

House Bill 637

PROPONENT TESTIMONY

November 16, 2020

Judge Steve Christopher

**Hardin County Common Pleas Court
Probate/Juvenile Divisions**

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MEMORANDUM

November 16, 2020

Re: Reconfiguration of Hardin County Common Pleas Courts

PROPOSAL: Adoption of the Henry County configuration of Domestic Relations/Juvenile Court (DR2) and a Probate/General Division (CP3);

BACKGROUND

Hardin County currently has three divisions to its Common Pleas Court, specifically a general division, a probate division and a juvenile division. We have two judges. One judge presides over the general division and the other judge presides over both the probate and juvenile divisions. This system has been in place since at least 1903. Currently, the judges share a magistrate who spends 50% of her time in the general division and 50% of her time in the juvenile division. The magistrate shares a courtroom with the probate/juvenile judge, but has a separate courtroom provided by the general division for use in hearing its docket. The general division judge has a separate courtroom to hear those cases over which he presides. This system predates either of the current judges taking the bench in 2013.

Hardin County is a small rural county with a population of approximately 32,000. It is also a county with a relatively high poverty rate for rural Northwest Ohio and scant financial resources compared to neighboring counties. There is very little commercial or industrial tax base. In spite of its limitations, Hardin County is one of the relatively few counties in the State that habitually runs a balanced budget and does not engage in deficit spending. This is a matter of great pride and significant priority for our County Commissioners and County Auditor. This is an important factor for consideration in seeking solutions to the problems of the local judicial system.

Since 2012 the general division new case filings have steadily shrank by nearly 50% (47% to be exact from 2012 new filings of 659 to 2019 new filings of 419). The civil docket shrank by 41%; the criminal docket shrank by 44% and while the domestic relations new filings were down by only 8% for 2019, it was nearly 20% down in 2018. The general division also oversees an adult treatment court through the criminal docket.

The numbers reported for the probate court showed new case filings to be relatively flat over the same time. These filings have been as high as 468 (2015) per year and as low as 423 (2018). There does not appear to be a definite trend up or down in the case filings in the probate division.

During the same time period, the juvenile court caseload has increase exponentially. The new case filings as reported to the Supreme Court and our case administrative system (attachment number 2) do not accurately portray the enormity of the increase.

The previous Juvenile Court Judge had a new case number assigned to each motion for violation of a court order in juvenile cases, and to each contempt of court in abuse, dependency and neglect or other adult cases. This was done in order to increase numbers to be more competitive in grant applications. This case reporting procedure was discontinued after his retirement in 2013.

The manner in which this affected the numbers of cases reported, as opposed to actual new cases filed, can be illustrated with the current case, In re M. W. D. This is a matter in which the mother and the father have each had 22 contempt of court motions filed against them. Under the previous system, this would have been reported as 45 separate cases. It is now reported as one case. This court does not have the manpower to pull and review all cases from 2012 and 2013, but it is estimated that the result was an over reporting of between 250 – 350 " new cases" per year that would not be counted and/or reported as new cases in 2014 and thereafter. This reflects a dramatic increase in the actual cases handled by the juvenile division.

It is probable that the increase in new caseload is in reality between 74% and 92%. A high percentage of that increase is attributable to abuse, dependency and neglect cases resulting from the opioid crisis. These cases have mandatory and short time limits for adjudication and disposition and require more hearings over a longer period of time than any other type of case on either judge's docket.

Another way to quantify the increase of the juvenile caseload is as follows. In 2013 the prosecutor's office had two part-time prosecutors assigned to Juvenile Court. Between them they spent about 2-2 ½ days per week total in juvenile courts. Currently, our prosecutor has three full-time assistant prosecutors. Two of the three are assigned full-time to the juvenile court.

In addition to the above, the juvenile judge presides over one adult and two juvenile specialized dockets and oversees the only court run charter school in the State of Ohio.

None of the above takes into account ongoing jurisdiction filings in either court. Most of those are domestic relations and are heard by the shared magistrate. The majority are now in Juvenile Court as a smaller percentage of those bearing children are getting married. This societal change has also resulted in the majority of new case filings relating to child custody and support being filed in juvenile court instead of the general division.

All indications are that the continued break down of the traditional family unit, decriminalization of drugs and ever increasing mental health issues in our society portend a long term trend toward increasing dockets in the juvenile system.

