

**MERCER COUNTY
PROBATE / JUVENILE
COURT**



**2021
ANNUAL REPORT
Matthew L. Gilmore
Judge**



Matthew L. Gilmore, Judge

**Mercer County Common Pleas Court
Probate and Juvenile Division**

Mission Statement

In the Mercer County Juvenile Court, we will protect children from abuse, protect the public from juvenile crime, hold parents and juveniles accountable for their actions, rehabilitate juvenile offenders, and strengthen families. This will be done through honest interactions, well-trained staff, innovative solutions and respect for all parties.

OUR PURPOSE

Judge Matthew L. Gilmore presides over the Mercer County Juvenile Court, a division of the Mercer County Common Pleas Court.

The purpose of the Mercer County Juvenile Court is to assist and rehabilitate youths that commit crimes, protect the citizens of Mercer County from juvenile crime, assist the victims associated with the crimes committed by juveniles and protect children from abuse, neglect, and dependency. Judge Gilmore presides over more than two thousand hearings a year, which includes initial appearances, pre-trial hearings, adjudications and dispositions.

A unique aspect of the Juvenile Court is that the Juvenile Judge is the ex-officio Clerk of Courts, thus, the Court performs all the duties as its own Clerk of Courts (indexing, filing, docketing, microfilming, etc.).

Juvenile Court becomes involved with children under the age of 18 whom:

- * Do not obey their parents, school officials, or other custodians
- * Do not attend school, who violate curfew, who consume alcohol and/or use drugs
- * Commit violations of traffic laws
- * Commit criminal acts
- * Children who are victims of abuse, neglect, or dependency
- * And whose circumstances require orders of paternity, visitation, and child support

The Court protects the interests and rights of the children of the county and the public by rehabilitating and holding youth and their families accountable for their actions. The Court attempts to strengthen the family as a whole and empower the parents to provide the balance, structure, supervision, and responsibility so that their children will develop the self-control and independence needed to become self-sufficient, confident, and law-abiding adults.

The Court receives referrals from parents, school officials, law enforcement, Children Services representatives, counselors, and the Prosecutors office.

The Court provides a range of community based, residential treatment and prevention services to the families that appear in Court. This report is designed to assist you to understand the children and youth that the Court serves and give you an overview of the services that were provided.



In 2021, the Mercer County Juvenile Court started a new program to assist children who are abused, neglected, and/or dependent. The CASA (Court Appointed Special Advocate) of Mercer County Program is a court-based program that recruits and trains community volunteers to become Court Appointed Special Advocates (CASAs) for children who are alleged to be abused, neglected, and/or dependent. With the dwindling numbers of local attorneys who are qualified and want to be Guardians ad Litem for abuse, neglect, and dependency cases, the CASA Program will help to fill this void. The purpose of the CASA Program is to provide the Court with advocates who will give the Court a thoughtful recommendation on what should be planned for the child, based on the CASA's independent investigation of the facts. A CASA is an official part of judicial proceedings, working alongside attorneys and Job and Family Services. The Program's goal is twofold: to provide quality representation for the children of Mercer County through volunteer participation and to involve more community members and make them aware of the problems facing abused, neglected, and dependent children in Mercer County.

The Mercer County Juvenile Court received a grant from New CASA Startup Funds to begin the CASA of Mercer County Program. Mercer County Juvenile Court Magistrate Richard Delzeith is the Court Administrator. Nick Schulze has been appointed as the Executive Director of the Program, and Kip Wright has been appointed as the Coordinator of Volunteer Services. On December 20, 2021, the CASA of Mercer County Program swore in nine (9) local volunteers as the inaugural class, which exceeded all expectations. Those volunteers were immediately utilized to advocate for local children.

Magistrate Richard M. Delzeith



Magistrate's Duties and Responsibilities:

The Mercer County Probate/Juvenile Court Magistrate shall have the duties and responsibilities described under Rule 40 of the Ohio Rules of Juvenile Procedure, Rule 53 of the Ohio Rules of Civil Procedure, Rule 73 of the Ohio Rules of Civil Procedure, Rule 19 of the Ohio Rules of Criminal Procedure, and any other duty and/or responsibility vested by statute/rule and/or the Court.

The Magistrate shall assist the Mercer County Probate/Juvenile Court with, including but not limited to, the following:

1. Determine any motion in any case, except a case involving the determination of a child's status as a serious youthful offender;
2. Conduct the trial of any case that will not be tried to a jury, except the adjudication of a case against an alleged serious youthful offender;
3. Exercise any other authority specifically vested in magistrates by statute and consistent with this rule.

