

AMENDMENTS TO THE OHIO RULES OF PRACTICE AND PROCEDURE

The Supreme Court of Ohio filed the following proposed amendments with the General Assembly on March 12, 2020: The Ohio Rules of Civil Procedure (4, 4.1, 4.7, 16, 26, 53, and 73), the Ohio Rules of Criminal Procedure (44 and 46), the Ohio Rules of Evidence (601 and 902), Ohio Rules of Appellate Procedure (3, 19, and 21), and the Ohio Rules of Juvenile Procedure (4 and 42). The Court may file additional amendments to these proposed changes any time before May 1, 2020.

The history of these proposed amendments is as follows:

October 7, 2019	First publication for public comment
December 12, 2019	Second publication for public comment
January 15, 2020	First filing with General Assembly
March 12, 2020	Second filing with General Assembly
April 22, 2020	Third filing with General Assembly (Edits since March 12, 2020 filing in RED)

Key to Adopted Amendments:

1. Unaltered language appears in regular type. Example: text
2. Language that has been deleted appears in strikethrough. Example: ~~text~~
3. New language that has been added appears in underline. Example: text

1 **OHIO RULES OF CIVIL PROCEDURE**

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4 **RULE 4. Process: Summons**

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6 **[Existing language unaffected by the amendments is omitted to conserve space]**

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8 **(D) Waiver of service of summons.** Service of summons may be waived in writing by
9 any person entitled thereto under Rule 4.2 who is at least eighteen years of age and not under
10 disability. For any civil action filed in a Court of Common Pleas, the plaintiff may request that the
11 defendant waive service of a summons pursuant to the provisions of Civ.R. 4.7.

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13 **[Existing language unaffected by the amendments is omitted to conserve space]**

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15 **Proposed Staff Note (July 2020)**

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17 Civ.R. 4(D) is amended to include a reference to the specific provisions for waiver of service of
18 summons provided for in Civ.R. 4.7.

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RULE 4.1. Process: Methods of Service

All methods of service within this state, except service by publication as provided in Civ.R. 4.4(A), are described in this rule. Methods of out-of-state service and for service in a foreign country are described in Civ.R. 4.3 and 4.5. Provisions for waiver of service are described in Civ.R. 4.7.

[Existing language unaffected by the amendments is omitted to conserve space]

Proposed Staff Note (July 2020)

Civ.R. 4.1 is amended to include a reference to the specific provisions for waiver of service of summons provided for in Civ.R. 4.7.

32 **RULE 4.7** **Process: Waiving Service**

33
34 **(A) Requesting a Waiver.** An individual, corporation, partnership, or association that
35 is subject to service under Civ.R. 4 through 4.6 has a duty to avoid unnecessary expenses of serving
36 the summons. The plaintiff may notify such a defendant that an action has been commenced and
37 request that the defendant waive service of a summons. The notice and request must:

38
39 (1) be in writing and be addressed as required by Civ.R. 4.2;

40
41 (2) name the court where the complaint was filed;

42
43 (3) be accompanied by a copy of the complaint, two copies of the waiver form
44 appended to this Rule 4.7, and a prepaid means for returning the form;

45
46 (4) inform the defendant, using the form appended to this Rule 4.7, of the consequences
47 of waiving and not waiving service;

48
49 (5) state the date when the request is sent;

50
51 (6) give the defendant a reasonable time of at least twenty-eight days after the request
52 was sent - or at least sixty days if sent to the defendant outside of the United States - to return the
53 waiver; and

54
55 (7) be sent by first-class mail or other reliable means.

56
57 **(B) Limited to Courts of Common Pleas.** The waiver of service provisions in this
58 rule are limited to civil actions filed in the Courts of Common Pleas and does not apply to civil
59 protection orders pursuant to Civ.R. 65.1.

60
61 **(C) Failure to Waive.** If a defendant over which the court has personal jurisdiction
62 fails, without good cause, to sign and return a waiver requested by a plaintiff, then the court may
63 impose on the defendant:

64
65 (1) the expenses later incurred in making service; and

66
67 (2) the reasonable expenses, including attorney's fees, of any motion required to collect
68 those service expenses.

69
70 **(D) Time to Answer After a Waiver.** A defendant who, before being served with
71 process, timely returns a waiver need not serve an answer to the complaint until sixty days after
72 the request was sent—or until ninety days after it was sent to the defendant in a foreign country.

73
74 **(E) Results of Filing a Waiver.** When the plaintiff files a waiver, proof of service is
75 not required and these rules apply as if a summons and complaint had been served at the time of
76 filing the waiver.

77

78 (F) Jurisdiction and Venue Not Waived. Waiving service of a summons does not
79 waive any objection to jurisdiction or to venue.
80

81 **[Form] RULE 4.7 NOTICE OF A LAWSUIT AND REQUEST TO WAIVE SERVICE OF SUMMONS.**
82

83 (Caption)
84

85 To (name the defendant or — if the defendant is a corporation, partnership, or association
86 — name an officer or agent authorized to receive service):
87

88 WHY ARE YOU GETTING THIS?
89

90 A lawsuit has been filed against you, or the entity you represent, in this court under the
91 number shown above. A copy of the complaint is attached.
92

93 This is not a summons, or an official notice from the court. It is a request that, to avoid
94 expenses, you waive formal service of a summons by signing and returning the enclosed
95 waiver. To avoid these possible expenses, you must return the signed waiver within (give
96 at least 28 days or at least 60 days if the defendant is outside the United States) from the
97 date shown below, which is the date this notice was sent. Two copies of the waiver form
98 are enclosed, along with a stamped, self-addressed envelope or other prepaid means for
99 returning one copy. You may keep the other copy.
100

101 WHAT HAPPENS NEXT?
102

103 If you return the signed waiver, I will file it with the court. The action will then proceed as
104 if you had been served on the date the waiver is filed, but no summons will be served on
105 you and you will have 60 days from the date this notice is sent (see the date below) to
106 answer the complaint (or 90 days if this notice is sent to you outside the United States).
107

108 If you do not return the signed waiver within the time indicated, I will arrange to have the
109 summons and complaint served on you. And I will ask the court to require you, or the entity
110 you represent, to pay the expenses of making service.
111

112 Please read the enclosed statement about the duty to avoid unnecessary expenses.
113

114 I certify that this request is being sent to you on the date below.
115

116 Date: _____
117

118 (Signature of the attorney or unrepresented party)
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120 _____
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122 (Printed name)
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(Address)

(E-mail address)

(Telephone number)

[Form] RULE 4.7 WAIVER OF THE SERVICE OF SUMMONS.

(Caption)

To (name the plaintiff's attorney or the unrepresented plaintiff):

I have received your request to waive service of a summons in this action along with a copy of the complaint, two copies of this waiver form, and a prepaid means of returning one signed copy of the form to you.

I, or the entity I represent, agree to save the expense of serving a summons and complaint in this case.

I understand that I, or the entity I represent, will keep all defenses or objections to the lawsuit, the court's jurisdiction, and the venue of the action, but that I waive any objections to the absence of a summons or of service.

I also understand that I, or the entity I represent, must file and serve an answer or a motion under Rule 12 within 60 days from _____, the date when this request was sent (or 90 days if it was sent outside the United States). If I fail to do so, a default judgment could be entered against me or the entity I represent.

Date: _____

(Signature of the attorney or unrepresented party)

(Printed name)

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(Address)

(E-mail address)

(Telephone number)

(Attach the following)

DUTY TO AVOID UNNECESSARY EXPENSES OF SERVING A SUMMONS

Rule 4.7 of the Ohio Rules of Civil Procedure requires certain defendants to cooperate in saving unnecessary expenses of serving a summons and complaint. A defendant who is subject to the court’s personal jurisdiction and who fails to return a signed waiver of service requested by a plaintiff may be required to pay the expenses of service, unless the defendant shows good cause for the failure.

“Good cause” does not include a belief that the lawsuit is groundless, or that it has been brought in an improper venue, or that the court has no jurisdiction over this matter or over the defendant or the defendant’s property.

If the waiver is signed and returned, you can still make these and all other defenses and objections, but you cannot object to the absence of a summons or of service.

If you waive service, then you must, within the time specified on the waiver form, serve an answer or a motion under Rule 12 on the plaintiff and file a copy with the court. By signing and returning the waiver form, you are allowed more time to respond than if a summons had been served.

Proposed Staff Notes (July 2020)

Rule 4.7 is based on the federal rule permitting waiver of service. Paragraph (A) states what the present rule implies: the defendant has a duty to avoid costs associated with the service of a summons not needed to inform the defendant regarding the commencement of an action. The text of the rule also sets forth the requirements for a Notice and Request for Waiver sufficient to put the cost-shifting provision in place. These requirements are illustrated in the forms appended to the rule. Pursuant to Rule 4(D), only those persons who are identified in Rule 4.2 and who are eighteen years of age or older and not under a disability may waive service.

217 Paragraph (A)(7) permits the use of alternatives to the United States mails in sending the Notice
218 and Request. While private messenger services or electronic communications may be more expensive than
219 the mail, they may be equally reliable and on occasion more convenient to the parties. Especially with
220 respect to transmissions to foreign countries, alternative means may be desirable, for in some countries
221 facsimile transmission or electronic mail are the most efficient and economical means of communication. If
222 electronic means such as facsimile transmission or electronic mail are employed, the sender should
223 maintain a record of the transmission to assure proof of transmission if receipt is denied, but a party
224 receiving such a transmission has a duty to cooperate and cannot avoid liability for the resulting cost of
225 formal service if the transmission is prevented at the point of receipt.

226
227 A defendant failing to comply with a request for waiver shall be given an opportunity to show good
228 cause for the failure, which is the case under paragraph (B), but sufficient cause should be rare. It is not a
229 good cause for failure to waive service that the claim is unjust or that the court lacks jurisdiction. Sufficient
230 cause not to shift the cost of service would exist, however, if the defendant did not receive the request or
231 was insufficiently literate in English to understand it. It should be noted that the provisions for shifting the
232 cost of service apply only if the defendant is subject to the court's personal jurisdiction.

233
234 Paragraph (C) is a cost-shifting provision. The costs that may be imposed on the defendant could
235 include, for example, the cost of the time of a process server required to make contact with a defendant
236 residing in a guarded apartment house or residential development. The paragraph is explicit that the costs
237 of enforcing the cost-shifting provision are themselves recoverable from a defendant who fails to return the
238 waiver. In the absence of such a provision, the purpose of the rule would be frustrated by the cost of its
239 enforcement, which is likely to be high in relation to the small benefit secured by the plaintiff.

240
241 Paragraph (D) extends the time for answer if, before being served with process, the defendant
242 waives formal service. The extension is intended to serve as an inducement to waive service and to assure
243 that a defendant will not gain any delay by declining to waive service and thereby causing the additional
244 time needed to effect service. By waiving service, a defendant is not called upon to respond to the complaint
245 until 60 days from the date the notice was sent to it—90 days if the notice was sent to a foreign country—
246 rather than within the 28-day period from date of service specified in Rule 12.

247
248 Paragraph (E) clarifies the effective date of service when service is waived. The device of requested
249 waiver of service is not suitable if a limitations period which is about to expire is not tolled by filing the action.
250 Unless there is ample time, the plaintiff should proceed directly to the formal methods for service identified
251 in Rules 4-4.6.

252
253 The procedure of requesting waiver of service should also not be used if the time for service under
254 Rule 4(E) will expire before the date on which the waiver must be returned. The court could refuse a request
255 for additional time unless the plaintiff can demonstrate good cause as to why service was not made within
256 that period. It may be noted that the presumptive time limit for service under Rule 4(E) does not apply to
257 out-of-state service or service in a foreign country.

258
259 Paragraph (F) of Rule 4.7 is explicit that a timely waiver of service of a summons does not prejudice
260 the right of a defendant to object by means of a motion authorized by Rule 12(B) to the absence of
261 jurisdiction, or to assert improper venue under Rule 12(B)(3). The only issues eliminated are those involving
262 the sufficiency of the summons or the sufficiency of the method by which it is served.

263 **RULE 16. Pretrial Procedure**

264
265 **(A) Purposes of a Pretrial Conference.** In any action, the court may order the
266 attorneys and any unrepresented parties to appear for one or more pretrial conferences for such
267 purposes as:

- 268
269 (1) expediting disposition of the action;
270
271 (2) establishing early and continuing control so that the case will not be protracted
272 because of lack of management;
273
274 (3) discouraging wasteful pretrial activities;
275
276 (4) improving the quality of the trial through more thorough preparation; and
277
278 (5) facilitating settlement.

279
280 Attorneys, their clients, and unrepresented parties shall endeavor in good faith to agree on
281 all the schedules contemplated by this rule and courts shall consider such agreements in the
282 establishment of any such schedule.

283
284 **(B) Scheduling.**

285
286 (1) Scheduling Order. Except for matters listed in Civ. R. 1(C), the court shall issue a
287 scheduling order:

- 288
289 (a) after receiving the parties' report under Civ. R. 26(F);
290
291 (b) after consulting with the parties' attorneys and any unrepresented parties at
292 a scheduling conference; or
293
294 (c) sua sponte by the court.

295
296 (2) Time to Issue. The court shall issue the scheduling order as soon as practicable, but
297 unless the court finds good cause for delay, the court shall issue it within the earlier of 90 days
298 after any defendant has been served with the complaint or 60 days after any defendant has
299 responded to the complaint.

300
301 (3) Contents. The scheduling order may:

- 302
303 (a) limit the time to join other parties, amend the pleadings, complete
304 discovery, and file motions;
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306 (b) modify the timing of disclosures under Civ. R. 26(A);
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308 (c) modify the extent of discovery;

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(d) provide for disclosure, discovery, or preservation of electronically stored information;

(e) direct that before moving for an order relating to discovery, the movant must request a conference with the court;

(f) set dates for pretrial conferences and for trial; and

(g) include other appropriate matters.

(4) *Modifying a Schedule.* A schedule may be modified only for good cause and with the court's consent.

(C) Attendance and Matters for Consideration at a Pretrial Conference.

(1) *Attendance.* A represented party must authorize at least one of its attorneys to make stipulations and admissions about all matters that can reasonably be anticipated for discussion at a pretrial conference. If appropriate, the court may require that a party or its representative be present or reasonably available by other means to consider possible settlement.

(2) *Matters for Consideration.* At any pretrial conference, the court shall consider and take appropriate action on the following matters:

(a) The possibility of settlement of the action;

(b) The simplification of the issues;

(c) Itemizations of expenses and special damages;

(d) The necessity of amendments to the pleadings;

(e) The exchange of medical reports and hospital records (The production by any party of medical reports, medical records, hospital records does not constitute a waiver of the privilege granted under section 2317.02 of the Revised Code.);

(f) The number of expert witnesses;

(g) The preservation of electronically stored information and other information held by the parties or third parties;

(h) The timing, methods of search and production, and the limitations, if any, to be applied to the discovery of documents and electronically stored information;

(i) Disclosure and the exchange of documents obtained through public records requests;

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(j) Any agreements or decisions on the sharing or shifting of costs pursuant to Rule 26(C)(2);

(k) The adoption of any agreements by the parties for asserting claims of privilege or for protecting designated materials after production;

(l) The imposition of sanctions as authorized by Civ. R. 37;

(m) The possibility of obtaining:

(i) Admissions of fact;

(ii) Agreements on admissibility of documents and other evidence to avoid unnecessary testimony or other proof during trial.

(n) Disposing of pending motions;

(o) Determination of the applicable deadline for disposition of the case pursuant to Sup. R. 39 and 42, and a timetable for:

(i) initial disclosures of known and reasonably available non-privileged, non-work product documents and things that support or contradict the specifically pleaded claims and defenses;

(ii) joining parties;

(iii) amending the pleadings;

(iv) mediation or other alternative dispute resolution requested by parties;

(v) exchanging lists of lay witnesses, expert witnesses and reports, and exhibits for trial;

(vi) completing discovery;

(vii) filing of motions, responses, replies and decisions;

(viii) further case management conferences; and

(ix) a trial date, preferably one agreed-upon by the parties.

(p) Facilitating in other ways, the just, speedy, and inexpensive disposition of the action.

401 (D) Pretrial Orders. After any conference under this rule, the court should issue an
402 order reciting the action taken. This order controls the course of the action unless the court modifies
403 it.

404
405 (E) Final Pretrial Conference and Orders. The court may hold a final pretrial
406 conference to formulate a trial plan, including a plan to facilitate the admission of evidence. The
407 conference must be held as close to the start of trial as is reasonable, and must be attended by at
408 least one attorney who will conduct the trial for each party and by any unrepresented party. The
409 court may modify the order issued after a final pretrial conference only to prevent manifest
410 injustice.

411
412 In any action, the court may schedule one or more conferences before trial to accomplish
413 the following objectives:

- 414 (1) The possibility of settlement of the action;
415
416 (2) The simplification of the issues;
417
418 (3) Itemizations of expenses and special damages;
419
420 (4) The necessity of amendments to the pleadings;
421
422 (5) The exchange of reports of expert witnesses expected to be called by each party;
423
424 (6) The exchange of medical reports and hospital records;
425
426 (7) The number of expert witnesses;
427
428 (8) The timing, methods of search and production, and the limitations, if any, to be
429 applied to the discovery of documents and electronically stored information;
430
431 (9) The adoption of any agreements by the parties for asserting claims of privilege or
432 for protecting designated materials after production;
433
434 (10) The imposition of sanctions as authorized by Civ. R. 37;
435
436 (11) The possibility of obtaining:
437
438 (a) Admissions of fact;
439
440 (b) Agreements on admissibility of documents and other evidence to avoid
441 unnecessary testimony or other proof during trial.
442
443 (12) Other matters which may aid in the disposition of the action.

