



Youngstown Municipal Court
Youngstown, Ohio

Local Rules of Practice
Revised 3/24/22

The Honorable Carla J. Baldwin
Administrative and Presiding Judge

The Honorable Renee M. DiSalvo
Judge

IN THE MUNICIPAL COURT OF YOUNGSTOWN
YOUNGSTOWN, OHIO

IN RE: Adoption of Revised
Local Rules of Practice

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JOURNAL ENTRY

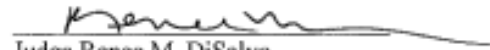
The Local Rules of Practice for the Youngstown Municipal Court have been revised and are hereby adopted.

Copies of these Rules shall be distributed to the members of the Mahoning County Bar Association and shall be made available to members of the public, upon request.

IT IS SO ORDERED



Judge Carla J. Baldwin
Administrative & Presiding Judge



Judge Renee M. DiSalvo
Judge

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CLERK OF COURTS

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GENERAL AND ADMINISTRATIVE RULES

Rule 1: Effective Date, Repeal, and Amendments

All former rules of the Court are repealed as of the effective date of this document.

Rule 2: Citation of Rules

These rules shall be known as the Youngstown Municipal Court Rules of Practice. In the event of a conflict between these Rules and the Rules of Superintendence, the Civil Rules, the Criminal Rules, or Traffic Rules, the State Rules shall govern.

Rule 3: Hours of Operation

Court offices shall be open Monday through Friday from 8:00 am to 4:00 pm except legal holidays, the day after Thanksgiving, and the Court's annual retreat, only if it falls on a weekday.

Rule 4: Decorum and Conduct

Upon opening of any court session, all persons in the courtroom shall stand. All persons in the courtroom shall conduct themselves in a manner so as not to interfere with or obstruct proceedings, and appear before the Court in attire deemed appropriate by the Court.

- A. Persons having business with the Court are not permitted to smoke or carry food into the Court area.
- B. Cell phones and all other electronic media should be turned off in the Court area.

Rule 5: Security

All persons entering the courthouse shall be screened with a magnetometer and electronic wand equipment operated by security staff. The Court may designate exceptions.

Rule 6: Sessions

Youngstown Municipal Court's sessions are designated as "arraignment," "duty," and "general." The duration of each session is one month with the exception of morning arraignments which will be held in Courtroom 3.

- A. Arraignment – When assigned to this session the Judge or Magistrate shall arraign all individuals charged with any offense and shall make initial bail determinations.
- B. Duty – When assigned to this session the Judge or Magistrate shall preside over preliminary hearings as well as all other types of hearings, and Judges shall rule on civil judgements and proceedings.

- C. General – In addition to the regular criminal and civil docket, general session will be reserved for jury trials.

Rule 7: Jury Sessions

Jury sessions are scheduled four times per year, every three months. The duration of each jury session is a period of two weeks with one week allotted to each Judge. Individual jury trials are scheduled by courtroom bailiffs in conjunction with the Assignment Office.

Rule 8: Jury Demand Deposit/Juror Costs

A party making a demand for trial by jury shall be required to make an advance deposit of \$250.00, unless upon affidavit or other evidence the Court concluded that such party is unable to make the required deposit. If a jury is sworn, the fees of a jury shall be taxed as costs. ‘

- A. If a criminal or traffic case is settled after 3:00 pm on the day prior to the scheduled jury trial and it is not possible to notify the jurors of the cancellation, \$15.00 shall be assessed as costs for each juror who reports the day of trial.

Rule 9: Attorneys

Attorneys appointed or retained to a case shall appear at or before the scheduled day and time, or request permission from the Court for a late arrival. Attorneys shall not seek assistance from Court staff for substitute counsel.

Rule 10: Record of Proceedings

Court proceedings shall be preserved by electronic recording. Persons requesting a copy of any proceedings shall file a request with the Clerk of Court. A fee of \$5.00 shall be charged for a blank CD, and the clerk of court shall collect the fee.

Rule 11: Case Assignment

The Assignment Office shall oversee all case assignments.