The Magistrate may also regulate all proceedings as if by the Court and to do everything necessary for the efficient performance of those responsibilities, including but not limited to, the following:

1. Issuing subpoenas for the attendance of witnesses and the production of evidence;
2. Ruling upon the admissibility of evidence;
3. Putting witnesses under oath and examining them;
4. Calling the parties to the action and examining them under oath;
5. When necessary to obtain the presence of an alleged contemnor in cases involving direct or indirect contempt of court, issuing an attachment for the alleged contemnor and setting the type, amount, and any conditions of bail pursuant to Rule 46 of the Ohio Rules of Criminal Procedure;
6. Imposing, subject to Rule 40(D)(8) of the Ohio Rules of Juvenile Procedure, appropriate sanctions for civil or criminal contempt committed in the presence of the magistrate.

The Court may, for one or more of the purposes described in Rule 40(C)(1) of the Ohio Rules of Juvenile Procedure, refer a particular case or matter or a category of cases or matters to the Magistrate by a specific or general order of reference or by rule. In the interest of efficiency, not every duty and/or responsibility of the Magistrate is listed. Specific statements of duties and/or responsibilities not included above does not exclude them herein.

Probation Department

The probation department will monitor the juveniles for compliance with the terms of probation and also any other orders of the court. Probation Officers are responsible for the direct supervision of all juveniles placed onto probation. Probation Officers provide supervision, monitor compliance with rules of community control and court orders through school and home visits, parent and school contact, drug testing and through communication with any agency providing services to the youth. Officers have been trained in motivational interviewing and the use of the Carey Guides. Probation Officers report both compliance and noncompliance to the court and are responsible for filing probation violations and requesting sanctions be ordered when necessary. Youth may also be recommended to participate in the courts Expanding Horizons exercise program or the Ripple Project summer 4H(like) program.

The Mercer County Juvenile Court provides a Diversion Program for first time nonviolent offenders. Through the Diversion Program, juveniles are given the opportunity to have their case handled informally. Juveniles who successfully complete the program have their charges dismissed and they never have to appear before Judge Gilmore. The diversion Officer meets with the juvenile and his/her parents. The juvenile's charge is discussed, sanctions are given and a contract is signed. The diversion Officer monitors the contract for compliance. Failure to comply with the contract or the filing of new charges results in the juvenile's case going formally before the court. The program has been extremely successful, serving more juveniles than anticipated.

Juvenile Delinquency

The Ohio Revised Code describes a juvenile delinquent as any child who violates any law of this state, the United States, or any ordinance or regulation of a political subdivision of the state, which would be a crime if committed by an adult; except that any child who violates any traffic law, ordinance, or regulation shall be designated as a juvenile traffic offender. Juvenile Delinquency also includes any child that violates any lawful order of the Juvenile Court.

Some of the options the court utilizes when dealing with a delinquent child include:

- * Place the child on probation
- * Commit the child to the Ohio Department of Youth Services (felony only)
- * Commit the child to West Central Rehabilitation Center
- * Place child in a detention center
- * Place the child in foster care or a residential center
- * Require the child to complete community service and restitution
- * Order the child to attend a specific treatment program
- * Impose a fine and/or court costs
- * Make any order that the Judge feels would benefit the child

Unruly Child

An unruly child is defined as any child who does not subject himself or herself to the reasonable control of his or her parents, teachers, guardian or custodian, is habitually truant from home or school; departs himself or herself as to injure or endanger his health or morals; attempts to enter marriage without consent; is found to be in a disreputable place, or engages in an occupation prohibited by law. Unruly offenses include behaviors such as truancy from school, running away, and being incorrigible. These crimes would not be considered a crime if committed by an adult.

Some of the options the court utilizes when dealing an unruly child:

- * Counseling for the child and/or parent
- * Mandatory school attendance monitored by court officers
- * Specific programs such as community service or therapeutic programs
- * Place the child in a non-secure facility or with a relative
- * Place the child on probation supervision
- * Impose costs of the case against the juvenile

Juvenile Traffic Offender

The Court has jurisdiction over all traffic offenses committed by juveniles. The Court has a variety of options when dealing with a juvenile traffic offender which include the following:

- * Suspending a license for any time period up to age 21
- * Place the child on probation
- * Impose fines and costs
- * Order the child to attend a driving school program
- * Order restitution
- * Have the child attend a specific program, such as community service or attend a therapeutic program

In Ohio, a juvenile has a probationary license. With this license, a juvenile is subject to additional penalties imposed by the Bureau of Motor Vehicles to which adults are not subject.

Abused, Neglected and Dependent Dispositions

An abused child includes any child that shows evidence of any serious physical or emotional injury inflicted other than by accidental means or who is the victim of sexual activity. A neglected child is one who is abandoned or lacks parental care because of the faults, habits, and indifference of the parents or custodians. A dependent child lacks proper care or support through no fault of the parents or custodian. The Juvenile Court has the responsibility to hear such cases and make a finding or adjudication. The Court may make orders altering legal custody or redefining the parental rights and responsibilities to protect the child. These cases are very complex and require close cooperation with Mercer County Department of Job and Family Services through the Children Services Division, law enforcement, and other social agencies available in the county.

