

**Delaware County**  
**Local Rules of Practice of the Court of Common Pleas**  
**General Division**

**Effective May 8, 2024**

**I. GENERAL PROVISIONS**

- [1.1 Introductory Provisions](#)
- [1.2 Public Access/Privacy](#)
- [1.3 Electronic Transmissions](#)
- [1.4 Deposit and Payment of Costs](#)
- [1.5 Trial Procedure](#)
- [1.6 Special Projects Fees](#)
- [1.7 Pleadings and Motions](#)
- [1.8 Visiting Judges](#)
- [1.9 Appearance of Counsel, Trial Attorneys, and Self-Represented Litigants](#)
- [1.10 Admission of Out-of-State Attorneys](#)
- [1.11 Withdrawal of Counsel](#)
- [1.12 Assignment, Transfer, and Consolidation of Cases](#)
- [1.13 Classification of Cases, Deadlines, and Timing](#)
- [1.14 Motion to Continue or Modify Trial Date](#)
- [1.15 Notice of Settlement and Dismissal](#)
- [1.16 Use of Restraints on a Juvenile](#)
- [1.17 Entries](#)
- [1.18 Process Server](#)
- [1.19 Technology Plan](#)
- [1.20 Administrative Judge](#)
- [1.21 Subpoenas](#)
- [1.22 Broadcasting, Televising, and Recording of Court Proceedings](#)
- [1.23 Court Records Management and Retention](#)

**II. CIVIL RULES OF PRACTICE AND PROCEDURE**

- [2.1 Case Flow Management](#)
- [2.2 Case Schedule](#)
- [2.3 Pleadings – Extensions and Amendments](#)
- [2.4 Disclosure of Possible Lay and Expert Witnesses](#)
- [2.5 Filing of Discovery Materials](#)
- [2.6 Discovery](#)
- [2.7 Notices and Stipulations of Dismissal](#)
- [2.8 Dispositive Motions](#)
- [2.9 Default Judgments](#)
- [2.10 Summary Judgment Motions](#)
- [2.11 Administrative Appeals](#)
- [2.12 Jury Deposit](#)
- [2.13 Trial Procedure](#)
- [2.14 Mediation](#)

- [2.15 Receiverships](#)
- [2.16 Foreclosures](#)
- [2.17 Judicial Sales](#)

### **III. CRIMINAL RULES OF PRACTICE AND PROCEDURE**

- [3.1 General Application](#)
- [3.2 Grand Jury Proceedings](#)
- [3.3 Arraignments](#)
- [3.4 Transport of Prisoner to Court](#)
- [3.5 Bail Forfeiture](#)
- [3.6 Inactive Criminal Cases](#)
- [3.7 Nolle Prosequi Procedure](#)
- [3.8 Motions and Discovery](#)
- [3.9 Indigent Defendants](#)
- [3.10 Mental Health Docket](#)
- [3.11 Recovery Docket](#)
- [3.12 Negotiations](#)
- [3.13 Daily Copies of Transcripts](#)
- [3.14 Disclosure of Pre-Sentence Reports](#)
- [3.15 Surety Bail Bond Registration](#)

### **IV. JURY-RELATED RULES**

- [4.1 Opportunity for Service](#)
- [4.2 Jury-Source List](#)
- [4.3 Random-Selection Procedures](#)
- [4.4 Eligibility for Jury Service](#)
- [4.5 Term and Availability for Jury Service](#)
- [4.6 Notification and Summoning Procedures](#)
- [4.7 Statutory Excuse](#)
- [4.8 Juror Questionnaires](#)
- [4.9 Voir Dire](#)
- [4.10 Removal from the Jury Panel for Cause](#)
- [4.11 Peremptory Challenges](#)
- [4.12 Administration of the Jury System](#)
- [4.13 Monitoring the Jury System](#)
- [4.14 Juror Use](#)
- [4.15 Jury Facilities](#)
- [4.16 Juror Compensation](#)
- [4.17 Juror Orientation and Instruction](#)
- [4.18 Jury Deliberations](#)

## **APPENDIX FORMS**

[Appendix A-Standing Special Process](#)

[Appendix B-Classification Form](#)

[Appendix C-Court Certificate of Release](#)

[Appendix D-Statement of Acceptability/Nonacceptability of Legal Description for Transfer Purposes](#)

[Appendix E-Court Technology Plan](#)

[Appendix F-Record Retention Schedule](#)

[Appendix G-Public Records Policy](#)

[Appendix H-Mental Health Docket Program Description](#)

[Appendix I-Recovery Docket Program Description](#)

## **I. GENERAL PROVISIONS**

### **RULE 1.1 INTRODUCTORY PROVISIONS**

#### **(A) Scope and Applicability of Rules**

These Local Rules apply to the General Division of the Court of Common Pleas of Delaware County, Ohio, except as otherwise provided. The Court of Common Pleas of Delaware County consists of four divisions: the General Division, the Domestic Relations Division, the Probate Division, and the Juvenile Division. Additional Local Rules of the court may be adopted by the Domestic Relations, Probate, and Juvenile Divisions, and other divisions of the court as may be created, governing practice and procedure in those divisions.

#### **(B) Interpretation**

These Local Rules will be interpreted to achieve the prompt, efficient, and fair resolution of cases.

#### **(C) Citation**

These rules will be known as the “Local Rules of Practice of the Delaware County Court of Common Pleas, General Division.” These rules may be cited as “Local Rule \_\_\_.”

#### **(D) Failure to Comply**

Failure of any attorney or self-represented litigant to comply with these Local Rules or the Civil or Criminal Rules of Procedure regarding the proper filing of any document may result in the document being rejected by the clerk or being stricken by the court.

### **RULE 1.2 PUBLIC ACCESS/PRIVACY**

#### **(A) Public Access to Documents through Website of Clerk of Courts**

- (1) Members of the public may obtain copies of or review electronically filed documents at <http://www.co.delaware.oh.us/index.php/clerk-of-courts>.
- (2) Public access to any electronically-filed public document is available on the website of the clerk of courts as soon as the clerk has processed the document.
- (3) If the website is unavailable or if the clerk of courts is prohibited by the court or by law from making the document available via the website, the document will – absent a court order sealing or expunging it – be available for review during regular business hours at the office of the clerk of courts, either by computer terminal, in paper form, or on microfilm.

#### **(B) Public Access to Documents through the Office of the Clerk of Courts**

- (1) Any request for copies of pleadings or other documents from a case file must be accompanied by the appropriate copying fee.
- (2) No file, deposition, or transcript may be removed from the office of the clerk of courts by any person for any reason, except (1) the clerk or any employee of the clerk; or (2) the common pleas judges or any member of their staff.
- (3) No file may be taken apart for purposes of copying or for any other reason by any person except the clerk or any employee of the clerk.

**(C) Privacy**

- (1) Filing parties must omit – or, where inclusion is necessary, partially redact – the following personal data identifiers from all pleadings, documents, and exhibits, whether filed electronically or on paper, unless the assigned judge orders otherwise:
  - Social security numbers with the exception of the last four digits;
  - State or federal tax identification numbers;
  - Driver’s license numbers or state identification numbers;
  - Minors’ names in abuse, neglect, or dependency cases;
  - Employer and employee identification numbers;
  - Individual financial information; and
  - Proprietary or trade-secret information.
- (2) With leave of court, a party may file under seal a document containing the unredacted personal data identifiers listed above.
  - (a) The party seeking to file an unredacted document must file a motion to file the document under seal.
  - (b) In granting the motion or application to seal, the assigned judge may require the party to file a redacted copy for the public record.
- (3) The responsibility for redacting personal data identifiers rests solely with counsel and the parties. The clerk’s office will not review the documents for compliance with this rule or redact documents, whether filed electronically or on paper.

**RULE 1.3  
ELECTRONIC TRANSMISSIONS**

**(A) Electronic Filing**

- (1) Definitions

- (a) Accepted Financial Transaction Device: a credit card, debit card, or other financial transaction device electronically accepted by the clerk and EFM to process documents submitted for Electronic Filing.
- (b) Electronic Filer (e-filer): a person, entity, or authorized agent who e-files. Registration as an e-filer constitutes consent to accept electronic service of any pleadings filed by other registered e-filers as well as any orders issued by the court.
- (c) Electronic Filing (e-filing): the process by which a person or entity files documents with the clerk by means of an online electronic transmission of the document through a portal operated by an electronic filing manager designated by the clerk.
- (d) Electronic Filing Manager (EFM): the entity hired by the clerk to provide the single interface for managing electronic filings for the court.
- (e) Original Document: the electronic document received by the clerk from the e-filer.
- (f) Technical Failure: a malfunction of the EFM or any county-owned or leased hardware, software, or telecommunications equipment, plus any other issue under control of the clerk or the Delaware County Information Technology Department that results in the inability of an e-filer to e-file a document.

(2) Electronic Filing Policy

- (a) In conformity with the Ohio Revised Code, Civ.R. 5(E), and Crim.R. 12(B), pleadings and other papers may be filed with the clerk of courts electronically, subject to the provisions in this rule.
- (b) Application of Rules and Orders. Unless otherwise modified by approved stipulation or court order, the Ohio Rules of Civil and Criminal Procedure, Local Rules, and orders of the court will apply to all documents electronically filed.
- (c) Registration. A person or entity must first register with the EFM in order to e-file. Upon approval or denial of the request for access to the EFM, the person or entity will receive an email of approval or denial. An e-filer must provide a designated email address to the EFM.

(d) Accepted Filings

- (i) For each electronic document filed, the e-filer must complete an online Document Description Form containing the following information:
  - The title of the case;
  - The case number, if previously assigned;
  - The assigned judge, if previously assigned;

- The title of the document being filed;
- The date of transmission; and
- The name, Ohio attorney-registration number, address, telephone number, fax number, and email address of the attorney or party filing the document.

(ii) Electronic Signatures

1. All electronically-filed documents must be signed by an attorney admitted to practice in the State of Ohio or by a party not represented by an attorney.
2. Any signature on an electronically-filed document will be considered that of the attorney or party it purports to be for all purposes in accordance with Civ.R. 5(E)(1) and 11 and Crim.R. 12(B)(2).
3. If an Original Document requires a signature of a non-attorney, the filing party or the clerk's office must scan the original document and then electronically file it.
4. An electronic signature will have the same force and effect as a manual signature. An electronically-submitted document issued or received by the clerk is considered signed if an electronic signature is included on the document. An electronic signature must include at least one of the following:
  - a. “/s/” and the name typed in the space where the signature would otherwise appear; or
  - b. An electronic image or scanned image of the signature.
5. A pleading or other document requiring an attorney's signature must be signed with an electronic signature in substantially the following format if filed electronically:
  - /s/Ohio Attorney
  - Ohio attorney-registration number
  - Attorney for (Plaintiff/Defendant)
  - Address
  - Telephone Number
  - Facsimile Number
  - Email Address
6. Pursuant to Civ.R. 5(E)(1) and Crim.R. 12(B)(2), any documents transmitted without authority will be stricken.

- (iii) Complaints. Complaints, including criminal complaints, may be filed electronically. Pursuant to Crim.R. 12(B)(1), all criminal complaints must comply with Crim.R. 3.
- (e) Filings Not Accepted. All depositions and other transcripts must be filed in paper format with the clerk in accordance with these Local Rules.
- (f) Hours of Operation
  - (i) The clerk receives electronic documents 24 hours per day, seven days per week, regardless of whether the clerk's office is open. Parties filing after normal business hours (8:00 a.m. to 4:30 p.m. Monday through Friday, excluding holidays) assume the risk of technical failures that prevent the e-filing of their document.
  - (ii) Time at the court (Eastern Time zone) governs, rather than the time zone from which the filing is made.
  - (iii) All electronically-filed documents will receive a confirmation of receipt that includes the date and time acknowledgement displayed on the screen of the e-filer's computer upon successful transmission of the e-filing.
  - (iv) Any document filed electronically that requires a filing fee may be rejected by the clerk of courts unless the electronic filer has complied with the mechanism established by these Local Rules for the payment of filing fees.
- (g) Document Format. Documents must be submitted in Portable Document Format (PDF).
- (h) Fees
  - (i) The clerk will assess normal filing fees. All filing fees and case deposits will be collected via an Accepted Financial Transaction Device at the time the filing is processed. Under R.C. 301.28(E) and (F), a surcharge for using a financial transaction device use may be assessed in an amount to be determined by the clerk.
  - (ii) No personal checks will be accepted.
  - (iii) The clerk's office will document the receipt of fees on the docket with a text-only entry.
  - (iv) The court will not maintain electronic billing or debit accounts for lawyers or law firms.

(i) Filing Acceptance or Rejection Cycle

- (i) A confirmation number will be assigned by the clerk to each filing received by the clerk. The confirmation number and the date and time of the filing will be displayed on the screen of the e-filer's computer upon successful transmission of the filing.
- (ii) Upon successful processing by the clerk of the document submitted for e-filing, an email will be sent to the e-filer stating that the document was accepted and filed. The email will also contain the confirmation number and case number assigned, if any.
- (iii) If for any reason the document submitted for e-filing is not accepted and filed by the clerk, the e-filer will be notified via email that the document was rejected and the reason for rejection. A rejected filing will be treated by the court as having been tendered to the clerk for filing on the date of the rejection if the e-filer resubmits the rejected document through the e-filing system within 24 hours after the rejection email was sent by the clerk. That 24-hour window is a firm deadline, and it applies even on weekends and holidays. Any corrective filing submitted after the 24-hour period expires will be rejected. If an e-filer wishes to file the rejected document electronically after the 24-hour correction period, that e-filer may initiate a new e-filing attempt, but the document will not be treated by the court as having been tendered to the clerk on the date of the initial rejection.

(iv) Technical Failures

1. The clerk may deem the e-filing site to be subject to a technical failure on a given day if the site is unable to accept filings continuously or only accepts filings intermittently over the course of any period of time greater than one hour after 10:00 a.m. that day. Known system outages will be posted on the clerk's website, if possible.
2. An e-filer who cannot file a document electronically due to problems on the e-filer's end must file a hard copy or fax file the document with the clerk.
3. An e-filer whose filing is made untimely as a result of a Technical Failure of the clerk's system or site, or as a result of problems on the e-filer's end, may seek appropriate relief from the court.
4. If a document is not filed due to technical failures and the e-filer wishes to have the corrective filing relate back to the date and time of the rejected filing, the e-filer must file a motion with the court seeking relief.

(v) Any attorney, party, or other person who elects to file any document electronically will be responsible for any delay, disruption, interruption of electronic signals, and readability of the document and accepts the full risk that the document may not be properly filed with the clerk as a result.

(vi) The clerk will retain rejected documents for a period of one year from the date of transmission.

(j) Electronic File Stamp

(i) Upon acceptance by the clerk, a document will receive an electronic file stamp.

(ii) This stamp will include the date and time when the clerk originally received the transmission. A document received electronically will be considered to have been filed on the date and time in the time stamp.

(iii) A document electronically filed that is not successfully processed by the clerk will not receive an electronic file stamp, but the e-filer will receive a rejection email as provided in these Local Rules.

(iv) After a document receives an electronic file stamp, the document cannot be altered.

(k) Service of Documents

(i) Documents filed electronically with the clerk must be served in accordance with Civ.R. 5 and Crim.R. 49.

(ii) Once a party has entered an appearance in the case, the party must furnish his or her email address, and service thereafter should be made electronically when possible.

(iii) For all documents that require service by the clerk or documents for which a party is requesting that service be made by the clerk, Instructions for Service must be filed by the e-filer as a separate document.

(iv) Automated Service. When a submission is deemed filed, the clerk's e-filing system will generate a Notification of Electronic Filing to the e-filer and any other party to the case or their counsel who is a registered user of the clerk's e-filing system. Parties who have listed an email address on prior court filings will also receive the Notification of Electronic Filing. Parties to the case or their counsel who are not registered with the clerk's e-filing system or who have not provided an email address on court filings will not receive a Notice

of Electronic Filing. As a result, any e-filer must serve a paper copy of the e-filed document on all parties to the case or their counsel to whom the clerk's e-filing system does not send the Notification of Electronic Filing. The automatic electronic notice, in conjunction with the required proof of service, will constitute service under Civ.R. 5 and Crim.R. 49.

Except where required by statute or rule, judgment entries and orders from the court will be electronically served using the email address on file to any attorneys who have already entered an appearance in the case and provided their email addresses. Where permitted, service by the e-filing system will be the only form of service. Attorneys are responsible for regularly checking their email and updating their email address with the court if it changes.

- (v) Proof of Service. Proof of service of all documents required to be served must be provided by the filing party in compliance with Civ.R. 5(B)(4) and Crim.R. 49. A separate certificate of service will be automatically generated and filed by the e-filing system detailing which parties have and have not been electronically served by the e-filing system. All e-filers must also include on their documents a certificate of service signed in accordance with the Civil Rules or the Criminal Rules, and these Local Rules. The certificate of service must contain substantially the following language:

“I hereby certify that on [date], [document title] was served through the Court's Electronic Filing Service or by ordinary U.S. mail.”

- (vi) Service Date and Time to Respond. For parties or their counsel who receive the Notification of Electronic Filing, service is complete at the time the Notification of Electronic Filing is generated by the clerk's e-filing system. Parties who do not receive the Notification of Electronic Filing and who are served by regular U.S. mail will have additional time to respond as provided by Civ.R. 6(D) or Crim.R. 45(E). Parties who receive the Notification of Electronic Filing are not entitled to the additional time to respond provided by Civ.R. 6(D) or Crim.R. 45(E). Failure of Electronic Service. If the clerk's e-filing system fails to generate the Notice of Electronic Filing, the party to be served may request an order extending the date for any response.

#### (l) Attachments and Exhibits

Attachments and exhibits to pleadings or motions should be included in one PDF file. If the file size is too large to upload, the attachments or exhibits can be filed in multiple parts and labeled as Part 1, 2, 3, etc. The e-filer should advise the clerk as to which pleading, motion, or memorandum the attachments or exhibits belong by so stating in the comment field of the e-filing system.

#### **(B) Facsimile Filing**

- (1) Although electronic filing is the preferred and most efficient way to file, the clerk of courts maintains a private telephone line and facsimile machine to accept emergency or urgent faxed filings.
- (2) Pleadings or other documents that are filed after the original complaint or other initiating pleading and that are less than 26 pages and do not require a security deposit under Local Rule 1.4 may be tendered to the clerk for filing by facsimile transmission.
- (3) A facsimile transmission will be accepted for filing as the original, and the signature contained thereon will be accepted as the original. Following the acceptance of and filing of a document by means of facsimile transmission, the original “hard copy” must not be tendered to the clerk for purposes of filing, and the clerk must not accept for filing the original “hard copy.”
- (4) The clerk will immediately notify the attorney if the transmitted document cannot be filed for any reason.
- (5) The date/time of filing is not determined by the facsimile machine date/time stamp but is instead determined by the clerk’s time-stamp clock. Although facsimiles may be transmitted 24 hours per day, seven days per week, regardless of whether or not the clerk’s office is open, any facsimile received by the clerk after 4:30 p.m. on a regular business day or anytime on a weekend or holiday will be filed on the next regular business day. For purposes of any filing deadline imposed by these Local Rules, court order, statute, or otherwise, a document will be deemed filed on the date and time when the clerk time stamps the document.
- (6) All facsimile transmissions tendered to the clerk for filing under this rule must comply with the applicable Civil Rules and Criminal Rules and include a cover page containing the following information:
  - Name of attorney;
  - Address of attorney;
  - Ohio Supreme Court registration number of attorney;
  - Telephone number of attorney;
  - Facsimile number of attorney;
  - Email address of attorney;
  - Date and time of facsimile transmission; and
  - Number of pages of facsimile transmission.
- (7) The clerk of courts is expressly authorized to charge a fee for this service—both for the transmission itself and a per-page charge—in an amount determined by the clerk. Payment of fees must be arranged in advance for any facsimile transmission. The risk of facsimile filing remains with the sender, and the clerk of courts assumes no responsibility for any facsimile-related problems.

**RULE 1.4  
DEPOSIT AND PAYMENT OF COSTS**

(A) No new or reactivated civil action or proceeding will be accepted by the clerk for filing unless the appropriate deposit has been paid. Upon termination of the case, if costs remain unpaid, appropriate orders will be imposed to collect the costs. Except as otherwise provided by law, the cost schedule prominently displayed in the clerk's office will dictate the required cost deposit in each case.

(B) Final judgment entries must contain a provision for payment of costs. The clerk of courts will apply the deposit to the costs in the case, regardless of the party against whom the costs are assessed.

(C) If the party initiating the action or proceeding is unable to pay the cost deposit, as set forth in Local Rule 1.4(A), the party must file an affidavit, signed before a deputy clerk of court, reflecting the inability to post the required cost deposit. An affidavit of indigence filed in lieu of cash deposit must be filed on the approved form or a form that contains substantially the same financial information. The filing of an affidavit of indigence is not determinative of whether a party will be assessed costs at the conclusion of the case. If the trial court should determine that a cash deposit should not be waived, the party initiating the action or proceeding will be permitted an opportunity to pay the required security deposit. If the deposit is not paid as ordered, then the proceeding may be dismissed by the trial court after 30 days' notice of the impending dismissal.

(D) If any judgment entry requires the clerk of courts to file or record any judgment entry or document in any office or department other than the clerk of courts, and if a cost or fee is required and money or funds sufficient to pay that cost or fee are not on deposit, the clerk of courts will file the entry in the clerk's office but will not file or record it elsewhere. Instead, the clerk of courts will mail a certified copy of the judgment entry or document to the party on whose behalf the judgment entry or document was to be filed or recorded. The judgment entry or document will be accompanied by a cover letter stating that the clerk of courts was unable to file or record the judgment entry or document because funds on deposit with the clerk of courts were insufficient to cover the cost to file or record the judgment entry or document. The letter will also note that due to the lack of a sufficient deposit, the judgment entry or document is being provided to the party so that the party may, on his or her own, pay the cost or fee to file or record the judgment entry or document.

**RULE 1.5  
TRIAL PROCEDURE**

(A) Trial procedures will be in accordance with applicable statutes, any rules adopted by the Supreme Court of Ohio, and any trial procedures adopted by the trial judge.

**(B)** Except with the permission of the judge, only one attorney for each party will be permitted to speak on any motion or upon any question arising in the trial of a case, and only one attorney for each party will be permitted to examine the same witness in any trial or proceeding before the court.

## **RULE 1.6 SPECIAL PROJECTS FEES**

A special-projects fee will be charged as a court cost in the case whenever a new criminal case, civil action or proceeding, or judgment by confession is filed. The amount of that fee will be set by order of the court and may differ depending on the case type. No special-projects fee will be charged for certificates of judgment, petitions for certificates of qualification for employment, petitions for civil protection orders, and applications for sealing or expungement.

## **RULE 1.7 PLEADINGS AND MOTIONS**

### **(A) Case Caption**

Every pleading, motion, and memorandum filed must be legibly typed or printed using a minimum font size of 12 points on 8.5-inch by 11-inch paper, paginated at the bottom of each page, and have typed or printed the case name, the case number, and the name of the judge. If the action is classified under Local Rule 1.13 as an action for foreclosure or is otherwise an action requesting the sale of real property located in Delaware County, Ohio and the Delaware County Treasurer or the Delaware County Auditor is a party to the action, each pleading, motion, and memorandum must list in the case caption beneath the judge's name, the Delaware County permanent parcel number(s) of each of the real property(ies) that are the subject of the action.

### **(B) New Parties**

When a new party plaintiff or defendant is added to a case after its commencement, the caption of that pleading adding the new party must contain the name and address of the new party, followed by the appropriate designation.

### **(C) Proof of Assignment**

Upon filing and where appropriate, complaints must have attached proof of assignment to the plaintiff from the original creditor or original party-in-interest to establish the plaintiff's standing and the jurisdiction of the court. The court may dismiss the complaint without prejudice if the proof of assignment is not attached to the complaint.

### **(D) Authority Cited**

All motions, where appropriate, must be accompanied by a memorandum in support of the motion, setting forth the specific grounds for the relief sought, along with citations to controlling authorities relied upon in requesting the relief. Unless otherwise ordered, counsel must not attach copies of any cases or statutes cited if that authority is readily accessible through electronic research sources. Where appropriate, all memoranda filed regarding a pending motion must include page and document references to evidentiary material for all factual assertions.

**(E) Proposed Entry**

Except as otherwise ordered by the judge, all motions (except dispositive motions) must be accompanied by a proposed entry. Failure to submit an entry may delay consideration of the motion or result in the court denying the motion for failure to comply with this rule. That entry should not be labeled as “Proposed” in the heading. Entries must be submitted to the email address [either [GormleyCourt@co.delaware.oh.us](mailto:GormleyCourt@co.delaware.oh.us) or [SchuckCourt@co.delaware.oh.us](mailto:SchuckCourt@co.delaware.oh.us)] for the assigned judge’s chambers.

**(F) Oral Hearing Request**

If an oral hearing on the motion is desired, the motion must contain a request for oral hearing, with the anticipated length of the hearing, in the caption. Motions will not be set for hearing unless the court determines that a hearing is necessary.

**(G) Extensions**

The dates and time periods set forth in Civ.R. 6(C) may be modified by the court upon written application and for good cause shown. A request for an extension must be filed prior to the date the proposed filing is due. A late filing may be stricken by the court if leave of court is not sought and granted to file the document outside of the time periods set forth in Civ.R. 6(C).

**(H) Page and Font Requirements**

No motion or memorandum may exceed 25 double-spaced pages using a minimum 12-point font, exclusive of supporting documents. Reply memoranda may not exceed 12 double-spaced pages. Any motion or memorandum exceeding 20 pages must include a table of contents and table of authorities, including reference to the main sections of the memorandum and the principal arguments and citations to primary authority made in each section, as well as the pages on which each section and any sub-sections may be found. The court may strike any motion or memorandum in excess of these page limits. Requests for leave to file memoranda in excess of these page limits must be made by a motion that is filed before the motion or memorandum exceeding these page limitations is filed.

**(I) Duplicates of Filings**

Duplicates of pleadings or documents already in the file should not be attached as supporting exhibits or appendices but should be incorporated by reference.

### **(J) Courtesy Copies**

A courtesy copy of all filed motions and memoranda (in support of, contra, and reply), including those filed electronically, must be submitted by the attorney or party filing the motion to the assigned judge in person, by mail, by facsimile, or by e-mail [either [GormleyCourt@co.delaware.oh.us](mailto:GormleyCourt@co.delaware.oh.us) or [SchuckCourt@co.delaware.oh.us](mailto:SchuckCourt@co.delaware.oh.us)].

## **RULE 1.8 VISITING JUDGES**

### **(A) Assignment for Specific Period of Time**

When the Chief Justice of the Supreme Court of Ohio assigns a visiting judge for a specific period of time, the certificate of assignment will be filed with the clerk and docketed on the administrative journal. When a visiting judge is scheduled to hear a proceeding, the court's online daily docket will reflect the language "VISITING JUDGE." This designation on the daily docket will constitute notice that a visiting judge will be presiding. A copy of the file-stamped certificate of assignment will be placed in the case file of every matter considered.

### **(B) Assignment for a Specific Case**

When the Chief Justice of the Supreme Court of Ohio assigns a visiting judge to preside over a specific case, the certificate of assignment will be filed with the clerk and included as part of the record in the case. The clerk will serve the parties on the case with a copy of the certificate of assignment constituting notice that a visiting judge will preside over that specific case.

## **RULE 1.9 APPEARANCE OF COUNSEL, TRIAL ATTORNEYS, AND SELF-REPRESENTED LITIGANTS**

**(A)** All pleadings and motions served and filed on behalf of any party represented by counsel must be signed by one attorney in that attorney's individual name as required by Civ.R. 11. The signer should be the trial attorney. Following that attorney's signature, office address, telephone number, facsimile number, email address, and Supreme Court registration number, there must be set forth the designation "Trial Attorney for Plaintiff" (or Defendant). Firm names and the names of co-counsel or associate counsel may appear on the pleadings and motions. If filing by facsimile or electronically, refer to Local Rule 1.3.

**(B)** All pleadings and motions served and filed by an unrepresented party must be signed by that party, and the signature block should contain the following information, either typed or printed: the party's name, the designation that the party is self-represented, the party's address, a telephone number where the party can be reached, and an email address (if available).

**(C)** No separate notice of appearance is required.

**(D)** If the trial attorney designated in accordance with Local Rule 1.9(A) withdraws from the case, as provided in Local Rule 1.11, and a new trial attorney is substituted in his place, a written

notice of substitution of counsel must be filed.

**RULE 1.10  
ADMISSION OF OUT-OF-STATE ATTORNEYS**

(A) An attorney not licensed to practice law in the State of Ohio, but who is licensed to practice law in any other state or in the District of Columbia, may, at the discretion of the judge, be permitted to represent a party or parties in any pending action or in any action to be filed in Delaware County, provided that the out-of-state attorney has done all of the following:

- (1) Provided proof that the out-of-state attorney has registered with the Supreme Court Office of Attorney Services in accordance with Gov.Bar R. XII;
- (2) Certified in writing that he or she has familiarized himself or herself with these Local Rules and will familiarize himself or herself with the appropriate Ohio Rules of Criminal or Civil Procedure, the Ohio Rules of Evidence, and the Ohio Rules of Professional Conduct;
- (3) Identified an attorney licensed to practice law in Ohio to act as his or her sponsor. The sponsoring attorney must provide written notice of his or her sponsorship to the court and certify the out-of-state attorney's compliance with this rule and the Rules for the Government of the Bar;
- (4) Submitted with the motion and certification an entry authorizing the approval of the motion; and
- (5) Identified the sponsoring attorney as co-counsel with the attorney admitted pro hac vice.

(B) The continuance of any scheduled trial or hearing date will not be permitted solely because of the unavailability of or inconvenience to the out-of-state attorney.

(C) The out-of-state attorney must timely renew his or her registration annually with the Supreme Court of Ohio, as required by the Rules of Practice of the Supreme Court of Ohio. Failure to do so will result in the attorney's removal from the case.

(D) If the sponsoring attorney withdraws as co-counsel with the attorney admitted pro hac vice during the litigation of the case, another attorney licensed to practice law in the State of Ohio must be substituted as co-counsel with the attorney admitted pro hac vice.

**RULE 1.11  
WITHDRAWAL OF COUNSEL**

(A) An attorney desiring to withdraw from representation of a client must file a motion to withdraw stating the reasons for the withdrawal. The motion must also include the last current address and phone number of the client and certification by the attorney that the following

conditions have been met:

- (1) Notice has been given to the client advising the client of all orders and all upcoming assignment dates affecting the client;
- (2) The motion to withdraw is served on the client; and
- (3) Notice has been given to all counsel, or if unrepresented, notice has been given to the parties.

**(B)** No attorney will be permitted to withdraw from a case later than 20 days prior to a trial or dispositive hearing except in extraordinary circumstances.

## **RULE 1.12**

### **ASSIGNMENT, TRANSFER, AND CONSOLIDATION OF CASES**

#### **(A) Individual Assignment System**

- (1) The system used by the General Division of this Court to assign cases is known as the “Individual Assignment System” under Sup.R. 36. The Individual Assignment System is intended to ensure judicial accountability for the processing of individual cases; timely completion of cases through prompt judicial control over the pace of litigation; and equitable distribution of cases between and among all judges.
- (2) Upon the filing of a complaint in a civil action, or of an indictment, bill of information, or complaint in a criminal action, the clerk will randomly assign the case to a specific judge. The clerk will place the name of the judge to whom the case is assigned on the file. The assigned judge will retain the case until final disposition. All preliminary matters, including requests for continuances, will be submitted for disposition to the judge to whom the case has been assigned or, if the assigned judge is unavailable, to the administrative judge.
- (3) Nothing in this rule will prevent the transfer of either a civil or criminal case(s) from one assigned judge to another with the concurrence of the other judge. Such a transfer must specify the reason(s) for the transfer. All entries transferring cases under this rule must be signed by the transferring judge.

#### **(B) Civil Cases**

- (1) Assignment of Civil Cases. At the time of filing, a civil case will be randomly assigned to a judge.
- (2) Refiled Cases. If a case has been dismissed and is refiled, the refiled complaint must contain the following designation under the new case number: “THIS IS REFILED CASE #” followed by the prior case number. The clerk will assign the refiled case to the

previously-assigned judge.

- (3) Transfer and Consolidation of Cases. When actions involving common questions of law or fact are pending before different judges, the court may transfer, or a party in the highest-numbered case may move to transfer, the highest numbered case to the judge having the lowest-numbered case. If the transfer is approved by the judges in both cases, a party in either case may file a motion with the judge who will handle the cases to consolidate the actions, subject to the provisions of Civ.R. 42(A). The motion must be filed in each case that the movant seeks to consolidate. Consolidated cases will be assigned to the judge having the lowest-numbered case. The case schedule of the lowest-numbered case will control the proceedings of consolidated cases unless otherwise ordered by the court.

### **(C) Criminal Cases**

- (1) Assignments. When a criminal case is filed with the clerk of courts, the case will be randomly assigned to a specific judge by a computer program designed to provide equitable and random distribution of cases among the judges of the General Division of the Court of Common Pleas. All subsequent transfers of cases between judges will be by entry.
  - (a) Co-defendants. If more than one defendant is indicted in a single indictment, each defendant's case will be assigned a separate case number.
  - (b) The only exceptions to the random assignment system are for cases subjects to sub-sections (2), (3), and (4) of this rule.
  - (c) In the event a case is subject to more than one criterion for assignment, the following order of priority applies: (i) refiled cases; (ii) community control cases; (iii) already pending trial cases.
- (2) Refiled Cases. If a case has been terminated by nolle prosequi or other form of dismissal, the refiled case must contain the following designation under the case number: "THIS IS REFILED CASE #" followed by the prior case number. The clerk will assign the refiled case to the previously-assigned judge. This rule applies to refiled indictments and to an indictment filed following a dismissal of the initial complaint.
- (3) Assignment of Cases with a Single Defendant.
  - (a) When a single defendant is named in a refiled case, the judge to whom the case was previously assigned will be assigned by the clerk's office to the refiled case.
  - (b) If sub-section (3)(a) is not applicable, when a single defendant is indicted in a new case, and that defendant already has an open community control case with a judge of this court, that defendant's newly indicted case will be transferred to the judge with

the open community control case.

- (c) If sub-sections (3)(a) and (3)(b) are not applicable, when a single defendant is indicted in a new case, and he or she already has a pending case with a judge of this court, that defendant's newly indicted case will be transferred to the judge assigned to the pending case.

(4) Assignment of Cases with Co-Defendants.

- (a) If multiple defendants are indicted in a new case or related cases arising from substantially the same alleged facts, all co-defendants will be assigned by the clerk to the judge randomly drawing the lowest case number. At the time of filing new indictments of additional co-defendant(s), the prosecuting attorney must include the name and case numbers of all other co-defendants on each indictment for case assignment purposes.
- (b) If multiple defendants are named in a refiled case or related cases, the judge to whom the cases were previously assigned will be assigned to the refiled cases.
- (c) If sub-section (4)(b) is not applicable, when multiple defendants are indicted in a new case or related cases and one or more defendants also have an open community control case with a judge of this court, all such co-defendants' newly indicted cases will be transferred to the judge with the open community control case. That judge will also be transferred all additional co-defendants' cases indicted thereafter. Where there is more than one co-defendant on community control, the newly indicted cases will be assigned to the docket of the judge with the lowest community control case number.
- (d) If sub-sections (4)(b) and (4)(c) are not applicable, where multiple defendants are indicted in a new case or related cases and one or more defendants also have a pending case with a judge of this court, all such co-defendants' newly indicted cases will be transferred to the judge with the pending case. That judge will also be assigned all additional co-defendants' cases indicted thereafter. Where there is more than one co-defendant with a pending case, the newly indicted cases and all pending cases will be assigned to the docket of the judge with the lowest pending case number.
- (e) If sub-sections (4)(b), (4)(c), and (4)(d) are not applicable, where multiple defendants are indicted in a new case or related cases and one or more defendants also have a pending case and a community control case with judges of this court, all such co-defendants' newly indicted cases will be transferred to the judge with the community control case. That judge will also be transferred all additional co-defendants' cases indicted thereafter. Where there is more than one co-defendant with a community control case, the newly indicted cases will be transferred to the docket of the judge with the lowest community control case number.

(5) Sub-sections (3), (4)(c), (4)(d), and (4)(e) of this Rule will not apply to cases in which the maximum possible sentence is the death penalty.

### **RULE 1.13**

#### **CLASSIFICATION OF CASES, DEADLINES, AND TIMING**

(A) The time limits in these case-flow management rules will be calculated from the date of filing of the initial document invoking the jurisdiction of the Court of Common Pleas for civil cases and the date of arraignment for criminal cases.

