

# RULES OF COURT

***Fairfield County Common Pleas Court  
Domestic Relations Division***

*Lancaster, Ohio*

In Effect: January 1, 2024

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**Laura B. Smith, Judge**

Lora H. Cleary, Magistrate

Melissa A. Greenlee, Magistrate

Sandra S. Miller, Magistrate

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**RULE 1.0**  
**GENERAL INFORMATION**

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1.1 **Title.** The official title of the Court shall be:

**FAIRFIELD COUNTY COMMON PLEAS COURT**  
**DOMESTIC RELATIONS DIVISION**

1.2 **Application.** The rules herein shall apply only to the Domestic Relations Division of the Fairfield County Common Pleas Court.

The Rules of Practice of the General Division of the Fairfield County Common Pleas Court are incorporated by reference for the limited purpose to apply to any procedural matter within the jurisdiction of the Domestic Relations Division Court that is not found covered by any rule herein.

1.3 **Hours of Court.** The normal sessions of the Domestic Relations Division of the Fairfield County Common Pleas Court shall, unless otherwise ordered by the trial judge, begin at 8:00 A.M. and close at noon and shall resume at 1:00 P.M. and close at 4:00 P.M. on Monday through Friday each week, except those days designated by law as legal holidays; however, the hearings or cases assigned to the Magistrate may be conducted at such times designated by the Magistrate without prior Court approval.

**RULE 2.0**  
**PLEADINGS: FORMAT AND PROCEDURE**

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- 2.1 **Caption Requirements.** In every pleading or initial post-decree motion filed on behalf of a party or parties, there shall be set forth in the caption the names of all parties with their most recent complete address and date of birth of the parties. Social Security numbers of the parties shall not be required. For any motion or document (except an entry or order [for entries and orders format see Rule 22.5]) filed after the pleadings or initial post-decree motion, the caption may contain only names of the first party on each side of the case with the applicable “et al” designating multiple parties.
- 2.2 **Attorney Information.** Every pleading, motion or document filed on behalf of a party shall, in addition to complying with the Ohio Rules of Civil Procedure, have printed or typed thereon the name, address, attorney registration number and telephone number of counsel or if no attorney, of the party filing the same; and if filed by a law firm, it shall be indicated thereon the name of the particular attorney having primary responsibility for the case.
- 2.3 **Case Identification.** Each complaint or petition that contains a cause of action within the jurisdiction of the Domestic Relations Division of the Fairfield County Common Pleas Court shall be numbered with the last two digits of the current year followed by DR, DS, PA, or DV and the sequential number provided by the Clerk’s office.

The initial pleading or motion shall include under the case number one of the following designations:

1. Divorce with children
2. Divorce without children
3. Dissolution with children
4. Dissolution without children
5. Post-decree motion

6. Post-decree Motion for Modification (if it is for a modification of a previous judgment entry)
7. Motion for Temporary Order
8. Motion
9. Motion to Vacate Judgment
10. Parentage
  - a. Establish Parent-Child Relationship
  - b. Complaint for Custody
  - c. Complaint for Support
  - d. Complaint for Visitation
11. Civil Protection Petition
12. Fairfield County Child Support Enforcement Agency Action
13. Motion for Contempt
14. U.I.F.S.A.
15. Complaint for Custody

If none of the above apply, then omit any designation.

- 2.4 **Affidavits.** In any action or motion in which income, assets or liabilities are an issue, the parties shall file a financial affidavit. The financial affidavits shall be in the same format and include the same information as required for temporary support orders and must adhere to local rule 9.0 requirements.

If a financial affidavit is used by a party that varies from the forms prescribed by the Court, it must contain all of the information required to be disclosed by the Court.

Failure to include all necessary information as required by the Court may result in the affidavit being stricken from the case file.

- 2.5 **Copies and Paper and Legibility Requirements.** Sufficient copies of every pleading, motion or document to be served by the Clerk or Sheriff shall be filed with the Clerk. The Clerk shall make a copy of any pleading, motion or document for any counsel of record who has not previously been supplied with a copy and charge the expense as costs in the case. All pleadings and motions shall be typewritten or legibly printed on one side of paper measuring eight and one-half (8 1/2) by eleven (11) inches.
- 2.6 **Facsimile Filing.** The Clerk may accept facsimile filing of pleadings and motions (not to exceed 10 pages in length) on plain paper. Any pleadings

or motion on thermal paper is to be rejected by the Clerk. Facsimile pleading shall not be followed up by hard copy.

- 2.7 **Replacements.** No document in any case file may be removed or replaced. However, an amended document may be filed with Court approval.
- 2.8 **Non-compliance.** If any pleading or initial post decree motion fails to meet the format requirements of this rule, it may be returned to the originator for revision or it may be subject to a *sua sponte* dismissal by the Court.
- 2.9 **Public File and Family File.** In accordance with Rule 44(C)(2)(h) of the Ohio Rules of Superintendence, the Clerk of Courts shall maintain a public file and a confidential family file for each DR,DS, and PA case as set forth herein.
- A. "Case document" means a document submitted to the Court or filed with the Clerk of Courts in a judicial action or proceeding, including exhibits (subject to the limitations set forth below), pleadings, motions, orders, and judgments and any documentation prepared by the Court or Clerk of Courts in the judicial action or proceeding, such as journals, dockets, and indices. Case documents shall be filed and maintained by the Clerk of Courts in a public file.
- B. The term "case document" does not include the following:
1. Health care documents, including but not limited to physical health, psychological health, psychiatric health, mental health, and counseling documents.
  2. Drug and alcohol use assessments, pre-disposition treatment facility reports and drug test 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 appraisals and evaluations;
10. Health Insurance Affidavits;
11. Affidavits in support of Motions which include specific references to information contained in the confidential documents set forth herein; and
12. In matters transferred from Fairfield County Juvenile Court, the Judgment Entry ordering transfer to the Domestic Relations Court, the final Judgment Entry awarding custody and the Judgment Entry setting an ongoing child support order at the conclusion of the Juvenile Court case shall be case documents, all other documents transferred from the Juvenile Court shall not be considered case documents.