The Juvenile Court believes that when a child's physical, mental, and emotional health are at stake and when the child's needs are not being met, that the child needs an advocate. In such cases as this, the Court will appoint a Guardian Ad Litem (GAL). Based on the complaint before it and by considering the best interest of the child, the Court may use a variety of options when dealing with abused, neglected, and dependent children to include the following:

- * Order Protective Supervision through Mercer County Job and Family Services
- * Remove child temporarily from home and grant custody to Children Services during which time the parties can work on a reunification plan
- * Give legal custody to a relative
- * Place child in long-term foster care when the parent(s) is not able to assume care
- * Award permanent custody to Children Services so that the children can be adopted

Adult, Paternity, Custody, Child Support and Visitation

The Juvenile Court has jurisdiction in cases involving children whose parents were never married. Sometimes, this involves the determination of parentage. It may also involve deciding the residential parent of a child, the amount of child support to be paid and a division of parenting time with each parent. The Court also deals with requests from people other than the parents, such as relatives who may want custody of a child or visitation with a child. Child Support and paternity matters are often brought by the Mercer County Child Support Enforcement Agency.

Others

The Court also has hearings regarding other matters that do not fall into a particular category. Such cases include permanent surrenders, permanent custody in abuse, neglect and dependency cases and various appeals.

Hours of Operation

Monday: 8:30 a.m. – 12:00 p.m. & 1:00 p.m. – 5:00 p.m.

Tuesday – Friday: 8:30 a.m. – 12:00 p.m. & 1:00 p.m. – 4:00 p.m.

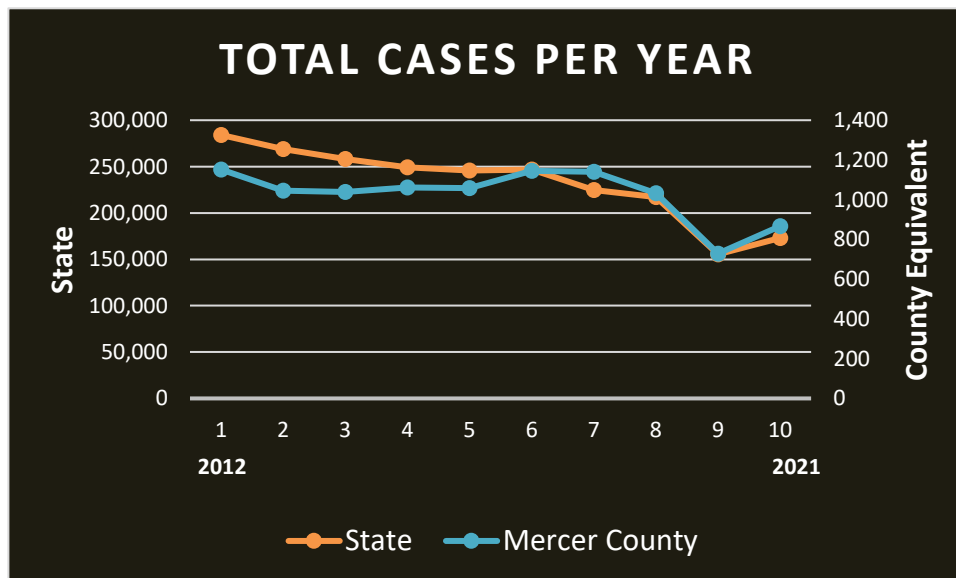
The court closes daily for lunch from 12:00 p.m. – 1:00 p.m.

JUVENILE COURT STATISTICS

Total Cases Filed	
Complaints	2021 Totals
Official	865
Diversion	50
Truancy	0
TOTALS	915

JUVENILE CASES FILED	
Classification	2021 TOTALS
Delinquent	268
Traffic	188
Abuse / Neglect / Dependent	85
Unruly	31
Adult	17
Permanent Custody	9
Custody	48
Support	202
Paternity	16
Miscellaneous	1
TOTALS	865

COLLECTION OF MONEY	
TYPE	2021 TOTALS
Fees	\$11,446.08
Fines	\$1,787.61
Computer Fund	\$2,784.07
Computer Research	\$798.46
Public Defender	\$275.00
Law Library	\$1,421.50
County Highways	\$1,556.89
Diversion	\$2,140.00
Probation Services	\$0.00
Drug Tests	\$0.00
Pod City	\$50.00
Community Control	\$5,932.00
Ind. Drivers Alcohol Fund	\$190.00
Special Projects	\$1,755.00
TOTALS	\$30,136.61



