

## **LOCAL RULE 20**

### **DOMESTIC RELATIONS CASES** **(Amended January 1, 2016)**

#### **Rule 20.01 FILING**

A. Upon the initial filing of any case or upon the re-opening of a closed file, the caption of each case shall contain the name, address, and year of birth of the parties and shall identify in the caption all requests for temporary orders. Social Security Numbers and the month and day of birth shall not be included on any pleading to be filed in the case. Accounts will be identified by the name of the institution, the type of account (e.g. checking, savings, credit card, etc) and the last three numbers of the account. All filings shall comply with the Rules of Superintendence for the Courts of Ohio particularly including, but not limited to Rules 44 through 47 regarding Court Records.

B. Each domestic relations complaint, petition or motion which invokes the jurisdiction of the Court shall state in the caption the nature of the action in one of the following categories: (1) Divorce with Children; (2) Divorce without Children; (3) Dissolution with Children; (4) Dissolution without Children; (5) Modification of Parental Rights and Responsibilities; (6) Modification or Enforcement of Parenting Time, Companionship or Visitation Rights; (7) Support Modification or Enforcement; (8) Domestic Violence; (9) UIFSA; or (10) Miscellaneous Enforcement.

C. With all requests for child support and/or spousal support orders in either original cases or post decree filings the parties shall provide an IV-D Application for child support services to the Domestic Relations Division of Common Pleas Court who will then forward the application to the Child Support Enforcement Agency. NO SUPPORT

**ORDERS WILL BE ISSUED WITHOUT AN IV-D APPLICATION FOR CHILD SUPPORT SERVICES.**

D. The Clerk of Courts shall forward a copy of all Judgment Entries and Orders regarding support along with any Separation Agreements, Parenting Plans and Child Support Worksheets to the Child Support Enforcement Agency upon filing.

E. In all original or re-opened domestic cases each party shall file a completed Uniform Affidavit of Income and Expenses. This form may be procured from the Supreme Court of Ohio website.

F. In all original and post decree domestic relations actions involving parental rights and responsibilities each party shall file a Parenting Proceeding Affidavit (3127.23 A)) and a Health Insurance Affidavit.

G. All divorce complaints and complaints for legal separation shall be signed by the plaintiff and shall include a statement in said pleading that the plaintiff has received a copy of the Court's standing orders, Local Rule 22.

H. All litigants in original divorce, dissolution and legal separation cases as well as post decree motions regarding determination and enforcement of parental rights and responsibilities shall attend this Court's required parenting program.

Upon filing of any original pleading in a divorce, dissolution or legal separation case with children, post decree motions regarding determination or enforcement of parental rights and responsibilities, or responsive pleadings thereto, the filing party shall pay their parenting program course fee in addition to the appropriate filing fees in the case to the Allen County Common Pleas Clerk of Courts. This fee shall be designated for the parenting program and shall be received by the Clerk and forwarded to the Allen County Auditor. This fee may be waived by the Court in appropriate cases.

Upon the completion of each parenting program session, a Notice of Completion will be filed in each case.

Each counsel filing pleadings shall advise their client of the program and provide them a copy of this Local Rule prior to filing.

The Clerk of Courts shall serve a copy of this Local Rule upon the opposing party with the original pleadings in each case. If the filing party is filing pro se, the Clerk shall personally provide the filing party with a copy of this Rule.

## I. Family File

In all domestic relations cases, including but not limited to divorce, dissolution, legal separation, annulment, actions for custody and support and any requests for relief post decree, the Common Pleas Clerk of Courts shall create a family file in addition to the case file.

The Family file shall be considered confidential and shall only be accessible to Clerk and Court staff, parties, their legal counsel and as may be otherwise specifically ordered by the Court.

The family file will include but is not limited to the following:

1. Health care documents, including but not limited to physical health, psychological health, mental health and counseling documents;
2. Drug and alcohol use assessments and predisposition treatment facility reports;
3. Guardian ad Litem reports, including collateral source documents attached to or filed with the reports;
4. Home investigation reports, including collateral source documents attached to or filed with the reports;
5. Child custody evaluations and reports, including collateral source documents attached to or filed with the reports;
6. Domestic violence risk assessments;
7. Supervised parenting time or companionship or visitation records and reports, including exchange records and reports;
8. Financial disclosure statements regarding property, debt, taxes, income and expenses including collateral source documents attached to or filed with records and statements;
9. Asset appraisal and evaluation;
10. Other documents containing information the Court specifically finds should not be subject to public disclosure.

Any person, by written motion to the Court, may request access to a document or information in a confidential family file. The Court will give notice of the motion to all parties in the case, and may schedule a hearing on the motion. The Court may permit public access to a document or information in a confidential

family file if it finds by clear and convincing evidence that the presumption of maintaining confidentiality is outweighed by a higher interest.

All filings including those contained in the family file, shall be properly reflected upon the docket.

