

IN THE COURT OF COMMON PLEAS  
JUVENILE DIVISION  
CLINTON COUNTY, OHIO

LOCAL RULE OF COURT

FILED  
COMMON PLEAS COURT  
JUVENILE DIVISION  
2011 NOV -2 AM 11:39  
CLINTON COUNTY, OHIO

**3. RULES TO EXPEDITE COMPETENCY PROCEEDINGS**

**3.1 General Purpose**

The purpose of these rules is to expedite proceedings under sections 2152.51 to 2152.59 of the Revised Code, to ensure that proper notice of competency hearings is provided to the appropriate persons, and to ensure that any proceeding on an underlying complaint are stayed pending the determinations under these sections.

**3.2 Competency Motion, Memorandum, and Hearing**

Any motion for determination of competency shall be accompanied by a memorandum indicating the reasonable basis for conducting a competency evaluation of the child. If such written memorandum does not accompany the motion, it shall be filed within five (5) days following filing of the motion.

Within fifteen (15) business days after a motion is made under R.C. 2152.52, or otherwise as may be extended, the Court shall hold a hearing to determine whether there is a reasonable basis to conduct a competency evaluation. Testimony and evidence shall be permitted as determined by the Court.

**3.3 Expedited Hearings**

Juvenile competency proceedings shall be scheduled and heard on an expedited basis. Hearings in juvenile competency proceedings shall be held in compliance with applicable deadlines as established by statute or by this rule.

**3.4 Notice**

The court shall provide written notice to the prosecuting attorney, the child's attorney, the child's guardian ad litem, and the child's parents, guardian, or custodian of the date, time and place of the next scheduled hearing. Mailed notice shall not be required for any party or other individual designated in this rule to whom notice of the next hearing was provided in writing or announced in open court upon conclusion of the immediately preceding hearing.

**3.5 Stay of Proceeding**

Upon the filing of motion for a determination regarding a child's competency or upon the court's own motion the court shall stay all delinquency proceedings pending a determination of competency. If, upon a determination of competency, the court determines that the child is not competent but could likely attain competency, the court order staying the delinquency proceedings shall remain in effect until such time as the child attains competency or the proceeding is dismissed.