C. The documents submitted to the Court or filed with the Clerk of Courts excluded from the definition of “case document” as listed in section (B) shall be kept in a separate file, known as the “family file,” to be maintained by the Clerk of Courts in such manner and in such location as the Clerk deems appropriate.

D. Upon motion of any party or upon the Court’s own motion, other documents containing sensitive personal information may be ordered to be kept in the family file. If there are documents which are to be filed in the public file containing social security numbers or any other individual identifying information, the same shall be redacted on those documents in the public file.

- E. The public file shall contain, in place of the document contained in the family file, a Notice of Filing, reflecting the filing of the document maintained in the family file and the date thereof (e.g. “Notice is hereby given that on [date of filing] a [name of document] was filed by [person or party filing document], which shall be maintained in the family file”).
- F. Contents of the family file shall be available for inspection and review by Court personnel and Guardians ad Litem in the performance of their required duties, or as the Court may direct. Contents of the family file may be inspected and reviewed by the parties, an attorney of record in the case, representatives of the Child Support Enforcement Agency, and representatives of Child Protective Services.
- G. Review of the family file may be permitted by others upon motion to the Court and for good cause shown. A prescribed form will be made available for that purpose. Authorized viewers may take notes while reviewing the documents in the family file, but they are strictly prohibited from copying those documents, distributing those documents or showing those documents to unauthorized individuals, and are further prohibited from removing those documents from the Office of the Clerk of Courts, absent further Order of the Court. Upon written motion, for good cause shown, the Court may enter an order permitting a person who is not permitted access to a court file under section (E) of this rule to copy documents in a family file. Such motion shall set forth specific reasons which demonstrate why the interests of justice necessitate the copying of a document in the family file, and shall specify the particular documents to be copied and the arrangements under which the copying shall take place.
- H. This rule shall take effect on January 1, 2016. The provisions of this rule restricting public access to certain documents shall apply only to those relevant documents filed on or after January 1, 2016.



**RULE 3.0**  
**SPECIAL FILING REQUIREMENTS**

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3.1 **Procedure.** The Clerk's office receives for filing a large number of documents that fall outside the category of pleadings, motions, entries or orders. Certain documents do not require the Court's attention while other documents require disposition by the Court.

In order to ensure that documents in the latter category are given prompt attention, it shall be counsel's responsibility to immediately provide the Court Administrator a file stamped copy of the following documents:

- a) Requests for Findings of Facts and Conclusions of Law
- b) Proposed Findings of Facts and Conclusions of Law
- c) Requests for statements of evidence
- d) Proposed statements of evidence
- e) Motions that have non-oral hearing dates
- f) Objections to a magistrate's report
- g) Responses to objections to a magistrate's report
- h) Documents, affidavits, or supplemental information ordered or requested by the court
- i) Rule 75 motions on temporary orders
- j) Motions to set aside a settlement memorandum.

3.2 **Confidential Disclosure of Personal Identifiers.** Pursuant to Rule 45(D) of the Rules of Superintendence for the Courts of Ohio, it is the responsibility of the filing party to omit or redact personal identifiers from case documents. Personal identifiers include social security number (except for the last four digits), financial account numbers, including but not limited to debit card, credit card numbers, and employee identification numbers (except for the last four digits).

Personal identifiers should be omitted or redacted from all case documents submitted to the court or filed with the clerk, unless otherwise

ordered by the court. Pursuant to Sup. R. 45(D)(3) personal identifiers shall be provided to the court on the Personal Identifier Form as prescribed in and adopted by this rule.

The Personal Identifier Form shall be filed with each Complaint, Petition, Answer, Counterclaim, and post-Decree Motion filed with this court. The non-moving party shall also file a Personal Identifier Form with the Clerk of Courts. Disclosure of the complete nine-digit social security number is required.

The Clerk of Courts shall docket the filing of the Personal Identifier Form and shall maintain it in electronic form with access to staff of this Court and to staff of the Clerk of Courts only. Thereafter, the Clerk shall destroy the original form.

**RULE 4.0**  
**COUNSEL OF RECORD**

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- 4.1 **Entering an appearance.** All entries of appearance of counsel shall be in writing. An entry of appearance of counsel may be effected by signature of counsel on a pleading, motion or letter to the Court.

Until an entry of appearance properly made and signed by counsel has been filed, counsel shall not be entitled to appear at any proceeding in the action, unless waived by the Court.

- 4.2 **Withdrawing.** It is contemplated that counsel who have entered an appearance in the case shall remain on the case until it has concluded. All requests for withdrawal as counsel of record, except those agreed to by client, must include a memorandum in support indicating the general reasons for the request. Withdrawals as counsel of record within 45 days of the hearing, which cause a continuance, may be denied or may cause sanctions by the Court. In considering a request to withdraw, the Court may require the party to appear before the Court, prior to the counsel of record being permitted to withdraw, so that the Court may advise the party what course of action will be expected to avoid any delays in the proceedings. An immediate substitution of counsel will negate the necessity for an appearance before the Court.

The provision of DR 2-110, EC 2-29 and EC 2-31 of the Code of Professional Responsibility are incorporated herein. Failure to appear by any counsel of record may subject counsel to Court sanctions.