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445
446 The production by any party of medical reports or hospital records does not constitute a

447 waiver of the privilege granted under section 2317.02 of the Revised Code.
448

449 ~~The court may, and on the request of either party shall, make a written order that recites~~
450 ~~the action taken at the conference. The court shall enter the order and submit copies to the~~
451 ~~parties. Unless modified, the order shall control the subsequent course of action.~~
452

453 ~~Upon reasonable notice to the parties, the court may require that parties, or their~~
454 ~~representatives or insurers, attend a conference or participate in other pretrial proceedings.~~
455

456 **Proposed Staff Note (2020 Amendment)**
457

458
459 Civ. R. 16 has been amended to bring the Ohio rule closer to the federal rule, while still allowing
460 for Ohio courts to decide whether to hold a scheduling conference. Civ. R. 16(A) lists several
461 purposes for why a scheduling conference may be held. In addition, the last paragraph of Civ. R.
462 16(A) provides that parties will attempt to agree on the schedules contemplated by Civ. R. 16, and
463 courts will endeavor to respect the agreements of the parties. This paragraph is consistent with the
464 concept of shared responsibility among parties and courts in Civ. R. 1.
465

466 Similar to the prior version of Civ. R. 16, Civ. R. 16(A) still provides that holding a scheduling
467 conference is permissive, not mandatory. However, Civ. R. 16(B) requires that in all cases, except
468 those set forth in Civ. R. 1(C), a scheduling order must be issued by the court. The purpose of this
469 requirement is to promote greater consistency, predictability, and transparency for attorneys, parties,
470 and unrepresented parties in courts across Ohio.
471

472 Civ. R. 16(B)(1) clarifies that a scheduling order must be issued after the court receives the
473 parties' Civ. R. 26(F) report or after the court holds a scheduling conference. If no report is submitted
474 or the court does not hold a scheduling conference, the court must issue the scheduling order sua
475 sponte.
476

477 Civ. R. 16(B)(2) specifies the timing requirements by which a scheduling order must be issued,
478 based on the date that any defendant has been served with the complaint or that any defendant has
479 responded to the complaint. This subsection does not require a court to wait for all defendants to be
480 served with the complaint or respond to the complaint before entering a scheduling order.
481

482 Civ. R. 16(B)(3) lists potential content that a court may include in a scheduling order.
483

484 Civ. R. 16(C) describes a variety of items that a court may address at a scheduling conference,
485 including a timetable to address deadlines for discovery and various disclosures, dispositive motions,
486 and trial. Many of the items now listed in Civ. R. 16(C) were included in the prior version of Civ. R.
487 16.
488

489 Civ. R. 16(E) and (F) are identical to these same subsections in the federal rule.

490 **RULE 26. General Provisions Governing Discovery**

491
492 (A) **Policy; discovery methods.** It is the policy of these rules (1) to preserve the right
493 of attorneys to prepare cases for trial with that degree of privacy necessary to encourage them to
494 prepare their cases thoroughly and to investigate not only the favorable but the unfavorable aspects
495 of such cases and (2) to prevent an attorney from taking undue advantage of an adversary's industry
496 or efforts.

497
498 Parties may obtain discovery by one or more of the following methods: deposition upon
499 oral examination or written questions; written interrogatories; production of documents,
500 electronically stored information, or things or permission to enter upon land or other property, for
501 inspection and other purposes; physical and mental examinations; and requests for admission.
502 Unless the court orders otherwise, the frequency of use of these methods is not limited.

503
504 (B) **Scope of discovery.** Unless otherwise ordered by the court in accordance with these
505 rules, the scope of discovery is as follows:

506
507 (1) In General. ~~Parties may obtain discovery regarding any matter, not privileged,~~
508 ~~which is relevant to the subject matter involved in the pending action, whether it relates to the~~
509 ~~claim or defense of the party seeking discovery or to the claim or defense of any other party,~~
510 ~~including the existence, description, nature, custody, condition and location of any books,~~
511 ~~documents, electronically stored information, or other tangible things and the identity and location~~
512 ~~of persons having knowledge of any discoverable matter. It is not ground for objection that the~~
513 ~~information sought will be inadmissible at the trial if the information sought appears reasonably~~
514 ~~calculated to lead to the discovery of admissible evidence. Unless otherwise limited by court order,~~
515 the scope of discovery is as follows: Parties may obtain discovery regarding any nonprivileged
516 matter that is relevant to any party's claim or defense and proportional to the needs of the case,
517 considering the importance of the issues at stake in the action, the amount in controversy, the
518 parties' relative access to relevant information, the parties' ~~access to~~ resources, the importance of
519 the discovery in resolving the issues, and whether the burden or expense of the proposed discovery
520 outweighs its likely benefit. Information within this scope of discovery need not be admissible in
521 evidence to be discoverable.

522
523 (2) Insurance agreements. A party may obtain discovery of the existence and contents
524 of any insurance agreement under which any person carrying on an insurance business may be
525 liable to satisfy part or all of a judgment which may be entered in the action or to indemnify or
526 reimburse for payments made to satisfy the judgment. Information concerning the insurance
527 agreement is not by reason of disclosure subject to comment or admissible in evidence at trial.

528
529 (3) Initial Disclosure by a Party.

530
531 (a) Without awaiting a discovery request, a party must provide to the other
532 parties, except as exempted by Civ. R. 26(B)(3)(b) or as otherwise stipulated, or ordered
533 by the court:

534
535 (i) the name and, if known, the address and telephone number of each

536 individual likely to have discoverable information - along with the subjects
537 of that information - that the disclosing party may use to support its claims
538 or defenses, unless the use would be solely for impeachment;

539
540 (ii) a copy - or a description by category and location - of all documents,
541 electronically stored information, and tangible things that the disclosing
542 party has in its possession, custody, or control and may use to support its
543 claims or defenses, unless the use would be solely for impeachment;

544
545 (iii) a computation of each category of damages claimed by the
546 disclosing party - who must also make available for inspection and copying
547 as under Civ. R. 34 the documents or other evidentiary material, unless
548 privileged or protected from disclosure, on which each computation is
549 based, including materials bearing on the nature and extent of injuries
550 suffered; and

551
552 (iv) for inspection and copying as under Civ. R. 34, any insurance
553 agreement under which an insurance business may be liable to satisfy all or
554 part of a possible judgment in the action or to indemnify or reimburse for
555 payments made to satisfy the judgment.

556
557 (b) The following proceedings are exempt from initial disclosure:

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559 (i) an action for review on an administrative record;

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561 (ii) an action brought without an attorney by a person in the custody of
562 the United States, a state, or a state subdivision;

563
564 (iii) an action to enforce or quash an administrative summons or
565 subpoena;

566
567 (iv) a proceeding ancillary to a proceeding in another court; and

568
569 (v) an action to enforce an arbitration award.

570
571 (c) A party must make the initial disclosures no later than the parties' first pre-
572 trial or case management conference, unless a different time is set by stipulation or court
573 order, or unless a party objects. In ruling on the objection, the court must determine what
574 disclosures, if any, are to be made and must set the time for disclosure.

575
576 (d) A party that is first served or otherwise joined after the first pre-trial or case
577 management conference must make the initial disclosures within 30 days after being served
578 or joined, unless a different time is set by stipulation or court order.

579
580 (e) A party must make its initial disclosures based on the information then
581 reasonably available to it. A party is not excused from making its disclosures because it

582 has not fully investigated the case or because it challenges the sufficiency of another party's
583 disclosures or because another party has not made its disclosures.
584

585 ~~(3)~~(4) Trial preparation: materials. Subject to the provisions of subdivision (B)(6) of this
586 rule, a party may obtain discovery of documents, electronically stored information and tangible
587 things prepared in anticipation of litigation or for trial by or for another party or by or for that other
588 party's representative (including his attorney, consultant, surety, indemnitor, insurer, or agent) only
589 upon a showing of good cause therefor. A statement concerning the action or its subject matter
590 previously given by the party seeking the statement may be obtained without showing good cause.
591 A statement of a party is (a) a written statement signed or otherwise adopted or approved by the
592 party, or (b) a stenographic, mechanical, electrical, or other recording, or a transcription thereof,
593 which is a substantially verbatim recital of an oral statement which was made by the party and
594 contemporaneously recorded.
595

596 (5) Specific Limitations on Electronically Stored Information. A party need not
597 provide discovery of electronically stored information from sources that the party identifies as not
598 reasonably accessible because of undue burden or cost. On motion to compel discovery or for a
599 protective order, the party from whom discovery is sought must show that the information is not
600 reasonably accessible because of undue burden or cost. If that showing is made, the court may
601 nonetheless order discovery from such sources if the requesting party shows good cause,
602 considering the limitations of Rule 26(B)(6). The court may specify conditions for the discovery.
603

604 (6) Limitations on Frequency and Extent.
605

606 (a) When Permitted. By order, the court may limit the number of depositions,
607 requests under Rule 36, and interrogatories or the length of depositions.
608

609 (b) When Required. On motion or on its own, the court must limit the frequency
610 or extent of discovery otherwise allowed by these rules or by local rule if it determines
611 that:
612

613 (i) the discovery sought is unreasonably cumulative or duplicative,
614 or can be obtained from some other source that is more convenient, less
615 burdensome, or less expensive;
616

617 (ii) the party seeking discovery has had ample opportunity to obtain the
618 information by discovery in the action; or
619

620 (iii) the proposed discovery is outside the scope permitted by Rule
621 26(B)(1).
622

623 ~~(4) Electronically stored information. A party need not provide discovery of~~
624 ~~electronically stored information when the production imposes undue burden or expense. On~~
625 ~~motion to compel discovery or for a protective order, the party from whom electronically stored~~
626 ~~information is sought must show that the information is not reasonably accessible because of undue~~
627 ~~burden or expense. If a showing of undue burden or expense is made, the court may nonetheless~~

628 order production of electronically stored information if the requesting party shows good cause.
629 The court shall consider the following factors when determining if good cause exists:

630
631 (a) ~~whether the discovery sought is unreasonably cumulative or duplicative;~~

632
633 (b) ~~whether the information sought can be obtained from some other source that~~
634 ~~is less burdensome, or less expensive;~~

635
636 (c) ~~whether the party seeking discovery has had ample opportunity by~~
637 ~~discovery in the action to obtain the information sought; and~~

638
639 (d) ~~whether the burden or expense of the proposed discovery outweighs the~~
640 ~~likely benefit, taking into account the relative importance in the case of the issues on which~~
641 ~~electronic discovery is sought, the amount in controversy, the parties' resources, and the~~
642 ~~importance of the proposed discovery in resolving the issues.~~

643
644 (c) In ordering production of electronically stored information, the court may
645 specify the format, extent, timing, allocation of expenses and other conditions for the
646 discovery of the electronically stored information.

647
648 ~~(5)(7) Trial preparation: experts. Disclosure of Expert Testimony.~~

649
650 (a) ~~Subject to the provisions of division (B)(5)(b) of this rule and Civ.R. 35(B),~~
651 ~~a party may discover facts known or opinions held by an expert retained or specially~~
652 ~~employed by another party in anticipation of litigation or preparation for trial only upon a~~
653 ~~showing that the party seeking discovery is unable without undue hardship to obtain facts~~
654 ~~and opinions on the same subject by other means or upon a showing of other exceptional~~
655 ~~circumstances indicating that denial of discovery would cause manifest injustice.~~

656
657 (b) ~~As an alternative or in addition to obtaining discovery under division~~
658 ~~(B)(5)(a) of this rule, a party by means of interrogatories may require any other party (i) to~~
659 ~~identify each person whom the other party expects to call as an expert witness at trial, and~~
660 ~~(ii) to state the subject matter on which the expert is expected to testify. Thereafter, any~~
661 ~~party may discover from the expert or the other party facts known or opinions held by the~~
662 ~~expert which are relevant to the stated subject matter. Discovery of the expert's opinions~~
663 ~~and the grounds therefor is restricted to those previously given to the other party or those~~
664 ~~to be given on direct examination at trial.~~

665
666 (a) A party must disclose to the other parties the identity of any witness it may
667 use at trial to present evidence under Ohio Rule of Evidence 702, 703, or 705.

668
669 (b) The reports of expert witnesses expected to be called by each party shall be
670 exchanged with all other parties. The parties shall submit expert reports and curricula vitae
671 in accordance with the time schedule established by the Court. The party with the burden
672 of proof as to a particular issue shall be required to first submit expert reports as to that
673 issue. Thereafter, the responding party shall submit opposing expert reports within the

674 schedule established by the Court.

675
676 (c) Other than under subsection (d), a party may not call an expert witness to
677 testify unless a written report has been procured from the witness and provided to opposing
678 counsel. The report of an expert must disclose a complete statement of all opinions and the
679 basis and reasons for them as to each matter on which the expert will testify. It must also
680 state the compensation for the expert's study or testimony. Unless good cause is shown, all
681 reports and, if applicable, supplemental reports must be supplied no later than thirty (30)
682 days prior to trial. An expert will not be permitted to testify or provide opinions on matters
683 not disclosed in his or her report.

684
685 (d) Healthcare Providers. A witness who has provided medical, dental,
686 optometric, chiropractic, or mental health care may testify as an expert and offer opinions
687 as to matters addressed in the healthcare provider's records. Healthcare providers' records
688 relevant to the case shall be provided to opposing counsel in lieu of an expert report in
689 accordance with the time schedule established by the Court.

690
691 (e) A party may take a discovery deposition of their opponent's expert witness
692 only after the mutual exchange of reports has occurred unless the expert is a healthcare
693 provider permitted to testify as an expert under subsection (d). Upon good cause shown,
694 additional time after submission of both sides' expert reports will be provided for these
695 discovery depositions if requested by a party. If a party chooses not to hire an expert in
696 opposition to an issue, that party will be permitted to take the discovery deposition of the
697 proponent's expert.

698
699 ~~(e)~~(f) Drafts of any report provided by any expert, regardless of the form in which
700 the draft is recorded, are protected by division (B)(4) of this rule.

701
702 ~~(d)~~(g) Communications between a party's attorney and any witness identified as
703 an expert witness under division ~~(B)(5)(b)~~ (B)(7) of this rule regardless of the form of the
704 communications, are protected by division ~~(B)(3)~~ (B)(4) of this rule except to the extent
705 that the communications:

- 706
707 (i) relate to compensation for the expert's study or testimony;
708
709 (ii) identify facts or data that the party's attorney provided and that the
710 expert considered in forming the opinions to be expressed; or
711
712 (iii) identify assumptions that the party's attorney provided and that the
713 expert relied on in forming the opinions to be expressed.

714
715 (h) Expert Employed Only for Trial Preparation. Ordinarily, a party may not,
716 by interrogatories or deposition, discover facts known or opinions held by an expert who
717 has been retained or specially employed by another party in anticipation of litigation or to
718 prepare for trial and who is not expected to be called as a witness at trial. But a party may
719 do so only:

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(i) as provided in Rule 35(b); or

(ii) on showing exceptional circumstances under which, it is impracticable for the party to obtain facts or opinions on the same subject by other means.

~~(e)(iii) The court may require that the party seeking discovery under division (B)(7) of this rule shall pay the expert a reasonable fee for time spent in deposition responding to discovery, and, with respect to discovery permitted under division (B)(5)(a) of this rule, the court may require a party to pay another party a fair portion of the fees and expenses incurred by the latter party in obtaining facts and opinions from the expert.~~

~~(6)~~(8) Claims of Privilege or Protection of Trial-Preparation Materials.

(a) Information Withheld. When information subject to discovery is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

(b) Information Produced. If information is produced in discovery that is subject to a claim of privilege or of protection as trial preparation material, the party making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a receiving party must promptly return, sequester, or destroy the specified information and any copies within the party's possession, custody or control. A party may not use or disclose the information until the claim is resolved. A receiving party may promptly present the information to the court under seal for a determination of the claim of privilege or of protection as trial preparation material. If the receiving party disclosed the information before being notified, it must take reasonable steps to retrieve it. The producing party must preserve the information until the claim is resolved.

(C) **Protective orders.** Upon motion by any party or by the person from whom discovery is sought, and for good cause shown, the court in which the action is pending may make any order that justice requires to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense, including one or more of the following: (1) that the discovery not be had; (2) that the discovery may be had only on specified terms and conditions, including a designation of the time or place or the allocation of expenses; (3) that the discovery may be had only by a method of discovery other than that selected by the party seeking discovery; (4) that certain matters not be inquired into or that the scope of the discovery be limited to certain matters; (5) that discovery be conducted with no one present except persons designated by the court; (6) that a deposition after being sealed be opened only by order of the court; (7) that a trade secret or other confidential research, development, or commercial information not be disclosed or be disclosed only in a designated way; (8) that the parties simultaneously file specified documents or information enclosed in sealed envelopes to be opened as directed by the court.

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If the motion for a protective order is denied in whole or in part, the court, on terms and conditions as are just, may order that any party or person provide or permit discovery. The provisions of Civ. R. 37(A)(4) apply to the award of expenses incurred in relation to the motion.

