THE RULES OF PRACTICE AND PROCEDURE
FOR
THE COURT OF COMMON PLEAS
PROBATE DIVISION
JEFFERSON COUNTY, OHIO

Frank W. Noble Jr., Judge

Introduction

It is ordered that the following rules be and are hereby adopted for the governance of the practice and procedures in the Court of Common Pleas, Probate Division, Jefferson County, Ohio, until otherwise provided pursuant to Article IV, Section (5) of the Ohio Constitution, to Section 2123.15 of the Ohio Revised Code, and to the Rules of Superintendence promulgated by the Supreme Court of Ohio.

Adoption, Scope and Construction of Rules

A. The Probate Division of the Common Pleas Court for Jefferson County, Ohio, adopts the following Rules for the management of proceedings and other functions of the Court. The Court may amend the Rules from time to time as needed or required by law.

B. These Rules are intended to supplement and complement the Ohio Rules of Probate Procedure, the Ohio Rules of Civil Procedure, the Superintendence Rules of the Supreme Court of Ohio, and controlling statutes.

C. These Rules shall be applied, construed, and enforced so as to avoid inconsistency with other rules of Court and statutes governing proceedings of this Court. In their application, they shall be construed so as to provide fairness and to secure just and expeditious determination of all proceedings.

D. These Rules shall be cited as "Juv. Ct. Rule _.__."

E. These Rules shall be effective February 1, 2009.

F. These Rules have been amended and updated and shall be effective January 1, 2019.

G. These Rules have been amended and updated and shall be effective July 1, 2020

H. These Rules have been amended and updated and shall be effective July 1, 2023

I. These Rules shall be effective January 1, 2024

J. These Rules have been amended and updated and shall be effective September 25, 2025

K. These Rules have been amended and updated and shall be effective July 1, 2026

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SUP.R.53 HOURS OF COURT

LOCAL RULE 53.1
HOURS OF COURT

The Jefferson County Probate Court shall be open from 8:30 o'clock, A.M., to 4:30 o'clock, P.M., Monday through Friday. The Court hall be closed Saturday, Sunday and legal holidays.

SUP. R. 57 FILINGS AND JUDGEMENT ENTRIES

LOCAL RULE 57.1
SOCIAL SECURITY NUMBERS

Social security numbers are confidential and shall not be filed in any filing in this Court that is available for inspection by the general public. Social security numbers on estate tax returns are sequestered as confidential, non-public records.

LOCAL RULE 57.2
ACCOUNT NUMBERS

All financial asset account numbers in any public record document filed in this court shall disclose only the last four digits of the account number. It is the responsibility of the person filing the document to redact the remaining digits of the account number.

LOCAL RULE 57.3
MAINTAINING PRIVACY OF PERSONAL IDENTIFYING NUMBERS

To protect legitimate personal privacy interests, social security and other personal identifying numbers shall be redacted from documents as directed by these rules before the documents are filed with the Probate Court. The responsibility for redacting personal identifying numbers rests solely with the attorneys and parties who file the documents. The clerks will not review the document to confirm that the personal identifying numbers have been excluded. If personal identifying information has been redacted from a document but is necessary for the Probate Court's determination of the case, the Probate Court may order, upon motion or sua sponte, that an un-redacted copy of the document be filed under seal.

SUP. R. 58 DEPOSIT FOR COURT COSTS

LOCAL RULE 58.1
COURT COSTS

Deposits in the amount set forth in Appendix A attached hereto shall be required upon the filing of any action and proceeding listed therein.

SUP. R. 59 WILLS

LOCAL RULE 59.1
APPLICATION TO PROBATE WILL

Before an application is made to admit the will to probate and/or to appoint an estate fiduciary, all attorneys or proposed fiduciaries are required to check the index of wills deposited pursuant to Ohio Revised Code section 2107.07.

SUP.R. 60 APPLICATION FOR LETTERS OF AUTHORITY TO ADMINISTER ESTATE AND NOTICE OF APPOINTMENT

LOCAL RULE 60.1
APPLICATION FOR LETTERS OF AUTHORITY TO ADMINISTER ESTATE

A. Before an application is made to admit the will to probate and/or to appoint an estate fiduciary, all attorneys or proposed fiduciaries are required to check the indeed of wills deposited pursuant to Ohio Revised Code section 2107.07.

B. All nonresident fiduciaries are required to post bond pursuant to Section 2109.04 (A)(1) Ohio Revised Code prior to appointment.

C. Upon the appointment of a fiduciary, a Fiduciary's Acceptance shall be filed.

SUP. R. 61 APPRAISERS

LOCAL RULE 61.1
APPOINTMENT AND COMPENSATION OF APPRAISERS IN ESTATES AND LAND SALE PROCEEDINGS

A. All appraisals in estates and released from administration shall be done by real-estate sales agent or broker licensed by the State of Ohio, or by a person approved by the Court who has similar training, education or experience.