(B) In conformity with the Supreme Court Rules of Superintendence, categories of civil and criminal cases filed in the General Division of the Court of Common Pleas of Delaware County will be as follows:

- A ----- PROFESSIONAL TORT
- B ----- PRODUCT LIABILITY
- C ----- OTHER TORTS
- D ----- WORKERS' COMPENSATION
- E ----- FORECLOSURES
- F ----- ADMINISTRATIVE APPEAL
- G ----- COMPLEX LITIGATION
- H ----- OTHER CIVIL
- I ----- CRIMINAL

(C) The initial determination of the category of the case being filed will be made by the party filing the case at the time of filing and will be indicated on the face of the complaint in the appropriate designated space in the case number, and will remain as a part of the case number unless otherwise changed by the assigned judge. The category appearing in the case number will continue in all subsequent filings. The classification form maintained by the clerk's office must be fully completed by counsel or the party at the time of filing any new civil case and must be file-stamped and contained in the official court file. (See [Appendix B.](#)) Copies of the classification form will be made available, without cost, at the office of the clerk of courts.

(D) Complex Litigation - G - will not be designated at the time of filing, and this classification will be made only by the judge at the appropriate time and as set forth in Sup.R. 42.

(E) Other changes in categories may be made only by the judge, either sua sponte or upon motion. The party requesting and receiving a change of category must notify all parties in the case by providing them with a copy of the signed judgment entry allowing the change of category.

### **RULE 1.14**

#### **MOTION TO CONTINUE OR MODIFY TRIAL DATE**

(A) **Continuances – Generally**

If a party seeks a continuance of a trial or hearing, the party must file a written motion and submit a proposed entry. All motions to continue must include the number of previous continuances and, in criminal cases, who sought the continuances, whether opposing counsel consents, whether time is waived, the try-by date, and dates counsel and witnesses are available for trial. The proposed entry must contain language for both granting and denying the motion, a box to check if the motion is granted or denied, and a place for the new trial date.

### **(B) Conflicts**

- (1) Unless otherwise provided in these Local Rules, when a continuance is requested for the reason that counsel is scheduled to appear in another case assigned for trial on the same date in the same or another trial court of this state, the case that was first set for trial will have priority and will be tried on the date assigned. The court will not consider any motion for continuance due to conflict of a trial assignment date unless a copy of the conflicting assignment is attached to the motion and the motion is filed not fewer than 30 days prior to trial. When an attorney becomes aware of any assignment that might create a conflict, the attorney must advise the court and opposing counsel as soon as practicable.
- (2) For purposes of conflicts, criminal cases assigned for trial have priority over civil cases assigned for trial. Appellate proceedings take priority over trial-court proceedings.

### **(C) Failure to Appear for Trial**

If a party seeking affirmative relief fails to appear for trial, the judge may enter an order dismissing the claim for want of prosecution. If a defendant fails to appear for trial, and the party seeking affirmative relief does appear, the court may order the party to proceed with the case and may decide and determine all matters ex parte.

### **(D) Failure to be Prepared for Trial**

If a party or counsel appears for trial but indicates that the party or counsel is not ready for trial, the court may: (1) enter an order dismissing the claim for want of prosecution if the unprepared party is the party seeking affirmative relief; or (2) order the party seeking relief to proceed with the case, determining all matters.

## **RULE 1.15**

### **NOTICE OF SETTLEMENT AND DISMISSAL**

#### **(A) Settlement**

As soon as the parties have reached a settlement agreement prior to the trial date, Plaintiff's counsel must immediately notify the judge by telephone or email to the judge's chambers or file written notice of the settlement with the court. Failure to do so may result in sanctions, including jury costs if notice of the settlement is not given at least 24 hours prior to the trial date. If settlement is reached by mediation through the court's mediation program, the assigned mediator should provide written notice to the court.

#### **(B) Dismissal**

- (1) Notice of a partial dismissal must be provided to the court. The notice must indicate which parties have settled, which parties remain, which claims are dismissed, and which claims remain pending.
- (2) If a settled case is not dismissed within 30 days of notification of settlement to the court, the court may administratively dismiss the case.

#### **RULE 1.16**

##### **USE OF RESTRAINTS ON A JUVENILE**

Rule 55 of the Local Court Rules of Practice of the Juvenile Court of Delaware County is adopted and incorporated herein as it pertains to the use of restraints on a juvenile.

#### **RULE 1.17**

##### **ENTRIES**

(A) If requested by the judge, counsel for the party in whose favor a decision, order, decree, or judgment is rendered should submit to the judge a proposed entry that has been reviewed by all counsel. If counsel are unable to agree upon the entry, the entry should be submitted to the judge for review.

(B) If counsel fails to present an entry within the time prescribed after the decision, order, decree, or judgment is rendered, the judge may prepare and file the entry. The judge may impose sanctions for failure to comply with this Rule.

#### **RULE 1.18**

##### **PROCESS SERVER**

###### **(A) Process Server**

An individual or an agent of a legal organization may apply to be designated as a standing special process server or process server in an individual case. The applicant must submit an affidavit and an order for signature by the administrative judge. The applicant's affidavit must comply with Civ.R. 4.1 (See [Appendix A](#).)

###### **(B) Contents of Affidavit**

The affidavit must list the name, address, email address, and telephone number of the person to be appointed as a special process server, as well as an affirmation that the person: is at least 18 years of age; is a United States citizen or legal resident of the United States; holds a valid government-issued identification card, passport, or driver's license; is not a party or counsel for a party in the action; has no familial relationship to any party in the case; has no financial interest in the outcome of the case; has not been convicted, within the last 10 years, of any felony, offense of violence, or offense involving dishonesty or false statement, and is not currently under community-control sanctions, probation, post-release control, or parole; is not currently a respondent subject to any civil protection order; is familiar with the required procedure for service of process under the Civil Rules and these Local Rules; will conduct himself or herself in

a professional manner; and will carry out his or her duties in accordance with all applicable court rules.

**RULE 1.19**  
**TECHNOLOGY PLAN**

The General Division adopts the technology plan detailed in [Appendix M](#).

**RULE 1.20**  
**ADMINISTRATIVE JUDGE**

In accordance with Sup.R. 4, the General Division of the Court of Common Pleas shall designate one of the judges to serve as the administrative judge for a term of two years. The term of an administrative judge shall begin on January 1st of the year immediately following the designation of the administrative judge. The administrative judge may serve consecutive terms.

**RULE 1.21**  
**SUBPOENAS**

Except for good cause shown, neither the clerk nor the sheriff is required to issue subpoenas, unless requests are filed with the clerk at least two days prior to the trial date. The form of subpoena must be in accordance with Civ.R. 45(A) and Crim.R. 17. Service of the subpoena must be in accordance with Civ.R. 45(B) and Crim.R. 17(D). The issuers of the subpoena under Civ.R. 45(C) are responsible for attaching to each subpoena the text of Civ.R. 45(C) and (D).

**RULE 1.22**  
**BROADCASTING, TELEVISIONING, AND RECORDING COURT PROCEEDINGS**

Broadcasting, televising, recording, and photographing by news media during courtroom sessions, including recesses between sessions, is permitted with judicial permission under the following conditions:

**(A) Administration**

- (1) Requests for permission to broadcast, televise, record, or photograph in the courtroom must be made in writing to the assigned trial judge as far in advance as reasonably practical, but in no event later than one hour prior to the courtroom session to be broadcast, televised, recorded, or photographed unless otherwise permitted by the judge. Request forms may be obtained from the judge's office or the clerk of court's website.
- (2) The judge or a magistrate of this court may grant the request in writing consistent with Sup.R. 12 and this Local Rule. Written permission will be made a part of the record of the proceeding.
- (3) There shall be no recording of any of the following:

- (a) Conferences conducted in the courtroom between attorneys and clients,
- (b) Conferences conducted at the bench between counsel and the judge,
- (c) Victims or witnesses who have objected to being videotaped, recorded, or photographed, and
- (d) Conversations while the court is not in session, unless as permitted by the judge.

**(B) Revocation of Permission**

Upon the failure of any media representative to comply with the conditions prescribed by the judge, the magistrate, the Rules of Superintendence, or this Local Rule, the judge or magistrate may revoke the permission to broadcast, photograph, or record the trial or hearing.

**RULE 1.23  
COURT RECORDS MANAGEMENT AND RETENTION**

**(A)** The court has adopted a records retention schedule for the retention and disposal of court documents. A copy of this schedule is attached as [Appendix N](#).

**(B)** The court has adopted a Public Records Policy, which is attached as [Appendix O](#).

**II. CIVIL RULES  
OF PRACTICE AND PROCEDURE**

**RULE 2.1  
CASE FLOW MANAGEMENT**

These case-flow management rules will apply to all civil cases filed in the General Division of the Court of Common Pleas, unless: (1) the case by its nature requires a more rapid adjudication such as in equity matters, habeas corpus, etc.; (2) the case, because of court-imposed stays, interlocutory appeals, removal to federal court, and remand, etc., requires a different schedule; or (3) the judge, by written order, places the case on a different schedule for resolution based on good cause shown. The suggested deadlines set by the Ohio Rules of Superintendence will be construed as maximums and will not preclude the more rapid resolution of cases under these Local Rules.

**RULE 2.2  
CASE SCHEDULE**

**(A) Case Schedule**

The judge or magistrate will issue a scheduling entry. The court generally schedules trials or other final hearings within the suggested maximum timelines set by the Rules of Superintendence by case type. If desired, the parties may request a case-management conference or file a Civ.R. 26(F) report with proposed dates for the scheduling entry and a proposed discovery plan.

**(B) Service of Case Schedule on Additional Parties upon Joinder**

A party who joins an additional party or parties will be responsible for serving the additional party or parties with the existing case schedule, if any.

**(C) Sanctions**

The judge, upon motion of a party or sua sponte, may impose sanctions for failure to comply with these Local Rules and/or a case schedule and/or the Civil Rules. If the judge finds that a party or attorney has failed to comply with these Local Rules, the case schedule, or the Civil Rules regarding the case schedule or deadlines without reasonable excuse or legal justification, the judge may impose sanctions proportional to the extent or frequency of the violation(s). The judge and court staff may monitor cases on an ongoing basis to determine compliance with the case schedule and these Local Rules.

**(D) Amended Case Schedule**

The judge, either on motion of a party or sua sponte, may modify any date in the case schedule for good cause and on just terms. If the case schedule is modified on motion of a party, that party must prepare and present to the judge for signature an “Amended Case Schedule,” which must be promptly filed and served on all other parties.

**RULE 2.3**

**PLEADINGS – EXTENSIONS AND AMENDMENTS**

**(A) Extensions**

- (1) By agreement of opposing counsel, any party may be permitted up to two leaves to plead in response to a complaint, counterclaim, cross-claim, or third-party complaint, provided that the total extension of time does not exceed 28 days. The agreement of counsel should be evidenced by a “consent to plead” that has been signed by all parties to the action. This consent to plead should not be submitted to the court for signature.
- (2) When a party needs additional time beyond that provided in sub-section (A)(1) above, or where the parties cannot agree upon an extension of time, the party must file a written motion demonstrating good cause. The moving party must submit a proposed entry with its motion.

**(B) Amendments**

A party seeking leave to amend its pleading beyond the time permitted by Civ.R. 15(A) must file a motion for leave to amend. That motion must include a copy of the proposed amended pleading. If leave is granted, the party is required to file the amended pleading with the clerk of

courts within seven days.

**RULE 2.4  
DISCLOSURE OF POSSIBLE LAY AND EXPERT WITNESSES**

**(A) Disclosure**

- (1) Each party must comply with the deadline(s) for the disclosure of witnesses as indicated in the court's scheduling entry.
- (2) The parties must comply not only with any pretrial orders from the court concerning expert witnesses but also with provisions governing expert testimony in Civ.R. 26(B)(7).

**(B) Exclusion of Testimony**

Any witnesses not disclosed in compliance with this Rule may not be called to testify at trial unless the judge orders otherwise for good cause and subject to conditions as justice requires.

**(C) Cases without a Witness-Disclosure Deadline in the Case Schedule**

In the event the judge does not specify a date for the disclosure of witnesses or expert witnesses, the parties must jointly disclose all their witnesses on or before the final pretrial conference, or 14 days before trial, whichever is later.

**RULE 2.5  
FILING OF DISCOVERY MATERIALS**

**(A) Generally**

Pursuant to Civ.R. 5(D), the clerk will not accept for filing depositions upon oral examination, interrogatories, requests for production, and requests for admission unless: (1) the court otherwise orders, (2) they are to be used as evidence, or (3) they relate to a pending motion and are attached in support or filed contemporaneously with a pending motion.

**(B) Depositions**

- (1) All filings of depositions must conform to the Civil Rules. The clerk will not accept for filing an envelope containing more than one deposition.
- (2) Upon receipt of deposition, the clerk will file-stamp the deposition, place the deposition back into the envelope in which it was delivered, and reseal the envelope. Before an interested person views the deposition, the clerk will unseal the deposition, initial and date the envelope, and record on the envelope the person's name who has requested to view the deposition. The interested person may then view the deposition in the presence of the clerk. This Rule is not intended to limit any person's access to filed depositions, but rather to preserve the integrity of the depositions and exhibits appended thereto.
- (3) If a protective order or sealing order is placed on the cover of the deposition, the

deposition will not be unsealed, absent further court order.

## **RULE 2.6 DISCOVERY**

### **(A) Discovery Disputes**

Counsel must make every effort to resolve discovery disputes prior to filing motions with the court. Counsel must confer with each other by phone or in person in an attempt to resolve the discovery dispute before filing any motion for a protective order or motion to compel.

### **(B) Discovery Motions**

Motions for protective orders or to compel discovery must be accompanied by a statement reciting the efforts made to resolve the matter and must contain a request for a hearing in the caption, if a hearing is desired. The parties must comply with any specific requirements in the judge's scheduling order regarding resolving discovery disputes prior to filing any discovery motions.

### **(C) Discovery Cutoff**

The discovery-cutoff date specified in the case schedule will be the last date for any party to seek the involvement of the judge in the discovery process by way of motion seeking a ruling, an order, sanctions, or other court action, absent extraordinary circumstances. Voluntary, mutually agreed-upon discovery, including perpetuation of trial testimony by video recording or otherwise, may continue after the discovery cutoff in a manner that does not delay any other event on the case schedule.

## **RULE 2.7 NOTICES AND STIPULATIONS OF DISMISSAL**

Notices and stipulations of dismissals filed under Civ.R. 41(A) do not require an order of the court and should not be submitted as proposed judgment entries for signature by the judge.

## **RULE 2.8 DISPOSITIVE MOTIONS**

All motions asking the court to grant judgment or dismiss any claim or defense as to any or all parties will be considered a dispositive motion. All dispositive motions must be filed no later than the date specified in the case schedule or court order.

## **RULE 2.9 DEFAULT JUDGMENTS**

(A) When a party against whom a judgment is sought has been served and has failed to plead or otherwise defend as provided by the Civil Rules, the party entitled to a judgment by default may apply in writing to the judge within 30 days after the date upon which the defaulting party should have pleaded or otherwise defended. The written motion must include where appropriate, if not

previously submitted to the court, the following documents: proof of assignment from the original creditor or original party in interest to the plaintiff, the last billing statement from the original creditor sent to the defendant(s), and evidence of damages sought or an affidavit explaining why the required documents are not available.

(B) In seeking a default judgment against a party, the moving party must certify by affidavit that the party against whom judgment is sought is not an incompetent, a minor, or currently serving on active duty in the military. The affidavit must be filed no later than the day of filing the motion for default judgment.

(C) The court may deny the motion for default judgment and dismiss the complaint without prejudice for failure to comply with the requirements of this section.

(D) Pursuant to Civ.R. 55(A), if the party against whom judgment by default is sought has appeared in the action, the motion for default judgment and written notice of the hearing on the motion, if any, must be served upon that party.

**RULE 2.10  
SUMMARY JUDGMENT MOTIONS**

(A) The briefing schedule for all motions for summary judgment filed pursuant to Civ.R. 56 will be as provided in Civ.R. 6(C). Any party seeking to alter that schedule must file a motion.

(B) All affidavits, depositions, and other evidentiary material permitted by Civ.R. 56(C) in support of or in opposition to the motion for summary judgment must be filed contemporaneously with the motion or response that those materials support.

**RULE 2.11  
ADMINISTRATIVE APPEALS**

(A) Subject to the discretion of the judge, a briefing schedule will be set by the court for most administrative appeals. The record must be filed no later than 28 days after the filing of the notice of appeal, unless an extension is granted. If no scheduling order is issued within the first four weeks after filing the notice of appeal, the following schedule applies:

<u>Filing</u>	<u>Days after filing of the Notice of Appeal</u>
Filing of Record	40
Dispositive Motions	54
Appellant's Brief	82
Appellee's Brief	96
Appellant's Reply Brief	103

(B) The judge may extend any deadlines in the case schedule or the default case schedule in subsection (A) above upon written motion of a party or sua sponte for good cause shown, such as

the complexity of the case or the length of the record. Unless the judge otherwise orders, the appeal will be deemed ripe for decision on the date set for the filing of the reply brief.

## **RULE 2.12**

### **JURY DEPOSIT**

(A) The first party making a jury demand before this court must make a jury deposit with the Clerk of Courts no later than 28 days before the trial date reflected in the case schedule. If the first party demanding a jury fails to timely make the deposit, any other party may preserve the right to a jury trial by making the jury deposit no later than 21 days before the trial date. Failure to make the jury deposit within the time allotted will constitute a final waiver of a jury trial unless the court for good cause permits a late-filed deposit.

(B) The trial judge may order a different deadline for making the jury deposit, and may order that the amount of the jury deposit be higher than otherwise provided in order to accommodate a trial that involves numerous parties, is likely to require additional jurors, is anticipated to be unusually protracted, or for other reasons.

## **RULE 2.13**

### **TRIAL PROCEDURE**

(A) In all civil actions that are tried to the court or to a jury, the following matters should be accomplished prior to trial, at a time that will be specifically designated in the court's scheduling order:

- (1) All exhibits must be exchanged by counsel and a courtesy copy provided to the judge's chambers.
- (2) All stipulations, except those necessarily arising in the course of the trial, must be submitted in writing, approved by the parties and counsel, and filed with the clerk of courts.

(B) All counsel and all parties should be present in the courtroom at least 30 minutes prior to the time the trial is scheduled to commence.

### **(C) Use of Depositions at Trial**

- (1) Any pre-recorded deposition filed with the clerk of courts must be accompanied by a written transcript.
- (2) In the event a party wishes to present at trial a pre-recorded deposition as trial testimony, counsel should arrange with the court to have the court's audio-visual playback system available for trial.
- (3) If there are objections interposed during stenographic or audio-visual depositions to be offered at trial, the party offering the deposition should request a ruling upon each

objection to allow its timely editing reflecting the rulings prior to trial. Counsel's objections, if any, should be indexed, and the grounds for the objections should be set forth clearly.

- (4) Counsel must arrange to have the appropriate redactions on the pre-recorded deposition made prior to the start of trial.

**(D) Exhibits**

All exhibits must be marked by counsel, as ordered in the scheduling entry. The court reporter or courtroom deputy will be the official custodian of all exhibits offered during the trial of any case and will retain the exhibits until otherwise ordered by the court.

After judgment and appeal, or after appeal time has expired without appeal, counsel should file a motion for the release of exhibits and provide a proposed entry to the judge. The court reporter or bailiff will provide a receipt for the exhibits upon their release.

**RULE 2.14  
MEDIATION**

**(A) Ohio Uniform Mediation Act**

The General Division of the Court of Common Pleas incorporates by reference the R.C. Chapter 2710 "Uniform Mediation Act" (UMA).

**(B) Court-Sponsored Mediation**

Any civil case may be referred to the court's mediation program by motion and approval of the court. The party's motion must request to participate in the court's mediation program and indicate the reason the case is a good candidate for mediation.

- (1) Screening Process. Upon approval, the parties must submit a pre-screening mediation questionnaire to the appointed mediator. The answers to this questionnaire will be kept strictly confidential and will not be shared with the court, attorneys, or other parties. The mediator will also conduct a verbal screening the day of mediation.
- (2) Timeline for Mediation. After a case has been approved for mediation, the mediation should be completed within 60 days. Mediators should report the result of the mediation within 10 business days following the mediation session.
- (3) Cost of Mediation. The court will pay the approved mediator for the actual time spent in the matter, up to eight hours of mediation time. In the event the mediator or the parties would like to request that the court pay for additional mediation time, they may file a motion with the court prior to incurring those expenses.
- (4) Private Mediation. The court's mediation program does not prevent parties from utilizing a private mediator at their own expense. In order for the mediation cost to be covered by

the court, the parties must file a motion, receive approval from the court, and utilize the appointed mediator.

(5) Eligibility:

- (a) General. The court may order parties to mediation in any civil action filed in this court. A case may be submitted to mediation as provided in this Local Rule. The court may issue an order on its own motion, upon the motion of counsel, upon the request of a party, or upon referral by a mediator.
- (b) Exceptions. Mediation is prohibited as an alternative to the prosecution or adjudication of domestic violence; in determining whether to grant, modify, or terminate a protection order, except as allowed by the Rules of Superintendence; in determining the terms and conditions of a protection order; and in determining the penalty for violation of a protection order.

**(C) Confidentiality**

- (1) General. All mediation communications related to or made during the mediation process are subject to and governed by the Uniform Mediation Act. Mediation communications are confidential, and no one may disclose any of these communications unless all parties and the mediator consent to disclosure. This court may impose penalties for any improper disclosures made in violation of this rule. Disputes regarding confidentiality should first be addressed with the mediator where possible.

By participating in mediation, a nonparty participant, as defined by R.C. 2710.01(D), submits to the court's jurisdiction to the extent necessary for enforcement of this Local Rule. Any nonparty participant will have the rights and duties under this rule as are attributed to parties, except that no evidence privilege will be expanded.

- (2) Exceptions. All mediation communications are confidential except: (a) parties may share all mediation communications with their attorneys; (b) certain threats of abuse or neglect of a child or an adult; (c) statements made during the mediation process to plan or hide an ongoing crime; and (d) statements made during the mediation process that reveal a felony.

**(D) Referral to Resources**

The court administrator will maintain resources for mediation parties, including victims and suspected victims of domestic violence, encouraging appropriate referrals to legal counsel and other support services such as Children Services, domestic violence prevention, counseling, substance abuse, and mental health services.

**(E) Mediator Training and Education**

A mediator must meet the qualifications of and comply with all training requirements of Sup.R. 16.23 and adopted pursuant to Sup.R. 16.22 governing mediators and mediation.

### **(F) Mediator Selection and Assignment**

The following methods may be used to select the mediator for the case:

- (1) The court may assign a court mediator to mediate;
- (2) The court may randomly assign a mediator to the case from the court's roster of approved mediators;
- (3) Specific appointments may be made by the court, taking into consideration the qualifications, skills, expertise, and caseload of the mediator in addition to the type, complexity and requirements of the case;
- (4) Parties may select a mediator from the court roster, if any;
- (5) Parties may request leave to select a mediator without guidance from the Court. The court is not responsible for the quality of a mediator selected by the parties without guidance from the court and who does not meet the qualifications, education, and training requirements set forth in this Local Rule.

### **(G) Procedures**

A party opposed to either the referral of the case to mediation or the appointed mediator must file a written objection with the court within seven days of receiving notice of the referral or the mediator appointment and explain the reasons for any opposition.

### **(H) Termination**

If the assigned mediator determines that further mediation efforts would be of no benefit to the parties, he or she must inform all interested parties and the court that the mediation is terminated using the procedure required by this court.

### **(I) No Stay of Proceedings**

All remaining court orders will continue in effect during any mediation. No order is stayed or suspended during the mediation process except by written court order. Mediation will not stay discovery, which may continue through the mediation process in accordance with applicable rules, unless agreed upon by the parties and approved by the judge or magistrate assigned to the case.

### **(J) Continuances**

It is the policy of this court to determine matters in a timely way. Continuances of a scheduled mediation will be granted only by the judge or magistrate for good cause.

### **(K) Fees and Costs**

Except as set forth in sub-section (B)(3) above, the court may impose upon the parties fees and costs for mediation. If there is a fee for mediation, unless otherwise agreed by the parties, the mediation fees will be shared equally. The court may waive fees and costs for an indigent party.

**(L) Attendance - Sanctions**

If any individual ordered by the court to attend mediation fails to attend mediation without good cause, the court may impose sanctions, which may include, but are not limited to, the award of attorney’s fees and other costs, contempt, or other appropriate sanctions at the discretion of the assigned judge or magistrate.

**(M) Evaluation, Comments, and Complaints**

It is the policy of the court to use mediation to benefit the parties, to assist in reaching a resolution, and to provide a process that is timely and flexible and maintains the trust and confidence of the public. Any mediation participant may submit written comments, complaints, or feedback regarding the performance of mediators receiving referrals from the court.

**RULE 2.15  
RECEIVERSHIPS**

**(A) Applicability**

Unless otherwise ordered by the court in a specific case, this Local Rule governs practice and procedure in all receivership matters.

**(B) Motions for Appointment of a Receiver**

- (1) The court has no closed-panel or “approved” list of receivers. Any party may suggest candidates, but must be prepared to document their experience and expertise relative to the matter at hand, and certify that they are disinterested persons.
- (2) Parties seeking appointment must fully advise the court of the entire fee arrangement proposed to compensate the receiver, including all expense reimbursements and any commission contemplated for leasing or selling property. In addition, parties seeking a receiver must advise the court of the approximate value of the business or property likely to be managed in the receivership (if granted), and of the scope of work likely to be required of the receiver.
- (3) Absent an emergency in which irreparable harm is likely to occur, the court will not grant a receivership on an ex parte basis. A hearing on the motion for appointment of a receiver will be set at the court’s discretion.
- (4) The court will set a bond commensurate with the anticipated size of the estate, having in mind the views of secured creditors and the debtor. Accordingly, counsel must be prepared to present sufficient facts for the court to make an informed judgment on bond.

**(C) Hearings and Requests for Procedural Orders**

- (1) Motions for a receivership, fee applications, hearing requests, and other procedural matters relative to a receivership must be submitted in writing, with a proposed entry

submitted to the judge's chambers.

- (2) The party who submitted a proposed order entered by the court is responsible for serving it upon the receiver or receiver's counsel and upon all parties who have appeared, or for whom service of process remains underway. Proof of service must be filed by the party making service.
- (3) For good cause, the receiver or any party that has appeared may request an emergency hearing by contacting the court.
- (4) An evidentiary hearing at which the receiver or other witnesses are called to testify may be required by the court at any time.

**(D) Qualifications to Serve as a Receiver**

- (1) Every receiver appointed must be an individual who is a resident of Ohio, unless good cause is shown for an out-of-state receiver and such an appointment is permitted by R.C. 2735.02. An individual appointed as receiver may, with express court approval, work for an out-of-state business.
- (2) Every out-of-state business involved in a receivership must be represented by counsel having an office within this county or having familiarity with receivership practice in this court.
- (3) Upon accepting appointment, each receiver must affirmatively acknowledge in writing and filed in the record that he or she will:
  - (a) act in conformity with Ohio law and these Local Rules;
  - (b) deposit all funds coming into the receiver's hands into a separate trust account for the estate, with full contemporaneous record-keeping for all funds;
  - (c) avoid any conflict of interest;
  - (d) not directly or indirectly pay or accept anything of value that has not been fully and timely disclosed and formally approved by the court;
  - (e) not directly or indirectly purchase, acquire, or accept any interest in property managed, appraised, or sold through the receivership; and
  - (f) otherwise act in the best interests of the estate.

**(E) General Duties of the Receiver**

Unless the Court specifically authorizes a receiver to continue a business, the receiver must:

- (1) take control of the assets of the defendant debtor that are subject to the receivership;
- (2) give notice to all known creditors of the receiver's appointment;
- (3) afford reasonable opportunity for creditors to present and prove their claims, and, if deemed appropriate by the receiver or the court, publish in a newspaper of general circulation within the county a deadline for submitting claims;
- (4) cause the assets of the business to be preserved, inventoried, and, where appropriate, appraised;
- (5) determine the validity and priority of creditors' claims;
- (6) take such other appropriate steps as may be timely, reasonable, and necessary to reduce the assets of the business to cash on terms that maximize recovery for the benefit of creditors, including selling property free and clear of all liens, provided that the liens attach to the proceeds of the sale; and
- (7) make recommendations for appropriate distributions of cash or property between the various classes of creditors according to their priority, after such notice as the court deems appropriate.

#### **(F) Receivership Plan and Progress Reports**

- (1) At the outset of the receivership, or as soon thereafter as information becomes reasonably available, the court must be provided with a written plan for the receivership. Thereafter, the plan must be updated as significant developments warrant, or as part of ongoing periodic reporting to the court.
- (2) The initial receivership plan must identify:
  - (a) The nature of the debtor's business, and a concise statement of the circumstances leading to the receivership;
  - (b) Whether the present goal is to preserve and operate a business, collect rent on property, liquidate assets, or take other action;
  - (c) The significant assets of the receivership, including real estate, tangible or intangible property, inventory, cash on hand, accounts receivable, and claims against insurers or other third parties;
  - (d) Anticipated transaction costs predictably to be incurred, including upcoming financing or mortgage payments, government fees or taxes, receiver fees, accounting, appraisal or auction costs, and legal fees inherent in the plan (as best they can be estimated);

- (e) The anticipated duration of the receivership;
  - (f) If an active business is to be operated, the minimum number of employees needed to do so, and the estimated aggregate payroll (including benefits) per month;
  - (g) If property is to be liquidated, the estimated date by which appraisal and sale by the receiver can occur, and whether public or private sale is contemplated; and
  - (h) If litigation or administrative proceedings are underway or anticipated, the nature and expected cost of each such proceeding.
- (3) The first plan (and report of activity to date) must be submitted no later than two months after appointment of the receiver.
  - (4) Copies of each receiver's plan and report must be filed with the clerk, with service upon all parties who have made an appearance or for whom service remains pending. A duplicate copy should be submitted to chambers, together with a proposed entry approving the plan and report.
  - (5) Ordinarily, no approval of fees or other proposed action in a receivership will occur unless 14 days have elapsed following service of an updated plan or report, in order to allow interested parties to comment or object. However, for good cause the court may alter this notice period.
  - (6) After consideration, the court will approve or disapprove the plan and report by court entry.
  - (7) After filing the first plan and report, the receiver must file updated plans and reports no less often than semi-annually. Each should include a summary of action taken to date measured against the previous plan for the receivership; should set forth proposed future action; and should update previous estimates of costs, expenses, and the timetable needed to complete the receivership.

**(G) Failure to Act Timely**

Failure to timely prosecute a receivership, including delay in filing any plan or report required under this local rule, may result in removal of the receiver or attorney for the receiver, or withholding of fees for the receiver or counsel.

**(H) Applications to Employ Counsel or Professionals**

- (1) A receiver (or other party) requesting approval to retain an attorney or other professional (including appraisers, auctioneers, brokers, or real estate agents) whose compensation will be claimed against the estate or from proceeds of sale of estate property must apply to the court. All such professionals must be disinterested persons with no business relationship with the receiver, unless otherwise expressly disclosed and approved in advance by the court. Unless the court addresses the application during the initial hearing

on whether to grant a receivership, written notice of all such applications must be given to the debtor, all parties that have appeared, and all those for whom service of process remains pending.

- (2) The retention agreement between a receiver and every professional must be in writing. Every professional whose retention is approved by the court is, and will remain, subject to the jurisdiction of this court relative to approval of all professional fees and reimbursable expenses.
- (3) Applications for authority to retain professionals to assist a receiver should summarize the experience, current professional licensure, and other qualifications for every person sought to be retained. The application must affirmatively verify that:
  - (a) all necessary licenses are in good standing and not under suspension;
  - (b) appropriate conflict checks have been made by the professional;
  - (c) as to lawyers, professional liability insurance in an amount equal to the minimum coverage required by the Rule 1.4 of Ohio Rules of Professional Conduct is in force; and
  - (d) the contract retaining the professional will affirmatively state that the professional will avoid any conflict of interest in connection with work on the receivership; that gross proceeds of any sale or other transaction conducted by them will be immediately turned over to the receiver or placed in a separate trust account; and that they will not, under any circumstances, directly or indirectly purchase, acquire, or accept any interest in any property they manage, appraise, or sell through the receivership.
- (4) Applications to employ professionals must also set forth:
  - (a) the professional's usual and customary hourly rate or fee;
  - (b) the proposed fee, hourly rate, or other alternative method or formula for determining compensation in the receivership;
  - (c) whether any fees were paid to the professional during the one-year period preceding the filing of the application from, or involving, (a) the debtor in receivership, (b) a person or party closely related to the debtor, or (c) a person or party known to be adverse to the debtor and to have a material claim in the receivership; and
  - (d) the amount, date paid, and source of any retainer or other compensation already received by the professional for preparatory work relative to the receivership.
- (5) No fee, commission, expense reimbursement, or other direct or indirect compensation of

any nature may be accepted by any court-appointed professional that is not fully and timely disclosed to the court for prior approval.

### **(I) Expenditure Authority of the Receiver**

- (1) A receiver appointed to take charge of property may expend funds without prior approval by the court to pay ongoing insurance premiums, fire safety and other security services, and utility bills. The receiver may also make emergency repairs essential to the safety and proper maintenance of the property and to preserve its value.
- (2) A receiver taking charge of an operating business must have authority to pay reasonable wages to employees and all reasonable and customary business-related expenses, subject to periodic accounting to the court.
- (3) All fees, compensation, or expense reimbursements to the receiver, counsel, or professionals require prior approval from the court. Such requests must be by motion, with notice given to all appropriate parties. A proposed order approving the request must be submitted to the court.
- (4) All expenses of the receivership, other than those specifically enumerated above, also require prior approval of the court if, in the aggregate, they exceed \$2,500 per month, or such other threshold as set by order in the specific receivership. Such request must be by motion, with notice given to all appropriate parties. A proposed order approving the request must be submitted to the court.

### **(J) Disposition of Property**

- (1) With court approval, after any notice that the court deems appropriate, a receiver may use, sell, or lease property other than in the ordinary course of business.
  - (a) Unless otherwise ordered, a receiver must serve notice of the receiver's intent to sell or lease receivership property and the terms of such proposed sale or lease for all property. Notice must be given to all parties in the action and all persons known to have an interest in the property to be sold or leased.
  - (b) If any party or person having an interest in the property to be sold or leased files an objection within 14 days of service of the notice, the court may set the receiver's request for hearing or may rule based on the material of record.
  - (c) The receiver has the burden of proving the commercial reasonableness of a proposed disposition of property.
  - (d) If the court determines that a proposed disposition of property is commercially reasonable, the receiver will be authorized to proceed upon such terms and conditions as set by the court.

(e) The court may order that disposition of receivership property be effected free and clear of all liens and all rights of redemption regardless of whether the expected proceeds will be sufficient to satisfy all claims secured by the property. Upon any such disposition of receivership property free and clear of liens and rights of redemption, all mortgages, security interests, or other liens encumbering the property will attach to the proceeds of disposition (net of the reasonable expenses incurred in the sale of the property) in the same order, priority, and validity that the liens had immediately before the sale.

(2) Unless otherwise provided by law, valuation and sale of real property by a receiver need not occur using ordinary foreclosure procedures. However, if a receiver is appointed in a foreclosure proceeding, the mortgaged property must be sold in accordance with R.C. 2323.07 et al., unless otherwise approved by the court in accordance with the law.

### **(K) Payment of Receiver and Professional Fees**

(1) Fee applications must be made in writing, with notice to all parties that have appeared. The receiver or counsel for the receiver must attach to each fee application a brief, updated plan and progress report, together with a billing summary concisely reflecting: (a) the dates on which work was performed; (b) a description of work performed; (c) the name of each individual performing the work; and (d) the hourly rate(s) sought to be charged, or other method used to calculate proposed fee(s) and expenses.

(2) Ordinarily, no approval of fees or other proposed action in a receivership will occur unless 14 days have elapsed following service of an updated plan or report, in order to allow interested parties to comment or object. However, for good cause, the court may alter this notice period. A proposed order approving any fees must be submitted to the court.

(3) Fees allowed for services by a receiver, counsel, and professionals employed by a receiver are within the sound discretion of the judge, giving due consideration to the complexity of the receiver's or professional's responsibilities, results achieved for creditors, and other relevant facts.

(4) An attorney acting as a receiver must clearly differentiate between fees sought for work performed as a receiver and for work separately performed as an attorney.