THE PROBLEMS

- 1) The juvenile docket is crowding out the probate docket and probate cases are not being heard in a timely manner;

- 2) Judicial officers, attorneys and litigants have to sit and wait, sometimes for hours, to access to a courtroom in the juvenile and probate courts;
- 3) The magistrate is struggling to maintain her docket in a timely fashion;
- 4) Staff are being frustrated and costing the County money and comp time as increasingly juvenile cases are scheduled through most lunch hours and contested probate cases are forced to be held after normal business hours;
- 5) There are multiple problems with the separation of family matters into two dockets in two different courts. These are identified in Judge McColley's attached letter. Each benefit that she sets out in her letter is a problem needing solved under our current configuration.

POTENTIAL SOLUTIONS

- 1) Reconfigure the court so that there are two judges that hear all cases (civil, criminal, probate, domestic and juvenile –CP4). This would allow a true 50/50 split of the caseload. This option was the least popular with the members of the bar and opposed by all three courts' staffs. There has been considerable friction between the current Clerk of Courts and the last two general division judges. This rancor has become so bitter that the US Post Office has refused to deliver mail to the third-floor of the Courthouse and the County Commissioners have had to intervene. It is feared that dealing with two judges as opposed to one will increase the difficulties which, of course will spill over on members of the public and the attorneys practicing in that court. This model is currently used in Morrow County. It would eliminate most of the benefits of creating a Domestic Relations Court as outlined in Judge McColley's letter and deprive the county of the benefit of having a judge who was specialized in the area of family law. No current officeholder endorsed this solution for Hardin County.
- 2) Keep the judgeships as is and hire a full-time magistrate for Juvenile Court. This option would not be supported by the Auditor and County Commissioners because:
 - A) it would require the expense of an additional full-time magistrate salary and benefits;
 - B) it would require the expense of constructing an additional courtroom;
 - C) it would require the eviction of one or more current officeholders from the 2nd floor of the Courthouse;
 - D) it would cause additional expense to house the evicted office outside of the Courthouse;
- 3) Creating a CP3 and DR2 system. As in Henry County:

- A) This would more equitably distribute the caseload between judges;
- B) This option would not cost the county or State any additional funding;
- C) This would leave all current officeholders in their current offices of the Courthouse;
- D) This would allow Hardin County to utilize the benefits outlined in Judge McColley's letter;
- E) This would allow litigants and counsel in Family Court to reap the benefits of a judge who is specialized in a particular area of law, to- wit, family law;
- F) This would move probate cases to the now underutilized general division courtroom. Doing so would:
 - 1. Get probate cases scheduled more quickly;
 - 2. Keep litigants and attorneys from having to sit around waiting for access to the shared probate/juvenile courtroom.
- G) By having the magistrate work for one judge and no magistrate for the other judge, the magistrate would be able to use the existing general division magistrate's courtroom full-time as it would be turned over to the Domestic Relations Court;
- H) This option would allow the local community to solve what is purely a local problem in the manner that it deems best fits the needs of the citizenry with no impact outside of the local community;
- I) It is estimated that the DR2 court would gain an extra half day to day per week of Magistrate time and one to one and a half days per week Judge time at no expense to the tax payers.

SPECIAL CONSIDERATIONS

- 1) That the domestic relations division officially begins January 1, 2023.
 - ▶ The current general division judge is age limited out and his term ends December 30, 2022;
 - ▶ This will give time for local attorneys to decide if they are interested and to prepare to run for the open seat. It is important for them to know what the job entails; They will need to stand for election in 2022. Therefore, time is of the essence.

- ▶ The current general division judge likes his job as it is and would withdraw his support if the change would affect him.

2) It is imperative that the current probate judge assumes the duties of the general division and stays on the current election track:

- ▶ This will keep the judgeships staggered. In 2013, both judges retired and were replaced at the same time. This was a major adjustment for the bar as well as other officeholders. It would be preferable to avoid this happening again;
- ▶ This would allow the most experienced judge to remain on the bench for at least 3 years after the change to mentor the new judge, help iron out any wrinkles caused by the changes and try to promote a more unified and efficient system;

3) The system works well in Henry County. Time was spent with both Judge McColley and Judge Collier (the two Henry County judges) prior to electing this option to improve Hardin County's judicial system.

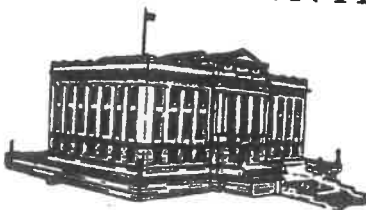
- ▶ The two counties are demographically nearly identical;
- ▶ The makeup of the bar of both counties are quite similar in type of practice, experience and age.

