

**Montgomery County Common Pleas Court  
Juvenile Division**

380 West Second Street  
Dayton, Ohio 45422-4240  
(937) 496-7908  
Fax (937) 225-5800

Date: 7/13/2020

The Montgomery County Juvenile Court would like to thank each of you for your efforts during this pandemic. The Juvenile Court has made a number of changes over the past few months to include the use of the Zoom Virtual Platform for conducting hearings when appropriate. Over the last month the Court has received a number of questions regarding the use of Zoom and felt it would be beneficial to share the Juvenile Courts plans and expectations for its use. Hearings via Zoom are to be treated the same as any in person hearing with the appropriate decorum to include timely attendance and appropriate dress. We ask that these admonitions pertain to your clients as well.

The Juvenile Court recognizes that each case may present its own unique needs for hearings, but wanted to provide a guide that the Court plans to follow as it relates to the use of virtual hearings in each of the case types.

**Abuse/Neglect/Dependency Proceedings**

**In-person/Hybrid Proceedings:**

Any trial set for a ½ day or a full-day will be an in-person hearing or a hybrid hearing which is a hearing where some appear in-person and others appear virtually. A hybrid hearing could include some witnesses appearing via ZOOM such as foster parents, proposed custodians, expert witnesses, witnesses/parties who live outside of the area/state, and medical and mental health professionals. A CASA or GAL could also appear remotely as long as counsel agree and also stipulate that that the CASA/GAL will not testify. The parents and their attorneys must appear at the in-person hearing along with the APA and all necessary caseworkers absent extraordinary circumstances. The judicial officer will assess the case to determine if Courtroom 01 is necessary to conduct the contested hearing.

There is a presumption that all In Camera Interviews with Children will proceed in person unless there are extraordinary circumstances that prevent such hearing from occurring in person. Said extraordinary circumstances must be placed on the record detailing the reasons why the interview should not be held in person.”

**Final Pre-trials and Pre-trial Orders:**

- At least a week prior to the contested hearing, the Court will schedule a Final Pre-trial Hearings.

- At this Final Pre-trial Hearing, counsel will provide to the Court a witness list along with a schedule of the times that each witness is set to testify. The judicial officer will provide this list to the Clerk's office in advance of the proceeding.
- Counsel should disseminate to one another all exhibits prior the Final Pre-trial Hearing.
- Counsel should submit stipulations to the Court at the Final Pre-trial Hearing.
- The GAL report shall be submitted at the Final Pre-Trial unless the Court directs otherwise.
- These matters along with a determination of which witnesses and/or parties can appear remotely shall be delineated in a pre-trial order following the Final Pre-trial Hearing.

### **Virtual Proceedings:**

Shelter Hearings and Interim Order Hearings

Pre-trial hearings and any Status/Review of Disposition Hearings including ARs when those resume

Adjudicatory Hearings where there is an agreement

Adjudicatory Hearings that are contested with limited testimony

Dispositional Hearings where there is an agreement

Dispositional Hearings that are contested with limited testimony

Other contested matters that can be resolved with limited testimony within 2 hours

### **Delinquency Proceedings:**

#### **In-person Proceedings:**

Any hearing involving a detained youth. The judicial officer can allow appearance virtually as needed.

Any hearing involving a youth going into custody such as corrections or placement.

Any JCPO full hearing. *Ex parte* could be held remotely but would involve the moving party to come to court if the order was granted.

Any contested trial or hearing. It would be up to the judicial officer to allow remote attendance.

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**Virtual Proceedings:**

All other hearings (IAH, Pretrial, Disposition) can be held at the discretion of the judicial officer, but should default to a virtual hearing. Use of the in Court microphone and camera displays will allow hybrid hearings as necessary.

**Private Civil/Child Support Docket:****In-person Proceedings:**

Any contested hearing or trial where the matter is typically set for a half-day or more on the ultimate issues in the case (usually custody or parenting/companionship time).

Cases filed by the MCSEA unless the SEA has developed a process to have remote hearings.

Trials or hearings where all parties are *pro se*.

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**Virtual Proceedings:**

Pretrial, second pretrial or status reviews hearing where all parties are represented by counsel.

Interim Order hearings where all parties are represented by counsel.

Hearings regarding discovery or procedural issues where all parties are represented by counsel.

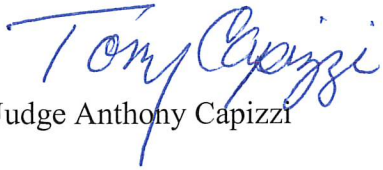
Reading settlement agreements into the record where all parties are represented by counsel.


Any other case where a Zoom hearing is feasible such as SEA cases if they have the capability.

**Hybrid Proceedings:**

Any case can be a hybrid including where there are out-of-town participants. A hybrid could include a GAL, witness or expert.

Sincerely,

  
Judge Anthony Capizzi

  
Judge Helen Wallace