**Rule 20.02 Dissolution of Marriage**

- A. It shall be the responsibility of the filing party or their counsel to obtain the hearing date from the Assignment Commissioner at the time of filing.
- B. A Waiver of Magistrate's Decision shall be signed by the parties and counsel and submitted with the judgment entry in all dissolution of marriage cases where the matter is heard by a Magistrate.
- C. In all dissolution of marriage actions where only one party is represented by counsel, a signed Waiver of Counsel must be filed with the Clerk of Courts affirmatively stating in writing that the unrepresented party waives representation by counsel and is proceeding without advice of counsel.
- D. A Uniform Affidavit of Income and Expenses and a Uniform Affidavit of Property on behalf of each party shall be filed with the Clerk of Courts with any Petition for Dissolution of Marriage.

**20.03 Divorce Actions**

- A. Upon service of the complaint upon the defendant, the assignment commissioner shall assign all divorce actions for uncontested divorce/pretrial hearing after the lapse of forty-two (42) days.
- B. In all cases where the divorce is uncontested the matter shall proceed to final hearing at that time. An uncontested case is one where after proper service, no response has been filed and the responding party has not appeared.
- C. In all cases where a responsive pleading or answer has been filed, the matter shall proceed to pretrial.
- D. All parties shall attend pretrials unless excused by the Court for good cause. All counsel shall attend pretrial with their respective assignment calendars and a final hearing date shall be confirmed at pretrial. All parties shall provide the Court and opposing parties or counsel with a fully completed Uniform Affidavit of Property, at the pretrial.

## E. Discovery

1. In accordance with Ohio Civil Rule 5(D), all documents, after the complaint, required to be served upon a party shall be filed with the Court within three days after service, but depositions upon oral examination, interrogatories, requests for documents, requests for admission, and answers and response thereto shall not be filed unless on order of the Court for use as evidence or for consideration of a motion in a proceeding.

The Clerk of Court shall not accept for filing the transcript of a deposition unless it is accompanied by a certification by counsel that the deposition is being filed on order of the Court or for use as evidence or for consideration of a motion in the proceeding.

2. No motion to compel discovery, for protective order, objections to any form of discovery, motions for sanctions or the like shall be filed until the impasse which provoked it has been discussed with opposing counsel, and a diligent effort has been made to solve the problem informally.

Counsel will participate in discovery conferences with opposing counsel and shall freely exchange discoverable information and documents upon informal requests. Counsel shall make every effort to resolve discovery disputes by agreement prior to filing motions with the Court.

3. Pursuant to Civ. R.37(E), before filing a motion authorized by this rule, the party shall make a reasonable effort to resolve the matter through discussion with the attorney, unrepresented party, or person from whom discovery is sought.

In addition, prior to filing a motion for an order compelling discovery, protective order, objection to a discovery request, or for a discovery violation sanction, the lawyer or party seeking the Court's involvement shall initiate a conference (either live or by telephone) with the assigned judge and the attorney, unrepresented party, or person from whom discovery is sought, so the parties and the Court can discuss the discovery dispute and seek informal resolution before an order compelling discovery or discovery sanction order is issued by the Court.

The motion shall be accompanied by a statement reciting the efforts made to resolve the matter in accordance with this section.

4. The presentation of any insufficient or unwarranted application, objection or motion and any unwarranted opposition to discovery, formal or informal, will subject the offender to sanctions under Rule 37 of the Ohio Rules of Civil Procedure and this Local Rule, including the imposition of costs, expenses and reasonable counsel fees.

5. It is the declared policy of this Local Rule to encourage professional informal discovery wherever practicable in preference to formal discovery. The policy of the Court is to become involved in the discovery process as soon and as early as practicable to avoid discovery problems and disputes. Counsel shall make every effort to comply with this policy.
6. This policy is not intended to discourage the use of depositions to discover and to record evidence as provided in the Ohio Rules of Civil Procedure.

#### **20.04 Temporary Orders**

- A. In all cases where child support is an issue, a Uniform Affidavit of Income and Expenses and a child support computation worksheet shall be filed with the motion requesting child support or with any responsive pleading to the same.
- B. A proposed Judgment Entry and a completed and signed IV-D Application for Child Support Assistance shall be submitted with all motions and requests for temporary support orders. Temporary support orders will not be issued without an IV-D Application for Child Support Assistance.
- C. Except for emergency orders, a party shall have fourteen (14) days after service to respond to a request for temporary orders and upon the expiration of twenty-one (21) days or the filing of a responsive pleading, whichever is earlier, the matter shall be deemed submitted to the Court.
- D. When any motion or request for temporary spousal support is filed the party requesting support shall file a Uniform Affidavit of Income and Expenses with the Clerk of Courts and serve a copy upon the opposing party or counsel pursuant to Ohio Rules of Civil Procedure.
- E. After any temporary spousal support or child support order is journalized according to Civil Rule 75 (N), any written request for oral hearing to modify such temporary order pursuant to Civil Rule 75 (N)(2) must be filed with the Clerk of Court within fourteen (14) days after filing of the order on the opposing party or counsel and specifically state the subject matter for which the hearing is being requested. Pursuant to Ohio Rules of Civil Procedure 6, an additional three (3) days shall be added to this time period for a total of seventeen (17) days after filing of the order. A request for oral hearing shall not suspend or delay the payment of temporary support previously ordered. The hearing shall be set within twenty-eight (28) days of the request before Judge or Magistrate.
- F. Pursuant to the Ohio Rules of Civil Procedure, motions for restraining orders relating to domestic cases shall be accompanied by sworn affidavits setting forth the specific basis of the requested relief.