- A. Civil cases shall be assigned to individual Judges by lot upon the filing of an answer or motion other than a motion for default judgement.
- B. Misdemeanor criminal and traffic cases shall be assigned to individual Judges by lot when a plea of “not guilty” is entered.
- C. All cases heard by a visiting Judge shall remain on the docket of the Judge to whom they were originally assigned.

Rule 12: Filings: Written or Electronic

All filings and pleadings with the Court shall be by paper or electronic transmission via the clerk of court.

- A. The person filing the document by facsimile (fax) shall also include a cover page containing the following information:
 - a. The name of the Court
 - b. The title and number of the case
 - c. The assigned Judge
 - d. The title of the document being filed
 - e. The date of transmission
 - f. The transmitting fax number and a phone number
 - g. An indication of the number of pages in the transmission
 - h. The name, address, telephone number, Supreme Court registration number, if applicable, and email address of the person filing the fax document.
- B. An exhibit to a facsimile-produced document that cannot be accurately transmitted must be replaced by an insert page describing the exhibits and why it is missing.
- C. A missing exhibit shall be filed with the Court as a separate document no later than five court days following the filing of the facsimile document. Failure to file the missing exhibits may result in the Court striking the document or exhibit.
- D. Any exhibit filed in this manner shall be attached to a cover sheet as described in section A of this rule.
- E. Fax finding shall NOT be sent directly to the Court for filing and shall only be transmitted directly to facsimile equipment operated by the Clerk of Court.

Rule 13: Court Calendar Publication

The Daily Legal News circulated in Mahoning County, Ohio, shall publish all calendars of this Court which shall contain the numbers and titles of causes of action, the names of Attorneys appearing therein together with the motion dockets and notices as may be specified by the Court. The Judges of this Court, upon application of a party to any pending litigation may designate an alternative newspaper in which such notice or notices shall be published, provided however in all cases where no designation is made by the judges, publication shall be made in the Daily Legal

News; and the Daily legal News shall once a week and on the same day of each week publish an abstract if each such legal advertisement.

Rule 14: Technology Plan

The Court Administrator shall maintain a technology plan for the purposes of ensuring the efficient and effective use of technology for the delivery of services. This plan will include a comprehensive strategy for implementing and mainlining technology solutions for conducting remote hearings, electronic service, the acceptance of electronic signatures, and any other technology-related solution utilized by the Court. Instructions will be listed on the Court’s website advising the public of how to utilize technology solutions implemented by the Court and how these solutions will comply with any accessibility accommodation requirements including any applicable requirements of the “Americans with Disabilities Act.”

CIVIL RULES

Rule CV1: Civil Case Management

The Court shall maintain a civil case management system for prompt and fair dispositions of civil cases.

- A. All civil actions are divided into the following cases:
 - a. Civil cases filed on the regular docket of the Court.
 - b. Small claims cases
- B. Summons shall be served in accordance with the *Ohio Rules of Civil Procedure*. In the event there is a failure of service, the Clerk of Court shall notify counsel in writing immediately. If counsel fails to obtain service of summons within six months from the date the cause of action is filed, the Court shall notify counsel that the case will be dismissed in 30 days unless good cause is shown to the contrary.
- C. Motions to the Court shall be made in accordance with the *Ohio Rules of Civil Procedure*.
- D. The Court may at its discretion direct counsel for the parties to appear before it for any type of hearing, including but not limited to case management conferences.
 - a. Judgement may be rendered against the Defendant in the event that neither Defendant nor Defendant's Counsel participates in a hearing or conference.
 - b. In the event the Plaintiff fails to participate in the hearing or conference, the Plaintiff's action may be dismissed, and the costs assessed to the Plaintiff.
 - c. Any party or Attorney for a party to the action who fails to participate in a scheduled hearing or conference without just cause being shown may be charged with contempt of court.
- E. Counsel attending a hearing or conference must have complete authority to stipulate on items of evidence and must have full settlement authority from the client.

Rule CV2: Pleading Requirements

All papers filed with the Court via the Clerk of Court, including but not limited to pleadings, motions, applications, judgement and orders, shall be original copies neatly and legibly printed on 8 ½" by 11" paper.

Rule CV3: Civil Continuance

No party shall be granted a continuance without first having submitted a written motion to the assigned Judge stating the reason for such request.

- A. All motions for continuance shall contain specific information about the conflicting case including but not limited to case number, location, and the date case was scheduled.