**RULE 5.0**  
**TIME REQUIREMENTS**

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5.1 **Filing Times.** In all cases where the time for filing of a pleading, an amended pleading, a response or a reply is not fixed by local rule, statute, or the Ohio Rules of Civil Procedure, it shall be filed on or before the fourteenth calendar day after the filing date of the opposing party's document or Court's order or entry unless otherwise specified in the order or entry.

5.2 **Extensions.** Any requests for extensions of time for filing must be submitted by motion to the Court. The party must include the following information in the motion:

1. If the motion is being filed within or outside the allocated time for the original filing.
2. The reasons needed for the extension.
3. If the opposing party objects to or approves of the extension.
4. If there have been any prior extensions.

Upon submissions of the motion (including proposed entry), the Court, within its own discretion, may immediately approve or deny the motion; or, the Court may request the opposing party to file, within five days, specific objections for any extensions.

5.3 **Case Rulings.** Cases that have been on the docket for six months without any proceedings taken in the case, except cases awaiting trial, shall be dismissed, after notice to counsel of record.

All cases submitted for determination after a trial shall be decided within ninety days from the date the case was submitted. All motions shall be ruled upon within one hundred twenty days from the date the motion was filed. (See Sup. R. 40(A))

**RULE 6.0**  
**SERVICE**

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6.1 **Residence known.** Service shall be pursuant to Civil Rule 4.

6.2 **Residence unknown.** In divorce, annulment and legal separation actions, service may be perfected by one of two ways.

6.21 **In forma pauperis actions.** In divorce, annulment and legal separation actions, the party or counsel shall file an affidavit in the Clerk of Court's office pursuant to Civil Rule 4.4(A)(2).

(a) Three copies of the prepared notice will accompany the affidavit to be filed in the case. (Note: Responsibility to include an answer date in the notice is that of the party or counsel.)

(b) The Clerk shall post the notice in the following designated conspicuous places:

(1) On the bulletin board located in the Clerk's Office in the Hall of Justice.

(2) On the bulletin board on the first floor of the Fairfield County Courthouse.

(3) On the bulletin board on the first floor of the Lancaster Municipal Building.

6.22 **All other actions.** In all other actions within the jurisdiction of the Domestic Relations Court, where the residence of the defendant or respondent is unknown, the service shall be pursuant to Civil Rule 4.4(A)(1) and the party or counsel shall:

(a) File with the necessary affidavit, a copy of the prepared publication (Note: It will be the responsibility of the party or counsel to include the answer date in the publication.)

(b) It will be the responsibility of the counsel to transmit the publication to the newspaper of his/her choice.

(c) The proof of publication including the invoice shall be filed with the Clerk's office. Publication costs are not included in deposits and shall be paid directly to the newspaper when Notice of Publication is presented to be published.

- 6.3 **Failure of Service - Post decree motions.** Post-decree motions requiring service of process under Civil Rule 4 through 4.6 will be monitored for proof of service. Where the moving party has failed to obtain service on the opposing party within 45 days after the filing date of the motion, the party or counsel will be notified that the motion will be subject to dismissal without prejudice unless good cause is shown to permit it to remain an active case.
- 6.4 **Notification of Failure of Service.** The Clerk shall notify counsel or party of any failure of service of any pleading or motion that has an oral hearing date. Once the Clerk has reported the notice of failure of service to counsel, counsel must notify the Assignment Commissioner within seven days that instructions for alternate service have been filed, or the hearing date will be cancelled.

**RULE 7.0**  
**CIVIL PROTECTION ORDERS**

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- 7.1 **Hearing Requirements.** No civil protection order will be granted without a hearing. The first hearing may be *ex parte*, but a second hearing shall be conducted within the guidelines of Revised Code Section 3113.31 unless waived by the parties.
- 7.2 **Failure of Service.** Failure to serve respondent before the second hearing may result in either a continuance or a dismissal of the petition and the termination of the temporary protective order.
- 7.3 **Visitation.** Where children are involved, requests should include proposed visitation guidelines and/or propositions why visitation should be temporarily denied. Failure to include a visitation schedule may result in a denial of the requested protection order.
- 7.4 **Effective Time of Order.** Any order issued after the full hearing shall be effective for up to five full years.
- 7.5 **Termination of Order.** An entry to terminate must be filed with orders to the Clerk of Courts to serve a copy of the entry to the proper law enforcement agencies to remove the Protection Order from their indexes.

## RULE 8.0 MOTIONS

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- 8.1 **Contents.** All motions, except motions the relief of which has been agreed to by opposing counsel and/or motions for pendente lite or temporary support orders, shall be accompanied by a brief or memorandum stating the grounds including citations of any case authority. In the absence of a brief or memorandum, the motion may be stricken from the files.
- 8.2 **Notice of Hearing.** Each motion except motions which do not require a hearing shall include either separately, or in a **distinct manner**, a notice of hearing unless waived by the Court, Magistrate or Court Administrator. All hearing times and dates shall be obtained from the Assignment Commissioner. Where opposing counsel has made an appearance in the matter, no motion, notice of hearing or order to appear should be filed by any party unless reasonable effort has been made to have the oral hearing time and date coincide with opposing counsel's availability.
- 8.3 **Non-oral motions.** Except as to temporary order hearings, if an oral hearing is not required, a non-oral hearing **date** may be designated and all required briefs, responses, documents or exhibits necessary to resolve the issue must be filed on or before the day immediately prior to the non-oral hearing date.
- 8.31 **Types of non-oral motions.** No oral hearing dates will be given for objections to Magistrate's reports, motions under Civil Rule 60(B) or 75(l), motions to strike, motions to dismiss or motions for summary judgment unless a hearing date is ordered by the Court.
- 8.4 **Service.** The motion and order containing the oral or non-oral hearing date shall be served upon all opposing parties or their counsel by the moving party in accordance with the requirements of the Ohio Rules of



Civil Procedure. In accordance with Rule 6(d) of the Rules of Civil Procedure, the oral or non-oral hearing may be set no earlier than seven days after the date of service of the motion unless the parties or counsel agree with Court approval to an earlier hearing.

