

COMMON PLEAS COURT
WASHINGTON COUNTY, OHIO

FILED
CLERK OF COURTS
2022 JAN -6 AM 11:42
WASHINGTON CO. OHIO

IN RE: Amended Local Rule 39
Conditions of Supervision

Case No. 22 MISC

Judge Mark Kerenyi

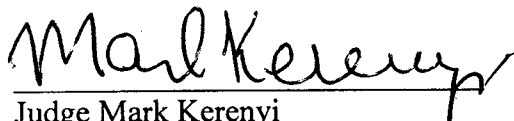
The Court finds that there is an immediate need for the adoption of an Amended Local Rule 39, Conditions of Supervision, as the Court is taking over supervision of offenders with its Adult Probation Department.

It is therefore ORDERED that the attached Amended Local Rule 39, Conditions of Supervision, is adopted by the Court. The previous Conditions of Supervision and Adult Parole Authority Rules of Supervision also remain in effect until all offenders are transferred to the supervision of the Washington County Adult Probation Department.

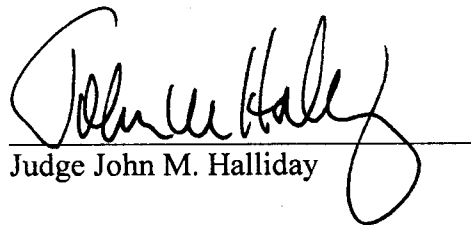
It is further ORDERED that a copy of this local rule shall be sent to the president of the Washington County Bar Association for distribution to its members and any interested person.

This rule is open for comment by any interested parties for a period of 30 days from the date the rule was filed. The Court will consider any comments and may amend the rule thereafter as appropriate.

SO ORDERED.



Judge Mark Kerenyi
Administrative Judge



Judge John M. Halliday



Adult Probation Department

WASHINGTON COUNTY COURT OF COMMON PLEAS

205 Putnam Street, Marietta, Ohio 45750 • Phone 740-373-6623 • Fax 740-538-8306

STATE OF OHIO

CASE NO: Click or tap here to enter text.

VS

Click or tap here to enter text.

JUDGE Pick a Judge.

The following Terms and Conditions of Supervision regarding

- Community Control: Judicial Release:
 Intervention in Lieu of Conviction: Pretrial Services:

are immediately ordered into effect, as stated on the record on Enter a date.. These Terms and Conditions of Supervision are to remain in effect for a period of Choose an item.

1. I will obey federal, state and local laws and ordinances, including those related to illegal drug use and registration with authorities. I will have no contact with the victim of my current offense(s) or any person who has an active protection order against me.
2. I will maintain residence at the following address Enter Address here. I will follow all orders given to me by my supervising officer or other authorized representatives of the Court or the Adult Probation Department, including, but not limited to obtaining permission from my supervising officer before changing my residence and submitting to drug testing. Failure to report for drug testing or impeding the collection process will be treated as a positive test result.
3. I will obtain a written travel permit from the Adult Probation Department before leaving the State of Ohio.
4. I will not purchase, possess, own, use or have under my control, any firearms, ammunition, dangerous ordnance, devices used to immobilize or deadly weapons, or any device that fires or launches a projectile of any kind. I will obtain written permission from the Adult Probation Department prior to residing in a residence where these items are securely located.
5. I will not enter the grounds of any correctional facility nor attempt to visit any prisoner without the prior written permission of my supervising officer. I will not communicate with any prisoner in any manner without first obtaining written permission from my supervising officer.
6. I will report any arrest, conviction, citation issued to me for violating any law, or any other contact with law enforcement to my supervising officer no later than the next business day following the day on which the contact occurred or, if I am taken into custody as a result of the law enforcement contact, no later than the next business day following my release from custody. I will not enter into any agreement or other arrangement with any law enforcement agency that might place me in the position of violating any law or condition of my supervision without first obtaining written permission to enter into the agreement or other arrangement from the Adult Probation Department or a court of law.
7. I agree to the warrantless search of my person, motor vehicle, place of residence, personal property, or property that I have been given permission to use, by my supervising officer or other authorized personnel of the Adult Probation Department at any time. I will provide passwords and access to all electronic devices to include but not limited to cell phones, computers, tablets etc.
8. I will report to my supervising officer all prescribed medications I am taking, and provide documentation of prescribed medications to my supervising officer when requested.
9. I will not have any contact by any means with any victim(s), witness(es), and codefendant(s) in your case, either directly or indirectly, unless I have received prior approval from my supervising officer.



