JUVENILE CASE PRACTICAL TIPS (2019)

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AKRON BAR ASSOCIATION

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SERVICE OF PLEADINGS

Ohio Civ. R. 11

> Every pleading, motion, or other document of a party represented by an attorney shall be signed by at least one attorney of record in the attorney's individual name, whose address, attorney registration number, telephone number, facsimile number, if any, and business e-mail address, if any, shall be stated.

Ohio Civ. R. 5

> (A) Service: When Required. Except as otherwise provided in these rules, every order required by its terms to be served, every pleading subsequent to the original complaint unless the court otherwise orders because of numerous defendants, every paper relating to discovery required to be served upon a party unless the court otherwise orders, every written motion other than one which may be heard ex parte, and every written notice, appearance, demand, offer of judgment, and similar paper shall be served upon each of the parties. **Service is not required on parties in default for failure to appear except that pleadings asserting new or additional claims for relief or for additional damages against them shall be served upon them in the manner provided for service of summons in Civ. R. 4 through Civ. R. 4.6.**
>
> (B) Service: How Made.
>
> > (1) Serving a Party; Serving an Attorney. Whenever a party is not represented by an attorney, service under this rule shall be made upon the party. If a party is represented by an attorney, service under this rule shall be made on the attorney unless the court orders service on the party. Whenever an attorney has filed a notice of limited appearance pursuant to Civ.R. 3(B), service shall be made upon both that attorney and the party in connection with the proceedings for which the attorney has filed a notice of limited appearance.
> >
> > (2) Service in General. A document is served under this rule by:
> >
> > > (a) handing it to the person;
> > >
> > > (b) leaving it:
> > >
> > > > (i) at the person's office with a clerk or other person in charge or, if no one is in charge, in a conspicuous place in the office; or
> > > >
> > > > (ii) if the person has no office or the office is closed, at the person's dwelling or usual place of abode with someone of suitable age and discretion who resides there;
> > >
> > > (c) mailing it to the person's last known address by United States mail, in which event service is complete upon mailing;
> > >
> > > (d) delivering it to a commercial carrier service for delivery to the person's last known address within three calendar days, in which event service is complete upon delivery to the carrier;
> > >
> > > (e) leaving it with the clerk of court if the person has no known address; or

(f) **sending it by electronic means to a facsimile number or e-mail address provided in accordance with Civ.R. 11 by the attorney or party to be served, in which event service is complete upon transmission, but is not effective if the serving party learns that it did not reach the person served.**

(3) Using Court Facilities. If a local rule so authorizes, a party may use the court's transmission facilities to make service under Civ.R. 5(B)(2)(f).

(4) **Proof of Service. The served document shall be accompanied by a completed proof of service which shall state the date and manner of service, specifically identify the division of Civ.R. 5(B)(2) by which the service was made, and be signed in accordance with Civ.R. 11. Documents filed with the court shall not be considered until proof of service is endorsed thereon or separately filed.**

Bozsik v. West, 9th Dist. Lorain No. 16CA010924, 2017-Ohio-7781, ¶9.

Civ.R. 5(A), by its plain language, requires that every order required by its terms to be served, every pleading subsequent to the original complaint, every written motion other than one which may be heard ex parte, and every written notice, appearance, demand, offer of judgment, and similar paper shall be served upon each of the parties. Civ.R. 5(A). The served document shall be accompanied by a completed proof of service which shall state the date and manner of service, specifically identify the division of Civ.R. 5(B)(2) by which the service was made, and be signed in accordance with Civ.R. 11. Documents filed with the court shall not be considered until proof of service is endorsed thereon or separately filed. Civ.R. 5(B)(4). **This Court has recognized that the language of the Civil Rules regarding service of process is mandatory, and, even in the context of a pro se litigant, a trial court may not consider a document if the document failed to comply with the rules regarding service of process.**

SHELTER CARE HEARINGS

R.C. 2151.28(B)(1) states:

When the court makes the shelter care determination, all of the following apply:

(1) The court shall determine whether there are any relatives of the child who are willing to be temporary custodians of the child. **If any relative is willing to be a temporary custodian, the child otherwise would remain or be placed in shelter care, and the appointment is appropriate, the court shall appoint the relative as temporary custodian of the child, unless the court appoints another relative as custodian. If it determines that the appointment of a relative as custodian would not be appropriate, it shall issue a written opinion setting forth the reasons for its determination and give a copy of the opinion to all parties and the guardian ad litem of the child.**

The court's consideration of a relative for appointment as a temporary custodian does not make that relative a party to the proceedings.

MEDICAL PRIVILEGE

R.C. 2317.02(B)(1)(b) states:

> A **physician shall not testify concerning a communication** made to the physician by a patient in that relation or the physician's advice to a patient, except as otherwise provided in this division, division (B)(2), and division (B)(3) of this section, and except that, if the patient is deemed by RC 2151.421 to have waived any testimonial privilege under this division, the physician may be compelled to testify on the same subject.

Under 2317.02(B)(5)(a):

> "**Communication" means** acquiring, recording, or transmitting any information, in any manner, concerning any facts, opinions, or statements necessary to enable a physician or dentist to diagnose, treat, prescribe, or act for a patient. A "communication" may include, but is not limited to, any medical or dental, office, or hospital communication such as a record, chart, letter, memorandum, laboratory test and results, x-ray, photograph, financial statement, diagnosis, or prognosis.

This same privilege also applies to psychologist-patient relationships and their communications as set forth under R.C. 4732.19, which states:

> The confidential relations and communications between a licensed psychologist or licensed school psychologist and client are placed upon the same basis as those between physician and patient under division (B) of section 2317.02 of the Revised Code. Nothing in this chapter shall be construed to require any such privileged communication to be disclosed.

R.C. 2317.02(B)(1)(a)(i) states:

> The testimonial privilege established under this division does not apply, and a physician, advanced practice registered nurse, or dentist may testify or may be compelled to testify, in any of the following circumstances: **(i) If the patient or the guardian or other legal representative of the patient gives express consent.**

It should be noted that R.C. 2317.02(B)(1)(a)(i), is written in a way that states that the physician-patient privilege *must be expressly waived*, or it automatically applies to prevent the medical communication from being introduced into evidence.

WAIVERS & PRE-ADJUDICATORY EXAMINATIONS

In re L.F., 9th Dist. Summit No. 27218, 2014-Ohio-3800, ¶38.

> As explained already, the trial court had not ordered Father to undergo the supplemental assessment. Because the court had not yet journalized a case plan and CSB failed to obtain a court-ordered assessment under Juv.R. 32(A)(3), the supplemental assessment voluntarily obtained by Father was not admissible at the adjudicatory hearing, absent any suggestion in the record that Father gave express consent that the testimony be admitted at the hearing. See R.C. 2317.02(B)(1)(a)(i). Therefore, L.F. was adjudicated a dependent child based on evidence that was not properly before the trial court.

Juv.R. 32

> (A) Social History and Physical or Mental Examination: Availability Before Adjudication. The court may order and utilize a social history or physical or mental examination at any time after the filing of a complaint under any of the following circumstances:
>
> > (1) Upon the request of the party concerning whom the history or examination is to be made;
> >
> > (2) Where transfer of a child for adult prosecution is an issue in the proceeding;
> >
> > **(3) Where a material allegation of a neglect, dependency, or abused child complaint relates to matters that a history or examination may clarify;**
> >
> > (4) Where a party's legal responsibility for the party's acts or the party's competence to participate in the proceedings is an issue;
> >
> > (5) Where a physical or mental examination is required to determine the need for emergency medical care under Juv. R. 13; or
> >
> > (6) Where authorized under Juv. R. 7(I).

In re C.S., 9th Dist. Lorain No. 16CA010989, 2017-Ohio-4345:

> An adjudication that a child is dependent, neglected, or abused must be based on evidence of such as of the date the complaint was filed, not as of the date of the adjudicatory hearing. R.C. 2151.23(A)(1).

In re R.L., 9th Dist. Summit No. 28387, 2017-Ohio-4271:

> The determination whether a child is dependent, neglected, or abused must be made based on evidence of facts as they existed at the time alleged in the complaint.

MOTIONS TO INTERVENE

In re M.N., 9th Dist. Wayne No. 07CA0088, 2008-Ohio-3049

Regardless of whether an applicant argues for intervention as of right or permissive intervention, he must adhere to the requirements of Civ.R. 24(C).

Civ.R. 24(C) states:

> Procedure. A person desiring to intervene shall serve a motion to intervene upon the parties as provided in Civ.R. 5. **The motion and any supporting memorandum shall state the grounds for intervention and shall be accompanied by a pleading, as defined in Civ.R. 7(A), setting forth the claim or defense for which intervention is sought.** The same procedure shall be followed when a statute of this state gives a right to intervene.

Civ.R. 7(A) states:

> Pleadings. There shall be a complaint and an answer; a reply to a counterclaim denominated as such; an answer to a cross-claim, if the answer contains a cross-claim; **a third-party complaint, if a person who was not an original party is summoned under the provisions of Civ.R. 14;** and a third-party answer, if a third-party complaint is served. No other pleading shall be allowed, except that the court may order a reply to an answer or a third-party answer.

Civ.R. 14 states:

> (A) When Defendant May Bring in Third Party. At any time after commencement of the action a defending party, as a third-party plaintiff, may cause a summons and complaint to be served upon a person not a party to the action who is or may be liable to him for all or part of the plaintiff's claim against him. The third-party plaintiff need not obtain leave to make the service if he files the third-party complaint not later than fourteen days after he serves his original answer. Otherwise he must obtain leave on motion upon notice to all parties to the action. The person served with the summons and third-party complaint, hereinafter called the third-party defendant, shall make his defenses to the third-party plaintiff's claim as provided in Rule 12 and his counterclaims against the third-party plaintiff and cross-claims against other third-party defendants as provided in Rule 13. The third-party defendant may assert against the plaintiff any defenses which the third-party plaintiff has to the plaintiff's claim. The third-party defendant may also assert any claim against the plaintiff arising out of the transaction or occurrence that is the subject matter of the plaintiff's claim against the third-party plaintiff. The plaintiff may assert any claim against the third-party defendant arising out of the transaction or occurrence that is the subject matter of the plaintiff's claim against the third-party plaintiff, and the third-party defendant thereupon shall assert his defenses as provided in Rule 12 and his counterclaims and cross-claims as provided in Rule 13. Any party may move to strike the third-party claim, or for its severance or separate trial. If the third-party defendant is an employee, agent, or servant of the third-party plaintiff, the court shall order a separate trial upon the motion of any plaintiff. A

third-party defendant may proceed under this rule against any person not a party to the action who is or may be liable to him for all or part of the claim made in the action against the third-party defendant.