APPENDIX

Attachments:

- 1) Request of the County Judiciary
- 2) New Case Filings 2012-2019
- 3) Letter of Support and Resolution, Hardin County Bar Association
- 4) Letter of Support, Hardin County Commissioners
- 5) Letter of Support, Hardin County Sheriff
- 6) Letter of Support, Hardin County Auditor
- 7) Letter Setting Forth Benefits of Combined Family Court, Judge Denise Herman McColley
- 8) Draft of Proposed Legislation to Reconfigure the Divisions of the Hardin County Common Pleas Court

HARDIN COUNTY
COURT OF COMMON PLEAS



STEVE CHRISTOPHER
JUDGE

BATE DIVISION
ONE COURTHOUSE SQUARE
SUITE 210
KENTON, OHIO 43326
(419) 674-2230
FAX (419) 674-2274
probjuv@hardinohio.us

JUVENILE DIVISION
ONE COURTHOUSE SQUARE
SUITE 200
KENTON, OHIO 43326
(419) 674-2233
FAX (419) 675-2941
probjuv@hardinohio.us

February 28, 2020.

Chief Justice Maureen O' Connor
The Supreme Court of Ohio
The Thomas J. Moyer Ohio Judicial Center
65 S. Front St.
Columbus, OH 43215 - 3431.

Re: Reconfiguration of Hardin County Common Pleas Court.

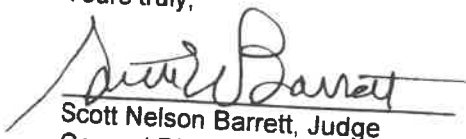
Dear Chief Justice O'Connor,

Enclosed you will find our request to reconfigure the Common Pleas Court divisions of Hardin County. You will find supporting data as well as letters of support from the chief stakeholders in our local judicial system. Currently, our Common Pleas Court is divided between a General division, Probate division and Juvenile division. The probate and juvenile divisions share a judge. While this configuration has served our citizens well for a long period of time, the demands and expectations made upon the Judiciary have changed since its establishment in 1903. We believe that the citizens of our county would be best and most efficiently served at this time by creating a Domestic Relations Court and combining the remainder of the General division with Probate Court.

After nearly three years of working on this project and comparing our County with others, we have come to the conclusion that adopting the configuration currently used in Henry County would be the best fit for our county. This would not require the creation of a new judgeship nor a new magisterial position and could be accomplished by changing the jurisdictional powers of the respective divisions. This would enable our courts to readjust the caseload between divisions and eliminate the current problems caused by the inequitable distribution of new cases. As you can see from the enclosed materials, the caseload in both the general division and probate divisions in our County have been steadily declining. The general division domestic relations caseload has remained fairly stable, but the juvenile caseload has been literally exploding.

Please consider Judge Christopher to be the contact person for the courts. He will be made available to you for any questions, meetings, or information which you may need to consider our request. It is specifically intended and believed that this will be an expenditure/revenue neutral fix for both the State and our county.

Yours truly,



Scott Nelson Barrett, Judge
General Division


Gregory A. Grimslid, Judge
Hardin County Municipal Court


Steve Christopher, Judge
Probate/Juvenile division

	2012	2013	2014	2015	2016	2017	2018	2019
Civil	233	160	160	146	150	152	128	137
Criminal	306	200	205	180	184	181	138	171
Domestic Relations	120	112	93	105	96	103	99	111
General Div. Total	659	472	458	431	430	436	365	419
								2019 #
Probate	447	460	456	468	431	442	423	12/31/2019 433
Juvenile	858	782	782	713	793	855	783	955
Prob/Juv. Totals	1305	1242	1238	1181	1224	1297	1206	1388
Totals	1964	1714	1696	1612	1654	1733	1571	1807
Judge Christopher's % of Docket	67%	73%	73%	74%	74%	75%	77%	77%

TOTAL CASE FILINGS



Hardin County Bar Association

PO Box 568
Kenton, OH 43326

President: Siobhonne K. Ward
Secretary/Treasurer: McKenzie J. Klingler

February 25, 2020

Chief Justice Maureen O'Connor
The Supreme Court of Ohio
65 Front Street
Columbus, Oh 43215-3431

Re: Reconfiguration of Hardin County Common Pleas Court

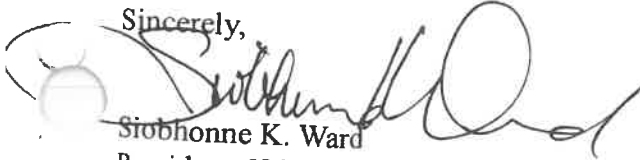
Dear Chief Justice O'Connor,

Please accept this letter as support and endorsement of the Hardin County Bar Association for the reconfiguration of the Hardin County Common Pleas Court.