8.5 **Motions with entries.** If the approval of all opposing parties or their counsel of record is obtained, a party may submit a motion and entry together to the Court for its consideration. The entry shall contain an approval line for each party or their counsel of record and shall affirmatively indicate that all of the opposing parties or their counsel have approved it. However, the Court retains the discretion to approve or reject the entry.

8.6 **Motions for *ex parte* order.** *Ex parte* orders are discouraged but there are certain circumstances when they are necessary. When possible, *ex parte* orders issued under this section shall be granted only after the party requesting such relief appears in open court and recites the grounds therefore on the record. Further, if later in the proceedings it is determined that said moving party's statements made either orally on the record or non-orally by affidavit were untrue, so as to mislead the court, said party shall be subject to sanctions, including but not limited to a dismissal of their action, an award of attorney fees to the opposing party and costs.

8.61 **Orders affecting children.** The Court will issue *ex parte* orders affecting children where it is shown that irreparable harm will occur unless immediate action is taken. Motions requesting relief of this nature must have supporting affidavits which clearly delineate the expectant harm. The *Ex Parte* Motion shall be accompanied by a Motion to Reallocate Parental Rights and Responsibilities or a Motion to Modify/Terminate Companionship which shall be filed contemporaneously with the *Ex Parte* Motion. If the Motion to Reallocate Parental Rights and Responsibilities or Motion to

Modify/Terminate Companionship is not filed with the *Ex Parte* Motion, then the Court will not consider the *Ex Parte* Motion.

If the *ex parte* relief is granted, then notice of a full hearing on the *Ex Parte* Motion, which shall be scheduled within 14 days of the *ex parte* order, shall be included in the *Ex Parte* Order/Entry. The *Ex Parte* Order/Entry shall be issued with the service of the *Ex Parte* Motion.

**8.62 Orders affecting discovery.** This rule recognizes that contested issues require less Court time where discovery has been fully conducted. Motions to compel discovery shall usually be granted *ex parte* where the memorandum in support of the motion indicates that reasonable efforts to obtain discovery have been ignored or neglected by the opposing party. The motion must also contain a specific description of the documents and/or information which has not been provided.

If a party or deponent fails to comply with a court entry compelling discovery within the time specified in the entry, the party propounding the discovery shall contact opposing counsel (or the party if proceeding *pro se*), and make a written request for the discovery responses. If any discovery has been provided, the written request shall identify the specific documents or information which was not provided by the party or deponent.

Should the party or deponent fail to comply fully with the discovery request within seven (7) days of the date of the written request, the requesting party may file a motion for sanctions and demand a show cause hearing. The party requesting sanctions shall attach a copy of the written request to the motion.

If good reason is not shown at the show cause hearing why discovery was not provided, the Court shall impose a sanction in the minimum amount of \$500.

- 8.63 **Orders affecting intervention.** The Court will generally grant motions to intervene without a hearing and issue *ex parte* orders of intervention by interested parties. Motions should include the basis for and interests of the intervening party. All orders affecting intervention shall be submitted to the Magistrate or Judge assigned to a case or specific hearing or trial.
- 8.7 **Dates and Times of Hearings.** To expedite the hearing of issues as soon as possible, counsel may obtain hearing dates by phone from the Assignment Commissioner.

**RULE 9.0**  
**TEMPORARY OR PENDENTE LITE ORDERS**

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9.1 **Temporary Support.** All motions or request for temporary spousal or child support, or any modification thereof, shall include accurate financial affidavits. Child support requests should have a completed work sheet as described by statute. Last year's federal tax return together with all schedules and W-2 forms shall be filed if available. Current wage statements from the employer indicating the year-to-date earnings or pay stubs showing year-to-date earnings shall be filed. If there is self-employed income, the party shall verify income under oath.

Included in the affidavit should be a statement of living expenses and monthly debt obligations of the parties and their gross and net monthly earnings. The affidavits of parties applying for, or opposing, spousal or child support should be submitted fully completed on forms prescribed by the Court. If an affidavit is submitted on a form other than prescribed by the Court, it shall contain all the information required by the Court. Either party may file other affidavits in support of, or opposing, requests for temporary support. The request and affidavit of the party applying for temporary spousal or child support shall be served upon the opposing party or their counsel, if represented, pursuant to the Ohio Rules of Civil Procedure.

By leave of Court obtained prior to the date and time of the non-oral hearing specified in the notice of hearing on the financial affidavit, additional affidavits may be filed by either party subsequent to said non-oral hearing date, whereupon the court may *sua sponte* continue said non-oral hearing to an alternate date upon notice to all parties. In any event, should the filing of such additional affidavits cause the court to continue said non-oral hearing, the effective date of the court's order shall be

retroactive to the first Friday following the originally scheduled non-oral hearing date.

9.11 **Accuracy of Information.** All information contained in a financial affidavit must be accurate. Any information that is estimated must be identified as estimated. Similarly, inaccurate, understated, or exaggerated financial information may result in sanctions against the offending party including an immediate termination of an order based upon the information with retroactive application.