(B) When Plaintiff May Bring in Third Party. When a counterclaim is asserted against a plaintiff, he may cause a third party to be brought in under circumstances which under this rule would entitle a defendant to do so.

PRETRIAL STATEMENTS

Summit County Juvenile Court Loc.R. 702(B):

(A) Each party in a dependency, neglect and abuse case or a legal custody case must file a pretrial statement at the final pretrial/status hearing or **seven days prior to the trial or evidentiary hearing**, whichever is earlier. Each party in a delinquency or traffic case must file a pretrial statement seven days prior to trial.

(B) The pretrial statement must contain the following information:

(1) A brief statement of the facts;

(2) The legal issues in dispute including, but not limited to, issues to be determined by Motions in Limine and/or Motions relating to Evidence Rules 804 and 807;

(3) A list of potential witnesses;

(4) A list of any expert witness and his/her credentials in compliance with Evidence Rule 702;

(5) A list of potential exhibits. The list of exhibits must indicate which exhibits have been provided to opposing counsel and whether the authenticity of the exhibits has been stipulated to so that the Records Custodian can be eliminated as a witness;

(6) If a party is not stipulating to the authenticity of an exhibit <u>which has been shared by opposing counsel</u>, that party must state the basis for its objection to authenticity in its pretrial statement;

(7) A list of any motions pending before the Court that have not yet been determined;

(8) For an adjudication hearing in dependency, neglect and abuse cases, and for trial in permanent custody cases, and for the final hearing in legal custody cases, a description of the time and manner of service of process upon the appropriate parties.

(C) Failure to timely file a Pretrial Statement may result in the party being precluded from calling witnesses, qualifying a witness as an expert, introducing exhibits and arguing legal issues and motions.

(D) The Court may entertain a Motion for Leave to File an Amended Pretrial Statement for good cause shown. The decision to grant or deny Leave to File is discretionary and it should not be assumed that the Court will grant the motion automatically.

CASE PLAN REQUIREMENTS

In re S.D-M., 9th Dist. Summit Nos. 27148, 2014-Ohio-1501, ¶26.

> The procedures for the creation and amendment of a case plan are statutorily mandated. See R.C. 2151.412. Because the journalized case plan binds all parties, the terms of the case plan bind not only the parents, but also the state. See R.C. 2151.412(F)(1). **The procedures in R.C. 2151.412 establish that a caseworker may not independently create an initial case plan, nor may a caseworker alone amend a parent's case plan by merely telling the parent to complete extra tasks.** See R.C. 2151.412(F)(2). Rather, the process of creating a case plan is begun when the agency files a proposed case plan with the trial court. R.C. 2151.412(D). **It is only after the trial court approves the case plan or determines the contents of the case plan following the taking of evidence, that the trial court journalizes the case plan as part of the dispositional order for the child and it becomes binding on the parties.** R.C. 2151.412(E) and (F)(1).
>
> The statute further provides that any party may propose changes to a substantive part of the case plan. **The additional requirements of drug screens and attendance at a support group are substantive matters and are therefore, subject to the mandatory procedure set out in R.C. 2151.412.** We recognize that some changes may, in the absence of objections, be implemented by the agency without formal adoption and journalization by the trial court. R.C. 2151.412(F)(2)(b). Notwithstanding the foregoing, it is critical to note that the statute mandates that the moving party must first file any proposed changes with the trial court and must also provide written notice of proposed changes to all parties. R.C. 2151.412(F)(2). The parties then have the statutory right to object and request a hearing on the proposed change. In such a case, the agency shall not implement the proposed change unless it is approved by the court. R.C. 2151.412(F)(2)(a). **Absent written notice to the court and to the parties of proposed changes, any such proposal will lack the force of a court order and, as well, the parents are deprived of the due process right to notice.**

5101:2-38-05 PCSA case plan for children in custody or under protective supervision

(A) The public children services agency (PCSA) shall develop and complete a case plan utilizing the JFS 01410 "Comprehensive Assessment Planning Model - I.S., Case Plan" (rev. 2/2006) if services are provided to the child in the child's own home or in a substitute care setting and file with the court no later than thirty days from when one of the following occurs:

(1) The PCSA files a complaint pursuant to section 2151.27 of the Revised Code alleging the child is an abused, neglected, or dependent child.

(2) The PCSA has court ordered temporary custody or permanent custody of the child.

(3) The court orders the PCSA to provide protective supervision for a child living in the child's own home.

(4) The court orders the PCSA to place the child, sixteen or older, in a planned permanent living arrangement.

(B) Completion of the JFS 01400 "Comprehensive Assessment Planning Model - I.S., Family Assessment" (rev. 7/2006) is not required in order to complete a case plan resulting from the following family in need of service reports:

(1) Deserted child.
(2) Emancipated youth.
(3) Permanent surrender.
(4) Interstate compact on the placement of children.

(C) Notification and participation of the child or parent is not required for the development of the case plan or any amendments to the case plan if the child has been adjudicated as a deserted child pursuant to section 2151.3519 of the Revised Code.

(D) The PCSA shall develop one case plan per case unless directed otherwise by an order of the court.

(E) The following are considered parties to the case plan:

(1) Child's parent, guardian or custodian.
(2) Pre-finalized adoptive parent, if applicable.
(3) Guardian ad litem and or court appointed special advocate, if one has been appointed.
(4) Child age fourteen and older.
(5) Child under age fourteen if developmentally appropriate.
(6) The Indian custodian, if any, and child's Indian tribe and extended relatives as defined in rule 5101:2-53-01 of the Administrative Code, if applicable.
(7) Child's attorney, if applicable.
(8) Any other party specifically identified by the court as a party to the case plan.

(F) The JFS 01410 shall be based on the completion of the JFS 01400.

(G) If initiating the case planning process, the PCSA shall:

(1) No less than seven days prior to case plan completion, provide verbal or written notification of the opportunity to participate in the development, implementation, and review of the case plan to the following:
(a) All parties to the case plan as outlined in paragraph (E) of this rule.
(b) The substitute caregiver as defined in rule 5101:2-1-01 of the Administrative Code.
(c) For substitute care cases in which the child is age fourteen and older, two individuals, at the option of and as selected by the child, pursuant to rule 5101:2-42-90 of the Administrative Code and in accordance with the JFS 01677 "Foster Youth Rights Handbook" (rev. 5/2015).

(i) One of the individuals selected by the child may be designated to be the child's advisor and advocate regarding application of the prudent parent standard.
(ii) A PCSA may reject individuals referenced in paragraph (G)(1)(c) of this rule if the agency has good cause to believe the individual(s) would not act in the best interest of the child. The agency shall document in an activity log the individual's name and the reason the agency found the individual would not act in the best interest of the child.

(2) Work with all parties on the development, implementation, and review of the case plan; attempt to obtain agreement of the contents of the case plan by the parties outlined in paragraph (E) of this rule and provide each party with a copy of the JFS 01410 no later than seven days from the child's parent, guardian, or custodian's signature not including the date of signature.
(3) Inform all parties identified in paragraph (E) of this rule if agreement cannot be obtained on the contents of the case plan, the parties may present evidence at the dispositional hearing and the court will determine the contents of the case plan based upon the evidence presented.

(H) The JFS 01410 shall include a written visitation plan for siblings removed from their home and not jointly placed pursuant to rules 5101:2-42-92 and 5101:2-39-01 of the Administrative Code. **The visitation plan shall provide for regular, ongoing visitation and interaction between the siblings no less than monthly unless the PCSA has documented that it would be contrary to the safety or well-being of any child.**

(I) For all children receiving PCSA services pursuant to rule 5101:2-42-92 of the Administrative Code the JFS 01410 shall include a written visitation plan for the child's parent, guardian, or custodian. **The visitation plan shall provide for regular, ongoing visitation and interaction between the child placed in substitute care and the parent, guardian, or custodian.**

(J) The PCSA shall attach the JFS 01443 "Child's Education and Health Information" (rev. 8/2010), to the JFS 01410 for each child placed in a substitute care setting.

(K) The PCSA shall act in accordance with Chapter 5101:2-53 of the Administrative Code for children identified as Indian. Services provided shall be specifically designed for the Indian family if available, including resources of the extended family, the tribe, Indian organizations, tribal family service programs and individual Indian caregivers.

(L) If sufficient information is not available to complete any element contained on the JFS 01410, the PCSA shall do all of the following:

(1) Specify in the JFS 01410 developed pursuant to paragraph (G) of this rule, the additional information needed in order to complete all parts of the case plan and the steps needed to obtain the missing information and file with the court.

(2) Obtain the missing information, complete the missing elements of the JFS 01410, and submit to the court no later than thirty days after the adjudicatory hearing or by the date of the dispositional hearing.

(M) The JFS 01410 shall serve as the permanency plan for the child.

(N) Once the court journalizes the JFS 01410, the parties including PCSA staff, are bound by the provisions outlined in the journalized case plan. Failure to comply with the case plan by any party to the case plan may result in a finding of contempt of court.

(O) The PCSA shall complete contact in accordance with the following:

(1) For court-ordered protective supervision cases the PCSA shall:

(a) Complete face-to-face contact with each parent, guardian, or custodian, or if applicable, pre-finalized adoptive parent, and child participating in and being provided services listed in the case plan no less than monthly to monitor progress on the case plan objectives.