DIVERSION STATISTICS

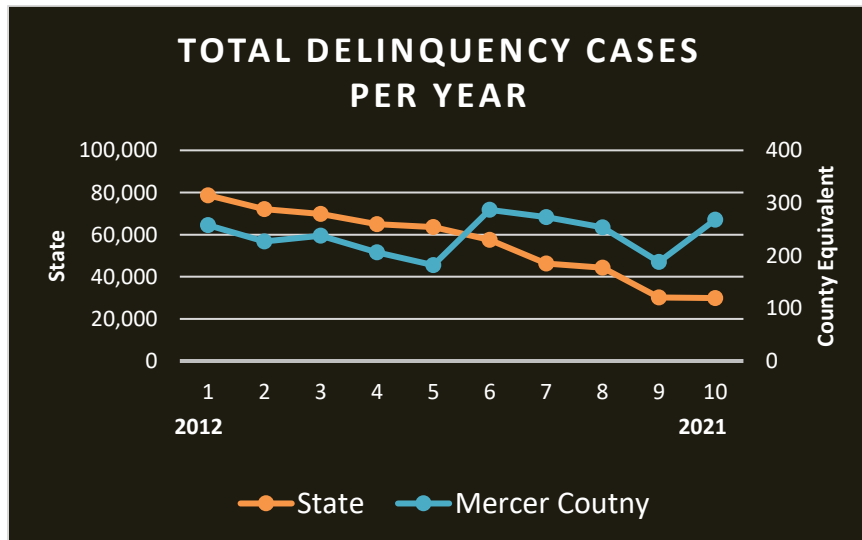
DIVERSION PLACEMENT			
	2021	Male	Female
Successful	40	31	9
Unsuccessful	7	5	2
In Progress as of December 31	3	2	1
TOTAL	50	38	12

JUVENILE TRUANCY CHARGES			
	2021	Male	Female
Successful	0	0	0
Unsuccessful	0	0	0
In Progress as of December 31	0	0	0
TOTAL	0	0	0

DELINQUENCY STATISTICS

Terminated Cases by Age and Gender

Delinquency	AGE										TOTAL
	10	11	12	13	14	15	16	17	18	over 18	
Male	0	2	14	27	44	31	56	46	14	6	240
Female		0	4	1	7	16	7	9	3	0	7
Unknown	0	0	0	0	0	0	0	0	0	0	0
TOTAL	0	2	18	28	51	47	63	55	17	6	277



DISPOSITION GENDER STATISTICS BY OFFENSE:**DELINQUENCY**

	FEMALE	MALE	UNKNOWN	TOTAL
ABEY DAYS	0	1	0	1
ABEYANCE DAYS	4	18	0	22
ABUSING HARMFUL	0	1	0	1
AID & ABET CRIM	3	0	0	3
ALCOHOL	0	2	0	2
APPEAL	0	1	0	1
ARSON	0	1	0	1
ASSAULT	1	2	0	3
BREAK &	0	4	0	4
BRIDGES	1	0	0	1
BRIDGES	0	1	0	1
BURGLARY	0	2	0	2
COMPLIANCE	1	0	0	1
COMPLICITY	0	1	0	1
CONTEMPT	0	1	0	1
CRIM DAMAGING	0	11	0	11
CRIM MISCHIEF	1	5	0	6
CRIM. TRESPASS	1	4	0	5
CRUELTY ANIMALS	0	1	0	1
CRUELTY/ANIMALS	0	1	0	1
DETENTION DAYS	0	1	0	1
DISOBEY OFFICER	0	1	0	1
DISORD CONDUCT	5	10	0	15
DISORDERLY COND	2	7	0	9
DOMESTIC VIOL	0	5	0	5
DOMESTIC VIOLEN	1	0	0	1
DRUG ABUSE	3	3	0	6
DRUG PARAPHERNA	0	1	0	1
ESCAPE	1	0	0	1
EXTORTION	0	1	0	1
FAIL TO COMPLY	0	1	0	1
FALSIFICATION	0	1	0	1
GROSS SEX IMPO	0	1	0	1
IMPOS ABEY DAYS	0	1	0	1
IMPOSE ABEY DAY	0	12	0	12
INDUCING PANIC	0	2	0	2
MARIJ PARAPHAN	0	1	0	1
MENACING	0	2	0	2