9.12 **Payments.** An order for payment of temporary spousal or child support shall be payable through the Fairfield County Child Support Enforcement Agency. A processing charge shall be added to the ordered payments. Such payments shall be made by means designated by the Fairfield County Child Support Enforcement Agency. Where employer information is available, the payments shall be by a wage withholding statement.

9.2 **Motion to Vacate the Premises.** A motion to vacate the premises shall state with particularity the reasons for the motion and shall be supported by an affidavit of the moving party or verified in the complaint setting forth the facts on which the motion is based.

No motion to vacate premises will be granted unless it is shown to the satisfaction of the Court upon oral hearing that:

- (1) acts of physical violence have occurred or are probable; or
- (2) threats of imminent serious physical harm have occurred; or
- (3) abuse has been committed toward any child; or
- (4) the opposing party has already vacated the premises, or
- (5) any other reasons justifying the relief demanded by the motion exists.

9.21 **Allocation of Expenses.** If the parties are living together, then the court in writing may allocate their living expenses and debt service and the children shall remain at the house until further order of the court.

9.3 **Standard Temporary Restraining Orders.** Upon the filing of any Complaint for Divorce, the Court shall, *sua sponte*, issue a reciprocal Restraining Order in the format approved by the Court, a copy of which is set forth in the Appendix to these rules. All entries submitted to the Court with Motions for Temporary Restraining Orders, issued pursuant to Civ. R. 75(l) shall be reciprocal and shall be submitted on forms prescribed by the Court. **Standard Temporary Restraining Orders may not be used to attempt to order custody. As to children, only the prohibition against removing children from the jurisdiction and changing their school placement is permitted. Any attempt to obtain custody on an ex parte basis must be accomplished pursuant to Local Rule 8.6. Any attempt on the part of an attorney to violate this Rule may result in sanctions against the offending attorney.** Attorneys may utilize their own forms, but the language of the restraining order shall be the same as the Court form. If restraining orders are submitted on forms other than the Court's form, it shall include the following certification which shall be signed by the attorney pursuant to Civ. R. 11:

"I hereby certify that the foregoing temporary restraining order is identical to the Court Order required by Local Rule 9.3."

Submitted by:

\_\_\_\_\_  
(Attorney's name)

The Court will not approve any temporary restraining order which is not on the Court's form or which does not include the foregoing language.

9.4 **Third Party/Special Restraining Orders.** In the event any party believes that a third party or special restraining order is necessary and authorized by Civ. R. 75(l), counsel making the request shall draw to the Court's attention the fact that the restraining order is a third party/special restraining order prior to the Court being requested to sign the same.

9.5 **Restraining Orders Granting Exclusive Occupancy.** When one party has voluntarily left the marital residence and established residence elsewhere, the party remaining in the marital residence may request a

restraining order prohibiting the other party from re-entering the marital residence except upon Court order. These restraining orders must be supported by separate affidavit and may not be used in situations where the other party has left the residence on a temporary basis. **Restraining orders granting Exclusive Occupancy may not be used to attempt to order custody. As to children, only the prohibition against removing children from the jurisdiction of the Court and changing their school placement is permitted. Any attempt to obtain custody in an ex parte basis must be accomplished pursuant to Local Rule 8.6. Any attempt on the part of an attorney to violate this rule may result in sanctions against the offending attorney.**

**RULE 10.0**  
**PRETRIAL REVIEWS**

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10.1 **Objective.** Unless waived by the Court, all contested domestic relations cases (i.e. where an answer has been filed) shall have a pretrial review. Such pretrial reviews shall be held with the intention of accomplishing the objectives set forth in Rule 16 of the Ohio Rules of Civil Procedure. The pretrial review shall be either a case management conference and/or, if applicable, a pretrial hearing and shall be held at such times as the Court shall direct.

10.2 **Pretrial Hearings.** A pretrial conference will be scheduled after the temporary order's date. Its purpose will be to narrow factual and legal issues by stipulations or motions and to set a settlement conference and trial date. Attorneys shall comply with the Pretrial Discovery Order on or before seven (7) days prior to the pretrial. At the time of the pretrial hearing, counsel shall be prepared to:

- (1) State your case clearly (theory and physical facts)
- (2) Inform the Court as to the progress of valuation of assets;
- (3) Advise the Court on the need and time for additional discovery.

Pretrial statements, if requested, shall be prepared and submitted to the Court at the pretrial hearing and shall include an updated and **accurate** itemization of the party's income and expenses with a full and accurate description of the nature and value of the assets and liabilities of the parties. It shall also list names and addresses of all witnesses. No witness, except for rebuttal, shall be permitted to testify, if not on the list, unless for good cause shown.

Parties shall be present at the pretrial hearing unless for good cause shown excused by the court in which event the party so excused must be accessible by phone.



The Court, in its discretion, may schedule more than one pretrial hearing in any case, and it may suspend the requirement for the filing of a pretrial statement pertaining to any pretrial hearing.

10.3 **Settlement Conference.** A settlement conference will be scheduled about 90 days after the pretrial hearing and about 15 days before the trial date. This conference is to determine trial procedure, exchange expert reports and discuss settlement. The parties shall attend this conference or, if excused by the Court, be accessible by phone.

