18. **THIS ORDER IS EFFECTIVE** until the occurrence of one of the following: (1) it is modified by this Court; or (2) the criminal proceeding arising out of the complaint upon which this Order were issued is disposed by this Court or by the court of common pleas to which the Defendant is bound over for prosecution; or (3) a court issues a Domestic Violence Civil Protection Order ("CPO") arising out of the same activities as those that were the basis of the complaint filed in this action.

IT IS SO ORDERED.

_____	_____	_____	_____
MAGISTRATE	DATE EX PARTE DVTPO	JUDGE	DATE EX PARTE DVTPO

_____	_____	_____	_____
MAGISTRATE	DATE DVTPO	JUDGE	DATE DVTPO

NOTICE TO DEFENDANT

NO PERSON PROTECTED BY THIS ORDER CAN GIVE YOU LEGAL PERMISSION TO CHANGE OR VIOLATE THE TERMS OF THIS ORDER. IF YOU VIOLATE ANY TERMS OF THIS ORDER, EVEN WITH THE PROTECTED PERSON'S PERMISSION, YOU MAY BE ARRESTED. ONLY THE COURT CAN CHANGE THIS ORDER. YOU ACT AT YOUR OWN RISK IF YOU DISREGARD THIS WARNING.

A HEARING on this Order shall be held before
 Judge/Magistrate _____
 on _____ / _____ / _____
 at _____ a.m. p.m.,
 at the following location:

TO THE CLERK:

A COPY OF THIS ORDER SHALL BE SERVED ON DEFENDANT (by personal service).
 COPIES OF THIS ORDER SHALL BE DELIVERED TO:

Prosecutor
 Alleged Victim
 Defendant's Attorney /Public Defender
 Law Enforcement Agency Where Alleged Victim Resides:

 Law Enforcement Agency Where Alleged Victim Works:

 Sheriff's Office / Police Department:

 Other: _____

Service acknowledged:

_____ DEFENDANT

_____ DATE

WAIVER OF HEARING

I HAVE BEEN ADVISED OF MY RIGHT TO A HEARING ON THE MOTION FOR A DOMESTIC VIOLENCE TEMPORARY PROTECTION ORDER AND HEREBY KNOWINGLY AND VOLUNTARILY WAIVE THE HEARING ON THE MOTION AND AGREE TO BE BOUND BY THE TERMS OF THIS ORDER.

_____ DEFENDANT

_____ DATE

FORM 10-B: HOW TO COMPLETE A PROTECTION ORDER NOTICE TO NCIC

Form 10-A, Protection Order Notice to NCIC, is the mechanism to enter protection orders or consent agreements into the FBI's National Crime Information Center ("NCIC") Protection Order file. Inaccurate or inconsistent information on Form 10-A will delay entering the court order into the NCIC index; result in improper enforcement of the order; and impermissibly allow or deny a person from owning, possessing, purchasing, or transporting firearms and ammunition. Form 10-A must be completed each time the court grants, approves, modifies, renews, or terminates a criminal or civil *ex parte* or full hearing protection order or consent agreement or otherwise makes a clerical correction on a previously issued order or agreement.

Courts are encouraged to verify that orders are timely entered.

ELEMENTS OF FORM 10-A

- (A) Although Form 10-A is the primary method to inform law enforcement of the terms and conditions of a protection order or consent agreement, it is not a substitution for a protection order or judgement entry.
- (B) The court must mark the appropriate box:
- **Initial NCIC Form:** This box indicates the court is issuing a criminal or civil protection order or approving a consent agreement for the first time.
 - **Amended NCIC Form:** This box points out to law enforcement that the original terms of an existing protection order or consent agreement have been modified, including modifications due to clerical errors.
 - **Removal from NCIC:** This box notifies law enforcement that the protection order or consent agreement is no longer valid and the order must be removed from the NCIC protection order database active file, regardless of the reason.
 - **Service Completed:** This box is marked if the court has knowledge that service of process has been perfected as set forth in Civ.R. 65.1 and Crim.R.49. The protection order should be entered promptly regardless of service.
- (C) **NUMERICAL IDENTIFIER.** Although the FBI only requires one numerical identifier, the court should provide additional numerical identifiers, if available, to facilitate identification of the subject of the protection order.
- (D) **BRADY DISQUALIFIERS.** All of the following requirements must be met to result in firearms disability pursuant to 18 U.S.C. 922(g)(8):
- Existence of an intimate relationship between the protected parties and Respondent or Defendant, i.e., spouse, former spouse, an individual who cohabits or has cohabited with Respondent or Defendant, and an individual who is a parent of a child of the Respondent or Defendant;
 - Respondent or Defendant had actual notice of the hearing and an opportunity to participate;
 - The court made a finding in the order that Respondent or Defendant poses a credible threat of harm or the order explicitly prohibits Respondent or Defendant from the use, attempted use, or threatened use of physical force against an intimate partner or child.

In addition to the firearms and ammunition prohibition per 18 U.S.C. 922(g)(8), a Respondent or Defendant may be firearms and ammunition disqualified as result of other circumstances, e.g., 18 U.S.C. 922(g)(1) through (9), state law, or a court order.

- (E) **DATE OF ORDER AND EXPIRATION OF ORDER.** The NCIC protection order database will automatically render a record inactive on the order's expiration date. Protection orders issued pursuant to R.C. 2903.213 or 2919.26 may indicate "NONEXP." Upon disposition of the criminal case or the issuance of a civil protection order arising out of the same facts, the court must send to law enforcement another Form 10-A indicating Removal from the NCIC and state the expiration date of the order.
- (F) **TERMS OF ORDER.** The court must check every box that corresponds to the terms of the protection order. Note that the numbering next to each term in Form 10-A does not correspond to the sequence of remedies in a protection order or consent agreement. However, the remedies in the protection order forms are cross-referenced with the terms and conditions listed in Form 10-A, e.g., NCIC 01.