B. Appraisals shall be submitted in a form provided by the Court, a copy of which is herewith attached as Appendix B. Originals prepared on a computer or word processor are acceptable using the Court's format. Photocopies are not acceptable as they are frequently rejected by the microfilm equipment which the Court uses.

C. In releases from administration where there is real estate involved, the Court will require appraisal of the real estate in the form indicated above.

D. Fiduciaries, without application to the Court, may allow the appraiser as compensation for his service a reasonable amount agreed upon between the fiduciary and the appraiser. Appraisers' fees may be paid by the Executor, Administrator, or Applicant without application to the Court. In order to insure payment, the Court will not accept an Inventory and Appraisal or an Application to Relieve Estate Administration unless the same is accompanied with an appraisal in the form provided by the Court and a receipt from the appraiser indicating payment in full for his services.

SUP. R. 62 CLAIMS AGAINST ESTATE

LOCAL RULE 62.1
CLAIMS AGAINST ESTATE

No estate, guardianship or trust shall be closed until all claims filed with the Court, Counsel or Fiduciary have been resolved, including claims for bond premiums. Bond premiums shall be regarded for including claims for bond premiums. Bond premiums shall be regarded as administrative expenses and shall be paid when due.

SUP. R. 64 ACCOUNTS

LOCAL RULE 64.1
ACCOUNTS TIMELINES

A. For estates where the date of death is January 1, 2002, the Final and Distributive Account or Certificate of Termination shall be due not later than six months following the appointment of the estate fiduciary.

1. The time for filing the Final and Distributive Account may be extended to thirteen months by filing the notice or motion for the reasons enumerated in R.C. 2109.301 (B)(1). (Use Standard Probate Forms 13.8 or 13.10)

B. For guardians, the first account shall be due not later than one year following the date of the appointment and each subsequent account shall be due on an annual basis, unless the court orders otherwise.

C. For trusts, the first account shall be due not later than two years following the date of appointment and each subsequent account shall be due on a bi-annual basis, unless the court orders otherwise.

LOCAL RULE 64.2
VOUCHERS

A. The court requires copies of vouchers to be filed in all guardianship and trust accounts. The voucher copies will be kept by the Probate Court until the account is approved. After the account is approved, the vouchers will be returned to the attorney.

B. The court will accept as a voucher, a statement from a financial institution specifying the payee, check amount and date of payment on a bank statement that included photo copies of cancelled checks.

LOCAL RULE 64.4
DLINQUENCY IN FILINING AN ACCOUNT

No expenditure, sale, distribution or fee will be approved while the fiduciary is delinquent in filing an account. See also SUP. R. 78.

SUP. R. 68 SETTLTMENT OF INJURY CLAIMS OF MINORS

LOCAL RULE 68.1
SETTLEMENT OF INJURY CLAIMS OF MINORS

In all cases regarding an application to settle a minor's claim, the Court will appoint a guardian-ad litem to assess the claim and settlement. The guardian ad litem shall render a report to the Court whether or not the settlement is fair and equitable and in the best interests of the ward. An application to settle a claim for a minor will not be set for hearing unless all costs including guardian ad litem fees are paid in full. Fees and costs shall not be deducted from the minor's portion of the settlement proceeds.

SUP.R. 69 SETTLEMENT OF CLAIMS OF OR AGAINST ADULT WARDS

LOCAL RULE 69.1
SETTLEMENT OF CLAIMS OF OR AGAINST ADULT WARDS

In all cases regarding an application to settle an incompetent to adult's claim, the Court will appoint a guardian ad litem to assess the claim and settlement. The guardian ad litem shall render a report to the Court whether or not the settlement is fair and equitable and in the best interest of the ward.

An application to settle a claim for an incompetent adult will not be set for hearing unless all costs including guardian ad litem fees are paid in full. Fees and costs shall not be deducted from the incompetent adult's portion of the settlement proceeds.

SUP. R. 71 COUNSEL FEES

LOCAL RULE 71.1
COUNSEL FEES — DECENDENT'S ESTATES

All fees charged by an attorney representing a fiduciary in matters before this Court, including but not limited to work on decedents' estates, guardianships, conservatorships, and testamentary trusts, must be disclosed to the Court (typically on the fiduciary's account) regardless of the source of payment. If the source of payment is other than the fiduciary, counsel must identify on the account the source of payment. For the purpose of this rule, "fiduciary" also includes commissioners and applicants for release from administration. If an account is not required, the payment must be disclosed to the Court on the Certificate of Termination, through consents to fees from those bearing the burden of the fee, or on other court filings, as may be appropriate.

The Court will no longer follow the prior Fee Guideline as the reasonable value of services rendered by an attorney to estates.

The Court presumes that attorneys are familiar with Sup.R. 71 and Prof.Cond.R. 1.5 governing all fees and expenses of attorneys. As provided in Sup.R. 71(D), the Court may set the attorney fees and expenses for hearing, regardless of the submission of consent(s) to fees. The factors that will be considered by the Court at a hearing are the factors in Rules of Prof. Cond., Rule 1.5.