Before any person moves for a protective order under this rule, that person shall make a reasonable effort to resolve the matter through discussion with the attorney or unrepresented party seeking discovery. A motion for a protective order shall be accompanied by a statement reciting the effort made to resolve the matter in accordance with this paragraph.

(D) Sequence and timing of discovery. Unless the court upon motion, for the convenience of parties and witnesses and in the interests of justice, orders otherwise, methods of discovery may be used in any sequence and the fact that a party is conducting discovery, whether by deposition or otherwise, shall not operate to delay any other party's discovery.

(E) Supplementation of responses. A party who has responded to a request for discovery with a response that was complete when made is under no duty to supplement his response to include information thereafter acquired, except as follows:

(1) A party is under a duty seasonably to supplement his response with respect to any question directly addressed to (a) the identity and location of person having knowledge of discoverable matters, and (b) the identity of each person expected to be called as an expert witness as trial and the subject matter on which he is expected to testify.

(2) A party who knows or later learns that his response is incorrect is under a duty seasonably to correct the response.

(3) A duty to supplement responses may be imposed by order of the court, agreement of the parties, or at any time prior to trial through requests for supplementation of prior responses.

(F) Conference of the Parties; Planning for Discovery.

(1) Conference Timing. Except those matters excepted under Civ. R. 1(C), or when the court orders otherwise, the attorneys and unrepresented parties shall confer as soon as practicable - and in any event no later than 21 days before a scheduling conference is to be held.

(2) Conference Content; Parties' Responsibilities. In conferring, the parties must consider the nature and basis of their claims and defenses and the possibilities for promptly settling or resolving the case; make or arrange for the disclosures required by Civ. R. 26(A)(1); discuss any issues about preserving discoverable information; and develop a proposed discovery plan. The attorneys of record and all unrepresented parties that have appeared in the case are jointly responsible for arranging the conference, for attempting in good faith to agree on the proposed discovery plan, and for filing with the court within 14 days after the conference a written report outlining the plan. The court may order the parties or attorneys to attend the conference in person.

(3) Discovery Plan. A discovery plan shall state the parties' views and proposals on:

812
813 (a) what changes should be made in the timing, form, or requirement for
814 disclosures under Civ. R. 26(B), including a statement of when initial disclosures were
815 made or will be made;

816
817 (b) agreed-upon deadlines for discovery and other items that may be included
818 in a case schedule to be issued under Rule 16, any proposed modifications to a schedule
819 already issued under Civ. R. 16, and compliance with Sup. R 39 and 42.

820
821 (c) the subjects on which discovery may be needed, when discovery should be
822 completed, and whether discovery should be conducted in phases or be limited to or
823 focused on particular issues;

824
825 (d) any issues about disclosure, discovery, or preservation of electronically
826 stored information, including the form or forms in which it should be produced;

827
828 (e) disclosure and the exchange of documents obtained through public records
829 requests;

830
831 (f) any issues about claims of privilege or of protection as trial-preparation
832 materials;

833
834 (g) what changes should be made in the limitations on discovery imposed under
835 these rules or by local rule, and what other limitations should be imposed;

836
837 (h) any other orders that the court should issue under Civ. R. 26(C) or under
838 Civ. R. 16(B) and (C); and

839
840 (i) any modifications required or to be requested under any scheduling order
841 issued under Civ. R. 16.

842
843
844 **Proposed Staff Notes (2020 Amendment)**

845
846 Civ. R. 26 has been amended to bring the Ohio rule closer to the federal rule in many respects.

847
848 **Rule 26(B)(1)**

849
850 Civ. R. 26(B)(1) incorporates nearly identical language as the federal rule in Fed. R. Civ. P.
851 26(b)(1), as amended in 2015. Civ. R. 26(B)(1) now includes language bearing on proportionality,
852 which contemplates greater judicial involvement in the discovery process and thus acknowledges the
853 reality that it cannot always operate on a self-regulating basis. The scope of available information,
854 including the increase and pervasiveness of electronically stored information, has greatly increased
855 both the potential cost of wide- ranging discovery and the potential for discovery to be used as an
856 instrument for delay or oppression. The present amendment reflects the need for continuing and close
857 judicial involvement in the cases that do not yield readily to the ideal of effective party management. It
858 is expected that discovery will be effectively managed by the parties in many cases. But there will be
859 important occasions for judicial management, both when the parties are legitimately unable to resolve

860 important differences and when the parties fall short of effective, cooperative management on their
861 own.

862
863 This change does not place on the party seeking discovery the burden of addressing all
864 proportionality considerations. Nor is the change intended to permit the opposing party to refuse
865 discovery simply by making a boilerplate objection that it is not proportional. The parties and the court
866 have a collective responsibility to consider the proportionality of all discovery and consider it in
867 resolving discovery disputes.

868
869 The parties may begin discovery without a full appreciation of the factors that bear on
870 proportionality. A party requesting discovery, for example, may have little information about the burden
871 or expense of responding. A party requested to provide discovery may have little information about
872 the importance of the discovery in resolving the issues as understood by the requesting party. Many
873 of these uncertainties should be addressed and reduced in the parties' Civ. R. 26(F) conference and
874 in scheduling and pretrial conferences with the court. But if the parties continue to disagree, the
875 discovery dispute could be brought before the court. A party claiming undue burden or expense
876 ordinarily has far better information — perhaps the only information — with respect to that part of the
877 determination. A party claiming that a request is important to resolve the issues should be able to
878 explain the ways in which the underlying information bears on the issues as that party understands
879 them. The court's responsibility, using all the information provided by the parties, is to consider these
880 and all the other factors in reaching a case-specific determination of the appropriate scope of
881 discovery.

882
883 With regard to the parties' relative access to relevant information, some cases involve what
884 often is called "information asymmetry." One party — often an individual plaintiff — may have very
885 little discoverable information. The other party may have vast amounts of information, including
886 information that can be readily retrieved and information that is more difficult to retrieve. In practice
887 these circumstances often mean that the burden of responding to discovery lies heavier on the party
888 who has more information, and properly so.

889
890 The former provision for discovery of relevant but inadmissible information that appears
891 "reasonably calculated to lead to the discovery of admissible evidence" is also deleted. It is replaced
892 by the direct statement that "Information within this scope of discovery need not be admissible in
893 evidence to be discoverable." Discovery of nonprivileged information not admissible in evidence
894 remains available so long as it is otherwise within the scope of discovery.

895 896 **Rule 26(B)(3)**

897
898 This provision has been added to include a requirement that parties, in most cases, exchange
899 initial disclosures without awaiting discovery requests. The language of Civ. R. 26(B)(3) closely follows
900 the federal rule. The purpose of the initial disclosure obligation is to accelerate the exchange of
901 information about the case, consistent with Civ. R. 1 and 26(B)(1).

902 903 **Rule 26(B)(5)**

904
905 This subsection is revised to preserve the limitation on production of electronically stored
906 information ("ESI") if it is from a source not reasonably accessible due to undue burden or cost. The court
907 may still order production upon a showing of good cause. The amended rule eliminates the prior factors to
908 be considered when determining if good cause exists and relies instead on the general concepts of
909 proportionality contained in Rule 26.

910 911 **Rule 26(B)(6)**

912
913 Civ. R. 26(B)(6) has been added to clarify that courts have authority to modify the frequency
914 and extent of discovery, including consideration that bear on proportionality to Civ. R. 26(B)(1). This
915 language in Civ. R. 26(B)(6) is similar to the language in Fed. R. Civ. P. 26(b)(2)(A) and (C).

916
917 **Rule 26(B)(7)**
918

919 The Ohio Civil Rules had not previously required experts to provide a written report. The Local
920 Rules of some counties required a written report while many others did not. Interrogatories directed to
921 the subject matter on which an expert may testify have in practice shown to be an insufficient means
922 to ascertain an opposing expert’s opinions and the grounds upon which they are based. The absence
923 of a written report frequently puts counsel in the position of having to bear the substantial time and
924 expense of a deposition in order to learn the opinions of an opposing party’s expert. Requiring a written
925 report from experts setting forth all opinions and the basis and reasons for such opinions may, in many
926 cases, obviate the need for a deposition, and will lessen the time and significant expense associated
927 with expert discovery. So will permitting the deposition of experts only after the mutual exchange of
928 expert reports. Further expense can be lessened by permitting healthcare providers to testify as an
929 expert as to matters addressed in medical records, without the necessity of writing a separate medical
930 report, if such records are timely provided to opposing counsel. Subsection (B)(7)(h) is the same as
931 Fed. R. Civ. P. 26(b)(4)(D) and protects facts and opinions held by an expert who is not expected to
932 be called as a witness at trial.

933
934 **Rule 26(F)**
935

936 The changes in the proposed rules are best highlighted and understood in contrast to the
937 Federal Rules. The differences between proposed Ohio’s Civ.R. 26(F) and Fed. Civ.R. 26(F) are as
938 follows:

939
940 1. Civ.R. 26(F)(1) – The Ohio Rule reads, “Except those matters excepted under Civ.R.
941 1(C)[...].” The Federal Rule reads, “Except in a proceeding exempted from initial disclosure under
942 Rule 26(a)(1)(B)[...].”

943
944 2. Civ.R. 26(F)(1) – The Ohio Rule states that “attorneys and unrepresented parties shall
945 confer as soon as practicable[...].” The Federal Rule states that “the parties must confer as soon as
946 practicable[...].”

947
948 3. Civ. R. 26(F)(1) – The Ohio Rule reads, at the end, “21 days before a scheduling conference
949 is to be held.” The intent with this language of the proposed Ohio Rule is to simplify the setting of the
950 scheduling conference and to give the court greater flexibility in setting that conference. The Federal
951 Rule reads, at the end, “21 days before a scheduling conference is held or a scheduling order is due
952 under Rule 16(b).”

953
954 4. Civ.R. 26(F)(2) – The Ohio Rule reads, at the end of the second to last sentence, “and for
955 filing with the court[...].” The Federal Rule reads, at the end of the second of the second to last
956 sentence, “and for submitting with the court[...].”

957
958 5. Civ.R. 26(F)(3) – The Ohio Rule uses the word “shall” and the Federal Rule uses the
959 word“must.”

960
961 6. Civ.R. 26(F)(3)(e) – The Ohio Rule addresses public records disclosure as part of the
962 discovery plan whereas the Federal Rule does not.

963
964 7. Civ.R. 26(F)(3)(f) – The Ohio Rule ends with “of protection as trial-preparation
965 materials[...].” The Federal Rule (Fed. Civ.R. 26(F)(3)(D)) ends with “as trial-preparation materials,
966 including – if the parties agree on a procedure to assert these claims after production – whether to ask
967 the court to include their agreement in an order under Federal Rule of Evidence 502[...].”

968
969 8. Civ.R. 26(F)(3)(b) and (i) – these subsections are not included in Fed. Civ.R. 26(F)(3).
970
971

971 9. Civ.R. 26(F)(4) – This subsection was removed from the proposed Ohio Rules, but it is
972 included in the Federal Rules.

973
974 10. This amendment introduces to Ohio’s civil rules the concept of an early, mandatory
975 conference among the attorneys and any unrepresented party, and requires the filing of a written report
976 outlining the results of that conference. This amendment also requires that the discovery plan, to
977 which counsel and the parties agree, be in compliance with the time limitations of Sup.R. 39 and 42.

978 **RULE 53. Magistrates.**
979

980 **[Existing language unaffected by the amendments is omitted to conserve space]**
981

982 **(C) Authority.**
983

984 (1) *Scope.* To assist courts of record and pursuant to reference under Civ. R. 53(D)(1),
985 magistrates are authorized, subject to the terms of the relevant reference, to do any of the following:
986

987 (a) Determine any motion in any case;
988

989 (b) Conduct the trial of any case that will not be tried to a jury;
990

991 (c) Upon unanimous written consent of the parties, preside over the trial of any
992 case that will be tried to a jury;
993

994 (d) Conduct proceedings upon application for the issuance of a temporary
995 protection order as authorized by law;
996

997 (e) Exercise any other authority specifically vested in magistrates by statute and
998 consistent with this rule.
999

1000 (2) *Jury trials before magistrates.* Notwithstanding any other provision of these rules,
1001 in jury trials presided over by magistrates, the factual findings of the jury shall be conclusive as in
1002 any trial before a judge. All motions presented following the unanimous written consent of the
1003 parties, including those under Civ.R. 26, 37, 50, 51, 56, 59, 60, and 62, shall be heard and decided
1004 by the magistrate. No objections shall be entertained to the factual findings of a jury, or to the
1005 motion or legal rulings made by the magistrate except on appeal to the appropriate appellate court
1006 after entry of a final judgment or final appealable order. The trial judge to whom the matter was
1007 originally assigned before the parties consented to trial before a magistrate shall enter judgment
1008 consistent with the magistrate's journalized entry pursuant to Civ.R. 58, but shall not otherwise
1009 review the magistrate's rulings or a jury's factual findings in a jury trial before a magistrate.
1010

1011 ~~(2)~~(3) *Regulation of proceedings.* In performing the responsibilities described in Civ. R.
1012 53(C)(1), magistrates are authorized, subject to the terms of the relevant reference, to regulate all
1013 proceedings as if by the court and to do everything necessary for the efficient performance of those
1014 responsibilities, including but not limited to, the following:
1015

1016 (a) Issuing subpoenas for the attendance of witnesses and the production of
1017 evidence;
1018

1019 (b) Ruling upon the admissibility of evidence;
1020

1021 (c) Putting witnesses under oath and examining them;
1022

1023 (d) Calling the parties to the action and examining them under oath;

1024 (e) When necessary to obtain the presence of an alleged contemnor in cases
1025 involving direct or indirect contempt of court, issuing an attachment for the alleged
1026 contemnor and setting the type, amount, and any conditions of bail pursuant to Crim. R.
1027 46;

1028
1029 (f) Imposing, subject to Civ. R. 53(D)(8), appropriate sanctions for civil or
1030 criminal contempt committed in the presence of the magistrate.

1031
1032 **[Existing language unaffected by the amendments is omitted to conserve space]**

1033
1034
1035 **Proposed Staff Notes (July 2020)**

1036
1037 **Division (C)(2)**

1038
1039 A major improvement to federal practice in the last half century was the authorization given
1040 magistrate judges to conduct civil jury trials. F.R.C.P. 73. Following the lead of the federal courts, Ohio
1041 magistrates also now conduct civil jury trials with written consent of all parties as authorized by Civ.R.
1042 53(C)(1)(c). Yet, as demonstrated in *Gilson v. American Institute of Alternative Medicine*, 10th Dist. Case
1043 No. 15AP-548, 2016-Ohio-1324, ¶¶ 28-29, 103, Ohio procedure remains cumbersome after jury trials
1044 conducted by magistrates, and may require the trial court to unnecessarily review factual findings of the
1045 jury and certain interlocutory rulings of a magistrate. This is unnecessarily time consuming and costly.

1046
1047 The amendment adds a new Division (C)(2) and renumbers the existing Division (C)(2) as Division
1048 (C)(3). New Civ.R. 53(C)(2) streamlines the procedure following jury trials conducted by magistrates upon
1049 unanimous consent of the parties, although still requiring the entry of judgment by the trial court. Factual
1050 findings of the jury and the magistrate's interlocutory rulings preceding the entry of judgment, are no longer
1051 required to undergo a cumbersome and expensive procedure for which essentially the first line of appeal
1052 has been to the trial court, rather than directly to a court of appeals.

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RULE 73. Probate Division of the Court of Common Pleas

(A) Applicability. These Rules of Civil Procedure shall apply to proceedings in the probate division of the court of common pleas as indicated in this rule. Additionally, all of the Rules of Civil Procedure, though not specifically mentioned in this rule, shall apply except to the extent that by their nature they would be clearly inapplicable.

(B) Venue. Civ. R. ~~3(B)~~ 3(C) shall not apply to proceedings in the probate division of the court of common pleas, which shall be venued as provided by law. Proceedings under Chapters 2101. through 2131. of the Revised Code, which may be venued in the general division or the probate division of the court of common pleas, shall be venued in the probate division of the appropriate court of common pleas.

Proceedings that are improperly venued shall be transferred to a proper venue provided by law and division (B) of this rule, and the court may assess costs, including reasonable attorney fees, to the time of transfer against the party who commenced the action in an improper venue.

[Existing language unaffected by the amendments is omitted to conserve space]

OHIO RULES OF CRIMINAL PROCEDURE

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RULE 44. Assignment of Counsel

(A) **Counsel in serious offenses.** Where a defendant charged with a serious offense is unable to obtain counsel, counsel shall be assigned to represent ~~him~~ the defendant at every stage of the proceedings from ~~his~~ their initial appearance before a court through appeal as of right, unless the defendant, after being fully advised of ~~his~~ their right to assigned counsel, knowingly, intelligently, and voluntarily waives ~~his~~ their right to counsel.

(B) **Counsel in petty offenses.** Where a defendant charged with a petty offense is unable to obtain counsel, the court may assign counsel to represent ~~him~~ the defendant. When a defendant charged with a petty offense is unable to obtain counsel, no sentence of confinement may be imposed upon ~~him~~ the defendant, unless after being fully advised by the court, ~~he~~ the defendant knowingly, intelligently, and voluntarily waives assignment of counsel.

(C) **Waiver of counsel.** Waiver of counsel shall be in open court and the advice and waiver shall be recorded as provided in Rule 22. In addition, in serious offense cases the waiver shall be in writing.