In every instance that the court changes a term of the protection order or consent agreement, e.g., divorce decree, custody order, continuance of hearing, or extension of the protection order, the court must submit Form 10-A or a form that is substantially similar, indicate the applicable terms to law enforcement and mark "Amended NCIC Form."

**FORM 10-C:
WARNING CONCERNING THE ATTACHED
PROTECTION ORDER OR CONSENT AGREEMENT**

NOTE: Rules 10.01, 10.02, 10.03, and 10.05 of the Rules of Superintendence for the Courts of Ohio require this Warning to be attached to the **FRONT** of all civil and criminal **EX PARTE** or **FULL HEARING** protection orders issued by the courts of the State of Ohio.

WARNING TO RESPONDENT / DEFENDANT

Violating the attached Protection Order is a crime, punishable by incarceration, fine, or both and may cause the revocation of your bond or result in a contempt of court citation against you.

This Protection Order is enforceable in all counties in Ohio and 50 states, the District of Columbia, tribal lands, and U.S. territories pursuant to state law and the Violence Against Women Act, 18 U.S.C. 2265. Violating this Protection Order may subject you to state and federal charges and punishment.

Only the Court may change the terms of this Protection Order. The Petitioner/Alleged Victim/Protected Person cannot give you legal permission to change this Order. If you go near the Petitioner/Alleged Victim/ Protected Person, even with the person's permission, you may be arrested. Only the Court may change or end this Protection Order. Unless the Court changes or ends this Order, you may be arrested for violating this Protection Order. **YOU ACT AT YOUR OWN RISK IF YOU DISREGARD THIS WARNING.**

WARNING TO PETITIONER / ALLEGED VICTIM

You cannot change the terms of this Order by your words or actions. Only the Court may allow the Respondent/Defendant to contact you or return to your residence. This Protection Order cannot be changed by either party without obtaining a written court order.

NOTICE ABOUT FIREARMS AND OTHER DEADLY WEAPONS

As a result of this Protection Order or Consent Agreement, it may be a federal crime for you to possess or purchase a firearm, including a rifle, pistol, or revolver, or ammunition pursuant to 18 U.S.C. 922(g)(8) for the duration of this Order. If you have any questions whether the law makes it illegal for you to possess or purchase a firearm or ammunition, you should consult with a lawyer.

This Protection Order may be subject to the exceptions pursuant to 18 U.S.C. 925(a)(1) **only** with respect to the official use of government-issued firearms or ammunition for the use of any department or agency of the United States, Ohio, or its political subdivision. This exception does not apply if the Defendant/ Respondent has been convicted of an offense of violence, for example, domestic violence, menacing by stalking, etc., against a family or household member.

NOTICE TO ALL LAW ENFORCEMENT AGENCIES AND OFFICERS

The attached Protection Order is enforceable in all counties in Ohio. Violation of this Protection Order is a crime under R.C.2919.27. Law enforcement officers with powers to arrest under R.C. 2935.03 for violations of the Ohio Revised Code must enforce the terms of this Protection Order as required by R.C. 2151.34, 2903.213, 2903.214, 2919.26, 2919.27, and 3113.31. If you have reasonable grounds to believe that the Respondent/Defendant has violated this Protection Order, it is the preferred course of action in Ohio under R.C. 2935.03 to arrest and detain the Respondent/ Defendant until a warrant may be obtained. Federal and state law prohibits charging a fee for service of this Order to the Petitioner/Alleged Victim or protected parties.

NOTICE TO RESPONDENT OR DEFENDANT ABOUT EXISTENCE OF PROTECTION ORDER

THIS NOTICE IS NOT A PROTECTION ORDER. Pursuant to R.C. 2919.27(D), I am orally notifying you that a Protection Order was issued against you on _____ by _____ Court and assigned Case No. _____

for the safety and protection of the following parties: _____

Following are **some** of the terms in the Protection Order that may apply to you. You are advised that a violation of any of these terms may result in your arrest. You are also advised to read the Protection Order in its entirety, upon being served with it. This Notice is **not** the Protection Order issued against you.

- You are prohibited from abusing, harming, attempting to harm, threatening, following, harassing, stalking, forcing sexual relations upon, or committing sexually oriented offenses against the protected persons.
- The protected persons may have exclusive possession of the residence.
- You must stay away from the protected persons' residence, property, school, or place of employment.
- You are prohibited from initiating or contacting the protected persons through any means (including social media, email, text, telephone, or written communication) or through another person.
- You may have to report for electronic monitoring.
- Temporary custody of the children named in the Order may be granted to Petitioner. You must read the Protection Order to find out if the Court granted you any visitation rights.
- You may be prohibited from possessing or purchasing deadly weapons, including firearms, and ammunition.

Acknowledgement of Respondent or Defendant

I, _____, have been notified that a Protection Order has been issued against me and have also been notified of some of the terms and conditions in the Order that may apply to me. I further understand that the Protection Order is enforceable and any violation of the Order may result in my arrest.

Respondent/Defendant (signature) _____ Date _____

Respondent's/Defendant's Address: _____

Telephone _____ Email _____

Certificate of Notice

Respondent refused to sign acknowledgment.

I hereby certify that on _____ in _____ County I gave notice to Respondent or Defendant about the existence of the Protection Order.

Officer and Badge Number _____ Law Enforcement Agency _____

Judge/Magistrate _____ Court _____

This Notice shall be returned to the Clerk of Court of the court that issued the protection order for entry into the docket as soon as possible, but no later than three business days from the date the Notice was provided.

IN THE COURT OF _____
_____ COUNTY, OHIO

_____ : Case No. _____
Petitioner : **NOTICE OF RECEIPT**

v.