An attorney may (but is not required) file with the Court any Contract which the attorney enters into with the Fiduciary. Any Contract entered into with the Fiduciary is not binding upon the Court without Court approval.

SUP. R. 73 GUARDIAN'S COMPENSATION

LOCAL RULE 73.1
GUARDIAN'S COMPENSATION

A. A guardian shall be allowed compensation for income and disbursements as follows:

Compensation payable to guardians shall be based upon services and shall not exceed five percent of the amount of moneys received during the period covered by the account required by section **5905.11** of the Revised Code. In the event of extraordinary services by any guardian, the Probate Court, upon petition and hearing thereon, may authorize reasonable additional compensation. A copy of the petition and hearing thereon shall be given the proper office of the veterans' administration in the manner provided in the case of hearing on a guardian's account or other pleading. No commission or compensation shall be allowed on the moneys or other assets received from a prior guardian nor upon the amount received from liquidation of loans or other investments.

SUP. R. 74 TRUSTEE'S COMPENSATION

LOCAL RULE 74.1
TRUSTEE'S COMPENSATION

A. Corporate Trusts

1. Except where the instrument creating the trust makes provisions for compensation, a testamentary trustee may charge fees on the same basis as it charges for living trusts.

2. Fee schedules are to be furnished to the Court on the 1st day of January of each year and whenever a change in fee in made within any calendar year.

3. A separate schedule of computation of the trustee's compensation shall be set forth in the trustee's account as a condition of its approval.

4. The trustee may charge its applicable "sweep fee" for the management of money market funds within testamentary trustee accounts.

B. Individual trustees

1. Except where the instrument creating the trust makes provision for compensation, the testamentary trustee may charge as follows:

a. Principal Fee. A fee of $2.00 per thousand of the market value of the principal held by the trustee.

b. Income Fee. A fee of six and one-half percent (6.5%) of the total income for the accounting period.

c. Principal Distribution Fee. A fee of one percent (1%) of the principal distributed during the accounting period.

2. Corporate Trustees may, at their option, elect to use the Individual Trustee's compensation schedule.

SUP. R. 75 LOCAL RULES

LOCAL RULE 75.1
LOCAL RULES

A. The Probate/Juvenile Judge shall also be required to belong to The Ohio Association of Juvenile and Family Court Judges, National Counsel of Juvenile and Family Court Judges, the Association of Probate Judges and the National College of Probate Judges.

B. All of said local rules are supplemental to the Rules of Superintendence for Courts of Common Pleas to which reference is hereby made and which are included herein by reference as if set forth herein and which shall apply in all cases as supplemental.

LOCAL RULE 78.1
CASE MANAGEMENT AND PRE-TRIAL PROCEDURE

I. CIVIL ACTIONS

A. A pre-trial conference shall be conducted in all civil cases prior to being scheduled for trial except in land sale proceedings

B. Within thirty (30) days after the same answer day the case shall set by the Court for a pre-trial conference.

C. Notice of the pre-trial conference shall be given to all counsel of record by mail or telephone by the Court not less than fourteen (14) days prior to the conference. Any application for continuance of the conference shall be in writing and filed with the Court in a timely manner.

D. The following decisions shall be made at the pre-trial conference and all counsel attending must have full authority to enter into a binding pre-trial order.

1. A definite discovery schedule shall be agreed upon by all parties for the completion of all discovery.

2. A definite date for exchange for expert witness reports shall be determined.

3. A definite date for filing of all motions which date shall not be later than seven (7) days before the final pre-trial. The date for the final pre-trial shall be set by the court and shall be held approximately one week prior to the trial.

E. The following decisions shall be made at the final pre-trial and all counsel attending must have full authority to enter into a binding final pre-trial order.

1. The Court will rule on all pre-trial motions.

2. Briefs on any legal issues shall be submitted.

3. Proposed jury instructions shall be submitted.

4. Proposed jury interrogatories shall be submitted.

5. Clients shall be present.

6. No motions shall be heard after the final pre-trial without leave of Court and without good cause being shown.

F. The trial date shall not be changed nor shall the trial be continues without order of the Court and after the showing of good cause.

II. LAND SALES

All land sales which have not been concluded within one (1) year from the date of filing shall be set for pre-trial conference within ten (10) days following the expiration of one year.

A. The following decisions shall be made at the pre-trial conference and all counsel attending must have full authority and enter into a binding pre-trial order:

1. The attorney of record and fiduciary must attend the pre-trial conference.

2. A written status report shall be filed with the Court no later than seven (7) days prior to the pre-trial conference.

3. The status report shall address the issues as to the efforts being made to sell the real estate and when the case will be closed.

III. DECEDENT'S ESTATES

A. The statutory time for filing an account (R.C. 2109.30) shall be adhered to and the citation procedure (R. C. 2109.31) shall be utilized if necessary to gain compliance.

B. Objections to inventory and objection to an account. The Court shall set a pre-trial conference within thirty (30) days after filing.