### **(L) Final Report to the Court and Creditors**

When the final fee application is submitted, it must be accompanied by a receiver's final report that includes all of the following information:

(1) the total amount of money collected during the receivership, the total funds collected since the last interim fee award to the receiver and the source(s) of those funds;

- (2) the total funds previously disbursed to creditors;
- (3) the amount of money or any property remaining on hand;
- (4) the status of all known secured and unsecured creditors' claims;
- (5) the approximate number and admitted balances due creditors but remaining unpaid;
- (6) the approximate number and total of creditors' claims that remain open or unresolved;
- (7) proposed final distributions to creditors and the date by which the receiver proposes to make them and close out the case;
- (8) the total administrative expense incurred to date, including fees paid to the receiver, attorneys, and other professionals;
- (9) the amount of additional administrative expense sought to be paid in the final fee application; and
- (10) any known objections or other positions taken by those having an interest in the receivership with respect to the receiver's final plan to wind up the case.

**(M) Trade Secret or Privileged Information**

If a receiver's report, motion, fee application, or other filing refers to trade secrets (such as a plan for operating an ongoing business, proposed sale prices, customer information, personnel matters, or other non-public information) or would necessarily reference attorney-client or work-product communications, then redacted documents may be filed in the public record and served upon all parties that have appeared. When that occurs, a complete un-redacted document should be submitted to the court for in-camera review. Upon application by the receiver or any party, the court will re-examine the document and determine whether previously redacted information should be disclosed in the public case file or for attorney viewing only.

**RULE 2.16  
FORECLOSURES**

**(A) Title Insurance**

- (1) Preliminary Judicial Report. Pursuant to R.C. 2329.191(B), in every action demanding the judicial sale of residential real estate consisting of one to four single-family units, the party or parties seeking such judicial sale must file, within 14 days after the filing of the pleadings requesting such relief, a preliminary judicial report, including:
  - (a) a legal description of each parcel of real estate to be sold at the judicial sale;
  - (b) the street address of the real estate or, if there is no street address, the name of the

street or road upon which the real estate fronts together with the names of the streets or roads immediately to the north and south or east and west of the real estate;

- (c) the county treasurer's permanent parcel number or other tax identification number of the real estate;
- (d) the name of the owners of record of the real estate to be sold;
- (e) a reference to the volume and page or instrument number of the recording by which the owners acquired title to the real estate;
- (f) a description of the record title to the real estate; however, easements, restrictions, setback lines, declarations, conditions, covenants, reservations, and rights-of-way that were filed for record prior to the lien being foreclosed are not required to be included; and
- (g) the name and address of each lienholder and the name and address of each lienholder's attorney, if any, as shown on the recorded lien of the lienholder.

The preliminary judicial report will be effective within 30 days prior to the filing of the complaint or other pleading requesting judicial sale.

- (2) Final Judicial Report. Prior to submitting any order or judgment entry to the court that would order the sale of the residential real estate described in section (A), the party or parties submitting the order or judgment entry must file with the clerk a final judicial report that updates the state of the title to that real estate from the effective date of the preliminary judicial report through the date of lis pendens. Where the evidence of title indicates that a necessary party or parties have not been made defendants, the attorney for the party submitting the judgment decree should proceed without delay to cause those new parties to be added and must serve a copy of the complaint in accordance with the Ohio Rules of Civil Procedure.
- (3) Taxing Title Examination Costs. The costs of the title examination necessary for the preparation of both the preliminary judicial report and the final judicial report, together with the premiums for those reports computed as required by the department of insurance, based on the fair market value of the real estate, or in the case of a foreclosure, the principal balance of the mortgage or other lien being foreclosed on or any other additional amount as may be ordered by the court will be taxed as costs in the case. In the event the requesting party has been required to pay the preliminary judicial report premium in advance, the advancement will be includable as a reimbursement cost upon the filing of a copy of the premium statement and evidence of payment.
- (4) Sales of Commercial Property and Residential Property with Four or More Units. In every action demanding the judicial sale of residential real estate consisting of more than four single-family units or of commercial real estate, the party seeking that judicial sale

must file with the clerk within 14 days after filing the pleadings requesting relief either a preliminary judicial report or a commitment for an owner's fee policy of title insurance on the form approved by the department of insurance that is prepared and issued by a duly licensed title insurance agent on behalf of a licensed title insurance company. The commitment must have an effective date within 14 days prior to the filing of the complaint or other pleading requesting a judicial sale and must contain all of the information listed in section (A) for a preliminary judicial report. The commitment must cover each parcel of real estate to be sold, must include the amount of the successful bid at the judicial sale, must show the purchaser at the judicial sale as the proposed insured, and must not expire until 30 days after the recordation of the deed by the officer who makes the sale to that purchaser. After the officer's return of the order of sale and prior to the confirmation of the sale, the party requesting the order of sale must file with the clerk an invoice for the cost of the title insurance policy, commitment cost related expenses, and cancellation fees, if any. The amount of the invoice will be taxed as costs in the case. The purchaser at the judicial sale may, by paying the premium for the title insurance policy, obtain the issuance of title insurance in accordance with the commitment.

- (5) Distribution Entry and Release of Liens. The party or parties requesting the order of sale must prepare a distribution entry showing court costs assessed, which includes the invoice for the cost of the title insurance policy and cancellation fees, if any, verified by the clerk's and recorder's offices on a "Court Certificate of Release" (see [Appendix K](#)) and all other costs.

**(B) Statement of Acceptability**

In actions for the marshaling and foreclosure of liens, any other judicial sale of real estate, or any action involving title to real estate, except in cases where the premises involved are registered under the Torrens Law, the attorney for the plaintiff must secure from the Delaware County Engineer, and file simultaneously with the complaint, a statement reflecting the acceptability, or lack thereof, of the description of the real estate, for transfer purposes. In the event that a new survey of the real estate is necessary in order to secure a legal description acceptable for transfer purposes, the cost thereof will be taxed as costs in the proceeding. In the event that the description of the real estate is not acceptable for transfer at the time of the filing of the complaint and as reflected upon the Delaware County Engineer's Statement, a new description acceptable for transfer purposes must be secured during the pendency of the case and prior to the issuance of an Order For Sale. The new description must be submitted to the Delaware County Engineer for a determination of acceptability of transfer and a statement pertaining thereto must be secured from the Delaware County Engineer, and the same will not issue unless the description of the real estate is acceptable for transfer by the Delaware County Engineer. (See [Appendix L](#))

**(C) Assignment of Note and Mortgage**

In actions for the marshaling and foreclosure upon liens, any party seeking judgment must file the following documentation:

- (1) A copy of the note and evidence that the plaintiff is the holder in due course of the note.

If the note does not reflect that the plaintiff is the holder, an assignment of the note must be filed, proving that the plaintiff is the holder of the note.

- (2) A copy of the mortgage and evidence that the plaintiff is the mortgagee of the mortgage. If the mortgage does not reflect that the plaintiff is the mortgagee, an assignment of the mortgage must be filed, proving that the plaintiff is the mortgagee.

**(D) Complaint for Foreclosure**

Upon filing and where applicable, complaints must have attached proof of assignment to the plaintiff from the original creditor or original party-in-interest to establish the plaintiff's standing. The court may dismiss the complaint without prejudice if the proof of assignment is not attached to the complaint.

**(E) Grounds for Dismissal**

Failure to comply with the foregoing provisions of this rule is grounds for dismissal of the case.

**(F) Exception**

This rule does not apply to any foreclosure brought by the State of Ohio, Delaware County, or any municipal corporation.

**(G) Inactive Case**

At the court's discretion, any case that is inactive for six months after judgment and not under a bankruptcy stay will be placed upon the court's inactive list. At that time, all costs must be paid. Any party seeking to reactivate an inactive case must pay a new deposit.

**RULE 2.17  
JUDICIAL SALES**

**(A) Conduct of Judicial Sale**

Public auctions of real estate levied upon by execution may be conducted by the sheriff, or, upon order of the court, by a private selling officer. The sheriff and the private selling officer are authorized by statute to conduct the auction online. This rule is intended to be read in conjunction with judicial sale procedures described by the sheriff or private selling officer.

**(B) Order of Appraisal**

- (1) On all sales upon execution of real estate, the judgment creditor shall file with the clerk of courts a praecipe requesting the issuance of an order of appraisal to the sheriff, who has the responsibility for obtaining an appraisal in accordance with statute.
- (2) Appraisers must be provided reasonable and proper fees.

**(C) Payment after Sheriff's Sale, Deposit, and Interest**

- (1) Residential Property. On all sales upon execution of residential real estate, except where

the judgment creditor is the purchaser at sale, the successful bidder as purchaser must present, at the time of the sale, a deposit in the amount applicable to the purchase price as required by R.C. 2329.211(A). If the judgment creditor is the purchaser, a sale deposit is not required.

- (2) Commercial Property. As required by R.C. 2329.211(B), on all sales upon execution of commercial real estate, the successful bidder as purchaser must present, at the time of the sale, a deposit of at least 10% of the amount of the appraised value, or another percentage as determined by the Court. In no event may the amount deposited be less than \$300.
- (3) Balance Due. The unpaid balance of the purchase price is due and payable to the sheriff or private selling officer within 30 days from the date of confirmation. The sheriff or private selling officer must submit the funds to the clerk of courts within 14 days of receipt.
- (4) Interest. The purchaser may be charged interest on the purchase price if it is not paid within 30 days from the date of confirmation. Interest will accrue at the annual rate of interest provided in R.C. 1343.03 from the date of confirmation to the date of payment of the balance.

Any interest received will be distributed to the parties entitled to distribution of the proceeds of sale in the proper order of priority. This rule does not apply when the purchaser is the plaintiff.

#### **(D) Return on Sale and Confirmation of Sale Entry**

- (1) Return on Sale. No later than the first Monday following the date of the sale, the sheriff or private selling officer must file the return with the clerk.
- (2) Cost Verification. Each attorney must utilize a Court Certificate of Release (see [Appendix K](#)) to verify the costs prior to the preparation of the confirmation entry.
- (3) Submission of Confirmation Entry. The plaintiff's attorney must prepare and deliver a proposed entry confirming the sale to the court for signature, and must serve copies upon all parties or their attorneys of record by regular mail, within seven days after the filing of the return on sale. It is not necessary to obtain the approval of other parties or their attorneys prior to submitting the proposed entry. Failure to prepare the confirmation entry and present it to the court within the time limits may result in sanctions.
- (4) Approval of Confirmation Entry. Unless a proper written objection to the proposed confirmation entry is presented to the court by a party or the party's attorney within 14 days after the filing of the return on sale, the proposed entry may be approved by the court and filed with the clerk. If a proper written objection is made, the court will determine the validity of the objection and make an order determining the issue.

- (5) Preparation of Deed. Within seven days following the filing of the court's entry confirming the sale, the attorney who files the writ of execution will prepare a deed to the purchaser. The deed must conform to the requirements of R.C. 2329.36 and must be delivered to the purchaser upon payment of the full purchase price and interest, if any, unless the purchaser is the plaintiff.

**(E) Failure to Complete Purchase – Sanctions**

In the event a purchaser fails to pay within 30 days the balance due on the purchase price—including all court costs, costs associated with preparation of the deed, and any other costs or fees—the purchaser may be held in contempt of court. Any attorney of record in the case may file requesting the court to require the purchaser to show cause why he should not be subject to statutory sanctions. Failure to timely pay the balance of the sale price may result in the forfeiture of the deposit.

**(F) Distribution of Excess Funds**

If the confirmation entry identifies excess funds, the court will order the clerk of courts to provide notice of the funds to any defendant who may claim an interest in those funds. To qualify for distribution, a defendant claiming an interest must provide the clerk of courts with proof of identity and the amount due and owing. When necessary, the court will conduct a hearing to determine who is entitled to receive the excess funds.

**III. CRIMINAL RULES  
OF PRACTICE AND PROCEDURE**

**RULE 3.1  
GENERAL APPLICATION**

These Local Rules supplement existing rules governing the courts of Ohio. In any case where the Ohio Rules of Criminal Procedure or Local Rules do not resolve the issue before the court, the Ohio Rules of Civil Procedure are to be consulted.

**RULE 3.2  
GRAND JURY PROCEEDINGS**

**(A) Alternating of Presiding Judge**

The grand jury is overseen on an alternating basis of four-month sessions by the judges of the General Division of the Court of Common Pleas of Delaware County.

**(B) Transcription of Proceedings**

The court reporter or any other transcriber will not prepare transcripts of testimony of grand-jury proceedings except upon order of the judge.

**(C) Dismissal of Complaint**

Criminal cases filed in this court on which no final action is taken by the grand jury within 60 days may be dismissed by the court. If a witness's testimony or other critical evidence is not available, the case may be continued by the court on motion of the prosecuting attorney for a definite period of time and the continuance noted in the report of the grand jury. Continuances must be presented to and approved by the judge who is responsible for the grand jury for that term of court.

**(D) Alternate Grand Jurors**

Not more than seven alternates will be seated on the grand jury.

**RULE 3.3  
ARRAIGNMENTS**

**(A)** In all cases in which the prosecuting attorney has requested service of process to be accomplished by means of a summons, the sheriff will serve a copy of the judgment entry scheduling the arraignment and the notice of the right to appointed counsel upon the defendant at the time of the service of the indictment and summons.

**(B)** In all cases in which the prosecuting attorney has requested the service of process to be accomplished by means of a warrant, an arraignment will be scheduled immediately following the sheriff's return of the warrant to the clerk's office.

**RULE 3.4  
TRANSPORT OF PRISONER TO COURT**

Where a defendant is incarcerated in a location other than the Delaware County Jail, defense counsel must confirm a defendant's location and submit a conveyance or transport order to the court at least seven days prior to any hearing where the defendant's presence is required or requested.

**RULE 3.5  
BAIL FORFEITURE**

Notice of bail forfeiture will be sent by the clerk to the defendant and to the surety in a form as may be approved by the court. The defendant and surety, on or before the date set forth, shall show good cause why judgment should not be entered against them. If judgment is entered against the defendant and surety, no surety will be released nor will any penalty be released or remitted except upon the filing of a written verified application setting forth in detail the reasons why a release or reduction should be granted.

**RULE 3.6  
INACTIVE CRIMINAL CASES**

Criminal cases in which further proceedings are not presently possible will be placed on inactive

status and considered closed for statistical purposes and may be subject to dismissal for want of prosecution. A case will be removed from that list when the defendant is available and proceedings resume or when the case is dismissed. Such cases will include those in which the defendant is not competent to stand trial, is confined in a penal institution in another state, has not been served, or cannot be found.

**RULE 3.7**  
**NOLLE PROSEQUI PROCEDURE**

When the prosecuting attorney desires to voluntarily dismiss any criminal case under Crim.R. 48(A), a motion must be filed setting forth sufficient grounds for the requested relief and a proposed judgment entry submitted.

**RULE 3.8**  
**MOTIONS AND DISCOVERY**

**(A) Motions**

- (1) The filing and consideration of motions in a criminal case is governed in general by Crim.R. 12 and Local Rule 1.7. A party may request a hearing in advance of trial to address a pending motion.
- (2) A courtesy copy of all motions and other written filings must be submitted to the judge by the attorney or party making the filing as provided in Local Rule 1.7.
- (3) Once a motion has been filed, any response to the motion must be filed and served upon opposing counsel no later than the fourteenth day following the filing of the motion, unless the court orders otherwise. A reply memorandum may be filed by the movant and served upon opposing counsel within seven days after service of the response.

**(B) Discovery**

Discovery is to be conducted in a manner that will eliminate delay and unnecessary expense. Upon demand for discovery, it is the duty of a party to promptly respond to the request. In any event, discovery should be provided within 14 days from the date of receipt of the demand, except in capital cases. The failure of a party to timely and fully respond may lead to the exclusion of evidence at trial.

**RULE 3.9**  
**INDIGENT DEFENDANTS**

**(A) Appointments**

The Delaware County Public Defender's Office is responsible for indigent defense and may suggest the appointment of an attorney from the list of attorneys that is on file with the public defender's office.

- (1) Before defense counsel is appointed, a defendant must file a completed affidavit of indigence with the Public Defender's Office. The sole responsibility for determining the eligibility of a defendant for court-assigned counsel rests with the public defender's office. Eligibility will be determined according to the Ohio Public Defender Commission standards.
- (2) Attorneys who wish to be appointed to represent indigent defendants must complete an application for appointment as assigned counsel and meet the following criteria:
  - (a) be licensed to practice law in Ohio;
  - (b) be in good standing with the Supreme Court of Ohio;
  - (c) for trial level cases only, either (i) maintain an office in Delaware County or (ii) live in Delaware County and have arranged to meet with clients at a law office located in Delaware County; and
  - (d) maintain professional liability insurance as required by the Ohio Rules of Professional Conduct.
- (3) Appointments will be distributed as widely as possible among attorneys on a rotating system designed to pair the defendant's level of offense with an attorney who meets the qualifications for assignment as established by the Ohio Public Defender Commission standards. The public defender's office may appoint an attorney who is not next in sequence if an attorney who is next in sequence does not respond to the inquiry from the public defender's office within a reasonable time, is unavailable to represent the defendant, has a conflict, or the interests of justice require the appointment of a specific attorney instead of the next available attorney. If the public defender's office passes over the name of an attorney for any reason, the public defender's office will return to that attorney for the next appointment to the extent administratively feasible. If the attorney continues to not respond to inquiries from the public defender's office or if the attorney refuses a second time to represent a defendant due to unavailability, the office will not return to the attorney until the next rotation.
- (4) Not more than one attorney per indigent defendant will be appointed, unless the judge otherwise orders.
- (5) Immediately upon selection of an attorney, the Public Defender's Office will notify the judge of the suggested appointment, and the judge will file the appropriate entry appointing the attorney, unless the judge decides that the attorney is not suitable for that particular defendant or that case. The attorney should perform all duties as warranted by the facts of the case and must act in a professional manner. The attorney must personally represent the defendant for whom he or she was appointed and must not, absent an emergency, allow substitute counsel to represent the defendant.

- (6) The attorney must have a working phone with a secretary or voicemail in order to respond timely to calls from the court or the defendant. The attorney must also have a mailbox in the courthouse and is responsible for checking the mailbox on a regular basis so as to remain informed of scheduling entries and other case-related communication unless an alternative or electronic form of communication has been established and approved by the court.
- (7) Any court-appointed attorney who seeks to withdraw from representing a defendant must act in a manner consistent with the Ohio Rules of Professional Conduct.
- (8) Biennially, the Public Defender's Office will re-certify the list of attorneys approved for court assignments to ensure the attorneys continue to comply with requirements stated in OAC 120-1-10 and with the requirements in this Local Rule. The judges of the court will periodically review the list of attorneys approved for court assignments to ensure that the attorneys on the list remain qualified to represent felony defendants and that the work of those attorneys continues to meet the ethical standards set by the Ohio Rules of Professional Conduct. The judges of the court will also periodically review the appointments to ensure an equitable distribution of appointments. Per Sup.R. 8(F), persons pre-qualified to serve are not assured a substantially equal number of appointments. No person is granted a legal right or claim by virtue of this rule.
- (9) An attorney may be removed from the list for court-appointment assignments for good cause, including but not limited to the following reasons:
  - (a) failure to maintain licensure to practice law in the State of Ohio and to remain in good standing with the Supreme Court of Ohio;
  - (b) failure to meet the criteria established in this Local Rule;
  - (c) routine failure to respond timely to the public defender's office's attempts to assign cases or repeated refusal to accept assignment of cases without a valid reason, such as a conflicting interest;
  - (d) routine failure to respond to attempts by a judge's staff to schedule hearings;
  - (e) routine failure to attend scheduled court hearings or to arrive timely;
  - (f) routine failure to adequately prepare for court hearings;
  - (g) routine failure to maintain appropriate contact with clients;
  - (h) routine refusal of referred cases; and
  - (i) routine failure to timely submit the motion, entry, and certification for court-appointed counsel fees.

(10) In making appointments, the court will comply with Sup.R. 8.

**(B) Pay and Time Records**

Any attorney appointed to provide legal representation for an indigent defendant will be compensated according to a schedule approved by the county commissioners. Counsel must maintain itemized time records for each appointed case showing the dates of service, nature of services rendered, and hours worked. Counsel's itemized time records must be provided to the court upon request.

**(C) Reimbursement of Expenses**

- (1) A court-appointed attorney will be reimbursed for reasonable expenses of up to \$250 without prior approval of the judge. No allowance will be approved for fixed law-office overhead, daily copies of transcripts, or depositions, except as provided by law.
- (2) Expenses in excess of \$250 must be submitted to the judge for approval prior to their incurrence. All expenses must be documented with receipts.
- (3) Reasonable expenses include, but are not limited to, the fees paid to investigators or experts whose services are reasonably necessary for the proper representation of an indigent defendant charged with a felony. The factors to be considered by the judge are:
  - (a) the value of the service to the defendant's proper representation at trial; and
  - (b) the availability of alternatives that would fulfill the same functions as the service sought.
- (4) Upon motion and for good cause, the judge may order that the judgment entry authorizing the services be sealed and maintained by the clerk, along with all other original papers in the criminal case.

**(D) Extraordinary Fees**

- (1) An attorney's fees in excess of those set forth above may be granted by the judge in a Complex Case or in other extraordinary circumstances.
- (2) "Complex Case" is a case designated by the judge as such because that case involves multiple counts dealing with multiple separate incidents and involves an extraordinary amount of trial preparation or trial time.

**(E) Timing for Requests for Compensation and Reimbursement**

Requests for compensation must be made by each appointed attorney on forms supplied by the Ohio Public Defender Commission. The requests for compensation and reimbursement must be filed within the time guidelines established by the Ohio Public Defender Commission. An

attorney will be denied reimbursement for failure to meet the time deadlines or to comply with other reimbursement requirements. Attorneys should submit bills no later than 45 days after the last court date.

**RULE 3.10**  
**MENTAL HEALTH DOCKET**

Recognizing that a mentally-ill offender poses special challenges to the criminal justice system, the court has created the mental health docket with the intent of protecting the community by reducing the recidivism of offenders with mental health disorders by improving and expediting the delivery of services to mentally ill criminal defendants through intense supervision and treatment. The full program description may be found in [Appendix H](#).

**RULE 3.11**  
**RECOVERY DOCKET**

Recognizing that the offender who has a drug or alcohol disorder poses special challenges to the criminal justice system, the court has created the recovery docket with the intent of protecting the community by reducing the recidivism of offenders who are diagnosed with a drug and/or alcohol disorder by improving and expediting the delivery of services to the addicted criminal defendants through intense supervision and treatment. The full program description may be found in [Appendix I](#).

**RULE 3.12**  
**NEGOTIATIONS**

(A) All plea agreements must be: (1) reduced to writing; and (2) signed and dated by the assistant prosecuting attorney assigned to the case, defense counsel, and the defendant.

(B) The plea agreement must be stated on the record at the change-of-plea hearing. Failure to comply with this Local Rule may result in the court's refusal to proceed with any change-of-plea hearing.

**RULE 3.13**  
**DAILY COPIES OF TRANSCRIPTS**

Daily copies of transcripts to counsel in criminal cases will not be ordered, provided for, or permitted except in those cases where the sound discretion of the judge would require it in the interest of justice.

**RULE 3.14**  
**DISCLOSURE OF PRE-SENTENCE REPORTS**

If a presentence-investigation report is prepared, it will be sent to the judge and made available for review by defense counsel (or by the defendant if he is unrepresented) and the prosecuting

attorney.

**RULE 3.15  
SURETY BAIL BOND REGISTRATION**

**(A) Registration**

All bond agents and surety companies seeking to do business in the General Division of the Delaware County Court of Common Pleas must apply and file their required credentials by the first day of April of each odd-numbered year, in accordance with R.C. 3905.87. An application may be obtained at the clerk of courts or online at <https://clerkofcourts.co.delaware.oh.us/>. Registration after this date will require the filing of a petition and approval by the court. The Petition for Judicial Approval for Surety Bail Bond Agent Registration may be obtained at the clerk of courts or online at <https://clerkofcourts.co.delaware.oh.us/>.

**(B) Failure to Produce**

Upon a defendant's failure to appear at a scheduled hearing or trial, unless good cause is shown, the court will issue a warrant for the defendant's arrest, revoke previously established terms and conditions of bond, and order the forfeiture of the posted surety bond. A notice for a show-cause hearing will be issued to the bail-bond agent that he/she will have not less than 45 days but not more than 60 days to bring the defendant before the court. If the bail-bond agent is unable to secure the defendant's appearance within this time frame, judgment will be entered against the surety.

**(C) Cancellation**

Pursuant to R.C. 3905.932(K), a bail bond agent may not execute a bond in this state if a judgment has been entered on a bond executed by the bail-bond agent, and that judgment has remained unpaid for at least 60 days, unless the full amount of the judgment is deposited with the clerk of courts. Therefore, if a judgment remains unpaid for 60 days, registration with the clerk of courts under R.C. 3905.87 will be cancelled. In accordance with R.C. 3905.87(A), the bail-bond agent will not thereafter be permitted to post bonds at the court until the current obligations are met and credentials are submitted for registration during the next registration period.

**IV. JURY-RELATED RULES**

**RULE 4.1  
OPPORTUNITY FOR SERVICE**

**(A)** The opportunity for jury service will 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 or person.

**(B)** Consistent with R.C. 2313.12, jury service is an obligation of all registered voters of Delaware County who are not otherwise entitled to apply for a statutory excuse as provided in

R.C. 2313.13 and R.C. 2313.14.

(C) The Ohio Trial Court Jury Use and Management Standards as set forth in Appendix B to the Rules of Superintendence are incorporated by reference.

**RULE 4.2**  
**JURY-SOURCE LIST**

(A) As provided in R.C. 2313.06, the Delaware County Board of Elections will compile and file with the jury commissioners no later than March 1, July 1, and November 1 of each year, a certified current list containing the names, addresses, and dates of birth of all electors of Delaware County as of the date the list is filed or as close to that date as possible.

(B) The list should include all registered voters in Delaware County, Ohio.

(C) The jury commissioners should exclude from the annual jury list the names of jurors permanently excused under R.C. 2313.14 and jurors discharged under R.C. 2313.21. A copy of the annual list must be certified by the jury commissioners and filed in the clerk's office.

**RULE 4.3**  
**RANDOM-SELECTION PROCEDURES**

(A) As soon as practicable after receipt of an updated computerized elector list from the Delaware County Board of Elections and after entry of the list into the court's automated data processing equipment and creation of an annual or supplemental jury source list, appropriate directions will be entered into the court's automated data processing equipment for purposes of randomly creating an annual jury list or supplemental annual jury list as contemplated by R.C. 2313.09. The method of selection will be documented.

(B) The annual or supplemental juror lists must comport with R.C. 2313.09, and a duplicate will be certified and filed in the clerk's office.

**RULE 4.4**  
**ELIGIBILITY FOR JURY SERVICE**

Eligibility for jury service must be in accordance with Standard 4 of the Ohio Trial Court Jury Use and Management Standards in Appendix B to the Rules of Superintendence and R.C. 2313.17.

**RULE 4.5**  
**TERM AND AVAILABILITY FOR JURY SERVICE**

(A) Not less than 14 days prior to the random selection of prospective jurors for each part of the Annual Term of court, the administrative judge, by judgment entry, will designate the total number of prospective jurors to be randomly selected for the General Division of the Court of

Common Pleas of Delaware County, for the Probate-Juvenile Division of the Court of Common Pleas of Delaware County, and for the Delaware Municipal Court.

**(B)** Not less than 14 days prior to the random selection of prospective jurors for each part of the Annual Term of court for service in the General Division of the Court of Common Pleas of Delaware County, the administrative judge, by judgment entry, will separate prospective jurors into panels of equal number and assign dates on which the jurors should first report for jury service.

**(C)** At least six days prior to the random selection of prospective jurors for each part of the Annual Term of court, jury commissioners will publish a Notice of Drawing of Jurors in a newspaper of general circulation in Delaware County.

**(D)** At least six days prior to the random selection of prospective jurors for each part of the Annual Term of court, Written Notice of the Drawing of Jurors will be served on the clerk of courts of the Delaware County Court of Common Pleas and the administrative judge of the General Division of the Delaware County Court of Common Pleas, unless a signed waiver is executed and filed with the clerk of courts.

**(E)** The first 150 persons, or such other number as the court may so designate in a judgment entry, whose names are randomly selected from the annual jury list for Part I, Part II, and Part III of each Annual Term of Court will serve as grand jurors in the General Division of the Court of Common Pleas of Delaware County.

**(F)** The next 2,100 persons, or such other number as the court may so designate in a judgment entry, whose names are randomly selected from the annual jury list for Part I, Part II, and Part III of each Annual Term of Court will serve as petit jurors in the General Division of the Court of Common Pleas of Delaware County.

**(G)** The next 100 persons, or such other number as the court may so designate in a judgment entry, whose names are randomly selected from the annual jury list for Part I, Part II, and Part III of each Annual Term of Court will serve as petit jurors in the Probate-Juvenile Division of the Court of Common Pleas of Delaware County.

**(H)** The next up to 640 persons, or such other number as the court may so designate in a judgment entry, who are randomly selected from the annual jury list for Part I, Part II, and Part III of each Annual Term of Court will serve as petit jurors in the Delaware Municipal Court.

**(I)** In addition to the 2,990 jurors to be summoned as described above, the jury commissioners will create a list of up to 400 other persons whose names will also be randomly selected. Those persons will be kept in reserve during the year and will not be summoned unless needed.

**RULE 4.6**  
**NOTIFICATION AND SUMMONING PROCEDURES**

(A) Immediately following the random selection of prospective jurors for each part of the Annual Term of Court, the Jury Office will mail a Summons to Serve as a Juror with a return service including Juror Questionnaires, Request for Excuse Form, Juror Information Sheets, Report Dates, Maps, Parking Pass, and a stamped self-addressed return envelope to each prospective juror selected for service in the General Division of the Court of Common Pleas of Delaware County.

(B) The notice summoning a person to jury service will be set forth in a single document that is phrased in a manner that is readily understood by an individual unfamiliar with the legal and jury systems. The notice will be delivered by ordinary mail and will clearly explain how and when the recipient must respond. The notice will also explain the consequences of failure to respond.

(C) Jurors who fail to report for service may be scheduled for a contempt hearing before the judge to inform the judge as to why they did not appear. Sanctions may be imposed as warranted.

(D) At the discretion of the judge's office, jurors may be provided with a "reminder letter" one week prior to their scheduled jury service. Jurors also will be provided with a pre-recorded jury service message and a toll-free number, as well as a web page, for purposes of informing them as to whether their jury service is needed on a specific date. The jury-service message will be activated on Friday before a Monday or Tuesday trial and will be functional throughout the weekend, and will be activated on any other weekday immediately preceding the day of trial. The time for activating the recorded message will be at the direction of the judge.

#### **RULE 4.7**

#### **STATUTORY EXCUSE**

##### **(A) Statutory Excuses – Generally**

All automatic excuses or exemptions from jury service shall be eliminated except for those exemptions provided in Ohio law. The judges or jury commissioners will excuse prospective jurors in accordance with R.C. 2313.14 and R.C. 2313.15.

##### **(B) Requests for Excuses from Jury Service and Timing**

- (1) A prospective juror who requests to be excused from jury service pursuant to R.C. 2913.14(A) must take all actions necessary to obtain a ruling on that request by not later than the date on which the prospective juror is scheduled to appear for jury duty.
- (2) Pursuant to R.C. 2913.14(A)(6), a prospective juror who requests to be excused because the juror is over 75 years of age must inform the court of the prospective juror's request to be so excused no later than the date on which the prospective juror is scheduled to appear for jury duty. The prospective juror must inform the court of the request to be so excused by appearing in person or by contacting the court by telephone, in writing, or by electronic mail.

##### **(C) Continuing Hardship**

- (1) A prospective juror may request to be excused or have his or her jury service deferred because his or her service would be a continuing hardship to them or members of the public.
- (2) For purposes of this section, continuing hardship involves circumstances in which any of the following apply:
  - (a) The prospective juror would be required to abandon a person under the prospective juror's personal care or supervision due to the impossibility of obtaining an appropriate substitute caregiver during the period of participation in the jury pool or on the jury;
  - (b) The prospective juror would incur costs that would have a substantial adverse impact on the payment of the prospective juror's necessary daily living expenses or on those for whom the prospective juror provides the principal means of support; or
  - (c) The prospective juror would suffer physical hardship that would result in illness or disease.
- (3) Continuing hardship does not exist solely based on the fact that a prospective juror will be required to be absent from the prospective juror's place of employment.
- (4) A prospective juror who asks to be excused because of a continuing hardship must provide the judge with documentation that the judge finds sufficient to support the request to be excused. If a prospective juror fails to provide satisfactory documentation, the court may deny the request to be excused.

**(D) Deferrals for Service**

A judge or jury commissioner may grant a deferral for jury service. Any such deferral must be for a reasonably short period of time.

**(E) Records**

The jury commissioners will keep a record of all proceedings before them or in their office, of all persons who are granted an excuse or deferral, and of the time of and reasons for each excuse or deferral.

**RULE 4.8  
JUROR QUESTIONNAIRES**

(A) The juror questionnaire will be phrased and organized so as to facilitate quick and accurate screening and will request only that information essential for: (1) determining whether a person meets the criteria for eligibility; (2) providing basic background information ordinarily sought during voir dire examination; and (3) efficiently managing the jury system.

(B) A numerical list of prospective jurors and copies of prospective jurors' questionnaires will be provided to counsel, upon request, one week prior to trial.

(C) Questionnaires must be returned to the court immediately following trial. No copying of questionnaires is permitted.

**RULE 4.9  
VOIR DIRE**

(A) The judge will initially conduct a preliminary voir dire examination of the entire prospective jury panel called for jury service. Counsel for the parties will thereafter be permitted to conduct an appropriate voir dire examination. Time limits on voir dire may be imposed based on the circumstances of the case.

(B) Voir dire examination will be limited to matters relevant to determining whether to remove a juror for cause and to determine the juror's fairness and impartiality.

(C) The judge will ensure that the privacy of the prospective jurors is reasonably protected and that counsel's questions are consistent with the purpose of the voir dire process.

(D) In both civil and criminal cases, the voir dire process will be held on the record.

(E) In both civil and criminal cases, the rules governing the voir dire examination will be as follows, unless the judge otherwise orders:

- (1) the case may not be argued in any way while questioning the jurors;
- (2) counsel may not engage in efforts to indoctrinate jurors;
- (3) jurors may not be questioned concerning anticipated instructions or theories of law;
- (4) jurors may not be asked what kind of verdict they might return under any circumstance;  
and
- (5) questions are to be asked collectively of the entire panel whenever possible.

**RULE 4.10  
REMOVAL FROM THE JURY PANEL FOR CAUSE**

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

(B) In civil cases, prospective jurors may be challenged for cause for those reasons specifically

set forth in R.C. 2313.17.

(C) In criminal cases, prospective jurors may be challenged for cause for those reasons specifically set forth in Crim.R. 24(C) and R.C. 2945.25.

**RULE 4.11  
PEREMPTORY CHALLENGES**

Procedures for exercising peremptory challenges will be in accordance with Civ.R. 47(C) and Crim.R. 24(D) & (E).

**RULE 4.12  
ADMINISTRATION OF THE JURY SYSTEM**

(A) The responsibility for administration of the jury system will be vested exclusively in the judges of the General Division for the Court of Common Pleas of Delaware County. If the judges are not able to agree, then the administrative judge will be responsible.

(B) All procedures concerning jury selection and service will be governed by these Local Rules and other applicable statutes and the Ohio Rules of Criminal Procedure and Civil Procedure.

**RULE 4.13  
MONITORING THE JURY SYSTEM**

The administrative judge will collect and analyze information regarding the performance of the jury system annually in order to evaluate the factors set forth in Standard 12 of the Ohio Trial Court Jury Use and Management Standards under the Rules of Superintendence.

**RULE 4.14  
JUROR USE**

The court will determine the minimally sufficient number of jurors needed to accommodate trial activity, taking into consideration the multiple assignment of criminal and civil cases on any given jury day. This information and appropriate management techniques will be used to adjust both the number of individuals summoned for jury duty and the number assigned to jury panels.

**RULE 4.15  
JURY FACILITIES**

The Board of County Commissioners of Delaware County must provide an adequate and suitable environment for jurors in accordance with Standard 14 of the Ohio Trial Court Jury Use and Management Standards under the Rules of Superintendence.

**RULE 4.16  
JUROR COMPENSATION**

(A) Persons called for jury service will receive a reasonable fee for their jury service, as determined by Resolution of the Delaware County Board of Commissioners.

(B) Grand-juror fees will be paid on a monthly basis.

(C) Prospective jurors will receive \$25 for each day they report to the Delaware County Courthouse for jury service. However, those actually seated on a trial will receive \$40 for each day of service. Jury fees will be paid within 60 days of actual jury service.