The members of the Bar Association voted to support the reconfiguration of the Hardin County Common Pleas Court so that Domestic Relations cases are removed from the General Division and placed with Juvenile Court to create a Family Court of Hardin County. The remaining General Division cases would then be consolidated with the current Probate Court. The Bar Association did discuss the benefit this would have including serving the best interests of the children in Hardin County as the Juvenile Court is currently charged with doing. The proposal calls for an equitable distribution of caseloads between the Judges which should assist in managing their respective dockets and aid in the timelier resolution of cases in both Family Court and Probate Court without any additional expense to the County.

A copy of the resolution is attached.

Sincerely,



Siobhonne K. Ward
President, HCBA

Resolution

The Hardin County Bar Association met for its first meeting of 2020 on January 23, 2020. The majority of members were present. Outgoing President Maria Santo called the meeting to order.

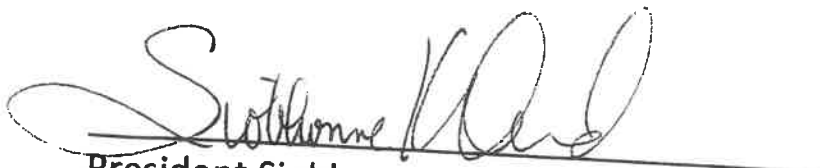
Thereafter a presentation was provided by Judge Steve Christopher regarding the proposed request to create the Hardin County Family Court and consolidate the remainder of the General Division with the Probate Court.

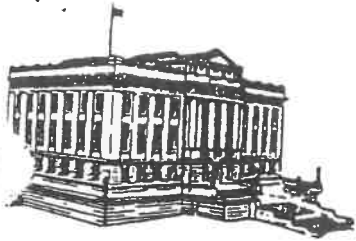
Thereafter the members asked questions, had discussion and made comments.

Attorney Colleen O'Connell made a motion that the Hardin County Bar Association support the creation of the Hardin County Family Court consisting of all Domestic Relations/Custody Dockets, Juvenile Delinquency/Unruly, and Abused, Neglected and Dependent cases and the consolidation of the remaining General Division, Civil and Criminal matters, with the Probate Division. Attorney Bruce C. French seconded the motion. Upon a vote, the Motion carried.

Be it resolved, therefore, that the Hardin County Bar Association hereby supports the reconfiguration of the Hardin County Common Pleas Courts as set forth above.

It is so resolved.


President Siobhonne K. Ward



Commissioners Office

HARDIN COUNTY COMMISSIONERS
ONE COURTHOUSE SQUARE, SUITE 100
KENTON, OHIO 43326
419-674-2205
FAX 419-674-2272
E-Mail. hccom@co.hardin.oh.us

RANDALL S. ROGERS
ROGER E. CROWE
TIMOTHY L. STRIKER

January 21, 2020

Chief Justice Maureen O'Connor
The Supreme Court of Ohio
65 South Front St.
Columbus, OH 43215 – 3431.

RE: Reconfiguration of Hardin County Common Pleas Court.

Dear Chief Justice O'Connor,

Please accept this letter as a sign of our strong support and endorsement for reconfiguring the Common Pleas Court system in our county. We have had the opportunity to review this proposal, speak with the existing Judiciary and ponder its effects on our local budget. Judge Christopher has kept us informed throughout this process. We are aware that he has been working on this process for a couple of years now.

We believe that there is now a pressing need to better address the criminal, civil, probate and family law matters of the citizens of our County. We believe that it is time to update the operation of our local courts to accommodate the societal changes that have occurred since the juvenile/probate division was created many, many years ago. In recent years, treatment courts have been created and our juvenile court currently carries three certified specialized dockets compared to only one in the general division. At the same time, the domestic relations docket has shifted from the general division to the majority of those cases being heard in juvenile court as an increasingly smaller percentage of people are getting married prior to having children. The opioid crisis has caused the abuse, dependency and neglect docket to explode in our county. These cases have, by law, short time limits for the courts to act and require a greater number of hearings than most civil, probate or adult criminal cases. This has all occurred in our juvenile court while at the same time our general division has seen civil case filings drop by approximately 50% and criminal case filings decrease by two thirds. During the same time period probate filings have been steadily declining.