(b) Complete at least one contact every other calendar month in the child's parent, guardian, or custodian's home, or if applicable, pre-finalized adoptive parent's home.

(2) For cases with children in temporary custody of the PCSA, the PCSA shall:

(a) Complete face-to-face contact with the child pursuant to rule 5101:2-42-65 of the Administrative Code.

(b) Complete face-to-face contact with each parent, guardian, or custodian, or if applicable, pre-finalized adoptive parent participating in and being provided services listed in the case plan no less than monthly to monitor progress on the case plan objectives.

(c) Complete at least one contact every other month in the child's parent, guardian, or custodian's home, or if applicable, pre-finalized adoptive parent's home.

(3) For cases with children in the permanent custody of the PCSA, the PCSA shall:

(a) Complete face-to-face contact with the child pursuant to rule 5101:2-42-65 of the Administrative Code.

(b) Complete face-to-face contacts pursuant to rule 5101:2-48-17 of the Administrative Code, as applicable.

(P) If the initial attempt to complete face-to-face contact pursuant to paragraph (O) of this rule is unsuccessful, the PCSA shall make a minimum of two additional attempts to complete the face-to-face contacts within the calendar month.

(Q) The PCSA may suspend home visits with the child's parent, guardian, or custodian of a child in PCSA custody if conducting visits in the home presents a threat to the safety of the caseworker. A written justification to suspend visits in the home shall be documented in the case record and shall include all of the following:

(1) Identification of the specific threat to the caseworker's safety and the person posing the threat.

(2) Documentation of other measures taken to assure worker safety prior to suspension of home visits.

(3) The anticipated length of time home visits are to be suspended.

(4) Authorization of the executive director or his or her designee to suspend home visits.

(R) If home visits are suspended pursuant to paragraph (Q) of this rule, the PCSA shall complete face-to-face contact with the child's parent, guardian, or custodian no less than monthly in a location that assists in ensuring the safety of the caseworker.

(S) If a voluntary case plan had been implemented pursuant to rule 5101:2-38-01 of the Administrative Code and the PCSA determines the involvement of the court is necessary, the PCSA shall amend the case plan by completing the JFS 01411 "Comprehensive Assessment Planning Model - I.S. Amended Case Plan Cover Sheet" (rev. 2/2006) and submit the amended JFS 01410 to the court within seven days of the event listed in paragraph (A) of this rule.

(T) The PCSA shall contact the parties to the case plan as outlined in paragraph (E) of this rule and seek agreement and obtain the signatures of the parties to the case plan for any amendment to the case plan if any of the following occurs:

(1) The conditions of the child or the child's parent, guardian, or custodian, or if applicable, pre-finalized adoptive parent change; and the change affects the legal status of the child or the provision of supportive services.

(2) There is a change in the goal for the child and/or changes that family members need to address to alleviate concerns.

(3) The child needs to be placed in a substitute care setting; reunified with the child's parent, guardian, custodian, or pre-finalized adoptive parent; or moved to another substitute care setting.

(4) The child attains the age of fourteen and independent living and life skill services are offered.

(5) The child attains the age of sixteen and the court orders the PCSA to place the child in a planned permanent living arrangement.

(6) A change in the visitation plan for a child.

(7) A party must be added or deleted from the JFS 01410.

(U) The PCSA shall record, on the JFS 01411, the reasons for any agreed upon amendment made and submit the amendment to the court within seven days of the agreement.

(V) If agreement as described in paragraph (U) of this rule is not obtained, the PCSA shall request a change in the case plan by filing the proposed change with the court and do the following:

(1) Provide written notice of the proposed change to all parties listed in paragraph (E) of this rule.

(a) Written notice of the proposed change shall be provided no later than the close of business of the day after the proposed change is filed with the court.

(b) Notify parties listed in paragraph (E) of this rule; that if a party disagrees with the change in the case plan, the party may request a court hearing of the proposed change within seven days of the filing with the court, not including the date of filing.

(2) The PCSA may implement the amendment fifteen days after it is filed with the court if:

(a) The court does not approve or disapprove the change.

(b) The court does not schedule a hearing.

(c) The court journalizes the case plan amendment.

(W) In an emergency situation or if a child is in immediate danger of serious harm, the PCSA shall implement the change, amend the case plan, and do all of the following:

(1) Notify all parties of the case plan, as outlined in paragraph (E) of this rule, and the court of the change no later than the next day.

(2) File a statement of the change with the court within three days of the change.

(3) Provide to all parties to the case plan as outlined in paragraph (E) of this rule the following:

(a) A copy of the statement filed with the court within three days of the change.

(b) Notification that if any party disagrees with the change in the case plan, the party has ten days to object to the change and to request a court hearing.

(4) Continue to implement the change unless the court disapproves.

(5) Revert back to implementing the provisions of the journalized case plan if the court does not approve the change.

(X) The PCSA shall review the progress in achieving the case plan objectives and services by completing the JFS 01413 "Comprehensive Assessment Planning Model - I.S., Case Review" (rev. 8/2010) pursuant to rule 5101:2-38-09 of the Administrative Code and the JFS 01412 "Comprehensive Assessment Planning Model - I.S. Semiannual Administrative Review (SAR)" (rev. 7/2016) pursuant to rule 5101:2-38-10 of the Administrative Code.

(Y) The PCSA may develop a supplemental plan for locating a permanent family placement for a child concurrently with reasonable efforts to preserve and reunify families. The supplemental plan shall not be considered a part of the case plan and does not require agreement or approval by the parties to the case plan as outlined in paragraph (E) of this rule. Any supplemental plan shall be discussed and reviewed with the parent, guardian, or custodian.

(Z) The PCSA shall maintain a copy of the original JFS 01410, all amendments,, documentation of the face-to-face contacts, home visits, including attempted contacts and home visits to monitor progress on the case plan objectives in the statewide automated child welfare information system (SACWIS).

(AA) Upon determining case closure the PCSA shall do all of the following:

(1) Notify all parties of the case plan as listed in paragraph (E) of this rule of the case closure and document in SACWIS the date and method of notification.

(2) Complete and sign the JFS 01411.

R.C. 2151.412(E) & (F):

(E) **Any agency** that is required by division (A) of this section to prepare a case plan **shall attempt to obtain an agreement among all parties,** including, but not limited to, the parents, guardian, or custodian of the child and the guardian ad litem of the child regarding the content of the case plan. If all parties agree to the content of the case plan and the court approves it, the court shall journalize it as part of its dispositional order. **If the agency cannot obtain an agreement upon the contents of the case plan or the court does not approve it, the parties shall present evidence on the contents of the case plan at the dispositional hearing.** The court, based upon the evidence presented at the dispositional hearing and the best interest of the child, shall determine the contents of the case plan and journalize it as part of the dispositional order for the child.

(F)(1) All parties, including the parents, guardian, or custodian of the child, are bound by the terms of the journalized case plan. A party that fails to comply with the terms of the journalized case plan may be held in contempt of court.

(2) **Any party may propose a change to a substantive part of the case plan, including, but not limited to, the child's placement and the visitation rights of any party**. A party proposing a change to the case plan shall file the proposed change with the court and give notice of the proposed change in writing before the end of the day after the day of filing it to all parties and the child's guardian ad litem. **All parties and the guardian ad litem shall have seven days from the date the notice is sent to object to and request a hearing on the proposed change.**

(a) If it receives a timely request for a hearing, the court shall schedule a hearing pursuant to section 2151.417 of the Revised Code to be held no later than thirty days after the request is received by the court. The court shall give notice of the date, time, and location of the hearing to all parties and the guardian ad litem. The agency may implement the proposed change after the hearing, if the court approves it. The agency shall not implement the proposed change unless it is approved by the court.

(b) If it does not receive a timely request for a hearing, the court may approve the proposed change without a hearing. If the court approves the proposed change without a hearing, it shall journalize the case plan with the change not later than fourteen days after the change is filed with the court. If the court does not approve the proposed change to the case plan, it shall schedule a hearing to be held pursuant to section 2151.417 of the Revised Code no later than thirty days after the expiration of the fourteen-day time period and give notice of the date, time, and location of the hearing to all parties and the guardian ad litem of the child. **If, despite the requirements of division (F)(2) of this section, the court neither approves and journalizes the proposed change nor conducts a hearing, the agency may implement the proposed change not earlier than fifteen days after it is submitted to the court.**

GUARDIAN AD LITEM

Sup.R. 48 Guardians ad litem

(A) Applicability. This rule shall apply in all domestic relations and juvenile cases in the courts of common pleas where a court appoints a guardian ad litem to protect and act in the best interest of a child.

(B) Definitions. For purposes of this rule:

(1) "Guardian ad litem" means an individual appointed to assist a court in its determination of a child's best interest.

(2) "Child" means:

(a) A person under eighteen years of age, or

(b) A person who is older than eighteen years of age who is deemed a child until the person attains twenty-one years of age under section 2151.011(B)(5) or section 2152.02(C) of the Revised Code.

(c) A child under R.C. 3109.04 or a disabled child under R.C.3119.86 who falls under the jurisdiction of a domestic relations court or of a juvenile court with a paternity docket.

(C) Appointment of Guardian Ad Litem.

(1) Each court appointing a guardian ad litem under this rule shall enter an Order of Appointment which shall include:

(a) A statement regarding whether a person is being appointed as a guardian ad litem only or as a guardian ad litem and attorney for the child.

(b) A statement that the appointment shall remain in effect until discharged by order of the court, by the court filing a final order in the case or by court rule.

(c) A statement that the guardian ad litem shall be given notice of all hearings and proceedings and shall be provided a copy of all pleadings, motions, notices and other documents filed in the case.

(2) Whenever feasible, the same guardian ad litem shall be reappointed for a specific child in any subsequent case in any court relating to the best interest of the child.

(3) The court shall make provisions for fees and expenses in the Order.

