

CERTIFICATES OF QUALIFICATION FOR EMPLOYMENT

LOCAL RULE 98

98.01 This rule defines procedural requirements for consideration of an application (also called a "Petition") for a Certificate of Qualification for Employment ("CQE") as set forth in R.C. 2953.25 and Ohio Administrative Code Rule 5120-15-01, as updated from time to time by the Ohio Department of Rehabilitation and Corrections ("ODRC").

98.02 Residents of Franklin County may seek a CQE from this court using the procedure set forth below. Those residing in another Ohio county must file in their county of residence, even if they previously were convicted of offenses in Franklin County.

98.03 All CQE applications must first be submitted through the ODRC electronic database created for that purpose. Thereafter, filings in this court are initiated using a "Cover Sheet" (Petition for Certificate of Qualification for Employment, or Form "A"). A petitioner must include their assigned ODRC Electronic Petition Identification Number on their Cover Sheet (Petition) filed in this court, and attach to it a copy of their fully completed Electronic Application as submitted to the ODRC.

98.04 Every petitioner must deposit a uniform, non-refundable filing fee with the Clerk at the time of filing in an amount to be set by the Clerk and approved by the Administrative Judge. The deposit must be made before any action is required *on a*

Petition. The deposit may be made in cash or in any form of payment otherwise acceptable to the Clerk.

98.05 All personal identifying information such as exact birth dates and social security numbers shall be redacted from materials by the Clerk before they are filed in the public records of this court, pursuant to the Ohio Rules of Superintendence.

98.06 It is the responsibility of every petitioner to file their Petition and related papers using this court's electronic filing system as otherwise applicable in civil cases. Upon receipt of a CQE Petition and the required court cost deposit, the Clerk shall afford reasonable assistance with electronic filing to petitioners.

98.07 (2-24-14) The Clerk shall assign each Petition a miscellaneous civil case number. CQE Petitions are ordinarily to be assigned for decision to the Duty Judge for the week in which the initial Petition was originally filed. For good cause shown, and with the approval of the Administrative Judge, any individual Petition shall be reassigned to the docket of the judge of this court who most recently had a civil or criminal proceeding (including any civil protection order case) in which the petitioner was a party, with criminal cases taking precedence if there are multiple cases.

98.08 Unless the assigned judge deems it unnecessary because sufficient information is known to justify denial of the Petition, after receiving a CQE Petition from the Clerk's Office the Probation Department shall investigate and summarize

the criminal history of a petitioner for the assigned judge. In doing so, the Department may use any records of this court. The resulting report is not a public record.

98.09 The Probation Department shall attempt to identify all other courts in this state in which a petitioner has been convicted of an offense through a review of material readily available to the Department. The Clerk shall then send a notice and request for information to all courts/local prosecutors identified by the Department for each CQE Petition, and collect as part of the case file responses to such requests. CQE notification to other courts or prosecutors shall be sent via ordinary U.S. mail or by electronic means, as the Probation Department deems expedient. No less than 14 days shall be permitted by the Department for responsive information to be supplied.

98.10 Unless the assigned judge has already denied the Petition, following completion of their investigation the Probation Department shall deliver an information packet to the assigned judge and file an "Investigation Completed" notice with the Clerk. The packet shall include a copy of the Petition, the criminal history, and other information obtained by the Probation Department in accordance with Revised Code 2953.25 and OAC Rule 5120-15-01. The packet is not a public record, and shall not be made part of the Clerk's file.

98.11 Following review, the assigned judge shall e-file a Judgment Entry to either grant or deny the Petition. Ordinarily, a decision shall be issued within sixty

days following receipt of the packet from the Probation Department, unless a petitioner requests and is granted an extension of time to submit supplemental information, or other good cause exists to postpone the decision.

98.12 The Clerk shall provide notice to each petitioner of the court's final decision together with a copy of the Judgment Entry. The Probation Department shall notify the ODRC of disposition of each CQE Petition as required under applicable provisions of the Ohio Administrative Code. When a Petition is granted, the court's Judgment Entry shall order the ODRC to issue a CQE.

98.13 Requests for information from this court for CQE Petitions filed in other Ohio counties shall be directed to the Clerk, who shall forward such requests to the Probation Department and to the judge of this court on whose docket petitioner's most recent conviction appears. Where multiple judges of this court have heard cases with a specific petitioner, only the judge having the most recent case number is obligated to respond. To assist with timely responses to other courts, unless a judge deems it unnecessary the Probation Department shall summarize for the responding judge past convictions of petitioner in this court, and any significant facts readily observed from past presentence investigation reports, CBCF screenings, or reports of compliance or noncompliance with the terms of probation. The Department may include information to be shared with the requesting court. Each judge retains the ability to agree, disagree or provide "no comment" regarding CQE requests from another Ohio court.

98.14 This local rule is effective April 16, 2013, pursuant to Civil Rule 83(B) and Superintendence Rule 5(A)(2), without prior notice and opportunity for public comment because there is an immediate need for this rule.