(D) **Assignment procedure.** The determination of whether a defendant is able or unable to obtain counsel shall be made in a recorded proceeding in open court.

1094 **RULE 46. Bail Pretrial Release and Detention**

1095
1096 **(A) ~~Types and amounts of bail~~ Pretrial detention.** A defendant may be detained
1097 pretrial, pursuant to a motion by the prosecutor or the court's own motion, in accordance with the
1098 standards and procedures set forth in the Revised Code.

1099
1100 **(B) Pretrial release.** Unless the court orders the defendant detained under division (A)
1101 of this rule, the court shall release the defendant on the least restrictive conditions that, in the
1102 discretion of the court, will reasonably assure the defendant's appearance in court, the protection
1103 or safety of any person or the community, and that the defendant will not obstruct the criminal
1104 justice process. If the court orders financial conditions of release, those financial conditions shall
1105 be related to the defendant's risk of non-appearance, the seriousness of the offense, and the
1106 previous criminal record of the defendant. Any financial conditions shall be in an amount and type
1107 which are least costly to the defendant while also sufficient to reasonably assure the defendant's
1108 future appearance in court.

1109
1110 **(1) Financial conditions of release.** Any person who is entitled to release ~~shall~~ may
1111 be released upon one or more of the following types of ~~bail~~ financial conditions in the amount set
1112 by the court:

1113
1114 ~~(1)(a)~~ The personal recognizance of the accused or an An unsecured bail bond;

1115
1116 ~~(2)(b)~~ A bail bond secured by the deposit of ten percent of the amount of the bond
1117 in cash. Ninety percent of the deposit shall be returned upon compliance with all conditions
1118 of the bond;

1119
1120 ~~(3)(c)~~ A surety bond, a bond secured by real estate or securities as allowed by law,
1121 or the deposit of cash, at the option of the defendant.

1122
1123 **~~(B)(2)~~ Non-financial Conditions conditions of release ~~bail.~~** The court may impose any
1124 of the following conditions of ~~bail~~ release:

1125
1126 (a) The personal recognizance of the accused;

1127
1128 (b) Place the person in the custody of a designated person or organization
1129 agreeing to supervise the person;

1130
1131 ~~(b)(c)~~ Place restrictions on the travel, association, or place of abode of the person
1132 during the period of release;

1133
1134 ~~(e)(d)~~ Place the person under a house arrest, electronic monitoring, or work release
1135 program;

1136
1137 ~~(d)(e)~~ Regulate or prohibit the person's contact with the victim;

1138

1139 (e)(f) Regulate the person's contact with witnesses or others associated with the
1140 case upon proof of the likelihood that the person will threaten, harass, cause injury, or seek
1141 to intimidate those persons;
1142

1143 (f)(g) ~~Require a person who is charged with an offense that is alcohol or drug~~
1144 ~~related, and who appears to need treatment, to attend treatment while on bail completion~~
1145 ~~of a drug and/or alcohol assessment and compliance with treatment recommendations, for~~
1146 ~~any person charged with an offense that is alcohol or drug related, or where alcohol or drug~~
1147 ~~influence or addiction appears to be a contributing factor in the offense, and who appears~~
1148 ~~based upon an evaluation, prior treatment history, or recent alcohol or drug use, to be in~~
1149 ~~need of treatment;~~
1150

1151 (g)(h) Require compliance with alternatives to pretrial detention, including but not
1152 limited to diversion programs, day reporting, or comparable alternatives, to ensure the
1153 person's appearance at future court proceedings;
1154

1155 (h)(i) Any other constitutional condition considered reasonably necessary to
1156 reasonably assure ~~ensure~~ appearance or public safety.
1157

1158 (C) **Factors.** ~~It~~ Subject to subsection (G)(2) of this rule, in determining the types,
1159 amounts, and conditions of bail, the court shall consider all relevant information, including but not
1160 limited to:
1161

1162 (1) The nature and circumstances of the crime charged, and specifically whether the
1163 defendant used or had access to a weapon;
1164

1165 (2) The weight of the evidence against the defendant;
1166

1167 (3) The confirmation of the defendant's identity;
1168

1169 (4) The defendant's family ties, employment, financial resources, character, mental
1170 condition, length of residence in the community, jurisdiction of residence, record of convictions,
1171 record of appearance at court proceedings or of flight to avoid prosecution;
1172

1173 (5) Whether the defendant is on probation, a community control sanction, parole, post-
1174 release control, bail, or under a court protection order
1175

1176 (D) **Appearance pursuant to summons.** When summons has been issued and the
1177 defendant has appeared pursuant to the summons, absent good cause, there is a presumption of
1178 release on personal recognizance ~~a recognizance bond shall be the preferred type of bail.~~
1179

1180 (E) **Amendments Continuation of Bail.** ~~A court, at any time, may order additional or~~
1181 ~~different types, amounts, or conditions of bail. When a judicial officer, either on motion of a party~~
1182 ~~or on the court's own motion, determines that the considerations set forth in subsections (B) and~~
1183 ~~(C) require a modification of the conditions of release, the judicial officer may order additional or~~
1184 ~~different types, amounts or conditions of bail, or may eliminate or lessen conditions of bail~~

1185 determined to be no longer necessary. Unless a modification is agreed to by the parties, the court
1186 shall hold a hearing on the modification of bond as promptly as possible. Unless modified by the
1187 judicial officer, or if application is made by a surety for discharge from a bond pursuant to R.C.
1188 2937.40, conditions of release shall continue until the return of a verdict or the entry of a guilty
1189 plea, or a no-contest plea, and may continue thereafter pending sentence or disposition of the case
1190 on review.

1191
1192 **(F) Information need not be admissible.** Information stated in or offered in
1193 connection with any order entered pursuant to this rule need not conform to the rules pertaining to
1194 the admissibility of evidence in a court of law. Statements or admissions of the defendant made at
1195 a bail proceeding or in the course of compliance with a condition of bail shall not be received as
1196 substantive evidence in the trial of the case.

1197
1198 **(G) Bond schedule.**

1199
1200 **(1)** In order to expedite the prompt release of a defendant prior to initial appearance,
1201 Each each court shall establish a bail bond schedule covering all misdemeanors including traffic
1202 offenses, either specifically, by type, by potential penalty, or by some other reasonable method of
1203 classification. The court also may include requirements for release in consideration of divisions
1204 (B) and (C)(5) of this rule. The sole purpose of a bail schedule is to allow for the consideration of
1205 release prior to the defendant's initial appearance.

1206
1207 **(2)** A bond schedule shall not be considered as "relevant information" under division
1208 ~~(D)~~(C) of this rule.

1209
1210 **(3)** Each municipal or county court shall, by rule, establish a method whereby a person
1211 may make bail by use of a credit card. ~~No credit card transaction shall be permitted when a service~~
1212 ~~charge is made against the court or clerk unless allowed by law.~~

1213
1214 **(4)** Each court shall review its bail bond schedule biennially by January 31 of each
1215 even numbered year, to ensure an appropriate bail bond schedule that does not result in the
1216 unnecessary detention of defendants due to inability to pay.

1217
1218 ~~**(H) Continuation of bonds.** Unless otherwise ordered by the court pursuant to division~~
1219 ~~(E) of this rule, or if application is made by the surety for discharge, the same bond shall continue~~
1220 ~~until the return of a verdict or the acceptance of a guilty plea. In the discretion of the court, the~~
1221 ~~same bond may also continue pending sentence or disposition of the case on review. Any provision~~
1222 ~~of a bond or similar instrument that is contrary to this rule is void.~~

1223
1224 **(H) Review of Release Conditions.** A person who has been arrested, either pursuant
1225 to a warrant or without a warrant, and who has not been released on bail, shall be brought before
1226 a judicial officer for an initial bail hearing no later than the second court day following the arrest.
1227 That bail hearing may be combined with the initial appearance provided for in Crim. R. 5(A).

1228
1229 If, at the initial bail hearing before a judicial officer, the defendant was not represented by
1230 counsel, and if the defendant has not yet been released on bail, a second bail hearing shall be held

1231 on the second court day following the initial bail hearing. An indigent defendant shall be afforded
1232 representation by appointed counsel at State's expense at this second bail hearing.

1233
1234 **(I) Failure to appear; breach of conditions.** Any person who fails to appear before
1235 any court as required is subject to the punishment provided by the law, and any bond bail given
1236 for the person's release may be forfeited. If there is a breach of condition of release bail, the court
1237 may amend the bail.

1238
1239 **(J) Justification of sureties.** Every surety, except a corporate surety licensed as
1240 provided by law, shall justify by affidavit, and may be required to describe in the affidavit, the
1241 property that the surety proposes as security and the encumbrances on it, the number and amount
1242 of other bonds and undertakings for bail entered into by the surety and remaining undischarged,
1243 and all of the surety's other liabilities. The surety shall provide other evidence of financial
1244 responsibility as the court or clerk may require. No bail bond shall be approved unless the surety
1245 or sureties appear, in the opinion of the court or clerk, to be financially responsible in at least the
1246 amount of the bond. No licensed attorney at law shall be a surety.

1247 1248 1249 Proposed Staff Note (July 2020)

1250 Crim.R. 46

1251
1252
1253 Crim. R. 46 has been amended to improve efficiency in setting bail in an amount that effectively
1254 ensures (1) the defendant's continued presence at future proceedings, (2) that future proceedings will not
1255 be impeded by any effort to obstruct justice, and (3) the safety of any person as well as the community in
1256 general. Crim. R. 46 continues to entrust to the judicial officer's sound discretion the setting of particular
1257 conditions of release that will be imposed on a particular defendant in a particular case. At the same time,
1258 the amendments seek to ensure that excessive money bails are not used as a means of simply denying a
1259 defendant bail without benefit of a detention hearing prescribed by statute. See
1260 R.C. 2937.222

1261
1262 The title of Crim. R. 46 has been changed to recognize that pretrial detention is available under the
1263 Revised Code in those cases where no conditions of release are reasonably available. Subsection (A) has
1264 been added to that same effect.

1265
1266 Subsection (B) recognizes that conditions of release include both financial and non-financial
1267 conditions, either or both of which may be employed by the judicial officer in the exercise of the judicial
1268 officer's discretion. Financial conditions should be the least costly to reasonably ensure the defendant's
1269 presence at future proceedings; limiting financial conditions to ensuring against risk of flight is consistent
1270 with subsection (I), which provides that bond can only be forfeited when a defendant fails to appear at a
1271 future proceeding. The subsection's list of non-financial conditions is not exclusive, but identifies a number
1272 of non-financial conditions already employed by courts in Ohio and elsewhere.

1273
1274 Subsection (G) recognizes that a bond schedule is to be used for the sole purpose of securing a
1275 release before an initial appearance, and is not to be considered by a judicial officer during a bond hearing.

1276
1277 Subsection (H) has been amended to ensure that a person arrested who has not already been
1278 released pursuant to posting a bond specified in a bond schedule or prescribed in an arrest warrant, will
1279 appear before a judicial officer no later than the second court day after arrest. If the defendant's appearance
1280 at that time is without counsel, and if the defendant has not yet been released, then a second hearing, with
1281 the opportunity for the defendant to be represented by counsel, must take place within two court days after
1282 the initial court appearance.

1283 **OHIO RULES OF APPELLATE PROCEDURE**

1284

1285

1286 **RULE 3. Appeals as of Right – How Taken**

1287

1288 [Existing language unaffected by the amendments is omitted to conserve space]

1289

1290 **(C) Cross-Appeal.**

1291

1292 **(1) Cross When notice of cross-appeal required.** ~~A person who~~ Whether or not an
1293 appellee intends to defend a judgment or an order on against an appeal taken by an appellant, an
1294 appellee and who also seeks to change the judgment or order or, in the event the judgment or order
1295 is may be reversed or modified, an interlocutory ruling merged into the judgment or order, shall
1296 file a notice of cross-appeal with the clerk of the trial court, and may also file a courtesy copy of
1297 the notice of cross-appeal with the clerk of the appellate court, within the time allowed by App.R.
1298 4. The clerk of the trial court shall process the notice of cross-appeal in the same manner as the
1299 notice of appeal.

1300

1301 **(2) Cross When notice of cross-appeal not required; and cross-assignment of error**
1302 **not never required.** ~~A person who intends to defend a judgment or an order appealed by an~~
1303 ~~appellant on a ground other than that relied on by the trial court but who does not seek to change~~
1304 ~~the judgment or order is not required to file a notice of cross-appeal or to raise a cross-assignment~~
1305 ~~of error.~~

1306

1307 [Existing language unaffected by the amendments is omitted to conserve space]

1308 **RULE 19. Form of Briefs and Other Papers**
1309

1310 **(A) Form of briefs.** Briefs may be typewritten or be produced by standard
1311 typographic printing or by any duplicating or copying process which produces a clear black image
1312 on white paper. Carbon copies of briefs may not be submitted without permission of the court,
1313 except in behalf of parties allowed to proceed in forma pauperis. All printed matter must appear
1314 in at least a twelve point type on opaque, unglazed paper. Briefs produced by standard typographic
1315 process shall be bound in volumes having pages 6 1/8 by 9 1/4 inches and type matter 4 1/6 by 7
1316 1/6 inches. Those produced by any other process shall be bound in volumes having pages not
1317 exceeding 8 1/2 by 11 inches and type matter not exceeding 6 1/2 by 9 1/2 inches, with double
1318 spacing between each line of text except quoted matter which shall be single spaced. Where
1319 necessary, briefs may be of such size as required to utilize copies of pertinent documents.
1320

1321 Without prior leave of court, no initial brief of appellant or cross-appellant and no answer
1322 brief of appellee or cross-appellee shall ~~exceed thirty five pages in length~~ contain more than
1323 9,000 ~~15,300~~ words, and no reply brief shall ~~exceed fifteen pages in length~~ contain more than
1324 4,500 ~~6,500~~ words, exclusive of the cover page, the table of contents, table of cases, statutes and
1325 other authorities cited, statement regarding oral argument, certificates of counsel, signature
1326 blocks, certificate of service, and appendices, if any. An initial brief and answer brief not
1327 exceeding 30 pages in length at 12-point font shall be presumed compliant with the 9,000 word
1328 limit, and a reply brief not exceeding 15 pages in length at 12-point font shall be presumed
1329 compliant with the 4,500 word limit. A court of appeals, by local rule, may adopt ~~shorter or~~
1330 ~~longer page~~ different word-count limitations, or page limitations, or both. In all proceedings
1331 involving post-conviction review of a capital case, as defined in Crim.R. 42, there shall be no
1332 ~~page limitations or word-count limitations.~~ The signature of the attorney, or an unrepresented
1333 party, constitutes a certification that the document filed complies with the applicable word-count
1334 limitation. The person signing the document may rely on the word count of the word-processing
1335 system used to prepare the document.
1336

1337 The front covers of the briefs, if separately bound, shall contain: (1) the name of the court
1338 and the number of the case; (2) the title of the case [see App. R. 11(A)]; (3) the nature of the
1339 proceeding in the court (e.g., Appeal) and the name of the court below; (4) the title of the
1340 document (e.g., Brief for Appellant); and (5) the names and addresses of counsel representing the
1341 party on whose behalf the document is filed.
1342

1343 **(B) Form of other papers.** Applications for reconsideration shall be produced in a
1344 manner prescribed by subdivision (A). Motions and other papers may be produced in a like
1345 manner, or they may be typewritten upon opaque, unglazed paper 8 1/2 by 11 inches in size.
1346 Lines of typewritten text shall be double spaced except quoted matter which shall be single
1347 spaced. Consecutive sheets shall be attached at the left margin. Carbon copies may be used for
1348 filing and service if they are legible.
1349

1350 A motion or other paper addressed to the court shall contain a caption setting forth the
1351 name of the court, the title of the case, the case number and a brief descriptive title indicating
1352 the purpose of the paper.

1353 **RULE 21. Oral Argument**

1354

1355 (A) **Scheduling and requesting oral argument.** The court shall schedule oral
1356 argument in all cases, whether or not requested by a party, unless the court has adopted a local rule
1357 requiring a party to request oral argument. In the event of such a local rule, the court shall schedule
1358 oral argument at the request of any of the parties. Such a request shall be in the form of the words
1359 “ORAL ARGUMENT REQUESTED” displayed prominently on the cover page of the appellant’s
1360 opening brief or the appellee’s brief; no separate motion or other filing is necessary to secure oral
1361 argument. Notwithstanding any of the foregoing, the court is not required to schedule oral
1362 argument, even if requested, if any of the parties is both incarcerated and proceeding pro se.

1363

1364 (B) **Notice of oral argument and of appellate panel.**

1365

1366 (1) The court shall advise all parties of the time and place at which oral argument will
1367 be heard.

1368

1369 (2) No later than fourteen days prior to the date on which oral argument will be heard,
1370 the court of appeals shall make available to the parties the names of the judges assigned to the
1371 three-judge panel that will hear the case. If the case is submitted on briefs without oral argument,
1372 the court of appeals shall make available to the parties the names of the judges assigned to the
1373 three-judge panel that will hear the case no later than fourteen days prior to the date on which the
1374 case is submitted to the panel. If the membership of the panel changes after the names of the judges
1375 are made available to the parties pursuant to this rule, the court of appeals shall immediately make
1376 the new membership of the panel available to the parties.

