

PROPOSED AMENDMENT TO
CUYAHOGA COUNTY COURT OF COMMON PLEAS
LOCAL RULES OF THE JUVENILE DIVISION

Comments Requested: The Cuyahoga Juvenile Court will accept public comments until November 12, 2009, with respect to the following proposed amendment to the Local Rules of the Juvenile Court.

The proposed amendment is an additional rule, Local Juvenile Rule 10. It creates the Traffic Violation Bureau.

Comments on Local Juvenile Rule 10 should be submitted in writing to Lynne Chavers, 2163 East 22nd Street, Cleveland, Ohio, 44115 or email to Ichavers@cuyahogacounty.us no later than November 12, 2009.

JUVENILE RULE 10
JUVENILE TRAFFIC VIOLATIONS BUREAU

Pursuant to Ohio Traffic Rule 13.1, the Court hereby establishes a Juvenile Traffic Violation Bureau to operate in the manner prescribed in Ohio Traffic Rules 13 and 13.1. A person charged with being a juvenile traffic offender or a person alleged to have violated the tobacco law pursuant to R.C. 2151.87 by reason of a violation which does not require a mandatory appearance pursuant to this Rule, may elect to proceed without a court appearance under the following procedure:

A. Upon the determination by the Traffic Violations Clerk that a mandatory court appearance is not required, an alleged juvenile traffic offender or a juvenile alleged to have violated the tobacco law pursuant to R.C. 2151.87 may elect to proceed without a formal court appearance by doing one of the following:

1. Appear personally at the Cuyahoga County Juvenile Court's Traffic Violation Bureau accompanied by a parent, guardian or legal custodian, no later than the day the violation has been set for hearing. The juvenile must enter an admission in writing to the offense charged by signing the Admission and Waiver form available at the Violations Bureau or on the Juvenile Court's web site. The Admission and Waiver form must also be signed by the parent, guardian or legal custodian. Upon presenting said signed admission and waiver, the juvenile must provide proof of insurance at the time the citation was issued and the child or his or her parent must pay the fines and court costs established by the Court;

2. Obtain the Admission and Waiver form and sign the form along with the juvenile's parent's, guardian's, or legal custodian's signature. Send the signed form, a copy of the ticket, proof of insurance at the time the citation was issued and a check or money order for the total amount of the fines and costs assessed by the Court to the juvenile traffic violations bureau, no later than the day the citation is set for hearing.

B. All offenses that can be waived and fines and costs for these offenses will be posted at the Juvenile Court Traffic Violations Bureau and on the Juvenile Court's web site.

C. Signing the Admission and Waiver form shall constitute an admission to the facts alleged in the traffic citation. The signed Waiver shall further constitute a waiver of the right to counsel, the child's right to an adjudicatory hearing, the right to remain silent, the right to cross-examine witnesses, and the right to present witnesses and evidence in the offender's defense.

D. If payment in full is not tendered at the time of the entry of the admission, the Clerk's Office determines the offense

cannot be waived, the required signatures are not on the Admission and Waiver form, or the juvenile is unable to provide proof of insurance, the Violations Bureau shall NOT accept the admission and a court appearance shall be required.

E. If any of the conditions exist in Section D above, and it is determined a court appearance shall be required, documents received from the child and parent will be returned to the child and parent with a new court date fourteen days from the prior court date.

F. A second or subsequent moving offense cannot be processed through the Juvenile Court Traffic Violations Bureau. If more than one moving traffic violation is charged arising from a single incident or series of incidents, none of those violations may be processed through the Juvenile Court Traffic Violations Bureau, and a mandatory court appearance is required.

G. All other traffic and tobacco law violations that cannot be waived require a mandatory court appearance.