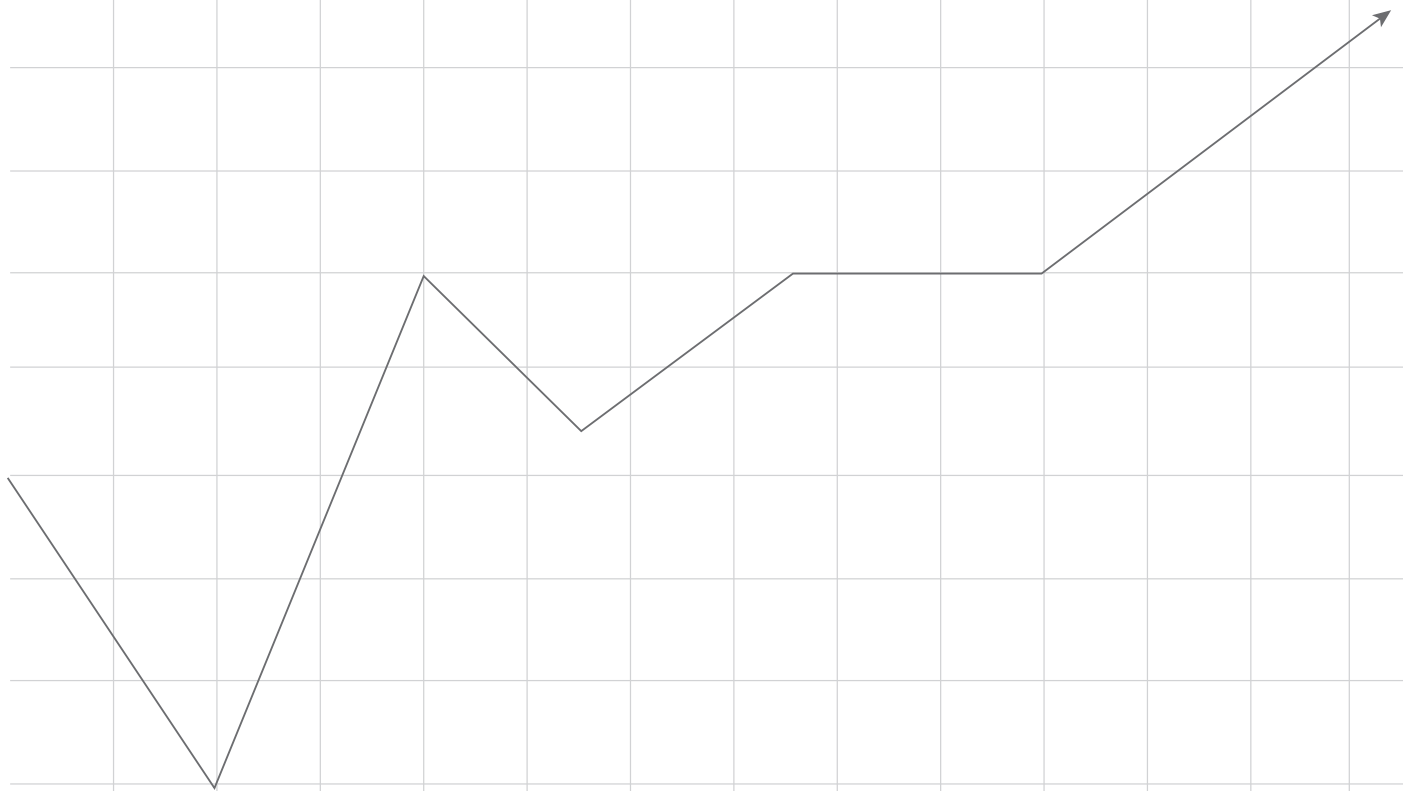


DEFINITIONS





The following definitions are adapted from the Instructions for Preparation of Statistical Report Forms promulgated pursuant to the Rules of Superintendence for the Courts of Ohio. They apply to terms found on the report forms submitted by Ohio's courts to the Case Management Section of the Supreme Court of Ohio and to the caseload statistics information included in the *Ohio Courts Statistical Report*.

Admission Uncontested juvenile court cases terminated by admission, default or agreement.

Adult Cases R.C. 2919.24 Juvenile court cases brought against an adult who is the defendant accused of contributing to the neglect, unruliness or delinquency of a minor.

All Others Any case that cannot appropriately be recorded in a listed category.

Bankruptcy Stay/Interlocutory Appeal Cases in which a bankruptcy stay was issued or an interlocutory appeal taken. Once the stay is removed or the case remanded, the case is reactivated.

Certification/Waiver Granted Juvenile delinquency cases transferred for criminal prosecution to the appropriate court having jurisdiction of the offense; more commonly referred to as "bindovers."

