

## **Local Civil Rule 1.36 Certification of Qualification for Employment**

Pursuant to Ohio Revised Code § 2953.25, the Court adopts the following procedure to obtain a Certification of Qualification for employment (CQE):

- A. The Court has established an electronic account with the division of parole and community services of the Ohio Department of Rehabilitation and Correction (ODRC) to access the CQE system, review completed electronic petitions filed with the Court, receive notices regarding electronic petitions filed with the Court, provide the individual filing the petition with information regarding the petition, and provide the ODRC with information regarding petitions that are granted and denied by the Court.
- B. Eligible individuals who seek to petition the Court for a CQE shall establish an electronic account with the division of parole and community services of the ODRC and shall follow the administrative rules and regulations adopted pursuant to R.C. 2935.25 and the rules and procedures adopted by the Court.
- C. All petitions for a CQE should be completed electronically, through the ODRC website, on the form prescribed by the division of parole and community services. The Court will accept the paper filing of a petition for a CQE. However, Petitioners are encouraged to apply through the ODRC website [www.drccqe.com](http://www.drccqe.com) for the most efficient processing.
- D. The individual filing the petition for a CQE (Petitioner) is responsible for removing personal and private information, such as the Petitioner's social security number, from the petition, any exhibits or addenda attached to the petition, or from documents later filed in the proceeding. Personal and private information must be submitted on a Disclosure of Personal Identifier form, which is a non-public record. The information will be kept in a separate envelope within the case file and appropriately marked as containing personal and private information, and opened only upon an order of the Court.
- E. After the petition for a CQE has been submitted electronically and is determined to be complete by the ODRC, Petitioner shall appear at the office of the Clerk of Courts, within 30 days of electronic submission, to complete filing and pay a court cost deposit of \$100.00 if all convictions are in Hancock County, Ohio, or \$150.00 if Petitioner has convictions in multiple jurisdictions. If the Petitioner files a petition with the court but fails to complete filing by paying the court cost deposit within 30 days, the Court will dismiss the petition for want of prosecution. If the Petitioner files directly with the Clerk of Courts, the filing fee must be paid upon filing.
- F. The petition for a CQE shall be deemed filed as of the day the Petition personally appeared in the office of the Clerk of Courts and paid the filing fee.

- G. Upon the filing of the petition for a CQE, the Clerk of Courts shall notify Court that a proper Petition has been filed and the filing deposit has been paid or waived.
- H. The Court shall then notify the Hancock County Adult Probation Department and the Hancock County Prosecuting Attorney of the filing and provide them with a copy of the petition. The Adult Probation Department shall determine, to the extent possible, all other courts with records of felony or misdemeanor convictions (other than minor traffic offenses) of Petitioner and thru the Clerk of Courts, attempt to notify all courts that obtained such convictions, in writing, of the filing of the petition, and solicit comments, in writing, regarding the granting of relief.
- I. The Adult Probation Department shall attempt to obtain all presentence investigations and reports, drug and alcohol evaluations and psychological evaluations on the Petitioner for a CQE, and any law enforcement agency's report or reports on the crime or crimes of conviction.
- J. The Adult Probation Department shall notify the judge assigned to hearing the petition for CQE of all the information it has requested, and the results of its notifications and solicitations for comments, and may suggest to the judge any other investigation or information that may assist the Court in deciding whether to grant or deny the petition.
- K. All investigation-related documents and information gathered by the Adult Probation Department and the Court in its consideration of the petition for a CQE, shall be deemed confidential and not a public record. Such documents and information shall be treated with the same level of confidentiality as a pre sentencing report and shall be kept sealed and transmitted in a sealed condition to the court of appeals in the event of appellate review, and shall not be opened except upon an order of the Court.
- L. When the Court has completed its investigation and received and assembled all of the documents and information it requires to consider the petition for a CQE, the Hancock County Adult Probation Department shall file a notice with the Clerk of Courts indicating the investigation is complete. The Court will, upon receiving this notice from the Adult Probation Department and Clerk of Courts, schedule a hearing to occur within 60 days.
- M. The Hancock County Prosecuting Attorney shall be an associated party to the proceedings on the petition, shall receive notice of any hearing, should attend all hearings on the petition, and should represent the interest of the people of the state of Ohio on all pertinent issues, particularly whether the Petition for a CQE poses an unreasonable risk to safety of the public or an individual. An officer of the Adult Probation Department shall also attend the hearing on the petition.

- N. In determining whether to grant a petition for a CQE, the Court may require the Petitioner to undergo psychological testing, drug test, risk assessment or other evaluation, and incur expenses in relation thereto , and may require the Petitioner to pay, or reimburse the County or Court, for the actual cost of such testing, investigation , or evaluation.
- O. The Clerk of Courts shall notify the Petitioner and the ODRC of its decision to grant or deny the petition through the Court's electronic record, who will distribute certificate materials to the Petitioner electronically or via the ODRC web site.
- P. Petitioners who have been granted a CQE by the Court shall have a continuing duty to report, in writing, to the Court any arrest or conviction of Petitioner for a felony offense after the issuance of the CQE. Such reports must be filed with the Clerk within seven days of the arrest or the conviction of, or plea of the felony offense.