



Prosecuting Dependency Cases

Hamilton County, Ohio

Summer, 2013

Areas For Discussion

- Initial Concepts
- Legal Concepts
- Legal Process
- Legal Timelines
- Judicial Pyramid
 - The Trial
 - After the Trial
 - Other Matters

In the beginning...

- Prosecuting Attorney's Office Children's Services Division—12 divisions—primary and educational--Advocate
- Roles—caseworker/opposing attorneys/magistrate(judge)
- legal work vs social work
- collaborative -- collegial -- Adversarial

Concepts

- Rules of Juvenile Procedure
- Rules of Evidence
- VAC (voluntary agreement for care)
- Complaint
- Burden of Proof
- Burden of Going Forward
- Evidence—direct vs indirect
(circumstantial/hearsay/material/relevant)
- Court “Entry”

Order of Case Hearings

- Initial problem/investigation/arrest
- Request for Legal Action
- Complaint Filed [PC/TC/PPLA/PSUPP]
- Day1/Day 7 Hearing [probable cause]
- Trial (evidence presented) [clear & convincing]
- Decision (Adjudication)
- Sentence (Disposition)
- Objection to the “Report” of the Magistrate
- Appeal to 1st District Court of Appeals
- Appeal to Supreme Court of Ohio

Legal Timeline

- VAC expires 30 days after signing
- Adjudication & Disposition must be made 90 days after complaint filed
- Interim hearing must be held after 180 days of complaint filing
- Annual Review must be held within 365 days of complaint filing
- Objection to Report of Magistrate must be filed within 14 days of date of Magistrate's Order
- Notice of Appeal must be filed within 30 days of Juvenile Court's decision

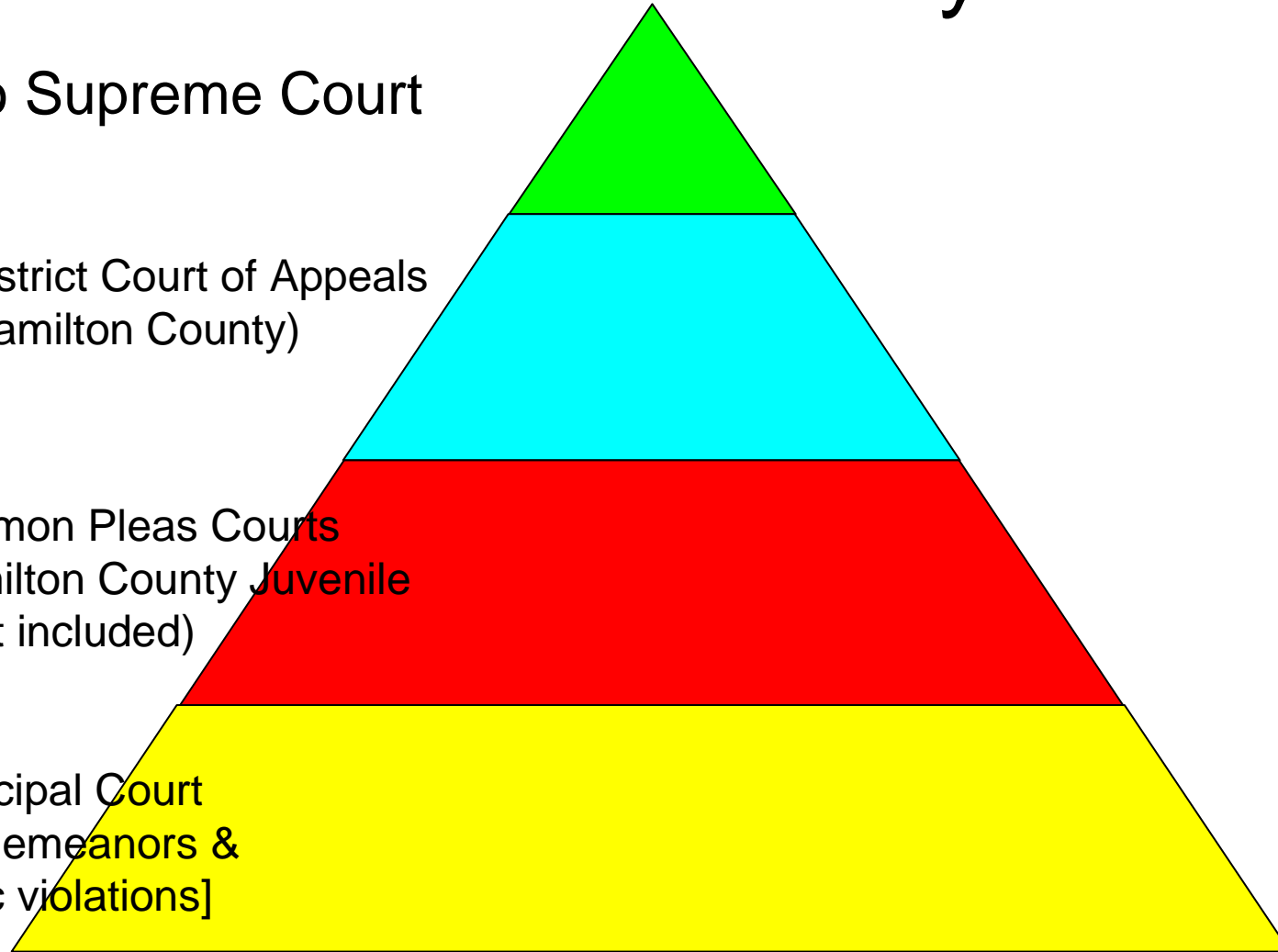
Judicial Pyramid—State of Ohio Court Hierarchy

Ohio Supreme Court

1st District Court of Appeals
(for Hamilton County)

Common Pleas Courts
(Hamilton County Juvenile
Court included)

Municipal Court
[misdemeanors &
traffic violations]



The Trial

- Who goes first
- Caseworker role—professional, respectful, honest
- How to respond to questions
- Follow up questions
- Cross examination
- Hearsay evidence—when & where admissable
- “your opinion”
- Normal witness order—CW/Police or 1st
Responder/Records—Medical—Technical

After the Trial

- Debriefing
- Explanation
- Objections or Appeal

Other Matters to Consider

- Case Plan
- Discovery
- “Sunset” Date
- Reasonable Efforts