1377

1378 (C) **Time allowed for argument.** Unless otherwise ordered, each side will be allowed
1379 ~~thirty fifteen~~ minutes for argument. Either sua sponte or upon motion, the court may vary the time
1380 for oral argument permitted by this rule. Motions to vary the time for oral argument shall be filed
1381 at least fourteen days before the date scheduled for oral argument. A party is not obliged to use
1382 all of the time allowed, and the court may terminate the argument whenever in its judgment further
1383 argument is unnecessary.

1384

1385 (D) **Order and content of argument.** The appellant is entitled to open and conclude
1386 the argument, except in the case of a cross appeal. The opening argument shall include a fair
1387 statement of the case. Counsel will not be permitted to read at length from briefs, records or
1388 authorities.

1389

1390 (E) **Cross and separate appeals.** A cross-appeal or separate appeal shall be argued
1391 with the initial appeal at a single argument, unless the court otherwise directs. ~~If separate~~ Separate
1392 appellants or appellees support the same argument, they shall share the thirty fifteen minutes
1393 allowed to their side for argument unless pursuant to timely request the court grants additional
1394 time. Separate parties supporting the same side of an appeal may agree to divide their time however
1395 they choose.

1396

1397 (F) **Nonappearance of parties.** If the appellee fails to appear to present argument, the
1398 court will hear argument on behalf of the appellant, if present. If the appellant fails to appear, the

1399 court may hear argument on behalf of the appellee, if ~~his~~ appellee's counsel is present. If neither
1400 party appears, the case will be decided on the briefs unless the court shall otherwise order.

1401
1402 (G) **Submission on briefs.** By agreement of the parties, a case may be submitted for
1403 decision on the briefs, but the court may direct that the case be argued.

1404
1405 (H) **Motions.** Oral argument will not be heard upon motions unless ordered by the
1406 court.

1407
1408 (I) **Citation of Additional Authorities.** If counsel on oral argument intends to present
1409 authorities not cited in the brief, counsel shall, at least five days prior to oral argument, present in
1410 writing such authorities to the court and to opposing counsel, unless there is good cause for a later
1411 presentment.

1412 **OHIO RULES OF JUVENILE PROCEDURE**

1413

1414

1415 **RULE 4. Assistance of Counsel; Guardian Ad Litem**

1416

1417 (A) **Assistance of counsel.** Every party shall have the right to be represented by
1418 counsel and every child, parent, custodian, or other person in loco parentis the right to appointed
1419 counsel if indigent. These rights shall arise when a person becomes a party to a juvenile court
1420 proceeding. ~~When the complaint alleges that a child is an abused child, the court must appoint an~~
1421 ~~attorney to represent the interests of the child.~~ This rule shall not be construed to provide for a
1422 right to appointed counsel in cases in which that right is not otherwise provided for by constitution
1423 or statute.

1424

1425 (B) **Guardian ad litem; when appointed.** The court shall appoint a guardian ad litem
1426 to protect the interests of a child or incompetent adult in a juvenile court proceeding when:

- 1427
- 1428 (1) The child has no parents, guardian, or legal custodian;
- 1429
- 1430 (2) The interests of the child and the interests of the parent may conflict;
- 1431
- 1432 (3) The parent is under eighteen years of age or appears to be mentally incompetent;
- 1433
- 1434 (4) The court believes that the parent of the child is not capable of representing the best
1435 interest of the child;
- 1436
- 1437 (5) Any proceeding involves allegations of abuse, ~~or~~ neglect, or dependency, voluntary
1438 surrender of permanent custody, or termination of parental rights as soon as possible after the
1439 commencement of such proceeding;
- 1440
- 1441 (6) There is an agreement for the voluntary surrender of temporary custody that is made
1442 in accordance with section 5103.15 of the Revised Code, and thereafter there is a request for
1443 extension of the voluntary agreement;
- 1444
- 1445 (7) The proceeding is a removal action;
- 1446
- 1447 (8) Appointment is otherwise necessary to meet the requirements of a fair hearing;
- 1448
- 1449 (9) If a court appoints a person who is not an attorney admitted to the practice of law
1450 in this state to be a guardian ad litem, the court may appoint an attorney admitted to the practice
1451 of law in this state to serve as attorney for the guardian ad litem, child, or ward.

1452

1453 (C) **~~Guardian ad litem as counsel.~~**

1454

1455 (1) ~~When the guardian ad litem is an attorney admitted to practice in this state, the~~
1456 ~~guardian may also serve as counsel to the ward providing no conflict between the roles exist.~~

1457

1458 (2) ~~If a person is serving as guardian ad litem and as attorney for a ward and either that~~
1459 ~~person or the court finds a conflict between the responsibilities of the role of attorney and that of~~
1460 ~~guardian ad litem, the court shall appoint another person as guardian ad litem for the ward.~~

1461
1462 (3) ~~If a court appoints a person who is not an attorney admitted to practice in this state~~
1463 ~~to be a guardian ad litem, the court may appoint an attorney admitted to practice in this state to~~
1464 ~~serve as attorney for the guardian ad litem.~~

1465
1466 If a person is serving as Guardian ad litem for a child or ward, and the court finds a conflict
1467 exists between the role of the Guardian ad litem and the interest or wishes of the child of the ward,
1468 the court shall appoint counsel for the child or ward.

1469
1470 **(D) Appearance of attorneys.** An attorney shall enter appearance by filing a written
1471 notice with the court or by appearing personally at a court hearing and informing the court of said
1472 representation.

1473
1474 **(E) Notice to guardian ad litem.** The guardian ad litem shall be given notice of all
1475 proceedings in the same manner as notice is given to other parties to the action.

1476
1477 **(F) Withdrawal of counsel or guardian ad litem.** An attorney or guardian ad litem
1478 may withdraw only with the consent of the court upon good cause shown.

1479
1480 **(G) Costs.** The court may fix compensation for the services of appointed counsel and
1481 guardians ad litem, tax the same as part of the costs and assess them against the child, the child's
1482 parents, custodian, or other person in loco parentis of such child.

1483 **RULE 42. Consent to Marry**

1484
1485 **(A) ~~Application where parental consent not required~~ Application where Juvenile Court consent.**

1486 ~~When a minor desires to contract matrimony and has no parent, guardian, or custodian whose~~
1487 ~~consent to the marriage is required by law, the minor shall file an application under oath in the~~
1488 ~~county where the female resides requesting that the judge of the juvenile court give consent and~~
1489 ~~approbation in the probate court for such marriage.~~

1490
1491 (1) When two persons, both age seventeen, seek to be joined in marriage, both persons
1492 shall file an application under oath requesting that the juvenile court give consent and approbation
1493 in the probate court for such marriage.

1494
1495 (2) When a person age seventeen desires to be joined in marriage to an adult who is no
1496 more than four years older, the minor shall file an application under oath in the county where the
1497 minor resides requesting that the juvenile court consent and approbation in the probate court for
1498 such marriage.

1499
1500 **(B) ~~Contents of application~~ Application where both persons are age seventeen.**

1501 The application required by division (A)(1) of this rule shall contain all of the following:

1502
1503 (1) The name, and address, and date of birth of the person for whom consent is sought
1504 seeking consent;

1505
1506 (2) ~~The age of the person for whom consent is sought~~ An affirmation that the person
1507 seeking consent is age seventeen;

1508
1509 (3) ~~The reason why consent of a parent is not required~~ The name and date of birth of
1510 the other person to be joined in marriage;

1511
1512 (4) ~~The name and address, if known, of the parent, where the minor alleges that parental~~
1513 consent is unnecessary because the parent has neglected or abandoned the child for at least one
1514 year immediately preceding the application An affirmation that the other person to be joined in
1515 marriage is also seventeen.

1516
1517 (5) An affirmation that the application is being filed in the juvenile court of the county
1518 where the he/she resides, and that a similar application has not been filed in a juvenile court of
1519 another county within the state;

1520
1521 (6) An affirmation that the applicant is **one of the following**:

1522
1523 (a) A member of the armed services;

1524
1525 (b) Employed and self-subsisting;

1526
1527 (c) Independent from the care and control of his or her parent, guardian, or custodian.

1528

1529 (7) An affirmation that the applicant who is to marry is free from force or coercion;

1530

1531 (8) The name and address of a parent, legal guardian, or legal custodian of the person
1532 seeking consent with whom the juvenile court shall consult, and;

1533

1534 (9) The Court should find by clear and convincing evidence that the intended marriage
1535 and the emancipation is in the best interest of the applicant.

1536

1537 (C) **Contents of Application application where only one person is age seventeen**
1538 **female pregnant or delivered of child born out of wedlock.** ~~Where a female is pregnant or~~
1539 ~~delivered of a child born out of wedlock and the parents of such child seek to marry even though~~
1540 ~~one or both of them is under the minimum age prescribed by law for persons who may contract~~
1541 ~~marriage, such persons shall file an application under oath in the county where the female resides~~
1542 ~~requesting that the judge of the juvenile court give consent in the probate court to such marriage.~~
1543 The application required by division (A)(2) of this rule shall contain all of the following:

1544

1545 (1) The name, address, and date of birth of the person seeking consent;

1546

1547 (2) An affirmation that the person seeking consent is age seventeen;

1548

1549 (3) The name and date of birth of the other person to be joined in marriage;

1550

1551 (4) An affirmation that the other person to be joined in marriage is no more than four
1552 years older than the person seeking consent;

1553

1554 (5) An affirmation that the application is being filed in the juvenile court of the county
1555 where he or she resides, and that a similar application has not been filed in a juvenile court of
1556 another county within the state;

1557

1558 (6) An affirmation that the applicant is ~~either one of the following~~:

1559

1560 (a) A member of the armed services;

1561

1562 (b) Employed and self-subsisting;

1563

1564 (c) Independent from the care and control of his or her parent, guardian, or custodian.

1565

1566 (7) An affirmation that the applicant who is to marry is free from force or coercion;

1567

1568 (8) The name and address of a parent, legal guardian, or legal custodian of the person
1569 seeking consent with whom the juvenile court shall consult, and;

1570

1571 (9) The Court should find by clear and convincing evidence that the intended marriage
1572 and the emancipation is in the best interest of the applicant.

1573

1574 (D) ~~Contents of application.~~ The application required by subdivision (C) shall
1575 contain:

1576
1577 (1) ~~The name and address of the person or persons for whom consent is sought;~~

1578
1579 (2) ~~The age of such person;~~

1580
1581 (3) ~~An indication of whether the female is pregnant or has already been delivered;~~

1582
1583 (4) ~~An indication of whether or not any applicant under eighteen years of age is already~~
1584 ~~a ward of the court; and~~

1585
1586 (5) ~~Any other facts which may assist the court in determining whether to consent to~~
1587 ~~such marriage.~~

1588
1589 ~~If pregnancy is asserted, a certificate from a physician verifying pregnancy shall be~~
1590 ~~attached to the application. If an illegitimate child has been delivered, the birth certificate of such~~
1591 ~~child shall be attached.~~

1592
1593 ~~The consent to the granting of the application by each parent whose consent to the marriage~~
1594 ~~is required by law shall be indorsed on the application.~~

1595
1596 The Court shall appoint an attorney as guardian ad litem for each party to the intended
1597 marriage who is seventeen years of age.

1598
1599 (E) **Investigation Consultation.** ~~Upon receipt of an application under subdivision (C),~~
1600 ~~the court shall set a date and time for hearing thereon at its earliest convenience and shall direct~~
1601 ~~that an inquiry be made as to the circumstances surrounding the applicants. The court shall consult~~
1602 ~~with the parent, legal guardian or legal custodian of each person age seventeen seeking consent,~~
1603 ~~as well as the guardian ad litem appointed for each person age seventeen seeking consent. The~~
1604 ~~purpose of this consultation is to determine if the intended marriage is in the best interests of each~~
1605 ~~person age seventeen and whether each person age seventeen has the capacity of a person of the~~
1606 ~~age of eighteen years or more as described in R.C. 3109.01.~~

1607
1608 (F) **Notice.** ~~If neglect or abandonment is alleged in an application under subdivision~~
1609 ~~(A) and the address of the parent is known, the The court shall cause notice of the date and time~~
1610 ~~of hearing consultation to be served upon such given to the applicant, guardian ad litem, and parent,~~
1611 ~~legal guardian, or legal custodian of each person age seventeen seeking consent. All proceedings~~
1612 ~~shall be recorded.~~

1613
1614 (G) **Judgment.** ~~If the court finds that the allegations stated in the application are true,~~
1615 ~~and that the granting of the application is in the best interest of the applicants, the court shall grant~~
1616 ~~the consent and shall make the applicant referred to in subdivision (C) a ward of the court. The~~
1617 ~~court shall grant the consent to marry if the court finds:~~

1618
1619 (1) The information stated in the application is true;

1620
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1636

(2) The party to the intended marriage, who is seventeen, decision to marry is free from force or coercion;

(3) Granting of the application is in the best interest of each person age seventeen seeking to be joined in marriage, and;

(4) Each person age seventeen has the capacity of a person of the age eighteen years or older, as described in R.C. 3109.01.

(H) Certified copy. A certified copy of the judgment entry shall be transmitted by the juvenile court to the probate court in the county where the application for a marriage license was filed or will be filed.

(I) Denial of application. Upon denial of the application, the Clerk is instructed to provide the applicant with the Notice of Appeal form and advise him or her of the right to an appeal.

1637 **OHIO RULES OF EVIDENCE**

1638

1639

1640 **RULE 601. General Rule of Competency**

1641

1642 Every person is competent to be a witness except:

1643

1644 ~~(A) Those of unsound mind, and children under ten years of age, who appear incapable~~
1645 ~~of receiving just impressions of the facts and transactions respecting which they are examined, or~~
1646 ~~of relating them truly. **General rule.** Every person is competent to be a witness except as~~
1647 ~~otherwise provided in these rules.~~

1648

1649 **(B) Disqualification of witness in general.** A person is disqualified to testify as a
1650 witness when the court determines that the person is:

1651

1652 (1) Incapable of expressing himself or herself concerning the matter as to be
1653 understood, either directly or through interpretation by one who can understand him or her; or

1654

1655 (2) Incapable of understanding the duty of a witness to tell the truth.

1656

1657 ~~(B)(C)~~ A spouse testifying against the other spouse charged with a crime except when
1658 either of the following applies:

1659

1660 (1) a crime against the testifying spouse or a child of either spouse is charged;

1661

1662 (2) the testifying spouse elects to testify.

1663

1664 ~~(C)(D)~~ An officer, while on duty for the exclusive or main purpose of enforcing traffic
1665 laws, arresting or assisting in the arrest of a person charged with a traffic violation punishable as
1666 a misdemeanor where the officer at the time of the arrest was not using a properly marked motor
1667 vehicle as defined by statute or was not wearing a legally distinctive uniform as defined by statute.

1668

1669 ~~(D)(E)~~ A person giving expert testimony on the issue of liability in any medical claim, as
1670 defined in R.C. 2305.113, asserted in any civil action against a physician, podiatrist, or hospital
1671 arising out of the diagnosis, care, or treatment of any person by a physician or podiatrist, unless:

1672

1673 (1) The person testifying is licensed to practice medicine and surgery, osteopathic
1674 medicine and surgery, or podiatric medicine and surgery by the state medical board or by the
1675 licensing authority of any state;

1676

1677 (2) The person devotes at least one-half of his or her professional time to the active
1678 clinical practice in his or her field of licensure, or to its instruction in an accredited school and

1679

1680 (3) The person practices in the same or a substantially similar specialty as the
1681 defendant. The court shall not permit an expert in one medical specialty to testify against a health
1682 care provider in another medical specialty unless the expert shows both that the standards of care

1683 and practice in the two specialties are similar and that the expert has substantial familiarity between
1684 the specialties.

1685
1686 If the person is certified in a specialty, the person must be certified by a board recognized
1687 by the American board of medical specialties or the American board of osteopathic specialties in
1688 a specialty having acknowledged expertise and training directly related to the particular health care
1689 matter at issue.

1690
1691 Nothing in this division shall be construed to limit the power of the trial court to adjudge
1692 the testimony of any expert witness incompetent on any other ground, or to limit the power of the
1693 trial court to allow the testimony of any other witness, on a matter unrelated to the liability issues
1694 in the medical claim, when that testimony is relevant to the medical claim involved.

1695
1696 This division shall not prohibit other medical professionals who otherwise are competent
1697 to testify under these rules from giving expert testimony on the appropriate standard of care in
1698 their own profession in any claim asserted in any civil action against a physician, podiatrist,
1699 medical professional, or hospital arising out of the diagnosis, care, or treatment of any person.

1700
1701 ~~(E)~~(F) As otherwise provided in these rules.

1702 **RULE 902. Self-Authentication**

1703

1704 Extrinsic evidence of authenticity as a condition precedent to admissibility is not required
1705 with respect to the following:

1706

1707 (1) **Domestic public documents under seal.** A document bearing a seal purporting to
1708 be that of the United States, or of any State, district, Commonwealth, territory, or insular
1709 possession thereof, or the Panama Canal Zone, or the Trust Territory of the Pacific Islands, or of
1710 a political subdivision, department, officer, or agency thereof, and a signature purporting to be an
1711 attestation or execution.

1712

1713 (2) **Domestic public documents not under seal.** A document purporting to bear the
1714 signature in the official capacity of an officer or employee of any entity included in paragraph (1)
1715 hereof, having no seal, if a public officer having a seal and having official duties in the district or
1716 political subdivision of the officer or employee certifies under seal that the signer has the official
1717 capacity and that the signature is genuine.