If considered meritorious by the Judge or Magistrate, these restraining orders may be granted ex-parte. After journalization the Clerk shall serve a certified copy of the order on the affected party at the address in the complaint, counsel of record for the affected party, if any, and any other individual or institution affected by the order. All service shall be by certified U.S. Mail unless otherwise requested.

Any party affected by an ex-parte restraining order may file a written response and/or request or oral hearing thereon within fourteen (14) days following service. If the response is accompanied by a sworn affidavit by the affected party the court may modify the previous order ex-parte. Upon request for oral hearing by either party filed within fourteen (14) days following service of a restraining order, the Court may set the matter for hearing to be held within twenty-eight (28) days of the request.

**Rule 20.05 Attorney Fees**

A. The amount of \$250.00 shall be deemed to be a reasonable, necessary and appropriate amount for attorney fees for representation in cases upon which a finding of contempt has been made or a motion to impose jail sentence from a previous finding in contempt is heard. Any request for attorney fees in excess of \$250.00 shall require a presentation of evidence as to the reasonableness and necessity of presentation of evidence with the law of Ohio. Except for those matters in which attorney fees are statutorily mandated, it is in the discretion of the Court whether to award attorney fees in any action. This is not applicable to fees for Court appointed counsel which shall be paid upon proper application to the Court made within ninety (90) days of the last day necessary attorney services were provided.

**Rule 20.06 Guardian Ad Litem**

A. All applicants for Guardian Ad Litem appointments will complete an application form available at the Domestic Relations Division of the Common Pleas Court.

B. All Guardians Ad Litem shall comply with Rule 48 of the Rules of Superintendence for the Courts of Ohio, including, but not limited to, Guardian Ad Litem conduct, responsibilities, preservice training and yearly documentation of continuing education.

C. All individuals on the Guardian Ad Litem appointment list will certify by January 15 of each year that they are either unaware of any circumstances that would disqualify them from serving as a Guardian Ad Litem or advise the Court of such circumstances.

D. Upon the motion of either party or at the discretion of the Court, the Court may order a Guardian Ad Litem and/or attorney appointed at any time the Court deems necessary essential to protect the interest of the minor child(ren) of the parties or to represent an incompetent person. No motion for appointment of Guardian Ad Litem shall be granted except by leave of Court once the matter has been set for trial.

E. The Guardian Ad Litem shall be selected and appointed solely by the Court. Appointment of a Guardian Ad Litem from the list of qualified candidates will not be on a rotating basis. In making appointments the Court will consider the complexity of the issues, the parties, counsel and children involved as well as the experience and demeanor of qualified candidates.

F. The Court will set forth the amount of initial deposit and the deadline for payment of the deposit in the Order Appointing Guardian Ad Litem. Failure to timely pay the deposit may result in the release of the Guardian Ad Litem and in such instance, the case will proceed without a Guardian Ad Litem.

G. All parties and counsel will contact the Guardian Ad Litem within ten (10) days of the filing of the Order Appointing Guardian Ad Litem to provide information and releases required by the Guardian Ad Litem.

H. Unless otherwise directed by the Court, the Guardian Ad Litem shall prepare a report and shall mail or hand deliver the report to the Court and counsel, or any party unrepresented by counsel, not less than seven (7) days in advance of the hearing date. While the Guardian Ad Litem will be made available to parties and counsel, the report shall be considered confidential and in the best interest of the minor child(ren) shall not be filed with the Clerk of Courts. No party shall permit the child(ren) to obtain, view, or read the Guardian Ad Litem's report. No party shall discuss the contents of the Guardian Ad Litem's report with the child(ren) or within the child(ren)'s presence and/or hearing. No party shall permit another person to discuss the Guardian Ad Litem's report with the parties' child(ren) or within the child(ren)'s presence or hearing. Any violation of this order may subject the violating party to appropriate contempt proceedings and sanction. The Court shall consider the recommendation of the Guardian Ad Litem in determining the best interest of the child when the report or a portion of the report has been admitted as an exhibit.