DISPOSITION GENDER STATISTICS BY OFFENSE:**DELINQUENCY - CONTINUED**

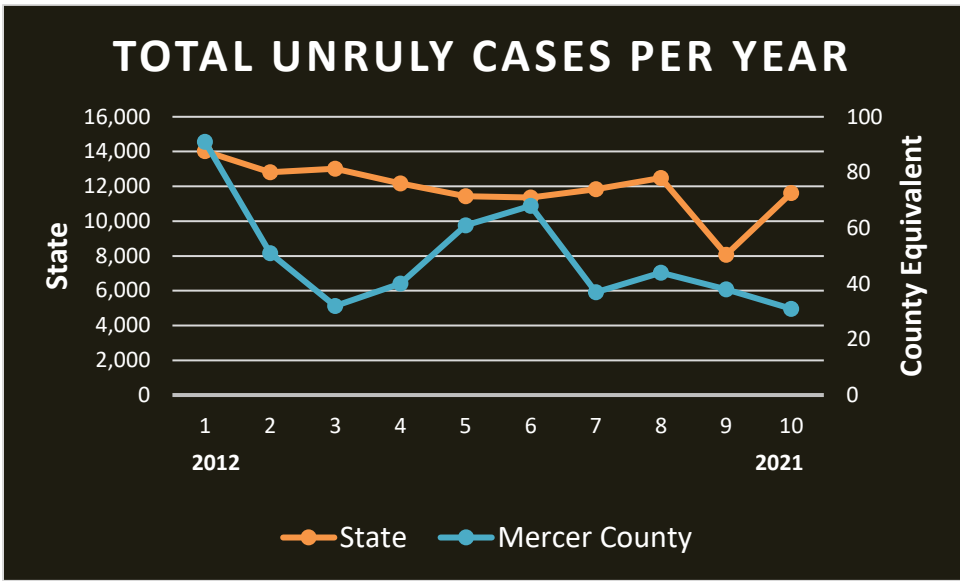
	FEMALE	MALE	UNKNOWN	TOTAL
MOT ABEY DAYS	0	11	0	11
MOT DEST EVIDEN	0	1	0	1
MOT DISMISS	0	1	0	1
MOT PROBATION	1	10	0	11
MOT REVIEW	0	2	0	2
MOT TERM PROB	4	10	0	14
MOT TO TERMINAT	1	0	0	1
MOT VISITATION	1	0	0	1
MOTION	1	1	0	2
MOTION/CASEPLAN	0	1	0	1
OBSTRUCTING	0	2	0	2
PAND OBSCENITY	0	1	0	1
PERMIT ALCOHOL	0	2	0	2
POSESSION ALCOL	0	1	0	1
POSS DRUG INSTR	0	1	0	1
POSS DRUG PARAP	0	1	0	1
POSS MARIJ PARA	0	1	0	1
POSS MARIJUANA	0	2	0	2
POSS/CON UNDERA	0	1	0	1
POSSES OF DRUGS	0	1	0	1
POSSESS MARIJUA	0	2	0	2
POSSESS TOBACCO	1	0	0	1
PROB RELEASE	0	2	0	2
PROB TERMINATIO	0	1	0	1
PROB VIOLATION	1	4	0	5
PROB. VIOLATION	0	6	0	6
PROBATION	0	5	0	5
PROBATION	6	13	0	19
PROBATION	0	1	0	1
PROBATION	0	1	0	1
PROBATION	0	3	0	3
PROBATION	0	9	0	9
PUBLIC INDECENC	0	1	0	1
RAPE	0	3	0	3
RELEASE PROBATI	1	1	0	2
RESIST ARREST	1	1	0	2
REST AGNST DRUG	0	1	0	1
REST DRUG PARA	1	0	0	1

DISPOSITION GENDER STATISTICS BY <u>OFFENSE</u>:				
DELINQUENCY - CONTINUED				
	FEMALE	MALE	UNKNOWN	TOTAL
SEAL APPLICATION	0	3	0	3
SUPPORT	0	2	0	2
SUPPORT/CONTEMP	0	1	0	1
TAMPER EVIDENCE	0	1	0	1
TAMPERING EVIDE	1	1	0	2
TERM. PROBATION	0	8	0	8
TERMINATE PROB	0	3	0	3
TERMINATE PROBA	1	3	0	4
THEFT	4	14	0	18
UNDERAGE CONSUP	1	0	0	1
UNDERAGE PERSON	0	1	0	1
VANDALISM	1	1	0	2
	54	254	0	308

UNRULY STATISTICS

Terminated Cases by Age and Gender

Unruly	AGE									TOTAL
	11	12	13	14	15	16	17	18	over 18	
Male	0	0	0	6	4	9	9	1	0	29
Female	0	0	0	0	2	0	0	0	0	2
Unknown	0	0	0	0	0	0	0	0	0	0
TOTAL	0	0	0	6	6	9	9	1	0	31



DISPOSITION GENDER STATISTICS BY OFFENSE:

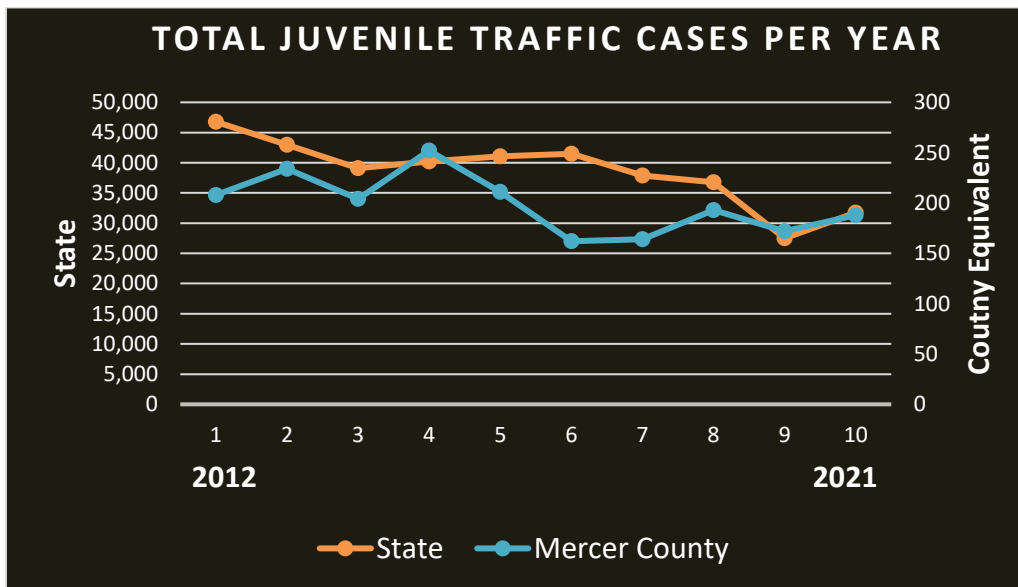
UNRULY

	FEMALE	MALE	UNKNOWN	TOTAL
CONTEMPT	0	6	0	6
CURFEW	0	2	0	2
MOT PROBATION	0	1	0	1
MOT TERM PROB	0	1	0	1
POSSESS MARIJUA	0	1	0	1
POSSESS TABACCO	0	1	0	1
POSSESS TOBACCO	0	1	0	1
PROB. VIOLATION	0	1	0	1
PROBATION	0	1	0	1
PROBATION LEVEL	0	1	0	1
PROHIBIT TOBACC	1	0	0	1
REASON CONTROL	0	5	0	5
REASONABLE CONT	1	2	0	3
TERM. PROBATION	0	1	0	1
UNRULY	1	8	0	9
	3	32	0	35

TRAFFIC STATISTICS

Terminated Cases by Age and Gender

Traffic	AGE									TOTAL
	11	12	13	14	15	16	17	18	over 18	
Male	0	0	0	0	11	59	67	3	0	140
Female	0	0	0	0	1	22	32	2	0	57
Unknown	0	0	0	0	0	0	0	0	0	0
TOTAL	0	0	0	0	12	81	99	5	0	197



DISPOSITION GENDER STATISTICS BY <u>OFFENSE</u> :				
TRAFFIC				
	FEMALE	MALE	UNKNOWN	TOTAL
Speed	6	5	0	11
<21 AGE URINE	0	1	0	1
AC DA	2	4	0	6
A.C.D.A.	2	3	0	5
CR. YELLOW LN	1	0	0	1
DISMISSAL	1	1	0	2
DISTRACT DRIV	0	1	0	1
DISTRACTED DRIV	1	0	0	1
DRIV LEFT/CENTER	0	1	0	1
DUS (FAIL/REIN)	0	2	0	2
DUS-NON FRA	0	2	0	2
EXCESS PASS.JUV	0	1	0	1