1. The Court, at all pre-trial conferences, shall set the matter for an evidentiary hearing within thirty (30) days thereafter.

C. All decedent's estates, which are current as to the filed accounts, that remain open after a period of one year and nine months shall be subject to a status conference. The fiduciary and the attorney shall be present and a written status report shall be submitted to the Court at the time of the status conference.

IV. WRONGFUL DEATH SETLEMENTS

A. All hearings shall be held within thirty (30) days after the filing of the Form 14.0, provided, however, if either a guardian or guardian ad litem is necessary to be appointed, the hearing shall be held within fifteen (15) days after the appointment and/or the filing of the guardian or guardian ad litem's Report.

V. GUARDIANSHIPS

A. Adequate statutory provisions exist to control timeliness of filings, however, each case shall be reviewed not less than bi-annually.

VI. TRUSTS

A. Adequate statutory provisions exist to control timeliness of filings, however, each case shall be reviewed annually.

VII. MOTIONS

A. Oral arguments of motions may be permitted on application and proper showing.

B. The moving party shall serve and file the motion a brief written statement in support of the motion and a list of citations of authorities in support.

C. The Court shall set a hearing within thirty (30) days after receipt of the request.

RULE 78.2 — INVENTORY

A. Notice of the filings of inventory shall be given in accordance with R.C. 2115.16 and shall be given by publication one time, as a group, in a newspaper of general circulation in the county. The publication shall be at least ten (10) days before the date set for hearing. Notice given in compliance with this rule shall be deemed notice to each person or class of persons entitled thereto, without specifically naming such person or class of persons.

B. No inventory shall be accepted for filing unless an appraisal in form required by Rule 28.1 herein has been filed with the Court.

C. The inventory shall be filed with the Court within ninety (90) days of the appointment of the fiduciary.

LOCAL RULE 79 — MEDIATION
LOCAL RULE 79.1 — PURPOSE OF MEDIATION

The Court establishes mediation in order to increase access to justice; to increase parties participation in Court processes and their satisfaction with the outcome; to allow cases to settle more quickly with less expense to the parties; and to expand dispute resolution resources available to the parties.

LOCAL RULE 79.2 — DEFINITIONS

A. "Mediation" is a process whereby a mediator facilitates communication and negotiation between the parties to assist them in reaching a mutually acceptable agreement.

B. "Mediator" means a neutral person who conducts the mediation.

C. "Party" means a party who participates in a mediation and whose agreement is necessary to resolve the dispute.

LOCAL RULE 79.3 — MEDIATION REFERRAL

The Court may refer a case to mediation on the motion of any party, on the agreement of the parties, or on its own order.

LOCAL RULE 79.4 — OPPOSTION TO MEDIATION REFERRAL

A party opposing either the mediation referral or the appointed mediator must file a written objection to the Court within ten (10) days of receiving notice of the referral or mediator and explain the reason for any opposition.

LOCAL RULE 79.5 — ATTENDANCE; AUTHORITY TO SETTLE

A. Party representatives with authority to negotiate a settlement and all other person necessary to negotiate a settlement, including insurance carriers, must attend the mediation session.

B. In the event the parties and/or their attorneys and/or the insurance representatives do not attend the mediation session, the mediator shall report said non-compliance to the judge who shall impose appropriate sanctions, including but not limited to dismissal, default judgment, attorney fees and/or costs.

LOCAL RULE 79.6 — SYNOPSIS OF DISPUTE; AGREEMENT

A. At least five (5) days before the mediation, the parties shall submit to the Mediator a short memorandum stating the legal and factual positions of each party, as well as other material as each party believes would be beneficial to the mediator, including but not limited to, the status of discovery, damages, injuries and/or settlement attempts.

B. In the event the parties come to terms, the agreement shall be reduced to writing and signed by the parties, and if the mediator deems it appropriate, the oral agreement will be recorded by a court reporter, tape recorder, other reliable means of sound recording.

LOCAL RULE 79.7 — CONFIDENTIALITY

A. All communications, negotiations, or settlement discussions by and between participants in the court of a mediation are not subject to discovery or admissible in evidence; and shall remain confidential and are protected from disclosure, except as otherwise provided by law.

B. The Mediator shall be prohibited from being called as a witness in any subsequent legal proceedings. (Except as to the terms of the settlement agreement.)

C.

LOCAL RULE 79.8 — OUTSIDE REFERRALS

If a dispute involves such issues as mental health, mental retardation, developmental disability, or aging adults, but a guardianship case has not been filed, an agency may file a motion to refer the matter to mediation. A case shall be referred to mediation if mediation is likely to resolve the dispute as a less restrictive alternative to guardianship.

LOCAL RULE 79.9 — MISCELLANEOUS

A. The Mediator shall provide a written report within ten (10) days to the Court indicating the outcome of the mediation. If full agreement is reached, the report shall indicate the parties agreement as to who shall be responsible for outstanding court costs and who will prepare any necessary journal entries.

