



Lorain County Court of Common Pleas

Domestic Relations Court

Juvenile Division

Judge Sherry L. Glass
Judge Frank J. Janik
Judge Lisa I. Swenski

NOTICE OF CHANGE TO JUVENILE LOCAL RULES

The Judges of the Lorain County Court of Common Pleas, Juvenile Division, have considered and approved modifications to the Juvenile Division Local Rules. The new language of each Rule is available on the Court's website: www.lcdrc.org

Pursuant to Sup. R. 5(A)(2), there is an immediate need for this rule; therefore, the Court will adopt this rule immediately but will still afford the opportunity for public comment. Comments by members of the bar and any other citizen may be submitted by letter or email, no later than January 5, 2024, to:

Emily Kirsch
Court Administrator
Domestic Relations Division
225 Court Street, 4th Floor
Elyria, Ohio 44035
Emily.Kirsch@lcfct.org

All comments will be given reasonable consideration by the Judges of the Lorain County Court of Common Pleas, Domestic Relations Court, Juvenile Division. If there are any modifications to the proposed rules as a result of comments, the proposed rule will be made available for comment for an additional 30 days.



JUVENILE LOCAL RULES

Amendment to Rule 31: Truancy Complaint Filing Process

The rule has been amended to change requirements for filing a truancy complaint and the process for after a complaint is filed. The rule also includes language for notice of an affirmative defense.

31. Truancy Complaint Process.

- A. **Complaint Information and Required Documents.** All Complaints filed against a juvenile for allegedly being habitually truant shall comply with Ohio Revised Code 3321.16. All Complaints filed against an adult for failing to send a child to school shall comply with Ohio Revised Code 3321.19. Failure to comply with statutory requirements and this rule may result in the dismissal of Complaint(s).
1. The following information must be filed with the Lorain County Juvenile Clerk's Office:
 - a. A completed Lorain County Complaint Checklist in full.
 - b. A sworn Complaint. All Complaints must indicate if there are Additional Filings, or Joint Filings, against a student and the student's parent, guardian, and/or custodian.
 - c. The student's present year-to-date attendance record, including date and number of hours of each absence and whether each absence was excused or unexcused.
 - d. A copy of the Excessive Absence Warning Letter issued to the Parent/Custodian.
 - e. A copy of the completed Absence Intervention Plan and any updates.
 - f. A narrative detailing the progress or participation of the student prior to filing the official Complaint.
- B. **Filing Requirements.** The information above must be e-filed through the Lorain County Juvenile Court's e-filing system. Joint filings will only be accepted when both the Juvenile Complaint and the Adult Complaint are sufficiently electronically filed.
- C. **Accepted Filings.** Once the Complaint and accompanying documentation has been filed and accepted by the Clerk's Office, the Complaint will automatically be



forwarded to the Intake Magistrate. The Intake Magistrate will set the case for a file review. Parties need not appear for the file review; however, the Magistrate will provide all parties the opportunity to raise any defense, objections, or request based upon defects prior to the file review hearing.

Parties to the case include:

1. Representative from the School District, as the Complainant;
2. Lorain County Prosecutor's Office, as the entity responsible for prosecuting the Complaint; and
3. Parent, Guardian, Custodian, and/or Juvenile who is the subject of the Complaint.

D. **Intake Magistrate's File Review.** At the file review hearing, the Magistrate will rule on any pending Motions filed by any party. The Magistrate will review the file, and if diversionary services are required as outlined in the Ohio Revised Code, the Magistrate will order the case to be held in abeyance and refer the case to the Lorain County Assessment & Resource Center in accordance with applicable statutes and rules.

1. **Referrals to Diversion Services.** There are two types of diversionary programs available through the Assessment & Resource Center to address official Complaints regarding school attendance issues: the Alternative to Adjudication process and the Adult Truancy Conference process.
 - a. Juvenile Complaints alleging Habitual Truancy will be referred for Alternative to Adjudication process.
 - b. Adult Complaints that are filed alleging failure to send a child to school which are filed together with the Juvenile's Habitual Truancy Complaint will be handled with the companion Juvenile Complaint through the Alternative to Adjudication process.
 - c. Adult Complaints alleging failure to send a child to school that are filed without a companion juvenile case will be referred to the Adult Truancy Conference process.
2. **Completion of Diversion Program.** Upon completion of Alternative to Adjudication and/or Adult Truancy Conference, the case will either be dismissed or proceed with formal action based upon the requirements under the Ohio Revised Code and Rules of Juvenile Procedure.



E. **Filed Complaints against Juvenile and Adult.**

1. **Complaints not filed together.** If a Complaint is filed against a juvenile or adult, and the juvenile case is already in the Alternative to Adjudication phase or the adult case is already in the Adult Truancy Conference phase, any subsequent Complaint filed against the other party not on the initial filing will be held in abeyance until the Alternative to Adjudication or Adult Truancy Conference phase is completed.
2. **Exclusions.** If a juvenile and/or adult both have formal action indicated, both may go through the formal court process at the same time. Nothing in Subsection (E) should be construed to prohibit the prosecution of multiple cases against the same adult for more than one juvenile and/or against multiple adults for one juvenile.

F. **Notice of Affirmative Defense in Truancy Cases**

1. **Timely Filing of Notice of Affirmative Defense.** Whenever a juvenile, or the attorney, in a truancy case proposes to offer testimony and/or evidence to establish the affirmative defense of satisfactory progress or participation, written notice shall be filed and served upon the prosecuting attorney, upon the earliest of the following (1) within 30 days after arraignment; (b) within 10 days after the appearance of counsel; or (3) at least 7 days prior to trial. A timely filed Notice of Intention to claim an affirmative defense shall include specific information as to how the Juvenile participated and/or made satisfactory progress.
2. **Failure to File Timely.** If the juvenile or legal counsel for the juvenile fails to file a written notice of an affirmative defense, the Court may exclude evidence offered by the juvenile on the juvenile's behalf, unless the Court determines that, in the interest of justice, such evidence should be admitted. Additionally, the Court, in the interest of justice, may extend the time for making said written notice.
3. Nothing in this rule should be construed to limit or prohibit the Court from recognizing and raising the issue of an affirmative defense on its own Motion.