Adult Probation Department

WASHINGTON COUNTY COURT OF COMMON PLEAS

205 Putnam Street, Marietta, Ohio 45750 • Phone 740-373-6623 • Fax 740-538-8306

10. If I am convicted of a sex offense, I shall not create, possess, or view child pornography, either in print form, video or on a cell phone, computer, or other electronic device. I shall not take or possess pictures or videos of children under the age of 18 that is not my biological child. I shall not have any contact with children under the age of 18 unless approved by the court or supervising officer.
11. I understand that if I am arrested outside the State of Ohio, my signature as witnessed at the end of the page will be deemed to be a waiver of extradition and that no other formalities will be required for an authorized agent of the State of Ohio to bring about my return. In addition, I understand I will be required to reimburse the State of Ohio for any costs associated with my extradition.
12. I understand that I may be required to pay a fee of up to eighty-five dollars (\$85.00) in connection with any application I file for transfer of my supervision to another state pursuant to the Interstate Compact for Adult Offender Supervision.
13. If I am a Community Control/Judicial Release/Treatment in Lieu offender, I will be required to pay financial obligations as determined by the Court and/or as specified in the journal entry(ies).
14. I have read or had read to me the conditions of my probation. I fully understand these conditions and I agree to follow them. I understand that violation of any of these conditions may result in revocation of my probation which may result in additional imposed sanctions, including imprisonment. In addition, I understand that I must follow these conditions until notified by my supervising officer. By my signature I acknowledge that I have received a copy of these conditions of supervision.
15. I agree to fully participate in, and comply with, Special Conditions that will include programming/intervention to address high and moderate domains if indicated by a validated risk tool selected by Adult Probation Department and any other special conditions imposed by the Adult Probation Department, Court, or Interstate Compact:

DISCLAIMER

If my supervision is being transferred from the Ohio Adult Parole Authority to the Washington County Common Pleas Court Adult Probation Department, I understand the terms and conditions and grievance procedure I signed with the Ohio Adult Parole Authority is no longer valid.

Offender Print Name: _____

Offender Signature: _____

Date: _____

Officer Print Name: _____

Officer Signature: _____

Date: _____

WASHINGTON COUNTY COMMON PLEAS COURT RULE 40

Public File and Family File. In accordance with Rule 44(C)(2)(h) of the Ohio Rules of Superintendence, the Clerk of Courts shall maintain a public file and a confidential family file for each DR, DC, DF, DS, and VI case as set forth herein.

- A. "Case document" means a document submitted to the Court or filed with the Clerk of Courts in a judicial action or proceeding, including exhibits (subject to the limitations set forth below), pleadings, motions, orders, and judgments and any documentation prepared by the Court or Clerk of Courts in the judicial action or proceeding, such as journals, dockets, and indices. Case documents shall be filed and maintained by the Clerk of Courts in a public file.
- B. The term "case document" does not include the following:
1. Health care documents, including but not limited to physical health, psychological health, psychiatric health, mental health, and counseling documents;
 2. Drug and alcohol use assessments, pre-disposition treatment facility reports and drug test reports;
 3. Guardian ad Litem reports, including collateral source documents attached to or filed with the reports;
 4. Home Investigation reports, including collateral source documents attached to or filed with the reports;
 5. Child custody evaluations and reports, including collateral source documents attached to or filed with the reports;
 6. Domestic violence risk assessments;
 7. Supervised parenting time or companionship or visitation records and reports, including exchange records and reports;
 8. Financial disclosure statements regarding property, debt, taxes, income, and expenses, including collateral source documents attached to or filed with records and statements;
 9. Asset appraisals and evaluations;
 10. Health Insurance Affidavits;
 11. Affidavits in support of Motions which include specific references to information contained in the confidential documents set forth herein; and