(D) Responsibilities of a Guardian Ad Litem. In order to provide the court with relevant information and an informed recommendation regarding the child's best interest, a guardian ad litem shall perform, at a minimum, the responsibilities stated in this division, unless impracticable or inadvisable to do so.

(1) A guardian ad litem shall represent the best interest of the child for whom the guardian is appointed. Representation of best interest may be inconsistent with the wishes of the child whose interest the guardian ad litem represents.

(2) A guardian ad litem shall maintain independence, objectivity and fairness as well as the appearance of fairness in dealings with parties and professionals, both in and out of the courtroom and shall have no ex parte communications with the court regarding the merits of the case.

(3) A guardian ad litem is an officer of the court and shall act with respect and courtesy to the parties at all times.

(4) A guardian ad litem shall appear and participate in any hearing for which the duties of a guardian ad litem or any issues substantially within a guardian ad litem's duties and scope of appointment are to be addressed.

(5) A non-attorney guardian ad litem must avoid engaging in conduct that constitutes the unauthorized practice of law, be vigilant in performing the guardian ad litem's duties and request that the court appoint legal counsel, or otherwise employ the services of an attorney, to undertake appropriate legal actions on behalf of the guardian ad litem in the case.
(6) A guardian ad litem who is an attorney may file pleadings, motions and other documents as appropriate under the applicable rules of procedure.
(7) When a court appoints an attorney to serve as both the guardian ad litem and attorney for a child, the attorney shall advocate for the child's best interest and the child's wishes in accord with the Rules of Professional Conduct. Attorneys who are to serve as both guardian ad litem and attorney should be aware of Rule 3.7 of the Rules of Professional Conduct and act accordingly.
(8) When a guardian ad litem determines that a conflict exists between the child's best interest and the child's wishes, the guardian ad litem shall, at the earliest practical time, request in writing that the court promptly resolve the conflict by entering appropriate orders.
(9) A guardian ad litem shall avoid any actual or apparent conflict of interest arising from any relationship or activity including, but not limited to, those of employment or business or from professional or personal contacts with parties or others involved in the case. A guardian ad litem shall avoid self-dealing or associations from which the guardian ad litem might benefit, directly or indirectly, except from compensation for services as a guardian ad litem.
(10) Upon becoming aware of any actual or apparent conflict of interest, a guardian ad litem shall immediately take action to resolve the conflict, shall advise the court and the parties of the action taken and may resign from the matter with leave of court, or seek court direction as necessary. Because a conflict of interest may arise at any time, a guardian ad litem has an ongoing duty to comply with this division.
(11) Unless excepted by statute, by court rule consistent with this rule, or by order of court pursuant to this rule, a guardian ad litem shall meet the qualifications and satisfy all training and continuing education requirements under this rule and under any local court rules governing guardians ad litem. A guardian ad litem shall meet the qualifications for guardians ad litem for each county where the guardian ad litem serves and shall promptly advise each court of any grounds for disqualification or unavailability to serve.
(12) A guardian ad litem shall be responsible for providing the court or its designee with a statement indicating compliance with all initial and continuing educational and training requirements so the court may maintain the files required in division (G) of this rule. The compliance statement shall include information detailing the date, location, contents and credit hours received for any relevant training course.
(13) A guardian ad litem shall make reasonable efforts to become informed about the facts of the case and to contact all parties. In order to provide the court with relevant information and an informed recommendation as to the child's best interest, a guardian ad litem shall, at a minimum, do the following, unless impracticable or inadvisable because of the age of the child or the specific circumstances of a particular case:

> (a) Meet with and interview the child and observe the child with each parent, foster parent, guardian or physical custodian and conduct at least one interview with the child where none of these individuals is present;

(b) Visit the child at his or her residence in accordance with any standards established by the court in which the guardian ad litem is appointed;
(c) Ascertain the wishes of the child;
(d) Meet with and interview the parties, foster parents and other significant individuals who may have relevant knowledge regarding the issues of the case;
(e) Review pleadings and other relevant court documents in the case in which the guardian ad litem is appointed;
(f) Review criminal, civil, educational and administrative records pertaining to the child and, if appropriate, to the child's family or to other parties in the case;
(g) Interview school personnel, medical and mental health providers, child protective services workers and relevant court personnel and obtain copies of relevant records;
(h) Recommend that the court order psychological evaluations, mental health and/or substance abuse assessments, or other evaluations or tests of the parties as the guardian ad litem deems necessary or helpful to the court; and
(i) Perform any other investigation necessary to make an informed recommendation regarding the best interest of the child.

(14) A guardian ad litem shall immediately identify himself or herself as a guardian ad litem when contacting individuals in the course of a particular case and shall inform these individuals about the guardian ad litem's role and that documents and information obtained may become part of court proceedings.

(15) As an officer of the court, a guardian ad litem shall make no disclosures about the case or the investigation except in reports to the court or as necessary to perform the duties of a guardian ad litem. A guardian ad litem shall maintain the confidential nature of personal identifiers, as defined in Rule 44 of the Rules of Superintendence, or addresses where there are allegations of domestic violence or risk to a party's or child's safety. A guardian ad litem may recommend that the court restrict access to the report or a portion of the report, after trial, to preserve the privacy, confidentiality, or safety of the parties or the person for whom the guardian ad litem was appointed in accordance with Rule 45 of the Rules of Superintendence. The court may, upon application, and under such conditions as may be necessary to protect the witnesses from potential harm, order disclosure of or access to the information that addresses the need to challenge the truth of the information received from the confidential source.

(16) A guardian ad litem shall perform responsibilities in a prompt and timely manner, and, if necessary, an attorney guardian ad litem may request timely court reviews and judicial intervention in writing with notice to parties or affected agencies.

(17) A guardian ad litem who is to be paid by the court or a party, shall keep accurate records of the time spent, services rendered, and expenses incurred in each case and file an itemized statement and accounting with the court and provide a copy to each party or other entity responsible for payment.

(E) Training Requirements. In order to serve as a guardian ad litem, an applicant shall have, at a minimum, the following training:

(1) Successful completion of a pre-service training course to qualify for appointment and thereafter, successful completion of continuing education training in each succeeding calendar year to qualify for continued appointment.

(2) The pre-service training course must be the six hour guardian ad litem pre-service course provided by the Supreme Court of Ohio, the Ohio CASA/GAL Association's pre-service training program, or with prior approval of the appointing court, be a course at least six hours in length that covers the topic areas in division (E)(3).

(3) To meet the requirements of this rule, the pre-service course shall include training on all the following topics:

(a) Human needs and child development including, but not limited to, stages of child development;

(b) Communication and diversity including, but not limited to, communication skills with children and adults, interviewing skills, methods of critical questioning, use of open-ended questions, understanding the perspective of the child, sensitivity, building trust, multicultural awareness, and confidentiality;

(c) Preventing child abuse and neglect including, but not limited to, assessing risk and safety;

(d) Family and child issues including, but not limited to, family dynamics, substance abuse and its effects, basic psychopathology for adults and children, domestic violence and its effects;

(e) Legal framework including, but not limited to, records checks, accessing, assessing and appropriate protocol, a guardian ad litem's role in court, local resources and service practice, report content, mediation and other types of dispute resolution.

(4) The continuing education course must be at least three hours in length and be provided by the Supreme Court of Ohio or by the Ohio CASA/GAL Association, or with prior approval of the appointing court, be a training that complies with division (5) of this rule.

(5) To meet the requirements of this rule, the three hour continuing education course shall:

(a) Be specifically designed for continuing education of guardians ad litem and not pre-service education; and

(b) Consist of advanced education related to topics identified in division (E)(3)(a)-(e) of this rule.

(6) If a guardian ad litem fails to complete a three hour continuing education course within any calendar year, that person shall not be eligible to serve as a guardian ad litem until this continuing education requirement is satisfied. If the person's gap in continuing education is three calendar years or less, the person shall qualify to serve after completing a three hour continuing education course offered under this rule. If the gap in continuing education is more than three calendar years that person must complete a six hour pre-service education course to qualify to serve.

(7) An individual who is currently serving as a guardian ad litem on the effective date of this rule, or who has served during the five years immediately preceding the effective date, shall have one year from the effective date to obtain the required six hour pre-service training in order to avoid removal from the court's list of approved guardians ad litem.

(8) Attendance at an Ohio Guardian ad Litem Training Program approved by the Supreme Court of Ohio or at an Ohio CASA/Guardian Association pre-service training program at any time prior to the effective date of this rule shall be deemed compliance with the pre-service training requirement.

(F) Reports of Guardians Ad Litem. A guardian ad litem shall prepare a written final report, including recommendations to the court, within the times set forth in this division. The report shall detail the activities performed, hearings attended, persons interviewed, documents reviewed, experts consulted and all other relevant information considered by the guardian ad litem in reaching the guardian ad litem's recommendations and in accomplishing the duties required by statute, by court rule, and in the court's Order of Appointment. In addition, the following provisions shall apply to guardian ad litem reports in the juvenile and domestic relations divisions of Courts of Common Pleas:

(1) In juvenile abuse, neglect, and dependency cases and actions to terminate parental rights:

(a) All reports, written or oral, shall be used by the court to ensure that the guardian ad litem has performed those responsibilities required by section 2151.281 of the Revised Code.

(b) Oral and written reports may address the substantive allegations before the court, but shall not be considered as conclusive on the issues.

(c) Unless waived by all parties or unless the due date is extended by the court, the final report shall be filed with the court and made available to the parties for inspection no less than seven days before the dispositional hearing. Written reports maybe accessed in person or by phone by the parties or their legal representatives. A copy shall be provided to the court at the hearing.

(d) A guardian ad litem shall be available to testify at the dispositional hearing and may orally supplement the final report at the conclusion of the hearing.

(e) A guardian ad litem also may file an interim report, written or oral, any time prior to the dispositional hearing and prior to hearings on actions to terminate parental rights. Written reports may be accessed in person or by phone by the parties or their legal representatives.