_____ :
Respondent

Pursuant to an ex parte or full hearing civil or criminal protection order issued pursuant to R.C. 2151.34, 2903.213, 2903.214, 2919.26, or 3113.31, law enforcement was instructed to notify the Court upon receiving Respondent's deadly weapons, including firearms, and ammunition for protective custody.

I hereby notify the Court that on _____ Respondent turned in deadly weapons, including firearms, and ammunition for protective custody. Attached is a copy of the receipt.

The deadly weapons, firearms, and ammunition were not turned in for protective custody in accordance with the Order. Respondent reported the deadly weapons, including firearms, and ammunition were:

Transferred to a federal firearms licensee: _____

Other: _____

Officer and Badge Number

Law Enforcement Agency

Date

This Notice shall be returned to the Clerk of Court for entry into the docket

IN THE _____ COURT
COUNTY, OHIO

NO CONTACT ORDER

This Order is indexed at _____

LAW ENFORCEMENT AGENCY WHERE INDEXED

() -
PHONE NUMBER

STATE OF OHIO/CITY OF _____

v.

DEFENDANT

First Middle Last

Address where Defendant can be found:

Case No.

Judge/Magistrate _____

State

OHIO

POST-CONVICTION NO CONTACT ORDER

PERSON(S) WHO YOU MAY NOT CONTACT:

DOB: _____

DOB: _____

DOB: _____

DOB: _____

DOB: _____

DOB: _____

DEFENDANT IDENTIFIERS

SEX	RACE	HGT	WGT
EYES	HAIR	DOB	
DRIVER'S LIC. NO.	EXP. DATE	STATE	

Distinguishing features:

Violence Against Women Act, 18 U.S.C. 2265, Federal Full Faith & Credit Declaration: Registration of this Order is not required for enforcement.

THE COURT HEREBY FINDS:

That it has jurisdiction over the parties and subject matter, and Defendant was provided with reasonable notice and opportunity to be heard within the time required by Ohio law. **Additional findings of this Order are set forth below.**

THE COURT HEREBY FINDS:

That the following terms of community control, parole, or probation are issued in response to a criminal conviction are necessary, fair, and equitable. **Additional terms of this Order are set forth below.**

The terms of this Order shall be effective until _____ / _____ / _____

(DATE CERTAIN – MAXIMUM PERIOD OF COMMUNITY CONTROL, PAROLE, OR PROBATION)

The Court has imposed a sentence for a misdemeanor or felony offense that includes the following community control sanctions for the purpose of preventing violent or threatening acts or harassment against, sexual violence, or contact or communication with or physical proximity to the persons named in this Order.

- 1. **DEFENDANT SHALL NOT ABUSE**, harm, attempt to harm, threaten, follow, stalk, harass, force sexual relations upon, or commit sexually oriented offenses against the persons named in this Order. [NCIC 01 and 02]
- 2. **DEFENDANT SHALL NOT ENTER** or interfere with the residence, school, business, place of employment, day care centers, or child care providers of the persons named in this Order, including the buildings, grounds, and parking lots at those locations. Defendant may not violate this Order **even with the permission of a person named in this Order.** [NCIC 04]
- 3. **DEFENDANT SHALL STAY AWAY FROM THE PERSONS NAMED IN THIS ORDER**, and shall not be present within 500 feet or _____ (distance) of any persons named in this Order wherever those persons may be found, or any place the Defendant knows or should know the persons are likely to be, **even with person's permission.** If the Defendant accidentally comes in contact with named persons in any public or private place, the Defendant must depart *immediately*. This Order includes encounters on public and private roads, highways, and thoroughfares. [NCIC 04]
- 4. **DEFENDANT SHALL NOT INITIATE OR HAVE ANY CONTACT** with the persons named in this Order at their residences, businesses, places of employment, schools, day care centers, or child care providers. Contact includes, but is not limited to, landline, cordless, cellular or digital telephone; text; instant messaging; fax; e-mail; voice mail; delivery service; social media; blogging; writings; electronic communications; posting a message; or communications by any other means directly or through another person. Defendant may not violate this Order **even with the person's permission.** [NCIC 05]
- 5. **DEFENDANT SHALL NOT** use any form of electronic surveillance on persons named in this Order.
- 6. **DEFENDANT SHALL NOT POSSESS, USE, CARRY, OR OBTAIN ANY DEADLY WEAPON, INCLUDING FIREARMS, AND AMMUNITION. THE SENTENCE INCLUDES A COMMUNITY CONTROL SANCTION THAT DEFENDANT SHALL NOT POSSESS, USE, CARRY, OR OBTAIN ANY DEADLY WEAPON, INCLUDING FIREARMS, AND AMMUNITION.**
- 7. **IT IS FURTHER ORDERED:** [NCIC 08]

IT IS SO ORDERED.

JUDGE/MAGISTRATE

DATE

WARNING TO DEFENDANT

- Defendant has the sole responsibility of obeying the terms of this Order.
- If Defendant violates any of the terms of this Order, even with a protected person's permission, Defendant can be arrested and jailed pursuant to R.C. 2951.08(A).

- A violation of this Order may result in a probation violation, including arrest, probation revocation, and jail or incarceration.
- Nothing in this Order limits a prosecutor from charging Defendant with new crimes.
- Defendant is advised that visitation orders do not permit Defendant to violate any of the terms of this Order, except as otherwise ordered in paragraph 7.
- Only the Court can change the terms of this Order.

I acknowledge receipt of this Order and warning contained herein.