All of the above have contributed to a great disparity in the caseload between our two court divisions with the result that it is increasingly difficult to get probate cases on the docket. Because we have only one part-time magistrate who is shared between the two divisions and who must share the courtroom with the probate/juvenile judge, scheduling conflicts are common with the result that litigants often have to sit and wait for long periods of time for one judicial officer to finish their cases so that the other judicial officer can have access to the courtroom.

Judge Christopher has presented us with three potential ways to alleviate the problems indicated above. They include the following:

1. Reconfiguring the Common Pleas Court so that both judges hear all cases. This is the system used in Morrow County. While this would allow for a true 50/50 split of the caseload, the judge indicated that members of the bar as well as staffs in both of his offices (probate and juvenile), the clerk of courts and the general division staff were generally opposed to this solution.

2. Keeping the current court configuration and hiring a full-time magistrate for the probate/juvenile division while retaining the part-time magistrate for the general division. This would cause avoidable and unnecessary expense for the county. This option would require the funding of a new position as well as constructing a new courtroom and office for the full-time magistrate. Our County simply does not have excess funds to expend for this purpose when the problem appears to be able to be solved by exercising option number three, below. In addition to the funding issue, exercising this option would create friction with some other officeholders as we have limited space in our Courthouse and some office would be required to move out of the courthouse.

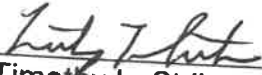
3. Reconfiguring the Common Pleas Court so that domestic relations is removed from the current general division and placed with the juvenile division to create a family court. This would not require the creation of either a new judgeship or a new magistrate. If all magistrate cases were then held in the existing magistrate courtroom for the general division, then each judge as well as the magistrate would then have their own courtroom and this would alleviate the problems currently caused by the probate/juvenile judge and the magistrate having to share a courtroom and would do so without any expense to the county. This would also create a more equal division of the caseload between the two courts as the probate court would consolidate with the general division. This would greatly reduce the difficulties in docketing probate cases. While it would not create a true 50-50 split of the caseload it would come much closer than the current configuration. This is the configuration currently used by Henry County.

Like many small rural counties, our budget is stretched to the breaking point and we are thankful that our Judiciary has been working with us to find solutions to the court system's problems in the least expensive manner. We believe that exercising option number three would allow solving our current problems without any additional funding from the county to the court system. We do understand that the Judiciary will need to adjust their respective budgets between the two divisions, but overall county expenditures for the

court system should not increase.

We are committed to providing appropriate funding and resources for our court system while at the same time working with our judges to increase the functioning and efficiency of that system for the citizens of our County. We do not believe that this request is a luxury or something that is not necessary. We believe this is an absolute necessity and needs to be done. We believe that this is the best answer for our citizens and would request that you strongly consider reconfiguring our Common Pleas Court divisions as requested. We are committed to working with the courts and our local bar association in implementing these changes and look forward to your positive response in this matter. Thank you for your review and consideration in this matter.

Very truly yours,



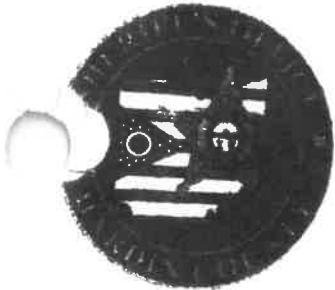
Timothy L. Striker
Commissioner



Roger E. Crowe
Commissioner



Randall S. Rogers
Commissioner



HARDIN COUNTY SHERIFF'S OFFICE

1025 South Main Street • Kenton, Ohio 43326

Office: 419-673-1268 • Fax: 419-675-7260

www.hardinsheriff.com

[Facebook.com/OHHCSO](https://www.facebook.com/OHHCSO)

SHERIFF, KEITH A. EVERHART

February 13, 2020

Chief Justice Maureen O'Connor
The Supreme Court of Ohio
65 South Front St.
Columbus, OH 43215-3431

RE: Reconfiguration of the Hardin County Common Pleas Court

Chief Justice O'Connor

I am writing to voice my support for reconfiguring the Common Pleas Court in Hardin County. I have reviewed the proposal of Judge Christopher and spoke with all the Judiciary in the county and feel that the proposal is in the best interest of the citizens of Hardin County.

As you well know Chief Justice, the dockets of courts throughout Ohio continue to see increases in cases. Hardin County is no different. The ongoing opioid problem continues to place a heavy burden on all of our courts along with other criminal cases. In other areas such as civil and probate filings the trend is seeing a decline. I believe the proposal that Judge Christopher has submitted addresses the changing culture in society and best serves the residents of Hardin County while being mindful of the financial impact to the county coffers.

In closing I would like to state that I wholeheartedly endorse the proposal and encourage your support as well.