DISPOSITION GENDER STATISTICS BY OFFENSE:**TRAFFIC - CONTINUED**

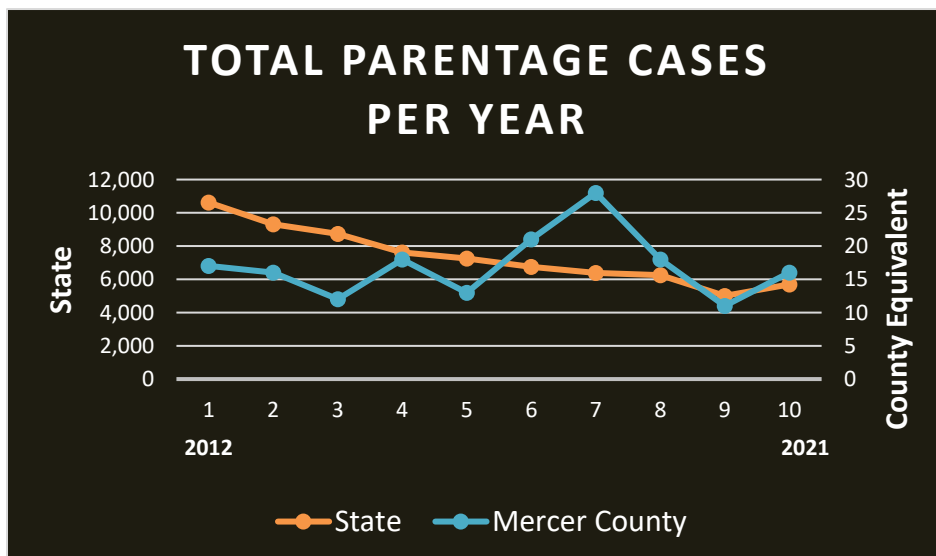
	FEMALE	MALE	UNKNOWN	TOTAL
EXPIRED PLATES	1	0	0	1
F T Y R O W	1	0	0	1
FAIL DISP PLATE	0	1	0	1
FAIL TO CONTROL	1	1	0	2
FAIL TO YIELD	2	2	0	4
FAILURE TO CONT	3	7	0	10
FAILURE TO YIEL	0	1	0	1
FAILURE YIELD	0	1	0	1
FLASHING SIGNAL	0	1	0	1
IMPRO LEFT TURN	0	1	0	1
LEFT OF CENTER	1	5	0	6
MARKED LANES	1	1	0	2
MOT DISMISS	1	1	0	2
MOT DISMISSAL	0	1	0	1
MOTION	0	1	0	1
MOTION DISMISS	0	1	0	1
MOTION TERMINAT	0	1	0	1
MOTION/PRIVILEG	0	3	0	3
NO HEADLIGHTS	0	1	0	1
NO OP LIC	1	5	0	6
NO OPERATORS LI	0	1	0	1
OBEDIENCE TRAFF	0	1	0	1
OL REQUIRED ATV	0	1	0	1
OVI/URINE .238+	0	2	0	2
PASS SCHOOL BUS	0	1	0	1
PHYSICAL CONTRO	1	0	0	1
PROHIBITED OPER	0	1	0	1
REASON CONTROL	1	0	0	1
RECKLESS OP	1	2	0	3
RECKLESS P PROP	0	1	0	1
RED LIGHT	0	2	0	2
RELEASE PROBATI	1	0	0	1
RIGHT OF WAY	0	1	0	1
SEATBELT/DRIVER	1	11	0	12
SLOW VEH SIGNS	0	1	0	1
SPACE/VEHICLE	0	2	0	2
SPEED	20	51	0	71
SPEED/SCHOOL ZN	0	1	0	1

DISPOSITION GENDER STATISTICS BY OFFENSE: TRAFFIC - CONTINUED				
	FEMALE	MALE	UNKNOWN	TOTAL
SQUEALING TIRES	0	1	0	1
STOP SCH BUS	3	1	0	4
STOP SIGN	3	2	0	5
STOP SIGN VIOL	1	1	0	2
STOP SIGN VIOL.	1	0	0	1
TEMP INST RULES	1	2	0	3
TRAFFIC DEVICES	0	1	0	1
TURN SIGNAL VIO	1	0	0	1
TURN SIGNALS	0	1	0	1
VIO-BRAKE REQ	0	1	0	1
YIELD SIGN	2	1	0	3
	62	147	0	209