LOCAL RULE 80 — JURY USE AND MANAGEMENT PLAN

The following is Local Court Rule 20 pursuant to the Rule of the Supreme Court of Ohio requiring a plan utilizing the Ohio Trial Court Jury Use and Management Standards as a guideline.

I. <u>Opportunity for Service</u>

A. The opportunity for jury service shall not be denied or limited on the basis of race, national origin, gender, age, religious belief, income, occupation, disability, or any other factor that discriminates against a cognizable group in the jurisdiction.

B. Jury service is an obligation of all qualified citizens of Jefferson County, Ohio.

II. Jury Source List

A. Pursuant to Court Order, the jury source list shall be obtained from the Board of Elections' list of registered voters. The Court shall designate a key number based on the total number of registered voters and the number or jurors needed for a year of service. The Jury Commissioners shall then receive a computer printout from the Board of Elections (for example, every 14th name).

B. The jury source list shall be representative and should be as inclusive of the adult population in the jurisdiction as is feasible.

C. The Court shall annually review the jury source list for its representatives and inclusiveness of the adult population in the jurisdiction as is feasible.

D. Should the Court determine that improvement is needed in the representativeness or inclusiveness of the jury source list, appropriate corrective action shall be taken.

III. Random Selection Process

A. The jury source list from Board of Elections shall be printed out. Names are then computer-generated for random drawing during a public jury drawing.

IV. Eligibility for Jury Service

A. All persons shall be eligible for jury service except those who:

1. Are less than eighteen years of age;

2. Are not citizens of the United States;

3. Are not residents of the jurisdiction in which they have been summoned to serve; to wit, Jefferson County, Ohio

4. Are not able to communicate in the English language; or

5. Have been convicted of a felony and have not had their civil rights restored.

V. Term of and Availability for Jury Service

A. The time that persons are called upon to perform jury service and to be available should be the shortest period consistent with the needs of justice.

B. Jurors shall be "on call" for a one year period. If a jury trial is scheduled, the jurors shall be notified by mail when they are to report. They do not report every day.

VI. Exemption, Excuse, and Deferral

A. Deferrals for jury service for reasonably short periods of time may be permitted by a judge or specifically authorized Court official.

B. Requests for excused and deferrals and their disposition shall be written or otherwise made or recorded.

VII. Voir Dire

A. Voir dire examination shall be limited to matters relevant to determining whether to remove a juror for cause and to determine the juror's fairness and impartiality.

B. To reduce the time required for voir dire, basic background information regarding panel members should be made available to counsel in writing for each party on the day on which jury selection is to begin.

C. The trial judge shall conduct a preliminary voir dire examination. Counsel shall then be permitted to question panel members for a reasonable period of time.

D. The judge should ensure that the privacy of prospective jurors is reasonably protected, and the questioning is consistent with the purpose of voir dire process.

E. In criminal cases, the voir dire process shall be held on the record unless waived by the parties.

F. Rules on Voir Dire

1. The case may not be argued in any way while questioning the jurors.

2. Counsel may not engage in efforts to indoctrinate jurors.

3. Jurors may not be questioned concerning anticipated instructions or theories of law. This does not prevent general questions concerning the validity and philosophy of reasonable doubt or the presumption of innocence.

4. Jurors may not be asked what kind of verdict they might return under any circumstances.

VIII. Removal from the Jury Panel for Cause

A. If the judge determines during the voir dire process that any individual is unable or unwilling to hear the particular case at issue fairly and impartially, that individual shall be removed from the panel. Such a determination may be made on motion of counsel or by the judge.

IX. Peremptory Challenges

A. Rules determining procedure for exercising peremptory challenges shall be in accordance with the Ohio Civil and Criminal Rules adopted by the Supreme Court of Ohio and applicable statutory authority.

X. Administration of the Jury System

A. The responsibility for administration of the jury system shall be bested exclusively with the Jefferson County Common Pleas Court.

B. Ohio Rules of Court shall govern all procedures concerning jury selection and service.

XI. Notification and Summoning Procedures

A. The notice summoning a person to jury service and the questionnaire eliciting essential information regarding that person should be:

1. Combined in a single document;

2. Phrased so as to be readily understood by an individual unfamiliar with the legal and jury systems; and

3. Prepared by the Sheriff and served by ordinary mail.

B. A summons should clearly explain how and when the recipient must respond and the consequence of a failure to respond.

C. The jury questionnaire should be phrased and organized so as to facilitate quick and accurate screening and should request only that information essential for:

1. Determining whether a person meets the criteria for eligibility;

2. Providing a basic background information ordinarily sought during voir dire examination; and

3. Efficiently managing the jury system.

D. Policies and procedures should be established for monitoring failures to respond to a summons and for enforcing a summons to report for jury service.

E. Jurors who fail to report for service are scheduled for a contempt hearing to inform the judge as to why they did not appear. Sanctions are imposed as warranted.