(f) Any written interim report shall be filed with the court and made available to the parties for inspection no less than seven days before a hearing, unless the due date is extended by the court. Written reports may be accessed in person or by phone by the parties or their legal representatives. A copy of the interim report shall be provided to the court at the hearing.

(2) In domestic relations proceedings involving the allocation of parental rights and responsibilities, the final report shall be filed with the court and made available to the parties for inspection no less than seven days before the final hearing unless the due date is extended by the court. Written reports may be accessed in person or by phone by the parties or their legal representatives. A copy of the final report shall be provided to the court at the hearing. The court shall consider the recommendation of the guardian ad litem in determining the best interest of the child only when the report or a portion of the report has been admitted as an exhibit.

(G) Responsibilities of the Court. In order to ensure that only qualified individuals perform the duties of guardians ad litem and that the requirements of this rule are met, each court appointing guardians ad litem shall do all of the following:

(1) Maintain a public list of approved guardians ad litem while maintaining individual privacy under Rules 44 through 47 of the Rules of Superintendence.

(2) Establish criteria, which include all requirements of this rule, for appointment and removal of guardians ad litem and procedures to ensure an equitable distribution of the work load among the guardians ad litem on the list.
(3) Appoint or contract with a person to coordinate the application and appointment process, keep the files and records required by this rule, maintain information regarding training opportunities, receive written comments and complaints regarding the performance of guardians ad litem practicing before that court and perform other duties as assigned by the court.
(4) Maintain files for all applicants and for individuals approved for appointment as guardians ad litem with the court. The files shall contain all records and information required by this rule, and by local rules, for the selection and service of guardians ad litem including a certificate or other satisfactory proof of compliance with training requirements.
(5) Require all applicants to submit a resume or information sheet stating the applicant's training, experience and expertise demonstrating the person's ability to successfully perform the responsibilities of a guardian ad litem.
(6) Conduct, or cause to be conducted, a criminal and civil background check and investigation of information relevant to the applicant's fitness to serve as a guardian ad litem.
(7) Conduct, at least annually, a review of its list to determine that all individuals are in compliance with the training and education requirements of this rule and local rules, that they have performed satisfactorily on all assigned cases during the preceding calendar year and are otherwise qualified to serve.
(8) Require all individuals on its list to certify annually they are unaware of any circumstances that would disqualify them from serving and to report the training they have attended to comply with division (E) of this rule.
(9) Each court shall develop a process or local rule and appoint a person for accepting and considering written comments and complaints regarding the performance of guardians ad litem practicing before that court. A copy of comments and complaints submitted to the court shall be provided to the guardian ad litem who is the subject of the complaint or comment. The person appointed may forward any comments and complaints to the administrative judge of the court for consideration and appropriate action. Dispositions by the court shall be made promptly. The court shall maintain a written record in the guardian ad litem's file regarding the nature and disposition of any comment or complaint and shall notify the person making the comment or complaint and the subject guardian ad litem of the disposition.

In re G.D., 9th Dist. Summit No. 27337, 2014-Ohio-3476

> Brief factual statements in the report of the guardian ad litem that Father had sexually offended against a sibling of these children do not constitute evidence of that fact. The role of the guardian ad litem is to "assist a court in its determination of a child's best interest" by providing the court with relevant information and "an informed recommendation" about the children's best interest. Sup.R. 48(B) and (D)(13). **Although the report of the guardian ad litem may necessarily include information about what other people told her, reliance upon her report as establishing those things as fact is improper. This Court is unaware of any legal authority that permits the guardian ad litem to offer evidence of 'facts' about which she has no first-hand knowledge.**

In re A.K., 9th Dist. Summit No. 26291, 2012-Ohio-4430, ¶27.

> Rather than receiving evidence about the children's wishes or best interests from a guardian ad litem or any of the children themselves, the only evidence before the court came from the testimony of the CSB caseworker, the aunt, and Mother, none of whom was authorized to speak on behalf of the children. This Court emphasized in *In re Smith*, 9th Dist. No. 20711, 2002 WL 5178, *5–6 (Jan. 2, 2002), that **only the guardian ad litem is authorized to testify on behalf of the children and express their wishes and desires. Moreover, although the guardian ad litem is permitted to express the wishes of the children through statements made by the children, the court's consideration of other out-of-court statements may not be used to prove the truth of the matters asserted, but, instead, may be used for the limited purpose of informing the court as to why the guardian reached his recommendation.**

In re M.P., 2015-Ohio-4417, 46 N.E.3d 221, (9th Dist.), ¶13.

> In addition to testimony of the counselors, other witnesses testified about the children's out-of-court statements. None of that testimony fell within a recognized exception to the rule against hearsay evidence. LCCS incorrectly argued at the hearing and again on appeal that the testimony of the guardian ad litem about what the children told him fell within an exception to the hearsay rule. This Court has explicitly recognized that the report and testimony of the guardian ad litem may include out-of-court statements of people interviewed, given the unique role of the guardian ad litem to investigate the circumstances and parties in the case and to provide a recommendation to the trial court about the best interests of the children. As this Court further explained in Sypherd:
>
> > The intended purpose of the guardian ad litem gathering that information, however, is not to offer evidence to the court of the facts that she gathered but to explain the basis for her recommendation. **In other words, when a guardian ad litem relays what a person told her, it is not for the purpose of establishing the truth of the matters relayed. Rather, it is for the purpose of describing the investigatory process of the guardian ad litem and the matters which may have influenced her opinion as to the best interests of a child.**

Unless those out-of-court statements fall within a recognized exception to the hearsay rule, they are not admissible for the purpose of establishing the truth of the matters relayed. Consequently, as there is no suggestion that the children's out-of-court statements to the guardian ad litem fell within an exception to the hearsay rule, the trial court erred in allowing his testimony about what the children told him about being abused and/or inappropriately disciplined in Mother's home.

IN THE COURT OF COMMON PLEAS
JUVENILE DIVISION
SUMMIT COUNTY, OHIO

IN RE: JOHN DOE (DOB 1/1/2019)	CASE NO: DN 19-01-XX JUDGE: LINDA TUCCI TEODOSIO MAG. HON. _____ MOTHER'S PRETRIAL STATEMENT

Now comes Jane Doe, Mother of the above-entitled child, by and through undersigned counsel, and respectfully submits this pretrial statement in accordance with this Court's Local Rule 7.02.

LIST OF POTENTIAL WITNESSES

Jane Doe – Mother;

The Ongoing CSB Caseworker;

All the State's witnesses;

All of the Father's witnesses;

All of the GAL witnesses;

Mother respectfully reserves the right to call additional witnesses on rebuttal or for good cause shown.

LIST OF POTENTIAL EXHIBITS

Mother respectfully reserves the right to call additional exhibits on rebuttal or for good cause shown.

OUTSTANDING MOTIONS AND ISSUES

Mother specifically reserves the right to dispute the authenticity and/or relevance of any or all the other parties' exhibits; and the right to challenge any witnesses' training and qualifications.

Mother would object to any and all exhibits listed in CSB's pretrial statement, or would otherwise sought to be admitted into evidence. The basis for the objections is that such exhibits, are irrelevant, inadmissible, unfairly prejudicial, violates the Rules of Evidence, constitute inadmissible hearsay, are privileged and confidential, violates the Best Evidence Rules, and are not authentic, and are protected by Physician-Patient confidentiality under the Ohio Revised Code.

Mother reserves the right to amend said Pre-Trial Statement upon good cause shown.

Respectfully Submitted,

_____/S/ Attorney John Smith_____
Attorney for Mother,

CERTIFICATE OF SERVICE

I, John Smith, certify that a true and correct copy of the foregoing was sent to the Summit County Prosecutor's Office, Juvenile Division, and the CASA/GAL Office, both located at 650 Dan Street, Akron Ohio 44310, and Father's attorney, on February 1, 2019.

Respectfully Submitted,

_____/S/ Attorney John Smith_____
Attorney for Mother

IN THE COURT OF COMMON PLEAS
JUVENILE DIVISION
SUMMIT COUNTY, OHIO

IN RE: JOHN DOE (DOB 1/1/2019)	CASE NO: DN 19-01-XX JUDGE: LINDA TUCCI TEODOSIO MAG. HON. _____ MOTHER'S NOTICE OF REVOCATION OF ALL RELEASES

Now comes Jane Doe, Mother of the above-entitled child, by and through undersigned counsel, and hereby revokes any and all releases that she has signed or has previously given, whether in writing or verbal, on her own behalf and/or on behalf of the above-entitled children, to Summit County Children Services and/or the State of Ohio. This notice revokes any and all written and/or oral permission or consent to obtain, review, or discuss with others regarding any and all documents, records, or reports, whether tangible or intangible, regardless of its origins, that he may have previously given to Summit County Children Services and/or the State of Ohio, including the right to speak or to talk to any caregivers, providers, or any other individuals, businesses, hospitals, or anyone else regarding herself, her family, and/or her child.

Respectfully Submitted,

_____/S/ Attorney John Smith_____
Attorney for Mother,

CERTIFICATE OF SERVICE

I, John Smith, certify that a true and correct copy of the foregoing was sent to the Summit County Prosecutor's Office, Juvenile Division, and the CASA/GAL Office, both located at 650 Dan Street, Akron Ohio 44310, and Father's attorney, on February 1, 2019.

Respectfully Submitted,

_____/S/ Attorney John Smith_____
Attorney for Mother

IN THE COURT OF COMMON PLEAS
JUVENILE DIVISION
SUMMIT COUNTY, OHIO

IN RE: JOHN DOE (DOB 1/1/2019)	CASE NO: DN 19-01-XX JUDGE: LINDA TUCCI TEODOSIO MAG. HON. _____ MOTHER'S MOTION FOR FINDINGS OF FACT AND CONCLUSIONS OF LAW

Now comes Jane Doe, Mother of the above-entitled child, by and through undersigned counsel, and pursuant to Juv.R. 40(D)(3)(a)(ii), specifically request findings of fact and conclusions of law for the upcoming adjudicatory hearings and for any and all dispositional hearings to be held in the above-entitled matters.