I. The final Judgment Entry shall contain a provision for the discharge of the Guardian Ad Litem at the conclusion of the matter for which the Guardian Ad Litem was appointed unless otherwise directed by the Court.

J. The Court will, in its discretion, apportion the final payment of fees between the parties and may order the payment of fees by income withholding.

K. The parties and counsel participating in any case where a Guardian Ad Litem has been appointed may present comments or complaints regarding the performance of the Guardian Ad Litem as follows:

1) Any comments or complaints regarding the performance of Guardian's Ad Litem shall be in writing and submitted directly to the Common Pleas Court, Domestic Relations Division.



2) Within five (5) days of receipt, the Court will provide a copy of the comments or complaints and a Court notice of the response date to the Guardian Ad Litem who is the subject of the comments or complaint.

3) The Guardian Ad Litem may respond in writing to the comments or complaints in conformance with the Court notice accompanying the comments or complaints. A copy of any response will be provided to the commenting or complaining party by the Court.

4) After receipt of all appropriate information, including any supplements or amendments requested by the Court, the Court will issue a disposition within thirty (30) days and notify the person making the comment or complaint and the Guardian Ad Litem of the disposition.

5) The nature of the comments or complaints and the disposition shall be maintained with the Guardian Ad Litem file in the Domestic Relations Division of Common Pleas Court.

**Rule 20.07 Child Healthcare Information Form**

A. A separate Child Healthcare Information Form shall accompany all Judgment Entries in all cases where the Court exercises jurisdiction with respect to children, including post decree actions regarding parental rights and/or support. See prescribed form in appendix. The Child Healthcare Information Form will be forwarded to the Allen County Child Support Agency but will not be filed in the Clerk of Courts case file because of the private nature of the information on the Order.

**Rule 20.08 Final Judgment Entries**

A. All Judgment Entries shall have a signed copy of any Separation Agreement and/or Parenting Plan incorporated into the entry, as well as a child support calculation worksheet attached to the Judgment Entry.

B. All Court costs shall be specifically assessed to either party or jointly to both parties.

C. All counsel shall provide a certified copy of the Judgment Entry to his/her client upon the filing of the same.

D. If a deviation from the child support guidelines is ordered, the Judgment Entry shall state why the deviation is in the best interest of the minor child(ren) and shall support the statement with findings of fact and shall be accompanied by a child support calculation worksheet.

E. All Judgment Entries shall state that child support shall be paid through the Ohio Child Support Payment Central, along with the appropriate processing fees.

F. All Judgment Entries shall contain statutorily required language for wage withholding and notice requirements.

G. When the Court orders counsel to prepare an entry, all parties and counsel shall be summoned to appear before the Court to present the entry and all associated paperwork. Failure to appear may result in sanction by the Court unless the Court excuses the appearance of parties or counsel.

H. All Judgment Entries ordering child support shall state child support in a monthly amount per child and shall be accompanied by a signed and completed IV-D Application for Child Support Services and a child support calculation worksheet.

I. To facilitate disposition and avoid rejection at the Title Department, Auditor's Office, and/or Recorder's Office, it is recommended that all orders that involve the disposition of a titled vehicle, watercraft or manufactured home include the year, make, model and vehicle identification number or serial number.

J. Any orders as to real estate should include the legal description and permanent parcel number.

**Rule 20.09 Modification of Child Support**

A. Any party with standing in a child support case, and/or the Allen County Child Support Enforcement Agency (hereinafter CSEA) may file a motion for modification of child support. All motions requesting a modification of child support shall be filed with the Clerk of Courts of Allen County, Ohio and shall state why the amount calculated pursuant to the basic child support schedule and the applicable worksheet, through the line establishing the actual annual obligation, would be unjust or inappropriate and would not be in the best interest of the child.

B. The filing of any motions requesting a modification of child support or responses to such motion shall be accompanied by a completed Uniform Affidavit of Income and Expenses of the filing party.

**Rule 20.10 Post-Judgment Modification of Parental Right and Responsibilities**

A. In addition to the Affidavit of Income and Expenses and Parenting Proceeding Affidavit (RC3127.23(A)) and post-judgment motions filed requesting modifications of parental rights and responsibilities (including companionship time) shall be accompanied by affidavits specifically stating support therefore.

B. The parties shall have fourteen (14) days after the service of the motion to respond and the matter shall be deemed submitted twenty-one (21) days after service. If submitted to a Magistrate, the Magistrate may issue a decision upon the matter being submitted or set the matter for hearing. If either party files objections to said decision, the reasons therefore shall be stated with particularity and addressed pursuant to Ohio rule of Civil Procedure 53.

#### 20.11 **Reasonable and Ordinary Uninsured Medical Expenses**

A. The amount of \$100.00 per year per child shall be deemed reasonable and ordinary medical expenses of a minor child.

B. Expenses remaining thereafter shall be deemed extraordinary and shall be allocated between the parties on a case by case basis based upon the income shares established and any other factors that the Court deems to be relevant.