Rule CV4: Trusteeships

The Clerk of Court, as designated trustee, shall deposit all monies received and shall disburse the same by check only. The trustee shall disburse all funds placed in escrow to each and every entitled creditor biweekly, provided that the court may order the disbursement at a time prior thereto. Upon dismissal of the trusteeship, any money that has been received shall be disbursed to each and every entitled creditor.

- A. Upon notice by mail from the judgement debtor or counsel, all creditors shall within 14 days from the date of service file their claims with the Clerk of Court. Any such creditor shall have the right to be heard by the Court if the debtor incorrectly lists the amount of the debt.
- B. All persons having trusteeships, as provided by Section 2329.70 of the Ohio Revised Code, shall submit proof of their earnings for the previous thirty days in the form of pay stubs for that period and shall pay to the trustee the amount required by the statute.
- C. Upon the failure of the judgement debtor to make payment to the trustee according to law, for 60 days, or to report to the trustee his or her earnings for said period, the trusteeship shall automatically terminate. The Clerk of Court shall notify the Court on the sixty-first day of such inactions. If the sixty-first day is on a weekend or holiday, the clerk shall notify the Court on the next working day.
- D. The judgement debtor may request that the trusteeship be “Terminated/Inactive” by filing an Affidavit setting forth a disability that prevents him or her from working or a lay off or termination of his or her employment. The Trustee shall then designate the Trusteeship as “Terminated/Inactive” until the judgement debtor requests that it be reinstated by filing an Affidavit setting forth that debtor is currently employed.

Rule CV5: Small Claims

The Assignment Office shall schedule all small claims actions for trial before the Magistrate.

- A. The Clerk of Court shall provide a memorandum of the time and place set for trial to the person making the claim. The time set for such trial shall not be less than 10 days, nor more than 40 days, after service of the action is perfected.

- B. Pleadings shall be written in concise non-technical form. Answers and other responsive pleadings are permitted but not required unless specifically ordered by a Judge or Magistrate.
- C. Transfers to the Court's regular docket shall not occur until the party requesting the transfer pays the increased filing fee.

Rule CV6: Restitution

The Clerk of Court shall not issue a writ of restitution, or an alias writ of restitution, more than 60 days from the date restitution is ordered, without a Motion and Court approval.

Rule CV7: Mediation

The R.C. 2710 "Uniform Mediation Act" (UMA), including all definitions found in R.C. 2710.01, are incorporated by reference and adopted by this Court through this local rule.

A. Cases Eligible for Mediation

a. General

The Youngstown Municipal Court has discretion to encourage parties to use mediation in any civil action filed in this Court. A case may be submitted to mediation as provided in this rule. The Youngstown Municipal Court may issue an order in its own motion, upon motion of counsel, upon request of the party, or upon referral by the mediator.

b. Exceptions. Mediation is prohibited in the following:

- i. As an alternative to the prosecution or adjudication of domestic violence;
- ii. In determining whether to grant, modify, or terminate a protection order;
- iii. In determining the terms and conditions of a protection order;
- iv. In determining the penalty for violation of a protection order.

c. Nothing in this division shall prohibit the use of mediation in a subsequent divorce or custody case, even though that case may result in the termination of the provisions of a protection order; or in a juvenile delinquency case, even though the case involves juvenile-perpetrated domestic violence.

B. Confidentiality

- a. All mediation communications related to or made during a mediation process are subject to and governed by the Uniform Mediation Act. Mediation

communications are confidential, and no one shall disclose any of these communications unless all parties and the mediator consent to disclosure. This Court may impose penalties for any improper disclosures made in violation of this rule. Disputes regarding confidentiality should first be addressed with the mediator when possible.

- b. All mediation communications are confidential with the following exceptions:
 - i. Parties may share all mediation communications with their attorneys;
 - ii. Certain threats of abuse or neglect of a child or an adult;
 - iii. Statements made during the mediation process to plan or hide an ongoing crime;
 - iv. Statement made during the mediation process that reveal a felony.

C. Referral for Resources

The Court Administrator shall maintain resources for mediation parties, including victims and suspected victims of domestic violence, encouraging appropriate referrals to legal counsel, and other supportive services such as Children Services, domestic violence prevention, counseling, substance abuse, and mental health services.