1718

1719 (3) **Foreign public documents.** A document purporting to be executed or attested in
1720 the official capacity by a person authorized by the laws of a foreign country to make the execution
1721 or attestation, and accompanied by a final certification as to the genuineness of the signature and
1722 official position (a) of the executing or attesting person, or (b) of any foreign official whose
1723 certificate of genuineness of signature and official position relates to the execution or attestation
1724 or is in a chain of certificates of genuineness of signature and official position relating to the
1725 execution or attestation. A final certification may be made by a secretary of embassy or legation,
1726 consul general, consul, vice consul, or consular agent of the United States, or a diplomatic or
1727 consular official of the foreign country assigned or accredited to the United States. If reasonable
1728 opportunity has been given to all parties to investigate the authenticity and accuracy of official
1729 documents, the court may, for good cause shown, order that they be treated as presumptively
1730 authentic without final certification or permit them to be evidenced by an attested summary with
1731 or without final certification.

1732

1733 (4) **Certified copies of public records.** A copy of an official record or report or entry
1734 therein, or of a document authorized by law to be recorded or filed and actually recorded or filed
1735 in a public office, including data compilations in any form, certified as correct by the custodian or
1736 other person authorized to make the certification, by certificate complying with paragraph (1), (2),
1737 or (3) of this rule or complying with any law of a jurisdiction, state or federal, or rule prescribed
1738 by the Supreme Court of Ohio.

1739

1740 (5) **Official publications.** Books, pamphlets, or other publications purporting to be
1741 issued by public authority.

1742

1743 (6) **Newspapers and periodicals.** Printed materials purporting to be newspapers or
1744 periodicals, including notices and advertisements contained therein.

1745

1746 (7) **Trade inscriptions and the like.** Inscriptions, signs, tags, or labels purporting to
1747 have been affixed in the course of business and indicating ownership, control, or origin.

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(8) Acknowledged documents. Documents accompanied by a certificate of acknowledgment executed in the manner provided by law by a notary public or other officer authorized by law to take acknowledgments.

(9) Commercial paper and related documents. Commercial paper, signatures thereon, and documents relating thereto to the extent provided by general commercial law.

(10) Presumptions created by law. Any signature, document, or other matter declared by any law of a jurisdiction, state or federal, to be presumptively or prima facie genuine or authentic.

(11) Certified Domestic Records of a Regularly Conducted Activity. The original or a copy of a domestic record that meets the requirements of Evid.R. 803(6), as shown by a certification of the custodian or another qualified person that complies with an Ohio statute or a rule prescribed by the Supreme Court of Ohio. Before the trial or hearing, the proponent must give an adverse party reasonable written notice of the intent to offer the record - and must make the record and certification available for inspection - so that the party has a fair opportunity to challenge them.

(12) Certified Foreign Records of a Regularly Conducted Activity. In a civil case, the original or a copy of a foreign record that meets the requirements of Evid.R. 902(11), modified as follows: the certification, rather than complying with an Ohio statute or Supreme Court of Ohio rule, must be signed in a manner that, if falsely made, would subject the maker to a criminal penalty in the country where the certification is signed. The proponent must also meet the notice requirements of Evid.R. 902(11).

(13) Certified Records Generated by an Electronic Process or System. A record generated by an electronic process or system that produces an accurate result, as shown by a certification of a qualified person that complies with the certification requirements of Evid.R. 902(11) or (12). The proponent must also meet the notice requirements of Evid.R. 902(11).

(14) Certified Data Copied from an Electronic Device, Storage Medium, or File. Data copied from an electronic device, storage medium, or file, if authenticated by a process of digital identification, as shown by a certification of a qualified person that complies with the certification requirements of Evid.R. 902(11) or (12). The proponent also must meet the notice requirements of Evid.R. 902(11).

IN _____

)	CASE NO.
)	
Plaintiff,)	JUDGE
)	
vs.)	
)	<u>FINANCIAL DISCLOSURE / FEE-</u>
)	<u>WAIVER AFFIDAVIT</u>
Defendant.)	<u>AND ORDER</u>

Pursuant to R.C. 2323.311, the below-named Applicant requests that the Court determine that the Applicant is an indigent litigant and be granted a waiver of the prepayment of costs or fees in the above captioned matter. The Applicant submits the following information in support of said request.

Personal Information	
Applicant's First Name	Applicant's Last Name
Applicant's Date of Birth	Last 4 Digits of Applicant's SSN
Applicant's Address	

Other Persons Living in Your Household			
First Name	Last Name	Is this person a child under 18?	Relationship (Spouse or Child)
		<input type="checkbox"/> Yes <input type="checkbox"/> No	
		<input type="checkbox"/> Yes <input type="checkbox"/> No	
		<input type="checkbox"/> Yes <input type="checkbox"/> No	

Public Benefits
I receive the following public benefits and my gross income, including the cash benefits marked below, does not exceed 187.5% of the federal poverty guidelines. Place an "X" next to any benefits you receive. Ohio Works First ¹ : ___ SSI ² : ___ Medicaid ³ : ___ Veterans Pension Benefit ⁴ : ___ SNAP / Food Stamps ⁵ : ___

Monthly Income			
I am NOT able to access my spouse's income <input type="checkbox"/>			
	Applicant	Spouse (If Living in Household)	Total Monthly Income
Gross Monthly Employment Income, including Self-Employment Income (Before Taxes)	\$	\$	\$
Unemployment, Worker's Compensation, Spousal Support (If Receiving)	\$	\$	\$

TOTAL MONTHLY INCOME		\$
Liquid Assets		
Type of Asset		Estimated Value
Cash on Hand		\$
Available Cash in Checking, Savings, Money Market Accounts		\$
Stocks, Bonds, CDs		\$
Other Liquid Assets		\$
Total Liquid Assets		\$
Monthly Expenses		
Column A		Column B
Type of Expense	Amount	Type of Expense
Rent / Mortgage / Property Tax / Insurance	\$	Insurance (Medical, Dental, Auto, etc.)
Food / Paper Products/Cleaning Products/Toiletries	\$	Child or Spousal Support that You Pay
Utilities (Heat, Gas, Electric, Water / Sewer, Trash)	\$	Medical / Dental Expenses or Associated Costs of Caring for a Sick or Disabled Family Member
Transportation / Gas	\$	Credit Card, Other Loans
Phone	\$	Taxes Withheld or Owed
Child Care	\$	Other (e.g. garnishments)
Total Column A Expenses	\$	Total Column B Expenses
TOTAL MONTHLY EXPENSES (Column A + Column B)		\$

I, _____, hereby certify that the information I have provided on
 (Print Name)
 this financial disclosure form is true to the best of my knowledge and that I am unable to prepay the costs or fees in this case.

 Signature

NOTARY PUBLIC:

Sworn to before me and signed in my presence this _____ day of _____, 20____,
 in _____ County, Ohio.

 Notary Public (Signature)

 Notary Public (Printed)
 My Commission expires: _____

If available, an individual duly authorized to administer this oath at the Clerk of Court's Office will do so at no cost to the Applicant.

ORDER

- Upon the request of the Applicant and the Court's review, the Court finds that the Applicant IS an indigent litigant and **GRANTS** a waiver of the prepayment of costs or fees in this matter. Pursuant to R.C. 2323.311(B)(3), upon the filing of a civil action or proceeding and the affidavit of indigency under division (B)(1) of this section, the clerk of the court shall accept the action, motion, or proceeding for filing.

- Upon the request of the Applicant and the Court's review, the Court finds that the Applicant is NOT an indigent litigant and **DENIES** a waiver of the prepayment of costs or fees in this matter. Applicant is granted thirty (30) days from the issuance of this Order to make the required advance deposit or security. Failure to do so within the time allotted may result in dismissal of ~~this action~~ the applicant's filing.

IT IS SO ORDERED

Judge / Magistrate

Date

APPENDIX

2020 FEDERAL POVERTY LIMIT (FPL)

Persons in family/household	100% Poverty	100% Poverty Monthly Gross Income	187.5% Poverty	187.5% Poverty Monthly Gross Income
1	\$12,760	\$1,063.33	\$23,925	\$1,993.74
2	\$17,240	\$1,436.67	\$32,325	\$2,693.75
3	\$21,720	\$1,810	\$40,725	\$3,393.75
4	\$26,200	\$2,183.33	\$49,125	\$4,093.75
5	\$30,680	\$2,556.67	\$57,525	\$4,793.75
6	\$35,160	\$2,930	\$65,925	\$5,493.75
7	\$39,640	\$3,303.33	\$74,325	\$6,193.75
8	\$44,120	\$3,676.67	\$82,725	\$6,893.75

R.C. 2323.311(B)

(4) A judge or magistrate of the court shall review the affidavit of indigency as filed pursuant to division (B)(2) of this section and shall approve or deny the applicant's application to qualify as an indigent litigant. The judge or magistrate shall approve the application if the applicant's gross income does not exceed one hundred eighty-seven and five-tenths per cent of the federal poverty guidelines as determined by the United States department of health and human services for the state of Ohio and the applicant's monthly expenses are equal to or in excess of the applicant's liquid assets as specified in division (C)(2) of section 120-1-03 of the Administrative Code, as amended, or a substantially similar provision. If the application is approved, the clerk shall waive the advance deposit or security and the court shall proceed with the civil action or proceeding. If the application is denied, the clerk shall retain the filing of the action or proceeding, and the court shall issue an order granting the applicant whose application is denied thirty days to make the required advance deposit or security, prior to any dismissal or other action on the filing of the civil action or proceeding.

(6) Nothing in this section shall prevent a court from approving or affirming an application to qualify as an indigent litigant for an applicant whose gross income exceeds one hundred eighty-seven and five-tenths per cent of the federal poverty guidelines as determined by the United States department of health and human services for the state of Ohio, or whose liquid assets equal or exceed the applicant's monthly expenses as specified in division (C)(2) of section 120-1-03 of the Administrative Code, as amended, or a substantially similar provision.

¹Ohio Works First Income Limit: 50% FPL (R.C. 5107.10(D)(1)(a))

²SSI Income Limit: cannot have countable income that exceeds the Federal Benefit Rate (FBR). 2019 FBR: \$771 monthly for single disabled individual; \$1157 monthly for disabled couple (20 CFR 416.1100)

³Medicaid Income Limit:

Modified Adjusted Gross Income (MAGI):138% FPL (OAC 5160:1-4-01; 42 USC 1396a(a)(10)(A)(i)(VIII))

Aged, Blind or Disabled: \$791 for single person; \$1177 for disabled couple

⁴Veterans Pension Benefit Income Limit: \$13,535 annually / \$1,127 monthly for a single person; \$17,724 annually / \$1,477 monthly for a veteran with one dependent

⁵Supplemental Nutrition Assistance Program (SNAP) Income Limit: 130% FPL for assistance groups with nondisabled/nonelderly member; 165% FPL for elderly and disabled assistance groups (OAC 5101:4-4-11; Food Assistance Change Transmittal No. 61)

To DEFENDANT: SUMMONS YOU ARE **SUMMONED** AND **ORDERED TO APPEAR**

ON _____ AT _____ IN _____ COURT
AT _____ COUNTY, OHIO

CITY VILLAGE TOWNSHIP

PERSONAL APPEARANCE REQUIRED: Yes No **If you fail to appear** at this time and place you may be arrested or your license may be cancelled.

TICKET# _____ CASE# _____ REFERENCE# _____
NAME _____
STREET, CITY _____
COUNTY, STATE, ZIP _____
PHONE# _____ TEXT/PHONE NOTIFICATION APPROVED? Yes No

OPERATOR LICENSE / STATE ID# <input type="checkbox"/> NONE*		BIRTH DATE		ISSUE DATE		STATE	
		/ /		/ /			
* IF NO OL/STATE ID; REQUIRED DOCUMENTATION ATTACHED: <input type="checkbox"/> YES							
CLASS	EXPIRES	ENDORSEMENT(S)/RESTRICTION(S)				SS# (last 4 digits)	
/ /		<input type="checkbox"/> CDL <input type="checkbox"/> MC <input type="checkbox"/> OTHER:					
SEX	HEIGHT	WEIGHT	EYES	HAIR	RACE	FINANCIAL RESPONSIBILITY PROOF?	
						<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	

To DEFENDANT: COMPLAINT ON _____ AT _____ Am/PM, YOU

Operated/Passenger/Parked/Walked a PASSENGER MOTORCYCLE BICYCLE OTHER: _____
 COMMERCIAL DOT# _____ ≥26,001 LBS. <16 PASS. BUS ≥16 PASS. BUS HAZ. MAT.
VEHICLE: YEAR _____ MAKE _____ MODEL _____
COLOR _____ LICENSE # _____ STATE _____
UPON A PUBLIC HIGHWAY, NAMELY _____ DIRECTION _____
AT/NEAR _____ (M.P. _____)
IN THE _____ OF _____ IN _____
COUNTY #: _____ STATE OF OHIO AND COMMITTED THE FOLLOWING OFFENSE(S).

<input type="checkbox"/>	SPEED: _____ MPH IN _____ MPH ZONE <input type="checkbox"/> OVER LIMITS <input type="checkbox"/> UNSAFE FOR CONDITIONS <input type="checkbox"/> ACDA <input type="checkbox"/> RADAR <input type="checkbox"/> AIR <input type="checkbox"/> VASCAR <input type="checkbox"/> PACE <input type="checkbox"/> LASER <input type="checkbox"/> STATIONARY <input type="checkbox"/> MOVING	<input type="checkbox"/> ORC <input type="checkbox"/> ORD <input type="checkbox"/> T.P.
<input type="checkbox"/>	OVI: <input type="checkbox"/> UNDER THE INFLUENCE OF ALCOHOL/DRUG OF ABUSE. <input type="checkbox"/> IN PHYSICAL CONTROL OF VEHICLE. <input type="checkbox"/> PROHIBITED BLOOD ALCOHOL CONCENTRATION. _____ BAC <input type="checkbox"/> BLOOD <input type="checkbox"/> BREATH <input type="checkbox"/> URINE <input type="checkbox"/> REFUSED	<input type="checkbox"/> ORC <input type="checkbox"/> ORD <input type="checkbox"/> T.P.
PRIOR OVIs:	# OF PRIOR OVIs: _____ YEARS OF PRIOR OVIs: _____	
<input type="checkbox"/>	DRIVER LICENSE: <input type="checkbox"/> NONE <input type="checkbox"/> NOT ON PERSON <input type="checkbox"/> REVOKED <input type="checkbox"/> SUSPENDED EXPIRED: <input type="checkbox"/> <6 MONTHS <input type="checkbox"/> >6 MONTHS <input type="checkbox"/> FAILURE TO REINSTATE SUSPENSION TYPE: _____	<input type="checkbox"/> ORC <input type="checkbox"/> ORD <input type="checkbox"/> T.P.
<input type="checkbox"/>	SAFETY BELT: FAILURE TO WEAR <input type="checkbox"/> DRIVER <input type="checkbox"/> PASSENGER <input type="checkbox"/> CHILD RESTRAINT <input type="checkbox"/> BOOSTER SEAT	<input type="checkbox"/> ORC <input type="checkbox"/> ORD <input type="checkbox"/> T.P.
<input type="checkbox"/>	OTHER OFFENSE: _____	<input type="checkbox"/> ORC <input type="checkbox"/> ORD <input type="checkbox"/> T.P.
<input type="checkbox"/> DRIVER LICENSE HELD <input type="checkbox"/> VEHICLE SEIZED <input type="checkbox"/> JUVENILE TRAFFIC OFFENDER		
<input type="checkbox"/> DISTRACTED DRIVING PENALTY ENHANCEMENT APPLIES (REMARKS REQUIRED)		
PAVEMENT: <input type="checkbox"/> DRY <input type="checkbox"/> WET <input type="checkbox"/> SNOW <input type="checkbox"/> ICE # OF LANES: _____		
VISIBILITY: <input type="checkbox"/> CLEAR <input type="checkbox"/> CLOUDY <input type="checkbox"/> DUSK <input type="checkbox"/> NIGHT <input type="checkbox"/> DAWN <input type="checkbox"/> A/V		
WEATHER: <input type="checkbox"/> RAIN <input type="checkbox"/> SNOW <input type="checkbox"/> FOG <input type="checkbox"/> NO ADVERSE <input type="checkbox"/> CONSTRUCTION ZONE		
TRAFFIC: <input type="checkbox"/> HEAVY <input type="checkbox"/> MODERATE <input type="checkbox"/> LIGHT <input type="checkbox"/> NONE <input type="checkbox"/> WORKERS PRESENT		
AREA: <input type="checkbox"/> BUSINESS <input type="checkbox"/> FREEWAY <input type="checkbox"/> INDUSTRIAL <input type="checkbox"/> RESIDENTIAL <input type="checkbox"/> RURAL <input type="checkbox"/> SCHOOL		
CRASH: <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> ALMOST CAUSED <input type="checkbox"/> NON-INJURY <input type="checkbox"/> INJURY <input type="checkbox"/> FATAL		
CRASH REPORT # _____		
REMARKS: _____		
ACCOMPANYING CRIMINAL CHARGE(S): <input type="checkbox"/> Yes <input type="checkbox"/> No TOTAL # OFFENSES: _____		

This summons served personally on the defendant on _____ / _____ / _____
The issuing/charging law enforcement officer states under the penalties of perjury and falsification that he/she has read the above complaint and that it is true.