XII. Monitoring the Jury System

The Court shall collect and analyze information regarding the performance of the jury system annually in order to evaluate:

A. The representativeness and inclusiveness of the jury sources list;

B. The effectiveness of qualification and summoning procedures;

C. The responsiveness of individual citizens to jury duty summonses;

D. The efficient use of jurors; and

E. The cost-effectiveness of the jury management system.

XIII. Juror Use

A. The Court shall employ the services of prospective jurors so as to achieve optimum use with a minimum of inconvenience to jurors.

B. The Court shall determine the minimally sufficient numbers of jurors needed to accommodate trial activity. This information and appropriate management techniques should be used to adjust both the number of individuals summoned for jury duty and the number assigned to jury panels.

XIV. Jury Facilities

A. The Court shall provide an adequate and suitable environment for jurors.

B. The entrance and registration area shall be clearly identified and appropriately designed to accommodate the daily flow of prospective jurors to the courthouse.

C. Jurors shall be accommodated in pleasant waiting facilities furnished with suitable amenities.

D. Jury deliberation rooms shall include space, furnishings, and facilities conducive to reaching a fair verdict. The safety and security of the deliberation rooms shall be ensured.

E. To the extent feasible, juror facilities should be arranged to minimize contact between jurors, parties, counsel, and the public.

XV. Juror Compensation

A. Persons called for jury service should receive a reasonable fee for their service and expenses pursuant to statutory authority.

B. Such fees shall be paid promptly.

C. Employers shall be prohibited from discharging, laying off, denying advancement opportunities to, or to otherwise penalizing employees who miss work because of jury service.

Note:
Upon completion of the jury term, the Bookkeeper of the Juvenile Court shall mail checks to jurors ($10.00 for each day served).

VXI. Jury Orientation and Instruction

A. The Court shall provide some form of orientation or instructions to persons called for jury service.

B. The trial judge should:

1. Give preliminary instructions to all prospective jurors;

2. Give instructions directly following empanelment of the jury to explain the jury's role, the trial procedures including note taking and questioning by jurors, the nature of evidence and its evaluation, the issues to be addressed, and the basic relevant legal principles;

3. Prior to the commencement of deliberations, instruct the jury on the law, on the appropriate procedures to be followed during deliberations, and on the appropriate method for reporting the results of its deliberations. Such instructions should be made available to the jurors during deliberations;

4. Prepare and deliver instructions which are readily understandable by individuals unfamiliar with the legal system;

5. Utilization of written instructions is preferable;

6. Before dismissing a jury at the conclusion of a case, the trial judge should:

   a. Release the jurors from their duty or confidentiality;

   b. Explain their rights regarding inquiries from counsel or the press;

   c. Either advise them that they are discharged from service or specify where they must report; and

   d. Express appreciation to the jurors for their service; but not expressed approval or disapproval of the result of the deliberation.

C. All communications between the judge and members of the jury panel from the time of reporting to the courtroom for voir dire until the dismissal shall be in writing or on the record in open court. Counsel for each party shall be informed of such communication and given the opportunity to be heard.

XVII. Jury Size and Unanimity of Verdict

A. Jury size and unanimity in civil and criminal cases shall conform to existing Ohio law.

XVII. Jury Deliberations

A. Jury deliberations should take place under conditions and pursuant to procedures that are designed to ensure impartiality and to enhance rational decision-making and shall conform to existing Ohio law.

B. The judge should instruct the jury concerning appropriate procedures to be followed during deliberations.

C. A jury should not be required to deliberate after a reasonable hour unless the trial judge determines that evening or weekend deliberations would not impose an undue hardship upon the jurors and are required in the interest of justice.

D. Training should be provided to personnel who escort and assist jurors during deliberations.

XIX. Sequestration of Jurors

A. A jury should be sequestered only for good cause, including but not limited to insulating its members from improper information or influences.

B. The jury shall be sequestered after a capital case is submitted to the jury in conformity with existing Ohio law.

C. The trial judge shall have the discretion to sequester a jury on the motion of counsel or on the judge's initiative and shall have the responsibility to oversee the conditions of sequestration.

D. Standard procedures should be promulgated to:

1. Achieve the purpose of sequestration; and

2. Minimize the inconvenience and discomfort of the sequestered jurors.

E. Training shall be provided to personnel who escort and assist jurors during sequestration.

LOCAL RULE 81- TECHNOLOGY PLAN AND REMOTE APPEARANCES

81.1 In accordance with Ohio Supreme Court, Superintendence Rule 5(E), the Court shall adopt and maintain a court technology plan which will include:

(1) A comprehensive strategy for implementing and maintaining technology solutions for conducting remote hearings, electronic service, the acceptance of electronic signatures, and any other technology-related solution utilized by the court or division; and
(2) Procedures for notifying and providing instructions to the public on how to use the technology solutions implemented by the court or division and how the solutions will comply with any accessibility accommodation requirements, including any applicable requirement of the "Americans with Disabilities Act."

This plan is available from the Clerk's Office of the Jefferson County Court of Common Pleas, Probate and Juvenile Division.

