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SUPREME COURT OF OHIO

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MARCIA J. MENGEL, CLERK
SUPREME COURT OF OHIO

LOCAL RULES OF THE COMMON PLEAS COURT,

PROBATE DIVISION
MORGAN COUNTY, OHIO

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Rule 1

These rules shall be known as the "Local Rules of the Probation Division of the Court of Common Pleas of Morgan County, Ohio," and shall be used in governing procedures within the Probate Division of the Court of Common Pleas of Morgan County, in addition to the Ohio Rules of Civil Procedure, Rules of Superintendence for Common Pleas Courts, and the statutes as set forth in the Ohio Revised Code. These rules shall supplement and be inferior to the Ohio Rules of Civil Procedure, Rules of Superintendence for Common Pleas Courts, and the statutory law of the State of Ohio.

Rule 2

These rules and any additional rules adopted hereafter supplant and supersede any existing rules of Court with which they are in conflict.

Rule 3

These rules incorporate Rules 16 through 46, inclusive, of the Rules of Superintendence for Courts of Common Pleas, as adopted by the Supreme Court of Ohio.

Rule 4

Caseflow Management Program:

- A. Decedents' Estates: Decedents' estates shall be disposed in the following manner:
 - 1. Forms: All decedents' estates shall be filed using standard probate forms.
 - 2. Inventory: Pursuant to the provisions of Section 2115.02 of the Ohio Revised Code, an inventory will be filed by every executor or administrator within 1 month after the date of his appointment.

Extensions of time to file inventories will be granted only for good cause shown. Any extension of the time for filing an inventory shall be to a date certain. Failure to file an inventory shall be dealt with pursuant to the provisions of Section 2115.03 of the Ohio Revised Code.

3. Accounts: Each executor and administrator will file an account of administration 9 months after appointment and shall render further accounts at least 1 year thereafter. The executor and administrator will comply with the provisions of Section 2109.30 of the Ohio Revised Code in filing accounts.
4. Citations: Pursuant to the provisions of Section 2109.31 of the Ohio Revised Code, any executor or administrator neglecting or refusing to file an account, inventory, or report when due shall be cited into Court and shall be disposed of pursuant to law.
5. Counsel Fees: Counsel fees for the administration of estates shall not be in excess of the maximum fees as calculated upon the schedule, appended hereto as Exhibit "A," without prior approval of Court. In accordance with the provisions of Rule 40(B) of the Rules of Superintendence for Common Pleas Courts, no counsel fees shall be paid until a final account is prepared for filing.
6. Matters Involving Litigation: A pre-trial conference shall be set to determine the issues and make such orders as are necessary in the interest of justice to dispose of matters involving motions, objections, or other matters involving litigation. Within 30 days after the pre-trial conference, the Court will docket the matter for evidentiary hearing, unless a longer time is necessitated by the interest of justice.
7. The fiduciary in all decedents' estates which are current as to filed accounts and which have remained open for a period of 1 year and 9 months

shall be required to file with the Court a status report at the end of 1 year and 9 months from the date of the appointment of the fiduciary and every 6 months thereafter, stating therein why the estate has not been completed and when it is anticipated that the estate will be completed.

- B. Guardianships: Guardianships shall be disposed of in the following manner:
1. Time Frames: Guardianships shall be disposed of pursuant to the provisions of Sections 2111.01 through 2111.51, inclusive, of the Ohio Revised Code, and in accordance with the time frames established therein.
 2. Reports and Accounts: The guardian shall file such reports as required by Sections 2109.30, 2111.36, and 2111.49 of the Ohio Revised Code, within the time frames established therein.
 3. Citations: Any guardian who neglects or refuses to file an account when due, pursuant to law, or when ordered by the Probate Court, shall be dealt with pursuant to Section 2109.31 of the Ohio Revised Code.
 4. Each guardianship shall be reviewed annually by the Court.
- C. Conservatorships and Testamentary Trusts: All filings in conservatorships and testamentary trusts shall be pursuant to law and shall be governed by the statutory provisions controlling timeliness of filing. Each trust case shall be annually reviewed.
- D. Civil Actions: Civil actions shall be disposed of within 12 months in the following manner:
1. Initial Pre-Trial: The Court shall schedule an initial pre-trial hearing 30 days after the filing of a Complaint to narrow the issues and make provisions for such discovery or depositions as may be required.

2. Final Pre-Trial: Nine months after the date of the filing of an answer or service of process on all parties, the Court shall schedule a final pre-trial hearing. All parties and counsel shall be present at said pre-trial hearing and all outstanding motions and other matters shall be dealt with by the Court.
 3. Settlement Conference: Two weeks after the final pre-trial hearing, the Court shall schedule a settlement conference with all parties and counsel present. Trial briefs will be presented to the Court, together with all other items required by the Court at the final pre-trial.
 4. Trial: The trial will be held 1 week after the settlement conference. The trial date may be extended upon motion of any party for good cause shown, or upon the Court's motion, but only when the interest of justice so requires.
- E. Adoptions: Adoptions shall be disposed of in the following manner:
1. The provisions concerning adoptions shall be determined pursuant to Section 3107 of the Ohio Revised Code.
 2. Hearings on Adoptions: After the filing of a Petition for Adoption, and at least 30 days after the date of which the minor is placed in the home of the petitioner for adoption, the Court shall schedule a hearing on the adoption and order such investigations as are required.
 3. All hearings on adoptions shall take place within 6 months of the date of the filing of the petition, unless continued upon the motion of the petitioner, a party, or upon the motion of the Court, when the interest of justice requires.
- F. Mental Illness and Mental Retardation Cases: Proceedings concerning the institutionalization of mentally retarded persons shall be governed pursuant to the