CHARGING LAW ENFORCEMENT OFFICER _____

ISSUING LAW ENFORCEMENT OFFICER SAME AS ABOVE

ISSUING OFFICER: **VERIFY DEFENDANT'S ADDRESS.** IF DIFFERENT FROM LICENSE ADDRESS, WRITE CURRENT ADDRESS IN SPACE PROVIDED.

OHP 0060 01/20 HP7 110-0060-00 [760-0807]

COURT RECORD

COURT CODE	UNIT	POST	DISTRICT

CURRENT ADDRESS

SIGNATURE X

CO. RES.

PHONE ()

DOCKET # _____ PAGE # _____ CASE # _____

DEFENDANT'S ATTORNEY _____ NAME / ADDRESS / TELEPHONE _____

IF JUVENILE, PARENTS' NAMES _____

PHONE# _____

GRADE _____ SCHOOL _____

DATE **COURT ACTION: ORDERS**
BAIL

No BAIL - DEFENDANT CITED AND RELEASED.

BAIL IN THE AMOUNT OF \$ _____ SET BY JUDGE PURSUANT TO BAIL SCHEDULE.

BOND AMOUNT **BOND TYPE**

\$ _____ CASH PERSONAL 10% AAA/INSURANCE BOND
 UNSECURED SURETY OL HELD OTHER _____

DEPOSITOR: _____ NAME / ADDRESS / TELEPHONE _____

DEFENDANT RELEASED UPON EXECUTION OF BAIL, AS NOTED: _____ SEE BOND FORMS - RECEIVED BY: _____

CONTINUANCE REQUESTER: _____ **NEW DATE:** _____

CONTINUANCE REASON: _____

DEFENDANT FAILED TO APPEAR

ORDER SUPPLEMENTAL SUMMONS TO NEW DATE

ORDER OPERATOR'S LICENSE FORFEITURE BOND FORFEITURE

ORDER WARRANT: BOND AMOUNT \$ _____

SUMMONS ISSUED SERVED **DATE:** _____

WARRANT ISSUED EXECUTED **DATE:** _____

_____/_____/_____
Judge/Magistrate **DATE**

COURT ENTRY

Defendant present with/without Counsel. All rights pursuant to Criminal Rules 10 & 11, Traffic Rules 8 & 10 explained.

	COUNT				
	SPEED	OVI	LICENSE	SEATBELT	
INITIAL PLEA					
TRIAL DATE					
FINDING					
FINE \$					
COSTS \$					
JAILTIME (DAYS)					

SUSPENDED					
FINES \$					
COSTS \$					
JAILTIME (DAYS)					

ADDITIONAL ORDERS

If OVI conviction: 72 hour program permitted in lieu of jail.

Defendant's License is **SUSPENDED** for _____ days / month(s) / year(s), which shall commence _____ on and end on _____.

Defendant is granted **Limited Driving Privileges** as follows, effective: _____

Defendant to pay fines on **Payment Program** - see separate entry.

If **WAIVERED**: **MET** Requirements of Waiver **PAID** Fines and Costs **ACCEPTED** Guilty Plea(s) **MADE** Guilty Finding(s). Imposed Fines and Costs noted below.

_____/_____/_____
Judge/Magistrate **DATE**

FOR CLERK'S USE	COUNT				
	SPEED	OVI	LICENSE	SEATBELT	
FINES \$					
COSTS - LOCAL \$					
COSTS - STATE \$					
TOTAL \$					
RECEIPT #(s)					

If **WAIVERED**: Guilty Plea(s), Waiver(s) and Payments made: In Person By Mail
Receipt supplied to defendant: In Person Check is receipt By Mail via USPS FIRST CLASS LETTER
Waiver reviewed, found to be correct, and approved. RATE mail to Defendant's current address.

- Financial Responsibility **PROOF SHOWN**
- NO** Financial Responsibility **PROOF**: Clerk to notify BMV
- Financial Responsibility **PROOF NOT APPLICABLE**

_____/_____/_____
Clerk / Violations Clerk / Deputy Clerk

DATE Abstract Mailed to BMV

DATE Mayor's Court Transfer/Notice of Appeal

TICKET# _____

To DEFENDANT: SUMMONS YOU ARE **SUMMONED** AND **ORDERED TO APPEAR**

ON _____ AT _____ IN _____ COURT
AT _____ COUNTY, OHIO

CITY VILLAGE TOWNSHIP

PERSONAL APPEARANCE REQUIRED: Yes No **If you fail to appear** at this time and place you may be arrested or your license may be cancelled.

TICKET# _____ CASE# _____ REFERENCE# _____
NAME _____
STREET, CITY _____
COUNTY, STATE, ZIP _____
PHONE# _____ TEXT/PHONE NOTIFICATION APPROVED? Yes No

OPERATOR LICENSE / STATE ID# <input type="checkbox"/> NONE*		BIRTH DATE		ISSUE DATE		STATE	
		/ /		/ /			
* IF NO OL/STATE ID; REQUIRED DOCUMENTATION ATTACHED: <input type="checkbox"/> YES							
CLASS	EXPIRES	ENDORSEMENT(S)/RESTRICTION(S)				SS# (last 4 digits)	
/ /		<input type="checkbox"/> CDL <input type="checkbox"/> MC <input type="checkbox"/> OTHER:					
SEX	HEIGHT	WEIGHT	EYES	HAIR	RACE	FINANCIAL RESPONSIBILITY PROOF?	
						<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	

To DEFENDANT: COMPLAINT ON _____ AT _____ Am/PM, YOU
Operated/Passenger/Parked/Walked a PASSENGER MOTORCYCLE BICYCLE OTHER: _____
 COMMERCIAL DOT# _____ >26,001 LBS. <16 PASS. BUS >16 PASS. BUS HAZ. MAT.
VEHICLE: YEAR _____ MAKE _____ MODEL _____
COLOR _____ LICENSE # _____ STATE _____
UPON A PUBLIC HIGHWAY, NAMELY _____ DIRECTION _____
AT/NEAR _____ (M.P.)
IN THE _____ OF _____ IN _____
COUNTY #: _____ STATE OF OHIO AND COMMITTED THE FOLLOWING OFFENSE(S).

<input type="checkbox"/>	SPEED: _____ MPH IN _____ MPH ZONE <input type="checkbox"/> OVER LIMITS <input type="checkbox"/> UNSAFE FOR CONDITIONS <input type="checkbox"/> ACDA <input type="checkbox"/> RADAR <input type="checkbox"/> AIR <input type="checkbox"/> VASCAR <input type="checkbox"/> PACE <input type="checkbox"/> LASER <input type="checkbox"/> STATIONARY <input type="checkbox"/> MOVING	<input type="checkbox"/> ORC <input type="checkbox"/> ORD <input type="checkbox"/> T.P.
<input type="checkbox"/>	OVI: <input type="checkbox"/> UNDER THE INFLUENCE OF ALCOHOL/DRUG OF ABUSE. <input type="checkbox"/> IN PHYSICAL CONTROL OF VEHICLE. <input type="checkbox"/> PROHIBITED BLOOD ALCOHOL CONCENTRATION. _____ BAC <input type="checkbox"/> BLOOD <input type="checkbox"/> BREATH <input type="checkbox"/> URINE <input type="checkbox"/> REFUSED	<input type="checkbox"/> ORC <input type="checkbox"/> ORD <input type="checkbox"/> T.P.
PRIOR OVIs:	# OF PRIOR OVIs: _____ YEARS OF PRIOR OVIs: _____	
<input type="checkbox"/>	DRIVER LICENSE: <input type="checkbox"/> NONE <input type="checkbox"/> NOT ON PERSON <input type="checkbox"/> REVOKED <input type="checkbox"/> SUSPENDED EXPIRED: <input type="checkbox"/> <6 MONTHS <input type="checkbox"/> >6 MONTHS <input type="checkbox"/> FAILURE TO REINSTATE SUSPENSION TYPE: _____	<input type="checkbox"/> ORC <input type="checkbox"/> ORD <input type="checkbox"/> T.P.
<input type="checkbox"/>	SAFETY BELT: FAILURE TO WEAR <input type="checkbox"/> DRIVER <input type="checkbox"/> PASSENGER <input type="checkbox"/> CHILD RESTRAINT <input type="checkbox"/> BOOSTER SEAT	<input type="checkbox"/> ORC <input type="checkbox"/> ORD <input type="checkbox"/> T.P.
<input type="checkbox"/>	OTHER OFFENSE: _____	<input type="checkbox"/> ORC <input type="checkbox"/> ORD <input type="checkbox"/> T.P.
<input type="checkbox"/> DRIVER LICENSE HELD <input type="checkbox"/> VEHICLE SEIZED <input type="checkbox"/> JUVENILE TRAFFIC OFFENDER <input type="checkbox"/> DISTRACTED DRIVING PENALTY ENHANCEMENT APPLIES (REMARKS REQUIRED)		

COURT CASE _____ COURT NAME _____
CASE # _____ FR SHOWN: YES NO FR SHOWN - BMV to process. N/A

IF BOND FORFEITURE, DATE FORFEITED: _____
CONVICTION DATE: _____

	YES NO	YES NO	YES NO	NO	YES NO	YES NO
MOVING VIOLATION?						
PLEA CODE						
POINTS ASSESSED						
BMV OFFENSE CODE						
IF AMENDED, OFFENSE CODE						
FATALITY						

FOR BMV USE
 LICENSE SUSPENDED _____ days/months/years EFFECTIVE: _____ TO _____
 SUSPENSION CLASS _____
 MO - LIMITED DRIVING PRIVILEGES EFFECTIVE: _____ TO _____
(SEE SEPARATE ENTRY) SUSPENSION IS ON COUNT: _____ FRA SUSPENSION
 LICENSE FORFEITURE - SEE SEPARATE BMV FORM 2528
 OL CONFISCATED - DATE SENT TO BMV: _____
 OTHER INFORMATION - SEE REVERSE SIDE.

I hereby certify that the above statements are taken from the records of this Court.
_____/_____/_____
AUTHORIZED SIGNATURE DATE

CURRENT ADDRESS

SIGNATURE X

CO. RES.

PHONE ()

[CANARY paper]

Text appears for information only. This text is not printed.
This page is not printed upon.

To DEFENDANT: SUMMONS YOU ARE **SUMMONED** AND **ORDERED TO APPEAR**

ON _____ AT _____ IN _____ COURT
AT _____ COUNTY, OHIO

CITY VILLAGE TOWNSHIP

PERSONAL APPEARANCE REQUIRED: Yes No **If you fail to appear** at this time and place you may be arrested or your license may be cancelled.

TICKET# _____ CASE# _____ REFERENCE# _____
NAME _____
STREET, CITY _____
COUNTY, STATE, ZIP _____
PHONE# _____ TEXT/PHONE NOTIFICATION APPROVED? Yes No

OPERATOR LICENSE / STATE ID# <input type="checkbox"/> NONE*		BIRTH DATE		ISSUE DATE		STATE	
		/ /		/ /			
* IF NO OL/STATE ID; REQUIRED DOCUMENTATION ATTACHED: <input type="checkbox"/> YES							
CLASS	EXPIRES	ENDORSEMENT(S)/RESTRICTION(S)				SS# (last 4 digits)	
/ /		<input type="checkbox"/> CDL <input type="checkbox"/> MC <input type="checkbox"/> OTHER:					
SEX	HEIGHT	WEIGHT	EYES	HAIR	RACE	FINANCIAL RESPONSIBILITY PROOF?	
						<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	

To DEFENDANT: COMPLAINT ON _____ AT _____ Am/PM, YOU

Operated/Passenger/Parked/Walked a PASSENGER MOTORCYCLE BICYCLE OTHER: _____
 COMMERCIAL DOT# _____ ≥26,001 LBS. <16 PASS. BUS ≥16 PASS. BUS HAZ. MAT.
VEHICLE: YEAR _____ MAKE _____ MODEL _____
COLOR _____ LICENSE # _____ STATE _____
UPON A PUBLIC HIGHWAY, NAMELY _____ DIRECTION _____
AT/NEAR _____ (M.P. _____)
IN THE _____ OF _____ IN _____
COUNTY #: _____ STATE OF OHIO AND COMMITTED THE FOLLOWING OFFENSE(S).

<input type="checkbox"/>	SPEED: _____ MPH IN _____ MPH ZONE <input type="checkbox"/> OVER LIMITS <input type="checkbox"/> UNSAFE FOR CONDITIONS <input type="checkbox"/> ACDA <input type="checkbox"/> RADAR <input type="checkbox"/> AIR <input type="checkbox"/> VASCAR <input type="checkbox"/> PACE <input type="checkbox"/> LASER <input type="checkbox"/> STATIONARY <input type="checkbox"/> MOVING	<input type="checkbox"/> ORC <input type="checkbox"/> ORD <input type="checkbox"/> T.P.
<input type="checkbox"/>	OVI: <input type="checkbox"/> UNDER THE INFLUENCE OF ALCOHOL/DRUG OF ABUSE. <input type="checkbox"/> IN PHYSICAL CONTROL OF VEHICLE. <input type="checkbox"/> PROHIBITED BLOOD ALCOHOL CONCENTRATION. _____ BAC <input type="checkbox"/> BLOOD <input type="checkbox"/> BREATH <input type="checkbox"/> URINE <input type="checkbox"/> REFUSED	<input type="checkbox"/> ORC <input type="checkbox"/> ORD <input type="checkbox"/> T.P.
PRIOR OVIs:	# OF PRIOR OVIs: _____ YEARS OF PRIOR OVIs: _____	
<input type="checkbox"/>	DRIVER LICENSE: <input type="checkbox"/> NONE <input type="checkbox"/> NOT ON PERSON <input type="checkbox"/> REVOKED <input type="checkbox"/> SUSPENDED EXPIRED: <input type="checkbox"/> <6 MONTHS <input type="checkbox"/> >6 MONTHS <input type="checkbox"/> FAILURE TO REINSTATE SUSPENSION TYPE: _____	<input type="checkbox"/> ORC <input type="checkbox"/> ORD <input type="checkbox"/> T.P.
<input type="checkbox"/>	SAFETY BELT: FAILURE TO WEAR <input type="checkbox"/> DRIVER <input type="checkbox"/> PASSENGER <input type="checkbox"/> CHILD RESTRAINT <input type="checkbox"/> BOOSTER SEAT	<input type="checkbox"/> ORC <input type="checkbox"/> ORD <input type="checkbox"/> T.P.
<input type="checkbox"/>	OTHER OFFENSE: _____	<input type="checkbox"/> ORC <input type="checkbox"/> ORD <input type="checkbox"/> T.P.
<input type="checkbox"/> DRIVER LICENSE HELD <input type="checkbox"/> VEHICLE SEIZED <input type="checkbox"/> JUVENILE TRAFFIC OFFENDER <input type="checkbox"/> DISTRACTED DRIVING PENALTY ENHANCEMENT APPLIES (REMARKS REQUIRED)		
PAVEMENT: <input type="checkbox"/> DRY <input type="checkbox"/> WET <input type="checkbox"/> SNOW <input type="checkbox"/> ICE # OF LANES _____		
VISIBILITY: <input type="checkbox"/> CLEAR <input type="checkbox"/> CLOUDY <input type="checkbox"/> DUSK <input type="checkbox"/> NIGHT <input type="checkbox"/> DAWN <input type="checkbox"/> A/V		
WEATHER: <input type="checkbox"/> RAIN <input type="checkbox"/> SNOW <input type="checkbox"/> FOG <input type="checkbox"/> NO ADVERSE <input type="checkbox"/> CONSTRUCTION ZONE		
TRAFFIC: <input type="checkbox"/> HEAVY <input type="checkbox"/> MODERATE <input type="checkbox"/> LIGHT <input type="checkbox"/> NONE <input type="checkbox"/> WORKERS PRESENT		
AREA: <input type="checkbox"/> BUSINESS <input type="checkbox"/> FREEWAY <input type="checkbox"/> INDUSTRIAL <input type="checkbox"/> RESIDENTIAL <input type="checkbox"/> RURAL <input type="checkbox"/> SCHOOL		
CRASH: <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> ALMOST CAUSED <input type="checkbox"/> NON-INJURY <input type="checkbox"/> INJURY <input type="checkbox"/> FATAL		
CRASH REPORT # _____		
REMARKS: _____		
ACCOMPANYING CRIMINAL CHARGE(S): <input type="checkbox"/> Yes <input type="checkbox"/> No TOTAL # OFFENSES: _____		

This summons served personally on the defendant on _____ / _____ / _____
The issuing/charging law enforcement officer states under the penalties of perjury and falsification that he/she has read the above complaint and that it is true.

CHARGING LAW ENFORCEMENT OFFICER _____

ISSUING LAW ENFORCEMENT OFFICER SAME AS ABOVE

ISSUING OFFICER: **VERIFY DEFENDANT'S ADDRESS.** IF DIFFERENT FROM LICENSE ADDRESS, WRITE CURRENT ADDRESS IN SPACE PROVIDED.

OHP 0060 01/20 HP7 110-0060-00 [760-0807]

DEFENDANT'S COPY

CURRENT ADDRESS

SIGNATURE X

CO. RES.

PHONE ()

COURT CODE	UNIT	POST	DISTRICT

TO DEFENDANT: Read this material carefully.

Personal Appearance Required.