C. Medical expenses shall be defined as hospital, doctor visits, dental, orthodontic, laboratory testing, optical, optometric, pharmaceutical, psychiatric and psychological expenses pre-approved by both parents, ordered by the Court, or reasonable and necessary under the circumstances. Medical expenses do not include those for purely cosmetic reasons or nonprescription items.

#### Rule 20.12 **Child Relocation**

A. Prior to the relocation of either parent to a residence other than that specified in the parenting order or decree of the Court, the relocating parent must serve a notice of intent to relocate upon the other parent by certified mail. Included in said notice shall be the last known address of all parties, a new residential address of the parent, and the telephone number and the name and address of the school in the district in which the child(ren) shall attend, if applicable. The residential parent must comply with the Ohio Revised Code requiring filing of this notice.

B. Upon receipt of said notice the other parent may petition this Court for hearing on visitation and companionship rights. If no such pleading is filed within fourteen (14) days from service of the notice the relocation shall proceed as set forth in the notice.

#### Rule 20.13 **Post Judgment Relief Accompanied by Citation for Contempt**

A. Any motion requesting a citation in contempt shall state the basis for the contempt citation with particularity and be accompanied by affidavit specifically setting forth the facts supporting the motion.

B. A show cause order shall contain notice of hearing and shall accompany any motion filed requesting citation in contempt. The same shall be submitted to the Assignment Commissioner with the filing of the motion. The notice of hearing/show cause order shall be served with the motion and citation pursuant to the Civil Rules.

C. Any Motion for Citation in Contempt for nonpayment of medical bills and any responsive pleading thereto shall be accompanied by an Explanation of Medical Bills form as set forth in the appendix to these rules.

Rule 20.14     **Extra Curricular**

A. In the absence of orders to the contrary, extra curricular activities and the costs of those activities will be governed by this section.

B. Regardless of where the child is living, his/her continued participation in extracurricular activities, school related or otherwise, shall continue uninterrupted. It shall be the responsibility of the parent providing the physical care and supervision of the child at the time of the activity to provide the physical and economic cost of transportation to these activities. Both parents shall provide each other with notice of all extracurricular activities, school related or otherwise, in which the child participates, schedules of all extracurricular (handwritten if no formal schedule is provided by the activity) and the name of the activity leader (including address and telephone number if reasonably available).

C. The parents shall notify each other about any and all expenses arising from the child's extracurricular activities.

D. Extracurricular expenses shall include but are not limited to all sports activities, fees to play, necessary equipment, uniform and spirit wear, necessary specialized footwear such as cleats, theatre, dance, music and performance groups, teams or individual involvement, 4-H, FFA and school projects not required in the curriculum of any offered classes. Extracurricular fees do not include individual lessons, books, fees and required costs associated with school classes.

E. The child support recipient shall pay the first \$100.00 per season per school sponsored activity. Thereafter, extracurricular or unusual activities shall be paid according to the percentages of the parent's income. Any fees in excess of \$100.00 for extracurricular activities or for specialized involvement or enhancement of said activities such as camps, club teams, competitive groups or field trips shall be discussed by the parents before the child is enrolled. If the parties agree, the parent incurring the expense will advance payment and forward a copy of the bill or invoice immediately to the parent, who will in turn reimburse the first parent the appropriate sum upon presentation of the bill or invoice, but in no event later than thirty (30) days from receiving the bill or invoice.

If the parties do not agree, the parent desiring to enroll the child shall pay the fees subject to filing a motion with the Court to determine if it is the child's best interest to participate in said extracurricular activity and whether parenting time should be adjusted due to the participation. If found to be in the child's best interest to participate, the cost in excess of the \$100.00 shall be paid according to the percentages of parent's income as calculated on the child support worksheet effective at the time of the activity.

F. The parent's shall give careful consideration of the child's best interests and the child's wishes in scheduling activities, and neither parent will unreasonably withhold agreement to any particular activity. The parents shall be reasonable with respect to these provisions and take into consideration the needs and interest of the child at all times. The scheduling of events, appointments and activities shall not be done in a manner to cause undue inconvenience or harassment to another parent; however both parents must understand that the child needs to be able to participate in regular activities without interference and with the support of both parents.

## **LOCAL RULE 21**

### **HOME STUDY INVESTIGATION**

If, pursuant to Civil Rule 75, either party desires an investigation where allocation of parental rights and responsibilities of children is an issue, such party shall request such investigation by separate motion. The Court will set a fee deposit after the filing of the motion. Failure to timely deposit the fee will result in denial of the request. If the request is granted, a written report shall be prepared and filed with the Court by the Court appointed investigator to be considered by the Court and made available to both parties upon written request not less that ten (10) days prior to the scheduled hearing. Either party may call the investigator as a witness as on cross-examination and such testimony shall be received into evidence for consideration by the Court.