DEFENDANT **DATE**

TO THE CLERK:
COPIES OF THIS ORDER SHALL BE DELIVERED TO:
<input type="checkbox"/> Prosecutor
<input type="checkbox"/> Victim shall receive a certified copy:

<input type="checkbox"/> Victim's Representative: _____
<input type="checkbox"/> Defendant
<input type="checkbox"/> Defendant's Attorney / Public Defender
<input type="checkbox"/> Law Enforcement Agency:

<input type="checkbox"/> Probation, Parole, Community Control: _____
<input type="checkbox"/> Other: _____

NOTICE TO LAW ENFORCEMENT
Pursuant to R.C. 2951.08(A), during the period of community control, any peace officer may arrest a person under a community control sanction without a warrant if the peace officer has reasonable ground to believe that the person has violated or is violating any of the following that is a condition of the person's community control sanction:
<ul style="list-style-type: none"> • A term or condition that prohibits ownership, possession, or use of a firearm, deadly weapon, ammunition, or dangerous ordnance per R.C. 2951.08(A)(1). • A term or condition that prohibits the person from being within a specified structure or geographic area per R.C. 2951.08(A)(2). • A term or condition that prohibits the person from contacting or communicating with any specified individual per R.C. 2951.08(A)(4). • A term or condition that prohibits the person from associating with a specified individual per R.C. 2951.08(A)(5).

IN THE _____ COURT
_____ COUNTY, OHIO

Applicant Name

Case No(s)

Judge:

Application to Seal Record of Conviction
Pursuant to R.C. 2953.32

The Applicant moves the Court to order the sealing of the record of conviction in this case and all related records pursuant to R.C. 2953.32.

The Applicant hereby certifies all requirements for sealing the record of conviction are met.

Name of Applicant

Name of Attorney (if applicable)

Signature of Applicant (if pro se)

Signature of Attorney (if applicable)

Street Address of Applicant

Attorney Registration No. (if applicable)

City, State, and Zip Code of Applicant

Street Address of Attorney (if applicable)

Driver's License No. of Applicant (if applicable)

City, State, and Zip Code of Attorney (if applicable)

Telephone of Applicant (if pro se)

Email Address of Attorney (if applicable)

Telephone of Attorney (if applicable)

(TO BE COMPLETED BY THE COURT)

SERVICE

A copy of this application was served by this Court on the Office of the Prosecutor for _____, this _____ day of _____, 20_____.

IN THE _____ COURT
_____ COUNTY, OHIO

Applicant Name : Case No(s) _____
: _____
: _____
: _____
: Judge: _____
: _____
: **Decision of Magistrate to Seal Record of**
: **Conviction Pursuant to R.C. 2953.32**
:

This matter came before the Court on the Applicant's application to seal the Applicant's record of conviction pursuant to R.C. 2953.32.

Notice has been given to the Prosecuting Attorney and the Probation Department, and a report has been received from the Probation Department as to the Applicant.

Upon evidence, the Court finds the Applicant was convicted of the following offense(s): _____, at least one year has passed since the final discharge, there are no criminal proceedings now pending against the Applicant, the Applicant is an eligible offender and the offense is eligible for sealing, and the Applicant's interests in having these records sealed outweigh the legitimate needs, if any, of the government to maintain the records.

The State of Ohio has / has no [circle one] objections to the motion.

The Applicant was represented by himself / herself pro se or by _____

THEREFORE, all official records pertaining to this case shall be sealed; all index references hereto shall be deleted; the proceedings in this case shall be deemed not to have occurred; and the Applicant's arrest and conviction records shall be sealed, subject to the exceptions and provisions of R.C. 2953.31 to 2953.36.

Date Magistrate

Written objections to the magistrate's decision must be filed within fourteen (14) days of the filing of this decision. The objections must be specific and state with particularity the grounds of the objections. A party may request findings of fact and conclusions of law before the entry of a magistrate's decision or within seven days after the filing of a magistrate's decision. A party shall not assign as error on appeal the court's adoption of a magistrate's factual finding or legal conclusion in this decision unless the party timely and specifically objects to that finding or conclusion as required by Crim.R.19.

ENTRY ADOPTING THE DECISION OF THE MAGISTRATE

Upon an independent review of the record and the Decision of the Magistrate, the Court hereby:

Adopts the Decision of the Magistrate as reported and ORDERS all official records pertaining to this case to be sealed.

IT IS FURTHER ORDERED that certified copies of this entry shall be served by the Clerk of Courts to the following:

1. The Applicant, or the Applicant's attorney (if applicable);
2. The law enforcement official in charge of the agency or organization that caused the Applicant's arrest;
3. The Prosecutor for _____;
4. Any other public office or agency the Court knows or has reason to believe may have any record of the case that is the subject of this order.

IT IS FURTHER ORDERED that none of the foregoing persons or agencies shall inspect or use such records, or permit the inspection or use of such records, except as provided by R.C. 2953.32.

IT IS SO ORDERED.

Rejects the Decision of the Magistrate.

Modifies the Decision of the Magistrate as follows: _____

Date

Judge

IN THE _____ COURT

_____ COUNTY, OHIO

State of Ohio

:

Case No(s). _____

:

v.

:

:

Judge: _____

:

:

Applicant Name

:

**Order of Judge to Seal Record of Conviction
Pursuant to R.C. 2953.32**

:

This matter came before the Court on the Applicant's application to seal the Applicant's record of conviction pursuant to R.C. 2953.32.

Notice has been given to the Prosecuting Attorney and the Probation Department, and a report has been received from the Probation Department as to the Applicant.

Upon evidence, the Court finds the Applicant was convicted of the following offense(s): _____, at least one year has passed since the final discharge, there are no criminal proceedings now pending against the Applicant, the Applicant is an eligible offender and the offense is eligible for sealing, and the Applicant's interests in having these records sealed outweigh the legitimate needs, if any, of the government to maintain the records.

The State of Ohio has / has no [circle one] objections to the motion.

The Applicant was represented by himself / herself pro se or by _____

THEREFORE, IT IS HEREBY ORDERED that all official records pertaining to this case shall be sealed; all index references hereto shall be deleted; the proceedings in this case shall be deemed not to have occurred; and the Applicant's arrest and conviction records shall be sealed, subject to the exceptions and provisions of R.C. 2953.31 to 2953.36.