Change of Custody Post-decree domestic relations cases in which the court must adjudicate a motion for change of custody, including requests for change of custody based upon an election of the child and cases where custody is contested. Juvenile cases are included where there is an application for writ of habeas corpus involving the custody of a child or where a motion for change of custody is filed pursuant to Juv.R. 10(A).

Clearance Rate In all case types, the clearance rate is a statistical calculation comparing the number of cases filed during the year to the number of cases terminated during the same year. It is determined by dividing the total number of terminations by the total number of new filings, reactivations and transfers. It is expressed as a percentage. For example, if 90 terminations and 100 total incoming cases are reported, the clearance rate is 90 percent.

Court Trial A case is considered terminated by trial to the court (i.e., judge) if judgment is rendered after the first witness is sworn.

Criminal Cases in which a person is charged with violation of a state law or local ordinance other than a traffic law or ordinance. For purposes of tracking the age of the case for these reports, the case begins at arraignment.

Default Cognovit judgments and default judgments in civil cases.

Default/Uncontested Domestic relations cases in which there is no responsive pleading filed or the defendant fails to appear in person or through counsel.

Delinquency Juvenile cases filed concerning a delinquent child, as defined by R.C. 2152.02.

Dependency, Neglect, or Abuse Juvenile cases concerning the neglected child, as defined by R.C. 2151.03; the dependent child, as defined by R.C. 2151.04; or the abused child, as defined by R.C. 2151.031.

Dismissals Before or after pre-trial conference, but prior to the swearing of the first witness, the case is dismissed by the judge or prosecutor with or without prejudice.

Dismissals for Want of Prosecution (Civil Cases) or Lack of Speedy Trial (Criminal Cases) Cases dismissed pursuant to R.C. 2945.73 or Sup.R. 40 for want of prosecution within the prescribed time limits. This termination line does not track criminal cases dismissed for want of prosecution.

Dissolution of Marriage Domestic relations cases in which a petition for dissolution of marriage is filed pursuant to R.C. 3105.63, with or without minor children.

Diversion or Arbitration Criminal cases where diversion is granted after arraignment on the indictment or information, but not as a condition of a sentence placing the accused on probation. In civil cases in which the court has adopted a mandatory arbitration rule, the referral of the case to arbitration does not constitute a termination. A case is reported as terminated by arbitration after a report and award are filed and the period for the filing of an appeal or exception runs.

Domestic Violence Domestic violence actions filed as separate cases pursuant to R.C. 3113.31. This does not include miscellaneous matters filed in pending cases, such as motions to evict.

Guilty/No Contest Plea to Reduced Charge Criminal cases terminated by the acceptance of a plea of guilty or no contest to a reduced charge. The change of plea must occur prior to the swearing of the jury or the swearing of the first witness in a court trial.

Jury Trial A case is considered terminated by jury trial if judgment is rendered after the jury is sworn, regardless of the outcome of the trial.

Mediation/Conciliation Domestic relations cases in which a petition for conciliation is filed or a referral to mediation is made. Petition or referral seeks to defer further action and prevents or suspends proceedings for divorce, annulment, or alimony.

Motion for Permanent Custody Juvenile cases in which a complaint or motion for permanent custody is filed when custody is contested. This does not include voluntary placements.

Other Civil Cases Civil cases that are not included within any of the other categories. Ancillary proceedings are not reported as cases.

Parentage Cases brought pursuant to R.C. Chapter 3111., the Uniform Parentage Act. Once paternity is established, the parentage case is considered terminated for reporting purposes.

Personal Injury Civil cases in which the principal issue is liability for, or the amount of damages to be received for, allegedly tortious conduct resulting in personal injury.

Support Enforcement/Modification Post-decree domestic relations cases in which it is alleged there is disobedience of, or resistance to, a lawful judgment of the court requiring the payment of support. A case is reported only once, regardless of the number of pending motions.

Traffic Cases dealing with matters involving traffic offenders. Juveniles, as defined by R.C. 2152.02 (N), and adult traffic cases include any violation of state law or local ordinance arising out of the use of a motor vehicle, except those involving operating a vehicle while under the influence charges.

Transfer to Another Judge or Court Cases terminated by virtue of transferring the case from one judge to another judge within the same division of a court by an assignment of the administrative judge or by transferring the case to another court. This action constitutes complete divestment of responsibility by the original judge.

Trial by Judge Contested matters terminated as a result of a hearing conducted by a judge.

Trial by Magistrate Contested cases settled or dismissed, or in which the accused changes plea after the first witness is sworn. This category is limited to substantive hearings held by a magistrate.

Unavailability of Accused for Trial or Sentencing Cases terminated when a defendant is unavailable due to mental status, incarceration on other charges, or flight from custody. The mere failure of the accused to appear when the case is set for trial or hearing does not, in itself, authorize termination by reason of unavailability.

Unruly Juvenile cases concerning unruly children, as defined by R.C. 2151.022.