- C. The documents submitted to the Court or filed with the Clerk of Courts excluded from the definition of "case document" as listed in section (B) shall be kept in the same file, but located on the left side of the file under cover marked "family file," known as the "family file," to be maintained by the Clerk of Courts in such manner as the Clerk deems appropriate.
- D. Upon motion of any party or upon the Court's own motion, other documents containing sensitive personal information may be ordered to be kept in the family file. If there are documents which are to be filed in the public file containing social security numbers or any other individual identifying information, the same shall be redacted on those documents in the public file.
- E. The public file shall contain, in place of the document contained in the family file, a Notice of Filing, reflecting the filing of the document maintained in the family file and the date thereof (e.g. "Notice is hereby given that on [date of filing] a [name of document] was filed by [person or party filing document], which shall be maintained in the family file").
- F. Contents of the family file shall be available for inspection and review by Court personnel and Guardians ad Litem in the performance of their required duties, or as the Court may direct. Contents of the family file may be inspected and reviewed by the parties, an attorney of record in the case, representatives of the Child Support Enforcement Agency, and representatives of Children Services Board. Should others request access to the case file, the Clerk of Courts shall remove the contents of the family file prior to allowing access to the file.
- G. Review of the family file may be permitted by others upon motion to the Court and for good cause shown. A prescribed form will be made available for that purpose. Authorized viewers may take notes while reviewing the documents in the family file, but they are strictly prohibited from copying those documents, distributing those documents or showing those documents to unauthorized individuals, and are further prohibited from removing those documents from the Office of the Clerk of Courts, absent further Order of the Court. Upon written motion, for good cause shown, the Court may enter an order permitting a person who is not permitted access to a court file under section (E) of this rule to copy documents in a family file. Such motion shall set forth specific reasons which demonstrate why the interests of justice necessitate the copying of a document in the family file, and shall specify the particular documents to be copied and the arrangements under which the copying shall take place.
- H. This rule shall take effect on 7-29-16. The provisions of this rule restricting public access to certain documents shall apply only to those relevant documents filed on or after 7-29-16.

COMMON PLEAS COURT
WASHINGTON COUNTY, OHIO

FILED
CLERK OF COURTS
2017 AUG 18 AM 9:16
WASHINGTON CO. OHIO

Judge: Randall Burnworth
Judge: Mark Kerenyi

JOURNAL ENTRY


**IN RE: Local Rule 41:
Washington County Sheriff to transport and accompany appraisers**

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In a case where an order for Appraisal is issued to the Washington County Sheriff to appraise property in an action that a Private Selling Officer has been appointed, the Washington County Sheriff may escort the appraisers to the property and the case shall be charged a fee of \$50.00.

SO ORDERED.

ENTER AS OF DATE OF FILING:



Judge Randall G Burnworth



Judge Mark Kerenyi

c: Clerk of the Supreme Court of Ohio

LOCAL RULE 42
COMPASS RECOVERY PROGRAM, "DRUG COURT"

A. CREATION OF SPECIALIZED DOCKET – "DRUG COURT":

1. The Compass Recovery Program "Drug Court" is created pursuant to the specialized docket standards set forth in Sup. R. 36.20-36.28, including Appendix I. The purpose of Drug Court is to facilitate efficient and effective treatment of drug addicted or drug abusing offenders. Eligible offenders as defined in Subsection (C) of this Rule shall be supervised by the Adult Parole Authority ("Probation Department") to ensure compliance with community control sanctions and to assist with criminogenic needs.

B. DRUG COURT TEAM:

1. The "Drug Court Team" shall consist of the Judge assigned to Drug Court ("Drug Court Judge"), Adult Parole Officer or Probation Officer, Compass Program Coordinator, Compass Caseworkers, Defense Counsel, Prosecutor, Law Enforcement, and an Oriana House Inc./Rigel Recovery Services Licensed Clinician. The Drug Court Team shall convene weekly to discuss the progress and status of individual offenders, apply sanctions as needed, and for any other matters.

C. ELIGIBILITY CRITERIA FOR DRUG COURT ADMISSION:

1. The Drug Court Judge may order a defendant into Drug Court through a guilty or no contest plea, community control violation, judicial release, or Intervention in Lieu of Conviction pursuant to R.C. §2951.041 ("ILC").

2. In order for a defendant to be eligible for Drug Court the defendant shall:

- a. Be amenable to community control;
- b. Be charged with a third, fourth, or fifth degree felony;
- c. Be a resident of Washington County, Ohio;
- d. Have little or no history of violent behavior;
- e. Be assessed and diagnosed as chemically dependent and have a level of care recommendation of Intensive Outpatient Treatment or higher;
- f. Be mentally competent and have the developmental capacity to adhere to the participation requirements;
- g. Demonstrate a sincere willingness to participate in a long term treatment process;
- h. Have an Ohio Risk Assessment System (ORAS) score of Low/Moderate or higher for females, or Moderate or higher for males;
- i. Not be a registered sex offender;
- j. Not have a pending felony case in another jurisdiction;
- k. Not be actively working as a police informant;
- l. Not be engaged in a drug distribution or manufacturing network;
- m. Not be on felony community control, post release control, parole, or serving a prison sentence with another jurisdiction.