IT IS FURTHER ORDERED that certified copies of this entry shall be served by the Clerk of Courts to the following:

1. The Applicant, or the Applicant's attorney (if applicable);
2. The law enforcement official in charge of the agency or organization that caused the Applicant's arrest;
3. The Prosecutor for _____;
4. Any other public office or agency the Court knows or has reason to believe may have any record of the case that is the subject of this order.

IT IS FURTHER ORDERED that none of the foregoing persons or agencies shall inspect or use such records, or permit the inspection or use of such records, except as provided by R.C. 2953.32.

IT IS SO ORDERED.

Date

Judge

IN THE _____ COURT
_____ COUNTY, OHIO

Applicant Name _____ :
: Case No(s). _____
: _____
: _____
: Judge: _____
: _____
: _____
: Application to Expunge Record of Conviction
: for Improperly Handling Firearm in Motor
: Vehicle Pursuant to R.C. 2953.37
: _____

The Applicant moves the Court to order the expungement of the record of conviction for improperly handling a firearm in a motor vehicle pursuant to R.C. 2953.37. In support of this application, the Applicant provides the following information:

- 1. Please complete the following (you may attach additional pages if necessary):

<u>Offense</u>	<u>Date of the Conviction or Guilty Plea</u>	<u>Court</u>

- 2. Please attach evidence the offense was a violation of R.C. 2923.16 (B), (C), or (E) and the Applicant is authorized by R.C. 2923.16(H)(2)(a) to file this application.
- 3. Please indicate any other information you would like the Court to know in reviewing your application (you may attach additional pages if necessary).

The Applicant hereby certifies all requirements for expunging the records are met.

Name of Applicant

Name of Attorney (if applicable)

Signature of Applicant (if pro se)

Signature of Attorney (if applicable)

Street Address of Applicant

Attorney Registration No. (if applicable)

City, State, and Zip Code of Applicant

Street Address of Attorney (if applicable)

Driver's License No. of Applicant (if applicable)

City, State, and Zip Code of Attorney (if applicable)

Telephone of Applicant (if pro se)

Email Address of Attorney (if applicable)

Telephone of Attorney (if applicable)

(TO BE COMPLETED BY THE COURT)

SERVICE

A copy of this application was served by this Court on the Office of the Prosecutor
for _____, this _____ day of _____, 20_____.

IN THE _____ COURT
_____ COUNTY, OHIO

Applicant Name

Case No(s). _____

Judge: _____

**Decision of Magistrate to Expunge Record of
Conviction for Improperly Handling Firearm in
Motor Vehicle Pursuant to R.C. 2953.37**

This matter came before the Court on the Applicant's application to expunge the record of conviction for improperly handling a firearm in a motor vehicle pursuant to R.C. 2953.37.

Notice has been given to the Prosecuting Attorney.

A probation officer, a state probation officer, or the department of probation of the county in which the applicant resides has made inquiries and written reports as the Court requires concerning the applicant.

Upon evidence, the Court finds the Applicant was convicted of an offense, more than _____ year(s) has lapsed since the Applicant completed this sentence, the Applicant has not been convicted of or pleaded guilty to any other applicable prohibitions against improperly handling firearms in a motor vehicle, and the Applicant's interests in having these records expunged outweigh the interests of the government in keeping the arrest, charge, and conviction on the Applicant's record.

THEREFORE, all official records pertaining to this case shall be expunged; all index references hereto shall be deleted; the proceedings in this case shall be deemed not to have occurred; and the Applicant's arrest and conviction records shall be expunged, subject to the exceptions and provisions of R.C. 2953.31 to 2953.36.

Date

Magistrate

Written objections to the magistrate's decision must be filed within fourteen (14) days of the filing of this decision. The objections must be specific and state with particularity the grounds of the objections. A party may request findings of fact and conclusions of law before the entry of a magistrate's decision or within seven days after the filing of a magistrate's decision. A party shall not assign as error on appeal the court's adoption of a magistrate's factual finding or legal conclusion in this decision unless the party timely and specifically objects to that finding or conclusion as required by Crim.R.19.

ENTRY ADOPTING THE DECISION OF THE MAGISTRATE

Upon an independent review of the record and the Decision of the Magistrate, the Court hereby:

Adopts the Decision of the Magistrate as reported and ORDERS all official records pertaining to this case to be expunged.

IT IS FURTHER ORDERED that certified copies of this entry shall be served by the Clerk of Courts to the following:

1. The Applicant, or the Applicant's attorney (if applicable), at the address that appears on the application filed in this matter;
2. The law enforcement official in charge of the agency or organization that caused the Applicant's arrest;
3. The Prosecutor for _____;
4. Any other public office or agency the Court knows or has reason to believe may have any record of the case that is the subject of this order.

IT IS FURTHER ORDERED that none of the foregoing persons or agencies shall inspect or use such records, or permit the inspection or use of such records, except as provided by R.C. 2953.32.

IT IS SO ORDERED.

Rejects the Decision of the Magistrate.

Modifies the Decision of the Magistrate as follows: _____

Date

Judge

IN THE _____ COURT
_____ COUNTY, OHIO

<u>State of Ohio</u>	:	
	:	<u>Case No(s).</u> _____
	:	_____
<u>v.</u>	:	
	:	<u>Judge:</u> _____
	:	
_____	:	
<u>Applicant Name</u>	:	<u>Order of Judge to Expunge Record of Conviction for Improperly Handling Firearm in Motor Vehicle Pursuant to R.C. 2953.37</u>

This matter came before the Court on the Applicant's application to expunge the record of conviction for improperly handling a firearm in a motor vehicle pursuant to R.C. 2953.37.

Notice has been given to the Prosecuting Attorney.

