

RULE 7- TECHNOLOGY PLAN, REMOTE APPEARANCES

7.1 In accordance with Ohio Supreme Court, Superintendence Rule 5(E), the Court shall adopt and maintain a court technology plan which will include:

- (1) A comprehensive strategy for implementing and maintaining technology solutions for conducting remote hearings, electronic service, the acceptance of electronic signatures, and any other technology-related solution utilized by the court or division; and
- (2) Procedures for notifying and providing instructions to the public on how to use the technology solutions implemented by the court or division and how the solutions will comply with any accessibility accommodation requirements, including any applicable requirement of “Americans with Disabilities Act.”

This plan is available from the Clerk’s office of the Belmont County Court of Common Pleas, Probate and Juvenile Division.

7.2 To promote uniformity in the practices and procedures related to remote appearances in cases where such an appearance is permitted by this rule, court order, statute, or other rules of the court, “Remote” is defined as the use of live two-way video or audio technology. Notwithstanding any other provisions of this Rule, a judge or magistrate may order a party’s personal appearance in Court for any conference, hearing, or proceeding.

(A) Telephone Appearances. The Court may conduct conferences, hearings, and proceedings via telephone with attorneys and unrepresented parties in accordance with the Hearing Management Plan set forth in Division (F) of this Rule.

- (1) All evidentiary proceedings involving a telephone appearance must be recorded and reported to the same extent as if the participants had appeared in person.
- (2) The Court may specify the time and the person who will initiate the conference and any other matter or requirement necessary to accomplish or facilitate the telephone appearance.
- (3) Upon convening a conference, hearing, or proceeding involving a telephone appearance, the Court shall recite the date, case name, case number, names and locations of parties and counsel, and the type of conference, hearing, or proceeding.
- (4) The Court may require a party to appear in person, including video conference at a conference, hearing, or proceeding in which a telephone appearance is otherwise permitted if the Court determines a personal appearance would

materially assist in the determination or effective management or resolution of the particular case.

(5) If at any time during a conference, hearing, or proceeding conducted by telephone, the Court determines a personal appearance including video conferencing, is necessary, the Court may continue the matter and require a personal appearance.

(B) Video Conferencing.

- (1) The Court may conduct conferences, hearings, and proceedings via a live two-way video conferencing platform with attorneys and unrepresented parties in accordance with the Hearing Management Plan set forth in Division (F) of the Rule.
- (2) All evidentiary proceedings involving a video conference appearance must be recorded and reported to the same extent as if the participants had appeared in person.
- (3) Upon convening a conference, hearing, or proceeding involving a video conference appearance, the Court shall recite the case name, case number, names and locations of the parties and counsel, and the type of conference, hearing, or proceeding.
- (4) The Court may require a party to appear in person at a hearing, conference, or proceeding in which a video conference appearance is otherwise permitted if the Court determines a personal appearance would materially assist in the determination of effective management or resolution of the particular case.
- (5) If at any time during a hearing, conference, or proceeding conducted by video conference the Court determines a personal appearance is necessary, the Court may continue the matter and require a personal appearance.

(C) Confidential Attorney-Client Communication. Provisions shall be made to preserve the confidentiality of attorney-client communications and privilege during any conference, hearing, or proceeding involving a telephone or video-conference appearance.

(D) Witnesses. A witness may testify by video conference if not otherwise permitted by this Rule, statute, or other rules of court.

(E) Technical Standards and Equipment. The equipment and platform used in any hearing or proceeding conducted under the Rule must conform to the following minimum requirements:

- (1) All participants must have the ability to hear and communicate with each other simultaneously.

- (2) All participants must be able to see, hear, or otherwise observe any documents, physical evidence, or exhibits presented during the proceedings, either by video, facsimile, or other medium.
- (3) The equipment or platform must allow for the Court to generate a verbatim record of the conference, hearing, or proceeding.
- (4) The equipment or platform must be able to be used by people with disabilities to accommodate their disabilities under the Americans with Disabilities Act.
- (5) The use of telephone or video-conferencing platform used to conduct the conference, hearing, or proceeding shall in no way abridge any right of the public.

(F) Hearing Management Plan. The Court may conduct conference, hearings, and proceedings in the following manner unless for good cause shown:

Type of Proceeding	In Person	Video	Telephone	Hybrid
Detention Hearings (Juvenile)	X	X	X	X
Adjudication (Juvenile)	X	X	X	X
Disposition (Juvenile)	X	X	X	X
Traffic Hearings (Juvenile)	X	X	X	X
Pretrial Conference (Juvenile and Probate)	X	X	X	X
Children Services Review Hearings	X	X	X	X
Other Pleadings Upon Request of a Party (Juvenile and Probate)	X	X	X	X

In Person: A hearing is conducted where the Court and all participants appear physically in the same location.

Video: A hearing is conducted using Zoom where the Court and participants appear remotely.

Telephone: A hearing is conducted where the Court and participants appear using a telephone.

Hybrid: A hearing is conducted using a combination of any of the above-listed appearance types. (e.g., the Court appears in person in the courtroom and the remaining participants appear via Zoom)