D. REFERRING DEFENDANTS TO DRUG COURT:

1. Defense counsel shall initiate the referral by filing a Motion for Admission to Drug Court. If the case is pending in front of a non-Drug Court Judge, that Judge may order the case transferred to the Drug Court Judge if they do not object to Drug Court for the Defendant. If the Drug Court Judge believes that the Defendant is preliminarily eligible for Drug Court, the Judge shall set a hearing and order the Defendant to complete a Presentence Investigation and refer the Defendant to the Drug Court Coordinator for a Compass program assessment and a clinical assessment with Rigel Recovery Services. The Drug Court Coordinator shall also place the referral on the weekly drug court docket so that members of the Drug Court Team are aware of the referral and can object at the earliest instance. The Drug Court Team shall review the case for legal and clinical eligibility as identified in Subsection (C)(2)(a)-(m) of this Rule.

2. The Drug Court Judge shall have final discretion to decide if the defendant is ordered to Drug Court.

3. If the Defendant is not admitted into Drug Court or the Defendant is later terminated from Drug Court, and the case originated with another Judge, the case shall be transferred back to the originating Judge for further hearings.

E. TREATMENT PHASES:

Drug Court offenders shall be required to complete phases of treatment as individually necessary and complete all other requirements as identified in the Drug Court Participant Handbook and the Drug Court Participant Agreement. Those phases include: Program Compliance Phase (Phase 1) - A minimum of 60 days; Program Engagement Phase (Phase 2) - A minimum of 90 days; Program Growth Phase (Phase 3) - A minimum of 90 days; Program Development Phase (Phase 4) - A minimum of 90 days; and Program Maintenance Phase (Phase 5) - A minimum of 90 days. Drug Court offenders shall comply with all the rules indicated to them by the Drug Court Judge at their initial appearance. While in Drug Court, the offender shall receive services to assist in meeting criminogenic needs. Upon graduation from Drug Court, the offender may be required to remain under community control or ILC sanctions to ensure continued compliance and success.

F. SANCTIONS FOR NON-COMPLIANCE:

Sanctions for a Drug Court offender's non-compliance vary in intensity and may include, but are not limited to, the following:

1. More frequent review hearings before the Court;
2. Demotion to an earlier Drug Court phase;
3. Increased frequency of drug or alcohol testing;
4. Increased supervision contacts and monitoring;
5. Community service or work program;
6. Jail or out of home placement;
7. Community control or ILC violation;
8. Termination from Drug Court;
9. Verbal reprimand by the Judge;
10. Written essay reports;
11. Behavioral contracts;

12. Placement in a residential program if appropriate based on ASAM level of care;
13. Electronic monitoring;
14. Commitment to a community based correctional facility approved by the Court.

H. UNSUCCESSFUL TERMINATIONS:

1. Reasons for termination from Drug Court include, but are not limited to:
 - a. Ongoing non-compliance with treatment or resistance to treatment;
 - b. New criminal charges;
 - c. Any Program rule infraction or series of infractions; and
 - d. Community Control/Probation Violation or series of Community Control/Probation Violations.

2. If an offender is terminated from Drug Court for reasons stated in Subsection (H)(1) of this Rule, or for any other reason as determined by the Drug Court Judge, the offender may be subject to community control or ILC revocation hearing.

3. If a hearing is required pursuant to Subsection (H)(2) of this Rule:
 - a. The Drug Court Judge may adjudicate the proceedings;
 - b. The offender may have his or her community control or ILC sanctions modified or terminated. Modifications may include, but are not limited to, commitment to a Community Based Correctional Facility ("CBCF"), revocation of Community Control or ILC, or termination from Drug Court;
 - c. Following termination from Drug Court, The Drug Court Judge shall refer an offender back to the original assigned Judge for further proceedings; and
 - d. The laws governing revocation apply, and the offender has a right to counsel.

I. STATISTICAL REPORTING:

For purposes of Supreme Court statistical reports, the case shall be considered disposed by the assigned Judge when the defendant is sentenced to Drug Court or the defendant is ordered into Drug Court as a condition of ILC.