A probation officer, a state probation officer, or the department of probation of the county in which the applicant resides has made inquiries and written reports as the Court requires concerning the applicant.

Upon evidence, the Court finds the Applicant was convicted of an offense, more than _____ year(s) has lapsed since the Applicant completed this sentence, the Applicant has not been convicted of or pleaded guilty to any other applicable prohibitions against improperly handling firearms in a motor vehicle, and the Applicant's interests in having these records expunged outweigh the interests of the government in keeping the arrest, charge, and conviction on the Applicant's record.

THEREFORE, IT IS HEREBY ORDERED that all official records pertaining to this case shall be expunged; all index references hereto shall be deleted; the proceedings in this case shall be deemed not to have occurred; and the Applicant's arrest and conviction records shall be expunged, subject to the exceptions and provisions of R.C. 2953.31 to 2953.36.

IT IS FURTHER ORDERED that certified copies of this entry shall be served by the Clerk of Courts to the following:

1. The Applicant, or the Applicant's attorney (if applicable), at the address that appears on the application filed in this matter;
2. The law enforcement official in charge of the agency or organization that caused the Applicant's arrest;
3. The Prosecutor for _____;
4. Any other public office or agency the Court knows or has reason to believe may have any record of the case that is the subject of this order.

IT IS FURTHER ORDERED that none of the foregoing persons or agencies shall inspect or use such records, or permit the inspection or use of such records, except as provided by R.C. 2953.32.

IT IS SO ORDERED.

Date

Judge

IN THE _____ COURT

_____ COUNTY, OHIO

Applicant Name

:
:
:
:
:
:
:
:
:
:

Case No. _____

Judge: _____

**Application to Expunge Record of Conviction as
Victim of Human Trafficking Pursuant to R.C.
2953.38**

The Applicant moves the Court to order the expungement of record of conviction as a victim of human trafficking pursuant to R.C. 2953.38. In support of this application, the Applicant provides the following information:

1. Please complete the following (you may attach additional pages if necessary):

<u>Date</u>	<u>Offense</u>	<u>Court or Location</u>

2. Please describe the evidence and provide copies of any document showing you are entitled to have the records expunged (you may attach additional pages if necessary).

The Applicant hereby certifies all requirements for expunging the records are met.

Name of Applicant

Name of Attorney (if applicable)

Signature of Applicant (if pro se)

Signature of Attorney (if applicable)

Street Address of Applicant

Attorney Registration No. (if applicable)

City, State, and Zip Code of Applicant

Street Address of Attorney (if applicable)

Driver's License No. of Applicant (if applicable)

City, State, and Zip Code of Attorney (if applicable)

Telephone of Applicant (if pro se)

Email Address of Attorney (if applicable)

Telephone of Attorney (if applicable)

(TO BE COMPLETED BY THE COURT)

SERVICE

A copy of this application was served by this Court on the Office of the Prosecutor for _____, this _____ day of _____, 20_____.

IN THE _____ COURT
_____ COUNTY, OHIO

Applicant Name :
: Case No(s). _____
: _____
: _____
: Judge: _____
: _____
: **Decision of Magistrate to Expunge Record of**
: **Conviction as Victim of Human Trafficking**
: **Pursuant to R.C. 2953.38**

This matter came before the Court on the Applicant's application to expunge the Applicant's record of conviction as a victim of human trafficking pursuant to R.C. 2953.38.

Notice has been given to the Prosecuting Attorney and the Probation Department, and a report has been received from the Probation Department as to the Applicant.

The Court finds the Applicant's participation in the offense with which the Applicant was convicted was the result of the Applicant having been a victim of human trafficking and the Applicant's interests in having these records expunged outweigh the interests of the government in keeping the arrest, charge, and conviction on the Applicant's record.

THEREFORE, all official records pertaining to this case shall be expunged; all index references hereto shall be deleted; the proceedings in this case shall be deemed not to have occurred; and the Applicant's arrest and conviction records shall be expunged, subject to the exceptions and provisions of R.C. 2953.31 to 2953.36.

Date

Magistrate

Written objections to the magistrate's decision must be filed within fourteen (14) days of the filing of this decision. The objections must be specific and state with particularity the grounds of the objections. A party may request findings of fact and conclusions of law before the entry of a magistrate's decision or within seven days after the filing of a magistrate's decision. A party shall not assign as error on appeal the court's adoption of a magistrate's factual finding or legal conclusion in this decision unless the party timely and specifically objects to that finding or conclusion as required by Crim.R.19.

ENTRY ADOPTING THE DECISION OF THE MAGISTRATE

Upon an independent review of the record and the Decision of the Magistrate, the Court hereby:

Adopts the Decision of the Magistrate as reported and ORDERS all official records pertaining to this case to be expunged.

IT IS FURTHER ORDERED that certified copies of this entry shall be served by the Clerk of Courts to the following:

1. The Applicant, or the Applicant's attorney (if applicable), at the address that appears on the application filed in this matter;
2. The law enforcement official in charge of the agency or organization that caused the Applicant's arrest;
3. The Prosecutor for _____;
4. Any other public office or agency the Court knows or has reason to believe may have any record of the case that is the subject of this order.

IT IS FURTHER ORDERED that none of the foregoing persons or agencies shall inspect or use such records, or permit the inspection or use of such records, except as provided by R.C. 2953.32.

IT IS SO ORDERED.

Rejects the Decision of the Magistrate.

Modifies the Decision of the Magistrate as follows: _____

Date

Judge

IN THE _____ COURT
_____ COUNTY, OHIO

State of Ohio :
: Case No(s). _____
v. : _____
: _____
: Judge: _____
: _____
: _____
Applicant's Name : **Order of Judge to Expunge Record of Conviction**
: **as Victim of Human Trafficking Pursuant to R.C.**
: **2953.38**

This matter came before the Court on the Applicant's application to expunge the Applicant's record of conviction as a victim of human trafficking pursuant to R.C. 2953.38.

