

## **GENERAL PROVISIONS**

**(\*\*Any below rule or provision that relate to \$\$ or costs are subject to changes.  
Please be sure to call the Deputy Clerk for accuracy and updates)**

### **RULE 1. Adoption and Amendment of Rules**

The Meigs County Probate/Juvenile Court hereby promulgates and adopts the following rules of practice pursuant to authority under Article IV, Section 5(B) of the Ohio Constitution, the Ohio Revised Code, and the Rules of Superintendence of the Supreme Court of Ohio. All persons shall familiarize themselves with all applicable law. The numbering of these Local Rules corresponds with the numbering of the Rules of Superintendence of the Supreme Court of Ohio.

These rules are effective August 3rd, 2017 and may be amended from time to time as necessary. These local rules shall be known and cited as the “Rules of Practice of the Meigs County Probate/Juvenile Court”. They may be abbreviated as follows and cited as “Meigs Prob R.\_\_\_\_” or “Meigs Juv R. \_\_\_\_\_” for use in the appropriate division of this court.

### **RULE 2. Scope and Construction of Rules**

These rules are intended to provide for the management of proceedings and other functions of the Court and to supplement and complement the Ohio Rules of Juvenile Procedure, the Ohio Rules of Civil Procedure, the Rules of Superintendence for the Courts of Ohio and controlling statutes. The judge or magistrate presiding over a hearing may permit exception from a rule upon specific request and for good cause shown.

### **RULE 3. Hours of the Court**

Offices of the Meigs County Probate/Juvenile Court located at 100 East Second Street, Pomeroy, Ohio shall be open Monday through Friday from 8:00 a.m. to 4:00 p.m. The Court will be closed on all legal holidays and the day after Thanksgiving. Any emergencies or special trainings requiring the office to be temporarily closed will be posted on the front door of the office and announce the time of reopening.

### **RULE 4. Servicemen’s Civil Relief Act**

Actions involving a person on active duty in the Armed Forces of the United States may require application of the Servicemen’s Civil Relief Act, Public Law 108-109, 117 State. 2835. Legal counsel or any party to a case shall provide the Court with any information regarding the military deployment of any party to a case. The Court, in its discretion, may continue the case to accommodate a scheduled leave.

## **RULES 5. Courtroom Decorum/Attendance**

Proper decorum in Court is necessary for the proper administration of the Court's business. Chewing gum, food, and beverages are prohibited in the Courtroom during all hearings. Cellular telephones, pagers, radios, compact disc or cassette players, headphones, and other electronic devices shall be turned off prior to entering the Courtroom and not utilized except by consent of the Court.

All parties, attorneys, and witnesses shall wear appropriate attire. The following are not appropriate: excessively revealing attire, bare feet, cutoffs, tank tops, crop tops, clothing advertising alcohol/drugs, and visible undergarments. All hats (excepting recognized religious headwear) shall be removed before entering the Courtroom. **Counsel and parties shall be present and before the Court at the assigned hearing time.** If counsel or a party is unavoidably delayed, notice must be given to the Court as early as possible. Counsel shall make all reasonable efforts to engage substitute counsel in the event of an unexpected absence.

*Emergency Continuances* – For there to be any consideration, the court needs both a phone call as soon as possible prior to the hearing and written detailed verification (i.e., tow bill or medical documentation) also provided as soon as possible to the court. It will be within the sole discretion of the court to determine if the hearing shall be continued. Hearings will occur without a party if they fail to attend or comply with this provision.

Counsel and parties shall have all witnesses and evidence present at the scheduled hearing time unless the Court has specifically permitted an alternate schedule. Any delay in the appearance of a witness or change in the order of presentation shall be brought to the attention of opposing counsel and approved by the Court.

Counsel and parties shall act in a professional and respectful manner.

Except for those who are witnesses, victims, or subjects of the proceeding, children are not permitted in the Courtroom unless by consent of the Court. Children who are permitted in the Courtroom must be accompanied by an adult who will be solely responsible for their safety, care, and behavior.

### **RULE 5.1 Court Magistrates**

(A) A magistrate shall be appointed by the Court whenever necessary.

(B) The Magistrate shall hear any trial or hearing which is referred by the Judge on any issue as to which either no jury right attaches or as to which such jury right has been waived. Trials or hearings may also be heard by the Magistrate as to any issues submitted by consent of the parties. The Magistrate shall hear all cases except those exempt by law.

(C) General Powers of Magistrates. The Magistrate may do all of the following:

- (1) issue subpoenas;
- (2) rule upon the admissibility of evidence;
- (3) put witnesses under oath and examine them;

(4) call the parties and examine them under oath or affirmation;  
(5) in cases involving direct or indirect contempt, issue an attachment for the alleged contemner and set bail to secure the alleged contemner's appearance, and to consider the conditions of release.

(D) Entry of Orders: The Magistrate may enter orders without judicial approval in the following matters:

- (1) pretrial proceedings under Civil Rule 16;
- (2) discovery proceedings under Civil Rules 26 to 37;
- (3) temporary restraining orders under Civil Rule 75(H);
- (4) temporary orders under Civil Rule 75(M);
- (5) other orders as necessary to regulate the proceedings.

(E) Decision. The Magistrate shall promptly conduct proceedings and issue a Magistrate's Decision pursuant to Rule 53, as amended, of the Ohio Rules of Civil Procedure. The Magistrate shall prepare, sign and file a Magistrate's Decision with the Clerk, who shall serve copies on all parties or their attorneys.

(F) Findings of Fact and Conclusions of Law. If any party makes a request for Findings of Fact and Conclusions of Law under Civil Rule 52, the Magistrate's Decision shall include proposed Findings of Fact and Conclusions of Law. The Magistrate may require the parties to submit proposed Findings of Fact and Conclusions of Law within thirty (30) days of the request, and upon a party's failure to do so, said failure shall act as a waiver of the right to submit said Findings of Fact and Conclusions of Law.

Within fifteen (15) days after receipt of such proposed statement, each opposing party may submit a proposed statement of Findings of Facts and Conclusions of Law.

(G) Objections. A party may file objections to the Magistrate's Decision within 14 days of the filing of the Decision in accordance with Rule 53(E)(3)(a) of the Ohio Rules of Civil Procedure.

(H) Appeal of Pretrial Orders. A party may file an appeal of a Magistrate's order within ten (10) days of the filing of the Order.

(I) Judgment Entries. Entries or judgments shall be prepared by the party designated in the Magistrate's Decision and/or subsequent Judge's Decision and shall be submitted to opposing counsel and to the Magistrate for approval and endorsement prior to submission to the Court.

## **RULE 5.2 Jury Management Plan**

(A) Opportunity for Service

(1) The opportunity for jury service shall not be denied or limited on the basis of race, national origin, gender, age, religious belief, income, occupation, disability or any other factor that discriminates against a cognizable group in the jurisdiction.