Respectfully Submitted,

_____/S/ Attorney John Smith_____
Attorney for Mother,

CERTIFICATE OF SERVICE

I, John Smith, certify that a true and correct copy of the foregoing was sent to the Summit County Prosecutor's Office, Juvenile Division, and the CASA/GAL Office, both located at 650 Dan Street, Akron Ohio 44310, and Father's attorney, on February 1, 2019.

Respectfully Submitted,

_____/S/ Attorney John Smith_____
Attorney for Mother

IN THE COURT OF COMMON PLEAS
JUVENILE DIVISION
SUMMIT COUNTY, OHIO

IN RE: JOHN DOE (DOB 1/1/2019)	CASE NO: DN 19-01-XX JUDGE: LINDA TUCCI TEODOSIO MAG. HON. _____ MOTHER'S REQUEST FOR PRODUCTION OF DOCUMENTS AND DISCOVERY

Now comes Jane Doe, Mother of the above-entitled child, by and through undersigned counsel, and pursuant to Ohio Civil Rules 26, 34, and Ohio Juv. R. 24, requests that the State of Ohio, and Summit County Children Services, (CSB), to the extent not privileged, copy and produce the following information, documents, and material in its custody, control, or possession:

(1) The names, last known addresses, and phone numbers of each witness to the occurrence that forms the basis of the charge or defense;

(2) Copies of any and all written statements made by any party or witness;

(3) Copies of any and all transcriptions, recordings, and summaries of any oral statements of any party or witness, except the work product of counsel;

(4) Copies of any and all scientific or other reports that a party intends to introduce at the hearing or that pertain to physical evidence that a party intends to introduce;

(5) Copies of any and all photographs and any physical evidence which the State of Ohio and/or CSB intends to introduce at the hearing;

(6) All other evidence favorable to Mother, and relevant to the subject matter involved in this pending action.

(7) Copies of all documents (including writings, drawings, graphs, charts, photographs, phonorecords, and other data compilations from which intelligence can be perceived, with or without the use of detection devices) that are in the possession, custody, or control of the State of Ohio, and/or CSB;

(8) Copies of all tangible things that are in the possession, custody, or control of the State of Ohio, and/or CSB;

(9) Copies of all reports, notes, memorandum, and other documents created or made between Mother, and State of Ohio, and/or CSB , and/or concerning the child.

(10) Copies of all reports, medical or otherwise, concerning Mother and/or the child, in the State of Ohio's custody, possession or control, regardless of whether such information will be admitted into evidence in any legal proceeding; and

(11) Copies of all reports, documents, and tangible things concerning all previous referrals made to the State of Ohio concerning Mother, and/or the child.

Respectfully Submitted,

_____/S/ Attorney John Smith_____
Attorney for Mother,

CERTIFICATE OF SERVICE

I, John Smith, certify that a true and correct copy of the foregoing was sent to the Summit County Prosecutor's Office, Juvenile Division, and the CASA/GAL Office, both located at 650 Dan Street, Akron Ohio 44310, and Father's attorney, on February 1, 2019.

Respectfully Submitted,

_____/S/ Attorney John Smith_____
Attorney for Mother

IN THE COURT OF COMMON PLEAS
JUVENILE DIVISION
SUMMIT COUNTY, OHIO

IN RE: JOHN DOE (DOB 1/1/2019)	CASE NO: DN 19-01-XX JUDGE: LINDA TUCCI TEODOSIO MAG. HON. _____ MOTHER'S FIRST SET OF INTERROGATORIES SERVED ON THE STATE OF OHIO AND SUMMIT COUNTY CHILD SERVICES BOARD

Now comes Jane Doe, Mother of the above-entitled child, by and through undersigned counsel, and pursuant Ohio Civil Rules 26, 33 and 34, Ohio Juv. R. 2(H), and 2(Y), requests that the State of Ohio and Summit County Child Services Board (CSB), answer the following Interrogatories under oath within 28 days of service and identify the person or persons answering the Interrogatories on their behalf. These Interrogatories shall be deemed continuing so as to require supplemental answers if the State of Ohio or CSB obtains further information between the time of service and the time of the scheduled hearing.

Instructions and Definitions

All information is to be divulged which is in your possession or control. In responding to the Interrogatories, you must furnish all documents available to you, including without limitation any documents in the possession or control of your agents, attorneys, investigators, and/or other persons acting on your behalf. If you cannot provide one or more of the requested documents after exercising due diligence to secure such document, you should so state and, to the extent possible, specify why you were unable to produce such document and provide whatever information, documentation, and/or knowledge you have concerning the unproduced document.

Where an Interrogatory calls for an answer in more than one part, each part should be separated so that the answer is clearly understandable.

The following interrogatories and requests are to be considered as continuing, and you are under a continuing duty to seasonably supplement your Answers to Interrogatories with respect to any question directly addressed to the identity and location of persons having knowledge of discoverable matters, the identity of any persons expected to be called as an expert witness at hearing or trial, and the subject matter on which he or she is expected to testify and to correct any response which you know or later learn is incorrect.

You must provide any additional document which you or others on your behalf may later obtain or come into possession of, and which will augment or modify your initial responses.

Definitions

"You" or "your" in these interrogatories refers to the State of Ohio, Summit County Child Services Board (CSB), plus its agents, servants, attorneys, private investigators, employees, ex-employees, other representatives and others who are in the possession of, or may have obtained information for or on behalf of any of the aforementioned persons. "Mother" refers to Jane Doe. "Child" refers to John Doe (DOB 1/1/19). "Father" refers to Jim Doe. "Parents" refers to either Jane Doe and/or Jim Doe.

"Document" means any insert definition or next folio medium upon which intelligence or information is recorded or from which intelligence or information can be recorded, retrieved, or perceived, including, but not limited to, punch cards, magnetic tape or wire, computers, computer programs, print-out sheets, tapes, computer disks or disk packs, movie film, slides, phonograph records, photographs, pictures, microfilm, microfiche, notes, letters, memoranda, ledgers, worksheets, records, books of account, accounting records, brochures, circulars, advertising mats, advertisements, proofs, sheets, books, magazines, reprints, summaries, reports, studies, projections, notebooks, diaries, calendars, appointment books, registers, graphs, charts, sketches, drawings, plans, blueprints, tables, calculations, specifications, analyses, papers, writings, agreements, contracts, purchase orders, acknowledgments, receipts, shipping papers, checks,

invoices, authorizations, budgets, schedules, transcripts, correspondence, drafts, telegrams, cables, telexes, minutes of meetings, drafts of any of the foregoing, and any other materials or physical matter, and each copy of any of the foregoing which is nonidentical because of marginal notations or otherwise.

To "identify" or "describe" a person or witness means to state his/her name, present employer, last known address and phone number (business and home), and his/her employer and the position in which he/she was employed at the time in question. To "identify" or "describe" a document shall mean to state the following:

a. The name and present address of the person who prepared it.

b. The name and address of the person to whom it was addressed or distributed.

c. A detailed description of the general nature of the document's contents.

d. The date it was prepared, and the date it was distributed.

e. The name and address of the person having custody of the original and any copies.

f. Whether the original will voluntarily be made available for the defendant to inspect and copy, and if not, the specified reason for this refusal and a detailed explanation of why this reason is persuasive.

g. Whether the original document has been destroyed, and if so, why it was destroyed, the person who directed it to be destroyed, who destroyed the document and when this was done.

To "identify" or "describe" any act(s) or event(s) shall mean to state the pertinent date(s) of the act(s) or event(s), describe in detail what occurred, identify all persons involved, and describe the nature and extent of each person's involvement.

The term "person" includes individuals, corporate entities, partnerships, associations, governmental bodies, agencies and other entities.

"Harm" shall mean the injury, abuse, neglect or dependency action that was inflicted or placed, or subjected upon the Child, whether it be sexual, mentally, physical, or emotion, which

are the alleged reasons that the complaint in this case was brought in these legal proceedings in an attempt to show dependency as defined in R.C. 2151.04.

Interrogatories

1. Please state the name, address, and position title of each person answering these interrogatories and state the interrogatory numbers answered by each individual. Please state whether any other individual, including legal counsel, assisted in the preparation of the answer to that question.
2. To the best of CSB's knowledge, please state the name, address, and telephone number of each person, whether or not such person will present evidence or testify in a court of law, with knowledge of any of the facts relating to any claims, defenses, or other matters relevant to this legal proceeding, or relating to any and all of the allegations concerning the complaint filed in this case on February 2, 2019, in this Court.
3. To the best of CSB's knowledge, please state the name, address, and telephone number of each witness who may testify in the adjudication hearing in this case, and state the nature of the testimony of each person listed.
4. To the best of CSB's knowledge, please state the name, address, telephone number, and occupation of each expert witness who may testify in the adjudication hearing in this case, and state the nature of the testimony and substance of opinion for each person listed.
5. In regard to the complaint filed on February 2, 2019, please list and describe all evidence, including documents and witnesses, that the State and/or CSB plans to introduce at the adjudication hearing, which proves or attempts to prove that the child is an abused child under R.C. 2151.031(B), or a dependent child under to R.C. 2151.04.
6. In regard to the complaint filed on February 2, 2019, please list the dates and times when CSB believes that this child first became abused and/or dependent, and who were the witnesses to these events.