Rule CV8: Residential Rental Registration Requirement

Forcible Eviction and Detainer complaints must include, at the time of filing, documentary evidence from the City of Youngstown Department of Property Code Enforcement and Demolition verifying active rental registration of the structure. City of Youngstown Codified Ordinance Section 546.11(c) states:

“...Any person, corporation, business entity, or owner of property seeking to rent or let a rental unit shall first obtain a valid rental license for said unit. Exception: Owners or operators of public housing or rental unit subject to annual inspections pursuant to federal regulations are not required to obtain a rental license.”

Failure to include sufficient documentation may result in sanctions, up to the dismissal of the complaint without prejudice.

CRIMINAL RULES

Rule CR1: Arraignments and Pleas

Arraignments will be held on Monday, Wednesday, and Friday. Traffic at 9:00 a.m., criminal at 10:00 am, and video arraignments at 1:30 p.m. On the days when the Court is closed the morning arraignments will be scheduled for the next available arraignment day. Video arraignments will be held the following business day. Upon a plea of “not guilty” the case shall be randomly assigned to a judge. It shall be scheduled for a pretrial conference if it is an M1 or M2, or trial if it is an M3, M4, or below, if a waiver of speedy trial has not been executed.

Rule CR 2: Pretrial Procedure

All misdemeanors of the first or second degree shall be set for pretrial within 20 – 40 days from the date of arraignment. Defendant and counsel are required to appear at all pretrials, unless their presence is excused by written Journal Entry. Pretrials shall be held in Court unless the Judge approves a telephonic conference. The Defendant, Defense Counsel, Prosecuting Attorney, and all witnesses under subpoena are expected to attend the pretrial on time. Any failure to adhere to this rule may result in sanctions, a finding of contempt, and/or a *capias*.

- A. If not resolved at a pretrial conference, a case shall be set for trial except that the assigned Judge may for good cause continue the pretrial.
- B. All misdemeanors of the third and fourth degree shall be set for trial within 45 days of arrest or service of summons.
- C. All minor misdemeanors and unclassified misdemeanor trials shall be set for trial before the magistrate within 30 days of arrest and or service of summons.

Rule CR 3: Court Appearance of Arrestee

A person arrested and held in custody shall appear at the next day’s regularly scheduled arraignment session of the Court.

- A. The Clerk of Court shall fax a *Notice of Appearance* to the Mahoning County Justice Center for each Defendant who has posted bail, directing that person to report to Court on a date certain and a time certain for arraignment.
- B. The appearance date for arraignment shall be set at the next earliest date the Court is in session.
- C. Persons charged with felonies who have posted bail shall be scheduled for initial appearance at the next earliest date designated for criminal arraignments. Notice to the Defendant shall be provided as in paragraph A.
- D. Persons arrested on a “hold for court” *capias* shall be brought before the Judge/Magistrate on arraignment session on the next regular business day.

Rule CR 4: Multiple Charges

When a defendant is charged with more than one violation, regardless of the levels of the offenses, all matters shall be assigned to the same Judge.

Rule CR 5: Continuances

All requests for continuance must be filed with the court in the form of a written motion prior to the date of the hearing for which the continuance is requested.

- A. The motion shall contain procedural history of the case.
- B. If a continuance is requested due to a scheduled conflict, the motion must contain a citation of the conflicting case, the court where it is scheduled and the date and time where it is to be heard.
- C. The granting or denial of a motion for continuance rests in the sound discretion of the Judge/Magistrate. If the cause of such motion is absence of a material witness, the applicant shall state the name of such person, the facts expected to be proved by such witness and what diligence the applicant has used to procure such testimony.
- D. All written motions shall be filed with a corresponding judgement entry.

Rule CR6: Veterans Treatment Court

The Youngstown Municipal Court Veterans Treatment Court (YMVTC) was created to provide veterans involved in the Youngstown Municipal Court the necessary treatment services and support so that they may lead stable, law-abiding, and healthy lives as positive and productive members of the community.

A. Establishment of the YMVTC

According to the requirements set forth in Sup.R 36.20 through 36.29 the Youngstown Municipal Court established the Veterans Treatment Court in January 2011 in order to increase the number of offenders with past military service that access available resources provided by the United States Department of Veterans Affairs and successfully complete the Youngstown Municipal Court requirements.