(2) Jury service is a right of all qualified citizens of Meigs, County, Ohio.

(B) Jury Selection List

The Probate and Juvenile Courts have a very small number of jury trials; therefore, names of jurors for a trial in these courts shall be obtained from the office of the Clerk of the Common Pleas Court, General Division, from the jury source list which

has been prepared and maintained in accordance with the local rule the Meigs County Court of Common Pleas, General and Criminal divisions.

(C) This court further adopts the Meigs County Court of Common Pleas, General and Criminal divisions, local court rules with respect to impaneling a jury and service of the jurors.

## **RULE 6. Appearances**

Any juvenile summoned to appear as an alleged Delinquent child, alleged Unruly child, alleged Juvenile Traffic Offender or alleged Juvenile Tobacco Offender shall appear and be accompanied by a parent, custodian or guardian, unless otherwise notified by the Court.

Any person summoned to appear before the Court who fails to do so may be punished as in other cases for contempt of Court.

### **RULE 6.1 Restraints on Juveniles**

Restraints shall be removed prior to the commencement of a proceeding unless the Court determines on the record, after providing any party to be heard on the issue of physical restraint for that child at that hearing, that there is no less restrictive alternative to the use of physical restraint and that the physical restraint of the child is necessary because either of the following apply:

- a. The child represents a current and significant threat to the safety of the child's self or other persons in the courtroom; or
- b. There is a significant risk the child will flee the courtroom or courthouse.

If the Court finds physical restraint to be necessary, the restraint shall be the least restrictive alternative to meet the risk requiring the restraint and in a manner which does not unnecessarily restrict the movement of the child's hands.

## **RECORDS**

### **RULE 8. Court Records**

8.1 Inspection of Case Files. The following records are confidential and shall not be made available to the public, including any party to the case:

- (a) Child abuse, neglect and dependency investigative records. O. R. C. § 5153.17 and O. R. C. § 2151.421(H)(1);
- (b) Confidential law enforcement investigatory records. O. R. C. § 2151.141(B)(2)(b);
- (c) Victim impact statements. O. R. C. § 2152.19(D)(3);
- (d) Records relating to parental notification of abortion proceedings. O. R. C. § 2151.85(F) and O. R. C. § 149.43(A)(1)(c);
- (e) Fingerprints or photographs of a child arrested or taken into custody. O. R. C. § 2151.313;

- (f) Sealed or Expunged juvenile adjudications or arrests. O. R. C. § 2151.358; and
- (g) All confidential records maintained in the Court's unofficial files, including the following:
  - (1) Court-ordered diagnostic assessments, mental and physical examinations;
  - (2) Records and reports of the probation department;
  - (3) Guardian ad Litem reports;
  - (4) CASA Guardian ad Litem reports;
  - (5) Drug/alcohol assessments;
  - (6) School records and reports;
  - (7) Traffic records; and
  - (8) Reports from community agencies serving the Court.

All other records are contained in the Court's case file. The case file may be reviewed by the parties or their attorney. Exhibits properly introduced and admitted at a trial or hearing shall be maintained separately by the Clerk's Office.

**8.2 Copies of Case Files.** The Judge, as ex-officio Clerk of the Juvenile Court, is responsible for all pleadings and papers filed. No records shall be taken from the Court without the Court's permission. Copies of all pleadings and journal entries of record shall be available for counsel or representing any party to a case or to a pro se party. The clerk shall provide copies as requested, excepting official transcripts. Copies shall be provided during regular business hours within a reasonable time as determined by the clerk based upon the extent of the request. A fee for photocopying may be charged as the Court may determine from time to time.

#### **RULE 8.11 Court Investigators/Appointments**

##### **(A) Court Investigators**

(1) The Court shall appoint an employee of the probate or juvenile court to serve as a court investigator. It shall be the duty of the investigator to personally serve all necessary papers upon the proposed ward and to conduct an investigation as to the suitability of the proposed guardian.

(2) The Court, in its discretion, may from time to time use the court investigators to perform investigations in other types of cases before the Court.

##### **(B) Guardians Ad Litem**

In some instances, a guardian ad litem may be appointed to represent a party in a proceeding before the Court. Guardian ad litem shall be selected at the Court's sole discretion from the appointment list maintained by the Court. Fees will be assessed on a case-by-case basis.

##### **(C) Counsel in indigent guardianship cases**

Attorneys practicing in Meigs County Probate Court are expected to take their turns accepting court appointments as counsel in indigent guardianship cases. Counsel shall be paid \$50.00 per hour for out-of-court time and \$60.00 per hour for in-court time from the Court's Indigent Guardianship Fund. The Court shall maintain a list of attorneys for appointment.

**RULE 9. Pleadings**

All pleadings, motions and memoranda filed with the Court shall contain the following information:

- (a) Name, address, telephone number and Supreme Court registration number of counsel;
- (b) Current address of all parties to the action on original and post-judgment pleadings.

**RULE 10. Motions**

All motions, unless made during a hearing or trial, shall be made in writing in accordance with the Ohio Rules of Civil Procedure, Ohio Juvenile Rules 19 and 22, or any other relevant legal authority unless otherwise permitted by the Court. All motions shall state with particularity the grounds and legal authority and shall clearly state the relief or order sought.

**RULE 11. Record of all Juvenile/Probate Hearings**

**11.1 Official Record.** A complete record of all testimony or other oral proceeding shall be made in all official cases by means of an audio or audiovisual recording device provided by the Court. Any party may provide a Court reporter at his/her own expense to make a record of any proceeding before the Court.

**11.2 Inspection of the Audio or Audiovisual Record.** Any person who is a party to a case as defined by the Juvenile Rules or that person's attorney or guardian ad litem may listen to or view the record made in a case after a request is submitted and authorized. The judge, the Court administrator, or the magistrate may authorize such requests.

**11.3 Transcription of the Record.** If a request for a transcript is made for purposes of appeal or for purposes of objections filed pursuant to Juvenile Rule 40, the person seeking the transcript may directly request the official Court reporter to transcribe the record. No transcript will be started or provided until satisfactory arrangements for payment have been made.

All original transcripts shall be filed by the official Court reporter with the clerk and shall thereby become the official record of the case.

**RULE 12. Deposit of Juvenile Court Costs**

The Meigs County Juvenile Court requires a security deposit for costs in the filing of any original action or reopening of prior case, except complaints alleging a child is delinquent, unruly, neglected, dependent, abused, or a juvenile traffic or tobacco offender and in criminal actions filed against adults. The amount of the security deposit will be established in the Court's fee schedule and is presently \$105.00.

**12.2 Inability to Pay Costs.** If a litigant claims inability to either pre-pay or give security for costs, the litigant shall complete an Affidavit of Poverty required by O. R. C. § 2323.30 and O. R. C. § 2323.31, substantiating such inability, all of which shall

be filed with the pleadings and treated as other papers in such case, and be subject to review by the Court at any stage of the proceedings.