(D) Employers are prohibited from discharging, laying off, denying advancement, or otherwise penalizing employees who are absent from work because of jury service.

**RULE 4.17**

**JUROR ORIENTATION AND INSTRUCTION**

Each trial judge will provide orientation and instruction to persons called for jury service that is in conformity with Standard 16 of the Ohio Trial Court Jury Use and Management Standards in Appendix B of the Rules of Superintendence.

**RULE 4.18**

**JURY DELIBERATIONS**

Each trial judge will provide for deliberations in accordance with Standard 18 of the Ohio Trial Court Jury Use and Management Standards in Appendix B of the Rules of Superintendence.

## APPENDIX FORMS

**APPENDIX A**

IN THE COURT OF COMMON PLEAS, DELAWARE COUNTY, OHIO

:

IN RE: THE APPOINTMENT OF  
STANDING SPECIAL PROCESS  
SERVER

: AFFIDAVIT

---

I, \_\_\_\_\_, being first duly sworn and cautioned according to law, state that:

1. I reside at \_\_\_\_\_.

My telephone number is \_\_\_\_\_.

My email address is \_\_\_\_\_.

2. I am eighteen (18) years of age or older.

3. I am a United States citizen or legal resident of the United States.

4. I hold a valid government-issued identification card, passport, or driver's license.

5. I will not attempt to serve process in any case in which I am a party, counsel for a party, or have a familial relationship to any party.

6. I will not attempt to serve process in any case in which I have a financial interest in the outcome of the action.

7. I have not been convicted, within the last 10 years, of any felony, offense of violence, or offense involving dishonesty or false statement, and am not currently under community-control sanctions, probation, post-release control, or parole.

8. I am not currently a respondent subject to any civil protection order.

9. I am familiar with and will follow all applicable Local Rules and Ohio Rules of Civil Procedure. I will conduct myself in a professional manner. I will also obey any specific instructions for service of process as ordered by the Court in individual cases, including: *If a pleading is left with a person of a suitable age other than the person to be served, then return is marked as "residential service," and if the pleading is left with the individual to be served, then the return is marked as "personal service."*

10. I am going to be acting as an agent of \_\_\_\_\_.

\_\_\_\_\_  
Applicant

Sworn to before me and subscribed in my presence this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Notary Public

IN THE COURT OF COMMON PLEAS, DELAWARE COUNTY, OHIO

:

IN RE: THE APPOINTMENT  
OFSTANDING SPECIAL PROCESS  
SERVER

:

JOURNAL ENTRY APPOINTING  
PROCESS SERVER

---

It appearing to the Court that the applicant has satisfied the requirements of Civ.R. 4.1(D);  
The Court appoints \_\_\_\_\_ as a  
standing special process server. This order expires one year from the date it is filed unless modified  
earlier by the Court. Continued appointment beyond one year will require reapplication. Additionally,  
if \_\_\_\_\_ fails to satisfy the requirements set forth in Civ.R. 4.1(D) during the period  
of the appointment, the authority to serve under this order will cease.

**IT IS SO ORDERED.**

\_\_\_\_\_  
ADMINISTRATIVE JUDGE

**APPENDIX B**

IN THE COURT OF COMMON PLEAS OF DELAWARE COUNTY, OHIO

CLASSIFICATION FORM

CASE NO. \_\_\_\_\_

PLEASE INDICATE CLASSIFICATION INTO WHICH THIS CASE FALLS:

CIVIL

- ( ) Professional Tort----- A
- ( ) Product Liability----- B
- ( ) Other Torts----- C
- ( ) Workers' Compensation----- D
- ( ) Foreclosure----- E
- ( ) Administrative Appeal----- F
- \* Complex Litigation----- G
- \*Complex Litigation designation  
requires judicial approval. Sup.R. 42**
- ( ) Other Civil----- H

DOMESTIC RELATIONS

- ( ) Termination of Marriage, with children-- A
- ( ) Termination of Marriage, no children--- B
- ( ) Dissolution of Marriage, with children-- C
- ( ) Dissolution of Marriage, no children--- D
- ( ) Change of Custody----- E
- ( ) Visitation Enforcement/Modification---- F
- ( ) Support Enforcement/Modification----- G
- ( ) Domestic Violence----- H
- ( ) U.I.F.S.A.----- I
- ( ) All Others----- K

PLEASE PRINT OR TYPE THE INFORMATION REQUESTED BELOW

DATE: \_\_\_\_\_

TRIAL ATTORNEY: \_\_\_\_\_

Ohio Supreme Court  
Registration No.: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Telephone: \_\_\_\_\_

Fax Number: \_\_\_\_\_

Email Address: \_\_\_\_\_

**APPENDIX C**

**IN THE COURT OF COMMON PLEAS, DELAWARE COUNTY, OHIO  
COURT CERTIFICATE OF RELEASE**

To: \_\_\_\_\_  
(Recorder or Clerk of Courts)

Case No: \_\_\_\_\_

The below lien is released \_\_\_\_\_ satisfaction by proceeding of Delaware County, Ohio, in the case of:  
(with or without)

\_\_\_\_\_ vs \_\_\_\_\_  
Plaintiff Defendant

**Type of Release:**

- |   |   |  |
|---|---|--|
| <input type="checkbox"/> Mortgage Release | <input type="checkbox"/> Lease                | <input type="checkbox"/> Certificate of Judgment |
| <input type="checkbox"/> Mechanic's Lien  | <input type="checkbox"/> Federal Tax Lien     | <input type="checkbox"/> Other (specify below)   |
| <input type="checkbox"/> Vendor's Lien    | <input type="checkbox"/> Bureau of Employment |  |
| <input type="checkbox"/> Assignment       |   |  |

**Lien filed by:** Other: \_\_\_\_\_  
Name: \_\_\_\_\_ Date: \_\_\_\_\_ Vol.: \_\_\_\_ Pg: \_\_\_\_\_

**Lien assigned to:** (if applicable)  
Name: \_\_\_\_\_ Date: \_\_\_\_\_ Vol.: \_\_\_\_ Pg: \_\_\_\_\_

**Lien filed against:** \_\_\_\_\_

\_\_\_\_\_ Release of Property (*Attach complete description if partial release; no  
(Full or Partial) description needed if full release.*)

Other Comments: \_\_\_\_\_

Approved for Recording by: \_\_\_\_\_ Fee: \$ \_\_\_\_\_  
(Recorder's or Clerk's Office) Date

Issued To: \_\_\_\_\_ on \_\_\_\_\_ Fee: \$ \_\_\_\_\_  
(Recorder or Clerk) Date

**NATALIE FRAVEL, CLERK OF COURTS  
DELAWARE COUNTY, OHIO** By: \_\_\_\_\_  
Deputy Clerk

**Instructions**

1. Complete one form for each release
2. Send to Delaware County Recorder's Office for approval and fee information on each Recorder's Release, and/or Send to Delaware County Clerk of Court's office for approval and fee information on each lien filed in the Clerk's office.
3. File each original Court Certificate of Release at the time of filing the Confirmation Entry.
4. File each original plus one copy if you would like a file-stamped copy returned to you.

**ALL RELEASE INFORMATION MUST MATCH THE CONFIRMATION ENTRY**

**Appendix D**

OFFICE OF THE DELAWARE COUNTY ENGINEER

To: The Court of Common Pleas of Delaware County, Ohio

STATEMENT OF (ACCEPTABILITY) (NONACCEPTABILITY)  
OF LEGAL DESCRIPTION FOR TRANSFER PURPOSES

I hereby certify that the description of the premises hereinafter set forth and listed in the Delaware County Engineer's Office as standing in the name(s) of:

---

---

---

---

---

is (acceptable) (non-acceptable) to this office for the purposes of transfer.

[SET OUT DESCRIPTION]

DATED:

---

---

Delaware County Engineer

By:

---

## APPENDIX E

In accordance with Local Rule 1.19, this Technology Plan provides an overview of the General Division of the Delaware County Court of Common Pleas' 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.

The purpose of this Plan is to:

- Define how the Court uses technology to support its requirements for case management, case filing, recordkeeping, efficient communications, and administrative functions;
- Provide a comprehensive list of the Court's IT environment;
- Assist the Court in more readily identifying opportunities for improved efficiency and cost savings through the use of technological solutions; and
- Promote the alignment of IT initiatives with the goals of the Court.

### A. Case Management

The Court uses the following applications to manage its docket and related case records (e.g., case management software, digital notification applications, etc.):

APPLICATION	PURPOSE	HOW USERS RECEIVE INSTRUCTIONS	DEPT/ROLE RESPONSIBLE
CourtView	Case management software utilized by Court staff and Clerk of Courts	Staff Training Vendor training materials	Experienced Staff IT Department
SmartBench	Program utilized by Judges and Court staff to assist with case management	Staff Training Vendor training materials	Experienced Staff IT Department

The Court uses *CourtView* as its case management system. *Courtview* contains docketing, case-related financial information, and internal case notes. This application is used by both Court staff and the Clerk of Courts' Office. Employees receive instruction from experienced staff members and are provided with how-to guides for certain *CourtView* functions.

*SmartBench* is a software application available to the Judges and Court staff. The software pulls in the information from *CourtView* to allow for judges to easily view their daily dockets and associated case information. The software also provides a means for Judges to review motions and electronically sign entries. Employees receive instruction from experienced staff members and are provided with how-to guides for certain *SmartBench* functions.

## B. Clerk of Courts Functions

The Clerk of Courts uses the following applications to perform its clerk-related functions:

APPLICATION	PURPOSE	HOW USERS RECEIVE INSTRUCTIONS	DEPT/ROLE RESPONSIBLE
CourtView	Case management software utilized by Court staff and Clerk of Court	Vendor training materials, experienced staff training	Clerk of Courts Staff
OnBase	Digital document archiving	Vendor training materials, experienced staff training	Clerk of Courts Staff
PayPal	Online electronic payments integrated with Courtview	Vendor training materials, experienced staff training	Clerk of Courts Staff
Official Payments	Online electronic payments for non-case related transactions	Vendor training materials, experienced staff training	Clerk of Courts Staff
Pro-Scan	Transfers old microfiche records into OnBase	Vendor training materials, experienced staff training	Clerk of Courts Staff

See **Case Management Section** above for information on *CourtView* case management software.

*CourtView* has a module that sends digital reminders of hearing dates to parties. Text messages are sent seven days prior to the hearing and then one day prior to the hearing scheduled in the system. Criminal defendants are able to opt-in for the text reminders at any

stage of their proceeding. Criminal defendants are also able to opt-out of receiving text reminders at any time. Clerk of Courts employees are provided instruction as to how to activate the text reminders after a defendant opts-in and how to deactivate after a defendant opts-out.

The Court provides online access to case information and court documents through an online portal through *CourtView* available on the Clerk of Courts’ website. The public must agree to terms and conditions before entering the online case information website. The terms and the Court’s privacy policy align with Sup.R. 44 through Sup.R. 47 that restrict public access to certain types of case information, as well as policies under Ohio Court Security Standard 16 that protect confidential information. User instructions can be found on the portal webpage.

The Clerk of Courts uses *OnBase* to scan and electronically store court records and other documents. *ProScan* is also utilized to transfers old microfiche records into *OnBase*.

*PayPal* and *Official Payments* are used to accept online payments of court-related fees and fines. Users are provided with instructions on how to locate their case information and the amount due on the Clerk’s website. Users must agree to a terms and conditions policy before entering the online payment portal. *PayPal* integrates with *Courtview*.

### C. Evidence Management

The Court uses the following applications to manage the receipt, distribution, and retention of evidence:

APPLICATION	PURPOSE	HOW USERS RECEIVE INSTRUCTIONS	DEPT/ROLE RESPONSIBLE
Alerts Evidence Manager	Logging of physical exhibits	Training from experienced staff members and Evidence and Exhibit Room Manual	Experienced Staff Members
ShareBase	Method to Electronically share exhibits with the court and other parties	Training from experienced staff members and how-to guides	Experienced Staff Members
Nomad Evidence Cart	Display of evidence during court proceedings	Online videos and instruction from experienced staff members	Court Administrator

The Court utilizes *Alerts* to log evidence that is stored in the Court's evidence room.

The Court utilizes *ShareBase* when a party needs to share digital evidence with the Court in advance of the court proceeding. A link is provided to the party or attorney to upload their exhibits. That link can also be made available for the opposing party to view the uploaded exhibits.

The Court has *Nomad* Evidence Carts available in their Courtrooms. The cart allows the display of evidence through the built-in computer, the document camera, or by connecting a party's own external division. The evidence is displayed to monitors located at the counsel tables, witness stand, Judge's bench, and to the overhead projector for the jury and gallery to view. Instruction is available online and the court staff provide demonstrations and assistance to those who need to utilize the cart.

#### **D. Filing**

The Court and Clerk of Courts use the following applications to manage the filing of court documents:

<b>APPLICATION</b>	<b>PURPOSE</b>	<b>HOW USERS RECEIVE INSTRUCTIONS</b>	<b>DEPT/ROLE RESPONSIBLE</b>
CourtView	Electronic court filings	Clerk of Courts' website	Clerk of Courts
Fax machine	Electronic court filings	Clerk of Courts' website	Clerk of Courts

The Clerk of Courts staff accept filings electronically via *CourtView's* electronic filing module and fax in accordance with Local Rule 1.3. Users are required to register and create an account with the e-filing application. Instructions on how to file documents using each of these methods are placed on the Clerk's and Court's websites.

#### **E. Fiscal**

The Court uses the following applications for financial management and accounting:

<b>APPLICATION</b>	<b>PURPOSE</b>	<b>HOW USERS RECEIVE INSTRUCTIONS</b>	<b>DEPT/ROLE RESPONSIBLE</b>
OneSolution	Accounting software	Vendor training materials and training by experienced staff	Auditor's Office

Courtview	Case receipting and disbursements	Vendor training materials and training by experienced staff	Clerk of Courts
-----------	-----------------------------------	---	-----------------

The Court and Clerk of Courts uses *OneSolution* to perform financial management and accounting functions. This software is used to create and track purchase orders and invoices submitted to the Delaware County Court of Common Pleas. Employees receive training materials provided by the vendor and receiving training from experienced staff members.

## F. Hearings

The Court uses the following applications to conduct hearings and related proceedings:

APPLICATION	PURPOSE	HOW USERS RECEIVE INSTRUCTIONS	DEPT/ROLE RESPONSIBLE
Zoom	Remote Hearings	Vendor provided training materials and training by experienced staff	General Division
For the Record	Digital Recording	Vendor provided training materials and training by experienced staff	General Division

The Court provides remote hearing access to court users for cases that have been deemed appropriate by the Court through the *Zoom* application. Instructions for *Zoom* appearances can be found on the Court's website.

*For the Record* is the digital recording application that the Court uses to record court proceedings. Parties seeking a recording of a hearing or case must complete a request for transcript or audio copy of hearing form available on the Clerk of Courts' website. Access to this form is available on the Clerk of Courts' website.

## G. Human Resources

The Court uses the following applications to perform human resource functions:

APPLICATION	PURPOSE	HOW USERS RECEIVE INSTRUCTIONS	DEPT/ROLE RESPONSIBLE
OneSolution	Payroll	Vendor training materials and	Auditor's Office

		training by experienced staff	
Executime	Timesheets	Vendor training materials and training by experienced staff	Auditor's Office

The Court and Clerk of Courts' payroll applications are run through the *OneSolution* software that is maintained and operated by the County Auditor's office.

Court and Clerk of Courts employees record their time and make sick, vacation, and leave requests through *Executime*.

## H. Interfacing With Other Entities

The Court integrates with the following applications:

APPLICATION	PURPOSE	HOW USERS RECEIVE INSTRUCTIONS	DEPT/ROLE RESPONSIBLE
Ohio Courts Network	Case disposition and offender data sharing	Training provided by experienced staff	Experienced staff
Ohio Community Supervision System	Offender supervision, bond compliance monitoring, and information sharing about offenders	Vendor materials and training provided by experienced staff	Adult Court Services
Bureau of Criminal Investigation	Statutory reporting requirements	Vendor training	Clerk of Courts
JailTracker	Information on defendants located in the jail	Training provided by experienced staff	Jail Staff
FileZilla	Transfer of files between Ohio Attorney General, Supreme Court	Training provided by experienced staff	Clerk of Courts General Division

	of Ohio, Ohio BMV, and BCI		
--	-------------------------------	--	--

## I. Jury Management

The Court uses the following applications to manage its jury services:

APPLICATION	PURPOSE	HOW USERS RECEIVE INSTRUCTIONS	DEPT/ROLE RESPONSIBLE
Delaware County Jury Management System	Jury Management	Training provided by experienced staff	IT Department

The Court uses *Jury Court Manager* for jury management that enables communication from the Court to the public in a convenient and efficient manner. The application allows jurors to complete questionnaires online. Court employees received training materials from the IT Department.

## J. Adult Court Services

The Court uses the following application to perform probation services:

APPLICATION	PURPOSE	HOW USERS RECEIVE INSTRUCTIONS	DEPT/ROLE RESPONSIBLE
Ohio Community Supervision System	Offender supervision, bond compliance monitoring, and information sharing about offenders	Vendor materials and training provided by experienced staff	Adult Court Services
	To track offenders through GPS monitoring	Vendor materials and training provided by experienced staff	Adult Court Services

Adult Court Services utilizes the *Ohio Community Supervision System* to track supervision for each offender. The program allows for text reminders to defendants and video calls between the officer and the defendant.

## K. Public Access

The Court uses the following applications to provide access to the public (e.g., live streaming of hearings, online docket access, online calendar, etc.):

<b>APPLICATION</b>	<b>PURPOSE</b>	<b>HOW USERS RECEIVE INSTRUCTIONS</b>	<b>DEPT/ROLE RESPONSIBLE</b>
Online Docket	Provides access to the daily docket for each judge and magistrate	Training provided by experienced staff	IT Department
CourtView	Provides an online portal for the public to image court filings	Instructions for the public to perform searches is available on the portal	Clerk of Courts

The Court provides an online docket that is available on the Court's website and online access to case information.

## L. Special Accommodations

The Court uses the following applications to provide services for participants needing special accommodations:

<b>APPLICATION</b>	<b>PURPOSE</b>	<b>HOW USERS RECEIVE INSTRUCTIONS</b>	<b>DEPT/ROLE RESPONSIBLE</b>
Language Phone Line	Interpreter Services	Instructions are available for Judges on the Supreme Court's Website	General Division
Hearing Assist Devices	To provide hearing assist devices to amplify the sound during proceedings	Staff will assist the public with these devices	General Division

The Court provides interpreter services for court users through *Language Phone Line*. The Court has instructions and a quick reference guide to ensure that court users have timely access to an interpreter for their respective court hearing.

The Court provides a hearing assist device to those who need them. The devices are available at any time when requested during a hearing.

### **M. Website**

The Court and Clerk of Courts use the following application in the development and maintenance of its website:

<b>APPLICATION</b>	<b>PURPOSE</b>	<b>HOW USERS RECEIVE INSTRUCTIONS</b>	<b>DEPT/ROLE RESPONSIBLE</b>
WordPress	Provides the ability for Court staff to edit the website	Experienced staff training	IT Department

**APPENDIX F**

<b>(1) Schedule Number</b>	<b>(2) Record Title and Description</b>	<b>(3) Retention Period</b>	<b>(4) Media Type</b>	<b>(5) For use by Auditor of State or LGRP</b>	<b>(6) RC-3 Require d by LGRP</b>
22-1	Administrative Journals that consist of court entries, or a record of court entries, regarding policies and issues not related to cases (Sup.R. 26.01(A)/Local Rule 62.01)	Permanent	Multi		<input type="checkbox"/>
22-2	Annual reports-two copies of any annual report (Sup.R. 26.01(B)/Local Rule 62.02)	Permanent	Multi		<input type="checkbox"/>
22-3	Bank records (Sup.R. 26.01(C)/Local Rule 62.03)	3 years or until issuance of an audit report by the Auditor of State, whichever is later	Multi		<input type="checkbox"/>
22-4	Cash books, including expense and receipt ledgers (Sup.R. 26.01(D)/Local Rule 62.04)	3 years or until issuance of an audit report by the Auditor of State, whichever is later	Multi		<input type="checkbox"/>

22-5	Communication records, including routine telephone messages on any medium where official action will be recorded elsewhere (including voicemail) (Sup.R. 26.01(E)/ Local Rule 62.05)	May be destroyed in the normal course of business as soon as they are considered to be of no value by the person holding them	Multi		<input type="checkbox"/>
22-6	Correspondence and general office records, including all sent and received correspondence  (including hard copy, email, text messages, and unsolicited correspondence on any media) (Sup.R. 26.01(F)/ Local Rule 62.06)	May be destroyed in the normal course of business as soon as they are considered to be of no value by the person holding them	Multi		<input type="checkbox"/>
22-7	Drafts and informal notes consisting of transitory information used to prepare the official record in any other form  (Sup.R. 26.01(G)/ Local Rule 62.07)	May be destroyed in the normal course of business as soon as they are considered to be of no value by the person holding them	Multi		<input type="checkbox"/>
22-8	Employment applications for posted positions (Sup.R. 26.01(H)/ Local Rule 62.08)	2 years	Multi		<input type="checkbox"/>
22-9	Employee benefit and leave records, including court office copies of life and medical insurance records (Sup.R. 26.01(I)/ Local Rule 62.09)	3 years or until issuance of an audit report by the Auditor of State, whichever is later	Multi		<input type="checkbox"/>

22-10	Employee history and discipline records concerning the hiring, promotion, evaluation, attendance, medical issues, discipline, termination, and retirement of court employees (Sup.R. 26.01(J)/ Local Rule 62.10)	10 years after termination of employment	Multi		<input type="checkbox"/>
22-11	Fiscal records, including copies of transactional budgeting and purchasing documents maintained by another office or agency (Sup.R. 26.01(K)/ Local Rule 62.12)	3 years or until issuance of an audit report by the Auditor of State, whichever is later	Multi		<input type="checkbox"/>
22-12	Grant records, including records of grants made or received by the Court (Sup.R. 26.01(L)/ Local Rule 62.06)	3 years after the expiration of the grant	Multi		<input type="checkbox"/>
22-13	Payroll records of personnel time and copies of payroll records maintained by another officer or agency (Sup.R. 26.01(M)/ Local Rule 62.13)	3 years or until issuance of an audit report by the Auditor of State, whichever is later	Multi		<input type="checkbox"/>
22-14	Publications received (Sup.R. 26.01(N)/ Local Rule 62.14)	May be destroyed in the normal course of business as soon as they are considered to be of no value by the person holding them	Multi		<input type="checkbox"/>
22-15	Receipt and balancing records (Sup.R. 26.01(O)/ Local Rule 62.15)	3 years or until issuance of an audit report by the Auditor of State, whichever is later	Multi		<input type="checkbox"/>

22-16	Requests for proposals/bids, proposals/bids, and resulting contracts (Sup.R. 26.01(P)/ Local Rule 62.16/RC § 2305.06)	<u>Successful/ Awarded:</u> 8 years after the later of contract or project completion or expiration of the contract that is awarded.  <u>No Award:</u> 3 years.	Multi		<input type="checkbox"/>
22-17	Supreme Court Report (monthly) (Sup.R. 26.01(G))	3 years	Multi		<input type="checkbox"/>
22-18	Exhibits, depositions, and transcripts (tendered/offered as an exhibit in a case by a party to the litigation) (Sup.R. 26(F)/Local Rule 61.06)	At the conclusion of litigation, including times for direct appeal, these items may be destroyed if all of the conditions in Sup.R. 26(F)/Local Rule 61.06 have been met	Multi		<input type="checkbox"/>
22-19	Judge, magistrate, and clerk notes, drafts, and research prepared for the purpose of compiling a report, opinion, or other document or memorandum (Sup.R. 26.01(G))	Destroyed at the discretion of the preparer	Multi		<input type="checkbox"/>

22-20	Venires, Jury Questionnaires, Excuses, Sign-In Sheets, Seating Charts, Records of Payment of Jurors, and Other Petit Jury Records (Sup.R. 26.03(F)(1),(2), and (5))/Local Rule 63.06(A), (B), and (E))	Death penalty case or real estate case that resulted in a final judgment determining title or interest in real estate - retain permanently. All other cases - retain for 12 years after final order of the General Division. Payment records should be retained in accordance with the above or until audited.	Multi		<input type="checkbox"/>
22-21	Court Steno Notes (Sup.R. 26.03(F)(1),(2), (4), and (5) /Local Rule 63.06(A), (B), and (E))	Death penalty case or real estate case that resulted in a final judgment determining title or interest in real estate - retain permanently. Voluntarily dismissed case - retain for 3 years after the date of the dismissal. All other cases - retain for 12 years after final order of the General Division.	Multi		<input type="checkbox"/>
22-22	Index, Docket, and Journal (Sup.R. 26.03(D)/Local Rule 63.04)	Permanent	Multi		<input type="checkbox"/>

22-23	Bulletins, posters, general notices, and displays (Does not include exhibits. See 22-18 for exhibits.) (Sup.R. 26.01(G))	May be destroyed in the normal course of business as soon as they are considered of no value by the Court	Multi		<input type="checkbox"/>
22-24	Blank forms (Sup.R. 26.01(G))	May be destroyed in the normal course of business as soon as they are considered of no value by the Court	Multi		<input type="checkbox"/>
22-25	Case Files (R.C. § 2301.141/Sup. R. 26.03(F)(1)-(5)/Local Rule 63.06(A)-(E))	Death penalty case or real estate case that resulted in a final judgment determining title or interest in real estate - retain permanently. Voluntarily dismissed case - retain for 3 years after the date of the dismissal. All other cases - retain for 12 years after final order of the General Division. Documents within a case file admissible as evidence of a prior conviction in a criminal proceeding -retain for 50 years after the final order of the General Division.	Multi		<input type="checkbox"/>

22-26	Computer generated administrative & fiscal reports (Sup.R. 26.01(G))	May be destroyed in the normal course of business as soon as they are considered of no value by the person holding them	Multi		<input type="checkbox"/>
22-27	Search Warrant Records (Sup. R. 26(F)((3)/Local Rule 63.06(C))	Warrants and returns - retain in their original form for 5 years after the date of service or last service attempt.	Multi		<input type="checkbox"/>
22-28	Business Cards (Sup.R. 26.01(G))	May be destroyed in the normal course of business as soon as they are considered of no value by the person holding them	Multi		<input type="checkbox"/>
22-29	Planning, Scheduling, Calendar information and data (Sup.R. 26.01(G))	May be destroyed in the normal course of business as soon as they are considered of no value by the person holding them	Multi		<input type="checkbox"/>
22-30	Facsimile logs, cover sheets, confirmation notices (Sup.R. 26.01(G))	May be destroyed in the normal course of business as soon as they are considered of no value by the Court	Multi		<input type="checkbox"/>
22-31	Public Records Requests and Public Request Log	3 years then review for administrative or historical value	Multi		<input type="checkbox"/>

22-32	Contracts and Service Agreements (Sup.R. 26.01(P)/ Local Rule 62.16/RC § 2305.06) (Also see 22-16 - Requests for proposals/bids, proposals/bids, and resulting contracts.)	8 years after the later of contract or project completion or expiration of the contract.	Multi		<input type="checkbox"/>
22-33	Presentence Investigations (Sup. R. 26.03(F)(1) and (5)/ Local Rule 63.06 (A) and (E))	Death penalty case - retain permanently. All other cases - retain for 12 years after final order of the General Division.	Multi		<input type="checkbox"/>
22-34	Forensic Examinations (Sup. R. 26.03(F)(1) and (5)/ Local Rule 63.06 (A) and (E))	Death penalty case - retain permanently. All other cases - retain for 12 years after final order of the General Division.	Multi		<input type="checkbox"/>
22-35	Victim Impact Statements (Sup. R. 26.03(F)(1) and (5)/ Local Rule 63.06 (A) and (E))	Death penalty case - retain permanently. All other cases - retain for 12 years after final order of the General Division.	Multi		<input type="checkbox"/>
22-36	Court Proceedings Recordings	Permanent	Multi		<input type="checkbox"/>
22-37	Requests for ODRC Transitional Control	Maintain until no longer of an administrative or legal value	Multi		<input type="checkbox"/>

22-38	Notices from Parole Boards of Hearings	Maintain until no longer of an administrative or legal value	Multi		<input type="checkbox"/>
22-39	Recovery Docket and Mental Health Docket Reports	Maintain until no longer of an administrative or legal value	Multi		<input type="checkbox"/>

## **APPENDIX G**

### **(A) Introduction and Scope:**

This Delaware County Court of Common Pleas Public Records Policy (“Policy”) applies when any person, including any corporation, individual, or governmental agency, seeks to obtain copies of Court Records from the Delaware County Court of Common Pleas, General Division or Domestic Relations Division (“Court”) or the Legal Division of the Delaware County Clerk of Courts (“Clerk”). This policy is consistent with Sup.R. 44 through Sup.R. 47 and will be applied in compliance with such Rules and/or other applicable law.

### **(B) Presumption of Public Access:**

Court records are presumed open to public access. Sup.R. 45(A).

### **(C) Definitions:**

- A. **Administrative Document:** means a document and information in a document created, received, or maintained by a court that serves to record the administrative, fiscal, personnel, or management functions, policies, decisions, procedures, operations, organization, or other activities of the Court, subject to the exclusions in Sup.R. 44(G)(2).
- B. **Case Document:** means a document and information in a document submitted to a court or filed with a clerk of courts in a judicial action or proceeding, including exhibits, pleadings, motions, orders, and judgments, and any documentation prepared by the Court or the Clerk in the judicial action or proceeding, such as journals, dockets, and indices, subject to the exclusions in Sup.R. 44(C)(2).
- C. **Court Record:** means both a Case Document and an Administrative Document, regardless of physical form or characteristic, manner of creation, or method of storage.
- D. **Direct Access:** means the ability of any person to inspect and obtain a copy of a Court Record at all reasonable times during regular business hours at the place where the record is made available.

### **(D) Internal Procedure:**

- A. The Clerk and each division of the Court will designate and maintain a designated employee who will serve as the records custodian or records manager of all Court Records maintained by that office.
- B. Each such records custodian or records manager will be provided a copy of this Policy, will acknowledge receipt of this Policy in writing, and will be responsible for knowing and being familiar with its contents. (R.C. § 149.43(E)(2)).

- C. The Clerk and Court may post this Policy on their respective websites. (R.C. § 149.43(E)(2)).
- D. This Policy will be provided to all Clerk and Court employees. Each employee will acknowledge receipt of this Policy in writing.
- E. Any manual or handbook of the Clerk’s or Court’s general policies and procedures for all employees will include a copy of this Policy. (R.C. § 149.43(E)(2)).
- F. The Clerk and Court will create a poster that describes this Policy and will post the poster in a conspicuous place in their respective offices and in all locations where the Clerk or Court have branch offices. (R.C. § 149.43(E)(2)).

**(E) Fees and Costs:**

- A. Unless a different fee is required by law, in accordance with Sup.R. 45(B)(4) the following fee schedule is established for providing copies or reproductions of public records:

	<b>Media Type</b>	<b>Unit</b>	<b>Cost Per Unit</b>
B.	Letter or Legal Sized Paper Copy (Single/Double Side)	Page	\$0.10
	Letter or Legal Sized Color Paper Copy (Single/Double Side)	Page	\$0.20
	Certified Paper Copy	Page	\$1.00
	Microfiche	Fiche	\$0.50
	Film Duplication	16mm Roll	\$15.00
	Film Duplication	35mm Roll	\$20.00
	Audio Cassette Tape	Tape	\$1.00
	Video Cassette Tape	Tape	\$2.50
	CD 700 MB	Disk	\$1.00
	DVD 4.7 GB	Disk	\$1.00
	DVD 8.5 GB	Disk	\$2.00
	Email Documents	N/A	Copies Generated in Redaction Process - See Cost Per Unit Above

The above fee schedule will be clearly posted and visible to the public at all locations authorized to provide copies of Court Records.

- C. Advance payment is required before any copies are prepared.
- D. The Court and Clerk will charge the actual cost of material for media not listed in the above fee schedule.
- E. If records are to be mailed by regular mail or delivered by courier service, the Court or the Clerk will charge the actual cost of mailing or delivery.
- F. No cost will be charged for electronic transmission (i.e. email) of records.

**(F) Availability/Inspection:**

- A. The Clerk and each division of the Court shall make a Court Record available by Direct Access during regular business hours, with the exception of legal holidays, promptly acknowledge any person's request for direct access, and respond to the request within a reasonable amount of time. Sup.R. 45(B)(1).
- B. Except for a request for bulk distribution pursuant to Sup.R. 46, the Clerk or Court shall permit a requestor to have a Court Record or public record duplicated upon paper, upon the same medium upon which the Clerk or Court keeps it, or upon any other medium the Clerk or Court determines it can be reasonably duplicated as an integral part of its normal operations. Sup.R. 45(B)(2).
- C. The Clerk or Court shall mail, transmit, or deliver copies of a requested Court Record to the requestor within a reasonable time from the request. Sup.R. 45(B)(3).
- D. Copies or reproductions of the requested record will be made available at cost (see above fee schedule). If records are to be mailed by regular mail or delivered by courier service, the Court or Clerk will charge the actual cost of mailing or delivery. The Clerk or Court may require a deposit of these estimated actual costs. Sup.R. 45(B)(4).
- E. "Reasonable" as used above in connection with the preparation and production of the requested records is to be determined by the facts and circumstances of each public records request and take into account the following:
  - 1. The opportunity/need for legal review,
  - 2. The volume of the records requested, and
  - 3. The proximity of the location where the records are stored.

**(G) Requests for Public Records:**

- A. Any person, including corporations, individuals, and governmental agencies, may

- request public records, and will be allowed prompt inspection of public records and copies within a reasonable amount of time upon request.
- B. No specific language is required to make a request for public records. The requestor must, however, identify the records requested with sufficient clarity to allow the Clerk or Court to identify, retrieve, and review the records.
  - C. If it is not clear what records are being sought, the records custodian or records manager will contact the requestor for clarification and should inform the requestor of the manner in which the office keeps its records.
    - a. The requestor may be asked, but the requestor does not have to put a records request in writing,
    - b. Provide his or her identity, or
    - c. The intended use of the requested public record.

If the requestor is asked for any of this information, he or she will first be advised:

- 1. A written request is not mandatory,
  - 2. The requestor does not have to answer any of these questions,
  - 3. When a written request or disclosure of the identity or intended use would benefit the requester by enhancing the ability of the Clerk or Court to identify, locate, or deliver the public records; and
  - 4. The requestor's refusal to provide any of this information does not impair the requestor's right to inspect and/or receive copies of the requested public records. (R.C. § 149.43(B)(5)).
- D. For the purpose of enhancing the ability of the Court to identify and provide for prompt inspection and/or copies of the requested records in a reasonable period of time, the requestor may be provided with Form 1 for the requestor to complete. In providing Form 1 to the requestor, the requestor will be informed:
- 1. The requestor does not have to complete the form, and,
  - 2. The requestor's refusal to complete or provide any and/or all information on the form does not impair the requestor's right to inspect and/or receive copies of the requested public records. (R.C. § 149.43(B)(5)).

**(H) Response/Release:**

- A. Requests for public records will be processed the same regardless of the means by which the request was made.
- B. Requests for records that are capable of being satisfied immediately and about which there are no issues concerning release should be satisfied immediately.
- C. Requests for public records that are not capable of being satisfied immediately will be dealt with as follows:
  - 1. Voluminous/Copying or Reproduction Time Required Request:
    - a. Each such request for public records should be evaluated for the estimated number of copies required to satisfy the request and/or an estimated length of time required to gather the records.
    - b. The requestor will be informed of the estimated length of time required to respond.
    - c. The requestor will be informed of the estimated total fee/cost associated with copying or reproducing and delivery of the record(s), the requirement of any deposit, and that such estimated total cost must be paid in full prior to the record(s) being copied or reproduced.
    - d. The requestor will be informed that any difference between the total estimated cost and the total actual cost must be settled either by the Court or Clerk repaying any overage or, prior to the delivery of the records, the requestor paying any deficit.
    - e. The requestor will be informed of any items within the request that are redacted or withheld, including legal authority supporting the redaction or withholding.
    - f. If the request is made verbally the above information will be provided to the requestor either verbally or in writing. If the request is made in writing, the requestor will be informed of the above information in writing.
    - g. All such information as required above will be provided to the requestor in a reasonable timeframe after receiving the request.
    - h. Considering the volume of records requested, the requested records should be made available to the requestor within a reasonable period of time.