Once an investigation is ordered, but cancelled prior to its completion, the Court will determine the amount to be paid to the investigator based on the time involved and the progress of the report. A minimum compensation for cancelled child custody investigator shall be \$100.00

## **LOCAL RULE 22**

### **TEMPORARY STANDING ORDERS**

All parties to original divorce and legal separation actions in the Allen County Common Pleas Court are subject to the following temporary orders from the date an action is filed until the case is concluded. This order shall be strictly complied with under penalty of contempt of Court.

(1) Each party is hereby enjoined and restrained from causing or permitting the minor child of the parties to be removed from the State of Ohio except by a signed written agreement of the parties or authorization by this Court. The minor child(ren) shall not be removed from Allen County for purposes of relocation unless by agreement of the parties or authorized in writing by this Court.

(2) Each party is hereby enjoined and restrained from injuring, maltreating, vilifying, molesting, or harassing the adverse party or any child(ren) of the parties or attempting or threatening the same.

(3) Each party is hereby enjoined and restrained from selling, encumbering, contracting to sell, removing from the jurisdiction of this Court, or otherwise disposing of any of the property belonging to either of the parties, except in the ordinary course of business or unless authorized in writing by the Court.

(4) Both parties are restrained from entering safety deposit boxes until further order of the Court.

(5) The attorney representing the plaintiff in any divorce action hereinafter filed in this Court shall furnish the client a copy of this rule, and that client, upon signing of the complaint, shall be bound by the terms of this rule.

(6) The Clerk of this Court shall attach a copy of this rule to the summons so that both documents shall be served simultaneously and the Sheriff or other officer serving the summons shall note the service of a copy of this rule together with a copy of the complaint in the return.

In every other action hereinafter filed, the parties shall be bound by the terms of these standing orders upon service of the same.

(7) Each party is hereby enjoined and restrained from canceling, modifying, altering, or otherwise interfering with health, medical, prescription, dental or vision insurance covering the parties or their children.

(8) Any party may file a motion and supporting affidavit to modify this standing order for good cause shown.

### **LOCAL RULE 23**

#### **PARENTING TIME ALLOCATION**

A. The allocation of parenting time shall comply with this Rule unless otherwise ordered by the Court or by the mutual agreement of the parties.

B. The non-residential parent shall have parenting time on alternate weekends from Friday at 6:00 p.m. to Sunday evening at 6:00 p.m.

C. The non-residential parent shall have weekly parenting time from 5:30 p.m. to 8:30 p.m. (one evening per week). The beginning and ending times may be varied by agreement to accommodate the work schedules of the parties, the schedule of the children and the appropriate bedtime for children during the school year. If the parties are unable

to agree upon the date of the week for this time, Wednesday will be used unless ordered by the Court.

D. The parent receiving the children on weekend parenting time shall be responsible for transportation unless otherwise ordered by the Court. The parent exercising the weekday parenting time shall provide transportation for both pickup and drop off.

E. Holiday parenting time shall be as follows:

### **EVEN YEARS**

#### **Mother**

**Martin Luther King Day**- Friday evening to Monday evening

**Memorial Day** - Friday evening to Monday evening

**Labor Day** - Friday evening to Monday evening

**Christmas Eve**- commencing at 6:00 p.m. on December 24th through Christmas Day until 9:00 a.m. December 26th.

#### **Father**

**President's Day**- Friday evening to Monday evening

**Easter** - Thursday evening to Sunday evening

**July 4th** -If the 4th falls on Tuesday, Wednesday or Thursday the time shall commence at 6:00 p.m. on July 3 until 9:00 a.m. on July 5. If the 4th falls on Sunday or Monday the time shall commence on Friday at 6:00 p.m. and conclude July 5 at 9:00 a.m. If the 4th falls on Friday or Saturday, Parenting time shall commence at 6:00 p.m. on July 3rd and conclude Sunday at 6:00 p.m.

**Thanksgiving Day**- Wednesday evening to Sunday evening.

**Christmas** - 9:00 a.m. December 26 for the remainder of the Christmas holiday until 6:00 p.m. on January 1st. If January 1st falls on Friday or Saturday the parenting time shall continue until the Sunday immediately following that date at 6:00 p.m.

During the ODD YEARS this schedule shall be reversed.

The holiday schedule may be modified by agreement of the parties or by court order upon proper motion.

The child shall spend Mother's Day in the companionship of the mother commencing at 6:00 p.m. the Friday before Mother's Day and concluding at 6:00 p.m. on Mother's Day.

The child shall spend Father's Day in the companionship of the father commencing at 6:00 p.m. the Friday before Father's Day and concluding at 6:00 p.m. on Father's Day.

The first non-holiday weekend following any weekend holiday parenting time shall be exercised by the party who did NOT exercise the preceding holiday parenting time weekend and thereafter alternate pursuant to these rules.

