

RULE 33

GUARDIANS AD LITEM

33.01 Coordinator Pursuant to the provisions of Rule 48 of the Rules of Superintendence for the Courts of Ohio, the Staff Attorney of the Delaware County Juvenile Court, or such other person as the Court may designate, shall coordinate the application and appointment process, receive written comments and complaints regarding *Guardians ad litem*, and perform other duties as required under Sup. Ct. R. 48.

All appointments of *Guardians ad litem* will be made through the Public Defender's Office and Delaware County Juvenile Court. Every effort will be made to ensure an equitable distribution of the work load among approved *Guardians ad litem*, subject to attorney availability.

33.02 Application Upon completion of the required pre-service training, an attorney seeking to serve as a *Guardian ad litem* shall submit an application to the Delaware County Juvenile Court. The application shall be filed in a special docket to be established by the Clerk of Court. The application shall be accompanied by a resume, a copy of the applicant's criminal background check, and the applicant's Background Disclosure Statement as required under Sup. Ct. R. 48. The Court, by entry, shall designate the acceptance of the application by regularly issuing a list of designated persons who are qualified to serve as *Guardians ad litem* on an Approved Court Appointment List.

The Court, by its own motion or the motion of a party to a proceeding before the Court, may remove a *Guardian ad litem* from the Approved Court Appointment List. Following removal, the Court will revise the Approved Court Appointment List by Judgment Entry. If a *Guardian ad litem* is removed from the Approved Court Appointment List, the Court shall provide a letter to the removed *Guardian ad litem* specifically detailing the reason(s) for removal. After losing eligibility, a removed *Guardian ad litem* may seek reinstatement of eligibility no sooner than six (6) months after receipt of the Court's letter designating the reasons for removal. For reinstatement, the removed *Guardian ad litem* must demonstrate that he/she is again eligible to serve as a *Guardian ad litem* and has addressed the initial reasons for removal from the Approved Court Appointment List. If the *Guardian ad litem* is otherwise qualified and has addressed the initial reason(s) for removal, the Court may, by entry, reinstate the removed *Guardian ad litem* to the Approved Court Appointment List and, by entry, modify the Approved Court Appointment List to reflect the reinstatement.

33.03 Fees The Court may fix compensation rates for the services of a *Guardian ad litem*.

In child custody and parenting cases, the Court shall require the parties to post a deposit to secure the fees of the *Guardian ad litem* and shall apportion additional fees incurred for the services of the *Guardian ad litem* between the respective parties. If any party has filed an affidavit of indigency, the Court, in its discretion, may not require that the party

pay an initial deposit. The Court shall retain jurisdiction to reallocate the *Guardian ad litem's* fees along with all costs of the proceedings, upon motion and/or at the conclusion of the case.

In abuse/neglect/dependency or delinquency cases, the *Guardian ad litem* shall submit an itemized statement for services to the Public Defender's Office as directed by the Court or the Public Defender's Office.

33.04 Comments and Complaints All comments and complaints regarding a *Guardian ad litem* shall be directed to the Staff Attorney of the Delaware County Juvenile Court, or such other person as the Court may designate. All comments and complaints must be in writing, include a case number, and describe the complaint in full detail.

RULE 34

CONDUCT OF TRIAL

(A) In all custody, support or parenting time actions that are tried, the following matters shall be accomplished prior to trial, at a time that shall be specifically designated in the Court's trial or pretrial order:

- (1) All exhibits shall be marked and exchanged by counsel. A list of those exhibits to be offered by each party shall be submitted to the Court and opposing counsel.
- (2) All stipulations, except those necessarily arising in the course of the trial, shall be in writing, shall be approved by the parties and counsel and shall be filed with the Clerk.
- (3) In cases to be tried to a jury, copies of the list of jurors and copies of jury questionnaires shall be made available to counsel one week prior to the commencement of the trial.
- (4) If there are objections interposed during stenographic or audio-visual depositions to be offered at trial, the party offering such deposition shall request the Court for a ruling upon each objection to allow its timely editing reflecting such rulings prior to trial. Counsel's objections, if any, shall be indexed, and the grounds for the objections shall be set forth clearly.
- (5) When so ordered by the judge or magistrate, counsel shall file with the Clerk and serve upon opposing counsel a trial brief. The trial brief shall contain at least the following material:
 - (a) A succinct statement of the kind of action;
 - (b) A clear statement of the issues involved;
 - (c) A summary of the factual situation in regard to each claim or defense;