2. Legal Issue Concerning Release:

- a. In the event a request for public records is made to inspect and/or obtain a copy of a record whose release may be prohibited or exempted by either state or federal law, the request must be forwarded to legal counsel (prosecutor), the judge, or court administrator for research and/or review.
- b. The person submitting the request will be advised that their request is being reviewed to ensure that protected and/or exempted information is not improperly released. If the request is made verbally this information will be provided to the requestor either verbally or in writing. If the request is made in writing, the requestor will be informed in writing.
- c. If after review, it is determined that the record will be released, refer to the procedures in subsection VIII(B) above.
- d. If after review, it is determined that the record will NOT be released, refer to Section X.

D. Copied records may be forwarded to the requestor by any means reasonably acceptable to the requestor.

E. Records, whose release is prohibited or exempted by either state or federal law, or not considered a Court Record as defined in Sup.R. 44(B) or a public record as defined by R.C. § 149.43(A)(1) (also see “record” defined in R.C. § 149.011(G)), shall NOT be subject to public inspection. Refer to Section X.

**(I) Medium:**

A. Pursuant to Sup. R. 45(B)(2), the Court or Clerk shall permit a requestor to have a Court Record or public record duplicated upon paper, upon the same medium upon which the Court or Clerk keeps it, or upon any other medium the Court or Clerk determines it can be reasonably duplicated as an integral part of its normal operations.

B. Persons seeking copies of Court Records or public records are not permitted to:

1. Make their own copies of the requested records regardless of means or media. (R.C. 149.43(B)(6)); or,
2. If electronic copies on a CD, DVD, thumb drive, or similar portable electronic media are requested, supply their own electronic media for the records to be placed on. No outside portable electronic media shall be placed in or connected to Delaware County computers without the prior approval of the IT Department.

**(J) Response/Denial**

**A. No Record Responsive to the Request (Records Not Maintained by the Office Where the Request is Made)**

1. The requested records have never been maintained by the office where the request is made,
2. The requested records are no longer maintained or have been disposed of or transferred pursuant to applicable Schedules of Record Retention and Disposition (RC-2),
3. The requested record is a record that has been disposed of pursuant to an Application of the One-Time Records Disposal (RC-1) or Certificate of Records Disposal (RC-3),
4. The requested record is not a record used or maintained by the office where the request is made. In such case, the requestor will be notified that in accordance with R.C. § 149.40, that there is no requirement to create records to meet public record requests.

**B. Ambiguous or Overly Broad Request for Public Records (R.C. § 149.43(B)(2))**

If a requestor makes an ambiguous or overly broad request or has difficulty in making a request for copies or inspection of public records such that the Court or Clerk cannot reasonably identify what Court Records or public records are being requested:

- a. The request may be denied.
- b. However, the requestor must be provided with an opportunity to revise the request. In such case, the records custodian/records manager will inform the requestor of the manner in which records are maintained by the office and accessed in the ordinary course of the office's or records custodian's/ record manager's duties.

**C. Denial of the Public Records Request**

1. The request for a record, Court Record, or public record maintained by the office where the request is made may be denied if the record that is requested is not required to be released or is prohibited from release due to applicable state or federal law.
  - a. Any denial of public records requested must include an explanation, including legal authority.
  - b. If portions of a record are public and portions are exempt, the exempt portions are to be redacted and the rest released. If there are redactions, each redaction must be made plainly visible and accompanied by a supporting explanation, including legal authority. (R.C. § 149.43(B)(1) and (3)).

- c. Employees must consult legal counsel if they are unsure of whether the record requested should be withheld from disclosure.
2. As governed by R.C. § 149.43(B)(3), if a request is ultimately denied, in whole or in part, the requestor will be provided with an explanation, including legal authority, setting forth why the request was denied.
3. If the initial request was provided in writing then the explanation will also be provided in writing.
4. The explanation will not preclude the Court from relying upon additional reasons or legal authority in defending an action commenced pursuant to Sup.R. 47 or R.C. § 149.43.

#### D. Redaction/Procedure

##### 1. Definition and Effect of a Redaction

- a. “Redaction” means obscuring or deleting any information that is exempt from the duty to permit public inspection or copying from an item that otherwise meets the definition of a “record” in R.C. § 149.011. (R.C. § 149.43(A)(13)).
- b. A redaction will be deemed a denial of a request to inspect or copy the redacted information, except if federal or state law authorizes or requires a public office to make the redaction. (R.C. § 149.43(B)(1)).

##### 2. Redaction Procedure

- a. If a public record contains certain information that is exempt from the duty to permit public inspection or to copy the public record, the information within the public record that is exempt will be redacted and that information in the record which is not exempt will be made available.
- b. Where a redaction is to be made, the records custodian or records manager may make redactions to a hardcopy (i.e. physical copy) of the record or electronically to an electronic version of the record. If the redaction is to be made to a hardcopy, the page where the redaction is to be made shall be copied. The redaction will be made on the copied page. The copied page will then be re-copied with the redactions. The resulting copy will be the page that is released to the requestor. If the redaction is to be made to an electronic version of the record, the redaction will only be made in a re-saved version using software capable of permanent redaction. The resulting redacted version of the record will be released to the requestor.

- c. The first reproduction page with the original redactions made by the employee will be maintained in accordance with the retention period established for the original document.
- d. When making that public record available for public inspection or copying, the records custodian or records manager will notify the requestor of any and all redactions and/or make any and all redactions plainly visible. (R.C. § 149.43(B)(1)).
- e. As governed by R.C. § 149.43(B)(3), if a request is ultimately denied, in whole or in part, including redactions, the requestor will be provided with an explanation, including legal authority, setting forth why the request was denied.
- f. If the initial request was provided in writing then the explanation will also be provided in writing. (R.C. § 149.43(B)(3)).
- g. The explanation will not preclude the Court from relying upon additional reasons or legal authority in defending an action commenced pursuant to Sup.R. 47 or R.C. § 149.43. (R.C. § 149.43(B)(3)).

**(K) Special Provisions Related to Email**

Documents in electronic mail format are Court Records and/or records as defined by the Rules of Superintendence for the Courts of Ohio and the Ohio Revised Code when their content relates to the business of the office. Email will be treated in the same fashion as records in any other format and should follow the same retention schedules.

- A. Court Records and records in private email accounts used to conduct public business are subject to disclosure, and all employees or representatives of the Court and Clerk are instructed to retain their emails that relate to public business and to copy them to their business email accounts and/or to the office's records custodian/records manager.
- B. The records custodian/records manager is to treat the emails from private accounts as records of the public office, filing them in the appropriate way, retaining them per established schedules and making them available for inspection and copying in accordance with the Rules of Superintendence for the Courts of Ohio and the Public Records Act.

**(L) Grievances**

- A. If a person is allegedly aggrieved due to the inability to inspect a Court Record/public record or due to the inability to receive a copy of the Court Record/public record, the person will be advised that they may contact the Court Administrator of the Court where the request was made or the First Deputy Clerk.

B. If the person is not satisfied after contacting the Court Administrator or the First Deputy Clerk, they will be advised that Sup.R. 47 or R.C. § 149.43 provides a legal means for addressing their complaint in these disputes. (Sup.R. 47(B) and R.C. 149.43(C)).

**FORM 1**



**DELAWARE COUNTY COURT OF COMMON PLEAS**  
**DELAWARE COUNTY CLERK OF COURTS**  
**PUBLIC RECORDS REQUEST FORM**

**IMPORTANT:**

**COMPLETION OF THIS FORM IS NOT MANDATORY. YOUR REFUSAL TO COMPLETE OR PROVIDE ANY AND/OR ALL INFORMATION ON THIS FORM WILL NOT AFFECT YOUR RIGHT AND/OR ABILITY TO INSPECT AND/OR RECEIVE COPIES OR REPRODUCTIONS OF THE REQUESTED RECORDS. [R.C. § 149.43(B)(5)]**

**IF YOU COMPLETE THIS FORM, IT WILL HELP US TO BETTER AND MORE EFFECTIVELY SERVE YOU IN PROVIDING YOU WITH THE RECORDS YOU ARE REQUESTING.**

**1. GENERAL INFORMATION: (Please Print.)**

Today's Date	
Name	
Street Address	
City	
State	
Zip Code	
Telephone Number	
Email Address	

**2. INFORMATION ON RECORD REQUESTED:** (Please Print.)

With as much specificity as possible, please describe what records you are requesting. (Use the back or attach other sheets as needed.)

--

**3. INSPECTION OF RECORD:** (Check your preference below.)

There is no charge to inspect public records while in the Court’s or Clerk’s office where the records are kept. The Court and Clerk have adopted and provide photocopies and reproductions of public records in accordance with the Fee Schedule and Policy Regarding Fees for Copies and Reproductions of Public Records.

	I would like to inspect these records in the office when they are ready.
	I would like these records copied/reproduced and I will pick them up when they are ready.
	I would like these records copied and mailed to me at the address on this form.

**4. MEDIUM:**

Preferred Medium (i.e. paper, email (pdf or locked format only), CD-ROM, etc.) for Copy/Reproduction. <sup>1</sup>	
--	--

---

<sup>1</sup> Medium is limited by the determination of the records custodian/records manager as to the types of media upon which the record can reasonably can be duplicated as an integral part of the normal operations of the public office or records custodian/records manager.

APPENDIX H

# Delaware County Court of Common Pleas

## *Mental Health Docket Program Description*



DAVID M. GORMLEY, JUDGE  
117 NORTH UNION STREET  
DELAWARE, OHIO 43015  
(740) 833-2530

September 2023 Edition

# **Chapter 1 - Policies and Procedures**

## **Mission Statement**

To enhance public safety by reducing recidivism of participants with mental illness, improving the delivery of services through therapeutic jurisprudence, utilizing intensive supervision and, fostering the use of treatment providers and other available community resources while improving the quality of life for docket participants.

## **Advisory Committee**

The General Division of the Delaware County Court of Common Pleas has joined with the court's other divisions and with the Delaware Municipal Court to create a forum that serves as the policymaking authority for all specialized dockets in Delaware County. That group is the Specialized Docket Advisory Committee.

## **Role of the Specialized Docket Advisory Committee**

The committee is made up of key community stakeholders who provide input into the policies, procedures, and overall operation of specialized dockets in Delaware County. The committee meets quarterly and its members serve a minimum of one year. The Specialized Docket Judges attend and rotate chairing the meetings. Each judge who oversees a specialized docket chairs the portion of the advisory-committee meeting that pertains to that judge's docket.

## **Responsibilities of Committee Members**

Advisory Committee members meet to discuss ongoing issues relating to the specialized dockets such as goals, objectives, target audience, policies, procedures, eligibility criteria, incentives, case flow, and each agency's role and responsibility in the process. Each Program Coordinator presents program data and statistical information to the Specialized Docket Advisory Committee members for review on a quarterly basis. Program effectiveness, sustainability, community outreach, and education efforts are also addressed.

A Memorandum of Understanding detailing the responsibilities of each party participating has been signed by agency heads of all Mental Health Docket team members.

## **Membership**

Specialized Docket Advisory Committee membership may include but is not limited to the following: Regional Director and Clinical Supervisor at Maryhaven, Site Manager/Program Director and Clinical Supervisor at Access Ohio, LLC, Regional Clinical Director Southeast Healthcare, Chief Clinical Officer and Clinical Site Manager at Syntero, prosecutors, defense

counsel, representatives from the county Sheriff's office and Delaware Police Department, jail personnel, Executive Director and Associate Director of Delaware-Morrow County Mental Health and Recovery Services Board, representatives from the Delaware County Department of Job and Family Services, Program Director of NAMI Mid-Ohio, Director of Safe Harbor Peer Support Services, Director of Jacob's Way, the specialized docket judges, the specialized docket coordinators, and probation officers from Delaware County Adult Court Services. Advisory Committee members indicate their interest and ongoing participation by signing a roster at the beginning of each meeting.

### **Memoranda of Understanding**

Memoranda of Understanding have been developed to enhance collaboration, create a mutual understanding of the procedures of the Mental Health Docket and the responsibilities of each party, and establish a process for problem solving both clinically and administratively regarding clients participating in the Mental Health Docket. Agreements are in place with both the Delaware-Morrow Mental Health & Recovery Services Board (our funding source) and local treatment providers.

### **Goals and Objectives**

**Goal 1:** Identify, as potential Mental Health Docket participants, those persons charged with or convicted of felony offenses who would benefit from the docket's services.

**Objective:** Increase community knowledge of the referral process.

**Measurement:** The Mental Health Docket Coordinator will capture the number of referrals made per year in a database, and the results will be reviewed on a quarterly basis.

**Goal 2:** Reduce recidivism by docket participants.

**Objective:** Reduce recidivism to below 25%

**Measurement:** Recidivism rates will be tracked by the Mental Health Docket Coordinator and Probation Officer in a database, and the results will be reviewed on a quarterly basis.

**Goal 3:** Assist participants in understanding the importance of following treatment plans, linking to community services, and taking responsibility for their actions.

**Objective:** Increase knowledge and utilization of available treatment options and community resources.

**Measure:** Participants will be required to demonstrate their knowledge of resources and treatment options through assignments that they must complete during each docket phase.

**Goal 4:** Increase the percentage of participants who graduate from the specialized docket.

**Objective:** Increase number of graduates by 15% each year.

**Measure:** Number of graduates will be tracked by the Mental Health Docket Coordinator and Probation Officer in a database, and the results will be reviewed on a quarterly basis.

## **Chapter 2 - Target Population**

The Mental Health Docket primarily serves Delaware County residents charged with or convicted of one or more felonies in the Delaware County Court of Common Pleas who would benefit from court-monitored treatment and other services to enhance their ability to become productive and law-abiding citizens. All participants must meet the legal and clinical criteria for admission into the docket. The Mental Health Docket Judge has the discretion to decide who participates in the Mental Health Docket. The written and legal and clinical eligibility and termination criteria do not create the right to participation in the program.

### **Target Population**

- Participants with no acute health conditions
- Participants must be a Delaware County resident unless the Court is satisfied the participant has reliable transportation
- Score 15 or Higher on the Ohio Risk Assessment System
- Be receptive to receiving treatment and demonstrate a willingness to participate in an intensive treatment program that will last 24-36 months and may require residential placement for treatment
- Participants agree to actively participate and cooperate with the Docket Coordinator and assigned Probation Officer
- Participants demonstrate a willingness to make lifestyle changes

### **Legal Eligibility Criteria**

- The participant must be charged with a non-violent fourth- or fifth-degree felony
- The participant must be competent and understand and appreciate the consequences of the legal proceedings
- The participant cannot have a current sexual offender status
- Must agree to actively cooperate with the Mental Health Docket Coordinator and Probation Officer
- The participant cannot pose a significant risk of harm to the community, the staff of the Court, the providers, or agencies working with the Mental Health Docket.

### **Clinical Eligibility Criteria**

- The participant must demonstrate a pattern of severe and persistent mental illness' These symptoms must meet the criteria for an Axis I diagnosis in the DSM-5, DSM-5-TR, or any successor manual

- The participant's mental health disorder was a factor leading to the pending charges(s) and, unless treated, the participant's disorder is likely to contribute to future criminal behavior
- The participant must be receptive to behavioral health treatment
- The participant agrees to maintain any psychiatric medication, psychotherapy, and/or other counseling
- The participant agrees to actively participate and cooperate with the Mental Health Docket Coordinator and community providers

### **Disqualifying Factors**

- The participant has a predominant personality disorder and/or mental retardation/intellectual disability as indicated in the DSM-5, DSM-5-TR, or any successor manual.
- The participant has outstanding warrant or holds from any other jurisdiction or pending felony case.
- The participant has current sexual offender status.
- The participant is charged with OVI.
- The participant is highly resistant to changing behavior after numerous interventions.
- Domestic Violence depending on the facts of the case or a significant history of violent behavior to be determined on a case-by-case basis.
- The participant is currently on Post Release Control or federal parole.
- The participant has demonstrated failure to exhibit a willingness to take medication as prescribed and/or to follow a treatment plan.

Cases will be reviewed on an individual basis to determine the extent and circumstances of the disqualifying factors versus the need to participate. The cases that are declined for acceptance to the Mental Health Docket will be returned to the active docket.

Some additional criteria to consider for eligibility are:

- If the Domestic Violence case occurred more than five years ago and the participant completed Community Control.
- The participant has a low risk of committing a similar offense.

The participant may have a forensic assessment prior to placement in the program to determine if the individual is legally competent to participate in the Mental Health Docket.

### **Capacity**

Program capacity is limited to 25 at any one time.



## **Chapter 3 - Program Structure, Entry and Case Flow**

### **Referral Process**

Identification of potential participants begins after the participant has been charged with a qualifying offense, has a pending Motion to Revoke Bond or Motion to Suspend Community Control, or upon referral from the Court or community-control officer. Referrals may come from probation/community control officers, judges, jail staff, prosecutors, defense attorneys, law enforcement, community mental health centers or community substance abuse treatment centers. Referral forms (Appendix A) or a link to an electronic referral can be found on the Delaware County Common Pleas General Division or Adult Court Services websites.

### **Screening and Assessment**

Within three days of receiving a referral, the Mental Health Docket Coordinator will schedule an appointment with the potential participant to provide information about the docket program and requirements for participation. If the potential participant is interested in participation, that person will be scheduled for screening. In the event the participant is incarcerated, the Mental Health Docket Coordinator will meet with the Defendant in jail. During the screening the Mental Health Docket Coordinator will evaluate the participant's legal and clinical criteria for placement and collect information such as criminal history, residency, education, employment, family, medical, mental health and substance abuse history. Potential candidates are promptly referred to appropriate services within the community. The specialized docket provides prompt access to a continuum of approved treatment and rehabilitation services.

A referral for a diagnostic assessment with a licensed clinical counselor or licensed independent social worker may be made when appropriate releases are voluntarily signed by the participant in addition to a consent waiver to share information with the treatment team. All participants will be required to sign a Disclosure of Confidential Information (a document allowing confidential information to be released) (Appendix B) in order for the Mental Health Docket Coordinator to obtain a copy of the diagnostic assessment (or summary) to establish clinical eligibility.

All screenings and assessments for treatment determinations shall be provided by programs or persons who are appropriately licensed and trained to deliver such services according to the standards of the profession. All mental health, chemical dependency and other assessments will include available collateral information to ensure the accuracy of the assessment.

The referred defendant or the defendant's guardian must complete a release-of-information form to provide for communication about confidential information, participation/progress in treatment, and compliance with the provisions of relevant law, including the Health Insurance Portability and Accountability Act of 1996, 42 U.S.C. 300gg-42, as amended, and R.C. 2151.421 and 2152.99.

Key mental-health indicators that suggest potential difficulties in court processing and may indicate a candidate is not appropriate for the Mental Health Docket include:

- Active delusions, hallucinations, severe depression, paranoia, or mania (i.e. hyperactivity and agitation) that is obvious to others, is disruptive to status hearings, or prevents constructive interaction with court staff
- Presence or history of persistent suicidal ideations or other significant dangerous behavior
- Inability to handle stress in group settings
- Impaired cognitive functioning (including difficulties in attention, concentration, memory, and abstract thinking that impair an individual's ability to communicate his needs)
- Inability to interact effectively with court staff without excessive anxiety, agitation or aggressive behavior (in some cases, anxiety and agitation can result from withdrawal from alcohol, cocaine, methamphetamine, opiates, or other drugs)
- History of failure to respond to or adhere to psychotropic medication
- The presence of a co-occurring personality disorder.

The Mental Health Docket Judge has the discretion to decide on who participates in the Mental Health Docket. The legal and clinical eligibility criteria do not create a right to enter into the Mental Health Docket. The participant will be educated on program requirements, rewards, sanctions, and reasons for termination through the use of the Participant Handbook and one-on-one consultation with the Mental Health Docket Coordinator and Probation Officer.

### **Legal Eligibility Screening**

The Mental Health Docket Probation Officer will obtain background information about the candidate through the use of OHLEG, Criminal Case History reports, etc. A participant's criminal record for the proceeding five years may be considered for eligibility purposes. In the event that the participant's legal competency is an issue, the participant must be referred for a forensic assessment to determine if he or she is competent to participate. If the referred individual does not meet eligibility requirements, the case will be returned to the Court's regular docket.

### **Clinical Assessment**

In the event that the participant meets the eligibility requirements, he/she will be referred for a diagnostic assessment if one has not already been completed. He/she must voluntarily sign the necessary releases of information to obtain collateral information as well as sign releases for appropriate treatment agencies. All screenings and assessments for treatment determinations are to be provided by programs or persons who are appropriately licensed and trained to deliver those services according to the standards of the profession.

The Mental Health Docket Coordinator will share collateral information with the agency completing the diagnostic assessment. The participant must contact the treatment provider within three days to schedule an appointment. Recognizing that time is of the essence, the provider will provide assessments and treatment plans to the docket coordinator as soon as reasonably possible. The participant must immediately contact the Mental Health Docket Coordinator if there are problems obtaining a diagnostic assessment. The assessment and treatment plan will be provided to the Mental Health Docket Coordinator and the Docket Judge. The assessment is not for public dissemination. The participant must demonstrate a pattern of severe and persistent mental illness. These symptoms must meet the criteria for an Axis I diagnosis in the DSM-5, DSM-5-TR or any successor manual. The applicant must be competent and able to understand the Mental Health Docket Acknowledgement of Requirements.

The comprehensive mental health evaluation should include at the minimum the following:

- Mental health history
- Prior treatment
- Medication history
- Relevant psychosocial history (family, social, legal, relationship)
- Functional Assessment
- Current situation stressors
- Mental Status Examination
- Diagnosis (Axis I through IV)
- Relevant Medical Diagnosis
- Current Medication
- Substance Abuse Status
- Initial Treatment Plan

The treatment team should consider, but is not obligated to follow, clinical assessments or treatment recommendations. If the clinical assessment indicates the potential participant does not meet clinical eligibility criteria than the case will proceed through the regular docket.

### **Qualification**

In the event that the Defendant does not meet legal, clinical, or other criteria, the Mental Health Docket Coordinator will notify the Docket Judge through written communication using

the Screening Recommendation Form (Appendix C). The referral source will also be notified. The participant's case will then proceed through the regular docket.

In the event the potential participant meets all the legal, clinical, and other criteria, the Mental Health Docket Coordinator will notify the Docket Judge and referral source through written communication. If the Docket Judge agrees to grant the Defendant admittance into the Mental Health Docket, the participant will schedule and attend an orientation session with the Docket Coordinator.

### **Program Admission**

After the defendant is found eligible for participation with the Mental Health Docket, the candidate must schedule an appointment with the Mental Health Docket coordinator and probation officer to complete the following:

1. Review and sign the Mental Health Docket Participant Handbook
2. Review of the Mental Health Docket calendar
3. Schedule to observe the next Mental Health Docket status review hearing
4. Review and/or amend probation Case Plan

The candidate must also be provided with:

1. Mental Health Docket Participant Handbook
2. Mental Health Docket Calendar
3. Acknowledgement of Requirements of the Mental Health Docket Entry
4. Random Substance Testing Form
5. Probation Case Plan

### **Non Discriminatory Practices**

A participant must not be discriminated against if he or she meets the legal, clinical, and other criteria. A participant will not be denied admission for the following: race, color, religion, gender, sexual orientation, nation of origin, ancestry, age, citizenship, marital status, veteran status, or disability. All treatment-team members should be trained in cultural-competency issues.

### **Participant Indigence**

No prospective participant will be denied admission to the Mental Health Docket based on an inability to meet any financial obligations to the court. The Mental Health Docket will consider any participant's ability to pay any fees or other financial obligations and will make reasonable payment accommodations based on each participant's individual financial circumstances.

### **Case Flow**

After a plea or finding of guilt is made, the Court will refer the case to the docket coordinator who will screen defendants for eligibility. If the referral is coming from a defense attorney or prosecutor, he or she should file a Motion for Admission or submit a referral form to the Mental Health Docket Coordinator. Defendants will also be required to complete a diagnostic assessment and pre-sentence investigation as part of this process. Defendants must complete and sign releases of information to facilitate inter-agency communication on behalf of the defendant and Mental Health Docket team.

Upon completion of the screening and consideration of all applicable criteria and circumstances, the Mental Health Docket Coordinator will provide a written recommendation to the Court.

Based upon the recommendation of the Mental Health Docket Coordinator and review of the diagnostic assessment and pre-sentence investigation report and all applicable criteria and circumstances, the Docket Judge will determine whether the defendant enters the Mental Health Docket following sentencing or as a condition of Community Control. A Judgment Entry Transferring Case to Mental Health Docket should be filed if the case is being transferred to the Mental Health Docket from another court.

In the event the participant does not meet the criteria, his/her case will be returned to the Court's active docket. In the event the potential participant qualifies, the Mental Health Docket Coordinator will schedule the initial program admission orientation session, and the Mental Health Docket Probation Officer will schedule the participant's intake appointment.

During the program admission orientation session, the Mental Health Docket Coordinator will provide the participant with the Mental Health Docket calendar, the Participant Handbook, and ensure the participant signs all necessary Disclosure of Confidentiality forms. The participant will then be scheduled to observe the next Mental Health Docket status review hearing at which time he or she with counsel, will execute an Acknowledgement of Requirements of the Mental Health Docket. After the participant has observed one Mental Health Docket status-review hearing and has signed the Acknowledgement of Requirements of the Mental Health Docket, he or she will then begin attending and participating in Mental Health Docket status-review hearings.

### **Revocation/Violation Referrals**

A participant who is currently on Community Control and has a violation and/or new offense may be referred to the Mental Health Docket for screening. The referral can come from the judge, probation officer, defense counsel or jail staff.

The Mental Health Docket Coordinator will screen the participant. Participants meeting the administrative criteria may as part of Community Control be ordered to successfully complete the Mental Health Docket.

Cases accepted from Revocation/Violation Hearings are referred to the Mental Health Docket as part of a condition of Community Control and ordered to successfully complete the program.

### **Case File Maintenance**

The protocol to follow for the Mental Health Docket's case files must comply with Title 42 of the Code of Federal Regulations and HIPPA laws and regulations.

The Mental Health Docket Coordinator and probation officer will maintain all files relating to participants and access to those files will be limited to the Court and probation staff.

The files will be maintained in locked file cabinets in the Probation Officer's office or by secure password protected electronic file.

## Chapter 4 - Treatment Team Standards

The Mental Health Docket team will consist of the Mental Health Docket Judge – who chairs the meeting – plus the Mental Health Docket Coordinator, Mental Health Docket Probation Officer, treatment providers, and representatives from other appropriate community agencies.

### **Duties of Mental Health Docket Treatment Team Members**

1. The Docket Team is responsible for the operations of the Mental Health Docket.
2. The Docket Team members will serve on the Advisory Committee and the treatment team for a minimum of one year or until the terms of the Memorandum of Understanding change or expire.
3. The Docket Team agrees to work with local community leaders to ensure the best interest of the community is considered; per the sustainability and community outreach plan.
4. The Docket Team agrees to engage in community outreach activities to build partnerships that will improve outcomes and support the Mental Health Docket to ensure its sustainability.
5. The Mental Health Docket will incorporate a non-adversarial approach that includes contributing to the individualized-treatment case plans and developing sanctions to modify a participant's behavior; recognizing the prosecutor's distinct role in pursuing justice and protecting public safety and victim's rights; and recognizing the defense counsel's distinct role in preserving the constitutional rights of the participant.
6. The function of the team is to facilitate the development of an appropriate Court Services Plan, access program services and resources, and insure that the participant fully participates in their treatment by evaluating clinical information, probation concerns and other sources of information.
7. Information is presented to the Docket Judge that will include but is not limited to rewards, sanctions, graduation, treatment recommendations, or possible termination from the program.

A list of specific roles and responsibilities of the Mental Health Docket team members are as follows:

#### **A. Mental Health Docket Judge**

- Presides over court sessions and maintains a positive relationship with participants through discussion of progress with the participant at docket hearings

- Presides over the treatment team, attends treatment team meetings and discusses the progress of participants
- Has the discretion to decide on who participates in the Mental Health Docket
- Has the ultimate decision concerning incentives, sanctions, phase advancement as well as admission, termination or successful completion of the program
- Gains knowledge and insight of Specialized Courts through attending other Specialized Dockets and specialized trainings about Mental Health Courts issued through the Supreme Court Specialized Docket Section

**B. Mental Health Docket Coordinator**

- Conducts legal, clinical and eligibility screening
- Assists in identifying potential participants
- Facilitates the specialized docket in accordance with the written program
- Maintains Mental Health Docket policies and procedures and daily operations
- Facilitates public education and outreach efforts on behalf of the program
- Meets with docket participants as needed to discuss individualized program goals and progress
- Follows progress of participants through the docket, including monitoring the Court Services Plan and making recommendations to the Court on participant's transition through the docket phases
- Attends Mental Health Docket status review hearing.
- Facilitates regular meetings of the Mental Health Docket Team and other relevant meetings as appropriate
- Collects and maintains statistical information and other confidential records concerning participants, collects data and creates reports for review and submission to funding sources and advisory committees
- Links participants to treatment providers and community resources
- Participates in utilization review, quality improvement, cross-disciplinary training and conflict resolution activities, as appropriate
- Plans and facilitates advisory board meetings
- Drives discussions regarding incentives, sanctions, program effectiveness and outcomes.

**C. Mental Health Docket Probation Officer**

- Updates a probation Case Plan for each participant for review and approval by the Judge and Mental Health Docket Coordinator
- Monitors compliance of participants to terms of probation and Case Plan
- Carries out orders of the Court with regard to each participant
- Conducts random alcohol and drug tests, and reports test results to the treatment team
- Monitors sanctions
- Attends Docket Treatment team meetings and status review hearings

- Provides the Docket Team with progress reports and makes recommendations to the Docket Treatment Team
- Advises the Docket Team of any violations
- Participates in discussions about incentives, sanctions, phase advancement, successful completion and termination.

#### **D. Mental Health Docket Licensed Treatment Providers**

- Conduct diagnostic assessments, provides the clinical diagnosis, and develops the treatment plan
- Provide documentation on a participant's progress in treatment and compliance with treatment plans, including treatment attendance and results of alcohol and drug tests.
- Attend treatment team meetings and status review hearings
- Give treatment updates and makes recommendations regarding treatment needs
- Participate in discussion regarding incentives, sanctions, phase advancement, successful completion and termination.

#### **E. Peer Recovery/Support Specialist**

- Assesses a participant's internal and external strengths, supports, and resources, and identifies areas to address.
- Connects participants to recovery support resources, acts as a liaison for informal and formal community supports, resources, and recovery-related activities.
- Attends and actively participates in treatment and staffing team meetings, contributing to discussions concerning program entry, program progress, incentives, sanctions, graduation, and termination decisions.
- Acts as a liaison between the recovery support community and the program, and is an ambassador for the program within the recovery support community.
- Attends and provides input at regularly scheduled policy meetings that include the review of program operations, structure, team building, and functioning.
- Provides formal and informal training and information to team members about sober support and the recovery support community.
- Attends multidisciplinary team training that addresses responsivity issues.
- Has life experience as a person in recovery and has the ability to build a relationship with the participant based on mutual understanding.
- Familiar with the local recovery community and recovery supports that are available in the community.

#### **F. Prosecutor**

The prosecutor's distinct role is in pursuing justice and protecting public safety and victims' rights. The prosecutor may or may not play an active role in the Mental Health

Docket. The prosecutor may provide input as to the acceptance of a participant in the Mental Health Docket. As the docket is primarily post-conviction, the prosecutor may or may not participate in treatment team meetings. The prosecutor is, however, a referral source for the program. The Mental Health Docket Coordinator will provide an orientation to the prosecutor on the Mental Health Docket process.

**G. Defense Counsel**

Defense counsel's primary role is to preserve the constitutional rights of the participants. The attorney will explain what rights are waived by entering the program, all necessary consents, possible sanctions, the circumstances that may lead to termination, and the effects of termination. The attorney will assist participants in making any decisions about entering the Mental Health Docket. The attorney will also be a referral source for the program. The participant has the right to request attendance of counsel during the portion of the treatment team meeting that applies to that participant. The Mental Health Docket Coordinator will provide an orientation to the defense counsel on the Mental Health Docket process.

1. The Mental Health Docket Team shall engage in on-going communication including frequent exchanges of timely and accurate information about the participant's overall performance. The communication shall take place over the phone, through bi-weekly treatment team meetings, emails or meetings with counselors and therapists.
2. In the event there is a conflict or disagreement regarding the obligations of the participant in the Mental Health Docket, the parties hereby commit to attempting resolution at the lowest administrative level appropriate to the issue. In the event that dialogue does not resolve the conflict, then the parties will put problems and/or concerns in writing to the signatories of the Memorandum. Within two weeks following receipt of the notice, the involved parties will meet in an attempt to satisfactorily resolve the issues. If the parties are unable to achieve satisfactory resolution, the appropriate Court will make the final determination as to the resolution of the conflict. The parties acknowledge that in the event of conflict over the services provided to a participant pursuant to a service provider's treatment plan, the service provider shall make the final determination as to the course of appropriate treatment. In the event of a conflict in the application of the separately agreed contractual and statutory provisions with those contained in the Memorandum, the contractual or statutory provisions shall prevail.
3. The Mental Health Docket members shall maintain professional integrity, confidentiality and accountability. No protected information is disclosed involving treatment unless there is a written release of confidential information endorsed by a participant. Mental Health Docket team meetings/discussions are also deemed confidential and only shared

when necessary for the benefit of the participant. All members are expected to treat each other with respect, understanding their different roles while at the same time holding each other responsible for their participation and basis for recommendations.

4. The Mental Health Docket team members shall make reasonable efforts to observe required Specialized Docket service provider programs in order have confidence in the services provided and to better understand the treatment and programming process.
5. The Mental Health Docket team will work with the Advisory Committee to assess the overall operation of the Mental Health Docket. This includes revising all policies and procedures, monitoring team members outreach activities into the community and assist the Advisory Committee in developing the sustainability of the docket.
6. The Mental Health Docket treatment team meetings occur bi-weekly on the second and fourth Wednesday of each month one hour prior to the status review hearings.

## **Chapter 5 - Participant Monitoring**

### **Treatment Team Meetings**

The Mental Health Docket Treatment Team is responsible to monitor each participant's performance and completion of their Court Services Plan. The Mental Health Docket team will meet at 11:00am on the second and the fourth Wednesday of each month to discuss the participant's performance and progress.

The team will provide the Judge collaborative recommendations for the appropriate use of sanctions and rewards.

It is the Mental Health Docket Coordinator's responsibility to collect reports from each participant's treatment agencies and monitor the participant's compliance with their Court Services Plan, then provide the information to the Docket Judge and treatment team. In addition, the Mental Health Docket Probation Officer must inform the Docket Judge and treatment team of the participant's compliance with the conditions of Community Control and Case Plan.

### **Status Review Hearings**

The status review hearings will be held twice a month on the second and fourth Wednesdays of the month beginning at 11:45 a.m.

The hearings will take place in a group setting before the Mental Health Docket Judge to encourage ongoing judicial interaction. All participants are expected to appear for each hearing. The benefit of meeting in a group setting is that it gives the participants the opportunity to educate each other on the benefits of compliance with the docket and the consequences of non-compliance.

The participants' attendance at the status review hearing will diminish over time as they progress through the phases. During Phases I & II participants will appear twice a month. During Phase III the participant will appear once per month and during Phase IV the participant will appear once every six weeks.

All participants will be required to sign a Disclosure of Confidential Information. This document explains that during the proceedings the participant's participation and progress will be discussed in open court.

### **Treatment and Services**

Referral and screening is the first step. The participant must identify that they are being screened for the Mental Health Docket. Once the intake is complete the participant will be

scheduled for a comprehensive assessment to determine diagnosis. Some participants may need additional time to complete the assessment process. Based on the assessment the participant's treatment plan will be created with input from the participant. The participant will be placed into treatment as soon as possible in appropriate treatment services and programs.

Participants will be required to comply with a treatment plan from their treatment provider. These plans will be based on individual needs and will include evidence-based strategies.

All screenings and assessments for treatment determinations should be provided by programs or persons who are appropriately licensed and trained to deliver such services according to the standards of the profession. Meaning, all treatment providers will be licensed by the Counselor, Social Worker and Marriage and Family Therapist Board and/or Ohio Chemical Dependency Professionals Board.