81.2 To promote uniformity in the practices and procedures related to remote appearances in cases where such an appearance is permitted by this rule, court order, statute, or other rules of the court, "Remote" is defined as the use of live two-way video or audio technology. Notwithstanding any other provisions of this Rule, a judge or magistrate may order a party's personal appearance in Court for any conference, hearing, or proceeding.

(A) Telephone Appearances. The Court may conduct conferences, hearings, and proceedings via telephone with attorneys and unrepresented parties in accordance with the Hearing Management Plan set forth in Division (F) of this Rule.

(1) All evidentiary proceedings involving a telephone appearance must be recorded and reported to the same extent as if the participants had appeared in person.

(2) The Court may specify the time and the person who will initiate the conference and any other matter or requirement necessary to accomplish or facilitate the telephone appearance.

(3) Upon convening a conference, hearing, or proceeding involving a telephone appearance, the Court shall recite the date, case name, case number, names and locations of parties and counsel, and the type of conference, hearing, or proceeding.

(4) The Court may require a party to appear in person, including video conference at a conference, hearing, or proceeding in which a telephone appearance is otherwise permitted if the Court determines a personal appearance would materially assist in the determination or effective management or resolution of the particular case.

(5) If at any time during a conference, hearing, or proceeding conducted by telephone, the Court determines a personal appearance including video conferencing, is necessary, the Court may continue the matter and require a personal appearance.

(B)Video Conferencing.

(1) The Court may conduct conferences, hearings, and proceedings via a live two-way video conferencing platform with attorneys and unrepresented parties in accordance with the Hearing Management Plan set forth in Division (F) of the Rule.

(2) All evidentiary proceedings involving a video conference appearance must be recorded and reported to the same extent as if the participants had appeared in person.

(3) Upon convening a conference, hearing, or proceeding involving a video conference appearance, the Court shall recite the case name, case number, names

and locations of the parties and counsel, and the type of conference, hearing, or proceeding.

(4) The Court may require a party to appear in person at a hearing, conference, or proceeding in which a video conference appearance is otherwise permitted if the Court determines a personal appearance would materially assist in the determination of effective management or resolution of the particular case.

(5) If at any time during a hearing, conference, or proceeding conducted by video conference the Court determines a personal appearance is necessary, the Court may continue the matter and require a personal appearance.

(C) Confidential Attorney-Client Communication. Provisions shall be made to preserve the confidentiality of attorney-client communications and privilege during any conference, hearing, or proceeding involving a telephone or video conference appearance.

(D) Witnesses. A witness may testify by video conference if not otherwise permitted by this Rule, statute, or other rules of court.

(E) Technical Standards and Equipment. The equipment and platform used in any hearing or proceeding conducted under the Rule must conform to the following minimum requirements:

(1) All participants must have the ability to hear and communicate with each other simultaneously.

(2) All participants must be able to see, hear, or otherwise observe any documents, physical evidence, or exhibits presented during the proceedings, either by video, facsimile, or other medium.

(3) The equipment or platform must allow for the Court to generate a verbatim record of the conference, hearing, or proceeding.

(4) The equipment or platform must be able to be used by people with disabilities to accommodate their disabilities under the Americans with Disabilities Act.

(5) The use of telephone or video-conferencing platform used to conduct the conference, hearing, or proceeding shall in no way abridge any right of the public.

(F) Hearing Management Plan. The Court may conduct conferences, hearings, and proceedings in the following manner unless for good cause shown:

Type of Proceeding	In Person	Video	Telephone	Hybrid
All Hearings (Probate)	X	X	X	X

In Person: A hearing is conducted where the Court and all participants appear physically in the same location.
Video: A hearing is conducted using Zoom where the Court and participants appear remotely.
Telephone: A hearing is conducted where the Court and participants appear using a telephone.
Hybrid: A hearing is conducted using a combination of any of the above-listed appearance types. (e.g., the Court appears in person in the courtroom and the remaining participants appear via Zoom)

LOCAL RULE 82 REPORTING TO LAW ENFORCEMENT AND COMPLIANCE PLAN

82. PURPOSE

This rule establishes procedures to ensure the complete, accurate, and timely reporting of probate court information to law enforcement agencies and state databases, as required by law. This rule formalizes the Probate Division's Reporting to Law Enforcement & Compliance Plan.

82.1 DUTY OF THE COURT

1. The Jefferson County Court of Common Please, Probate Division, shall ensure the complete, accurate and timely submission of required information to the Bureau of Criminal Investigation (BCI), the Ohio Law Enforcement Automated Date System (LEADS), and any other law enforcement database as required by state or federal law.

82.2 DEVELOPMENT OF COMPLIANCE PLAN

1. The Court, in collaboration with the Clerk of Court, law enforcement agencies, BCI, and other applicable justice system partners, establishes a Reporting to Law Enforcement & Compliance Plan to ensure compliance with all applicable reporting requirements.

2. The Clerk of Court, or the Clerk's designee, shall be responsible for facilitating all required reporting, record maintenance, and compliance verification under this Rule.

