

PICKAWAY COUNTY COMMON PLEAS COURT
PROBATE & JUVENILE DIVISIONS
207 South Court Street, Circleville, Ohio 43113-1648

SHELLY R. HARSHA
JUDGE

PROBATE (740) 474-3950
JUVENILE (740) 474-3117
FAX (740) 474-8451

NOTICE OF PROPOSED
ADOPTION OF LOCAL JUVENILE RULE 36

In accordance with Rule 8 of the Rules of Superintendence for the Court of Ohio, notice is hereby given of the proposed adoption of Local Juvenile Rule 36 to the Local Rules of the Pickaway County Court of Common Pleas, Juvenile Division. The proposed local rule is listed below and will be in effect June 28, 2024.

Comments regarding the proposed local rules can be forwarded in writing for consideration to Judge Shelly R. Harsha, 207 South Court Street, Circleville, Ohio on or before June 25, 2024.

2024 MAY 21 AM 8:42
SHELLY R. HARSHA
JUVENILE COURT JUDGE
PICKAWAY COUNTY, OHIO

FILED

RULE 36. DISCOVERY IN ABUSE, NEGLECT, DEPENDENCY CASES.

(A) Standing Order for Discovery on the Filing of a Complaint:

After the filing of a Complaint alleging that a minor child is abused, neglected, or dependent, Pickaway County Jobs and Family Services (hereinafter "PCJFS") shall provide discovery to the parties or counsel for the parties within thirty (30) days of a party's first appearance in court or the appointment or retention of counsel for a party, whichever occurs first. Discovery shall be provided either by mail or remotely through a mutually agreed upon electronic platform and shall include:

- (1) The names and last known addresses of each witness, telephone number and e-mail address of each individual likely to have discoverable information, along with the subjects of that information that forms the basis of the charge or defense or that PCJFS may use to support its claims and defenses, unless the use would be solely for impeachment to the occurrence that forms the basis of the charge or defense or is otherwise prohibited by law;
- (2) Copies of any written statements made by any party or witness;
- (3) Transcriptions, recordings, and summaries of any oral statements of any party or witness, except the work product of counsel;
- (4) Any scientific or other reports that PCJFS intends to introduce at the hearing or that pertain to physical evidence that PCJFS intends to introduce;
- (5) Photographs and any physical evidence which PCJFS intends to introduce at the hearing;
- (6) Other evidence favorable to the requesting party and relevant to the subject matter involved in the pending action; and
- (7) Treatment records, medical records, drug screens, agency case notes with redacted referral sources / information, paternity results, child support information, updated addresses, updated contact information, change in placement of the child, change in household composition, etc.

(B) Reciprocal Discovery and Continuing Duty to Update:

The Standing Order for Discovery makes discovery reciprocal and continuing upon PCJFS, all parties, and counsel for parties. Parties and counsel for the parties shall provide reciprocal discovery to PCJFS no more than fifteen (15) days after receiving discovery from PCJFS on the agency's Complaint. Thereafter, PCJFS, parties and counsel for the parties have a continuing duty to update any additional discovery they may acquire up to the time of the adjudication hearing and final hearing.

(C) Standing Order for Reciprocal Discovery and Continuing Duty to Update after the Adjudication and Final Disposition Hearings:

PCJFA and all parties have a continuing duty to supplement their disclosures after the initial adjudication and final disposition hearing and a finding that the child is an abused, neglected, or dependent duty.

- (1) Case Review Hearings: Seven (7) days prior to a case review hearing, PCJFS and the parties and/or counsel for the parties shall exchange updated discovery as set forth in subsection (A). PCJFS and the parties or counsel for the parties have a continuing duty to provide any additional discovery may be acquired after the seven (7) day cut off up to the time of the case review hearing.
- (2) Legal Custody, Permanent Custody, or PPLA Hearings: Thirty (30) days prior to a hearing on a Motion for Legal Custody, Permanent Custody, or Planned Permanent Living Arrangement or as otherwise ordered, PCJFS shall provide the parties and/or counsel for the parties updated discovery as forth in subsection (A). PCJFS has a continuing duty to provide any additional discovery it may acquire after the thirty (30) day cut off up to the time of the hearing. Parties and/or counsel for parties have a reciprocal duty to provide PCJFS with discovery as forth in subsection (A) no more than fifteen (15) days after receiving discovery from PCJFS. Parties and/or counsel for parties have a continuing duty to provide any additional discovery that may be acquired after the fifteen (15) day cut off up to the time of the hearing.

(D) Failure to Comply:

If at any time during the course of the proceedings, it is brought to the attention of the court that PCJFS, the parties, or counsel for the parties has failed to comply with an order issued pursuant to this Rule, the court may grant a continuance; prohibit the introduction into evidence the material not properly provided in discovery; or enter such other order as it deems just under the circumstances. Records that are not properly certified or appropriately self-authenticating may be deemed inadmissible.

(E) Limitation:

Notwithstanding the provisions herein, the court may limit or set conditions on the discovery ordered herein upon its own motion or upon a showing of the party that the discovery ordered may jeopardize the safety of a party, witness, or other; may result in the production of perjured testimony or evidence; may endanger the existence of physical evidence, may violate a privileged communication; or may impede the criminal prosecution of a minor or an adult charged with an offense arising from the same transaction or occurrence.