10.4 **Home Investigation.** The parties in a custody or parenting time proceeding may be ordered to undergo a home investigation completed by the Domestic Relations Court Family Investigator. The purpose of the home investigation is to assess the adequacy of the home environment and living conditions in order to determine if they meet the needs of the children. Referrals are made only by court order of the Fairfield County Domestic Relations Court Judge or Magistrate. After the completion of the home investigation, a written report will be prepared and filed in the Family File. A copy of the written report shall be provided to the Judge or Magistrate assigned to the case, the parties or the attorney(s) of record, and the guardian *ad litem*. The Family Investigator Report will be admitted into evidence at a hearing. If the appearance of the Domestic Relations Court Family Investigator is necessary for cross-examination at a scheduled hearing, the party desiring the appearance shall issue a subpoena at least seven (7) days in advance of the hearing. The subpoena shall be properly delivered to the Domestic Relations Court Family Investigator at the designated mailbox in the Clerk of Courts Legal Department – Domestic Relations Division located in Room 406 on the 4<sup>th</sup> floor of the Hall of Justice.

**RULE 11.0**  
**MEDIATION**

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11.1 **Introduction.** Through Rule 11, this Court incorporates by reference R.C. 2710 “Uniform Mediation Act” (UMA), R.C. 3109.052 Mediation of Differences as to the Allocation of Parental Rights and Responsibilities, and Rule 16 of the Rules of Superintendence for the Courts of Ohio.

11.2 **Uniform Mediation Act and Definitions.** The R.C. 2710 “Uniform Mediation Act” (UMA), including all definitions found in R.C. 2710.01, are incorporated by reference and adopted by this court through this local rule. Frequently used definitions include:

- (1) “Mediation” means any process in which a mediator facilitates communication and negotiation between the parties to assist them in reaching a voluntary agreement regarding their dispute.
- (2) “Mediator” means an individual who conducts a mediation.
- (3) “Mediation Communication” means a statement, whether oral, in a record, verbal or nonverbal, that occurs during a mediation or is made for the purposes of considering, conducting, participating in, initiating, continuing, or reconvening a mediation or retaining a mediator.
- (4) “Nonparty participant” means a person other than a party or mediator that participates in a mediation.
- (5) “Proceeding” means either of the following:
  - (a) Judicial, administrative, arbitral, or other adjudicative process, including related pre-hearing and post-hearing motions, conferences, and discovery;
  - (b) A legislative hearing or similar process.

11.3 **Cases Eligible for Mediation.**

- (1) General: Except as exempted below, the Court has discretion to encourage parties to use mediation in any action filed in this court.

A case may be submitted to mediation as provided in this rule. The Court may issue an order on its own motion, upon the motion of counsel, upon the request of a party or upon referral by the mediator.

- (2) Nothing in this division shall prohibit the use of mediation in a subsequent divorce or custody case, even though that case may result in the termination of the provisions of a protection order.

#### 11.4 **Case Selection.**

- (1) A case may be referred for mediation in the following manner:
  - (a) For formal proceedings, the Court may order parties to participate in the mediation process.
  - (b) For formal proceedings, the Court upon written or oral motion, may order parties to participate in the mediation process.
  - (c) For informal cases (pre-filing), a referral to mediation may be made by court personnel upon the request of a party.
- (2) The court or mediator will determine the eligibility and appropriateness of each referral prior to the commencement of the mediation process. The court or the mediator may decline any referral deemed inappropriate.
- (3) All parties and counsel shall advise the judge, magistrate or mediator of any domestic violence allegations known to them to exist or to have existed in the past, or which become known to them following entry of the order but before conclusion of the mediation process, which allegations involve any two or more persons whom attendance is required by the referral order.
- (4) The mediation shall be communicated via a "Notice of Scheduled Mediation" Magistrate's Decision or Judgment Entry which shall, at a minimum, indicate the date, time, place, and contact information for the mediation.

- (5) The following methods may be used to determine the mediator for the case:
- (a) The court may randomly assign a mediator to the case from the court's roster of approved mediators;
  - (b) Specific appointments may be made by the court taking into consideration the qualifications, skill, expertise, and caseload of the mediator in addition to the type, complexity, and requirements of the case;
  - (c) Parties may select a mediator from the court roster, if any; and
  - (d) Parties may request leave to select a mediator without guidance from the court. The court shall not be responsible for the quality of a mediator selected by the parties without guidance from the court and who does not meet the qualifications, education, and training requirements set forth in section 11.4(5) above.

**11.5 Confidentiality/Privilege.**

- (1) General. All mediation communications related to or made during the mediation process are subject to and governed by the UMA, R.C. 2710.01 to 2710.10, R.C. 3109.052, the Rules of Evidence, and any other pertinent judicial rules.

In furtherance of the confidentiality set forth in this Rule, parties and non-parties desiring confidentiality of mediation communications shall execute a written "Agreement to Mediate" prior to the mediation session.

- (a) Said "Agreement to Mediate" outlines the confidentiality and privilege of all mediation communications, including but not limited to written and/or verbal agreement.
- (b) If a new or different person attends a subsequent session, their signatures shall be obtained prior to proceeding further in the process.

By participating in mediation, a nonparty participant, as defined by R.C. 2710.01(D), submits to the court's jurisdiction to the extent necessary for enforcement of this rule. Any nonparty participant shall have the same rights and duties under this rule as are attributed to parties, except that no evidence privilege shall be expanded.

- (2) Exceptions: All mediation communications are confidential as defined by the "Agreement to Mediate" with the following exceptions:
  - (a) Parties may share all mediation communications with their attorneys;
  - (b) Certain threats of abuse or neglect of a child or an adult;
  - (c) Statements during mediation to plan or hide an ongoing crime; and
  - (d) Statements made during mediation that reveal a felony.

**11.6 Domestic Violence.** Pursuant to Rule 16 of the Rules of Superintendence for the Courts of Ohio, as adopted by this Court, any mediator providing services for the Court shall utilize procedures for all cases that will:

- (1) Ensure that the parties are allowed to participate in mediation and, if the parties wish, that their attorneys and any other individuals 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 of 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) In determining the penalty for violation of a protection order.