Notice has been given to the Prosecuting Attorney and the Probation Department, and a report has been received from the Probation Department as to the Applicant.

The Court finds the Applicant's participation in the offense with which the Applicant was convicted was the result of the Applicant having been a victim of human trafficking and the Applicant's interests in having these records expunged outweigh the interests of the government in keeping the arrest, charge, and conviction on the Applicant's record.

THEREFORE, IT IS HEREBY ORDERED that all official records pertaining to this case shall be expunged; all index references hereto shall be deleted; the proceedings in this case shall be deemed not to have occurred; and the Applicant's arrest and conviction records shall be expunged, subject to the exceptions and provisions of R.C. 2953.31 to 2953.36.

IT IS FURTHER ORDERED that certified copies of this entry shall be served by the Clerk of Courts to the following:

1. The Applicant, or the Applicant's attorney (if applicable), at the address that appears on the application filed in this matter;
2. The law enforcement official in charge of the agency or organization that caused the Applicant's arrest;
3. The Prosecutor for _____;
4. Any other public office or agency the Court knows or has reason to believe may have any record of the case that is the subject of this order.

IT IS FURTHER ORDERED that none of the foregoing persons or agencies shall inspect or use such records, or permit the inspection or use of such records, except as provided by R.C. 2953.32.

IT IS SO ORDERED.

Date

Judge

IN THE _____ COURT
_____ COUNTY, OHIO

Applicant Name

Case No(s).

Judge:

Application to Seal Records of Nonconviction
Pursuant to R.C. 2953.52

The Applicant moves the Court to order the sealing of the record of arrest, charge(s), and _____ in this case and all related records. The Applicant is not depositing a fee with this application, as R.C. 2953.52 does not require a fee to seal records after a not guilty finding, dismissal of proceedings, or a no bill by a grand jury. The Applicant hereby certifies all requirements for sealing the records are met.

Name of Applicant

Name of Attorney (if applicable)

Signature of Applicant (if pro se)

Signature of Attorney (if applicable)

Street Address of Applicant

Attorney Registration No. (if applicable)

City, State, and Zip Code of Applicant

Street Address of Attorney (if applicable)

Driver's License No. of Applicant (if applicable)

City, State, and Zip Code of Attorney (if applicable)

Telephone of Applicant (if pro se)

Email Address of Attorney (if applicable)

Telephone of Attorney (if applicable)

(TO BE COMPLETED BY THE COURT)

SERVICE

A copy of this application was served by this Court on the Office of the Prosecutor for _____, this _____ day of _____, 20_____.

IN THE _____ COURT
_____ COUNTY, OHIO

Applicant Name

Case No.

Judge:

**Decision of Magistrate to Seal Record of
Nonconviction Pursuant to R.C. 2953.52**

This matter came before the Court on Applicant's application to seal the Applicant's record of arrest, charge, and _____ pursuant to R.C. 2953.52.

Notice has been given to the Prosecuting Attorney and the Probation Department, and a report has been received from the Probation Department as to the Applicant.

Upon evidence, the Court finds the Applicant was charged with following offense(s): _____ and the charge(s) was/were _____. there are no criminal proceedings now pending against the Applicant; if applicable, two years have passed since the grand jury reported a no bill; and the Applicant's interests in having the Applicant's records sealed outweigh the interests of the government in keeping the arrest and charge on the Applicant's record.

The State of Ohio has / has no [circle one] objections to the motion.

The Applicant was represented by himself / herself pro se or by _____

THEREFORE, all official records pertaining to this case shall be sealed, including any DNA specimens, DNA records, and DNA profiles unless the Applicant is otherwise eligible to have DNA records or a DNA profile in the National DNA Index System; all index references hereto shall be deleted; the proceedings in this case shall be deemed not to have occurred; and the Applicant's arrest and dismissal records shall be sealed, subject to the exceptions and provisions of R.C. 2953.51 to 2953.56.

Date

Magistrate

Written objections to the magistrate's decision must be filed within fourteen (14) days of the filing of this decision. The objections must be specific and state with particularity the grounds of the objections. A party may request findings of fact and conclusions of law before the entry of a magistrate's decision or within seven days after the filing of a magistrate's decision. A party shall not assign as error on appeal the court's adoption of a magistrate's factual finding or legal conclusion in this decision unless the party timely and specifically objects to that finding or conclusion as required by Crim.R.19.

ENTRY ADOPTING THE DECISION OF THE MAGISTRATE

Upon an independent review of the record and the Decision of the Magistrate, the Court hereby:

Adopts the Decision of the Magistrate as reported and ORDERS all official records pertaining to this case to be sealed.

IT IS FURTHER ORDERED that certified copies of this entry shall be served by the Clerk of Courts to the following:

1. The Applicant, or the Applicant's attorney (if applicable), at the address that appears on the application filed in this matter;
2. The law enforcement official in charge of the agency or organization that caused the Applicant's arrest;
3. The Prosecutor for _____;
4. All parties in the case;
5. Any other public office or agency the Court knows or has reason to believe may have any record of the case that is the subject of this order.

IT IS FURTHER ORDERED that the Clerk of Courts shall remove all references to this case from its public accessible computer information.

IT IS FURTHER ORDERED that none of the foregoing persons or agencies shall inspect or use such records, or permit the inspection or use of such records, except as provided by R.C. 2953.52.

IT IS SO ORDERED.

Rejects the Decision of the Magistrate.