Probate fees are addressed in RULE 58.1.

#### **RULE 12.1 Broadcast/Photograph Court Proceedings**

No radio or television transmission, voice recording device, other than a device used by a court reporter making a record in a proceeding, or the making or taking of pictures shall be permitted without the prior express consent of the Court one business day before the proceeding and pursuant to Sup.R. 12.

#### **RULE 14. Filing by Facsimile (FAX)**

(A) Attorneys should limit requests for facsimile transmission to filings of an emergency or time-critical nature. As a general rule, FAX filings of any pleading requiring an accompanying filing fee will not be accepted. The Court reserves the right to revoke the FAX filing privilege of any attorney who appears to be abusing the privilege.

(B) All pleadings and other papers may be filed with the Court by facsimile transmission (FAX) subject to the following provisions:

(1) A FAX document will be accepted as original and the signature accepted as original consistent with Civ.R. 5(E). No additional paperwork need be filed.

(2) The attorney must telephone the Clerk's office and request permission to identify the intended facsimile filing. The attorney must provide the Clerk with his or her name, the number of the case, the nature of the pleading or paper, and the number of pages.

(3) Documents must be no longer than ten (10) pages.

(4) The attorney must transmit the item at a time and to a phone number specified by the Clerk. Such time will ordinarily be within normal business hours.

(5) The attorney must use a cover sheet prescribed by the Court and provide all required information. FAX transmissions without the cover sheet will not be accepted for filing. Papers for no more than one case only may be transmitted with a given cover sheet.

(6) The Clerk will file stamp the cover sheet and return a copy of it to the attorney filing the FAX transmission.

#### **RULE 15. Juvenile Pleadings - Publication by Posting**

Pursuant to Ohio Juvenile Rule 16(A), service by publication shall be made by posting, unless otherwise ordered by the Court.

The Clerk may post service in a conspicuous place in the Courthouse 2<sup>nd</sup> Floor Bulletin Board and in any two (2) of the following public places within the county:

- 1.) Meigs County Department Job/Family Services, Middleport, Ohio; or
- 2.) Office of Ohio Bureau of Motor Vehicles (BMV), Pomeroy, Ohio; or
- 3.) Pomeroy Post Office;
- 4.) Middleport Post Office;

The notice shall contain the same information required to be contained in a newspaper publication. The notice shall be posted in the required locations for seven consecutive days. The clerk shall cause the summons and accompanying pleadings to be mailed by ordinary mail, address correction requested, to the last known address of the party to be served and shall obtain a certificate of mailing. If the clerk is notified of a corrected or forwarding address of the party to be served within the seven-day period that notice is posted, the clerk shall cause the summons and accompanying pleadings to be mailed to the corrected or forwarded address.

After the seven days of posting, the clerk shall note on the docket where and when notice was posted. Service shall be complete upon the entry of posting.

#### **RULE 16. Jury Demand**

The Court shall hear and determine all cases involving Juveniles without a jury, except for the Adjudication of a serious youthful offender complaint, indictment, or information in which a trial by jury has not been waived.

In cases where an adult has been charged with a criminal offense in the Juvenile Court, the Defendant is entitled to a jury trial pursuant to Criminal Rule 23(A). An adult charged with a misdemeanor offense may demand a jury in writing, which demand shall be filed no later than thirty (30) days prior to the date set for trial or before the third (3<sup>rd</sup>) day following the receipt of the notice of the date set for trial, whichever is later. A Defendant's failure to demand a jury trial as stated in this rule shall be deemed a complete waiver of the rights thereto.

## **HEARINGS**

#### **RULE 18. General Hearing Requirements**

(A) Hearings and trials shall begin promptly on the date assigned. Before the hearing or trial of a delinquency case which is a felony if committed by an adult and before trial or hearing of a dependency, neglect, abuse, permanent custody, motion for dispositional orders pursuant to Revised Code section 2151.415 or contested parentage action each attorney shall provide the Court with the following:

- (1) An index of Exhibits to be admitted during the hearing or trial.
- (2) Original exhibits shall be pre-marked, with the plaintiff using numbers and the defendant using letters. Counsel shall also provide a set of photocopies for the Court's use and another set to opposing counsel.
- (3) A list of the names of all witnesses.

#### **RULE 19. Counsel of Record/Withdrawal of Counsel**

Each attorney retained to represent a party in the Juvenile Court shall immediately file a written Entry of Appearance with the Court, and provide a copy of the Entry to all other counsel of record in the case and any unrepresented parties. Upon the filing of an Entry of Appearance, the attorney or his/her firm will be considered



counsel of record until such time as a Judgment Entry of Withdrawal is approved by the Court and filed in the case.

An attorney shall be considered discharged as counsel of record when a final judgment has been rendered and no subsequent hearings are scheduled.

An attorney seeking to withdraw as counsel of record shall timely file a written motion stating the grounds for withdrawing from the case; that the attorney has notified or made every possible attempt to notify the client of the intended action, the subsequent hearing dates, and the necessity of the client's appearance at such hearings; and that the attorney has notified opposing counsel of the intended action.

The Court may deny said request but reconsider same upon the Entry of Appearance of new counsel or upon the written consent of the party affected.

## **RULE 20. Appointment of Counsel**

The Court shall maintain a list of appointees qualified to serve in the capacity designated by the Court. Any attorney licensed to practice in the State of Ohio may submit his/her name for consideration on the appointment list. Appointments shall be assigned as the discretion of the Court. The Court may consider the skill and expertise of the appointee in the designated area of the appointment and the management by the appointee of his or her current caseload. The Court may maintain separate lists for different types of appointments.

**20.1 Fees and Expenses.** Reimbursement for assigned counsel fees shall be made in accordance with the Resolution of the Board of the Meigs County Commissioners in effect at the time the legal services are performed and are currently \$50.00 per hour for out of court and \$60.00 per hour for in court work. The Court reserves the right to reject any services that are deemed to be excessive for the nature of the case. Fees and expenses for representation shall be submitted to the Court on the forms established by the Office of the Ohio Public Defender within sixty (60) days of final disposition. Applications for fees submitted after 90 days shall not be paid.

All applicants for court appointed counsel shall be required to promptly post a \$25.00 indigent application fee.

## **RULE 21. Guardians Ad Litem**

**Rule 21.01 When appointed.** The Court may appoint a CASA/Guardian ad Litem or Attorney/Guardian ad Litem to represent the best interests of minor children in Delinquency, Unruly, Dependent, Neglect and Abuse proceedings consistent with the Ohio Rules of Juvenile Procedure, Rule 4 and Ohio Revised Code Section 2151.281. In Custody, Parenting Time or Visitation proceedings the Court may appoint a Guardian ad Litem to represent the best interests of minor children consistent with Ohio Revised Code Section 3109.04 and this Court's Local Rules.

