

RULE 46. Certificate of Qualification for Employment

- (A) The purpose of this local rule is to define the specific local court requirements and procedures that relate to a petitioner's application for a Certificate of Qualification for Employment (CQE) as set forth in Revised Code 2953.25 and in related rules established by the Department of Rehabilitation and Corrections (DRC) under OAC 5120-15-01.
- (B) To request a CQE, the petition must be made on the form prescribed by the DRC. The petition and instructions regarding how to complete and submit the petition electronically are accessible on the DRC website. All petitions must be completed electronically online. The petitioner shall provide the DRC electronic petition number and attach a printed copy of the fully completed electronic petition submitted through the DRC to the Clerk of Courts.
- (C) All petitions submitted through the DRC shall be accompanied by the Department of Rehabilitation and Corrections CQE Summary if applicable.
- (D) Before the petition is accepted and before any action is required to be taken on the petition, the petitioner must pay a deposit in the amount of \$150.00. Payment may be made in any form otherwise accepted by the Clerk of Courts. The Court may waive some or all of the deposit required by this Rule. If requesting a reduction in the deposit, the petitioner must submit an Affidavit of Indigency (available through the Clerk of Courts) and possibly other relevant information for the Court's consideration.
- (E) All social security numbers and other information that must be excluded from public record shall be redacted by the party submitting the document in accordance with the rules of this Court and the Rules of Superintendence. Records or information received by a court to assist the court with making its decision under Section 2953.25 of the Revised Code, including information included on a petition, shall retain their character as public or non-public records, as otherwise provided in law.
- (F) Upon receipt of a fully completed electronic petition submitted through the DRC and the required deposit, the Clerk of Courts shall assign the petition a CQ case number, treat the case as a miscellaneous civil case, and the case shall be randomly assigned to a trial judge. Unless otherwise ordered by a particular judge, all CQ cases, shall be referred to a magistrate by general order of reference.

- (G) The Court shall obtain a criminal history for the petitioner through an investigation conducted by the Probation Department. Through the Probation Department's investigation, the Court shall attempt to determine all other courts in the state in which the petitioner has been convicted of or plead guilty to an offense. The Clerk of Courts shall send a Notice Regarding Petition for Certificate of Qualification for Employment and Response to Request for Information Regarding Petition for Certificate of Qualification for Employment to each court so identified. Such Notice shall be sent via ordinary US mail.
- (H) The Clerk of Courts shall also issue notice regarding the Petition for Certificate of Qualification for Employment and Response to Request for Information Regarding Petition for Certificate of Qualification for Employment to the Hamilton County Prosecuting Attorney.
- (I) The magistrate or judge shall review the petition, criminal history, all filings submitted by the prosecutor or victim in accordance with the rules adopted by the Division of Parole and Community Services, and all other relevant evidence.
- (J) The magistrate or judge may order any report or investigation concerning the petitioner, or disclosure by the petitioner that they believe is necessary to reach a decision through an order for investigation and/or an order for additional information.
- (K) Once all information requested has been received, the magistrate or judge shall decide whether to grant or deny the petition within sixty days, unless petitioner requests and is granted an extension of time. The decision to grant or deny a petition that was referred to a magistrate, shall be sent to the assigned judge for a final Judgment Entry and Order. All notice and objection periods regarding a magistrate's decision apply as set forth in Civ. R. 53 and Local Rule 23(E).
- (L) The Clerk of Courts shall send to petitioner a copy of the judgment entry. If denied, the judgment entry shall include conditions, if any, placed on subsequent filings and language that a final appealable order has been filed. The Clerk shall also notify the DRC of the disposition of the petition as required under the Administrative Rules, and if granted, the Clerk shall notify the DRC of the order to issue the CQE to petitioner.

Effective 7/1/13