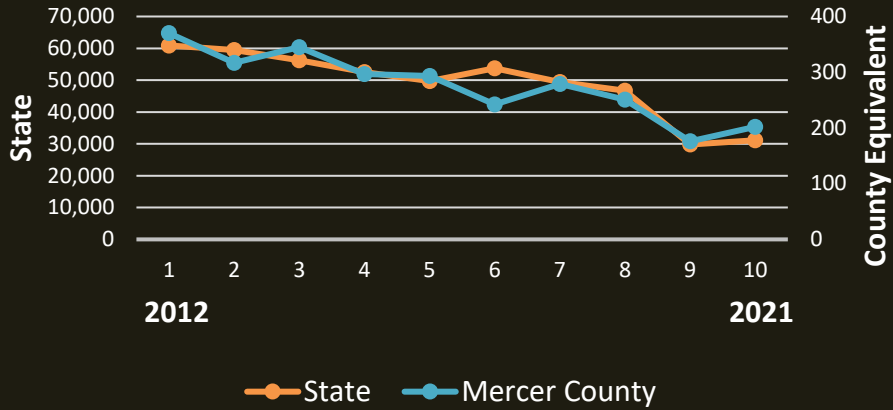
ABUSE, NEGLECTED & DEPENDENT STATISTICS

Terminated Cases by Age and Gender

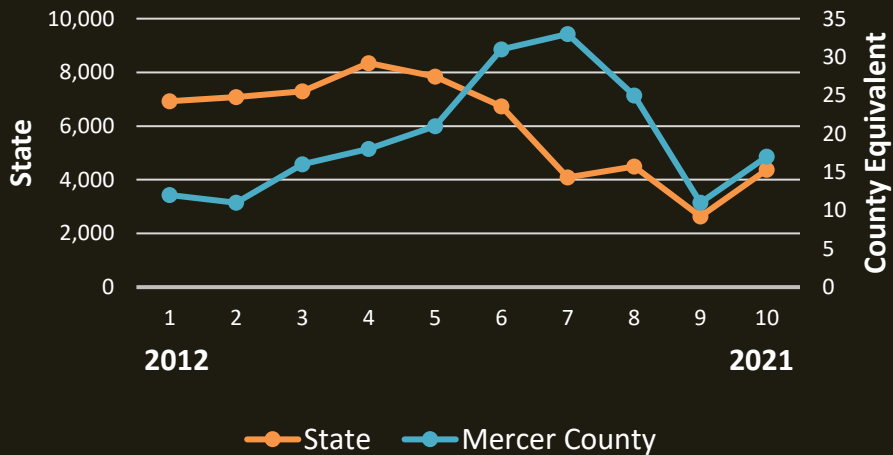
Abuse, Neglected & Dependent	AGE																			Total
	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18+	
Male	2	5	8	6	11	3	0	0	7	5	2	5	4	1	2	2	4	3	0	70
Female	16	3	2	0	2	3	0	0	0	0	0	0	3	5	2	4	1	2	0	43
11Unknown	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
TOTAL	18	8	10	6	13	6	0	0	7	5	2	5	7	6	4	6	5	5	0	113



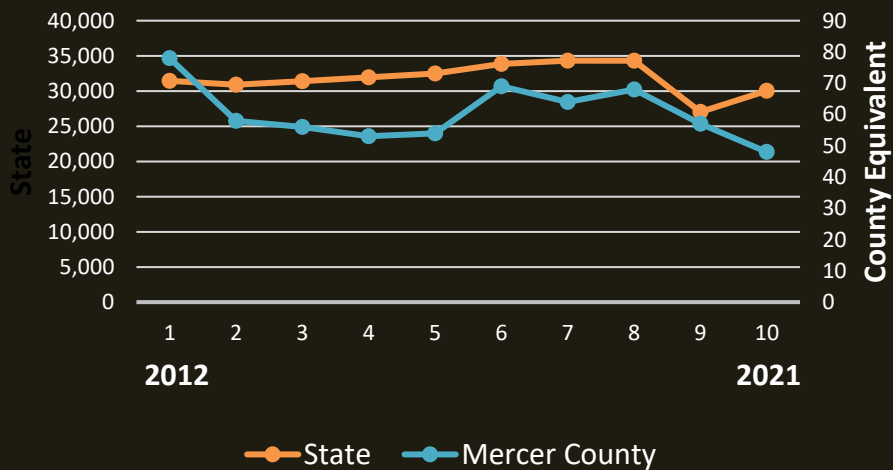
TOTAL CHILD SUPPORT CASES PER YEAR



TOTAL ADULT CASES PER YEAR



TOTAL CUSTODY CASES PER YEAR



PROBATE COURT

OUR PURPOSE

The Mercer County Probate Court provides a variety of services. The Court handles the following administrative functions: the probating of wills, estate administration (full estates and releases from administration), trusts, guardianships of incompetent adults and minors, commitment hearings for the mentally ill and mentally challenged, adoptions, birth corrections, name changes, delayed birth registrations, delayed births is creating a birth certificate for someone who never had a birth certificate, custodial accounts, order disinterment's, court ordered healthcare for persons with tuberculosis (TB) and acquired immune deficiency syndrome (AIDS), Adult Protective Service cases, issuing marriage licenses and authenticated copies. In addition, the Court hears litigation issues in all the above matters. The Probate court has over two hundred duties assigned by the enactment of statutory laws. A unique aspect of the Probate Court is that the Probate Judge is the ex-officio Clerk of Courts, thus, the Court performs all the duties as its own Clerk of Courts (indexing, filing, docketing, microfilming, etc.).

Probate Filings	
Classification	2021
Decedent's Estates	285
Minor Guardianships	7
Incompetents Guardianships	20
Conservatorships	0
Testamentary Trusts	3
Civil Actions	3
Adoptions	15
Mental Illnesses	0
Minor Settlements	9
Wrongful Death (not included w/decedent's estate)	1
Delayed Registration/Correction of Birth	16
Change of Name	17
Marriage Licenses	300
Miscellaneous / Authenticated Copies	7
TOTALS	683