Respectfully,

A handwritten signature in black ink, appearing to read "K. Everhart", is written over a horizontal line.

Keith A. Everhart, Sheriff
Hardin County

MICHAEL T. BACON

HARDIN COUNTY AUDITOR

ONE COURTHOUSE SQUARE, SUITE 250

KENTON, OHIO 43326-2398

(419)674-2239

Fax (419)674-4023

hcaudit@co.hardin.oh.us

February 10, 2020

Chief Justice Maureen O'Conner
The Supreme Court of Ohio
The Thomas J. Moyer Ohio Judicial Center
65 S. Front Street
Columbus, OH 43215-3431

RE: Reconfiguration of Hardin County Common Pleas Court

Dear Chief Justice O'Conner,

After reviewing the information on the proposed reconfiguration of the Common Pleas Court and discussing it with our current Probate/Juvenile Judge Steve Christopher, I would support the proposed change within our current Judicial system.

I also feel that it will better serve the citizens of Hardin County in a more efficient and effective way.

Sincerely yours,



Michael T. Bacon
Hardin County Auditor



HENRY COUNTY FAMILY COURT
COURT OF COMMON PLEAS
DOMESTIC RELATIONS and JUVENILE DIVISIONS

DAWN BISCHOFF
Chief Deputy Clerk

MARISSA SHEPARD
Deputy Clerk

LEIGH GLICK
Assignment Commissioner

ABBIE BADENHOP
FIC Coordinator

DENISE HERMAN McCOLLEY
Judge

RICHARD L. ALTMAN
Magistrate

KATIE BADEN
Court and Program Administrator

JOYCE M. BECK
Chief Probation Officer

ELISSA CARRIZALES
ASHLEY ROHRS
Probation Officers

DAN BAER
Attendance Officer

December 20, 2019

Hon. Steve Christopher
Hardin County Probate/Juvenile Court
2nd floor, One Courthouse Square
Kenton, OH 43326

Dear Judge Christopher:

To follow-up on our recent conversation concerning the benefits of a unified family court, we can tell you from experience the benefits of combining domestic relations and juvenile jurisdictions together far outweigh any potential detriments. As we discussed, both of us have served as judicial officers in courts which were unified domestic relations and juvenile jurisdiction combined, and in courts which were general with domestic relations and juvenile with probate jurisdiction. As such, we have had firsthand experience of the benefits of a combination domestic relations/juvenile court.

First, and perhaps foremost, is the fact that, when parties are going through a transition, whether it is a divorce or parties that were never married separating, children often act out. That acting out may rise to the level in which either unruly or delinquency charges are made. In Henry County Family Court (domestic relations/juvenile), we have a one family -- one judicial officer rule; therefore, if the parties have a divorce pending and one or more of their children are involved with a delinquency or unruly filing, the judicial officer handling the divorce also hears the unruly or delinquency case. Over the years we have found that, with this consistency, we are able to provide a better outcome for the child, not only in the delinquency or unruly case, in the domestic relations case as well. We may do this through parenting education programs, designing

parenting plans that provide for the needs of the child in an appropriate way, and engaging the parties more directly in recognizing the needs of their children which may also assist in the settlement of the domestic matter.

In the separate court scenario, it is not unusual to see domestic relations cases go on for a considerable period of time and perhaps even to final hearing, without knowing that the parties' child has a delinquency case pending in the juvenile court. Even if it is known that such a case is pending, the orders being made in separate courts do not necessarily mesh with one another resulting in conflicting court orders, confusion, and potential inadvertent violations of court or probation orders.

Second, with the unified court, if a party files for a civil protection order ("CPO") in the domestic relations division of the court and the respondent is a parent of one or more of the petitioner's children who are involved either in a delinquency or unruly case or an abuse, dependency, or neglect case in the juvenile division of the court, we are aware of the situation in both divisions of the court and, again, it is handled with the one-family one judicial officer rule. This allows the court in the CPO case to make orders which are consistent with the orders already in place in the juvenile case in a more effective and efficient way. On the other hand, in the separated court system, the CPO is filed and the general division or domestic relations division court issues an order which may be in conflict with the court order in the juvenile court proceeding. While ultimately the juvenile court order most likely will take precedence over the CPO, most parties do not understand that technical legal point. Those conflicting orders may result in continued conflict for the family and inadvertent disregard for one court's orders. Ultimately, this could result in a party being arrested and punished or in the child's violation of a court order giving rise to sanctions.