Unless otherwise specified, evening parenting time shall be deemed to begin or conclude at 6:00 p.m. and morning parenting time shall be deemed to begin or conclude at 9:00 a.m.

F. The child's birthday shall be celebrated in the home of the parent exercising parenting time in accordance with these orders without regard to that party being designated as residential or non-residential parent.

G. The non-residential parent shall be entitled to four (4) weeks and the residential parent two (2) weeks of extended parenting time each year to be exercised in blocks of time consisting of fourteen (14) or seven (7) consecutive days per time period.

1. This extended parenting time shall not interfere with the child's school.
2. If exercised in a seven (7) day period, the period will include one regular weekend parenting time of the requesting party.
3. Written notification to the other parent not less than thirty (30) days prior to the exercise of any extended parenting time is required unless otherwise agreed by the parties or granted by the Court.
4. The parent first to notify the other parent in writing of the intent to exercise extended parenting time will be entitled to that time in event of a conflict.
5. Unless otherwise ordered, holiday parenting time shall take precedence over extended parenting time. Extended parenting time, after notice, shall take precedence over weekend parenting time.



6. The first non-holiday weekend following the completion of an extended parenting time or holiday weekend parenting time shall be spent with the other parent and thereafter alternate between the parties pursuant to this rule.

H. Each parent shall provide their address and phone numbers at all times to the other parent. Non-residential parents shall be entitled to exercise reasonable telephone communications not less than twice weekly with each conversation lasting not longer than thirty (30) minutes per conversation.

I. The residential parent shall keep the non-residential parent advised of all parent/teacher meetings, school programs and school schedules regarding the minor children. Copies of grade cards shall be submitted to the non-residential parent by the weekend following the receipt of the grade cards.

J. Each parent shall provide food, including formula and diapers to be used for infants, during the time the child(ren) are in their respective homes.

K. Adequate clothing shall be provided by the residential parent for parenting times and the same shall be returned at the end of said parenting time.

L. A copy of this rule shall be affixed to all parenting time orders adopting Rule 23.

M. The party exercising parenting time and/or physical custody of the child(ren) shall be responsible to transport the child(ren) to all scheduled activities, appointments and events of the child(ren) during the time the party is exercising parenting time and/or physical custody of the child(ren) and shall further make sure the child(ren) have the appropriate equipment or dress to participate in the activities or events. This does not impose a duty to purchase such items unless required by other orders.

Scheduled activities include, but are not limited to, regular meetings and events associated with school and extra curricular activities such as band, chorus, sporting events, swim and gymnastic lessons, 4-H and scouting. It would also include health related appointments.

These would not include a regular Sunday church service, but would include baptism or any ceremony for admission to a church including meetings and education prerequisites for admission.

The scheduling of events, appointments and activities shall not be done in a manner to cause undue inconvenience or harassment to another parent, however both parents must understand that the children need to be able to participate in regular activities without interference and with the support of both parents.

## LOCAL RULE 24

### Domestic Relations Mediation

#### Rule 24.01

A. At any time subsequent to the filing of pleadings opening the case, the Court may refer the parties to mediation based upon the Court's own discretion or upon request of counsel.

B. All remaining court orders shall remain in effect. No order is stayed or suspended during the mediation process.

C. Continuances of scheduled mediations shall be granted only for good cause shown after a mutually acceptable future date has been determined. The case may be continued by the Mediator, the Judge or Magistrate who referred the case. Except as authorized by the Court, the existence of pending motions shall not be good cause for a continuance and no continuance will be granted unless the mediation can be scheduled prior to the final pretrial.

D. Pursuant and subject to the provisions of the "Uniform Mediation Act" (UMA) O.R.C. 2710.01 to 2710.10, O.R.C. 3109.052, the Rules of Evidence, and any other pertinent judicial rule, all communications related to the mediation or made during the mediation process shall be governed by the privileges as set forth in the UMA, Rules of Evidence and other pertinent judicial rules. Upon written agreement, all communications may be confidential.

The mediator shall inform the court who attended and whether the case settled. If the case has not settled, then the mediator shall inform the court whether the case is scheduled for further mediation or is returned to the court for further proceedings. No other information shall be communicated by the mediator to the court unless all who hold a mediation privilege, including the mediator, have consented to such disclosure.

E. The efforts of the mediator shall not be construed as giving legal advice.

F. All parties shall attend the mediation sessions, including the GAL, unless previously excused. Further, and pursuant to the UMA, all parties may have their attorney and/or other support person or persons attend the mediation session. If counsel or any mediation party becomes aware of the identity of a person or entity whose consent is required to resolve the dispute, but who has not yet been joined as a party in the pleadings, they shall promptly inform the mediator as well as the assigned Judge of such fact.