Modifies the Decision of the Magistrate as follows: _____

Date

Judge

IN THE _____ COURT
_____ COUNTY, OHIO

State of Ohio :
 :
 : Case No(s). _____
 :
 v. :
 : _____
 :
 : Judge: _____
 :
 :
 _____ :
 : Applicant's Name : **Order of Judge to Seal Record of Nonconviction**
 : **Pursuant to R.C. 2953.52**
 :

This matter came before the Court on Applicant's application to seal the Applicant's record of arrest, charge, and _____ pursuant to R.C. 2953.52.

Notice has been given to the Prosecuting Attorney and the Probation Department, and a report has been received from the Probation Department as to the Applicant.

Upon evidence, the Court finds the Applicant was charged with following offense(s): _____ and the charge(s) was/were _____, there are no criminal proceedings now pending against the Applicant; if applicable, two years have passed since the grand jury reported a no bill; and the Applicant's interests in having the Applicant's records sealed outweigh the interests of the government in keeping the arrest and charge on the Applicant's record.

The State of Ohio has / has no [circle one] objections to the motion.

The Applicant was represented by himself / herself pro se or by _____

THEREFORE, IT IS HEREBY ORDERED that all official records pertaining to this case shall be sealed, including any DNA specimens, DNA records, and DNA profiles unless the Applicant is otherwise eligible to have DNA records or a DNA profile in the National DNA Index System; all index references hereto shall be deleted; the proceedings in this case shall be deemed not to have occurred; and the Applicant's arrest and dismissal records shall be sealed, subject to the exceptions and provisions of R.C. 2953.51 to 2953.56.

IT IS FURTHER ORDERED that certified copies of this entry shall be mailed served by the Clerk of Courts to the following:

1. The Applicant, or the Applicant's attorney (if applicable), at the address that appears on the application filed in this matter;
2. The law enforcement official in charge of the agency or organization that caused the Applicant's arrest;
3. The Prosecutor for _____;
4. All parties in the case;
5. Any other public office or agency the Court knows or has reason to believe may have any record of the case that is the subject of this order.

IT IS FURTHER ORDERED that the Clerk of Courts shall remove all references to this case from its public accessible computer information.

IT IS FURTHER ORDERED that none of the foregoing persons or agencies shall inspect or use such records, or permit the inspection or use of such records, except as provided by R.C. 2953.52.

IT IS SO ORDERED.

Date

Judge

IN THE _____ COURT
_____ COUNTY, OHIO

Applicant Name

Case No(s). _____

Judge: _____

**Motion to Restrict Public Access to Civil or
Criminal Case Document Pursuant to Sup.R.
45(E)**

The Applicant moves the Court to restrict public access to a case document or information in a case document pursuant to Sup.R. 45(E). The presumption of allowing public access to the case document or information in the case document is outweighed by a higher interest based upon the following:

The Applicant hereby certifies that all requirements for restricting access to the case document or information in the case document are met.

Notice to Applicant: Restricting public access to a case document or information in the case document pursuant to Sup.R. 45(E) means the public will generally no longer have the right to see or copy the case document or information. Restricting public access does not have the same effect as the sealing or expungement of a case document. Sealing the document generally prevents anyone from seeing it without receiving a court order while expunging a case document generally means it is destroyed.

Name of Applicant

Name of Attorney (if applicable)

Signature of Applicant (if pro se)

Signature of Attorney (if applicable)

Street Address of Applicant

Attorney Registration No. (if applicable)

City, State, and Zip Code of Applicant

Street Address of Attorney (if applicable)

Driver's License No. of Applicant (if applicable)

City, State, and Zip Code of Attorney (if applicable)

Telephone of Applicant (if pro se)

Email Address of Attorney (if applicable)

Telephone of Attorney (if applicable)

IN THE _____ COURT

_____ COUNTY, OHIO

Applicant Name

Case No(s).

Judge:

**Decision of Magistrate to Restrict Public Access
to Civil or Criminal Case Document Pursuant to
Sup.R. 45(E)**

This matter to order the restriction of public access to a case document or information in a case document pursuant to Sup.R. 45(E) came before the Court on the Court's own motion or the Applicant's motion.

The Court finds by clear and convincing evidence the presumption of allowing public access to the case document or information in the case document is outweighed by a higher interest based upon the following:

THEREFORE, public access to the case document or information in the case document shall be restricted as follows:

Notice: The restriction of public access to the case document or information in the case document means the public will generally no longer have the right to see or copy the document or information. The restriction of public access does not have the same effect as the sealing or expungement of the case document. Sealing the case document generally prevents anyone from seeing it without receiving a court order while expunging the case document generally means it is destroyed.

Date

Magistrate

Written objections to the magistrate's decision must be filed within fourteen (14) days of the filing of this decision. The objections must be specific and state with particularity the grounds of the objections. A party may request findings of fact and conclusions of law before the entry of a magistrate's decision or within seven days after the filing of a magistrate's decision. A party shall not assign as error on appeal the court's adoption of a magistrate's factual finding or legal conclusion in this decision unless the party timely and specifically objects to that finding or conclusion as required by Civ.R. 53, Crim.R. 19, or Juv.R. 40, as applicable.

ENTRY ADOPTING THE DECISION OF THE MAGISTRATE

Upon an independent review of the record and the Decision of the Magistrate, the Court hereby:

Adopts the Decision of the Magistrate as reported and ORDERS public access to the case document or information in the case document be so restricted.

IT IS FURTHER ORDERED that certified copies of this entry shall be served by the Clerk of Courts on the following:

1. The Applicant, or the Applicant's attorney (if applicable), at the address that appears on the application filed in this matter;

2. _____

IT IS SO ORDERED.

Rejects the Decision of the Magistrate.

Modifies the Decision of the Magistrate as follows: _____

Date

Judge

IT IS FURTHER ORDERED that certified copies of this entry shall be served by the Clerk of Courts on the following:

1. The Applicant, or the Applicant's attorney (if applicable), at the address that appears on the application filed in this matter;

2. _____

IT IS SO ORDERED.

Date

Judge