Third, with a unified court, all parties within a county have access to the exact same court-connected programs or benefits if they have children, regardless of whether their children were born to married or single

parents. This provides the advantage of being able to utilize programming and court staff with little duplication and to develop expertise in delivering those programs.

Fourth, particularly in child support or matters concerning the allocation of parental rights and responsibilities, if a parent has cases in both the domestic relations and juvenile divisions of the court (e.g., a divorce with children during the marriage being heard in the domestic relations division while an allocation of parental rights and responsibilities cases with children born to one of the divorcing parents with another individual being heard in the juvenile division of the court), orders in the two cases can be meshed so that parenting time orders or child support can be consistent with the circumstances of the family.

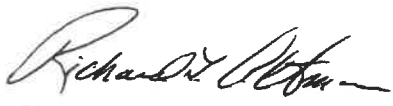
Finally, a unified family court also truly allows for judicial officers to develop expertise in dealing with children's issues, including special needs, child development, appropriate parental contact, trauma, alienation, and estrangement, as a result of the judicial officer's specialized training and continued exposure to these issues in the added number of cases that are handled. Children benefit from a judicial officer who has developed his or her knowledge and proficiency in these areas and is, therefore, better equipped to handle the myriad of issues that come into the court.

We are sure that this recitation is not, by any means, a full list of the benefits of a unified court, but we firmly recommend that you continue to seek approval of a domestic relations/juvenile court for Hardin County. Knowing that Henry County and Hardin County are similar in size and demographics makes us certain that Hardin County would enjoy the benefits we, in Henry County, have experienced with our family court.

If we can be of any other assistance to you in trying to achieve approval of reconfiguring the Hardin County Common Pleas Courts, please feel free to contact us.

Very truly yours,


Denise Herman McColley, Judge


Richard L. Altman, Magistrate

ORC Ann. 2301.03 (BB) In Henry county, the judge of the court of common pleas whose term begins on January 1, 2005, and successors, shall have the same qualifications, exercise the same powers and jurisdiction, and receive the same compensation as the other judge of the court of common pleas of Henry county and shall be elected and designated as the judge of the court of common pleas, division of domestic relations. The judge shall have all of the powers relating to juvenile courts, and all cases under Chapter 2151. or 2152. of the Revised Code, all parentage proceedings arising under Chapter 3111. of the Revised Code over which the juvenile court has jurisdiction, all divorce, dissolution of marriage, legal separation, and annulment cases, all proceedings involving child support, the allocation of parental rights and responsibilities for the care of children and the designation for the children of a place of residence and legal custodian, parenting time, and visitation, and all post-decree proceedings and matters arising from those cases and proceedings shall be assigned to that judge, except in cases that for some special reason are assigned to the other judge of the court of common pleas.

Proposal for Hardin County

In Hardin County, the judge of the Domestic Relations division of the court of common pleas whose term begins on January 1, 2023, and successors, shall have the same qualifications, exercise the same powers and jurisdiction, and receive the same compensation as the other judge of the court of common pleas of Hardin County and shall be designated as the judge of the court of common pleas, division of domestic relations. The judge shall have all powers relating to juvenile courts, and all cases under Chapter 2151. or 2152. of the Revised Code, all parentage proceedings arising under Chapter 3111. of the Revised Code over which the juvenile court has jurisdiction, all divorce, dissolution of marriage, legal separation, and annulment cases, all petitions and proceedings for civil protection orders, all proceedings involving child support, the allocation of parental rights and responsibilities for the care of children and designation for the children of a place of residence and legal custodian, parenting time, and visitation, and all post-decree proceedings and matters arising from those cases and proceedings shall be assigned to that judge, except in cases that for some special reason are assigned to the other judge of the court of common pleas. The current judge of the court of common pleas probate division shall assume all duties of the general division not granted to the domestic relations division after this date and will remain on the election track of the probate judge and thereafter the current probate judge and his successors shall serve as the judge of the probate and general divisions of the common pleas Court of Hardin County.