B. Placement in YMVTC

Identification of Defendants for the YMVTC can occur initially when a Defendant has been arrested and/or officially charged. The procedure is informal and may be employed at any stage of the proceedings. To be eligible for the YMVTC Defendants must meet all legal and clinical criteria as stated below:

C. Legal Eligibility Criteria

- a. Defendant must have misdemeanor charges pending in Youngstown Municipal Court.
- b. Defendant must be a veteran. The Youngstown Municipal Court considers the Defendant to be a veteran if the defendant has previously served or is currently serving in the United States military.
- c. Defendant must not be a violent offender. The Youngstown Municipal Court considers the Defendant a violent offender if, as a result of the offense, serious injury occurred to the victim.
- d. Defendant must plead guilty or be found guilty and agree to be placed on supervised probation through the YMVTC.
- e. If the Prosecutor decides to place the Defendant in a diversion program, the Defendant can plead no contest and must agree to be placed on supervised probation through the YMVTC.

D. Clinical Eligibility Criteria

- a. Defendant must have a clinical diagnosis of substance dependence, mental health, traumatic brain injury, or co-occurring disorder.

- b. Defendant must not be a risk to court staff, family, or the community.
- c. Defendant must be willing to go to treatment and agree to comply with the recommendations of his or her service providers based on the assessment reports.

Upon receipt of referrals, the Veterans Treatment Court Coordinator will provide the defendant with a copy of the Participant Handbook and an eligibility packet, which includes an application for Veterans Treatment Court and Consent to Release Personal Information form. These forms are to be completed and returned to the Veterans Treatment Court Coordinator. Upon filing the application for Veterans Treatment Court, a copy of it or be forwarded to the Prosecutor. After reviewing the application, the Prosecutor makes a determination on legal eligibility for the program and how the Defendant will be charged. The Prosecutor then files a report of the results. If the Prosecutor deems the Defendant not eligible for Veterans Treatment Court, the Veterans Treatment Court Case Manager presents the information to the Treatment Team and the case is scheduled on the regular docket. If the Prosecutor determines the Defendant is eligible for Veterans Treatment Court, the Defendant is scheduled for clinical assessments. Assessment reports should include treatment recommendations based on the appropriate level of care, confirmed that the Defendant meets the clinical eligibility criteria, and is appropriate for inclusion in the Veteran Treatment Court. Based on all this information and in accordance with the written eligibility criteria, the YMVTC Judge has discretion to decide admission into the Veterans Treatment Court.

E. Case Assignment

Once the YMVTC judge determines that the Defendant is to be offered entry into the Veterans Treatment Court and the Defendant accepts, a Journal Entry is signed transferring the case to the Veterans Treatment Court, a date for the Defendant to plea is scheduled, and a notice to appear in Veterans Treatment Court is given to the Defendant and his or her Attorney. The YMVTC Judge shall have the primary responsibility for case management of cases in the Veterans Treatment Court.

F. YMVTC Case Management

Defendants accepted into the YMVTC will participate in appropriate treatment services. These services may also include but are not limited to obtaining stable housing and reliable transportation; completing high school or obtaining a GED; participating in vocational assessments and entering appropriate training; and obtaining and maintaining employment as able. The requirements outlined in the YMVTC Program Description, Participant Handbook, and Participant Agreement.

G. Termination from YMVTC

Upon successful completion of the case plan, the Defendant is graduated from the YMVTC. If the Defendant is unsuccessfully terminated from the YMVTC, a hearing is scheduled before the YMVTC judge and a notice to appear is sent to the Defendant and his or her Attorney. At the conclusion of the hearing, if the YMVTC Judge finds that the Defendant shall be unsuccessfully terminated from the Veterans Treatment Court, the jail sentence and fines suspended may be imposed. A Defendant may be neutrally discharged from the Veterans Treatment Court if the Defendant is no longer capable of completing the program.

Rule CR7: Drug Court

The Youngstown Municipal Court Drug Court (YMDC) was created to provide individuals with a diagnosis of substance use disorder involved in the Youngstown Municipal Court the necessary treatment services and support so that they may lead stable, law-abiding, and healthy lives as positive and productive members of the community.