If the opposing parties to any case are (1) related by blood, adoption, or marriage; (2) if the parties have resided in a common residence, or (3) have known or alleged domestic abuse at any time prior to the mediation, then the parties and their counsel have

a duty to disclose such information to the mediator and have a duty to participate in any screening required by the Supreme Court of Ohio's Rules of Superintendence Rule 16.

The mediator shall have the right not to conduct the mediation session. The Court shall also have the right to require the attendance of the attorneys at the session if the court determines it is appropriate and necessary for the process and consistent with O.R.C. 2710.09.

G. If any of the individuals identified in the above paragraph fail to attend mediation without good cause, the Court may impose sanctions, including the award attorney's fees and other costs, contempt or other appropriate sanctions.

H. Attorneys may, at their option, or must if required on a specific case by the Court, submit to the mediator a mediation memorandum which shall contain the following:

1. The elements of each claim asserted by the party filing the mediation memorandum;
2. A brief statement of the facts supporting the claim(s); a statement of admitted or undisputed facts; and, a statement of remaining issues of facts to be tried;
3. Any amendments required to the pleadings;
4. Any tender of issues in the pleadings that are to be abandoned;
5. A proposal for settlement of the claim(s).

Mediation memoranda may be submitted in confidence or exchanged by counsel at their preference. However, any attorney who submits a mediation memorandum in confidence shall advise the opposing counsel it is their intention to file it in confidence. Any mediation memorandum submitted under this Rule shall be provided to the mediator at least 5 working days prior to the mediation session.

I. Any mediator hired shall meet the following qualifications:

1. General qualifications and training. A mediator employed by the division or to whom the division makes referrals for mediation of allocation of parental rights and responsibilities, the care of, or visitation with minor children shall satisfy all of the following:
  - a. Possess a bachelor's degree, or equivalent education or experience as is satisfactory to the division, and at least two years of professional experience with families. "Professional experience with families" includes mediation, counseling, casework, legal

representation in family law matters, or such other equivalent experience satisfactory to the division.

b. Complete at least twelve hours of basic mediation training or equivalent experience as a mediator that is satisfactory to the division.

c. After completing the training required by division (b) of this rule, complete at least 40 hours of specialized family or divorce mediation training which has been approved by the Court.

2. Specific qualifications and training: domestic abuse. A mediator employed by the division or to whom the division makes referrals for mediation of any case shall complete at least fourteen hours of specialized training in domestic abuse and mediation through a training program approved by the Ohio Supreme Court Dispute Resolution Section in accordance with standards established by the Supreme Court Advisory Committee on Dispute Resolution. A mediator who has not completed this specialized training may mediate these cases only if he/she co-mediate with a mediator who had completed the specialized training.

J. Any mediator providing services for the Court shall utilize procedures that will:

1. Ensure that parties are allowed to participate in mediation, and if the parties wish, that their attorneys and other individuals they designate are allowed to accompany them and participate in mediation;

2. Screen for domestic violence both before and during mediation;

3. Encourage appropriate referrals to legal counsel and other support services for all parties, including victims or and suspected victims of domestic violence;

4. Prohibit the use of mediation in any of the following:

a. as an alternative to the prosecution or adjudication of domestic violence;

b. in determining whether to grant, modify or terminate a protection order;

c. in determining the terms and conditions of a protection order and;

d. determining the penalty for violation of a protection order.

K. Further, any mediator providing services for the court shall only conduct a mediation session where violence or fear of violence is alleged, suspected or present when that mediator has completed the training specified above and ensures that the following conditions are satisfied:

1. The person who is or may be the victim of domestic violence is fully informed, both orally and in writing of his or her right to decline participation in the mediation process, and his or her option to have a support person present at the mediation sessions;
2. Conclude that the parties have the capacity to mediate without fear or coercion or control;
3. Use procedures to provide for the safety of the parties, non-party participants, and the mediator.
4. Terminate a mediation if the mediator believes there is a continued threat of domestic violence or coercion.
5. The Court has issued written findings of fact, as required by O.R.C. 3109.052 to refer certain cases involving domestic violence to mediation.

L. Mediators providing services for the court shall comply with the Model Standards of Practice for Family and Divorce Mediation and the Special Policy Considerations for the State Regulation of Family Mediators and Court Affiliated Programs as set for in rule 16 of the Rules of Superintendence for the Courts of Ohio.

M. The parties will timely pay all fees associated with mediation pursuant to their contractual agreement or as otherwise ordered by the Court.

N. Any complaints or grievances by the participants to the mediation process shall be made to the Court in writing and the Court shall investigate said complaints and rule upon the same as it pertains to the mediation process.

### **LOCAL RULE 30**

#### **COURT SECURITY**

The Ohio Supreme Court adopted Security Standards on October 17, 1994. Thereafter, the Local Court Security Advisory Committee was appointed to establish written directives for the purpose of ensuring security within all Court facilities while maintaining accessibility to the community.

On September 11, 1997 the Court Security Manual was adopted.