

Rule 29. Case Management

In order to improve the docketing time of cases and pursuant to Superintendence Rule 5(B)(1), the following case management procedure shall be in effect:

(A) Delinquency Cases

- (1) Non-Detention Cases shall be docketed in the following time frames:
 - (a) Arraignments shall be conducted within twenty-one (21) calendar days of the filing of the complaint or as soon thereafter practical;
 - (b) Pre-trial hearings shall be conducted within fourteen (14) calendar days from the date of the arraignment or as soon thereafter practical;
 - (c) Adjudicatory hearings shall be conducted within thirty (30) calendar days from the date of the pre-trial hearing or as soon thereafter practical;
 - (d) Dispositional hearings shall be conducted within thirty (30) days from the date an admission was entered or an adjudicatory hearing held or as soon thereafter practical.
- (2) Detention Cases shall be docketed in the following time frame:
 - (a) Arraignment shall be held not later than seventy-two (72) hours after the child is placed in detention or shelter care or the next business day, whichever is earlier;
 - (b) Upon a motion to release from detention or shelter care, a hearing shall be held within seventy-two (72) hours of the filing;
 - (c) Pre-trial hearing shall be set seven (7) calendar days from the date of the arraignment but may be continued on a showing of good cause;
 - (d) The adjudicatory hearing shall be held not later than fifteen (15) days after the filing of the complaint, or may be continued upon a showing of good cause;
 - (e) Dispositional hearings shall be set within fourteen (14) calendar days of the adjudication or the arraignment, whichever is applicable;
 - (f) A child who is alleged to be, or who is adjudicated, a delinquent child may be confined in a place of juvenile detention provided under R.C. 2152.41 for a period not to exceed ninety (90) days.
- (3) Review, motion, probation violation, or violation of court order hearings shall be conducted within twenty-eight (28) calendar days of filing or as soon thereafter practical.
- (4) Competency Proceedings
 - (a) General Purpose

To expedite competency proceedings pursuant to R.C. 2152.51 through R.C. 2152.59, to ensure that proper notice of competency hearings is provided to the appropriate parties, and to ensure that any proceedings on an underlying complaint are stayed pending the determination of competency under these sections.

(b) Expedited Hearings

Juvenile competency proceedings shall be scheduled and heard on an expedited basis. Hearings in juvenile competency proceedings shall be held in strict compliance with applicable deadlines as established by statute or this rule.

(c) Notice

Upon the conclusion of each hearing, the Court shall provide written notice to the prosecuting attorney, the child's attorney, the child's guardian *ad litem*, and the child's parents, guardian, or custodian of the date, time, and place of the next scheduled hearing. Mailed notice shall not be required for any party or other individual designated in this rule to whom notice of the next hearing was provided in writing upon the conclusion of the immediately preceding hearing.

(d) Stay of Proceedings

Upon the filing of a motion for a determination regarding a child's competency or upon the Court's own motion, the Court shall stay all delinquency proceedings pending a determination of competency. If upon a determination of competency the Court determines that the child is not competent, but could likely attain competency, the Court order staying the delinquency proceedings shall remain in effect until such time as the child attains competency or the proceeding is dismissed.

(B) Custody Cases

- (1) Upon return from mediation, applications and motions for custody and/or parenting time shall be set for a preliminary hearing within thirty (30) calendar days and set for trial within ninety (90) calendar days of the preliminary hearing. Final judgment shall be entered within six (6) months from the date of receipt from mediation.
- (2) At the time of pretrial, all filing parties must be present. If a filing party fails to appear without a showing of good cause, the complaint will be dismissed without prejudice.

(C) Parentage and Child Support Cases

- (1) Parentage actions shall be set for a pre-trial hearing within sixty (60) calendar days after completion of service of process and a second pre-trial within thirty (30) calendar days of filing of the genetic test results. Upon the granting of a motion for genetic tests, an appointment shall be set for the parties to obtain

such tests within thirty (30) calendar days of the granting of the motion. Final judgment shall be entered within nine (9) months from the date when service of process was completed.

- (2) All cases filed for which service is not perfected within six (6) months shall, after notice, be dismissed for want of prosecution, unless good cause can be shown to the contrary.