A. Establishment of the YMDC

According to the requirements set forth in Sup.R 36.20 through 36.29 the Youngstown Municipal Court established the Drug Court in September 2019 in order to increase the number of offenders with a drug addiction that access available resources provided the Mahoning County Mental Health and Addiction Services Board approved agencies and successfully complete the Youngstown Municipal Court requirements.

B. Placement in YMDC

Identification of Defendants for the YMDC can occur initially when a Defendant has been arrested and/or officially charged. The procedure is informal and may be employed at any stage of the proceedings. To be eligible for the YMDC defendants must meet all legal and clinical criteria as stated below:

C. Legal Eligibility Criteria

- a. Defendant must have misdemeanor charges pending in Youngstown Municipal Court.
- b. Defendant must be diagnosed with having a substance use disorder.
- c. Defendant must not be a violent offender. The Youngstown Municipal Court considers the defendant a violent offender if, as a result of the offense, serious injury occurred to the victim.
- d. Defendant must plead guilty or be found guilty and agree to be placed on supervised probation through the YMDC.

D. Clinical Eligibility Criteria

- a. Defendant must have a clinical diagnosis of substance dependence. Defendant must not be a risk to court staff, family, or the community.
- b. Defendant must be willing to go to treatment and agree to comply with the recommendations of his or her service providers based on the assessment reports.

Upon receipt of referrals, the Drug Court Coordinator will provide the Defendant with a copy of the Participant Handbook and an eligibility packet, which includes

an Application for Veterans Treatment Court and Consent to Release Personal Information form. These forms are to be completed and returned to the Drug Court Coordinator. Upon filing the application for Drug Court, a copy of it or be forwarded to the Prosecutor. After reviewing the application, the Prosecutor makes a determination on legal eligibility for the program and how the Defendant will be charged. The Prosecutor then files a report of the results. If the Prosecutor deems the Defendant not eligible for Drug Court, the Drug Court Case Manager presents the information to the Treatment Team and the case is scheduled on the regular docket. If the Prosecutor determines the Defendant is eligible for Drug Court, the Defendant is scheduled for clinical assessments. Assessment reports should include treatment recommendations based on the appropriate level of care, confirm that the Defendant meets the clinical eligibility criteria, and is appropriate for inclusion in the Drug Court. Based on all this information and in accordance with the written eligibility criteria, the YMDC Judge has discretion to decide admission into the Drug Court.

E. Case Assignment

Once the YMDC Judge determines that the Defendant is to be offered entry into the Drug Court and the Defendant accepts, a Journal Entry is signed transferring the case to the Drug Court, a date for the Defendant to plea is scheduled, and a notice to appear in Drug Court is given to the Defendant and his or her Attorney. The YMDC Judge shall have the primary responsibility for case management of cases in the Drug Court.

F. YMDC Case Management

Defendants accepted into the YMDC will participate in appropriate treatment services. These services may also include but are not limited to obtaining stable housing and reliable transportation; completing high school or obtaining a GED; participating in vocational assessments and entering appropriate training; and obtaining and maintaining employment as able. The requirements outlined in the YMDC Program Description, Participant Handbook, and Participant Agreement.

G. Termination from YMDC

Upon successful completion of the case plan, the Defendant is graduated from the YMDC. If the Defendant is unsuccessfully terminated from the YMDC, a hearing is scheduled before the YMDC Judge and a notice to appear is sent to the Defendant and his or her Attorney. At the conclusion of the hearing, if the YMDC Judge finds that the Defendant shall be unsuccessfully terminated from the Drug Court, the jail sentence and fines suspended may be imposed. A Defendant may be neutrally discharged from the Drug Court if the Defendant is no longer capable of completing the program.

Rule CR8: Growth Restored Through Acceptance Change and Empowerment (GRACE) Treatment Court

The Youngstown Municipal GRACE (Growth Restored through Acceptance, Change and Empowerment) Court (YGC) was created to provide victims of human trafficking who are involved in the Youngstown Municipal Court (through charges of prostitution, soliciting, loitering to solicit or other offenses where a history of human trafficking is present) the necessary treatment, services and support they need to improve their quality of life, become productive members of society and improve public safety.