11.7 **Mediator Training and Education.** A mediator shall meet the qualifications of and comply with all training requirements of Sup.R. 16.23 and adopted pursuant to Sup.R. 16.22 governing mediators and mediation.

11.8 **Procedures.** In accordance with all applicable provisions of this rule, if a case is deemed appropriate by the court for mediation, mediation may be scheduled.

A mediator may meet with the parties individually prior to bringing the parties together for any reason including, but not limited to, further screening. A mediator may schedule multiple mediation sessions, if necessary and mutually acceptable for the resolution of the issues in part or in their entirety.

A party opposed to either the referral or the appointed mediator must file a written objection with the court within seven days of receiving notice of the referral or provider and explain the reasons for any opposition.

11.9 **Party/Nonparty Participation.**

(1) Parties to informal cases, such as pre-filing, may voluntarily attend mediation sessions.

(2) Parties who are ordered to mediation in formal cases shall attend scheduled mediation sessions. The court may order parties to return to mediation at any time in formal cases.

(3) The judge, magistrate and/or mediator may require the attendance of the parties' attorneys at the mediation sessions if the judge, magistrate and/or mediator deems it necessary and appropriate.

(4) A guardian ad litem shall participate in the mediation sessions upon written order of the Court or may participate upon request of the mediator.

- (5) If counsel of any party to the mediation becomes aware of the identity of a person or entity whose consent is required to resolve the dispute, but has not yet joined as a party in the pleadings, they shall promptly inform the mediator, as well as the assigned judge or magistrate.
- (6) If the opposing parties to any case are 1) related by blood, adoption, or marriage; 2) have resided in a common residence; or 3) have known or alleged domestic violence at any time prior to or during the mediation, then the parties and their counsel have a duty to disclose such information to the mediator, and have duty to participate in any screening required by the court or mediator.
- (7) Each party shall proceed with mediation in good faith to reach a mediated agreement. Any party who agrees to mediation shall perform all obligations expeditiously and shall not use the mediation process for purposes of delay or discovery in any manner other than in a good faith attempt at resolution.
- (8) By participating in mediation, a nonparty participant, as defined by R.C. 2710.01(D), agrees to be bound by this rule and submits to the court's jurisdiction to the extent necessary for enforcement of this rule. Any nonparty participant shall have the rights and duties under this rule attributed to parties except as provided by R.C. 2710.03(B)(3) and 2710.04(A)(2).

**11.10 Conclusion of Mediation.** At the conclusion of mediation and in compliance with R.C. 2710.06, the Mediator shall provide a report to the Court which shall include the following:

- (1) Whether the mediation occurred or was terminated.
- (2) The attendance of the parties at the scheduled mediation session(s);
- (3) If an agreement was reached on all or some of the issues;
- (4) If no agreement was reached;
- (5) Any future scheduled mediation dates;

(6) Any additional information the parties mutually agree they wish to be disclosed to the Court.

If the assigned mediator determines that further mediation efforts would be of no benefit to the parties, he or she shall inform all interested parties and the court that the mediation is terminated using the procedure required by this court.

**11.11 No Stay of Discovery or Existing Court Orders.** All remaining court orders shall continue in effect. No order is stayed or suspended during the mediation process except by written court order. Mediation shall not stay discovery, which may continue through the mediation process in accordance with applicable rules, unless agreed upon by the parties and approved by the judge or magistrate assigned to the case.

**11.12 Continuances.** It is the policy of the Court to determine matters in a timely way. 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, or 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. If a continuance of a scheduled mediation is requested and the proposed new date is within 60 days of the initial referral to mediation, then the request shall be made to the assigned mediator. If the requested date is more than 60 days after the referral to mediation, then the request must be made to the judge or magistrate assigned to the case.

**11.13 Fees and Costs.** The court may impose upon the parties fees and costs for mediation. If there is a fee for mediation, unless otherwise agreed by the parties, the mediation fees shall be shared equally. The court may waive fees and costs for an indigent party. Mediation shall not be ordered if a party is indigent, unless the mediation is available at no cost to the party.



If available, grant proceeds may be used to supplement the cost of mediation for the parties.

11.14 **Attendance; Sanctions.** If any individual ordered by the court to attend mediation fails to attend mediation without good cause, the court may impose sanctions which may include, but are not limited to, the award of attorney's fees, mediator fees, and other costs, contempt, or other appropriate sanctions at the discretion of the assigned judge or magistrate.

11.15 **Evaluation, Comments, and Complaints.** It is the policy of the court to use mediation to benefit the parties, to assist in reaching a resolution, and to provide a process that is timely, flexible and maintains the trust and confidence of the people. Any mediation participant may submit written comments, complaints, or feedback regarding the performance of mediators receiving referrals from the court.

**RULE 12.0**  
**PARENT EDUCATION CLASS**

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- 12.1 **General application.** All parents in divorce, legal separation or dissolution actions in which there are any minor children (or in post-decree actions involving parenting time or reallocation of parental rights and responsibilities) shall complete an educational seminar sponsored by the Fairfield County Domestic Relations Court.
- 12.2 **Compliance.** The seminar shall be completed within 45 days after the filing of the action or motion. **No action or motion shall proceed to final hearing until there has been compliance with this rule; provided, however, that non-compliance by a parent who enters no appearance and does not contest the action shall not delay the final hearing.** This requirement may be waived by the Court for good cause shown. Parents who fail to complete the class as ordered may be found in contempt or the case may be dismissed by the Court. Completion of the seminar will be determined at the pretrial hearing. Seminar attendance may be waived by the Court for good cause; however, any requests for waivers should be presented to the Court no later than 30 days before the final hearing.
- 12.3 **Procedure.** Each parent shall be responsible for registering for either the in-person class or the online class by calling Amy Koenig at (740) 652-7873 or by e-mail to [alkoenig@co.fairfield.oh.us](mailto:alkoenig@co.fairfield.oh.us). It will not be required that both parents attend at the same time. Parents choosing to complete the online class will purchase an account and begin the course at [online.divorce-education.com/locale/ohio/fairfield](http://online.divorce-education.com/locale/ohio/fairfield).