Any party requesting appointment of a Guardian ad Litem in a proceeding involving custody, parenting time or visitation shall, at the time of filing of the written motion, deposit with the Clerk the sum of \$600.00, to be applied toward the satisfaction of

the fees for the Guardian ad Litem. The assessment of the costs for the fees of Guardian ad Litem between the parties shall be made by the Court at the completion of the proceedings.

No deposit for fees of Guardian ad Litem shall be required in cases alleging a child to be dependent, neglected, abused, unruly or delinquent.

The Guardian ad Litem shall remain on the case until his or her duty is effectively discharged pursuant to statute or by leave of Court. At the discretion of the Court, the same Guardian ad Litem may be re-appointed in any subsequent filings related to the child's best interest and an additional deposit shall be required.

**Rule 21.02 Role.** The role of the Guardian ad Litem is to assist the Court by conducting an independent investigation of the issues raised by the pleadings and submitting recommendations which reflect and support the best interests of the minor children to which the Guardian ad Litem is assigned. The Guardian ad Litem shall actively participate in all Court proceedings, monitor Court orders to ensure compliance, and cause to be filed motions and other pleadings as appropriate under the applicable rules of procedure.

**Rule 21.03 Access.** The Guardian ad Litem shall have full access to Court records, including computer databases containing criminal records and information. Access to LEADS may be available by written request through designated Court personnel.

(a) In all case wherein a Guardian ad Litem is appointed to represent the best interest of a child, orders will issue allowing the Guardian ad Litem to have access to and make copies of records and reports, as provided herein:

(1) Upon presentation of the order allowing access and such identification as may be reasonably required by the person, agency or office from whom the information is sought, the Guardian ad Litem shall be allowed to review and copy all records related to the medical, dental, psychiatric, psychological, social or legal matters of the child(ren).

(2) The person, agency or office from which the information is sought will not reveal referral sources except as provided in Ohio Revised Code 5101.

(b) In all cases wherein a child is alleged to be abused, neglected or dependent and where a dispositional hearing has been scheduled, orders will issue allowing the Guardian ad Litem to have access to and make copies of records and reports, as provided herein:

(1) Upon presentation of the order allowing access and such identification as may be reasonably required by the person, agency or office from whom the information is sought, the Guardian ad Litem shall be allowed to review and copy all psychological, social or legal matters of the parties.

- (2) The person, agency or office from whom the information is sought will not reveal information which is controlled by 42 Code of Federal Regulation, Part 2; Ohio Revised Code Sections, 2945.38, 2945.39 or 2945.41 (except Court docket entries or Court journal entries (except upon presentation of an order in compliance therewith).
- (c) Any copies, summaries, abstracts or extracts of reports and records which are obtained or created pursuant to these rules are not to be disclosed by the Guardian ad Litem nor are they subject to discovery except as provide by further order of this Court.

**Rule 21.04 Discovery and trial procedure.** The Guardian ad Litem may subpoena and examine independent witnesses during Court proceedings. Additionally, this Court shall allow the Guardians ad Litem to examine any and all witnesses placed under oath presented by the parties during all Court proceedings subject to and consistent with the rules of evidence.

**Rule 21.05 Duties.** A Guardian ad Litem shall perform appropriate duties upon appointment. As the feasibility of some of the duties will depend on the age of the child and the specific circumstances of each case, it is within the discretion of the Guardian ad Litem to tailor each of the following duties to the individual case:

- (a) Interview each parent or party separately (or state in the report why such interviews would be unnecessary or impractical).
- (b) Interview the children separately (or state in the report why such interviews would be unnecessary).
- (c) Observe each child's interaction with each parent.
- (d) Investigate all significant persons and interview them independently, either in person or by telephone.
- (e) Review pleadings and consult with each attorney as to position and issues.
- (f) Obtain relevant information such as school records, criminal records, medical and psychological information, children services' case notes, investigative reports, etc.
- (g) Contact any mental health providers involved in the case.
- (h) Contact the school of the child.
- (i) Contact health care providers, child services agencies, probation department and law enforcement officials, etc.
- (j) Perform appropriate home visits (can be combined with interviews or observation).
- (k) Evaluate the necessity of psychological evaluations or counseling.
- (l) Communicate with the Children's Services caseworker.
- (m) Attend all hearings and depositions concerning the child.
- (n) File all motions or other pleadings necessary to further the child's interests.
- (o) Perform any other investigation necessary to make an informed recommendation regarding the best interests of the child.

**Rule 21.06 Request for evaluation.** For good cause shown, a Guardian ad Litem may request that the Court order the parties and/or child to submit to physical, psychological or psychiatric evaluation. The request must be timely made and the Court shall afford the parties and child a reasonable opportunity to respond. When the Court orders that an evaluation be done, it shall determine the party responsible for the payment of the charges for same.

Failure of a party to cooperate with an evaluation ordered by the Court may result in the application of sanctions, including the imposition of fines and incarceration; payment of attorney fees; reimbursement for lost wages; and payment of the charges of the evaluator. If the party bringing the action fails to cooperate, judgment may be entered against him.

**Rule 21.07 Notice.** A Guardian ad Litem is entitled to notice of all hearings and to receive copies of any and all filings made by the other parties to the action.

**Rule 21.08 Responsibilities.** The Guardian ad Litem shall commence his investigation as soon as possible, but not greater than fourteen (14) days, after receiving notice that the full deposit, if required, has been made with the Court. The Guardian ad Litem shall attend all Court hearings, including annual, semi-annual and reasonable efforts hearings where applicable.

Any Guardian ad Litem who makes a recommendation or conducts an investigation concerning the interests of the child in a proceeding in which the Guardian ad Litem is appointed shall be immune from civil or criminal liability as to that investigation or recommendation unless the Guardian ad Litem has acted in bad faith or with malicious purpose.

**Rule 21.09 Report.** Unless otherwise directed by the Court, the Guardian ad Litem shall prepare a written report and submit it to the Court not less than seven (7) days prior to the hearing. The report shall be available for review by counsel pursuant to statute or Rules. The report of the Guardian ad Litem is considered confidential and not part of the public records of the case. Copies of the report of the Guardians ad Litem shall not be provided to any party or party's attorney.

**Rule 21.10 Conflicts.** An Attorney/Guardian ad Litem has a duty to promptly notify the Court and the party/party's counsel if the child's wishes are in opposition to the Guardian's ad Litem recommendation. If the Court finds such a conflict to exist, the Court shall appoint a different Guardian ad Litem to represent the best interest of the child. At the discretion of the Court, the original Guardian ad Litem may continue to represent the child as his/her attorney.

