

IN THE COURT OF COMMON PLEAS, JUVENILE DIVISION, GEAUGA COUNTY, OHIO
Judge Timothy J. Grendell

Information Sheet
Basics of the Law of Ohio

WARNING

This Information Sheet is intended to provide you with an overview of the subject matter, effective as of the date noted in the upper left-hand corner. This Information Sheet is not intended to provide you with all legal information that may be necessary for you to decide upon a course of action, and the information provided may not be error-free, complete, or accurate. Moreover, this Information Sheet may not accurately describe the cited sections of the Ohio Revised Code or cited case law. Finally, this Information Sheet is not intended as a substitute for legal advice from a competent licensed attorney, who is familiar with all of the relevant facts of your case, and therefore the Help Center recommends that you seek legal advice from a competent licensed attorney that you select before taking any action. While the Help Center can provide you with a limited amount of general legal information, neither the Help Center staff nor any other Court employee can give you any legal advice.

Background

If you decide to proceed with your legal matter without hiring an attorney to represent you, then you are responsible to understand all law that is applicable to your case. A judge's primary duty is to determine the relevant facts of your case, based upon admissible evidence presented during a hearing, and then to understand and to apply the law to your case, based upon the relevant facts as determined by the judge. A judge must be neutral and has no obligation to assist you or any other party to the lawsuit. A judge cannot give you any special consideration even if another party to the lawsuit is represented by an attorney. A judge need not inform you of the applicable law and does not have a duty to advise you on how to proceed with your legal matter. The Court has established a Help Center to assist you to understand the applicable law, but ultimately you are responsible to seek out and understand the applicable law.

The Law

Statutes. In Ohio, the law is essentially created by the Ohio Legislature by enacting statutes in accordance with the Ohio Constitution.¹ The statutes enacted by the Ohio Legislature are compiled in what is known as the Ohio Revised Code.² Each statute is referred to in the Ohio Revised Code as a "Section." Sections are found in Chapters, and Chapters are found in Titles. To some degree, the Ohio Revised Code is organized according to subject matter. For example, most of the statutes (that is to say "sections") that are applicable to determining parentage are found in Ohio Revised Code Chapter 3111, titled "Parentage." Chapter 3111 is found under Title 31, titled "Domestic Relations – Children." In the Information Sheets you will find footnotes that reference applicable sections in the Ohio Revised Code. An example of a footnote is "R.C. 3111.01." "R.C." means Ohio Revised Code. Thus, R.C. 3111.01 means Ohio

¹ The Ohio Constitution can be found at <<https://www.legislature.ohio.gov/laws/ohio-constitution>>. The Ohio Constitution also describes rights that you have, which may pertain to your legal matter.

² The Ohio Revised Code can be found at <http://codes.ohio.gov/orc/>.

Revised Code Section 3111.01, which is found in Chapter 3111, and Chapter 3111 is found under Title 31. Another example is R.C. 3111.02, which deals with establishing the parent and child relationship.

Case Law. The law can also be found in the thousands of published court decisions that are rendered by courts after a hearing or trial. Usually, a court will issue a written decision, which typically will include a statement of the relevant facts, as determined by the court based upon admissible evidence, and a description of the applicable law that the court used to render its decision. In some cases, a court decision will explain the meaning of a statute as it is applied by a court. In other cases, a court will state the applicable law when a statute does not apply, which body of law is known as the common law. Sometimes, decisions of trial courts are appealed to a court of appeals. In those cases, the appellate courts will issue a written decision that explains the applicable law. Finally, some decisions of the court of appeals are appealed to The Supreme Court of Ohio, which also will issue a written opinion explaining the applicable law.³ Perhaps, written opinions of The Supreme Court of Ohio are most important, followed by written opinions of a court of appeals.

Finding applicable court decisions can be challenging. Most attorneys will use a computerized service such as Lexis-Nexis or Westlaw. You can access Westlaw using the computer terminal in the Geauga County Law Library in the basement of the Courthouse at 100 Short Ct. Street, Chardon, Ohio 44024. Perhaps an easier method is to review "Page's Ohio Revised Code Annotated," which is a series of books, again available in the Geauga County Law Library, which provide a brief summary of court opinions that explain an Ohio statute. For example, if you look up R.C. 3109.04, which deals with the allocation of parental rights and responsibilities, you will find many court decisions that explain and apply that statute. The full written opinions can be found in books at the law library or a computerized service such as Lexis-Nexis or Westlaw. The librarian at the law library may be able to assist you in obtaining a court opinion.

Administrative Law. Finally, Ohio law can be found in the Ohio Administrative Code.⁴ Various administrative agencies, which are established by the Ohio Legislature, are given the power to promulgate regulations that have the force of law, similar to a statute. For example, a key administrative agency related to juvenile matters is the Department of Job and Family Services (JFS). JFS has promulgated numerous regulations that govern such matters as child support and paternity. Regulations pertinent to paternity can be found in OAC 5101:12-40. "OAC" means the Ohio Administrative Code. For example, OAC 5101:12-40-05 deals with the determination of the parent and child relationship.

Rules of Legal Procedure

In addition to knowing the law that is applicable to your matter, you need to know applicable court rules that govern how you bring your matter before a judge to obtain a favorable court order. Starting with The Supreme Court of Ohio, the courts in Ohio have established various rules that govern the process by which you present your legal matter to a judge, which include the following.

Rules of Civil Procedure.⁵ The Rules of Civil Procedure describe how a person may bring his or her legal matter before a judge to obtain a judgment or order. Those Rules apply to

³ In a few instances The Supreme Court of Ohio decisions have been appealed to the Supreme Court of the United States, which will explain the applicable law.

⁴ The Ohio Administrative Code can be found at <http://codes.ohio.gov/oac/>.

