

RULE 21
PETITIONS FOR CERTIFICATE OF QUALIFICATION FOR EMPLOYMENT

21.0 This local rule shall establish the court practices and procedures regarding Petitions for a Certificate of Qualification for Employment (hereinafter COE) in conjunction with Revised Code section 2953.25 and Administrative Rule 5120-15-01 adopted by the Department of Rehabilitation and Corrections (hereinafter DRC). Where the Revised Code, the Administrative Regulations, and this rule are silent on procedure, the Civil Rules shall apply unless clearly inapplicable.

21.1 In order to request a COE, the Petitioner shall file the approved Cover Sheet and the fully completed Electronic DRC Petition with the Clerk of Courts for the Common Pleas Court. The Petitioner shall include the DRC Electronic Petition Number on the Cover Sheet, and shall include electronic access to the DRC COE Summary (COE Summary).

21.2 Before the Petition is accepted for filing, the Petitioner shall deposit as security for costs the amount required as set forth in Appendix A. The Petitioner may submit an Affidavit of Indigency or other relevant information for the Court's consideration if requesting the waiver of filing fees. A judge or magistrate may waive the deposit otherwise required by this Rule. If a judge or magistrate determines that the Petitioner is indigent, the Petitioner is still responsible for an administrative fee of \$25.00.

21.3 All social security numbers and other information that must be excluded from public record shall be redacted by the Clerk in accordance with the rules of this court and the Rules of Superintendence. Upon filing of a Petition, the Clerk shall file the original under seal for use by the Court, and prepare a redacted copy for inclusion in the portion of the case file accessible to the public. Records or information received by the Court or the Clerk to assist the court with making its decision under Revised Code section 2953.25, including information included on a Petition, shall retain their character as public or non-public records, as otherwise provided in law.

21.4 Upon receipt of a Petition and the required deposit, the Clerk shall assign the Petition a miscellaneous civil case number and randomly assign the matter to a judge. The Administrative Judge may transfer a pending Petition to another judge of this Court who was previously assigned to a criminal case involving the Petitioner, or who is the successor judge to a former judge who was previously assigned to a criminal case involving the Petitioner.

21.5 The Court shall obtain the criminal history of the Petitioner, either through the investigation ordered in support of the Petition or otherwise. The Court shall attempt to determine all other courts in the state in which the Petitioner has been convicted of or plead guilty to an offense through review of the Petitioner's criminal history or other investigation. The Court shall send appropriate notice and response forms to each court so identified by US mail, with a certificate of mailing and include a stamped return

envelope. The Court shall also send appropriate notice and response forms to the Prosecuting Attorney of this county.

21.6 The judge or magistrate shall review the Petition, criminal history, all filings submitted by other courts, the prosecutor or victim in accordance with the rules adopted by the DRC, and all other relevant evidence. The judge or magistrate may order any report, investigation or disclosure by the Petitioner that he or she believes is necessary to reach a decision. The judge or magistrate may conduct such hearings as are appropriate to the determination of the case.

21.7 Once all necessary information has been received, the judge or magistrate shall decide whether to grant or deny the Petition within sixty days of the completion of the record, unless Petitioner requests and is granted an extension of time. The decision to grant or deny a Petition made by a magistrate shall be sent to the judge for a final Judgment Entry and Order, pursuant to Civil Rule 53. All notice and objection periods regarding a magistrate's decision shall apply as set forth in Civil Rule 53.

21.8 The Clerk shall serve a written notice on the Petitioner of the Court's Decision and Judgment Entry. If denied, the notice shall include conditions, if any, placed on subsequent filings and language that a final appealable order has been filed. The Clerk shall also notify the DRC electronically of the disposition of the petition as required under the Administrative Rules, and if granted, order the DRC to issue the COE to Petitioner.

21.9 The Court in its discretion may from time to time amend its forms and cost schedule without amending this Local Rule.