The Guardian ad Litem shall maintain objectivity at all times during the appointment. Any relationship or activity, including but not limited to those of employment, business, professional or personal contacts with respect to parties or others involved in the case, may conflict with the Guardian ad Litem's responsibilities and shall be disclosed to the Court as soon as they are discovered. Since a conflict of interest may arise at any point in time, the Guardian ad Litem has an ongoing duty to disclose the existence of any actual or potential conflicts.

**Rule 21.11 Compensation.**

- (a) In private custody/visitation cases, the party requesting appointment of a Guardian ad Litem shall, at the time of the filing of a motion, deposit with the Clerk the sum of \$600.00. All Guardians ad Litem shall keep accurate time records. A final assessment of the costs

for the fees of Guardian ad Litem between the parties shall be made by the Court at the completion of the proceedings.

- (b) In indigent dependent, neglect, abuse, unruly, delinquent and custody cases, compensation shall be according to the Meigs County Fee Schedule, but not to exceed \$600.00 without approval.

The Court shall review the appointment list on an annual basis to determine that the qualifications of all individuals on the list are maintained current and complete.

## **RULE 22. Continuances**

All requests for continuances shall be made in writing and shall provide verification that other counsel or pro se parties have been contacted and, if relevant, that they have no objection to a continuance. If a continuance is requested because an attorney is already scheduled to be in another Court of record, proof of such prior assignment shall be attached to the Motion for Continuance.

All motions for continuances shall state the reasons for the request and shall be filed with the Clerk's Office no later than 14 days before the hearing sought to be continued and served upon all other parties. Upon good cause shown, said 14-day period may be waived. Said motions shall be accompanied by a proposed judgment entry ordering the reassignment of said case in the event the motion is granted.

## **RULE 23. Exhibits**

All exhibits must be marked and identified if referred on the record. Once marked, all exhibits will be maintained in the sole possession of the Court until the conclusion of the case, including time for appeal, unless the Court otherwise orders return of the exhibit. Upon the conclusion of the case including time for appeal, the Court may dispose of exhibits pursuant to law and at such time as it deems feasible following notice to proponent, victim, or owner.

Where appropriate and by Court order, photographs as defined in Evid. R. 1001(2) may be taken of an exhibit and introduced as evidence in the hearing. The admission of such photographs is subject to the relevancy requirements of Evid. R. 401, Evid. R. 402, Evid. R. 403, the authentication requirements of Evid. R. 901, and the best evidence requirement of Evid. R. 1002.

When evidence requires the use of other devices to be seen or heard, the proponent of the evidence bears the responsibility for producing such equipment or device at the hearing. The following Court equipment may be utilized subject to availability through prior arrangement with a Court officer: VHS video tape player, video monitor, compact disc player, and dry erase board.

**RULE 24. Juvenile Hearing Closure**

A party to a juvenile proceeding may request that a hearing or hearings be closed to members of the public, the media, or other specified persons through a written or oral motion. Such requests shall be made as far in advance as is reasonably possible to allow the Court to conduct a hearing and rule on the request without unnecessarily delaying the proceedings.

The right of a victim to attend a hearing pursuant to R. C. 2930.09, the right of a foster parent, relative or prospective adoptive parent to attend a hearing pursuant to R. C. 2151.424, and the right of any other person who has a lawful right to attend a hearing shall be preserved.

**RULE 25. Photographing and Broadcasting of Court Proceedings**

The taking of photographs or digital images in the Courtroom, corridors and other areas adjacent to the Courtroom and the transmitting or sound recording of such proceedings for broadcasting by radio or television shall not be permitted unless prior authorization has been received from the Court. Requests for permission to broadcast, televise, record or photograph in the Courtroom shall be made in writing to the Judge as far in advance as reasonably practical but in any event not later than 24 hours prior to the Courtroom session to be broadcast, recorded or photographed.

Use of cell phones with digital imaging capabilities are prohibited from being used in the Courtroom.

**RULE 25.1 ELECTRONICALLY PRODUCED TICKETS AND USE**

The use and filing of a ticket that is produced by computer or other electronic means is hereby authorized in the Meigs County Juvenile Court. The electronically produced ticket shall conform in all substantive respects to the Ohio Uniform Traffic Ticket and other relevant Ohio juvenile requirements. If an electronically produced ticket is issued at the scene of an alleged offense, the issuing officer shall provide the juvenile traffic offender with a paper copy of the ticket. The Court will issue a summons to appear and/or bond schedule upon filing the ticket with the Court.

**RULE 26. Judgment Entries**

The Court may order or direct either party to prepare a judgment entry. When so ordered, the party shall prepare a proper judgment entry and submit it to the opposing party within 14 days, unless the time is extended by the Court. The opposing party shall have 7 days in which to approve or reject the judgment entry. If the opposing party fails to take any action on the judgment entry within 7 days, the preparer shall submit the entry with the notation, "Submitted but not returned". In the event of rejection or if the parties are unable to agree, each may prepare his/her version for consideration. The Court may:

- (a) Sign the entry that it deems a proper statement of the parties' agreement or the Court's decision;
- (b) Prepare its' own entry without submitting same to counsel for approval; or
- (c) Schedule the matter for hearing.

If no entry is furnished to the Court within 21 days of the Court's decision, upon notice of such failure to the parties and their counsel, the Court may:

- (a) Dismiss the action for want of prosecution;
- (b) Order the Clerk to enter judgment; or
- (c) Make such other Order as deemed appropriate under the circumstances.

Consent judgment entries may be presented to the Court on or before the date of hearing. In the event the parties notify the Court that an agreement has been reached and they wish to vacate the hearing date, the entry shall be submitted within 14 days of the vacated date.

## **DELINQUENCY, UNRULY AND JUVENILE TRAFFIC UNRULY CASES**

### **RULE 28. Diversion of Juvenile Cases**

Diversion conferences may be conducted in lieu of formal actions for certain juvenile cases. Generally, diversion may be available only for juveniles who are charged with first-time misdemeanor charges, first-time traffic non-moving offenses, and status offenses. Although no formal finding or record may result, to be eligible for diversion, a youth must be willing to admit to the operative facts of the complaint. If the youth denies the charge, the case will be referred in the official docket for hearing. Discretion regarding the availability of diversion shall be exercised by the Court's intake personnel. The Court shall have the final decision as to the eligibility of the juvenile to participate in the diversion program.

### **RULE 29. Detention**

Any law enforcement officer taking a child into custody who may need detention services shall make all reasonable efforts to contact an officer of the Court to discuss the need and location of detention. The child shall be released to a parent or guardian unless the circumstances clearly demonstrate the need for detention as described by Ohio Revised Code section 2151.31 (C) (1) (2) and Juvenile Rule 7. If detention is confirmed, the law enforcement officer, or court officer if available, will transport the child to the detention center as instructed by the Court officer.