7. In regard to the complaint filed on February 2, 2019, please list and describe all other evidence, that the State and/or CSB plans to introduce at the adjudication hearing, which proves or attempts to prove that the Parents are currently using or abusing illegal substances.
8. In regard to the complaint filed on February 2, 2019, please list and describe all the evidence, including the dates and times, that the State and/or CSB plans to introduce at the adjudication hearing, which proves or attempts to prove that the Parents have failed to meet any of the Child's needs, and who were the witnesses to these events.
9. In regard to the complaint filed on February 2, 2019, please list and describe all evidence, including the dates and times, that the State and/or CSB plans to introduce at the adjudication hearing, which proves or attempts to prove that the Child have been injured, whether it be mentally, physically, sexually, emotional, or psychologically, and who were the witnesses to these events.
10. In regard to the complaint filed on February 2, 2019, please list and describe all the events and evidence, including the dates and times, that the State and/or CSB plans to introduce at the adjudication hearing, which proves or attempts to prove that the Child have been negatively impacted by her home environment, and who were the witnesses to these events.
11. In regard to the complaint filed on February 2, 2019, please list and describe all events and evidence, including the dates and times, that the State and/or CSB plans to introduce at the adjudication hearing, which proves or attempts to prove that the conditions or environmental elements were adverse to the normal development of the Child, and who were the witnesses to these events.
12. In regard to the complaint filed on February 2, 2019, please explain what evidence the State and/or CSB intends to introduce at the adjudication hearing to show a "nexus" between the Parents' actions or inactions or environmental situations as described in the complaint, and the actual harm or reactions inflicted upon the Child, and who were the witnesses to these events.

Respectfully Submitted,

_____/S/ Attorney John Smith_____
Attorney for Mother,

CERTIFICATE OF SERVICE

I, John Smith, certify that a true and correct copy of the foregoing was sent to the Summit County Prosecutor's Office, Juvenile Division, and the CASA/GAL Office, both located at 650 Dan Street, Akron Ohio 44310, and Father's attorney, on February 1, 2019.

Respectfully Submitted,

_____/S/ Attorney John Smith_____
Attorney for Mother

IN THE COURT OF COMMON PLEAS
JUVENILE DIVISION
SUMMIT COUNTY, OHIO

IN RE: JOHN DOE (DOB 1/1/2019)	CASE NO: DN 19-01-XX JUDGE: LINDA TUCCI TEODOSIO MAG. HON. _____ MOTHER'S FIRST REQUEST FOR ADMISSIONS DIRECTED TO THE STATE OF OHIO AND THE SUMMIT COUNTY CHILDREN SERVICES BOARD

Now comes Jane Doe, Mother of the above-entitled child, by and through undersigned counsel, and pursuant to Rules 1(A), 26, and 36 of the Ohio Rules of Civil Procedure, and Ohio Juv. R. 2(H) and 2(Y), hereby requests the State of Ohio and Summit County Children Services Board (CSB) to answer the following request for admissions, under oath, within twenty-eight (28) days hereof.

INSTRUCTIONS AND DEFINITIONS

A. Unless otherwise indicated, this Request for Admission refers to the time, place and circumstances of the occurrences mentioned or complained of in the pleadings in the above-captioned case.

B. If the State and/or CSB makes an objection, the reasons for it must be stated. The answer must specifically deny the matter in question or set forth in detail the reasons why the answering party cannot truthfully admit or deny the matter. A denial must fairly meet the substance of the requested admission, and when good faith requires a qualified answer, or a denial of part of the matter of which an admission is requested, the party must specify so much of it as is true and qualify or deny the remainder. An answering party may not give lack of information or knowledge as a reason for failure to admit or deny unless the party states that he or she has made a reasonable inquiry and that the information known or readily obtainable by him or her is insufficient to enable

an admission or denial. A party who considers that a matter of which an admission has been requested presents a genuine issue for trial may not, on that ground alone, object to the request; he may, subject to the provisions of Ohio Civil Rule 37(C), deny the matter or set forth reasons why he or she cannot admit or deny it.

C. If a party, after being served with requests for admission under Ohio Civil Rule 36 fails to admit or deny the genuineness of any documents or the truth of any matter as requested, the matter is admitted unless the party to whom the request is directed serves on the party requesting the admission a written answer or objection addressed to the matter, signed by the party or the party's attorney within days after service of these requests.

D. As used in this document, the following terms shall have the indicated meanings:

1. "Documents" refers to all writings or printed matter of any kind or form, including all drafts of copies not identical to the original, all visual or sound recordings, all graphic matter, however produced or reproduced, of every kind or description, in actual or constructive possession, custody, care or control of the defendant, which intelligence or information can be recorded, retrieved, or perceived, including, including without limitation, but not limited to, punch cards, magnetic tape or wire, computers, computer programs, print-out sheets, tapes, computer disks or disk packs, movie film, slides, phonograph records, photographs, pictures, microfilm, microfiche, notes, letters, memoranda, ledgers, worksheets, records, books of account, accounting records, brochures, circulars, advertising mats, advertisements, proofs, sheets, books, magazines, reprints, summaries, reports, studies, projections, notebooks, diaries, calendars, appointment books, registers, graphs, charts, sketches, drawings, plans, blueprints, tables, calculations, specifications, analyses, papers, writings, agreements, contracts, purchase orders, acknowledgments, receipts, shipping papers, checks, invoices, authorizations, budgets, schedules, transcripts, correspondence, drafts, telegrams, cables, telexes, minutes of meetings,

drafts of any of the foregoing, and any other materials or physical matter, and each copy of any of the foregoing which is nonidentical because of marginal notations or otherwise.

2. "Pertain" or "pertaining," when used in connection with admissions, includes all admissions and any other information referring to or relating to the subject matter of the request.
3. These admission requests are deemed to be continuing insofar as Ohio Civil Rule 26 shall require supplementation.
4. "Mother" refers to Jane Doe.
5. "Child" refers to John Doe (DOB 1/1/19).
6. "Father" refers to Jim Doe.
7. "Parents" refers to either Jane Doe and/or Jim Doe.
7. "State," "You" or "your" refers to the State of Ohio, Summit County Children Services Board, plus its agents, servants, attorneys, private investigators, employees, ex-employees, other representatives and others who are in the possession of, or may have obtained information for or on behalf of any of the aforementioned persons.
8. If any admission called for by this request is refused pursuant to any claim or privilege, state the claim or privilege, and identify the matter in question.
9. If any item or document which is the subject of one of the requests is no longer in the defendant's possession or is no longer in existence, the response to this request should state whether the item or document is: (a) missing or lost; (b) has been destroyed; or (c) has been transferred to another person or (d) is subject to some other disposition. In each instance where an item is no longer in the defendant's possession or control, explain the particular circumstances of each such disposition, the date of the disposition, the authorization for each such disposition, where applicable, and the person now in possession or control of the particular admission.

10. The term "person" includes individuals, corporate entities, partnerships, associations, governmental bodies, agencies and other entities.

REQUEST FOR ADMISSIONS

13. Admit that in this legal proceeding, the State is not claiming or attempting to prove that any of the Children are a "dependent Children" as defined in R.C. 2151.04.
14. Admit that in this legal proceeding, the State is not claiming or attempting to prove that any of the Children are a "neglected Children" as defined in R.C. 2151.03.
15. Admit that in this legal proceeding, the State is not claiming or attempting to prove that any of the Children are an "abused Children" as defined in R.C. 2151.031.
16. Admit that any and all of the referrals made to the State concerning the Children are unsubstantiated, and is not a part of any ongoing investigation involving the Children or the Parents.
17. Admit that the State is not claiming or attempting to prove that the Parents had ever physically, mentally, sexually, educationally, or emotionally attempted to injure or hurt the Children, in any way, shape or form.
18. Admit that the Mother's residence is not deficient, defective, or dangerous to the Children's well-being, safety or health.
19. Admit that the Children has never been a victim of assault, injury or domestic violence.
20. Admit that the Children has never witnessed any assault, injury or domestic violence committed in their presence or household.
21. Admit that the Children's condition and environment is not such as to warrant the State, in the best interest of the Children, in assuming custody, whether temporary, emergency, or permanent.
22. Admit that the State has no concerns over the Children's well-being, safety or health while in either of the Parents' custody and/or placement.

23. Admit that the State has no concerns about either of the Parents having a substance abuse problem or is using any type of illegal substances or drugs.
24. Admit that the State has no concerns about either of the Parents having a mental health problem.
25. Admit that the State has no concerns about either of the Parents' parenting skills.
26. Admit that it is in the best interest of the Children that they stay in the Mother's custody and/or placement.
27. Admit that the Mother has taken all necessary and reasonable actions to ensure the Children's well-being, safety and health.
28. Admit that the Parents has never been abusive to the Children.

Respectfully Submitted,

_____/S/ Attorney John Smith_____
Attorney for Mother,

CERTIFICATE OF SERVICE

I, John Smith, certify that a true and correct copy of the foregoing was sent to the Summit County Prosecutor's Office, Juvenile Division, and the CASA/GAL Office, both located at 650 Dan Street, Akron Ohio 44310, and Father's attorney, on February 1, 2019.

Respectfully Submitted,

_____/S/ Attorney John Smith_____
Attorney for Mother

IN THE COURT OF COMMON PLEAS
JUVENILE DIVISION
SUMMIT COUNTY, OHIO

IN RE: JOHN DOE (DOB 1/1/2019)	CASE NO: DN 19-01-XX JUDGE: LINDA TUCCI TEODOSIO MAG. HON. _____ MOTHER'S OBJECTIONS TO THE MAGISTRATE'S DECISION

Now comes Jane Doe, Mother of the above entitled child, by and through undersigned counsel, and respectfully files her objections to the Magistrate's Adjudicatory Decision filed on February 10, 2019.

OBJECTIONS

1. The Magistrate committed reversible error at the adjudicatory hearing by in admitting and considering evidence that was irrelevant, inadmissible, unfairly prejudicial, violates the Rules of Evidence, constitute inadmissible hearsay, are privileged and confidential, violates the Best Evidence Rules, and are not authentic.
2. The Magistrate committed reversible error at the adjudicatory hearing by finding by clear and convincing evidence that the child is an abused, dependent, and neglected child.
3. The Magistrate committed reversible error at the adjudicatory hearing by finding that Summit County Children Services engaged in reasonable efforts.

Mother further requests that she be given the opportunity to file a memorandum in support of these objections and other possible objections within ten (10) days upon preparation and filing of the transcript of the proceedings as permitted under Loc. R. 3.03(G)(1).