A. Establishment of YGC

According to Sup.R 36.20 through 36.28 and the requirements contained therein, the Youngstown Municipal Court established the GRACE Court in February 2019 in order to reduce criminal behavior and recidivism, increase rehabilitation of defendants through counseling, treatment, education and other support services.

B. Placement in YGC

Defendants will be initially identified, after arrest and/or officially charged, through pretrial services or referrals from the Prosecutor, Defense Counsel or Police. To be eligible for YGC Defendant must meet all legal and clinical criteria stated below:

C. Legal Eligibility Criteria

- a. Defendant must have charges of misdemeanor prostitution, solicitation, or loitering to solicit, or other offenses where a history of human trafficking is present. The offense must have occurred within the court's territorial jurisdiction, which is defined in O.R.C. 1901.01(A) and 1901.02(B).
- b. Defendant was referred to a probation revocation hearing when the reason for the revocation is for a new charge of prostitution, solicitation, or loitering to solicit.
- c. Defendant has other new, pending misdemeanor charge(s) while the defendant appears to have committed the offense(s) as a victim of human trafficking.
- d. All issues regarding competency to stand trial or insanity defenses must be resolved before acceptance into the GRACE program.
- e. The Defendant must complete all required paperwork and assessments for acceptance into the GRACE program.
- f. If a Defendant is completing community control sanctions on another conviction of the type specified above, the Defendant may be able to transfer that case into the GRACE program along with the pending charge(s). However the transfer is

Dependent upon the agreement of the judge who imposed community control sanctions in the prior case to coordinate the conditions of that case with the case referred to the GRACE program.

- g. Defendant must plead guilty or be found guilty and agree to be placed on supervised probation through YGC.
- h. The Defendant must not have been convicted of a crime in which any child has been the victim of sexual violence.
- i. Defendant must not have a first, second, or third-degree felony is pending against the defendant.
- j. Defendant must not have a domestic violence conviction. However, on occasion, a Defendant who has been charged with domestic violence is referred to the GRACE program. While the court does not condone the use of violence, the Court has observed victims of human trafficking who are charged with domestic violence as a pattern of control. The Prosecutor must consult with the victim of the domestic violence charge. All of these factors will be considered when deciding whether to accept a defendant into the GRACE program.

D. Clinical Eligibility Criteria

The following constitute the initial clinical criteria for the GRACE program.

- a. The Defendant must be willing to participate in treatment services that address behavioral healthcare diagnoses as determined by a clinician licensed by the state of Ohio.
- b. The Defendant must be willing to receive treatment services in Mahoning County, Ohio.
- c. The Defendant must be assessed by a clinician licensed by the state of Ohio. The assessment may be completed by a LSW, LISW, LICDC-CS, LPC, or LPCC for the purposes of acceptance into the GRACE program.
- d. Defendant must not be a risk to court staff, family or the community.
- e. The Defendant must complete the initial assessment within ten (10) days of the referral, or within seven (7) days of the initial screening. Assessment may include observing the defendant, interviewing the Defendant, and formally testing the defendant to determine specific skills, strengths and needs.
- f. Based in the initial assessment, the defendant must have a primary Axis I diagnosis or be drug and alcohol dependent as defined by the Diagnostic and

Statistical Manual of Mental Health Disorders V (DSM-V). Co-occurring disorders are common. Defendants who have developmental disabilities and/or personality disorders that fall on Axis II of the DSM-V may be accepted into the GRACE program if their primary diagnosis falls on Axis I of the DSM-V.

E. Program Admission

After the Defendant completes the initial screening and initial assessment, his or her eligibility for admission will be discussed at a GRACE Treatment Team meeting. The GRACE Judge, staff, Prosecutor, treatment providers, and Defendant, Counsel will discuss any mitigating and aggravating factors in the defendant's criminal justice, medical, and mental health histories. Defendants who are considered high-risk or repeat offenders will be considered for inclusion, but the Defendant's risk to the staff and community are important factors. The age of any disqualifying offenses will be considered and weighed appropriately.

No Defendant has a right to participate in the GRACE program, and the GRACE Judge has discretion to approve or deny admission in accordance with the specialized docket eligibility criteria.