⁵ The Ohio Rules of Civil Procedure can be found at:

<https://www.supremecourt.ohio.gov/LegalResources/Rules/civil/CivilProcedure.pdf>.

practically all civil (as opposed to criminal) matters, including to some degree matters in juvenile and probate courts. Those rules cover such subjects as the filing of complaints and motions, how parties may be added to the lawsuit, how parties are notified during the process, discovery (trying to obtain information or admissions from another party), how a hearing or trial is conducted, and how judgments are rendered.⁶

Rules of Juvenile Procedure.⁷ The Supreme Court of Ohio has also established a set of procedural rules that are applicable to juvenile court proceedings. They deal with a variety of concerns that are unique to juvenile matters, including waiver of rights, appointment of a guardian ad litem for a minor child, complaints, motions, service of process and notices, temporary dispositions, subpoenas, discovery, and hearings.

Local Rules of Juvenile Court.⁸ The Juvenile Court Division of the Geauga County Common Pleas Court has adopted local rules of procedure. For example, Local Juvenile Rule 7 describes how you should conduct yourself before the Court. If you do not understand those local rules the Help Center staff may be able to assist you.

Rules of Evidence.⁹ Perhaps the most important rules for you to know are the Ohio Rules of Evidence. For a judge to be able to render a decision or issue an order, you must prove to the judge that the allegations of fact that you presented to the judge in your complaint or motion, which you filed with the court, are in fact true. The burden is upon you. The Rules of Evidence explain to you how you can prove to a judge the truth of the facts you allege. Not all evidence that you present to a judge is admissible, or rather evidence that a judge may consider. Perhaps the most important Rules of Evidence deals with what is known as hearsay evidence, which, with few exceptions, is evidence that a judge will NOT consider in making a decision. Please read the Information Sheet titled "Conduct During A Hearing" for more information about the hearsay rule.

There are four general types of evidence:

- Real evidence (tangible things, such as a weapon or illegal drug equipment)
- Demonstrative evidence (a model of what likely happened at a given time and place)
- Documentary evidence (such as a letter, an expert report, a business record, or an email)
- Testimony evidence (witness testimony at a hearing, under oath, and subject to cross-examination)

⁶ The Supreme Court of Ohio has also issued Rules of Criminal Procedure, which typically are not applicable to a juvenile court matter.

⁷ The Ohio Rules of Juvenile Procedure can be found at:
<https://www.supremecourt.ohio.gov/LegalResources/Rules/juvenile/JuvenileProcedure.pdf>.

⁸ The Geauga County Local Rules of the Juvenile Division can be found at:
http://www.co.geauga.oh.us/Portals/3/resources/forms/FORMS-JUVENILE/Geauga_Juvenile_Rules.pdf.

⁹ The Ohio Rules of Evidence can be found at:
<https://www.supremecourt.ohio.gov/LegalResources/Rules/evidence/evidence.pdf>.

Rules of Superintendence for the Courts of Ohio.¹⁰ The Rules of Superintendence for the Courts of Ohio are a set of rules issued by The Supreme Court of Ohio, which apply to all courts. A few of those rules apply to juvenile and probate court matters. For example, Rule 48 deals with a Guardian Ad Litem, which is a legal representative, appointed by the court, for the benefit of a minor child. Another example is Rule 16, which governs the mediation process that would be applicable to juvenile disputes, such as custody and parenting time disputes.

Federal Law

Although beyond the scope of this Information Sheet, there are federal laws that could be applicable to a juvenile court matter. Similar to Ohio law, Congress has the power to enact statutes that in some cases impact juvenile matters. For example, Congress enacted The *National Defense Authorization Act of Fiscal Year 1994* (10 U.S.C. 1044b), which helps military personnel and is similar to a custody power of attorney for minor children. Additionally, the Constitution of the United States (particularly the 14th Amendment) provides certain rights pertaining to parents and children. Federal courts, including the Supreme Court of the United States, render decisions, based upon the 14th Amendment that can impact juvenile matters. For example, in *Troxel v. Granville* (2000),¹¹ the Supreme Court of the United States affirmed that a biological parent, who is not determined to be unfit and where there is a parent and child relationship, holds certain constitutional rights to choose how to raise one's children.

LEGAL PRACTICE IN THE JUVENILE COURT IS RESTRICTED BY LAW TO ATTORNEYS WHO ARE LICENSED BY THE SUPREME COURT OF OHIO AND INDIVIDUALS WHO ARE HANDLING THEIR OWN LEGAL MATTERS. IF AN INDIVIDUAL WISHES TO HANDLE HIS OR HER OWN CASE, THAT PERSON MAY ATTEMPT TO DO SO, HOWEVER DUE TO THE COMPLEXITY OF THE LAW AND THE DESIRE TO AVOID COSTLY ERRORS, MANY PERSONS WHO HAVE MATTERS BEFORE THE COURT ARE REPRESENTED BY AN ATTORNEY.

IF YOU CHOOSE TO REPRESENT YOURSELF AND USE THE COURT'S FORMS, BE AWARE THAT STATE LAW PROHIBITS THE JUDGE, MAGISTRATE, AND EMPLOYEES OF THE GEAUGA COUNTY JUVENILE COURT, INCLUDING THE HELP CENTER STAFF, FROM PROVIDING YOU WITH LEGAL ADVICE. IF YOU NEED LEGAL ADVICE, THEN YOU SHOULD CONTACT AN ATTORNEY OF YOUR CHOOSING.

¹⁰ The Ohio Rules of Superintendence can be found at:
<https://www.supremecourt.ohio.gov/LegalResources/Rules/superintendence/Superintendence.pdf>.

¹¹ *Troxel v. Granville*, 530 U.S. 57 (2000).