### **RULE 30. Restitution**

When an order of restitution does not specify the amount, the county prosecutor shall forthwith send a request to the victim to provide information regarding the

amount of the loss and insurance coverage. The prosecutor shall notify the court within 14 days of the disposition. If the juvenile and/or parent seeks to dispute the amount, the juvenile and/or parent must submit a written request for a hearing on that issue alone within 30 days of the notice. This written request shall provide the specific ground for objecting and their estimate of restitution. If no request is received within 30 days, the amount claimed will be considered final and binding. If the victim does not respond to the prosecutor within 30 days, the restitution order may be terminated.

#### **RULE 31. Bonds and Recognizance**

- (A) Appearance bonds may be fixed by the court in each individual case at the detention hearing, arraignment, or at such other times as may be provided. The issuance of a warrant without the amount of bond specified indicates that the bond must be fixed according to the bond schedule or as the court determines. When real property is offered as security for a bond, the court shall require that the value of the real property as listed on the county tax list to be at least twice the amount of the bond.
- (B) The bond schedule immediately below will apply to juvenile traffic offenders of minor offenses who are non-residents of the State of Ohio and who do not live in Mason County, West Virginia:

Speeding: \$109.00 court costs plus \$1.00 for each mile over the speed limit;  
Seatbelt – Call clerk for driver/passenger mandatory costs/fine;  
All other minor moving violations: \$109.00 court costs plus a \$25.00 fine.

All other violations shall require the personal appearance of the juvenile.

## **CUSTODY, PARENTING TIME AND ALLOCATION OF PARENTAL RIGHTS AND RESPONSIBILITIES**

#### **RULE 32. Commencement of the Case**

**32.1 Commencement.** Before commencing an action for custody, parenting time, allocation of parenting rights and responsibilities, or modifications to existing orders of such nature, the person filing the complaint must make a good faith effort to identify the true and accurate names of the child, mother, father or fathers, and any other person who has a legal interest in the proceeding.

**32.2 Documents Required At Filing.** Original actions shall be initiated by sworn complaint. Requests to modify pre-existing orders shall be by motion. All documents must be typed or legibly printed on 8 ½ by 11-inch paper. A completed copy of the following documents must be filed with the complaint or motion:

(a) Child Custody Affidavit (in compliance with the Uniform Child Custody Jurisdictional Act)



(b) Copy of Entry finding Paternity if done in other county or state;

**Rule 32.3. Filing Fee.** The party initiating any action shall submit the filing fee of \$105.00 at the time of filing. If the party is indigent and unable to prepay the fee, the clerk may accept the filing if accompanied by an affidavit of indigence and some form of documentation in support of the affidavit such as payroll receipts, Social Security determinations, or public assistance determinations.

The judge or magistrate shall review all affidavits of indigence. If a party's financial status changes during the course of the proceedings, the party is under a duty to inform the Court. Inability to prepay does not waive court costs or fees.

**RULE 33. Mediation**

The Court may refer for mediation such cases that it deems appropriate. A mediation session is a docketed event requiring the appearances of all parties. The appearance of counsel is optional. If parties fail to appear for mediation, if no agreement is reached in mediation, or if the agreement reached is not approved by the judge, the case will be scheduled for a pretrial conference and parties notified by mail or in person if already in court.

**RULE 34. Parenting Time (Visitation and companionship)**

The Court has adopted a schedule of reasonable visitation and companionship and a schedule of long distance visitation and companionship (see Appendix).

**RULE 35. Payment of Health Care Expenses of Minor Children**

The Court may in the best interests adopt a schedule for payment of ordinary and extraordinary health care expenses incurred on behalf of minor children.

**RULE 36. Maintenance of Medical Insurance for Minor Children**

The Court may adopt a Health Insurance Order and Notice for maintenance of medical insurance for minor children by their parents.

**RULE 51.1 Standard Probate Forms**

In addition to the standard probate forms indicated in Sup.R. 51, Meigs County Probate Court requires the filing of the following:

- A. New Case Information Statement
- B. Counsel Fee Computation
- C. Executor/Administrator Fee Computation
- D. Guardian Fee Computation
- E. Trustee Fee Computation

**RULE 55.1 Examination of Probate Records**

Copies of Meigs County Probate Court records which are public record shall be made available to any party requesting them at a .10 cent cost per copy which reflects only the cost of materials used.

**RULE 56.1 Continuances and Extensions**

There shall be no more than two 30-day extensions granted for the filing of an Inventory or Account except upon express written consent of the Court for good cause shown.

**RULE 57.1 Filings and Judgment Entries**

- (A) A current 1.0 must be filed with the Application to Probate Will, the Application for Appointment of Fiduciary and the Inventory.
- (B) It is the responsibility of the attorney to prepare for the Judge's signature the following:
  - (1) Entry Appointing Fiduciary; Letters of Authority
  - (2) Judgment Entry Approving Inventory and Appraisal
  - (3) Certificate of Transfer
  - (4) Entry Approving and Settling Account (partial and final accounts)
  - (5) Entries on hearings and motions as directed by the Judge
- (C) No correction fluid or tape is to be used on papers submitted to the Court for filing.

**RULE 58.1 Probate Filing Deposits (Please check with Deputy Clerk on all \$\$ ?'s)**

PROBATE COURT FEES – As mentioned at beginning of the Court rules, the following fees and costs are listed and accurate as of the date of these rules. They change and are subject to being modified. Please call the deputy clerk for current costs. A detailed breakdown is available at any time.

Full administration:

Probate of Will

Miscellaneous costs

Computer fees

Appt. of Fid.

Dispute Resolution

Certified Letters

Legal Aid Fees

Total: 154.00

Relieve from Administration (with or without will)

Gen. Fund

Ind. Gdn. Fee

Dispute Resolution

Total: \$80.00

**(NO WILL) Regular Administration:**

Appointment of Fiduciary

Ing. Gdn. Fee

Misc. Costs

Computer fees

Certified Letters

Dispute Resolution Fee

Legal Aid Fees

**Total: \$119.00**

**Settlement of a Minor's Claim: (Over \$25,000.00 must file Guardianship)**

Application

Misc.

Computer Fees

Dispute Resolution

Entry Granting Minor's Claim

**Total: \$97.00**

**Guardianship (minor or incompetent)**

Appl. for Appt. of Gdn.

Ind. Gdn. Fee

Miscellaneous costs

Computer fees

Dispute Resolution

Legal Aid

Investigator fee

**Total: \$193.00**

**Adoption:**

Application for Adoption

Misc. Costs

Computer fees

Legal Aid

c/c Mail (ODH)

Dispute Resolution

Ohio Birth Certificate

**Total \$154.50**

West Virginia Birth Cert.

**Total \$145.00**

Adoption Assessments \*\*Costs to be determined per case

**Miscellaneous court costs:**

Certified Mail

Regular Mail/Certificate of Mailing

Application and Entry (Motion and Order)

Ancillary Adm.