Respectfully Submitted,

_____/S/ Attorney John Smith_____
Attorney for Mother,

CERTIFICATE OF SERVICE

I, John Smith, certify that a true and correct copy of the foregoing was sent to the Summit County Prosecutor's Office, Juvenile Division, and the CASA/GAL Office, both located at 650 Dan Street, Akron Ohio 44310, and Father's attorney, on February 1, 2019.

Respectfully Submitted,

_____/S/ Attorney John Smith_____
Attorney for Mother

IN THE COURT OF COMMON PLEAS
JUVENILE DIVISION
SUMMIT COUNTY, OHIO

IN RE: JOHN DOE (DOB 1/1/2019)	CASE NO: DN 19-01-XX JUDGE: LINDA TUCCI TEODOSIO MAG. HON. _____ PRAECIPE TO COURT REPORTER FOR TRANSCRIPT OF PROCEEDINGS

Now comes Jane, Mother of the above-entitled child, by and through undersigned counsel, and respectfully requests, pursuant to Loc. R. 3.03(G), that the Summit County Common Pleas Court Reporter please prepare an official certified TRANSCRIPT OF PROCEEDINGS of the following hearings:

Hearing before the Hon. Magistrate _____, on February 1, 2019.

SAID TRANSCRIPT TO BE TAXED AS COSTS AND PAID BY SUMMIT COUNTY.

Respectfully Submitted,

_____/S/ Attorney John Smith_____
Attorney for Mother,

ACKNOWLEDGEMENT OF COURT REPORTER:

Reporter: _____

Date: _____February 1, 2019_____

CERTIFICATE OF SERVICE

I, John Smith, certify that a true and correct copy of the foregoing was sent to the Summit County Prosecutor's Office, Juvenile Division, and the CASA/GAL Office, both located at 650 Dan Street, Akron Ohio 44310, and Father's attorney, on February 1, 2019.

Respectfully Submitted,

_____/S/ Attorney John Smith_____
Attorney for Mother

IN THE COURT OF COMMON PLEAS
JUVENILE DIVISION
SUMMIT COUNTY, OHIO

IN RE: JOHN DOE (DOB 1/1/2019)	CASE NO: DN 19-01-XX JUDGE: LINDA TUCCI TEODOSIO MAG. HON. _____ MOTHER'S MOTION FOR EXTENSION OF TIME TO FILE HER SUPPLEMENTAL BRIEF TO MOTHER'S MOTION TO SET ASIDE THE MAGISTRATE'S ORDER, DATED FEBRUARY 1, 2019

Now comes Jane Doe, Mother of the above-entitled child, by and through undersigned counsel, and respectfully requests an extension of time to file her supplemental brief to her motion to set aside the magistrate's order, dated February 1, 2019.

The basis for this motion is that the pleadings and documents in this case is complex, and additional time is needed to review the transcripts, and the records, in order to adequately prepare and file her supplemental brief to the magistrate's order. Mother respectfully requests that this Court allow her to file her response by March 31, 2019.

Respectfully Submitted,

_____/S/ Attorney John Smith_____
Attorney for Mother,

CERTIFICATE OF SERVICE

I, John Smith, certify that a true and correct copy of the foregoing was sent to the Summit County Prosecutor's Office, Juvenile Division, and the CASA/GAL Office, both located at 650 Dan Street, Akron Ohio 44310, and Father's attorney, on February 1, 2019.

Respectfully Submitted,

_____/S/ Attorney John Smith_____
Attorney for Mother

IN THE COURT OF COMMON PLEAS
JUVENILE DIVISION
SUMMIT COUNTY, OHIO

IN RE: JOHN DOE (DOB 1/1/2019)	CASE NO: DN 19-01-XX JUDGE: LINDA TUCCI TEODOSIO MAG. HON. _____ ORDER

It is hereby ORDERED, ADJUDGED, AND DECREED, for good cause shown, that the Mother's motion for an extension of time to file her supplemental brief to her motion to set aside the magistrate's Order, dated February 1, 2019, is granted. Mother shall file her supplemental brief to her motion to set aside by March 31, 2019.

SO ORDERED.

_____
HON. LINDA TUCCI TEODOSIO

CC: All Parties

IN THE COURT OF COMMON PLEAS
JUVENILE DIVISION
SUMMIT COUNTY, OHIO

IN RE: JOHN DOE (DOB 1/1/2019)	CASE NO: DN 19-01-XX JUDGE: LINDA TUCCI TEODOSIO MAG. HON. _____ OBJECTIONS TO THE FEBRUARY 1, 2019 CASE PLAN

Now comes Jane Doe, Mother of the above-entitled child, by and through undersigned Counsel, and pursuant to R.C. 2151.412(F)(2), respectfully objects to Summit County Children Services' caseplan filed on February 1, 2019. The basis for the objection is that this case plan is constitutional and statutory defective, as set forth in *In re S.R.*, 9th Dist. No. 27209, 2014-Ohio-2749. Specifically, Mother also did not sign this caseplan, and no explanation is given as to why she did not sign it. Second, Mother had no hand in the ability to consult or give any recommendations prior to it being filed with this Court.

Lastly, Mother specifically objects to all portions of the case plan as they are not premised to assist Mother to remedy the problems that initially caused the child to be placed outside the home. CSB is requiring that Mother complete a drug and alcohol assessment, follow all the recommendations, and submit to random urine screens as requested by CSB. CSB is also requiring that Mother attend and participate in individual counsel, and couples counseling. These caseplan objectives are unreasonable and are not intended to foster reunification between Mother and his child.

None of these caseplan objections are designed to remedy the problems that initially caused the child to be placed outside the home. In addition, CSB wants Mother to follow all recommendations from the drug and alcohol assessment, without knowing what that would entail.

Therefore, Mother objects to CSB's caseplan filed on May 14, 2018. Mother respectfully requests a hearing on this objection.

Respectfully Submitted,

_____/S/ Attorney John Smith_____
Attorney for Mother,

CERTIFICATE OF SERVICE

I, John Smith, certify that a true and correct copy of the foregoing was sent to the Summit County Prosecutor's Office, Juvenile Division, and the CASA/GAL Office, both located at 650 Dan Street, Akron Ohio 44310, and Father's attorney, on February 1, 2019.

Respectfully Submitted,

_____/S/ Attorney John Smith_____
Attorney for Mother

IN THE NINTH DISTRICT COURT OF APPEAL

IN THE COURT OF COMMON PLEAS
JUVENILE DIVISION
SUMMIT COUNTY, OHIO

IN RE: JOHN DOE (DOB 1/1/2019)	CASE NO: DN 19-01-XX JUDGE: LINDA TUCCI TEODOSIO MAG. HON. _____ NOTICE OF APPEAL

Notice is hereby given that Jane Doe, Mother of the above entitled child, in the above-entitled cases hereby appeals to the Ninth Judicial District Court of Appeals, Summit County, Ohio, from the Judgment Entry, dated February 1, 2019.

Respectfully Submitted,

_____/S/ Attorney John Smith_____
Attorney for Mother,

CERTIFICATE OF SERVICE

I, John Smith, certify that a true and correct copy of the foregoing was sent to the Summit County Prosecutor's Office, Juvenile Division, and the CASA/GAL Office, both located at 650 Dan Street, Akron Ohio 44310, and Father's attorney, on February 1, 2019.

Respectfully Submitted,

_____/S/ Attorney John Smith_____
Attorney for Mother

IN THE NINTH DISTRICT COURT OF APPEAL

IN THE COURT OF COMMON PLEAS
JUVENILE DIVISION
SUMMIT COUNTY, OHIO

IN RE: JOHN DOE (DOB 1/1/2019)	CASE NO: DN 19-01-XX JUDGE: LINDA TUCCI TEODOSIO MAG. HON. _____ PRAECIPE TO COURT REPORTER FOR TRANSCRIPT OF PROCEEDINGS

Notice is hereby given that Jane Doe, Mother of the above entitled child,, by and through counsel, and respectfully requests, pursuant to Loc. R. 3.03(G), that the Summit County Common Pleas Court Reporter please prepare an official certified TRANSCRIPT OF PROCEEDINGS of the following hearings:

Adjudicatory hearing before the Hon. Magistrate Laura Lynd-Robinson, on November 7, 2017, and December 21, 2017. Dispositional Hearing before the Hon. Magistrate Laura Lynd-Robinson, on December 21, 2017.

SAID TRANSCRIPT TO BE TAXED AS COSTS AND PAID BY SUMMIT COUNTY.

Respectfully Submitted,

_____/S/ Attorney John Smith_____
Attorney for Mother,

ACKNOWLEDGEMENT OF COURT REPORTER:

Reporter: _____

Date: _____June 29, 2018_____

Date Notice of Appeal Filed: ____June 29, 2018____

CERTIFICATE OF SERVICE

I, John Smith, certify that a true and correct copy of the foregoing was sent to the Summit County Prosecutor's Office, Juvenile Division, and the CASA/GAL Office, both located at 650 Dan Street, Akron Ohio 44310, and Father's attorney, on February 1, 2019.

Respectfully Submitted,

_____/S/ Attorney John Smith_____
Attorney for Mother

Attorney Neil P. Agarwal has an undergraduate degree in Business Administration from Ohio State University (B.S.), a law degree from the University of Toledo (J.D.), a Masters of Tax Law from Case Western Reserve University (LL.M.), a Masters of Business Administration from Kent State University (M.B.A.), and a Masters of Library and Information Science from Kent State University (M.L.I.S.). He is also a certified public accountant (CPA), a licensed Ohio realtor, and an adjunct professor of business law at Kent State University and the University of Akron.

Attorney Agarwal was admitted to the practice of law in the State of Ohio in 1996. He is a member in good standing and admitted to practice in the United States Supreme Court, Ohio Supreme Court, U.S. District Court for the Northern District Court of Ohio, U.S. Sixth Circuit Court of Appeals, and is a member of the Akron Bar Association.

He is married to Attorney Shubhra Agarwal, where they have a joint law practice, *Law Offices of Agarwal & Agarwal*.