- A. The participant will be provided a treatment plan based on their individual needs, and the services provided will incorporate evidence-based strategies. The evidence-based strategies will incorporate the Ohio Risk Assessment Tool utilized by the Adult Court Services Department. Information will be provided to the counselor/therapist to assist with treatment planning. The treatment agencies will utilize evidence-based practices such as Motivational Interviewing, Cognitive Behavioral Therapies, Stages of Change, and EPICS II. The participant will have access to a continuum of approved treatment and rehabilitation services. All specialized-docket treatment plans take into consideration services that are gender responsive and culturally appropriate and that effectively address co-occurring disorders.
- B. Treatment plans will be individualized for each participant based upon their needs. Some participants may need to be referred to an outside treatment agency to address any co-occurring disorders.
- C. All treatment plans must be appropriate and clinically necessary to the degree that the available resources allow.
- D. The Mental Health Docket Coordinator will maintain a current treatment plan designed for each docket participant which will change as the treatment provider deems appropriate. The Coordinator also maintains a record of activities (i.e., status sheet).
- E. All treatment service providers must be certified through the Counselor, Social Worker and Marriage and Family Therapist Board and/or Ohio Chemical Dependency Professionals Board and be able to deliver treatment according to their profession. They must meet the standards for provision for all intensive outpatient services including assessments, group and individual counseling as well as crisis intervention services.

- F. The services provided by treatment agencies included registration/intake, alcohol and drug testing, assessment, developing of a treatment plan, group therapies, individual sessions, relapse prevention plans, aftercare plans, gender specific programming, family therapies, programming to address those individuals diagnosed with co-occurring disorders, medication and medication monitoring. Furthermore, case management services are available to assist the participant with engaging with other ancillary services to meet their basic needs or support their recovery process. Examples of such ancillary services include housing, transportation, medical, vocational/employment and mental health needs. Finally, treatment agencies do drug screening analysis as part of their programming. This service observes chain of custody and follows policies and procedures for the delivery of these services.
- G. The participants will be provided resources and recommendations to local agencies that are available to assist with their needs.
- H. The treatment providers are strongly encouraged to provide a report to the Mental Health Docket Coordinator prior to treatment team meetings on the progress and participation of the participant in their recovery. The Court would prefer to receive all updates from treatment providers 48 hours prior to treatment team meetings. Treatment providers are provided an annual calendar of docket hearings to assist in managing this task. In the event a provider is unable to attend a treatment team meeting the Mental Health Docket Coordinator will follow up with a phone call and or e-mail.

The Mental Health Docket has a partnership through Memoranda of Understanding with Maryhaven, Southeast Healthcare, Access Ohio, LLC., and Safe Harbor Peer Support Services.

### **Phases of Mental Health Docket**

The length of the program is 18 months, at a minimum. The program is divided into an orientation phase and three treatment phases. The phases are a way to monitor the participant's progress, motivation and performance. The participant's progress through the phases is based on their compliance with the Mental Health Docket requirements, Court Services Plan, and treatment plans. Each participant will progress differently. Phases are not based solely on preset timelines. They are designed to build upon the skills acquired in the previous stage allowing the participants to effectively manage their mental illness (and chemical addiction, if applicable) and fostering stable, independent living. Each participant will have a Court Services Plan that the probation officer, docket coordinator, and the participant will sign after the participant has completed specific requirements for each phase.

#### **Orientation - Phase I**

The orientation phase is the first six weeks of the program. The requirements are minimal, allowing time for the participant to acclimate to the program. The participant will be provided

the Mental Health Docket calendar and Participant Handbook if one has not already been received.

**Tasks to be considered for orientation phase include the following:**

- Meeting with the coordinator to review the Participant Handbook, signing confirmation of receipt of the Handbook and signing additional release of information forms
- Meeting with the probation officer to review the Case Plan and community control intake paperwork
- Attending all status review hearings
- Addressing any issues with transportation
- Engaging in their individualized treatment plan.
- Completing orientation assignment and submitting application to move to next phase.

**Stabilization - Phase II**

Phase II of the program focuses on stabilizing symptoms and obtaining compliance with the program requirements. Successful completion of this phase is based on performance, compliance with the program and the recommendations of the docket team.

**Tasks to be considered for stabilization phase include the following:**

- Ensuring court obligations are being met, such as developing payment schedules for fines, court costs, and victim restitution
- Assigning appropriate community service or serving mandatory jail time if applicable
- Determining frequency of random drug and alcohol testing
- Identifying prescribed medications and determining frequency for medication compliance monitoring
- Completing all other assessments and inventories determined necessary by the mental health docket team, including housing, education, vocational, employment, and life skills.

Conditions to be monitored are as follows:

- Attending all Mental Health Docket status review hearings – 2 times per month
- Understanding of the Mental Health Docket program expectations and handbook
- Complying with all rules of the Mental Health Docket program
- Completing of necessary releases of information forms
- Understanding of and complying with Court Services Plan
- Attending appointments with medical and/or treatment providers
- Complying with all medication and treatment requirements

- Attending meetings with case manager (if applicable)
- Completing behavioral health screenings and evaluations in a timely manner
- Complying with terms of probation and Case Plan
- Attending weekly meetings with the probation officer and/or docket coordinator
- Submitting to drug and alcohol testing.
- Complying with instructions given from the Judge, docket coordinator and/or probation officer
- Attending mental health and substance abuse treatment sessions and activities
- Attending 12-step or support groups as directed by treatment provider, Judge, docket coordinator and/or probation officer (if applicable)
- Obtaining a 12-step sponsor in a timely manner (if applicable)

The following requirements must be met in order for the participant to move to the next phase:

- Participating in the Mental Health Docket for a minimum of 24 weeks
- Obtaining written recommendation submitted by treatment provider
- Receiving recommendation from Mental Health Docket team
- Obtaining negative drug screens for 60 days
- Avoiding new sanctions for the last 4 weeks
- Avoiding new convictions in last 90 days
- Completing four satisfactory home visits with the probation officer
- Participating in quarterly specialized docket events.
- Completing all docket assignments and submission of application to move to next phase.

### **Community Integration - Phase III**

Phase III focuses on community reintegration. Successful completion of this phase will be based upon performance, compliance and the recommendations of the Mental Health Docket team.

After participants have remained stable for a designated period of time, other non-psychiatric needs can begin to be addressed. During this period ancillary service needs can be assessed, including health, dental, optical, clothing, housing needs, vocational training and any other areas identified by the Mental Health Docket team members.

### **Tasks to be considered for the Community Reintegration Phase include the following:**

- Ensuring court obligations are met, such as compliance with payment schedules for fines, court costs, victim restitution and community service requirements
- Continuing random drug and alcohol testing at a frequency determined by the Mental Health Docket team
- Continuing medication compliance monitoring

- Continuing linkages with housing, educational, vocational and employment opportunities.

Participant requirements to consider for the community reintegration phase include the following:

- Attending all Mental Health Docket status review hearings – 1 time per month
- Complying with all rules of the Mental Health Docket program
- Complying with Court Services Plan
- Attending all appointments with medical and/or treatment providers
- Complying with all medication and treatment requirements
- Attending all meetings with case manager (if applicable)
- Attending bi-weekly meetings with the probation officer and/or docket coordinator
- Complying with terms of probation and Case Plan
- Complying with instructions from Judge, docket coordinator and/or probation officer
- Complying with any additional conditions of probation that the Court or probation officer orders verbally or in writing
- Submitting to all drug and alcohol testing
- Attending all mental health and substance abuse treatment sessions and activities
- Attending 12-step or support group as directed by your provider Judge, docket coordinator and/or probation officer (if applicable)
- Obtaining 12-step or support group sponsor in a timely manner (if applicable)
- Engaging in meaningful activity as defined by treatment team
- Performing all required community service
- Following through with all housing, educational, vocational and employment referrals

The following requirements must have been met in order for the participant to move to the next phase:

- Participating in the Mental Health Docket for a minimum of 24 weeks.
- Obtaining written recommendation submitted by treatment provider.
- Receiving recommendation from Mental Health Docket team.
- Obtaining negative drug screens for 90 days.
- Avoiding new sanctions for the last 8 weeks
- Avoiding new convictions in last 90 days
- Completing three satisfactory home visits with probation officer.
- Participating in quarterly specialized docket events.
- Completing all docket assignments and submission of application to move to next phase.

#### **Maintenance – Phase IV**

Phase IV focuses on adhering to and sustaining the structure and discipline developed in earlier phases. Those graduating to this phase, have successfully followed their psychiatric treatment requirements, including medication compliance and will have been successful in obtaining housing, pursuing employment, volunteer, educational or vocational opportunities; developing a functional support system; abstaining from use of non-prescribed drugs and alcohol; and avoiding additional involvement with the criminal justice system. The minimum length of this phase is 24 weeks.

Conditions to be monitored are as follows:

- Attending at Mental Health Docket status review hearings- once every 6 weeks
- Complying with rules of the Mental Health Docket program
- Complying with Court Services Plan
- Attending all appointments with medical and/or treatment providers
- Complying with all medication and treatment requirements
- Attending meetings with case manager (if applicable)
- Reporting to probation officer and/or docket coordinator at such times and in the manner directed by officer and/or docket coordinator
- Submitting to all drug and alcohol testing
- Complying with instructions from the Court, probation officer, and/or docket coordinator
- Complying with any additional conditions of probation that the Court or probation officer orders verbally or in writing
- Complying with terms of probation
- Attending all mental health and substance abuse treatment sessions and activities
- Attending 12-step or support group as directed by your treatment provider, Judge, docket coordinator and/or probation officer (if applicable)
- Engaging in meaningful activity as defined by treatment team
- Performing all required community service
- Attending two positive community activities
- Actively participating in a structured daily activity
- Maintaining stable housing
- Obtaining educational, vocational or employment opportunities
- Following through with all housing, educational, vocational and employment referrals

The following requirements must be met in order for the participant to be considered for graduation:

- Participating in the Mental Health Docket for a minimum of 24 weeks.
- Obtaining written recommendation submitted by treatment provider.
- Receiving recommendation from Mental Health Docket team.
- Obtaining negative drug screens for 90 days.

- Avoiding new sanctions for the last 4 weeks
- Avoiding new convictions in last 90 days
- Completing three satisfactory home visits with probation officer.
- Participating in quarterly specialized docket events.
- Completing all docket assignments and submission of graduation application and life-management plan.
- Scheduling and completing an “Exit Interview” with the docket coordinator.
- The participant must pay all financial sanctions unless excused by the docket Judge.

Participant must also be drug or alcohol free for a period of 12 months or other reasonable period of time as determined by the Docket Judge and treatment team to be considered for successful termination.

### **Incentives**

From time to time, participants of the Mental Health Docket may receive a reward or incentive provided by the Court as a way for the Court to support the participant and acknowledge that their hard work and determination is recognized. The incentives are immediate, graduated, individualized and directly related to the achievements as certain milestones are met (i.e., participant compliance).

Examples of the times when the participant may be eligible to receive one of these rewards are as follows:

- Court ordered tasks, including mental health treatment and/or drug/alcohol treatment are completed
- Participant remains compliant with court orders for a significant period of time and demonstrates his/her commitment to treatment
- Participant moves to the next phase in the Mental Health Docket
- Participant keeps all scheduled appointments for a period of time, for example 2 weeks
- Sobriety maintained
- Improved behavior
- Regular attendance at status review hearings.

There are many different rewards/incentives that the court may have available for the participants. Some of these include but are not limited to:

- Words of encouragement and acknowledgement of positive progress in court
- Removal of sanctions that were previously ordered
- Permission to travel with family
- Tokens
- Decreasing number of urine tests

- Reduction of curfew
- Graduation to the next phase
- Dismissal of charge for those on Intervention In Lieu of Conviction
- Early termination from Community Control for those on Community Control
- Decreased/waived supervision fees
- Graduation from the Mental Health Docket.

## **Sanctions**

Sanctions will be immediate, graduated and individualized. They will be used at times when the participants are not complying with court orders, treatment, and case management. Sanctions are used to help the participants conform their behavior to program requirements. It should be noted that treatment will not be used as a sanction. Sanctions may include but are not limited to:

- When participants fail to appear for a Mental Health Docket session
- When participants do not follow court orders
- When participants do not follow treatment recommendations
- When participants do not attend treatment appointments
- When participants miss or are late for scheduled appointments with providers or court officials
- When participants fail to provide drug test or dilute urine screens
- When participant tests positive for illicit drugs or alcohol
- When participants receive new charges or convictions
- When participants fail to complete docket assignments.

The following are some examples of sanctions and is not inclusive:

- Verbal warnings and caution from the Judge
- Placed back on an earlier phase
- Increase in alcohol and drug testing
- Increase court appearances
- Refusing specific requests
- Decreasing special privileges
- Community Service
- Curfew
- Periods of jail time or house arrest
- Filing of a Community Control Violation
- Termination from the Mental Health Docket.

Positive urines at intake will be considered a baseline drug test and will be documented. The treatment provider will be immediately notified of positive tests as well as the Mental Health Docket team.

It should be noted that for some participants, incarceration will result in a deteriorated mental state. While jail is an option, it should be used as a graduated sanction. Because stabilization of the individual is the key to success, incarceration for long periods of time or if it is used too frequently may disrupt medication regimens, treatment, housing and the ability to parent children.

Jail sanctions will not be imposed for non-compliance without providing the affected participant with notice, a hearing, and the opportunity for legal representation. A participant may waive the right to a hearing (Appendix E) as long as that person has been given an opportunity to consult with an attorney and as long as any waiver is made knowingly, intelligently, and voluntary.

Relapses will be addressed with treatment providers to verify if the use is a continued use, or a relapse. The participant will be reassessed and be placed in the appropriate level of care to address the positive screen and to re-engage or re-stabilize the participant. The treatment provider as well as the Mental Health Docket team will be notified of the positive urine screen. Sanctions for the relapse may include but not limited to; increased, homework assignments pertaining to relapse/use, increased office visits and possibly jail.

The Mental Health Docket treatment team participates in determining the incentives and sanctions and the Mental Health Docket Judge will enforce and reinforce them. All sanctions and rewards will be documented in the participant's file and reviewed at status review hearings. An adjustment in treatment services, as well as participating in community based mutual support meetings, are based upon only the clinically informed interests of the participant. All incentives and sanctions are to be individualized. A participant does not have the right to contest sanctions that do not impact liberty.

## **Chapter 6 - Program Completion**

### **Successful Completion**

In order for a participant to graduate from the Mental Health Docket program, the participant must have completed all phases of the Mental Health Docket. The criteria for completion are listed on the Court Services Plan. The process for a participant to graduate is as follows:

- The Mental Health Docket Probation Officer will review the completion of all phases utilizing the Court Services Plan and bring the potential graduate's name up at the treatment team meetings.
- Each potential graduate will submit a graduation application and life-management plan for review by the treatment team.
- The Mental Health Docket team will review the participant's docket record, behavior and accomplishments throughout the program and whether the goals of the court services and treatment plans have been met. The Docket Team will make a recommendation to the Docket Judge who will make the final decision.
- The Mental Health Docket Coordinator will announce a graduation date and inform local agencies of the time and location of the graduation ceremony. All active participants on the docket may attend the graduation. The graduation of each participant will be journalized by the Court.

### **Intervention in Lieu**

The case will be disposed of through a judgment entry successfully terminating the Defendant from the Mental Health Docket and sealing his/her record if all the statutory requirements have been met. A copy of the judgment entry will be presented to the participant at the graduation ceremony in addition to a certificate evidencing successful completion of the Mental Health Docket.

### **Post-Conviction**

A judgment entry successfully terminating the Defendant from Community Control/Probation will be presented to the participant at the graduation ceremony in addition to a certificate evidencing successful completion of the Mental Health Docket. The participant may continue on a period of non-supervised community control if court costs, fines or restitution are still owed.

## **Unsuccessful Terminations**

All participants whose inactions are not meeting docket standards will be discussed by the treatment team who may recommend an unsuccessful termination from the docket based upon the following criteria:

- Ongoing noncompliance with treatment
- Resistance to treatment
- New serious criminal conviction;
- Failure to attend status review hearings or make treatment team appointments
- A serious Mental Health Docket violation or series of violations
- A serious Community Control and/or Intervention in Lieu violation or a series of Community Control and/or Intervention in Lieu violations.

The consequences of an unsuccessful termination may be as follows:

- Revocation of Intervention In Lieu of Conviction or Revocation of Community Control
- Loss of future eligibility for the Mental Health Docket
- Further legal action including revocation of Intervention In Lieu of Conviction and finding of guilt and sentence, Notice/Motion to Revoke Community Control
- Depending on the circumstances, terminated participants may be subject to prison, jail or other penalties.

The participant will be informed of the possible termination of that person's participation in the Mental Health Docket and will be informed of his or her right to consult with an attorney before any termination. The participant may then waive any pre-termination hearing or may choose instead to proceed with a hearing to be conducted in the same manner as a community-control-violation hearing.

The Mental Health Docket Judge will make the final decision regarding the unsuccessful termination of the participant in accordance with the Mental Health Docket written criteria.

## **Neutral Terminations**

Neutral terminations of a participant will follow the same process as other terminations. The case will be brought before the docket team for discussion and the Mental Health Docket Judge will make the final determination. The information about the participant will be thoroughly reviewed and verified by the probation officer. Some cases in which neutral terminations may apply will be as follows:

- A serious medical condition arises
- Serious mental health condition arises

- Death; or
- Other factors that will impede the participant's requirements for successful completion.

The probation officer must file the appropriate paperwork with the Prosecutor's Office who will file the appropriate documents with the Court pertaining to the neutral termination from the Mental Health Docket. The written legal and clinical eligibility and termination criteria do not create a right to participation in the Mental Health Docket.

### **Exit Survey**

All participants will be asked to complete an Exit Survey upon discharge.

### **Inactive Cases**

Inactive cases will still be considered a part of the docket. The same process of discussing cases with the Mental Health Docket team will occur and the Mental Health Docket Judge will provide the final approval. Some instances in which an Inactive Status will be applied are as follows:

- When a participant is in a Community Based Correctional Facility (CBCF) or residential treatment center and is unable to attend the docket hearings. The Mental Health Docket Coordinator and Probation Officer will continue to monitor the participant's compliance through reports.
- When a participant is unable to pay the Court obligations in full prior to graduation. The participant will attend the graduation ceremony and be placed on non-reporting supervision for continued monitoring until court costs, supervision fees and restitution are paid in full.
- When the participant has a warrant issued for his arrest for absconding supervision. The participant's case will still be monitored by the probation officer. In the event the participant is arrested, the probation officer will discuss the case with the Mental Health Docket team. Depending on the nature of the warrant, the participant may be terminated unsuccessfully from the docket. The Mental Health Docket Judge will provide the final approval on the disposition of the case.

The participant will remain on the probation officer's Caseload when CBCF placement is recommended or when warrants are issued.

### **Administrative Program Suspension**

Administrative suspension is a status reserved for those Mental Health Docket participants who have not responded to other graduated sanctions. They are temporarily suspended from

the program by the Mental Health Docket Judge. These participants may be suspended from participation in status review hearings yet remain engaged in their treatment and court services plans. Participants may be eligible to return once a determination has been reached regarding their continued appropriateness to respond to the Mental Health Docket. The following examples may reflect reasons for an administrative suspension:

- Those participants placed in a residential facility as a result of continued use
- Those participants who are charged with new crimes pending adjudication and/or a final disposition for sentencing
- Those participants who need further assessments or evaluations to determine if the Mental Health Docket is beneficial to the participant and the program
- Those participants who are unable/ unwilling to comply with program requirements in a timely manner as directed; for example falling behind on scheduled restitution payments or, medical hardship.

## **Chapter 7 - Substance Use Monitoring**

Requires substance-use monitoring based on individual alcohol-and drug-testing plans.

Substance testing may be required at least twice each week. For all participants who have been diagnosed with a substance-use disorder, drug or alcohol testing will occur throughout those persons' time on Mental Health Docket. Participants who do not have a history of substance use must still undergo random and observed drug testing, although a frequency of less than twice weekly will be considered.

All drug and alcohol testing plans are individualized. Tests will be random, frequent, and always observed. Urine samples will be analyzed for temperature, specific gravity, Creatinine and other chemical markers to ensure a valid urine specimen. Drug screens may be conducted during your court appearance, during your home visits, or at any other time. Failing to submit to testing, refusing to submit to testing, submitting an adulterated sample, submitting the sample of another individual, or diluting a sample will be treated as positive tests that can result in an immediate sanction. A positive test or admission of alcohol or other drug use will not automatically disqualify you from the docket but will result in an immediate sanction or an increase or change in your current level of treatment.

### **Adult Court Services Substance-Testing Program**

Participants being placed on the substance-testing program will be charged 50 cents monthly for the use of the call-in program. The officer must have the participant fill out the Random Substance Test Form in OCSS. The officer must enter into the Substance Testing tab in OCSS in the drug-testing profile the frequency of the test, the default test type (13 panel 80 hour alcohol), and the start date. This will generate a random test. The tests occur Monday through Friday and the dates are computer generated.

The participants are responsible for calling in nightly after 6 p.m. and before 7 a.m. to find out if they are to report for testing. Officers can view if the participant has called in under the communications tab and what phone number they called from. Officers will also be able to know if the participant is required to test from that tab as well as the Substance Test Calendar and can view the whole month of testing under the calendar tab for the participant. If the officer wants to add an additional test, it can be added under the substance-abuse tab.

The participant is required to report between 8 a.m. and 9 a.m. or between 3 p.m. and 4 p.m. on the day of the test. The participant is required to provide a sample in the above time frames. If a participant is unable to report at those times, he or she must make prior arrangements with his or her probation officer.

## **OBTAINING URINE SPECIMEN:**

1. The urine specimen will be obtained from the participant as follows:
  - a. The participant shall be escorted to the restroom;
  - b. The participant shall be monitored to ensure a genuine sample is collected;
  - c. The officer shall verify the validity of the sample by checking the temperature strip on the cup after the collection of the sample;
  - d. The officer shall collect the sample from the offender and must not lose sight until determining the results of the sample.

## **FAILURE TO SUBMIT SAMPLE**

1. If a participant refuses (this includes leaving or failing to appear at a designated time) or fails after a reasonable period of time (two hours) to submit with specimen, he/she shall be informed that this refusal may constitute a violation of the conditions of supervision. The officer has the authority to determine whether a failure to submit constitutes an intentional refusal in the following situations:
  - a. The participant fails to appear for a scheduled drug test;
  - b. The participant is unable to provide a specimen after an allotted amount of time (usually two hours);
  - c. The participant has failed to provide proof of any special circumstances (medical conditions, etc.) to the officer;
  - d. The participant displays a poor attitude or is causing difficulties to the officer in the collection of a urinalysis sample.
  
2. The probation officer has the authority to decide whether:
  - a. To require the participant to provide a urine sample on that date;
  - b. To reschedule the drug testing to another date, or;
  - c. To require the urine sample to be sent to the lab for confirmation.

The probation officer may confer with the Chief Probation Officer or Deputy Chief Probation Officer for guidance in determining what action should be taken should the necessity exist.

## **PROCESSING DRUG TESTS:**

Drug testing must be sufficient enough to include the participant's primary substance of dependence as well as others.

### **Vista cups test the following:**

Amphetamines (AMP) cutoff 500 ng/ml

Ethyl Glucuronide (EtG) 500ng/ml

Buprenorphine (BUP) cutoff 10 ng/ml  
Benzodiazepines (BZO) cutoff 300 ng/ml  
Methamphetamine (MET) 500 ng/ml  
Methadone (MTD) 300 ng/ml  
Marijuana (THC) 50 ng/ml

Norfentanyl (FEN) 50 ng/ml  
Ecstasy (MDMA) 500 ng/ml  
Morphine (MOR) 300 ng/ml  
Oxycodone (OXY) 100ng/ml  
Tramadol (TRA) 100ng/ml

### **NOTIFICATION OF RESULTS:**

The results (whether positive, negative or failed to report) of the urinalysis test will be entered into the OCSS in a timely manner in order for the probation officer to aggregate and track the participant's drug-testing history.

An email can be generated to the supervising officer the next business day for those who tested positive, reported for testing, or failed to report.

### **POSITIVE TESTS:**

The participant will be apprised of any positive test results and asked for an explanation or admission of use. If the participant admits to using, the sample will not be sent to the lab and the appropriate steps would be taken.

If the participant denies using and the lab reports a positive result, the participant would pay the costs of the lab test. The participant will sign the admission form and will check the box indicating they deny use and to send it to the lab.

For Specialized Dockets positive drug tests will be addressed through the treatment provider to verify if the use is a continued use, or a relapse. The participant will be reassessed and be placed in the appropriate level of care to address the positive screen and to re-engage or re-stabilize the participant. The treatment provider as well as the Mental Health Docket team will be notified of the positive urine screen. Sanctions for the relapse will be; increased status review hearings, homework assignments pertaining to relapse/use, increased office visits and possibly jail.

The Mental Health Docket team participates in determining the incentives and sanctions and the Mental Health Docket Judge will enforce and reinforce them. All sanctions and rewards will be documented in the participant's file and reviewed at the status review hearings.

### **CONFIRMATION OF DRUG TESTS RESULTS:**

1. Confirmation by an outside Laboratory will only be done when probation violations are contested. Per section a sanction will not be issued while waiting for a test result to return from the lab. In the event the results from the test returns positive, the participant will receive a much more severe sanction in addition to paying for the cost

of the positive test. If the test returns negative, the participant will not pay for the cost of the test.

## **BREATHALYZER:**

### **Recommended Practice**

Probation Officers must use Adult Court Services' equipment for breath testing.

Supervisors must ensure that the device is calibrated in accordance with the manufacturer's recommendations. Malfunctions or operational problems should be reported to the Chief Probation Officer immediately.

In the State of Ohio, breath readings over .08 are considered to be illegal intoxication for driving purposes only. A decision to arrest, refer to a detox center, or send home a participant with a reading over .08 must be made in consultation with a supervisor and with reference to the subject's current behavior, whether the subject will operate a motor vehicle, and other normal arrest criteria.

Under normal circumstances, all participants who produce a reading over .08 will be arrested and transported to the Delaware County jail for their safety.

### **Testing by Outside Treatment Agency**

Testing on participants will occur through the treatment agency in which they are being treated. The member from that agency will notify the Mental Health Docket Probation Officer of the outcome of any test results, as they are conducted.

### **Notification/Documentation**

The results of all drug tests are immediately shared with the Mental Health Docket Team and the participant's treatment provider. In addition, to the results being shared, information will be shared if a participant failed to report, failed to provide a sample, adulterated a sample, provided a sample of another individual, and or tampered with a sample.

### **Sanctions:**

If a participant is late for a test or misses a test, it will be considered a presumptive positive test for drugs/alcohol.

If a participant refuses to submit a urine sample, it will be reported as a refusal to test and considered a presumptive positive.

The participant must provide a urine sample which is negative for all drugs/alcohol.

If the participants fail to produce a urine specimen (within 2 hours) or if the sample provided is not of sufficient quantity, it will be considered as a presumptive positive test for drugs/alcohol.

If the participant produces a diluted urine sample it will be considered as a presumptive positive test for drugs/alcohol.

If the participant substitutes or adulterates their specimen for the purposes of changing the drug testing results it will be considered as a positive test for drugs/alcohol and will result in sanctioning and may be grounds for revocation from the Mental Health Docket Program.

Positive urines at intake will be considered a baseline drug test and will be documented. The treatment provider will be immediately notified as well as the Mental Health Docket team.

### **Relapses**

Relapses will be addressed through the treatment provider to verify if the use is a continued use, or a relapse. The participant will be reassessed and be placed in the appropriate level of care to address the positive screen and to re-engage or re-stabilize the participant. The treatment provider as well as the Mental Health Docket team will be notified of the positive urine screen. Sanctions for the relapse will be; increased status review hearings, homework assignments pertaining to relapse/use, increased office visits and possibly jail.

The Mental Health Docket team participates in determining the incentives and sanctions and the Mental Health Docket Judge will enforce and reinforce them. All sanctions and rewards will be documented in the participant's file and reviewed at the status review hearings.

### **Medication Usage**

It will be the participant's responsibility to inform all treating physicians of their recovery from drugs/alcohol before they are given an addictive medication. If a doctor believes that it is necessary to prescribe the medication such as narcotic pain medication or any other medication that will yield a positive urine screen, the physician must submit a letter to the Mental Health Docket Probation Officer stating that he/she is aware of the participant's status as a person in recovery and the need for this medication outweighs the risks. The participant **MUST** have a letter **PRIOR** to taking any medication that will cause a positive screen. If the participant tests positive and does not have a letter from that person's doctor, that participant faces immediate sanctions.

In cases of emergency-room care, the participant will provide verification of all emergency-room orders and discharge information to the Mental Health Docket Probation Officer no more than 7 days after release from the hospital. All prescriptions will have to be cleared by a primary care physician to continue taking the medications without sanctions. A pattern of visits to the emergency room for ailments that require opiate treatment may be brought back before the Court at the discretion of the Mental Health Docket team.

## **Chapter 8 - Professional Education**

The interdisciplinary education of the Mental Docket team promotes effective docket planning, implementation, and operations. All new members and current members will be educated to the Mental Health Docket “*process.*”

### **Meetings**

Meetings will be scheduled at least quarterly with the Advisory Board to assess the functionality of the Mental Health Docket. The team will be looking at what’s working, what’s not working and the achievement toward meeting program goals and objectives. Furthermore, policies and procedures will be updated based on these meetings. At these meetings the members will share new and upcoming information about the Mental Health Dockets, discuss any area trainings and evaluate the best practices that are being used by the area agencies. Information that is obtained by attending the sub-network meeting at the Supreme Court will be shared as well. All treatment team members will be encouraged to attend the Ohio Specialized Dockets Practitioner Network Meetings.

### **New Team Members**

All new members to the Mental Health Docket treatment team will be advised of the policies, procedures and best practices utilized by the docket team members. They will be encouraged to read the policy and procedure manual for the Mental Health Docket.

The Mental Health Docket team will identify similar area Mental Health courts and build a relationship with those courts as well as attend any sessions and/or meetings to increase collaboration and leverage resources and information. The Mental Health Docket Coordinator and Probation Officer will foster and regularly review those relationships.

### **Prosecutors/Defense Attorneys**

Prosecutors and defense attorneys are encouraged if possible, to attend the docket team meetings so that they will understand the importance of their roles within the Mental Health Docket process. In addition, if possible, they will be encouraged to attend Supreme Court trainings and Advisory Committee Meetings and to access information about Mental Health Dockets online.

## **Supreme Court Meetings**

All Mental Health Docket members will be encouraged to attend and participate in Supreme Court meetings, trainings and the annual conference to increase their understanding of Mental Health Docket courts and develop beneficial relationships with other state courts.

## **Chapter 9 - Effectiveness Evaluation**

The Mental Health Docket has a plan for evaluating its effectiveness. It includes a statement of goals and objectives set forth in chapter one of the policy and procedure manual. The Mental Health Docket has a system for collecting data and a process for analyzing that data in order to determine whether goals and objectives have been met.

The Mental Health Docket Coordinator and Probation Officer will use databases and other tools to collect statistical data and compile reports. The information will be compiled and presented to the Advisory Committee on a quarterly basis. Information obtained will be used provided to the Mental Health Docket Judge to evaluate the effectiveness and functionality of the Mental Health Docket, treatment team, Court Services Plan and policies and procedures.

### **Supreme Court Reporting Data**

The Mental Health Docket team will comply with reporting data as required by the Supreme Court. The data collected corresponds to the goals and objectives established during the planning process and contained in the policies and procedures chapter. The Docket Team will engage in ongoing data collection in order to evaluate whether or not the Docket is meeting its goals and objectives. Data collected will be utilized by the Advisory Committee as part of the functionality review of the treatment team.

All Mental Health Docket participants will be encouraged to complete an anonymous Exit Survey upon successful completion or termination from the program. The information collected will be used to provide perspective on a participant's experience, effectiveness of programs and services, and suggestions to improve outcomes.

### **On-Going Data Collection**

The Mental Health Docket Coordinator and Probation Officer will periodically exam success rate and may consider the following information:

- Number of Participants referred
- Number of Participants accepted
- Number of Participants denied
- Reasons for denial
- Number of graduates
- Number of unsuccessful terminations
- Number of participants neutrally discharged
- Number of prison days that could have been imposed
- Number of jail days served for sanctions

- Number of days served on alternative sanctions such as Prison Diversion and Community Service diversions.
- New offenses committed by participants while in program
- Convictions of new offenses while in program
- Number of drug screens negative
- Positive drug screen results
- Graduated sanctions
- Treatment attendance
- Unsuccessful discharge from treatment
- Successful completion of treatment
- Participants referred to residential treatment
- Completion of residential treatment
- Unsuccessful discharge from residential treatment
- Age of participants
- Gender of participants
- Race of participants
- Employment status of participants beginning and end
- Marital status
- Number of Children
- Level of educational attainment
- Failure to report for tests
- ORAS score upon entry of program
- ORAS score upon exiting program
- Criminal history (Misdemeanor/Felony convictions)
- Length of time in each phase
- Length of time in program
- Types of referrals made to ancillary services/programming (mental health, employment, vocational training, cognitive thinking etc.)
- Number of new convictions by graduates
- Number of new convictions by active participants
- Number of new convictions by terminations

**Appendix A**  
**Specialized Docket Referral Form**  
*Delaware County Court of Common Pleas*  
**Please complete the information below and send to Specialized Docket Coordinator**  
**Fax: 740.833.2526 or Email: Hgraham@co.delaware.oh.us**

**Referred by:** \_\_\_\_\_ **Phone Number:** \_\_\_\_\_

**Docket Recommendation (circle one):** Mental Health Docket          Recovery Docket          Unknown

**Offender's Personal Information** (please print):

Name (Last, First, and Middle Initial):	DOB:	Age:
Street Address:	City:	Zip Code:
Home Phone:	Work Phone:	Race:
Social Security No:	Aliases:	Gender:
Incarcerated: Y <input type="checkbox"/> N <input type="checkbox"/>	Where:	

**QUALIFYING FACTORS:**

**1. Clinical Criteria**

- (a) The candidate's mental health disorder and/or substance use disorder was a factor in the behavior that resulted in the pending charges(s) and, unless treated, the defendant's disorder is likely to contribute to future criminal behavior.
- (b) Are receptive to behavioral health treatment and agree to actively participate and cooperate with the specialized docket coordinator and community providers.
- (c) Agree to maintain any medication assisted treatment, psychiatric medication, psychotherapy, and/or other counseling.
- (d) Have a primary DSM-5 diagnosis for mental illness and/or moderate or severe substance use disorder.

**2. Legal Criteria**

- (a) The candidate must be charged with:
  - Mental Health Docket: a non-violent fourth- or fifth-degree felony.
  - Recovery Docket: a felony offense that is less serious than a felony of the second degree and not be charged with F3 trafficking.
- (b) Be placed on intervention in lieu of conviction, community control, and/or through judicial release.
- (c) The candidate must be competent and understand and appreciate the consequences of the legal proceedings.
- (d) Must agree to actively cooperate with the specialized docket coordinator and probation officer.
- (e) The candidate cannot pose a significant risk of harm to the community, the staff of the Court, the providers, or agencies working with the docket.
- (f) Judge has the sole discretion in the admissibility to the
- (g) Some additional criteria to consider for eligibility are:
  - If the Domestic Violence case occurred more than five years ago and the candidate completed community control.
  - The candidate has a low risk of committing a similar offense.
  - Score 15 or higher on the Ohio Risk Assessment System.

**DISQUALIFYING FACTORS:**

- A) The candidate has a predominant personality disorder and/or mental retardation/intellectual disability as indicated in the DSM-5.
- B) The candidate has outstanding warrant or holders from any other jurisdiction or pending felony case.
- C) The candidate has current sexual offender status.
- D) The candidate is charged with OVI.
- E) The candidate is highly resistant to changing behavior after numerous interventions.
- F) The candidate has charges and history of domestic violence; depending on the facts of the case or a significant history of violent behavior to be determined on a case-by-case basis.
- G) The candidate is currently on post release control or federal parole.

- H) The candidate has demonstrated failure to exhibit a willingness to take medication as prescribed and/or to follow a treatment plan.
- I) The victim of the candidate's offenses was a child or elderly person.

**Appendix B**

## Authorization to Use and Disclose Protected Health Information Form

I, \_\_\_\_\_, hereby voluntarily authorize the use and disclosure of protected health information ("PHI") deemed relevant to Delaware County Common Pleas Court ("CPC") about me by signing this Authorization to Use and Disclose Protected Health Information Form ("Authorization").

This Authorization applies to the following individual, identified below by name, date of birth ("DOB"), and social security number, and authorizes the use and disclosure as specified herein:

Individual Name: \_\_\_\_\_ DOB: \_\_\_\_\_ Social Security # \_\_\_\_\_

II. The following agency(s) have my permission to exchange/give/receive/share/re-disclose information about me. (Please Check and/or Specify).