Re-open an estate

Appt. of trustee:

Will Contest

Declaratory Judgment

Claim Against an Estate

Appt. of Gdn. Ad Litem  
Partial Account  
Account with advertising  
Complaint (in an estate or guardianship)  
Certified copy of marriage record  
Distribution of Assets  
Newly Discovered Assets  
Estate tax (taxable or non taxable)  
Inventory and Appraisal  
Inventory without Appraisal  
Guardian's Inventory  
Marriage License \*\*Call deputy clerk  
Presentation of will  
Sale of Real Estate  
Sale of Personal Property  
Schedule of Claims  
Statement of Assets & Liabilities  
Statement in Lieu of Account  
Termination w/o an account  
Transfer of Motor Vehicle  
Transfer of Real Estate  
Wrongful Death Settlement  
Change of Name  
Petition for Release of Adoption Information  
Correction of Name  
Delayed Registration of Birth  
Disinterment  
Appt. of Conservator  
Probate packet (\*\*Free updated forms on Ohio Supreme Court webpage- Probate Forms)  
Guardian Ad Litem Fees

#### **RULE 59.1 Probate Notice Requirements**

(A) Admission of Will. The fiduciary must file the following with the Court:

- (1) Certificate of Service (Std.Prob.Form 2.4 or equivalent)
- (2) Waiver (Std.Prob.Form 2.2 or equivalent) or
- (3) Notice (Std.Prob.Form 2.3 or equivalent) with proof of service shown on back

(B) Hearing on Inventory. The fiduciary shall send notice of hearing on inventory, unless waived, by ordinary mail to all legatees and devisees named in the will or to all heirs of decedent who died intestate with the following to be filed with the Court:

- (1) Certificate of Service
- (2) Waiver (Std.Prob.Form 6.2 or equivalent) or
- (3) Notice (Std.Prob.Form 6.3 or equivalent)

The hearing on the inventory will be scheduled at 1:30 p.m. on the 30<sup>th</sup> day following its filing; provided, however, that if waivers of notice signed by all legatees and devisees named in the will or all heirs of an intestate decedent are filed with the

Court at the time the inventory is filed, the hearing on the inventory may be dispensed with and the inventory may be approved forthwith.

(C) Hearing on Appointment of Guardian. The Court gives notice to all next of kin, residents and nonresidents of Ohio, for whom addresses are known unless, pursuant to Civ.R. 4(D), notice is waived.

**RULE 60.1 Application for Letters of Authority to Administer Estate and Notice of Appointment**

Out-of-state fiduciaries appointed by this court who are not the sole heir and/or legatee will be required to post bond. Any out-of-state fiduciary will be required to maintain their demand deposits (checking and/or savings accounts) in a federally insured depository located in Meigs, Gallia, Athens, or Washington County.

**RULE 61.1 Appraisers/Appraisals**

The real estate appraiser shall provide a separate signed sheet or letter containing a brief listing of appraised values of each parcel.

This Court shall accept a current appraisal card from the Meigs County Auditor's Office as to the appraised value of real estate. However, should any heir, legatee, or devisee object to the use of the auditor's appraisal or should the court have any question as to the appraised value at the date of death of the decedent, the Court shall order an additional appraisal.

**RULE 63.1 Application to Sell Personalty**

The requirements of Ohio Rules of Superintendence 63 shall not apply where sale has been authorized by consent given by all heirs.

**RULE 64.1 Probate Accounts**

(A) A motion for extension of time to file an account must be submitted in writing and signed by both the attorney and the fiduciary for the estate. There may be no more than two 30-day extensions granted per account except upon express written consent of the court for good cause shown.

(B) A partial account shall not be approved until all court costs to date have been paid.

(C) In lieu of the past practice of requiring bank certificates, cash balances may be verified by submission of original bank statements, passbooks, or other financial institution statements or records.

(D) The person filing a final account shall be required to read off the receipts to be checked against the account by a deputy clerk. Once verified, receipts will be returned to the filer immediately. If there is a discrepancy, the account will not be accepted for filing and all documents will be returned to the filer for correction.

(E) The status report required by Sup.R. 78.

#### **RULE 65.1 Land Sales**

Notice shall be sent to the attorney for any land sale which has not been concluded within one year from the date of filing. If the attorney fails to respond to the notice within fourteen days, the matter shall be set for pretrial conference with the following requirements:

- (1) The attorney of record must attend the pretrial conference and must have full authority to enter into a binding pretrial order.
- (2) A written status report shall be filed with the court no later than seven days prior to the pretrial conference.
- (3) The status report shall address the issues of efforts made to sell the real estate and the expected date upon which the case will be closed.
- (4) In all private land sale proceedings by civil action, the judgment entry confirming sale, ordering issuance of deed, and ordering distribution shall show the gross amount of the proceeds and include a copy of the proposed closing statement itemizing all of the proposed disbursements.

#### **RULE 66.1 Guardianships**

- (A) Statement of expert evaluation shall not be more than 90 days old.
- (B) A Court Investigation shall be conducted on all incompetent guardianships, and on minor guardianships for non-parent guardians.
- (C) Record check of proposed guardian is required on all incompetent and minor guardianship applicants.

#### **RULE 67.1 Minor Settlement/Net Proceeds Less Than \$25,000**

Unless otherwise provided for by Order of the Court, an applicant for release of assets pursuant to Ohio Revised Code 21111.05 shall:

- (A) File application for release of assets without appointment of guardian. Upon approval of the application, the Order of Release shall state the local financial institution acting as depository and shall state that the funds shall not be released until the ward reaches the age of eighteen (18), or the ward's death, or until further Order of the Court.
- (B) Deposit funds in a bank or savings institution; and
- (C) File a report with receipt within fourteen (14) days after the deposit that the deposit was made with the same restrictions on withdrawal as cited in the Order of Release.

#### **RULE 71.1 Counsel Fees - Estates**

(A) Counsel fees for the administration of a decedent's estate set forth in this section may serve as a guide in determining fees to be charged to the estate for legal services of an ordinary nature rendered as attorney for the executor or administrator in the complete administration of a decedent's estate. This Court

does not have, nor is there recognized, any minimum or maximum fees that will automatically be approved by the Court. Misrepresentation of this guideline may result in sanctions, including the disapproval of or partial or total disgorging of attorney fees.

Attorney fees calculated under this guideline shall rebuttably be presumed to be reasonable.