U.I.F.S.A. Cases brought pursuant to R.C. Chapter 3115, the Uniform Interstate Family Support Act, handled by the domestic relations or juvenile divisions, including cases initiated in Ohio and cases in which Ohio is the responding state.

Visitation Enforcement/Modification Post-decree domestic relations cases in which it is alleged there is disobedience of, or resistance to, lawful judgment of the court relative to child visitation rights. A case is listed only once, regardless of the number of pending motions.

Voluntary Dismissal Voluntary withdrawal of a pending domestic relations action, for any reason, by the person who originally filed the cause or action.

Workers' Compensation Appeals filed under R.C. 4123.512, including noncompliance actions by the state, for recovery of benefits or of premiums and mandamus actions arising from claims or awards.

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Clearance Rate In all case types, the clearance rate is a statistical calculation comparing the number of cases filed during the year to the number of cases terminated during the same year. It is determined by dividing the total number of terminations by the total number of new filings, reactivations and transfers. It is expressed as a percentage. For example, if 90 terminations and 100 incoming cases are reported, the clearance rate is 90%.

Criminal Cases in which a person is charged with violation of a state law or local ordinance other than a traffic law or ordinance. For purposes of tracking the age of the case for these reports, the case begins at arraignment.

Default Cognovit judgments and default judgments in civil cases.

Dismissals Before or after pre-trial conference, but prior to the swearing of the first witness, the case is dismissed by the judge or prosecutor with or without prejudice.

Dismissal for Want of Prosecution (Civil Cases) or Lack of Speedy Trial (Criminal Cases)

Cases dismissed pursuant to R.C. 2945.73 or Sup.R. 40 for want of prosecution within the prescribed time limits. This termination line does not track criminal cases dismissed for want of prosecution.

F.E.D. (Forcible Entry and Detainer) A summary proceeding initiated under R.C. 1923. or 5321. for restoring possession of real property to one who is wrongfully kept out or is wrongfully deprived of possession.

Felony A felony is defined by R.C. 2901.02 and Crim.R. 2 as an offense specifically classified as a felony, regardless of penalty, or an offense in which imprisonment for more than one year can be imposed. When transferred to the common pleas court, these cases are reported as criminal cases by the receiving court.

Guilty/No Contest Plea to Reduced Charge Criminal cases terminated by the acceptance of a plea of guilty or no contest to a reduced charge. The change of plea must occur prior to the swearing of the jury or the swearing of the first witness in a court trial.

Hearing by Magistrate Contested cases settled or dismissed, or in which the accused changes plea after the first witness is sworn. This category is limited to substantive hearings held by a magistrate.

Jury Trial A case is considered terminated by jury trial if judgment is rendered after the jury is sworn, regardless of the outcome of the trial.

Misdemeanors A misdemeanor is defined by R.C. 2901.02 and Crim.R. 2 as an offense specifically classified as a misdemeanor, or an offense in which imprisonment for not more than one year can be imposed. While traffic offenses fall within this definition, they are reported as operating a vehicle while under the influence or other traffic offenses (see page 281) and not as misdemeanors.

Other Civil Cases Civil cases not included within any of the other categories. Ancillary proceedings are not reported as cases.

Other Traffic A misdemeanor charged under a statute or an ordinance arising out of the use of any type of vehicle generally used on the roads of the state, except an OVI offense. Parking violations are not included in this category or anywhere else in the *Ohio Courts Summary*.

O.V.I. (Operating a Vehicle While Under the Influence) Cases that include violating R.C. 4511.19 or any local ordinance that prohibits operating a motor vehicle while under the influence of alcohol or any drug of abuse.

Personal Injury Civil cases in which the principal issue is liability for, or the amount of damages to be received for, allegedly tortious conduct resulting in personal injury.

Small Claims Civil actions brought under R.C. 1925. for the recovery of small debts and accounts, not exceeding \$3,000, exclusive of interest and costs.

Transfer Cases terminated by virtue of transferring the case from one judge to another judge within the same division of a court by an assignment of the administrative judge or by transferring the case to another court. This category also includes cases bound over to a grand jury as a result of waiver of a preliminary hearing and small claims cases transferred to the regular civil docket. This action constitutes complete divestment of responsibility by the original judge.

Transferred Out Cases transferred to other courts or other judges of the original court as reported by the individually assigned judge pursuant to Sup.R. 37(A) (3) (b).

Trial/Hearing by Judge Felony cases bound over to a grand jury as a result of a preliminary hearing and other cases terminated in particular sessions by a judge.

Unavailability of Accused Cases terminated when a defendant is unavailable due to mental status, incarceration on other charges, or flight from custody. The mere failure of the accused to appear when the case is set for trial or hearing does not, in itself, authorize termination by reason of unavailability.

Violations Bureau This termination type includes misdemeanor and other traffic cases terminated by payment of a fine at a Traffic Violations Bureau.