<input type="checkbox"/> CPC 117 N. Union Street Suite 317 Delaware, Ohio 43015	<input type="checkbox"/> Other(s) (Specify and Address)
<input type="checkbox"/> Other(s) (Specify and Address)	<input type="checkbox"/> Other(s) (Specify and Address)

III. The purpose or need for this disclosure is: (Please Check, Insert Case Number, and/or Specify)

<input type="checkbox"/> Legal Matter –Delaware County Case No.	<input type="checkbox"/> Other(s) (Specify)
<input type="checkbox"/> Other(s) (Specify)	<input type="checkbox"/> Other(s) (Specify)

IV. The PHI to be disclosed from my health record includes the following: (Please Check and/or Specify)

<input type="checkbox"/> Discharge Summary(ies)	<input type="checkbox"/> Psychiatric Evaluations	<input type="checkbox"/> Progress Reports
<input type="checkbox"/> Names of Agencies Providing Services	<input type="checkbox"/> Vocational assessments	<input type="checkbox"/> Psychological Assessment
<input type="checkbox"/> Treatment Plan	<input type="checkbox"/> Disability Records	<input type="checkbox"/> Physician Orders

<input type="checkbox"/> Laboratory Reports	<input type="checkbox"/> Type of Services Received	<input type="checkbox"/> Medications Prescribed
<input type="checkbox"/> Appointment Date/Time	<input type="checkbox"/> Attendance Record	<input type="checkbox"/> Other (specify):

**HIV/AIDS, Mental Health/Psychological, and Substance Use Information:** (Please Check and Signature Required)

Information to Disclose	Signature
<input type="checkbox"/> HIV Test/AIDS-Related Health Information/Status	
<input type="checkbox"/> All Mental And Behavioral Health Information	
<input type="checkbox"/> Alcohol/Substance Use/Addiction Treatment Records	

**Time Frame for PHI to be disclosed:** (Please Insert Individual's DOB)

<input type="checkbox"/> Entire Time From Individual's DOB: Until Present Date
--

- V. I understand that I may revoke this Authorization in writing submitted, at any time to the contact information listed below in this section, except to the extent that action has been taken in reliance on this Authorization. If this Authorization has not been revoked, I knowingly and voluntarily agree that this Authorization is to remain in effect until all criminal proceedings, including any incarceration term or probationary term, in Delaware County Case No. \_\_\_\_\_ are completed or 365 days, whichever occurs last.

**Written revocation must be submitted to the following person at the CPC:**

**Name:** Holly Graham **Address:** 117 N. Union Street Suite 531 **City/State/Zip Code:** Delaware, Ohio 43015

- VI. I understand that my alcohol and/or drug treatment records receive special protection under federal law (42 C.F.R. Part 2) and can only be re-disclosed as permitted by the federal regulations. I understand that my physical and mental health treatment records are protected by HIPAA but may be subject to re-disclosure if the recipient of my information is not subject to HIPAA.

This is a free and voluntary act by me. I understand that refusing to sign this form does not prohibit disclosure of my PHI that is otherwise permitted by law without my specific authorization or permission. Additionally, I have the right to receive a copy of this Authorization.

**Individual Printed Name:** \_\_\_\_\_

(Or Person Authorized to Give Consent)

**Individual Signature:** \_\_\_\_\_  
(Or Person Authorized to Give Consent)

**Relationship of Person if not the Individual:** \_\_\_\_\_

**Date:** \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

**CPC Representative Printed Name:** \_\_\_\_\_

**CPC Representative Signature:** \_\_\_\_\_

**Date:** \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

**Appendix C**

**IN THE COURT OF COMMON PLEAS, DELAWARE, OHIO**

Mental Health Docket  
Holly Graham, Specialized Docket Coordinator  
117 N. Union Street, Delaware, Ohio 43015  
Phone – 740.833.2526  
Fax – 740.833.2529

**Defendant's Name:**

**Case Number(s):**

---

**Mental Health Docket Screening Recommendation**

**Date:**

Individual was found eligible to enter the Mental Health Docket Program.

Individual was found ineligible to enter the Mental Health Docket Program for the following reasons:

- Refused program
- Significant risk to staff
- Lacks capacity to understand program requirements
- Does not meet Mental Health Docket program criteria
- Does not meet provider criteria
- Did not complete assessment

**Comments:**

---

Holly Graham, Specialized Docket Coordinator

---

Date

cc: Assistant Prosecuting Attorney  
Defendant/Attorney for Defendant  
Holly Graham, Specialized Docket Coordinator  
Jeremiah Mowery, Mental Health Docket Probation Officer – Adult Court Services  
David M. Gormley, Judge – The Delaware Court of Common Pleas

**Appendix D**  
**DELAWARE COUNTY COMMON PLEAS COURT**  
**MENTAL HEALTH DOCKET COURT SERVICES PLAN**

Name: \_\_\_\_\_

Date: \_\_\_\_\_

**Stabilization Phase (Phase II)**

The Delaware County Mental Health Docket is a one to two year intensive supervision program. The primary goals of this phase are to stabilize your symptoms and obtain compliance with the mental health court docket program requirements. You are entering Phase II and will be expected to complete the below requirements of the program. Successful completion of this phase will be based upon your performance, compliance with the program, and the recommendations of the Mental Health Docket Team.

**Tasks for Docket Team to consider for the stabilization phase include the following:**

Ensure court obligations are being met, such as developing payment schedules for fines, court costs, and victim restitution, assigning appropriate community service, or serving mandatory jail time, if applicable. Determine frequency of random drug and alcohol testing. Identify prescribed medications and determine frequency for medication compliance monitoring. Complete all other assessments and inventories determined necessary by the mental health docket team, including housing, education, vocational, employment, and life skills. Participant requirements will be appropriate to each individual's situation.

**Participant requirements for Phase II, Stabilization:**

\_\_\_\_\_ Follow Court Services Plan and abide by the rules of the MHD program.

\_\_\_\_\_ Attend required docket status review hearings – 2 times per month.

The **second and fourth Wednesday of the month at 11:45am**; unless otherwise notified by the court.

\_\_\_\_\_ Attend weekly PO/Docket Coordinator meeting and comply with probation terms.

\_\_\_\_\_ Sign necessary Disclosure of Confidential Information forms.

\_\_\_\_\_ Commit no new criminal offenses.

\_\_\_\_\_ Submit to all drug and alcohol testing.

\_\_\_\_\_ Complete behavioral health screenings, assessments &/or evaluations as recommended.

\_\_\_\_\_ Attend mental health &/or substance abuse treatment sessions and activities as recommended.

\_\_\_\_\_ Comply with prescription medication and treatment requirements.

\_\_\_\_\_ Attend meetings with case manager if needed and/or warranted.

**Graduation to the next phase includes the following items:**

*The Mental Health Docket Probation Coordinator will check off the items below as they are completed.*

\_\_\_\_\_ Active participation in the MHD for 24 to 40 weeks.

Start Date: \_\_\_\_\_ Eligible for Next Phase Date: \_\_\_\_\_  
\_\_\_\_ Recommendation by the MHD team.

\_\_\_\_ Negative drug screens for 60 consecutive days.

\_\_\_\_ No sanctions for last 4 weeks.

\_\_\_\_ No new convictions in last 90 days.

\_\_\_\_ 4 satisfactory home visits with PO.

Visit 1: \_\_\_\_\_ Visit 2: \_\_\_\_\_ Visit 3: \_\_\_\_\_ Visit 4: \_\_\_\_\_

\_\_\_\_ Complete Goals homework.

Personal Goal: \_\_\_\_\_ Docket/Probation Goal: \_\_\_\_\_ Treatment Goal: \_\_\_\_\_

\_\_\_\_ Participate in quarterly specialized docket events.

\_\_\_\_ Complete all homework and docket assignments.

\_\_\_\_ Submit application to move to next phase.

I have received my copy of the **Phase II** requirements of the Mental Health Docket program. The Docket Coordinator has explained my requirements to me. I am aware that I am ordered to comply with these areas in order to successfully complete the Program. I understand that it is my responsibility to comply with the Program's requirements. I acknowledge that I am entering the Mental Health Docket Program. I also acknowledge that failure, on my part, to comply with the above-mentioned, checked terms may result in my removal from the Program. If removed from the Program due to non-compliance, I will have not completed the Program successfully.

\_\_\_\_\_  
Defendant Signature \_\_\_\_\_ Date

-----  
Date Completed: \_\_\_\_\_ P.O. or Docket Coordinator's Initials: \_\_\_\_\_

**Appendix E**

IN THE COURT OF COMMON PLEAS OF DELAWARE COUNTY, OHIO

THE STATE OF OHIO, :  
 :  
 Plaintiff, :  
 : Case No.  
 v. :  
 : JUDGE DAVID M. GORMLEY  
 :  
 Defendant. :

**JOURNAL ENTRY ADDRESSING THE DEFENDANT'S ACCEPTANCE  
OF A MENTAL-HEALTH-DOCKET JAIL SANCTION**

I, \_\_\_\_\_, voluntarily waive my right to a hearing on the following violation, and I admit that I have violated the requirements of the Mental Health Docket program by failing to comply with the following provision(s) of the form entitled "Acknowledgement of Requirements of Mental Health Docket" that I earlier signed in this case –

**Agreement #8. I understand that repeated non-compliance with the requirements of my Court Services Plan or Treatment Plan may result in my dismissal from the Mental Health Docket and could result in further community control sanctions. Sanctions may be graduated and may include jail time before a hearing is required. Furthermore, I understand that by complying with my treatment plan and the Mental Health Docket, I will be rewarded for my compliance.**

**Agreement #14. I understand that any noncompliance on my part will be governed by immediate and graduated sanctions.**

After consulting with my attorney, I elect to waive a formal hearing on the violation.  
\_\_\_\_\_(initials)

I am signing this waiver knowingly, voluntarily, and intelligently.

\_\_\_\_\_ (initials)

In waiving my right to a formal hearing, I agree to be sanctioned by the Delaware County Common Pleas Mental Health Docket, and I agree to accept and to comply with any conditions and consequences that may be imposed on me, including the possibility that I must spend some time in the county jail. \_\_\_\_\_ (initials)

Due to the violation(s) stated above, the following checked sanction is being imposed by Judge David M. Gormley, Mental Health Docket Judge:

- 24 hours in jail
- 48 hours in jail
- 72 hours in jail

\_\_\_\_\_  
Specialized-Docket Participant

\_\_\_\_\_  
Date

\_\_\_\_\_  
Specialized-Docket Defense Attorney

\_\_\_\_\_  
Date

\_\_\_\_\_  
David M. Gormley  
Judge

cc: Assistant Prosecuting Attorney  
Defendant  
Jeremiah Mowery, Mental Health Docket Probation Officer  
Holly Graham, Specialized Dockets Coordinator

APPENDIX I

**Delaware County Court of Common Pleas**

***RECOVERY DOCKET PROGRAM DESCRIPTION***



**JUDGE JAMES P. SCHUCK  
117 N. UNION STREET  
DELAWARE, OHIO 43015  
(740) 833-2550**

September 2023 Edition

# **Chapter 1 - Policies and Procedures**

## **Mission Statement**

To provide a therapeutically-oriented, court supervised program for participants with a substance use diagnosis that assists in improving the safety of the community and the quality of life for the participant through the utilization of intensive supervision, evidence based intervention, and linkage to appropriate substance use/mental health treatment and other community resources.

## **Advisory Committee**

The General Division of the Delaware County Court of Common Pleas has joined with the court's other divisions and with the Delaware Municipal Court to create a forum that serves as the policymaking authority for all specialized dockets in Delaware County. That group is the Specialized Docket Advisory Committee.

## **Role of the Specialized Docket Advisory Committee**

The committee is made up of key community stakeholders who provide input into the policies, procedures, and overall operation of specialized dockets in Delaware County. The committee meets quarterly and its members serve a minimum of one year. The Specialized Docket Judges attend and rotate chairing the meetings. Each judge who oversees a specialized docket chairs the portion of the advisory-committee meeting that pertains to that judge's docket.

## **Responsibilities of Committee Members**

Advisory Committee members meet to discuss ongoing issues relating to the specialized dockets such as goals, objectives, target audience, policies, procedures, eligibility criteria, incentives, case flow, and each agency's role and responsibility in the process. Each program coordinator presents program data and statistical information to the Specialized Docket Advisory Committee members for review on a quarterly basis. Program effectiveness, sustainability, community outreach, and education efforts are also addressed.

A Memorandum of Understanding detailing the responsibilities of each party participating has been signed by agency heads of all providers.

## **Membership**

Specialized Docket Advisory Committee membership may include but is not limited to the following: Regional Director and Clinical Supervisor at Maryhaven, Site Manager/Program

Director and Clinical Supervisor at Access Ohio, LLC, Regional Clinical Director Southeast Healthcare, Chief Clinical Officer and Clinical Site Manager at Syntero, prosecutors, defense counsel, representatives from the county Sheriff's office and Delaware Police Department, jail personnel, Executive Director and Associate Director of Delaware-Morrow County Mental Health and Recovery Services Board, representatives from the Delaware County Department of Job and Family Services, Program Director of NAMI Mid-Ohio, Director of Safe Harbor Peer Support Services, Director of Jacob's Way, the specialized docket judges, the specialized docket coordinators, and probation officers from Delaware County Adult Court Services. Advisory Committee members indicate their interest and ongoing participation by signing a roster at the beginning of each meeting.

### **Memoranda of Understanding**

Memoranda of Understanding have been developed to enhance collaboration, create a mutual understanding of the procedures of the Recovery Docket and the responsibilities of each party, and establish a process for problem solving both clinically and administratively regarding clients participating in the Recovery Docket. Agreements are in place with both the Delaware-Morrow Mental Health & Recovery Services Board and local treatment providers.

### **Goals of the Recovery Docket**

**Goal 1:** Obtain a 50% graduation rate of Recovery Docket participants each year.

**Measure:** The Recovery Docket coordinator will document the number of participants in a database and determine the percentage of participants who have graduated from the Recovery Docket.

**Goal 2:** Reduce the number of positive urine screens of each Recovery Docket participant by 50% each quarter.

**Measure:** The Recovery Docket coordinator will document the number of participants in a database and recidivism rates will be reviewed on a quarterly basis.

**Goal 3:** Decrease the rate of recidivism of Recovery Docket graduates to 25%.

**Measure:** The Recovery Docket coordinator will survey the list of Recovery Docket graduates within the last 24 months and determine whether those graduates have been charged with any new drug-related offenses since graduation.

**Goal 4:** Assist participants in learning how to obtain a substance-free lifestyle and develop a support system.

**Measure:** Participants will be required to demonstrate their knowledge of coping skills and resource options through assignments that they must complete during each docket phase.

## **Chapter 2 - Target Population**

The Recovery Docket is targeted toward those who are convicted of or charged with a felony in the Delaware County Court of Common Pleas and who might benefit from court-monitored treatment and other services to enhance their ability to become productive and law-abiding citizens. All participants must meet the legal and clinical criteria for admission into the docket. The Recovery Docket Judge has the discretion to decide who participates in the Recovery Docket. The written and legal and clinical eligibility and termination criteria do not create the right to participation in the program.

### **Target Population**

- Offenders with no acute health conditions
- Offenders with a score of 15 or higher on the Ohio Risk Assessment System (ORAS)
- Offenders who are receptive to receiving treatment and demonstrate a willingness to participate in an intensive treatment program that will last 12-24 months and may require residential placement for treatment
- Offenders who agree to actively participate and cooperate with the Recovery Docket coordinator and probation officer
- Offenders who demonstrate a willingness to make lifestyle changes

### **Legal Eligibility Criteria**

- (h) Be placed on intervention in lieu of conviction or community control;
- (i) Be charged with a felony offense that is less serious than a felony of the second degree;
- (j) Not be charged with F3 trafficking;
- (k) Not be a “violent offender” as that term is defined by 42 U.S.C. 3797u-2;
- (l) Not have a pending criminal case in another county that would hinder participation in the Recovery Docket; and
- (m) Be sentenced to the Recovery Docket as a condition of intervention in lieu of conviction or community control.

### **Clinical Eligibility Criteria**

- (e) Be diagnosed with a moderate or severe substance use disorder (The participant must have completed a drug/alcohol assessment by a certified licensed provider);
- (f) Not have a physical or mental illness that would hinder participation in the Recovery Docket; and

(g) Be able to understand and willing to comply with program requirements.

### **Disqualifying Factors**

- The candidate has current sex offender status
- The candidate is charged with OVI
- The candidate is charged with domestic violence
- The candidate has one or more cases pending in another counties or jurisdictions that would hinder participation on the Recovery Docket
- The victim of the candidate's offense Offenses where the victim was a child or elderly person
- The candidate is currently on post-release control or parole
- The candidate's offense involves the use of a weapon
- The candidate's offense resulted in the victim suffering serious physical harm

Cases will be reviewed on a case-by-case basis to determine the extent and circumstances of the disqualifying factors as compared to the need to participate.

### **Capacity**

Program capacity is limited to 25 at any one time.

## Chapter 3 - Program Structure, Entry, and Case Flow

### Referral Process

Identification of potential participants begins after a defendant has been charged with a qualifying offense, has a pending bond revocation, has entered a plea of guilty, has a pending motion to terminate intervention in lieu of conviction, has a pending motion to suspend community control, or is referred by the court or probation officer. Referrals to the Recovery Docket are made by law enforcement, jail personnel, defense counsel, the prosecutor, a community mental health treatment provider, a substance use treatment provider, a judge, a presentence investigator, or a probation officer. Referrals may be made at any time during the legal process. Referral forms are posted online.

### Screening and Assessment

Within three days of receiving a referral (Appendix A), the Recovery Docket coordinator will schedule an appointment with the candidate to provide information about the docket program and requirements for participation. If the candidate is interested in participation, the candidate will be scheduled for screening. In the event the candidate is incarcerated, the Recovery Docket coordinator will meet with the candidate at the jail. During the screening, the Recovery Docket coordinator will evaluate the candidate's legal and clinical criteria for placement and collect information such as criminal history, residency, education, employment, family history, medical history, and mental health and substance abuse history. Potential candidates are promptly referred to appropriate services within the community. The specialized docket provides prompt access to a continuum of approved treatment and rehabilitation services.

A referral for a diagnostic assessment with a licensed clinical counselor or licensed independent social worker may be made when appropriate releases are voluntarily signed by the candidate in addition to a consent waiver to share information with the treatment team. All candidates will be required to sign a Disclosure of Confidential Information form (Appendix B) to allow the Recovery Docket coordinator to obtain a copy of the diagnostic assessment (or summary) to establish clinical eligibility.

All screenings and assessments for treatment determinations shall be provided by programs or persons who are appropriately licensed and trained to deliver such services according to the standards of the profession. All mental health, chemical dependency, and other assessments will include available collateral information to ensure the accuracy of the assessment.

The candidate or the candidate's guardian must complete a release-of-information form to allow for communication about confidential information, participation/progress in treatment, and compliance with the provisions of relevant law, including the Health Insurance Portability and Accountability Act of 1996, 42 U.S.C. 300gg-42, as amended.

The Recovery Docket Judge has the discretion to determine who participates in the Recovery Docket. The legal and clinical eligibility criteria do not create a right to enter into the Recovery Docket. All candidates will be educated on program requirements, rewards, sanctions, and bases for termination through the use of the Participant Handbook and one-on-one consultation with the Recovery Docket coordinator.

### **Legal Eligibility Screening**

The Recovery Docket probation officer will obtain background information about the candidate through the use of OHLEG and other available databases and sources. A candidate's criminal record for the preceding five years may be considered for eligibility purposes. In the event that the candidate's legal competency is at issue, the participant must be referred for a forensic assessment to determine if he or she is competent to participate.

### **Clinical Assessment**

In the event that the candidate meets the eligibility requirements, he or she will be referred for a diagnostic assessment if one has not already been completed. The candidate must voluntarily sign the necessary releases of information to obtain collateral information as well as sign releases for appropriate treatment agencies. All screenings and assessments for treatment determinations are to be provided by programs or persons who are appropriately licensed and trained to deliver those services according to the standards of the profession.

The Recovery Docket coordinator will share collateral information with the agency completing the diagnostic assessment. The participant must contact the treatment provider within three days to schedule an appointment. Recognizing that time is of the essence, the provider will provide assessments and treatment plans to the docket coordinator as soon as reasonably possible. The participant must immediately contact the Recovery Docket coordinator if there are problems obtaining a diagnostic assessment. The assessment and treatment plan will be provided to the Recovery Docket coordinator and the Recovery Docket Judge. The assessment is not for public dissemination.

The treatment team should consider, but is not obligated to follow, clinical assessments or treatment recommendations. If the clinical assessment indicates the potential participant does not meet clinical eligibility criteria than the case will proceed through the regular docket.

## **Qualification**

In the event that the candidate does not meet legal, clinical or other criteria, the Recovery Docket coordinator will notify the Recovery Docket Judge through written communication using the Screening Recommendation Form (Appendix C). The referral source will also be notified. The candidate's case will then proceed through the regular docket.

In the event the candidate meets all the legal, clinical, and other criteria, the Recovery Docket coordinator will notify the Recovery Docket Judge and referral source through written communication. If the Recovery Docket Judge agrees to grant the candidate admission into the Recovery Docket, the participant will schedule and attend an orientation session with the Docket Coordinator.

## **Program Admission**

After the defendant is found eligible for participation with the Recovery Docket, the candidate must schedule an appointment with the Recovery Docket coordinator and probation officer to complete the following:

5. Review and sign the Recovery Docket Participant Handbook
6. Review of the Recovery Docket calendar
7. Schedule to observe the next Recovery Docket status review hearing
8. Review and/or amendment to probation Case Plan

The candidate must also be provided with:

1. Recovery Docket Participant Handbook
6. Recovery Docket calendar
7. Acknowledgement of Requirements of the Recovery Docket Entry
8. Random Substance Testing Form
9. Probation Case Plan

## **Non-Discriminatory Practices**

A participant must not be discriminated against if he or she meets the legal, clinical, and other criteria. A participant will not be denied admission for the following: race, color, religion, gender, sexual orientation, nation of origin, ancestry, age, citizenship, marital status, veteran status, or disability. All treatment-team members should be trained in cultural-competency issues.

## **Participant Indigency**

No prospective participant will be denied admission to the Recovery Docket based on an inability to meet any financial obligations to the Court. The Recovery Docket will consider a participant's ability to pay any fees or other financial obligations and will make reasonable payment accommodations based on the participant's individual financial circumstances.

### **Case Flow**

After a plea or finding of guilt is made, the Court will refer the case to the docket coordinator who will screen a candidate for eligibility. All referrals from a prosecutor or defense counsel should come in the form of a motion for admission or submit a referral form to the Recovery Docket Coordinator.

Candidates will also be required to complete a diagnostic assessment and pre-sentence investigation as part of this process. Candidates must voluntarily complete and sign releases of information to facilitate inter-agency communication on behalf of the candidate and treatment team.

Upon completion of the screening and consideration of all applicable criteria and circumstances, the Recovery Docket coordinator will provide a written recommendation to the Recovery Docket Judge. Based upon the recommendation of the Recovery Docket coordinator and review of the diagnostic assessment and pre-sentence investigation report and all applicable criteria and circumstances, the Docket Judge will determine whether the candidate will be admitted to the Recovery Docket.

In the event the candidate does not meet the criteria for admission to the Recovery Docket, his or her case will be returned to the Court's regular docket.

The Recovery Docket coordinator will schedule the program admission orientation session and the Recovery Docket probation officer will schedule the candidate's intake appointment.

The Recovery Docket coordinator will provide the participant with the Recovery Docket calendar and the Participant Handbook and ensure execution of the Disclosure of Confidential Information and all other necessary forms during the program admission orientation session. The participant will then be scheduled to observe the next Recovery Docket status review hearing at which time they with counsel, will execute an Acknowledgement of Requirements of the Recovery Docket. After the observation of a Recovery Docket status review hearing is attended and the Acknowledgement of Requirements of the Recovery Docket is signed by the participant, the participant will then be scheduled into the next Recovery Docket status review hearing for participation in the program.

### **Revocation/Violation Referrals**

A defendant who is currently on intervention in lieu of conviction or community control and is charged with a new violation or new offense may be referred to the Recovery Docket for screening. The referral may come from the judge, probation officer, defense counsel, prosecutor, or jail staff.

The Recovery Docket coordinator will screen the candidate. Candidates meeting the criteria for acceptance may be ordered to complete the Recovery Docket as a term of his or her intervention in lieu of conviction or community control.

### **Case File Maintenance**

Maintenance of the Recovery Docket's case files must comply with Title 42 of the Code of Federal Regulations and HIPAA.

The Recovery Docket coordinator and probation officer will maintain all files relating to participants and access to those files will be limited to the Court and probation staff.

The files will be maintained in locked file cabinets in the Probation Officer's office or by secure password protected electronic file.

## **Chapter 4 - Treatment Team Standards**

The Recovery Docket treatment team will consist of the Recovery Docket Judge – who chairs the meeting – plus the Recovery Docket coordinator, Recovery Docket probation officer, treatment providers, and appropriate supportive community agencies.

### **Duties of Recovery Docket Treatment Team Members**

8. The Recovery Docket treatment team is responsible for the operations of the Recovery Docket.
9. The Recovery Docket treatment team members will serve on the Advisory Committee and the treatment team for a minimum of one year or until the terms of the Memorandum of Understanding change or expire.
10. The Recovery Docket treatment team agrees to work with local community leaders to ensure the best interest of the community is considered; per the sustainability and community outreach plan.
11. The treatment team agrees to engage in community outreach activities to build partnerships that will improve outcomes and support the Recovery Docket to ensure its sustainability.
12. The treatment team will incorporate a non-adversarial approach that includes contributing to the individualized-treatment case plans and developing sanctions to modify a participant's behavior; recognizing the prosecutor's distinct role in pursuing justice and protecting public safety and victim's rights; and recognizing the defense counsel's distinct role in preserving the constitutional rights of the participant.
13. The function of the team is to facilitate the development of an appropriate Court Services Plan, access program services and resources, and insure that the participant fully participates in their treatment by evaluating clinical information, probation concerns and other sources of information.
14. Information is presented to the Recovery Docket Judge that will include, but is not limited to, rewards, sanctions, treatment recommendations, progress toward graduation requirements, and possible termination from the Recovery Docket.

A list of specific roles and responsibilities of the treatment team members are as follows:

**H. Recovery Docket Judge**

- Presides over court sessions and maintains a positive relationship with participants through discussion of progress with the participant at docket hearings
- Presides over the treatment team, attends treatment team meetings and discusses the progress of participants
- Has the discretion to decide on who participates in the Recovery Docket
- Has the ultimate decision concerning incentives, sanctions, phase advancement as well as admission, termination or successful completion of the program
- Gains knowledge and insight of Specialized Courts through attending other Specialized Dockets and specialized trainings about Mental Health Courts issued through the Supreme Court Specialized Docket Section

**I. Recovery Docket Coordinator**

- Conducts legal, clinical, and eligibility screening
- Assists in identifying potential participants
- Facilitates the specialized docket in accordance with the written program
- Maintains Recovery Docket policies and procedures and daily operations
- Facilitates public education and outreach efforts on behalf of the program
- Meets with docket participants as needed to discuss individualized goals and progress
- Follows progress of participants through the docket, including monitoring the Court Services Plan and making recommendations to the Court on participant's transition through the docket phases
- Attends Recovery Docket status review hearing
- Facilitates regular meetings of the treatment team and other relevant meetings as appropriate
- Collects and maintains statistical information and other confidential records concerning participants, collects data and creates reports for review and submission to funding sources and advisory committees
- Links participants to treatment providers and community resources
- Participates in utilization review, quality improvement, cross-disciplinary training and conflict resolution activities, as appropriate
- Plans and facilitates advisory board meetings
- Drives discussions regarding incentives, sanctions, program effectiveness and outcomes

**J. Recovery Docket Probation Officer**

- Updates a probation Case Plan for each participant for review and approval of the Judge and Recovery Docket coordinator
- Monitors compliance of participants to terms of probation and Court Services Plan
- Carries out orders of the Court with regard to each participant
- Conducts random alcohol and drug tests, and reports test results to the treatment team
- Monitors sanctions
- Attends Docket Treatment team meetings and status review hearings
- Provides the treatment team with progress reports and makes recommendations to the Docket Treatment Team
- Advises the treatment team of any violations
- Participates in discussions about incentives, sanctions, phase advancement, successful completion and termination

**K. Recovery Docket Licensed Treatment Providers**

- Conducts diagnostic assessments, provides the clinical diagnosis, and develops the treatment plan
- Provides documentation on a participant's progress in treatment and compliance with treatment plans, including treatment attendance and results of alcohol and drug tests.
- Attends treatment team meetings and status review hearings
- Gives treatment updates and makes recommendations regarding treatment needs
- Participates in discussion regarding incentives, sanctions, phase advancement, successful completion and termination.

**L. Peer Recovery/Support Specialist**

- Assesses a participant's internal and external strengths, supports and resources, and identifies areas to address.
- Connects participants to recovery support resources, acts as a liaison for informal and formal community supports, resources, and recovery-related activities.
- Attends and actively participates in treatment and staffing team meetings contributing to discussions concerning program entry, program progress, incentives, sanctions, graduation, and termination decisions.
- Acts as a liaison between the recovery support community and the program and is an ambassador for the program within the recovery support community.
- Attends and provides input at regularly-scheduled policy meetings that include the review of program operations, structure, team building and functioning.
- Provides formal and informal training and information to team members about sober support and the recovery support community.
- Attends multidisciplinary team training that addresses responsivity issues.

- Has life experience as a person in recovery and has the ability to build a relationship with the participant based on mutual understanding.
- Familiar with the local recovery community and recovery supports that are available in the community.

**M. Defense Counsel**

Defense counsel's primary role is to preserve the constitutional rights of the participants. The attorney will explain what rights are waived by entering the program, all necessary consents, possible sanctions, the circumstances that may lead to termination, and the effects of termination. The attorney will assist with the decision making regarding the participants entry into the Recovery Docket. The attorney will also be a referral source for the program. The participant has the right to request attendance of counsel during the portion of the treatment team meeting that applies to them. The Recovery Docket Coordinator will provide an orientation to the defense counsel on the Recovery Docket process.

The treatment team shall engage in on-going communication, including frequent exchanges of timely and accurate information about participants' overall performance. The communication shall take place over the phone, through biweekly treatment team meetings, or via emails or meetings with counselors.

In the event there is a conflict or disagreement regarding the obligations of the participant in the Recovery Docket, the parties hereby commit to attempting resolution at the lowest administrative level appropriate to the issue. In the event that dialogue does not resolve the conflict, then the parties will put problems and/or concerns in writing to the signatories of the Memorandum. Within two weeks following receipt of the notice, the involved parties will meet in an attempt to satisfactorily resolve the issues. If the parties are unable to achieve satisfactory resolution, the Recovery Docket Judge will make the final determination as to the resolution of the conflict. The parties acknowledge that in the event of conflict over the services provided to a participant pursuant to a service provider's treatment plan, the service provider shall make the final determination as to the course of appropriate treatment. In the event of a conflict in the application of the separately agreed contractual and statutory provisions with those contained in the Memorandum, the contractual or statutory provisions shall prevail.

The Recovery Docket members shall maintain professional integrity, confidentiality, and accountability. Information involving a participant's treatment may not be disclosed unless there is a written release of confidential information signed by the participant. Treatment team meetings/discussions are also deemed confidential and only shared when necessary for the benefit of the participant. All members are expected to treat each other with respect, understanding their different roles while at the same time holding each other responsible for their participation and basis for recommendations.

The treatment team members shall make reasonable efforts to observe required Specialized Docket service provider programs in order have confidence in the services provided and to better understand the treatment and programming process.

The treatment team will work with the Advisory Committee to assess the overall operation of the Recovery Docket.

The Recovery Docket treatment team meetings occur biweekly on the first and third Wednesdays of each month 60 minutes prior to the status review hearings.

## **Chapter 5 - Participant Monitoring**

### **Treatment Team Meetings**

The Recovery Docket Treatment Team is responsible to monitor each participant's performance and completion of their Court Services Plan (Appendix D). The Treatment team will meet at 11:00am on the first and the third Wednesdays of each month to discuss each participant's performance and progress.

The team will provide the Recovery Docket Judge collaborative recommendations for the appropriate use of sanctions and rewards.

It is the Recovery Docket coordinator's responsibility to collect reports from each participant's treatment provider and monitor the participant's compliance with their Court Services Plan, then provide that information to the Recovery Docket Judge and treatment team. In addition, the Recovery Docket probation officer must inform the Recovery Docket Judge and treatment team of the participant's compliance with the conditions of community control or intervention in lieu of conviction and Case Plan.

### **Status Review Hearings**

The status review hearings will be held twice a month on the first and third Wednesdays of the month beginning at 12:00 noon.

The hearings will take place in a group setting before the Recovery Docket Judge to encourage ongoing judicial interaction. All participants are expected to appear for each hearing to which he or she is assigned. The benefit of meeting in a group setting is that it gives the participants the opportunity to educate each other on the benefits of compliance with the docket and the consequences of non-compliance.

The participants' attendance at the status review hearing will diminish over time as they progress through the phases. During the Orientation Phase and Phase I, participants will appear twice a month. During Phase II, participants will appear once per month. During Phase III, participants will appear once every six weeks.

All participants will be required to sign a Disclosure of Confidential Information. This document explains that the participant's performance and progress will be discussed in open court during status review hearings.

### **Treatment and Services**

The participants will be provided resources and recommendations for local agencies that are available to assist with their needs. Referral and intake is the first step. Once the intake is

complete, the candidate will be scheduled for a comprehensive assessment to determine diagnosis. Some candidates may need additional time to complete the assessment process.

All screenings and assessments for treatment determinations should be provided by programs or persons who are appropriately licensed and trained to deliver such services according to the standards of the profession. This means that all treatment providers must be licensed by the Counselor, Social Worker and Marriage, and Family Therapist Board and/or Ohio Chemical Dependency Professionals Board.

Based on the assessment, the candidate's treatment plan will be created with input from the candidate. The candidate will be placed into appropriate treatment services and programs as soon as possible. All treatment plans must be appropriate and clinically necessary to the degree that the available resources allow.

The participant will be provided a treatment plan based on their individual needs, and the services provided will incorporate evidence-based strategies. The evidence-based strategies will incorporate the Ohio Risk Assessment Tool utilized by the Adult Court Services Department. Information will be provided to the counselor to assist with treatment planning. The treatment agencies will utilize evidence-based practices, such as Motivational Interviewing, Cognitive Behavioral Therapies, Stages of Change, and EPICS II. The participant will have access to a continuum of approved treatment and rehabilitation services. All specialized-docket treatment plans take into consideration services that are gender responsive and culturally appropriate and that effectively address co-occurring disorders.

All treatment service providers must be certified through the Counselor, Social Worker and Marriage and Family Therapist Board, and/or Ohio Chemical Dependency Professionals Board and be able to deliver treatment according to their profession. They must meet the standards for provision for all intensive outpatient services including assessments, group and individual counseling as well as crisis intervention services.

The services provided by treatment agencies included registration/intake, alcohol and drug testing, assessment, developing of a treatment plan, group therapies, individual sessions, relapse prevention plans, aftercare plans, gender specific programming, family therapies, programming to address those individuals diagnosed with co-occurring disorders, medication and medication monitoring. Furthermore, case management services are available to assist the participant with engaging with other ancillary services to meet their basic needs or support their recovery process. Examples of such ancillary services include housing, transportation, medical, vocational/employment, and mental health needs. Finally, treatment agencies do drug screening analysis as part of their programming. This service observes chain of custody and follows policies and procedures for the delivery of these services.

The Recovery Docket coordinator will maintain a current treatment plan designed for each docket participant which will change as the treatment provider deems appropriate. The Coordinator also maintains a record of activities (I.e., status sheet).

The treatment providers are strongly encouraged to provide a report to the Recovery Docket coordinator prior to treatment team meetings on the progress and participation of the participant in their recovery. The Court would prefer to receive all updates from treatment providers 48 hours prior to treatment team meetings. Treatment providers are provided an annual calendar of docket hearings to assist in managing this task. In the event a provider is unable to attend a treatment team meeting the Recovery Docket coordinator will follow up with a phone call and/or e-mail.

The Recovery Docket has a partnership through Memoranda of Understanding with Maryhaven, Southeast Healthcare, and Access Ohio, LLC, and Safe Harbor Peer Support Services.

### **Phases of Recovery Docket**

The length of the program is a minimum of 12 months. The program is divided into an orientation phase and three treatment phases. The phases are a way to monitor the participant's progress, motivation, and performance. The participant's progress through the phases is based on his or her compliance with the terms of supervision and the treatment plan. Each participant will progress differently. Phases are not based solely on preset timelines. They are designed to build upon the skills acquired in the previous stage, allowing participants to effectively manage their substance addiction and fostering stable, independent living. Each participant will have a Court Services Plan (Appendix D) that the probation officer, docket coordinator, and the participant will sign after they have completed specific requirements for each phase.