**Total Probate Assets Counsel Fee**

(per inventory and income)

\$ 0 - \$ 10,000	\$ 500
\$ 10,001 - \$100,000	\$ 500 + 4½% over \$ 10,000
\$100,001 - \$400,000	\$ 4,550 + 3½% over \$100,000
\$400,001 - UP	\$15,050 + 3% over \$400,000

**Total Non-Probate Assets Counsel Fee**

(Includable for Ohio Estate Tax Purposes) 1½%

(B) Upon application, extraordinary fees based upon time spent and services rendered may be considered for approval by the court. Extraordinary services may include, but are not limited to the following:

- (1) In a court other than the Probate Court.
- (2) In a contested matter in the Probate Court.
- (3) In connection with the preparation or filing, audit, protest or contest of an income or gift tax return, or liability incurred by the decedent or personal representative.
- (4) In connection with the settlement of estate taxes with respect to insurance not payable to the estate, gifts in contemplation of death, or general testamentary powers of appointment not exercised by the decedent, and other negotiation not represented by assets included in the gross value of the estate.
- (5) With respect to problems of valuation or taxability of property for estate taxes or to the protest of such taxes.
- (6) Preparation and filing of the federal estate tax returns.
- (7) Services in connection with land sale proceedings.
- (8) In connection with matters which are unusual or excessive for the size of the estate involved.
- (9) In connection with the performance of duties normally performable by the personal representative, but which fall to the attorney because of the personal representative's inexperience, lack of ability, or absence from the place from which the assets of the estate must be managed.
- (10) Sale of business or business assets.
- (11) Sale of real estate under power of will.
- (12) Proceedings to determine heirship.
- (13) Proceedings involving partnership.
- (14) Completion of land contract.
- (15) Proceedings related to wrongful death.

Except for good cause shown, attorney fees shall not be allowed to attorneys representing fiduciaries who are delinquent in filing the accounts required by ORC 2109.30, et seq.

**RULE 71.2 Counsel Fees - Guardianships**

(A) Counsel fees not to exceed \$1,000.00 for representing a guardian subsequently appointed, including the filing of an inventory and an entry approving the inventory, will normally be approved without application in non-indigency cases.

(B) Counsel fees not to exceed \$1,000.00 for preparing and filing a biennial account and entry approving said account will normally be approved without application in non-indigency cases. Extraordinary fees may be permitted by motion and explanation as to extra services and/or the need.

(C) For indigency cases, counsel fees shall be allowed as follows:

(1) \$50.00 per hour for time spent out of court;

(2) \$60.00 per hour for time spent in court.

**RULE 72.1 Executor/Administrator Fees - Estates**

(R.C. §2113.35)

(A) Executor/Administrator fees for the administration of a decedent's estate as set forth in this section may serve as a guide in determining fees to be charged to the estate for services of an ordinary nature rendered as the executor or administrator in the complete administration of a decedent's estate. Form 72.1 shall be prepared and filed with each estate in which Executor/Administrator fees are paid.

Total personal estate Counsel Fee (per inventory), income from personal estate, and gross proceeds from sale of real estate:

\$ 0 - \$100,000	4%
\$100,001 - \$400,000	3%
\$400,001 - UP	2%
Real Estate Not Sold	1%

Property not subject to administration (includable on the Ohio Estate Tax Return), except joint and survivorship property:

1%

(B) Upon application, pursuant to R.C. 2113.36, of the Executor/Administrator and with the consent of all beneficiaries, legatees and devisees named in the will and directly affected by the payment of extraordinary fees, or with consent of all heirs of a decedent who died intestate and entitled to inherit, the Court may order allowances for extraordinary services to the Executor/Administrator which fairly reflects the reasonable value thereof, without a hearing.

Except for good cause shown, executor/administrator fees shall not be allowed if he/she is delinquent in filing accounts required by ORC 2109.30, et. seq., or other required duties.



### **RULE 73.1 Computation Of Guardian's Annual Fee**

#### **(A) Non-indigency cases**

**Income of \$1,000 or less - 4% of income\*\***

**Income over \$1,000 - 3% of income\*\***

**plus**

**Expenses of \$1,000 or less - 4% of expenses\*\***

**Expenses over \$1,000 - 3% of expenses\*\***

**\*\*excludes expense for rental property managed by guardian**

**plus**

**\$3.00 per \$1,000 of principal**

**plus 10% of gross rental property income managed by guardian**

**Minimum of \$50.00 per year**

**(B) Indigency cases - Guardian's annual fee shall not exceed \$250.00.**

### **RULE 74.1 Computation Of Trustee's Annual Fee**

**(A) Except where the instrument creating a trust makes provisions for compensation, a testamentary trustee may charge annually for the ordinary services performed by the trustee in connection with the administration of each separate trust estate a fee computed in accordance with the following schedule:**

**On income from personal property - 6%**

**plus**

**On income from real property:**

**10% of gross income on property managed by trustee**

**1% of adjusted gross income on property managed by someone other than the trustee provided that management fees and trustee's fee combined do not exceed**

**10% of gross income plus**

**\$2.00 per \$1,000 principal**

**plus**

**Upon distribution of principal other than upon termination of the trust - 1% of reasonable market value of principal property distributed to be paid from distribution**

**Form 74.1 shall be prepared and filed with each trust in which trustee fees are paid, unless the trust documents provide for other compensation.**

**(B) For the purpose of computing trustee's compensation as herein provided, the fair market value of the principal of the trust property shall be determined by the trustee as of the date of the trustee's appointment and as of each anniversary thereafter.**

**The compensation so determined may be charged during the ensuing year. The annual fair market value of the principal shall be adjusted from time to time to reflect additions and withdrawals from the principal of the trust estate, and the compensation for the remaining portion of the annual period shall be similarly adjusted to reflect such revised valuations.**

**(D) Additional compensation for extraordinary services may be allowed upon application. The court may require that such application be set for hearing and notice thereof be given to interested parties in accordance with Civil Rule 4.1; such notice shall contain a statement of the amount of such compensation for which application is made.**

IN THE MEIGS COUNTY COMMON PLEAS COURT  
PROBATE/JUVENILE DIVISIONS

In the matter of:

THE ADOPTION OF  
RULES OF COURT

ORDER

The Court finds that in order to effect the just determination of cases before the Probate and Juvenile divisions of the Meigs County Court of Common Pleas, and to secure simplicity and uniformity in procedure, and to eliminate unjustifiable expense and delay, it is necessary to promulgate Rules of Court.

Therefore, pursuant to the powers vested in this Court by Sections 2151.17 of the Ohio Revised Code, it is ORDERED that the following RULES OF COURT shall be adopted and shall be effective August 3rd, 2017.

*L. Scott Powell*

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L. Scott Powell, Judge  
Court of Common Pleas  
Probate/Juvenile Divisions  
Meigs County, Ohio

# **RULES OF COURT**

## **MEIGS COUNTY PROBATE/JUVENILE COURT**

**L. SCOTT POWELL, JUDGE**

Revised and Effective August 3rd, 2017

**MEIGS COUNTY PROBATE/JUVENILE COURT  
100 East Second Street, Room 203  
Pomeroy, OH 45769  
Telephone: 740 992-6205  
FAX: 740 992-6525**

## **APPENDIX**