



TODD E. KOHLRIESER, JUDGE

Allen County Court of Common Pleas

Probate & Juvenile Divisions

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Record Request: records@allencountyohio.com

PUBLIC RECORDS POLICY

Effective Date: June 13, 2025
Electronic version available at www.allenohioprobate.com

PURPOSE:

The Allen County Court of Common Pleas, Probate and Juvenile Division, has enacted the following Public Records Policy to ensure that Ohio citizens are provided access to Court records.

Public access to court records is governed by the Rules of Superintendence, Rules 26 and 44-47, promulgated by the Supreme Court of Ohio. It is the policy of the Allen County Probate and Juvenile Court to adhere to the State of Ohio's Public Records Act combined with the Ohio Rules of Superintendence when addressing requests for public records. Further, certain records are required to remain confidential, which are identified in the Ohio Rules of Juvenile Procedure and the Ohio Revised Code. Any denial of a public records request will be accompanied by a written explanation.

PUBLIC RECORDS:

A public record is defined as any document – paper, electronic, or other format – that is created or received by, or comes under the jurisdiction of the Court which documents the organization, functions, policies, decisions, procedures, operations, or other activities of the office, except those records that are otherwise identified as exempt under the Ohio Public Records Act, or the release of which is prohibited by State or Federal Law.

RECORD REQUEST:

Any individual or organization wishing to inspect or obtain copies of public records must identify the records requested with sufficient clarity to allow the Court to identify, retrieve, and review the records.

The individual or organization wishing to inspect or obtain copies of public records is not required to submit a public record request in writing; nor are they required to provide his or her identity, or the intended use of the requested public record. ***In certain circumstances, records may be protected, sealed, or limited to the parties in a case, thus, identification may be required. Requesting public records may be made using the "Allen County Probate and Juvenile Court Public Request Form," however, this is not a requirement of the requester. The form may assist the Court in efficiently preparing the requested records.*** The form is attached to this policy, and is also available on the court's website, and can be provided by the Probate and

Juvenile Clerks' office.

In processing the request, the Court does not have an obligation to create new records or perform a search or research for information in the Court's records. An electronic record is deemed to exist so long as a computer is already programmed to produce the record through the Court's standard use of sorting, filtering, or querying features.

EXEMPTIONS TO PUBLIC RECORDS:

The confidential nature of certain types of information or records precludes their release. Federal and state law provide numerous exceptions to the general rule that disclosure of public records is mandatory. Records whose release is found to be prohibited by state or federal law or which are not considered public records as defined by Ohio Revised Code 149.43 are not subject to public inspection.

A copy of the most recent edition of the Ohio Sunshine Laws is available on the Ohio Attorney General's website to keep employees of the Court and the public educated on the Court's obligations under Ohio's Public Records Act.

DENIAL OF PUBLIC RECORDS REQUEST:

If a request is denied, in part or in whole, the public office shall provide the requester with a written explanation, including legal authority, setting forth why the request was denied.

Denial of an Ambiguous or Overly Broad Request of Public Record. A request may be denied if it is ambiguous or overly broad. Upon denying a request, the office will provide an opportunity to revise the request.

Denial of a Public Record Not Maintained by the Appointing Authority. If a public office receives a request for a record that it does not maintain or the record is no longer maintained, it shall notify the requester in writing, identifying which of the following applies:

- I. The records have never been maintained by this office;
- II. The records are no longer maintained or have been disposed of or transferred under the applicable Records Retention Schedule (See Sup. R. 26-26.05 for record retention rules and record retention schedules);
- III. The record is not a record used or maintained by the public office, and there is no obligation to create records to meet public record requests.

Denial of a Public Record Maintained by the Appointing Authority. The public office may deny a records request if the release is prohibited by state or federal law, and shall notify the requester in writing, identifying which of the following applies:

- I. If the record request is denied in its entirety because of a statutory exclusion.
- II. If only part of the record is not subject to release, this office will redact, i.e., black-out or otherwise remove, such information and release the non-exempted information; and provide the appropriate authority in which the redaction is authorized, either through the Ohio Revised Code, applicable rulings

of the Court, Ohio Rules of Superintendence, or State Attorney General Opinions with the corresponding redaction.

- III. The office shall consult the Allen County Prosecutor or other legal counsel of choice, if unsure of whether a part of the record requested is exempt from disclosure.
- IV. The public office may rely on additional reasons or legal authority in defending an action commenced pursuant to ORC 149.43.

Request for Personnel Records. Personal information unrelated to the employee's performance of public business such as Social Security number, home address, home phone number, information regarding spouse and children's names and ages, medical records, optional payroll deductions or additional voluntary retirement contributions, should be redacted before inspection by anyone other than the employee or their written designee.

COPYING AND MAILING COSTS:

A requester may be required to pay in advance for the actual costs involved in providing the copy. The requester may choose whether to have the record duplicated upon paper, upon the same medium on which the public record is kept, or upon any other medium on which the Court determines that the record can reasonably be duplicated as an integral part of the Court's normal operations. If a requester asks that documents be delivered to them, he or she may be charged the actual cost of the postage and mailing supplies, or other actual costs of delivery. There is no charge for emailed documents. All public records are provided for \$0.10 per page. Any request for records to be mailed will be charged at the current rate of postage established by the United States Postal Service on the date the records request is made.

INSPECTION:

Public records are to be available for inspection during regular Court business hours, with the exception of published holidays and Court closures. However, not all records are available for inspection upon demand. Ohio Public Records Act specifies that public records must be made available for inspection promptly, and copies of public records must be made available within a reasonable period of time.

"Reasonable" takes into account the volume of records requested, the proximity of the location where the records are stored, the accessibility of the records, and the necessity for any legal review of the records requested. Each request will be evaluated to determine the estimated length of time required to gather the records. All requests for public records will either be satisfied or acknowledged in writing by the court within five (5) business days following the court's receipt of the request. If a request is deemed significantly beyond "routine", such as seeking a voluminous number of copies or requiring extensive research, the acknowledgement will include the following:

- I. An estimated number of business days it will take to satisfy the request;
- II. An estimated cost of copies requested with deposit required; and,
- III. Any items within the request that may be exempt from disclosure.

ELECTRONIC RECORDS:

Records in the form of e-mail, text messaging, and instant messaging, including those sent and received via a hand-held communications device, are to be treated in the same fashion as records in other formats, such as paper or audiotape. Public record content transmitted to or from private accounts or personal devices is subject to disclosure. All employees or representatives of the Court are required to retain their e-mail records and other electronic records in accordance with applicable records retention schedules.

Allen County Probate and Juvenile Court records are subject to records retention schedules governed by the Ohio Rules of Superintendence. The Court's current schedules are available in paper format at 1000 Wardhill Avenue, Lima, Ohio, 45805, a location readily available to the public as required by Ohio Revised Code Section 149.43(B)(2). In addition, the schedules are available on the Ohio Supreme Court's website.

PUBLIC RECORDS POSTING:

Postings in conspicuous places affiliated with Court Operations shall be posted, and at a minimum shall be placed in public lobby areas and on the Probate & Juvenile Court's website.

QUESTIONS AND/OR RECORD REQUEST INQUIRY:

All questions regarding this policy may be directed to records@allencountyohio.com and will be answered and or acknowledged within five (5) business days.

The Allen County Probate and Juvenile Court Public Request Form may be submitted in person at either the Probate or Juvenile Clerks' offices located at 1000 Wardhill Avenue, Lima, Ohio 45805 during regular business hours, via mail, or by email to records@allencountyohio.com.