provisions of Sections 5123.69 through 5123.99, inclusive, of the Ohio Revised Code. All matters concerning the institutionalization of mentally retarded persons shall be concluded within 6 months of the date of the filing of an affidavit requesting involuntary institutionalization in accordance with Section 5123.71 of the Ohio Revised Code, or the filing of a voluntary written application pursuant to the provisions of Section 5123.69 of the Ohio Revised Code, unless the interest of justice requires that a longer time be necessary for the disposition of such cases. All proceedings concerning the hospitalization of mentally ill persons shall be conducted pursuant to the provisions of Section 5122 of the Ohio Revised Code. All matters involving mentally ill persons shall be disposed of within 6 months of the date that a written application for voluntary admission is filed in accordance with Section 5122.02 of the Ohio Revised Code, or an affidavit for judicial hospitalization is filed pursuant to the provisions of Section 5122.11 of the Ohio Revised Code, or unless the interest of justice requires that the matter be continued beyond 6 months.

- G. Settlement of Claims for Minors: Settlement of all claims for minors shall be pursuant to law. All settlements of minors' claims shall be concluded within 4 months of the filing of such petitions with the Court as are required by law, unless a longer time for settlement of the claim is required in the interest of justice.
- H. Wrongful Death Cases: All hearings concerning wrongful death settlements shall be held within 30 days of the filing of standard probate form 14.0, provided, however, that if either a guardian or guardian ad litem is necessary to be appointed, the hearing shall be scheduled within 15 days after the appointment, unless a longer time is necessitated in the interest of justice.
- I. Delayed Registration of Birth and Correction of Birth Cases: All matters concerning delayed registration of birth or correction of birth records shall be heard within 30 days of the date a petition for

delayed registration of birth or correction of birth records is filed with the Court.

J. Change of Name Cases: Upon compliance with the provisions of Section 2717.01 of the Ohio Revised Code, and upon the filing an application to change name in the Probate Court, the application for change of name shall be held within 30 days of filing.

K. Marriage Applications: Marriage applications shall be granted by the Court in accordance with the provisions of Section 3101 of the Ohio Revised Code. Marriage applications shall be granted upon compliance with said chapter and upon filing an appropriate application with the Court.

Rule 5

Guardian's Compensation (Rule 42.1): Compensation of guardians shall be calculated at the rate of 2.5% of all income paid into the guardianship during the accounting period, plus 2.5% of all expenses paid out of the guardianship during the same accounting period.

Rule 6

The Court shall maintain a list of approved appraisers known to the Court to be persons familiar with real estate values, personal property values, and antique values in the area of the jurisdiction of the Court. Said list will be comprised of persons who are real estate agents, bankers, auctioneers, or appraisers, and who work in the appraising business in the area of the jurisdiction of the Court. Any person whose name is on the approved appraisers list is approved to conduct appraisals in probate matters by the Court in advance, and no motion is necessary for the appointment of any approved appraiser. The Court will approve an entry appointing an approved appraiser without the necessity of a separate motion being filed for the appointment of an approved appraiser.

Rule 7

In all cases involving indigent persons where the Court has appointed counsel, it shall be the responsibility of



ADDENDUM TO LOCAL RULES OF COMMON PLEAS COURT

PROBATE DIVISION

MORGAN COUNTY, OHIO

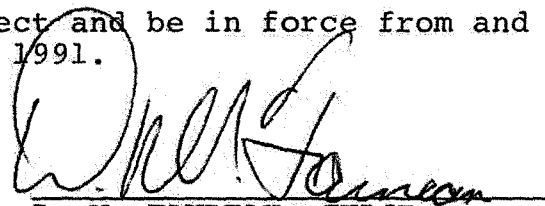
Rule 4.1

Pursuant to the provisions of §2313.08 of the Ohio Revised Code, the jury year in Morgan County, Ohio, shall begin on January 1 of each year and end on December 31 of each year. This designation of jury year, pursuant to §2313.08(A) of the Ohio Revised Code, shall remain in full force and effect until further order of the Court.

Rule 4.2


Pursuant to the provisions of §2313.24 of the Ohio Revised Code, the Court of Common Pleas of Morgan County, Ohio, shall have one term of court each calendar year, beginning on January 1 and ending on December 31. The number of jurors to be drawn each calendar year shall be specified by written order of the Court prior to the date specified by the Jury Commissioner for the drawing of jurors. Jurors in Morgan County, Ohio, a county of less than 100,000 population, shall be notified of their selection pursuant to law and shall be summoned for jury duty by the Court as they are required. This rule shall remain in full force and effect until changed by a subsequent order of the Court.

These rules shall take effect and be in force from and after the 22nd day of November, 1991.


D. W. FAVREAU, JUDGE

the assigned counsel to submit to the Court for approval on approved forms counsel's bill for services, together with such affidavits of indigency as required by the Ohio Public Defender's Commission, within 14 days of the termination of the case. All assigned counsel bills submitted after 14 days, submitted without affidavits approved by the Ohio Public Defender's Commission, or submitted on improper forms may, in the discretion of the Court, be denied for payment, except for good cause shown. All bills submitted by appointed counsel shall be in accordance with the Assigned Counsel Fee Schedule approved by the Morgan County Bar Association and the Morgan County Board of County Commissioners as journalized in the journal of the Morgan County Board of County Commissioners.

These rules shall take effect and be in force from and after the 28th day of June, 1991.



D. W. FAVREAU, JUDGE

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