82.3 REPORTING PROCEDURES AND TIMELINESS

1. **Mental Health Adjudications, Identification Information, and Case Reporting**

- When the Court issues a mental health adjudication, finding, or order subject to reporting under the Ohio Revised Code or Supreme Court of Ohio Rules, including R.C. 5122.311(a), the Clerk of Court shall

  (A) Ensure all required identifying and case information is accurately recorded in the Court's case management system;
  (B) Utilize identifying information provided by law enforcement or BCI, including fingerprints or an Incident Tracking Number (ITN), when required and as permitted by law;
  (C) Transmit required adjudication and disposition information to the Bureau of Criminal Investigation and any other required law enforcement database within the timeframes prescribed by statute or Supreme Court rule**;**
  (D) Verify successful transmission and maintain documentation demonstrating compliance; and
  (E) Promptly correct and resubmit any rejected, incomplete, or inaccurate submissions upon notice.

PROBATE COURT OF JEFFERSON COUNTY, OHIO
FRANK W. NOBLE JR., JUDGE
SCHEDULE OF ADVANCED COSTS

EFFECTIVE: JANUARY 1, 2024

Full Estate Administration.....250.00
Probate of Will Only 73.00
Ohio Estate Tax Return or Disclosure Form.....53.00
Publication for unknown next of kin on probate of will 130.00
Application and Certificate of Transfer.....40.00

Release of Estate from Administration

No real estate, no will..... 116.00
No real estate, with will 146.00
With real estate, no will..... 128.00
With real estate, with will 158.00
Summary Release, no will 88.00
Summary Release, with will..... 146.00
ADDITIONAL COSTS:
Certified mail ..... *(each)*..... 9.00
Ohio Estate Tax Return.*(long form)* dod prior to 2013..5.00
Disclosure Form only..... *n/c***
*****(for dates of death after 1/1/01 through 12/31/12)***
Publication on Release from Administration 95.00
Notice to Admr of Estate Recovery Program..... 5.00
Application for Certificate of Transfer..... 5.00
Certificate of Transfer (summary release) 7.00
Certificate of Transfer #2..... 7.00
Attorney fee application or consent 5.00

Testamentary Trust..... 175.00
Appln. To Admit Authenticated Copies of Will/Estate Adm to record 65.00
Civil Actions... *(appropriation cases, declaratory judgments, will contests, determination of heirs, concealment of assets and all other contested civil actions)*.....*125.00*
Minor's Settlement .....*(w/o guardian)*..... 75.00
Disposal of Minor's Estate without Appointment of Guardian..... 53.00

Adoption Proceedings:

Adoption of *Minor...(stepparent or relative placement)*..... 609.00
Adoption of Minor... *(private placement)*..... 145.00
Adoption of Adult..... 110.00
Foreign Adoption..... 45.00
Publication fees...(if *applicable, additional costs)*..... 195.00
Application for Private Placement proceedings..... 55.00

Petition for Release of *Information...regarding adopted person.* 68.00
Appointment of Guardian..... 150.00
Change of Name..... 150.00
Marriage Applications..... 60.00
Delayed Registration of Birth/Correction of Birth Record..... 63.00
Certified copies of Marriage, Birth or Death Records..... 3.00

Appendix B

PROBATE COURT OF JEFFERSON COUNTY, OHIO

ESTATE OF _____ , DECEASED

CASE NO. _____

APPRAISAL REPORT AND CERTIFICATION

PROPERTY ADDRESS: _____

_____

CENSUS TRACT: _____ **AUDITOR'S PARCEL NO.** _____

LOT SIZE: _____

UTILITIES: _____

_____

GENERAL _____ **DESCRIPTION:**

_____

_____

_____

_____

_____

_____CAR _____GARAGE _____DRIVE ESTIMATED AGE___

IS PROPERTY LOCATED IN IDENTIFIED FLOOD HAZARD? _____

REMAINING ECONOMIC LIFE:_____

MARKET DATA APPROACH TO VALUE:

ADDRESS	DATE OF SALE	SALES PRICE	ROOM COUNT	LOT SIZE/ AC
		_____	_____	
	___/___/___		_____	

_____	_____	_____	___/___/___	_____
_____	_____	_____	___/___/___	_____

This appraisal is based upon the data contained hereon, the certification, contingent and limiting conditions, and Market Value definition that are filed with client. I have physically inspected the property.

I estimate the market value, as defined, of the subject property as of _____ , 20____, to be $_____

I acknowledge receipt of $_____ as payment in full for my services.

The undersigned appraiser agreed to act as appraiser of decedent's estate, and 'to appraise the property exhibited to him honestly, impartially, and to the best of his knowledge and ability. The appraiser further says that he appraised those assets whose values were no readily ascertainable, indicated on the attached schedule by a check in the column "Appraiser" opposite each such item, and that such values are correct.

_____
APPRAISER
License No._____

Dated: _____, 20___

SUBJECT PHOTO