If the officer marked this block on the face of the ticket, you must appear in court. Your **appearance in court is required** because the offenses cannot be processed by a traffic violations bureau.

Failure to Appear and/or Pay:

- The posting of bail or depositing your license as bond is to secure your appearance in court or the processing of the offenses through a traffic violations bureau. It is not a payment of fines or costs.
- If you do not appear at the time and place stated in the citation or if you do not timely process this citation through a traffic violations bureau, your license may be cancelled.
- Also, a warrant may be issued for your arrest, and you may be subject to additional criminal penalties.

These **offenses require court appearance** and may not be processed by a traffic violations bureau:

- Any indictable offense;
- Driving without being licensed to drive when jail is a possible penalty [Tr.R. 13(B)(5)];
- Operating a vehicle under the influence of alcohol or any drug of abuse;
- A third moving traffic offense within 12 months;
- Leave scene of accident;
- Passing a standing school bus;
- Driving while under suspension or revocation of driver's or commercial driver's license when jail is a possible penalty [Tr.R. 13(B)(4)];
- Willfully eluding or fleeing a police officer;
- Drag racing.

Waiverable through traffic violations bureau.

If you are charged with offenses other than those listed above, you may, at any time prior to arraignment, **plead guilty** to the offenses charged and dispose of the case without court appearance by:

- (1) appearing personally at the traffic violations bureau, signing the waiver printed below and paying the fines and costs, or
- (2) signing the waiver printed below and mailing it and a check, money order, or other approved payment for the total of the fines and costs to the traffic violations bureau at this traffic violations bureau address:

INSURANCE WARNING

Under Ohio law you are required to show proof of financial responsibility or insurance. If you did not do so at the time of receiving this ticket, **you must submit proof** of insurance when you appear in court on these offenses.

If you do not submit the required proof:

- your driver's license will be suspended and
- you may be subject to additional fees and insurance sanctions.

If you have any questions regarding the **proof filing**, you may call the traffic violations bureau at the telephone indicated.

For information regarding your **Duty To Appear** or the **Fines and Costs** amount(s), call:

Telephone Number(s) / Court Web Address

CONTESTED CASE; COURT APPEARANCE REQUIRED

If you desire to **contest the offenses** or if court **appearance is required**, you must appear at the time and place stated in the summons.

NOTICE TO DEFENDANT UNDER AGE EIGHTEEN

You **must appear** before the Juvenile Court at the time and place determined by that Court. The Juvenile Court will notify you when and where to appear. This ticket will be filed with the Juvenile Court, and may be used as a juvenile complaint.

Juvenile Court Address

For information regarding your **Duty to Appear** at Juvenile Court, call:

Telephone Number(s) / Juvenile Court Web Address

GUILTY PLEAS, NO CONTEST PLEAS, WAIVER OF TRIAL, PAYMENT OF FINES AND COSTS

I, the undersigned defendant, do hereby enter my written pleas of guilty to the offenses charged in this ticket. I realize that by signing these guilty pleas, I admit my guilt of the offenses charged and waive my right to contest the offenses in a trial before the court or jury. Further, I realize that a record of this plea will be sent to the Ohio Bureau of Motor Vehicles. I have not been convicted of, pleaded guilty to, or forfeited bond for two or more prior moving traffic offenses within the last 12 months. I plead guilty to the offense(s) charged.

FINES \$ _____

X

COSTS \$ _____

Defendant's Signature

TOTAL \$ _____

Address

TICKET# _____

To DEFENDANT: SUMMONS YOU ARE **SUMMONED** AND **ORDERED TO APPEAR**

ON _____ AT _____ IN _____ COURT
AT _____ COUNTY, OHIO

CITY VILLAGE TOWNSHIP

PERSONAL APPEARANCE REQUIRED: Yes No **If you fail to appear** at this time and place you may be arrested or your license may be cancelled.

TICKET# _____ CASE# _____ REFERENCE# _____
NAME _____
STREET, CITY _____
COUNTY, STATE, ZIP _____
PHONE# _____ TEXT/PHONE NOTIFICATION APPROVED? Yes No

OPERATOR LICENSE / STATE ID# <input type="checkbox"/> NONE*		BIRTH DATE		ISSUE DATE		STATE	
		/ /		/ /			
* IF NO OL/STATE ID; REQUIRED DOCUMENTATION ATTACHED: <input type="checkbox"/> YES							
CLASS	EXPIRES	ENDORSEMENT(S)/RESTRICTION(S)				SS# (last 4 digits)	
/ /		<input type="checkbox"/> CDL <input type="checkbox"/> MC <input type="checkbox"/> OTHER:					
SEX	HEIGHT	WEIGHT	EYES	HAIR	RACE	FINANCIAL RESPONSIBILITY PROOF?	
						<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	

To DEFENDANT: COMPLAINT ON _____ AT _____ Am/PM, YOU

Operated/Passenger/Parked/Walked a PASSENGER MOTORCYCLE BICYCLE OTHER: _____
 COMMERCIAL DOT# _____ >26,001 LBS. <16 PASS. BUS ≥16 PASS. BUS HAZ. MAT.
VEHICLE: YEAR _____ MAKE _____ MODEL _____
COLOR _____ LICENSE # _____ STATE _____
UPON A PUBLIC HIGHWAY, NAMELY _____ DIRECTION _____
AT/NEAR _____ (M.P. _____)
IN THE _____ OF _____ IN _____
COUNTY #: _____ STATE OF OHIO AND COMMITTED THE FOLLOWING OFFENSE(S).

<input type="checkbox"/>	SPEED: _____ MPH IN _____ MPH ZONE <input type="checkbox"/> OVER LIMITS <input type="checkbox"/> UNSAFE FOR CONDITIONS <input type="checkbox"/> ACDA <input type="checkbox"/> RADAR <input type="checkbox"/> AIR <input type="checkbox"/> VASCAR <input type="checkbox"/> PACE <input type="checkbox"/> LASER <input type="checkbox"/> STATIONARY <input type="checkbox"/> MOVING	<input type="checkbox"/> ORC <input type="checkbox"/> ORD <input type="checkbox"/> T.P.
<input type="checkbox"/>	OVI: <input type="checkbox"/> UNDER THE INFLUENCE OF ALCOHOL/DRUG OF ABUSE. <input type="checkbox"/> IN PHYSICAL CONTROL OF VEHICLE. <input type="checkbox"/> PROHIBITED BLOOD ALCOHOL CONCENTRATION. _____ BAC <input type="checkbox"/> BLOOD <input type="checkbox"/> BREATH <input type="checkbox"/> URINE <input type="checkbox"/> REFUSED	<input type="checkbox"/> ORC <input type="checkbox"/> ORD <input type="checkbox"/> T.P.
<input type="checkbox"/>	DRIVER LICENSE: <input type="checkbox"/> NONE <input type="checkbox"/> NOT ON PERSON <input type="checkbox"/> REVOKED <input type="checkbox"/> SUSPENDED EXPIRED: <input type="checkbox"/> <6 MONTHS <input type="checkbox"/> >6 MONTHS <input type="checkbox"/> FAILURE TO REINSTATE SUSPENSION TYPE: _____	<input type="checkbox"/> ORC <input type="checkbox"/> ORD <input type="checkbox"/> T.P.
<input type="checkbox"/>	SAFETY BELT: FAILURE TO WEAR <input type="checkbox"/> DRIVER <input type="checkbox"/> PASSENGER <input type="checkbox"/> CHILD RESTRAINT <input type="checkbox"/> BOOSTER SEAT	<input type="checkbox"/> ORC <input type="checkbox"/> ORD <input type="checkbox"/> T.P.
<input type="checkbox"/>	OTHER OFFENSE: _____	<input type="checkbox"/> ORC <input type="checkbox"/> ORD <input type="checkbox"/> T.P.
<input type="checkbox"/> DRIVER LICENSE HELD <input type="checkbox"/> VEHICLE SEIZED <input type="checkbox"/> JUVENILE TRAFFIC OFFENDER <input type="checkbox"/> DISTRACTED DRIVING PENALTY ENHANCEMENT APPLIES (REMARKS REQUIRED)		
PAVEMENT: <input type="checkbox"/> DRY <input type="checkbox"/> WET <input type="checkbox"/> SNOW <input type="checkbox"/> ICE # OF LANES _____		
VISIBILITY: <input type="checkbox"/> CLEAR <input type="checkbox"/> CLOUDY <input type="checkbox"/> DUSK <input type="checkbox"/> NIGHT <input type="checkbox"/> DAWN <input type="checkbox"/> A/V		
WEATHER: <input type="checkbox"/> RAIN <input type="checkbox"/> SNOW <input type="checkbox"/> FOG <input type="checkbox"/> NO ADVERSE <input type="checkbox"/> CONSTRUCTION ZONE		
TRAFFIC: <input type="checkbox"/> HEAVY <input type="checkbox"/> MODERATE <input type="checkbox"/> LIGHT <input type="checkbox"/> NONE <input type="checkbox"/> WORKERS PRESENT		
AREA: <input type="checkbox"/> BUSINESS <input type="checkbox"/> FREEWAY <input type="checkbox"/> INDUSTRIAL <input type="checkbox"/> RESIDENTIAL <input type="checkbox"/> RURAL <input type="checkbox"/> SCHOOL		
CRASH: <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> ALMOST CAUSED <input type="checkbox"/> NON-INJURY <input type="checkbox"/> INJURY <input type="checkbox"/> FATAL		
CRASH REPORT # _____		
REMARKS: _____		
ACCOMPANYING CRIMINAL CHARGE(S): <input type="checkbox"/> Yes <input type="checkbox"/> No TOTAL # OFFENSES: _____		

This summons served personally on the defendant on _____ / _____ / _____
The issuing/charging law enforcement officer states under the penalties of perjury and falsification that he/she has read the above complaint and that it is true.

CHARGING LAW ENFORCEMENT OFFICER _____

ISSUING LAW ENFORCEMENT OFFICER SAME AS ABOVE

ISSUING OFFICER: **VERIFY DEFENDANT'S ADDRESS.** IF DIFFERENT FROM LICENSE ADDRESS, WRITE CURRENT ADDRESS IN SPACE PROVIDED.

OHP 0060 01/20 HP7 110-0060-00 [760-0807]

AGENCY RECORD

CURRENT ADDRESS

SIGNATURE X

CO. RES.

PHONE ()

COURT CODE	UNIT	POST	DISTRICT

REPORT OF ACTION ON CASE

DATE OF ARREST _____ **AM/PM**
MONTH/DAY/YEAR TIME

COURT ACTION

GUILTY RELEASED TO OTHER AUTHORITY
 NOT GUILTY _____

OFFICER'S NOTES

A/V RECORD #

WITNESSES:

NAME	ADDRESS	TELEPHONE

ARREST NOTIFICATION

VIOLATION: _____ **R.C. SECTION** _____

SCALE LOCATION _____ PLATFORM _____ PORTABLE

AMOUNT OF OVERLOAD _____

OVERLOADED ON: SINGLE AXLE TANDEM INNER BRIDGE

GROSS — LENGTH, IF GROSS: _____ FEET

DOT # _____

PUCO # _____

PERMIT HOLDER OR COMPANY NAME OR VEHICLE OWNER NAME _____

STREET ADDRESS _____

CITY _____ STATE _____ ZIP _____

NOTIFICATION OF ARREST ONLY.
NO FURTHER ACTION IS NECESSARY.

To DEFENDANT: SUMMONS YOU ARE **SUMMONED** AND **ORDERED TO APPEAR**

ON _____ AT _____ IN _____ COURT
AT _____ COUNTY, OHIO

CITY VILLAGE TOWNSHIP

PERSONAL APPEARANCE REQUIRED: Yes No **If you fail to appear** at this time and place you may be arrested or your license may be cancelled.

TICKET# _____ CASE# _____ REFERENCE# _____
NAME _____
STREET, CITY _____
COUNTY, STATE, ZIP _____
PHONE# _____ TEXT/PHONE NOTIFICATION APPROVED? Yes No

OPERATOR LICENSE / STATE ID# <input type="checkbox"/> NONE*		BIRTH DATE		ISSUE DATE		STATE	
		/ /		/ /			
* IF NO OL/STATE ID; REQUIRED DOCUMENTATION ATTACHED: <input type="checkbox"/> YES							
CLASS	EXPIRES	ENDORSEMENT(S)/RESTRICTION(S)				SS# (last 4 digits)	
/ /		<input type="checkbox"/> CDL <input type="checkbox"/> MC <input type="checkbox"/> OTHER:					
SEX	HEIGHT	WEIGHT	EYES	HAIR	RACE	FINANCIAL RESPONSIBILITY PROOF?	
						<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	

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AT/NEAR _____ (M.P. _____)
IN THE _____ OF _____ IN _____
COUNTY #: _____ STATE OF OHIO AND COMMITTED THE FOLLOWING OFFENSE(S).

<input type="checkbox"/>	SPEED: _____ MPH IN _____ MPH ZONE <input type="checkbox"/> OVER LIMITS <input type="checkbox"/> UNSAFE FOR CONDITIONS <input type="checkbox"/> ACDA <input type="checkbox"/> RADAR <input type="checkbox"/> AIR <input type="checkbox"/> VASCAR <input type="checkbox"/> PACE <input type="checkbox"/> LASER <input type="checkbox"/> STATIONARY <input type="checkbox"/> MOVING	<input type="checkbox"/> ORC <input type="checkbox"/> ORD <input type="checkbox"/> T.P.
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PRIOR OVIs:	# OF PRIOR OVIs: _____ YEARS OF PRIOR OVIs: _____	
<input type="checkbox"/>	DRIVER LICENSE: <input type="checkbox"/> NONE <input type="checkbox"/> NOT ON PERSON <input type="checkbox"/> REVOKED <input type="checkbox"/> SUSPENDED EXPIRED: <input type="checkbox"/> <6 MONTHS <input type="checkbox"/> >6 MONTHS <input type="checkbox"/> FAILURE TO REINSTATE SUSPENSION TYPE: _____	<input type="checkbox"/> ORC <input type="checkbox"/> ORD <input type="checkbox"/> T.P.
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<input type="checkbox"/>	OTHER OFFENSE: _____	<input type="checkbox"/> ORC <input type="checkbox"/> ORD <input type="checkbox"/> T.P.
<input type="checkbox"/> DRIVER LICENSE HELD <input type="checkbox"/> VEHICLE SEIZED <input type="checkbox"/> JUVENILE TRAFFIC OFFENDER		
<input type="checkbox"/> DISTRACTED DRIVING PENALTY ENHANCEMENT APPLIES (REMARKS REQUIRED)		
PAVEMENT: <input type="checkbox"/> DRY <input type="checkbox"/> WET <input type="checkbox"/> SNOW <input type="checkbox"/> ICE # OF LANES: _____		
VISIBILITY: <input type="checkbox"/> CLEAR <input type="checkbox"/> CLOUDY <input type="checkbox"/> DUSK <input type="checkbox"/> NIGHT <input type="checkbox"/> DAWN <input type="checkbox"/> A/V		
WEATHER: <input type="checkbox"/> RAIN <input type="checkbox"/> SNOW <input type="checkbox"/> FOG <input type="checkbox"/> NO ADVERSE <input type="checkbox"/> CONSTRUCTION ZONE		
TRAFFIC: <input type="checkbox"/> HEAVY <input type="checkbox"/> MODERATE <input type="checkbox"/> LIGHT <input type="checkbox"/> NONE <input type="checkbox"/> WORKERS PRESENT		
AREA: <input type="checkbox"/> BUSINESS <input type="checkbox"/> FREEWAY <input type="checkbox"/> INDUSTRIAL <input type="checkbox"/> RESIDENTIAL <input type="checkbox"/> RURAL <input type="checkbox"/> SCHOOL		
CRASH: <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> ALMOST CAUSED <input type="checkbox"/> NON-INJURY <input type="checkbox"/> INJURY <input type="checkbox"/> FATAL		
CRASH REPORT # _____		
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ISSUING LAW ENFORCEMENT OFFICER SAME AS ABOVE

ISSUING OFFICER: **VERIFY DEFENDANT'S ADDRESS.** IF DIFFERENT FROM LICENSE ADDRESS, WRITE CURRENT ADDRESS IN SPACE PROVIDED.

OHP 0060 01/20 HP7 110-0060-00 [760-0807]

AGENCY RECORD

CURRENT ADDRESS

SIGNATURE X

CO. RES.

PHONE ()

COURT CODE	UNIT	POST	DISTRICT

REPORT OF ACTION ON CASE

DATE OF ARREST _____ **AM/PM**
MONTH/DAY/YEAR TIME

COURT ACTION

GUILTY RELEASED TO OTHER AUTHORITY
 NOT GUILTY _____

OFFICER'S NOTES

RADAR # CAL. TIMES
LASER # CAL. TIMES
A/V RECORD #

If Juvenile, Parents' names:

WITNESSES:

NAME	ADDRESS	TELEPHONE

ARREST NOTIFICATION

VIOLATION: _____ R.C. SECTION _____

SCALE LOCATION _____ PLATFORM _____ PORTABLE

AMOUNT OF OVERLOAD _____

OVERLOADED ON: SINGLE AXLE TANDEM INNER BRIDGE

GROSS — LENGTH, IF GROSS: _____ FEET

DOT # _____

PUCO # _____

PERMIT HOLDER OR COMPANY NAME OR VEHICLE OWNER NAME

STREET ADDRESS

CITY STATE ZIP