F. Non-Discrimination Practices

The GRACE program is designed to provide treatment services to any Defendant who meets the legal and clinical eligibility standards, at the discretion of the GRACE Judge. In no case shall a Defendant be denied acceptance or otherwise discriminated against based on his or her race, color, religion, gender, sexual orientation, national origin, ancestry, age, citizenship, marital status, veteran's status, or any disability.

G. Case Flow and Assignment

Cases may be referred to the GRACE program during a criminal arraignment session or after individual assignment pursuant to Local Rule CR1.

H. Unassigned Cases

Upon the Defendant's request to participate in the GRACE program and the execution of the Request for Entry form, the arraigning Judge shall accept a not guilty pleas and sign the Request for Entry form. The case will be scheduled for the next status review hearing of the GRACE program. If the Defendant is accepted into the GRACE program, the case shall be assigned to the GRACE Judge. If the Defendant is not accepted into the GRACE program, the case shall be sent to the Assignment Office for individual assignment pursuant to Local Rule CR1. Any treatment recommendations will be provided to the Defense Counsel to determine if the information would benefit the Defendant.

I. Assigned Cases

Upon execution of a Request for Entry form, which shall be signed by the assigned Judge and Administrative Presiding Judge pursuant to Sup.R. 4(B)(1), the Assignment Commissioner, or his or her designee, shall transfer the case from the assigned Judge to the GRACE Judge. The Administrative Presiding Judge may authorize the transfer and sign the preliminary acceptance entry pursuant to Local Rule CR1.

If the Defendant is accepted into the GRACE program, the case shall be permanently assigned to the GRACE Judge. If the Defendant is not accepted into the GRACE program, the case shall be transferred back to the Judge whom the case was originally assigned. Any treatment recommendations will be provided to the Defense Counsel to determine if the information would benefit the Defendant.

Any Judge elected to preside over the GRACE program will maintain a regular civil and criminal case load and be assigned to special sessions pursuant to Local Rule 11. If a participant is either neutrally or unsuccessfully terminated from the GRACE program, the case shall remain on the docket of the GRACE Judge.

J. GRACE Case Management

Any Defendant referred to the GRACE program will complete a screening and an initial assessment. If the Defendant satisfies the legal and clinical eligibility criteria, the GRACE Judge will make a final decision regarding the Defendant's admission to the program. If accepted into the GRACE program, the Defendant shall plead guilty to the offense charges in the complaint and the Judge shall impose sentence. Participants will be linked to treatment providers within 72 hours of acceptance into the GRACE program. The plan to provide services to each participant is more specifically set forth in the Participant Handbook and Participation Agreement. All documents submitted to the Supreme Court for certification under Sup.R.36.02 through 36.28 will be maintained by the Court Administrator on behalf of the GRACE Judge.

If the Defendant is accepted into the GRACE program, the Defendant will appear at the next GRACE status review hearing, which is scheduled each Tuesday at 1:30 p.m. in Courtroom 2. At that hearing, newly accepted Defendants will sign the Participation Agreement and plead guilty to the original charge, and the Judge will impose sentence. The responses to compliance and non-compliance, including criteria for termination, will be explained to the participant.

Also at the first status review hearing, the GRACE staff will provide the Defendant with the date and time of an appointment with appropriate mental health and/or substance abuse treatment providers. Participants will be placed as soon as possible in appropriate treatment services and programs and under reporting supervision to monitor compliance

with court requirements. In most cases, the total time between referral and the first treatment appointment will be 20 days or less. The Defendant will also be given an appointment with the GRACE Probation Officer. At that appointment, the GRACE Probation Officer will reiterate all program and probation rules and expectations, including the incentives and sanctions for compliance and non-compliance.

K. Termination

Upon successful completion of their case plan, the Defendant is graduated from the YGC. If the Defendant is unsuccessfully terminated from YGC, a hearing is scheduled before the YGC Judge and a notice to appear is sent to the Defendant and his or her Attorney. At the conclusion of the hearing, if the YGC Judge finds that the Defendant shall be unsuccessfully terminated from the YGC, the jail sentence and fines suspended may be imposed. A Defendant may be neutrally discharged from the YGC if the Defendant is no longer capable of completing the program.