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SUMMARY OF IMPORTANT CONSIDERATIONS

- 1). You will not be creating a new judgeship;
- 2). You will not be creating a new expense for either the local or state government funding authorities;
- 3). This is a local and locally endorsed solution to a local problem that will have no effect outside of Hardin County;
- 4). The Ohio Supreme Court is currently quite favorable to the idea of family law Courts and has endorsed this jurisdictional change;
- 5). It is fair. Both judges receive the same salary and it is only equitable that the caseload be distributed as evenly as possible;
- 6). Other available options have been considered and this jurisdiction split is the most equitable and efficient for the Courts' caseload in Hardin County.
- 7). Time is of the essence. The current General Division judge is age limited out. His replacement will stand for election in 2022 and it will be critical for the local bar to know what the open judgeship entails in order to decide if they want to run.
- 8). The current General Division judge likes the current caseload division and will withdraw his support if this change occurs prior to his term ending on December 30, 2022.
- 9). The requested jurisdiction split is currently working well in Henry County, which is demographically nearly identical to Hardin County and has a similar caseload.
- 10). Passing the legislation as proposed will keep the judgeships staggered. Both of the current judges assumed office in 2013 after the simultaneous retirement of their predecessors. This was a major adjustment for the local bar and other officeholders. It would be preferable to avoid a repeat of that situation.
- 11). The Bill as proposed would allow the most experienced judge to remain on the bench for at least three (3) years after the change. This would allow me time to mentor the new judge, iron out any wrinkles caused by the changes and try to promote a more unified and efficient system.

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The Supreme Court of Ohio

OFFICE OF THE ADMINISTRATIVE DIRECTOR

65 SOUTH FRONT STREET, COLUMBUS, OH 43215-3431

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www.supremecourt.ohio.gov

TELEPHONE 614.387.9500

FACSIMILE 614.387.9509

March 23, 2020

Hon. Steve Christopher
Hardin County Court of Common Pleas
One Courthouse Square, Suite 210
Kenton, Ohio 43226

Re: Reconfiguration of the Hardin County Court of Common Pleas

Dear Judge Christopher:

I write to express the support of the staff of the Supreme Court of Ohio for the proposed reconfiguration of the Hardin County Court of Common Pleas described in your letter to Stephanie Graubner Nelson dated February 28, 2020.

Thank you for providing us with a comprehensive and detailed proposal. It is clear that a great deal of thought and deliberation was put into the reconfiguration plan. Thank you also for providing us with copies of the letters expressing support for the proposal from the Hardin County Bar Association, the Board of Commissioners of Hardin County, the Hardin County Sheriff, and the Hardin County Auditor.

We also appreciate the thoughtful letter from Judge Denise Herman McColley of the Henry County Court of Common Pleas and Magistrate Richard Altman expressing their support for the establishment of family courts in general, which provide a platform for the more effective and efficient administration of justice in a family-centric manner.

Supreme Court staff are in concurrence with the value of combining domestic relations and juvenile jurisdiction under a single common pleas court division. At the risk of repeating the arguments made by Judge McColley and Magistrate Altman, suffice it to say that we too recognize the many benefits of the family court model. The coordination of services to improve the lives of families and the enhanced depth of expertise gained by judicial

Hon. Steve Christopher

March 12, 2020

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officers working in a family court setting are particularly persuasive arguments in favor of the proposed reconfiguration.

If the General Assembly were to proceed in reconfiguring the Hardin County Court of Common Pleas, the county would join 15 other counties that have domestic relations and juvenile jurisdiction combined within a single division—this includes six counties with a combined domestic relations and juvenile division; four counties with a combined domestic relations, juvenile, and probate division; and five counties with no divisions and where all subject matter jurisdiction categories are combined.

The provision of judicial oversight of a single family by a single judge allows for a greater understanding of the increasingly complex family dynamics facing today's courts. This jurisdictional arrangement creates an environment where all court-ordered plans for a family can work in concert. The Supreme Court continues to encourage the use of the family court model and foresees other counties adopting this approach in the future.

The proposal contemplates placing general civil, criminal, and probate jurisdiction together within a single division. Although Henry County is the only other county in Ohio that has such a common pleas court division type, the county's relatively small probate caseload does not suggest this would impede access to justice or hinder the otherwise efficient administration of justice of the county's civil and criminal dockets.

Compared with Henry County, a combined general and probate division in Hardin County would likely have a slightly larger caseload going forward. Between 2017 and 2019, Hardin County reported an average annual incoming caseload (new filings plus reactivated cases) of 556 civil, criminal, and probate cases. By comparison, Henry County reported receiving an annual average of 502 incoming civil, criminal, and probate cases over that same three-year period. As a further comparison, Ohio's most commonly occurring common pleas court division type is found in the 52 counties that have a combined general and domestic relations division. Over the last three years, those counties reported receiving an annual average incoming civil and criminal caseload of 513 cases, although with no added probate caseload.

Staff at the Supreme Court stand ready to assist the Hardin County Court of Common Pleas and the Ohio General Assembly in moving forward with legislation to effectuate the proposed reconfiguration.

Sincerely,



Jeffrey C. Hagler
Administrative Director