(D) Abuse, Dependency, and Neglect Cases

All cases alleging abuse, dependency, and/or neglect of a child shall be governed by the following case management guidelines:

(1) Shelter Care Hearing

- (a) If a child has been removed pursuant to a Telephonic Order of Removal, a hearing to review the necessity for shelter care shall be held the next business day, but not later than seventy-two (72) hours after the removal of the child. Requests for appointment of counsel and/or guardian *ad litem* shall be reviewed by the jurist.
- (b) If a motion for pre-dispositional temporary custody pending hearing on the complaint is filed requesting immediate hearing, the motion shall be heard on the same day. Requests for appointment of counsel and/or guardian *ad litem* shall be reviewed by the jurist.
- (c) If a motion for pre-dispositional temporary custody pending hearing on the complaint is filed, the shelter care hearing shall be held within ten (10) days of the filing of the motion.

(2) Adjudicatory Hearing

A hearing to adjudicate the issues raised in the complaint shall be scheduled no later than thirty (30) days after the date the complaint is filed, except for good cause shown under R.C. 2151.28 the adjudicatory hearing shall be scheduled no later than sixty (60) days after the complaint is filed.

(3) Dispositional Hearing

A dispositional hearing shall be scheduled pursuant to Juvenile Rule 34 at least one (1) day after the adjudication of the issues in the complaint, but no later than thirty (30) days after the adjudicatory hearing is held.

The parties may waive the requirement that the adjudicatory hearing and the dispositional hearing be separated by at least one (1) day.

(4) Motions for Permanent Custody

The Court shall hold a hearing on a motion for permanent custody not later than one hundred and twenty (120) days after the agency files the motion for permanent custody, except for good cause shown, the Court may continue the hearing for a reasonable period of time beyond the one hundred twenty-day deadline.

(5) Review

- (a) If the Court issues an order of temporary custody or protective supervision, an annual review shall be scheduled as part of the disposition of the case, not less than five (5) weeks prior to the date of expiration of the order.
- (b) If the Court issues an order of permanent custody or for a planned permanent living arrangement, an annual review shall be scheduled as a part of the disposition of the case, not less than eleven (11) months after the date of the issuance of such order.
- (c) If the Court issues an order granting an extension of temporary custody or protective supervision, a review must be scheduled prior to the expiration of the extension.

(E) Court Procedures

- (1) Existing Court procedures and guidelines shall be enforced or modified to enable compliance with the docketing guidelines set forth in sections (A) through (D) of this rule.
- (2) Statistical audit programs shall be implemented to monitor continuances and the reasons therefore and to monitor compliance with the case management system.
- (3) A report shall be prepared and issued at least quarterly indicating the results of the audits provided for in section (E)(2) of this rule.
- (4) The Court may promote the use of any device or proceeding which would tend to facilitate the earlier disposition of cases, including reasonable restrictions on the volume of cases individual attorneys may undertake.

(F) Pre-Trial Hearings

- (1) When necessary, the pre-trial hearing date shall be set by phone or in person with the assistant prosecuting attorney and the attorney of record or the parties.
- (2) No continuance of a scheduled pre-trial hearing shall be granted, except for cause.

(G) Case Docketing

(1) Individual Assignment System

The provisions of this Local Rule are adopted in accordance with the Rules of Superintendence for the Courts of Ohio, Rules 4(B) and 36(B)(1). Pursuant to this Local Rule, the Court maintains an individual case assignment system. The Court's individual case assignment system ensures: judicial accountability for the processing of individual cases; timely processing of cases through prompt judicial control over cases and the pace of litigation; and random assignment

of cases to Judges of the division through an objective and impartial system that ensures the equitable distribution of cases between or among the Judges of the division. The Court's individual case assignment system directs that, upon the filing in or transfer to the court, a case is immediately assigned by random lot to a Judge of this division, unless an exception to the random draw guidelines is applicable. A description of the Court's individual case assignment system is maintained, and is available for public inspection, in the Clerk's Office of Cuyahoga County Juvenile Court.

- (2) A centralized docketing unit shall be maintained to ensure the timely movement of case files and associated caseflow material.
- (3) Individual case docketing shall be implemented at each courtroom site and coordinated by the use of an electronic docketing system.

(H) Visiting/Retired Judges

With the consent of the Supreme Court of Ohio and after receipt of the appropriate judicial assignments, visiting/retired judges may preside over special dockets in order to ensure compliance with case management docket time frames.

8/31/2017