### **Orientation Phase (minimum four weeks)**

During this phase, a participant will meet with the Recovery Docket probation officer and docket coordinator, discuss the program and its requirements, review his or her Court Services Plan, and sign all necessary releases. The participant will be given the dates for the status review hearings. During the first status-review hearing, the participant will be introduced to the members of the treatment team. This phase will last a minimum of four weeks.

### **Tasks to be completed during the orientation phase include the following:**

- Attend at least one status-review hearing
- Comply with all treatment recommendations
- Comply with all supervision conditions
- Develop or amend an already existing case plan with probation

Sign all necessary releases

Appear for all random alcohol and drug testing – at least twice per week

**To move on to the next phase, a participant must have completed the following:**

Attend all treatment and office visits

Complete orientation assignment

Fulfill Court Services Plan

Submit application to move to next phase

**Phase I (Approximately 18 weeks) (first and third Wednesdays of the month)**

During this phase, the participant will continue engaging in treatment. Treatment involves an individualized treatment program designed to address your substance abuse treatment needs, as well as any psychological, social, medical, employment, and family issues. Treatment typically involves individual counseling and/or group counseling, medication assisted treatment and/or psychiatric services, along with community sober support engagement. The specific requirements of counseling will vary from individual to individual, and will be determined by the participant's counselor.

**Tasks to be completed during Phase I include the following:**

Attend all status-review hearings (every two weeks)

Comply with all treatment recommendations

Comply with all supervision conditions

Appear for all office visits

Appear for all random alcohol and drug testing – at least twice per week

**To move on to the next phase, a participant must have completed the following:**

Written recommendation from treatment provider

Written recommendation from probation officer

Completion of all assignments

Negative alcohol and drug screens for a minimum of 60 days

No new convictions in the past 60 days

Satisfactory home visit from probation officer

Attend quarterly specialized docket event

Fulfill Court Services Plan

Submit application to move to next phase

**Phase II (approximately 18 weeks) (first Wednesday of the month)**

Relapse prevention and aftercare counseling services are provided in outpatient treatment or individual counseling during Phase II. The specific requirements of aftercare and counseling will vary from individual to individual and will be determined by the participant's counselor, probation officer, and/or docket coordinator. The participant will seek out sober supports.

**Tasks to be completed during Phase II include the following:**

- Attend all status-review hearings (every four weeks)
- Comply with all treatment recommendations
- Comply with all supervision conditions
- Appear for all office visits
- Appear for all random alcohol and drug testing – at least twice per week

**To move on to the next phase, a participant must have completed the following:**

- Written recommendation from treatment provider
- Written recommendation from probation officer
- Completion of all assignments
- Negative alcohol and drug screens for a minimum of 90 days
- No new convictions for 90 days
- Satisfactory home visit from probation officer
- Attend quarterly specialized docket event
- Fulfill Court Services Plan
- Submit application to move to next phase

**Phase III (approximately 18 weeks)**

This is the last phase of the program. At this point, a participant may be finishing treatment, have maintained sobriety for a significant period of time, completed community service, obtained a sponsor, and active with sober-support activities. A participant should have also satisfied all or most of his or her fines, costs, and fees. The participant will be required to submit a graduation application and relapse prevention plan in order to graduate.

**Tasks to be completed during Phase III include the following:**

- Attend all status-review hearings (every six weeks)
- Comply with all treatment recommendations
- Comply with all supervision conditions
- Appear for all office visits
- Appear for all random alcohol and drug testing – at least twice per week

**To graduate, a participant must have completed the following:**

- Written recommendation from treatment provider
- Written recommendation from probation officer
- Completion of all assignments
- Attend sober-support activities
- Negative alcohol and drug screens for a minimum of 120 days
- No new convictions for 120 days
- Satisfactory home visit from participant's probation officer
- Attend quarterly specialized docket event
- Fulfill Court Services Plan
- Satisfy all costs and fees
- Complete and turn in relapse prevention plan

Complete and turn in graduation application at least one week prior to graduation  
Complete exit survey

### **Incentives**

From time to time, participants of the Recovery Docket may receive a reward or incentive provided by the Court as a way for the Court to support the participant and acknowledge that his or her hard work and determination is recognized. The incentives are immediate, graduated, individualized, and directly related to the achievements as certain milestones are met.

Examples of the times when the participant may be eligible to receive one of these rewards are as follows:

- Court ordered tasks, including mental health treatment and/or drug/alcohol treatment are completed
- Participant remains compliant with court orders for a significant period of time and demonstrates his/her commitment to treatment
- Participant moves to the next phase in the Recovery Docket
- Participant keeps all scheduled appointments for a period of time
- Sobriety maintained
- Improved behavior
- Regular attendance at status review hearings.

There are many different rewards/incentives that the court may have available for the participants. Some of these include but are not limited to:

- Increased or expanded privileges
- Less frequent urine testing
- Judicial praise and encouragement at status-review hearings
- Credit toward court costs and supervision fees
- A decrease in attendance at status-review hearings
- Certificates of completion of phases and graduation
- Graduation

### **Sanctions**

Sanctions will be immediate, graduated, and individualized. They will be used at times when a participant is not complying with court orders, treatment, and case management. Sanctions are used to help the participants conform their behavior to program requirements. It

should be noted that treatment will not be used as a sanction. Sanctions may include but are not limited to:

- Failure to appear for a Recovery Docket status-review hearing without being excused
- Not following court orders
- Not following treatment recommendations
- Missing or being late for scheduled treatment or docket/probation appointments
- Failure to complete docket assignments
- Failure to provide drug test or providing dilute urine screens
- Testing positive for illicit drugs or alcohol
- New charges or convictions

Sanctions for noncompliance are immediate and graduated and may include the following:

- Verbal warning
- Essay assignment
- Increased alcohol and drug testing
- Increased attendance at status review hearings
- Increased probation appointments
- Additional community service
- Assignment to attend support meetings or activities
- Increased level of treatment
- Courtroom observation sessions
- Daily reporting/"day jail" sessions
- House arrest
- Curfew imposition or modification
- Incarceration
- Dismissal from the Recovery Docket.

Positive urine screens at intake will be considered a baseline drug test and will be documented. The treatment team will be immediately notified of positive tests.

It should be noted that for some participants, incarceration will result in a deteriorated mental state. While jail is an option, it should be used as a graduated sanction. Because stabilization of the individual is the key to success, incarceration for long periods of time or too frequently may disrupt medication regimens, treatment, housing and the ability to parent children.

A participant will not be subjected to a jail, CBCF, or prison sanction for non-compliance without providing that participant with notice, a hearing, and the opportunity for legal representation. A participant may waive the right to a hearing (Appendix E) as long as that

person has been given an opportunity to consult with an attorney and as long as any waiver is made knowingly, intelligently, and voluntary. A participant does not have the right to contest sanctions that do not impact liberty

The Recovery Docket treatment team participates in determining the incentives and sanctions and the Recovery Docket Judge will enforce and reinforce them. All sanctions and rewards will be documented in the participant's file and reviewed at status review hearings. An adjustment in treatment services, as well as participating in community based mutual support meetings, are based upon only the clinically informed interests of the participant. All incentives and sanctions are to be individualized.

## **Chapter 6 - Program Completion**

### **Successful Completion**

In order for a participant to graduate from the Recovery Docket program, the participant must have completed all phases of the Recovery Docket. The criteria for completion are listed on the Court Services Plan. The process for a participant to graduate is as follows:

- The Recovery Docket Coordinator will review the completion of all phases utilizing the Court Services Plan and bring the potential graduate's name up at the treatment team meetings.
- Each potential graduate will prepare an application and relapse prevention plan for review by the treatment team.
- The Treatment team will review the participant's docket record, behavior, and accomplishments throughout the program and whether the goals of the court service plan and treatment plan have been met. The treatment team will make a recommendation to the Docket Judge, who will make the final decision.
- The Recovery Docket coordinator will announce a graduation date and inform local agencies of the time and location of the graduation ceremony. All active participants on the docket may attend the graduation. The graduation of each participant will be journalized by the Court.

### **Intervention in Lieu of Conviction**

The case will be disposed of through a judgment entry successfully terminating the participant from the Recovery Docket and dismissing his or her case(s). A copy of the judgment entry will be presented to the participant at the graduation ceremony, along with a certificate evidencing successful completion of the Recovery Docket. At the judge's discretion, the participant may continue on a period of community control if court costs, fines, or restitution are still owed.

### **Post-Conviction**

A judgment entry successfully terminating the participant from community control will be presented to the participant at the graduation ceremony, along with a certificate evidencing successful completion of the Recovery Docket. The participant may continue on a period of community control if court costs, fines, or restitution are still owed.

## **Unsuccessful Terminations**

All conduct by participants that falls short of meeting docket standards will be discussed by the treatment team, who may recommend an unsuccessful termination from the docket based upon the following criteria:

- Ongoing noncompliance with treatment
- Resistance to treatment
- New criminal convictions
- Failure to attend status review hearings
- Failure to attend appointments with members of the treatment team
- A serious violation or series of violations of Recovery Docket requirements
- A serious violation or series of violations of community control or intervention in lieu conviction

The consequences of an unsuccessful termination may be as follows:

- Revocation of community control or intervention in lieu of conviction
- Loss of future eligibility to participate in the Recovery Docket
- Further legal action
- Lengthening of the period of supervision
- Depending on the circumstances, imposition of a prison sentence, jail sentence, or CBCF sentence

The participant will be informed of possible termination of his or her participation in the Recovery Docket and will be informed of his or her right to consult with an attorney before any termination. The participant may then waive any pre-termination hearing or may choose instead to proceed with a hearing to be conducted in the same manner as a community-control-violation hearing.

The Recovery Docket Judge will make the final decision regarding the unsuccessful termination of the participant in accordance with the Recovery Docket written criteria.

## **Neutral Terminations**

Neutral terminations of a participant will follow the same process as other terminations. The case will be brought before the treatment team for discussion and the Recovery Docket Judge will make the final determination. The information about the participant will be thoroughly reviewed and verified by the probation officer. Some cases in which neutral terminations may apply will be as follows:

- A serious medical condition arises

- A serious mental health condition arises
- Death of the participant; or
- Other external factors that will impede the participant's ability to meet the requirements for successful completion

The probation officer must file the appropriate paperwork with the Prosecutor's Office, which will file the appropriate documents with the Court pertaining to the neutral termination from the Recovery Docket. The written legal and clinical eligibility and termination criteria do not create a right to participation in the Recovery Docket.

### **Exit Survey**

All participants will be asked to complete an Exit Survey upon discharge.

### **Inactive Cases**

Inactive cases will still be considered a part of the docket. The same process of discussing cases with the Treatment team will occur and the Recovery Docket Judge will provide the final approval. Some instances in which an Inactive Status will be applied are as follows:

- When a participant is in a CBCF or residential treatment center and is unable to attend the docket hearings. In this instance, the Recovery Docket coordinator and probation officer will continue to monitor the participant's compliance through reports.
- When the participant has a warrant issued for his or her arrest for absconding supervision. The participant's case will still be monitored by the probation officer. In the event the participant is arrested, the probation officer will discuss the case with the treatment team. Depending on the nature of the warrant and length of time the warrant is outstanding, the Court may unsuccessfully terminate the participant from the Recovery Docket prior to the participant appearing again before the Court.

### **Administrative Program Suspension**

Administrative suspension is a status reserved for those Recovery Docket participants who have not responded to other graduated sanctions. The participant will be temporarily suspended from the program by the Recovery Docket Judge. These participants may be suspended from participation in status review hearings, yet remain engaged in their treatment and court services plans. Participants may be eligible to return to status review hearings once a determination has been reached regarding the participant's ability to participate in and successfully meet the requirements of the Recovery Docket. The following examples may reflect reasons for an administrative suspension:

- Placement in a residential facility as a result of continued use

- Being charged with new crimes pending adjudication and/or a final disposition for sentencing
- The need for further assessments or evaluations to determine if the Recovery Docket is beneficial to the participant and the program
- Inability or unwillingness to comply with program requirements in a timely manner as directed; i.e. falling behind on scheduled restitution payments or, medical hardship

## **Chapter 7 - Substance Use Monitoring**

Each participant must be required to submit to substance-use monitoring as a component of his or her court services plan.

Substance testing is required at least twice each week. Drug and alcohol testing will occur throughout those participants' time on the Recovery Docket.

All drug and alcohol testing plans are individualized. Tests will be random, frequent, and always observed. Urine samples will be analyzed for temperature, specific gravity, creatinine and other chemical markers to ensure a valid urine specimen. Drug screens may be conducted during your court appearance, during your home visits, or at any other time. Failing to submit to testing, refusing to submit to testing, submitting an adulterated sample, submitting the sample of another individual, or diluting a sample will be treated as positive tests that can result in an immediate sanction. A positive test or admission of alcohol or other drug use will not automatically disqualify you from the docket but will result in an immediate sanction or an increase or change in your current level of treatment.

### **Adult Court Services Substance-Testing Program**

The Recovery Docket probation officer must have the participant complete the Random Substance Test Form.

The officer must enter into the Substance Testing tab in OCSS in the drug-testing profile the frequency of the test, the default test type (13 panel 80 hour alcohol), and the start date. This will generate a random test. The tests occur Monday through Friday and the dates are computer generated.

The participants are responsible for calling in nightly after 6 p.m. and before 7 a.m. to find out if they are to report for testing.

The participant is required to report between 8 a.m. and 9 a.m. or between 3 p.m. and 4 p.m. on the day of the test. The participant is required to provide a sample in the above time frames. If a participant is unable to report at those times, he or she must make prior arrangements with his or her probation officer.

### **OBTAINING URINE SPECIMEN:**

2. The urine specimen will be obtained from the participant as follows:
  - a. The participant shall be escorted to the restroom;
  - b. The participant shall be monitored to ensure a genuine sample is collected;

- c. The officer shall verify the validity of the sample by checking the temperature strip on the cup after the collection of the sample;
- d. The officer shall collect the sample from the offender and must not lose sight until determining the results of the sample.

**FAILURE TO SUBMIT SAMPLE**

- 2. If a participant refuses (this includes leaving or failing to appear at a designated time) or fails after a reasonable period of time (two hours) to submit with specimen, he/she shall be informed that this refusal may constitute a violation of the conditions of supervision. The officer has the authority to determine whether a failure to submit constitutes an intentional refusal in the following situations:
  - d. The participant fails to appear for a scheduled drug test;
  - e. The participant is unable to provide a specimen after an allotted amount of time (usually two hours);
  - f. The participant has failed to provide proof of any special circumstances (medical conditions, etc.) to the officer;
  - g. The participant displays a poor attitude or is causing difficulties to the officer in the collection of a urinalysis sample.
  
- 3. The probation officer has the authority to decide whether:
  - a. To require the participant to provide a urine sample on that date;
  - b. To reschedule the drug testing to another date, or;
  - c. To require the urine sample to be sent to the lab for confirmation.

The probation officer may confer with the Chief Probation Officer or Deputy Chief Probation Officer for guidance in determining what action should be taken should the necessity exist.

**PROCESSING DRUG TESTS**

Drug testing must be sufficient enough to include the participant’s primary substance of dependence as well as others.

**Vista cups test the following:**

Amphetamines (AMP) cutoff 500 ng/ml	Ethyl Glucuronide (EtG) 500ng/ml
Buprenorphine (BUP) cutoff 10 ng/ml	Norfentanyl (FEN) 50 ng/ml
Benzodiazepines (BZO) cutoff 300 ng/ml	Ecstasy (MDMA) 500 ng/ml
Methamphetamine (MET) 500 ng/ml	Morphine (MOR) 300 ng/ml
Methadone (MTD) 300 ng/ml	Oxycodone (OXY) 100ng/ml
Marijuana (THC) 50 ng/ml	Tramadol (TRA) 100ng/ml

## 1. CONFIRMATION

- a. When a participant adamantly denies the results of a drug screen, the officer may send the drug screen to a laboratory for confirmation. The participant shall be notified that the cost of the laboratory test will be at the participant's expense if it is determined that the drug screen is positive for drugs. No charge will be applied when the lab results are returned and the test is negative.
- b. Samples may be sent to a laboratory to confirm levels of a substance at the participant's expense

## 2. REPORTING RESULTS OF DRUG SCREEN

- a. The results (whether positive or negative) of the urinalysis test shall be noted in the appropriate screen in the Ohio Community Supervision System under "Scheduled Drug Test." Prior substance test results are listed in chronological order.
- b. The participant shall be informed with the results of the drug screen. The officer may ask for an explanation or admission of use for any positive drug screen. If the participant admits to using, the officer will have the offender sign an "Admission of Positive Test" and place this form in OCSS and in the participant's

## **BREATHALYZER:**

### **Recommended Practice**

Probation Officers must use the equipment of Adult Court Services for breath testing.

Supervisors must ensure that the device is calibrated in accordance with the manufacturer's recommendations. Malfunctions or operational problems should be reported to the Chief Probation Officer immediately.

In the State of Ohio, breath readings over .08 are considered to be illegal intoxication for driving purposes only. A decision to arrest, refer to a detox center, or send home a participant with a reading over .08 must be made in consultation with a supervisor and with reference to the subject's current behavior, whether the subject will operate motor vehicle, and other normal arrest criteria.

Under normal circumstances, all participants who produce a reading over .08 will be arrested and transported to the Delaware County jail for their safety.

### **Testing by Outside Treatment Agency**

Testing on participants will occur through the treatment agency in which they are being treated. The member from that agency will notify the Recovery Docket Probation Officer of the outcome of any test results, as they are conducted.

### **Notification/Documentation**

The results of all drug tests are shared with the treatment team. In addition, the treatment team will be notified if a participant fails to report, fails to provide a sample, adulterates a sample, provides a sample of another individual, and/or tampers with a sample.

### **Sanctions**

If a participant is late for a test or misses a test, it will be considered a presumptive positive test for drugs/alcohol. If a participant refuses to submit a urine sample, it will be reported as a refusal to test and considered a presumptive positive for drugs/alcohol. The participant must provide a urine sample that is negative for all drugs/alcohol. If the participant fails to produce a urine specimen within two hours of arriving or if the sample provided is not of sufficient quantity, it will be considered as a presumptive positive test for drugs/alcohol. If the participant produces a diluted urine sample, it will be considered as a presumptive positive test for drugs/alcohol. If the participant substitutes or adulterates his or her specimen for the purposes of changing the drug testing results, it will be considered as a presumptive positive test for drugs/alcohol and may result in sanctions, including removal from the Recovery Docket.

### **Relapses**

Relapses will be addressed through the treatment team to determine if the use is a continued use or a relapse. The participant will be reassessed and be placed in the appropriate level of care to address the positive screen and to reengage or re-stabilize. The treatment team will be notified of the positive urine screen. Sanctions for the relapse may as set forth herein.

### **Medication Usage**

It will be the participant's responsibility to inform all treating physicians of his or her recovery from drugs/alcohol before he or she is given an addictive medication. If a doctor believes that it is necessary to prescribe the medication that will yield a positive urine screen,

the physician must submit a letter to the Recovery Docket probation officer stating that the physician is aware of the participant's status as a recovering addict/alcoholic and the need for the medication outweighs the risks. The participant must have a letter prior to taking any medication that will cause a positive screen. If the participant tests positive and he or she does not have a letter from his or her physician, sanctions may be imposed.

In cases of emergency room care, the participant will provide verification of all emergency room orders and discharge information to the Recovery Docket probation officer no more than seven days after release from the hospital. All prescriptions must be cleared by a primary care physician to continue taking the medications. A pattern of visits to the emergency room for ailments that require opiate treatment may be brought before the Court.

## **Chapter 8 - Professional Education**

The interdisciplinary education of the treatment team promotes effective docket planning, implementation, and operations. All new and current members of the treatment team will be educated about the Recovery Docket “process.”

### **Meetings**

Meetings will be scheduled at least quarterly with the Advisory Board to assess the functionality of the Recovery Docket. The team will be looking at what’s working, what’s not working, and the achievement toward meeting program goals and objectives. Furthermore, policies and procedures will be updated based on these meetings. At these meetings the members will share new and upcoming information about the Recovery Dockets, discuss any area trainings and evaluate the best practices that are being used by the area agencies. Information that is obtained by attending the sub-network meeting at the Supreme Court will be shared as well. All treatment team members will be encouraged to attend the Ohio Specialized Dockets Practitioner Network Meetings.

### **New Team Members**

All new members to the Recovery Docket treatment team will be advised of the policies, procedures, and best practices utilized by the treatment team. New members will be encouraged to read the policy and procedure manual for the Recovery Docket.

The treatment team will identify similar area specialized drug courts and build a relationship with those courts, as well as attend any sessions and/or meetings to increase collaboration and leverage resources and information. The Recovery Docket coordinator and probation officer will foster and regularly review those relationships.

### **Prosecutors/Defense Attorneys**

Prosecutors and defense attorneys are encouraged if possible, to attend the treatment team meetings so that they will understand the importance of their roles within the Recovery Docket process. In addition, if possible, they will be encouraged to attend Supreme Court

trainings and Advisory Committee Meetings and to access information about Recovery Dockets online.

### **Supreme Court Meetings**

All treatment team members will be encouraged to attend and participate in Supreme Court meetings, trainings, and the annual conference to increase their understanding of drug courts and develop beneficial relationships with other state courts.

## **Chapter 9 - Effectiveness Evaluation**

The Recovery Docket has a plan for evaluating its effectiveness. It includes a statement of goals and objectives set forth in this manual. The Recovery Docket has a system for collecting data and a process for analyzing that data in order to determine whether goals and objectives have been met.

The Recovery Docket coordinator and probation officer will use databases and other tools to collect statistical data and compile reports. The information will be compiled and presented to the Advisory Committee on a quarterly basis. That information will be provided to the Recovery Docket Judge to evaluate the effectiveness and functionality of the Recovery Docket, treatment team, Court Services Plan, and policies and procedures.

### **Supreme Court Reporting Data**

The Recovery Docket coordinator and probation officer will comply with reporting data as required by the Supreme Court. The data collected corresponds to the goals and objectives established during the planning process and contained in the policies and procedures chapter. The treatment team will engage in ongoing data collection in order to evaluate whether or not the Docket is meeting its goals and objectives. Data collected will be utilized by the Advisory Committee as part of the functionality review of the treatment team.

All Recovery Docket participants will be encouraged to complete an anonymous Exit Survey upon successful completion or termination from the program. The information collected will be used to provide perspective on a participant's experience, effectiveness of programs and services, and suggestions to improve outcomes.

### **Ongoing Data Collection**

The Recovery Docket coordinator and probation will periodically exam success rate and may consider the following information:

- Number of Participants referred
- Number of Participants accepted
- Number of Participants denied
- Reasons for denial
- Number of graduates
- Number of unsuccessful terminations
- Number of neutral terminations
- Number of prison days that could have been imposed
- Number of jail days served for sanctions
- Number of jail days served on alternative sanctions, such as prison diversion and community service diversions

- Number of negative drug/alcohol screens
- Number of positive drug/alcohol screens
- Graduated sanctions
- Treatment attendance
- Unsuccessful discharge from treatment
- Successful completion of treatment
- Participants referred to residential treatment
- Completion of residential treatment
- Unsuccessful discharge from residential treatment
- Age of participants
- Gender of participants
- Race of participants
- Employment status of participants
- Marital status of participants
- Number of Children
- Level of educational attainment
- Failure to report for tests
- ORAS score upon entry of program
- ORAS score upon exiting program
- Criminal history (Misdemeanor/Felony convictions)
- Length of time in each phase
- Length of time in program
- Types of referrals made to ancillary services/programming (mental health, employment, vocational training, cognitive thinking etc.)
- Number of new convictions by graduates
- Number of new convictions by active participants

## Appendix A

### Specialized Docket Referral Form Delaware County Court of Common Pleas

Please complete the information below and send to Specialized Docket Coordinator  
Fax: 740.833.2526 or Email: Hgraham@co.delaware.oh.us

**Referred by:** \_\_\_\_\_ **Phone Number:** \_\_\_\_\_

**Docket Recommendation (circle one):** Mental Health Docket      Recovery Docket      Unknown

#### **Offender's Personal Information** (please print):

Name (Last, First, and Middle Initial):	DOB:	Age:
Street Address:	City:	Zip Code:
Home Phone:	Work Phone:	Race:
Social Security No:	Aliases:	Gender:
Incarcerated: Y <input type="checkbox"/> N <input type="checkbox"/>	Where:	

#### **QUALIFYING FACTORS:**

##### 1. *Clinical Criteria*

- (h) The candidate's mental health disorder and/or substance use disorder was a factor in the behavior that resulted in the pending charges(s) and, unless treated, the defendant's disorder is likely to contribute to future criminal behavior.
- (i) Are receptive to behavioral health treatment and agree to actively participate and cooperate with the specialized docket coordinator and community providers.
- (j) Agree to maintain any medication assisted treatment, psychiatric medication, psychotherapy, and/or other counseling.
- (k) Have a primary DSM-5 diagnosis for mental illness and/or moderate or severe substance use disorder.

##### 2. *Legal Criteria*

- (n) The candidate must be charged with:
  - Mental Health Docket: a non-violent fourth- or fifth-degree felony.
  - Recovery Docket: a felony offense that is less serious than a felony of the second degree and not be charged with F3 trafficking.
- (o) Be placed on intervention in lieu of conviction, community control, and/or through judicial release.
- (p) The candidate must be competent and understand and appreciate the consequences of the legal proceedings.
- (q) Must agree to actively cooperate with the specialized docket coordinator and probation officer.
- (r) The candidate cannot pose a significant risk of harm to the community, the staff of the Court, the providers, or agencies working with the docket.
- (s) Judge has the sole discretion in the admissibility to the
- (t) Some additional criteria to consider for eligibility are:
  - If the Domestic Violence case occurred more than five years ago and the candidate completed community control.
  - The candidate has a low risk of committing a similar offense.
  - Score 15 or higher on the Ohio Risk Assessment System.

#### **DISQUALIFYING FACTORS:**

- J) The candidate has a predominant personality disorder and/or mental retardation/intellectual disability as indicated in the DSM-5.
- K) The candidate has outstanding warrant or holds from any other jurisdiction or pending felony case.
- L) The candidate has current sexual offender status.
- M) The candidate is charged with OVI.
- N) The candidate is highly resistant to changing behavior after numerous interventions.
- O) The candidate has charges and history of domestic violence; depending on the facts of the case or a significant history of violent behavior to be determined on a case-by-case basis.
- P) The candidate is currently on post release control or federal parole.

- Q) The candidate has demonstrated failure to exhibit a willingness to take medication as prescribed and/or to follow a treatment plan.
- R) The victim of the candidate’s offenses was a child or elderly person.

**Appendix B**

## Authorization to Use and Disclose Protected Health Information Form

I, \_\_\_\_\_, hereby voluntarily authorize the use and disclosure of protected health information (“PHI”) deemed relevant to Delaware County Common Pleas Court (“CPC”) about me by signing this Authorization to Use and Disclose Protected Health Information Form (“Authorization”).

This Authorization applies to the following individual, identified below by name, date of birth (“DOB”), and social security number, and authorizes the use and disclosure as specified herein:

Individual Name: \_\_\_\_\_ DOB: \_\_\_\_\_ Social Security # \_\_\_\_\_

II. The following agency(s) have my permission to exchange/give/receive/share/re-disclose information about me. (Please Check and/or Specify).

<input type="checkbox"/> CPC 117 N. Union Street Suite 317 Delaware, Ohio 43015	<input type="checkbox"/> Other(s) (Specify and Address)
<input type="checkbox"/> Other(s) (Specify and Address)	<input type="checkbox"/> Other(s) (Specify and Address)

III. **The purpose or need for this disclosure is:** (Please Check, Insert Case Number, and/or Specify)

<input type="checkbox"/> Legal Matter –Delaware County Case No.	<input type="checkbox"/> Other(s) (Specify)
<input type="checkbox"/> Other(s) (Specify)	<input type="checkbox"/> Other(s) (Specify)

IV. **The PHI to be disclosed from my health record includes the following:** (Please Check and/or Specify)

<input type="checkbox"/> Discharge Summary(ies)	<input type="checkbox"/> Psychiatric Evaluations	<input type="checkbox"/> Progress Reports
<input type="checkbox"/> Names of Agencies Providing Services	<input type="checkbox"/> Vocational assessments	<input type="checkbox"/> Psychological Assessment
<input type="checkbox"/> Treatment Plan	<input type="checkbox"/> Disability Records	<input type="checkbox"/> Physician Orders
<input type="checkbox"/> Laboratory Reports	<input type="checkbox"/> Type of Services Received	<input type="checkbox"/> Medications Prescribed

<input type="checkbox"/> Appointment Date/Time	<input type="checkbox"/> Attendance Record	<input type="checkbox"/> Other (specify):
--	--	---

**HIV/AIDS, Mental Health/Psychological, and Substance Use Information:** (Please Check and Signature Required)

Information to Disclose	Signature
<input type="checkbox"/> HIV Test/AIDS-Related Health Information/Status	
<input type="checkbox"/> All Mental And Behavioral Health Information	
<input type="checkbox"/> Alcohol/Substance Use/Addiction Treatment Records	

**Time Frame for PHI to be disclosed:** (Please Insert Individual's DOB)

<input type="checkbox"/> Entire Time From Individual's DOB: Until Present Date
---

- V. I understand that I may revoke this Authorization in writing submitted, at any time to the contact information listed below in this section, except to the extent that action has been taken in reliance on this Authorization. If this Authorization has not been revoked, I knowingly and voluntarily agree that this Authorization is to remain in effect until all criminal proceedings, including any incarceration term or probationary term, in Delaware County Case No. \_\_\_\_\_ are completed or 365 days, whichever occurs last.

**Written revocation must be submitted to the following person at the CPC:**

**Name:** Holly Graham **Address:** 117 N. Union Street Suite 531 **City/State/Zip Code:** Delaware, Ohio 43015

- VI. I understand that my alcohol and/or drug treatment records receive special protection under federal law (42 C.F.R. Part 2) and can only be re-disclosed as permitted by the federal regulations. I understand that my physical and mental health treatment records are protected by HIPAA but may be subject to re-disclosure if the recipient of my information is not subject to HIPAA.

This is a free and voluntary act by me. I understand that refusing to sign this form does not prohibit disclosure of my PHI that is otherwise permitted by law without my specific authorization or permission. Additionally, I have the right to receive a copy of this Authorization.

**Individual Printed Name:** \_\_\_\_\_  
(Or Person Authorized to Give Consent)

**Individual Signature:** \_\_\_\_\_  
(Or Person Authorized to Give Consent)

Relationship of Person if not the Individual: \_\_\_\_\_

Date: \_\_\_\_ / \_\_\_\_ / \_\_\_\_

CPC Representative Printed Name: \_\_\_\_\_

CPC Representative Signature: \_\_\_\_\_

Date: \_\_\_\_ / \_\_\_\_ / \_\_\_\_

**Appendix C**  
**IN THE COURT OF COMMON PLEAS, DELAWARE, OHIO**

Recovery Docket  
Holly Graham, Specialized Docket Coordinator  
117 N. Union Street, Delaware, Ohio 43015  
Phone – 740.833.2526  
Fax – 740.833.2529

**Defendant's Name:**

**Case Number(s):**

---

**Recovery Docket Screening Recommendation**

**Date:**

Individual was found eligible to enter the Recovery Docket Program.

Individual was found ineligible to enter the Recovery Docket Program for the following reasons:

- Refused program
- Significant risk to staff
- Lacks capacity to understand program requirements
- Does not meet Recovery Docket program criteria
- Does not meet provider criteria
- Did not complete assessment

**Comments:**

---

Holly Graham, Specialized Docket Coordinator

---

Date

cc: Assistant Prosecuting Attorney  
Defendant/Attorney for Defendant  
Holly Graham, Specialized Docket Coordinator  
Probation Officer – Adult Court Services

**Appendix D**  
**DELAWARE COUNTY COMMON PLEAS COURT**  
**RECOVERY DOCKET COURT SERVICES PLAN**

**Name:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Phase I (Approximately 18 weeks)**

You will continue engaging in treatment. Treatment involves an individualized treatment program designed to address your substance abuse treatment needs, as well as any psychological, social, medical, employment, and family issues. Treatment typically involves individual counseling and/or group counseling, medication assisted treatment and/or psychiatric services, along with community sober support groups. The specific requirements of counseling will vary from individual to individual, and will be determined by your counselor. You are entering Phase I and will be expected to complete the below requirements of the program.

**Participant requirements for Phase I:**

\_\_\_ Attend required docket status review hearings – 2 times per month; **first and third Wednesday of the month.**

\_\_\_ Attend all office visits with PO/Docket Coordinator and comply with supervision conditions.

\_\_\_ Appear for all random alcohol and drug testing.

\_\_\_ Attend mental health &/or substance abuse treatment sessions/appointments and comply with treatment recommendations.

**Graduation to the next phase includes the following items:**

\_\_\_ Active participation in the RD for a minimum of 18 weeks.

Start Date: \_\_\_\_\_ Eligible for Next Phase Date: \_\_\_\_\_

\_\_\_ Recommendation by docket team.

\_\_\_ Negative drug screens for 60 consecutive days.

\_\_\_ No new convictions.

\_\_\_ Participate in quarterly specialized docket events.

\_\_\_ Complete all homework and docket assignments.

\_\_\_\_Submit application to move to next phase.

I have received my copy of the **Phase I** requirements of the Recovery Docket program. The Docket Coordinator has explained my requirements to me. I am aware that I am ordered to comply with these areas in order to successfully complete the Program. I understand that it is my responsibility to comply with the Program's requirements. I acknowledge that I am entering the Recovery Docket Program. I also acknowledge that failure, on my part, to comply with the above-mentioned, checked terms may result in my removal from the Program. If removed from the Program due to non-compliance, I will have not completed the Program successfully.

\_\_\_\_\_  
Defendant Signature Date

Date Completed: \_\_\_\_\_ P.O. or Docket Coordinator's Initials: \_\_\_\_\_

**Appendix E**

IN THE COURT OF COMMON PLEAS OF DELAWARE COUNTY, OHIO

THE STATE OF OHIO,	:	
	:	
Plaintiff,	:	
	:	Case No.
v.	:	
	:	JUDGE JAMES P. SCHUCK
	:	
	:	
Defendant.	:	

**JOURNAL ENTRY ADDRESSING THE DEFENDANT'S ACCEPTANCE OF A RECOVERY-DOCKET JAIL SANCTION**

I, \_\_\_\_\_, voluntarily waive my right to a hearing on the following violation, and I admit that I have violated the requirements of the Recovery Docket program by failing to comply with the following provision(s) of the form entitled "Acknowledgement of Requirements of Recovery Docket" that I earlier signed in this case –

**Agreement #3. I am expected to willingly attend all individual and group-counseling sessions, educational sessions, and activities or assessments as required by my counselor.**

**Agreement #8. I understand that repeated non-compliance with the requirements of my Court Services Plan or Treatment Plan may result in my dismissal from the Recovery Docket and could result in further community control sanctions. Sanctions may be graduated and may include jail time**

**before a hearing is required. Furthermore, I understand that by complying with my treatment plan and the Recovery Docket, I will be rewarded for my compliance.**

**Agreement #11. I am expected to remain free from alcohol and all other illegal mood-altering substances up to and including designer drugs unless otherwise prescribed by a physician and approved by my probation officer.**

**Agreement #14. I understand that any noncompliance on my part will be governed by immediate and graduated sanctions.**

After consulting with my attorney, I elect to waive a formal hearing on the violation.

\_\_\_\_\_ **(initials)**

I am signing this waiver knowingly, voluntarily, and intelligently.

\_\_\_\_\_ **(initials)**

In waiving my right to a formal hearing, I agree to be sanctioned by the Delaware County Common Pleas Recovery Docket, and I agree to accept and to comply with any conditions and consequences that may be imposed on me, including the possibility that I must spend some time in the county jail. \_\_\_\_\_ **(initials)**

Due to the violation(s) stated above, the following checked sanction is being imposed by Judge James P. Schuck, Recovery Docket Judge:

- 1 day in jail
- 2 days in jail
- 3 days in jail

\_\_\_\_\_  
Specialized-Docket Participant

\_\_\_\_\_  
Date

\_\_\_\_\_  
Specialized-Docket Defense Attorney

\_\_\_\_\_  
Date

---

James P. Schuck  
Judge

cc: Assistant Prosecuting Attorney  
,Defendant  
Rachel Held, Recovery Docket Probation Officer  
Holly Graham, Specialized Dockets Coordinator