An instructional letter shall be included by the Clerk of Courts with service of process in each action for divorce or legal separation in which there are minor children and in each post-decree motion involving parenting time or reallocation of parental rights and responsibilities. At the

time of filing, the Clerk of Courts shall provide a copy of the instructional letter to counsel for delivery to the plaintiff or movant and to pro se litigants. Counsel filing dissolution of marriage actions shall provide a copy of the instructional letter to both parties to the action.

- 12.4 **Post decree motions.** Seminar attendance may also be required by order of the Court in matters relating to (1) post-decree relief concerning custody or parenting time with minor children; (2) in parentage actions; (3) in parenting time actions brought under Revised Code Section 3109.11 or 3109.12; (4) domestic violence actions filed under Revised Code Section 3113.31; (5) or actions brought pursuant to the Uniform Child Custody Jurisdiction Act.

**RULE 13.0**  
**GUARDIAN AD LITEM**

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13.1 **Appointment.** Counsel for the party requesting the Guardian ad Litem shall be required to notify the Assignment Commissioner of said request. The Assignment Commissioner and all counsel shall notify the Guardian ad Litem of all proceedings. It shall be the responsibility of counsel in the case to copy the Guardian ad Litem with all pleadings, notices of hearings and depositions, entries, and any other necessary documents. Any additional expense incurred by the Guardian ad Litem as a result of counsel's failure to notify, including the costs of transcripts, shall be charged to the party or parties responsible for such failure.

(1) Discretionary. Unless a mandatory appointment is required by rule or statute, the Court may make a discretionary appointment of a Guardian ad Litem in allocation of parental rights and responsibility cases.

(2) Limited Scope Appointment. The Court may appoint a Guardian ad Litem to address a specific issue or issues. In such an appointment, the Court shall include in the order of appointment the specific issue or issues to be addressed and the Guardian ad Litem is relieved of the duties set forth in Sup.R. 48.03(D) and Local Rule 13.4(2) that are not applicable to the specific issue or issues.

(3) Separate Appointments. A Guardian ad Litem shall be appointed only to represent the best interest of the minor child and shall not also be appointed as the attorney for the child.

(4) Termination of Appointment. The appointment of a Guardian ad Litem shall be deemed terminated upon final entry being filed of record in the matter for which the appointment was made, unless the final entry specifically provides otherwise. After termination of appointment, the Guardian ad Litem may still file motions for

purposes of enforcement of any outstanding fees and/or costs associated with the role of Guardian ad Litem.

(5) Reappointment. The Court should consider reappointment of the same Guardian ad Litem for a specific child in any subsequent case determining the best interest of the child.

### 13.2 Fees.

(1) Guardians may be compensated at an hourly rate for all reasonable and necessary time expended. At the time of the appointment of the Guardian ad Litem, the Court shall order one or both of the parties to pay a deposit to the Guardian ad Litem, which deposit shall not be less than \$1000. In the event the Court determines that the parties are unable to pay such a deposit, the Court may issue an order waiving or modifying this requirement. The Guardian ad Litem fees and expenses shall be billed against this deposit.

(2) At any time prior to the conclusion of a case, a guardian ad litem may submit a motion for payment. A Guardian ad Litem shall submit a motion for payment upon conclusion of the duties, if necessary. Any motion shall itemize the duties performed, time expended, and costs and expenses incurred.

(3) Unless a hearing is requested by a party or the Court within fourteen days after a motion for payment is filed, the Court shall issue an order regarding payment of Guardian ad Litem fees and expenses approving or denying any portion of the requested fees and expenses and allocating payment to one or more of the parties as appropriate.

13.3 **Enforcement of Payment of Guardian ad Litem Fees.** If the fees and expenses of a Guardian ad Litem exceed the deposits or installment payments ordered and made, the Court may do any of the following:

- (1) Issue a lump-sum judgment against any party owing guardian ad litem fees and expenses at the time of the determination of fees or at any further proceedings regarding payment of fees;
- (2) Enforce the payment of fees and expenses of the Guardian ad Litem through contempt of court proceedings;
- (3) Enforce any order regarding the payment of the Guardian ad Litem fees and expenses in any other manner authorized by law.

#### **13.4 Responsibilities and Duties of Guardian ad Litem.**

- (1) General Responsibilities. The responsibilities of a guardian ad litem shall include, but are not limited to, the following:
  - (a) Provide the Court recommendations of the best interest of the child. Recommendations of the best interest of the child may be inconsistent with the wishes of the child or other parties.
  - (b) Maintain independence, objectivity, and fairness, as well as the appearance of fairness, in dealings with parties and professionals, both in and out of the courtroom, and have no ex parte communications with the court regarding the merits of the case;
  - (c) Act with respect and courtesy in the performance of the responsibilities of the Guardian ad Litem;
  - (d) Attend any hearing relevant to the responsibilities of the Guardian ad Litem;
  - (e) Upon becoming aware that the recommendations of the Guardian ad Litem differ from the wishes of the child, immediately notify the Court in writing with notice to the parties or affected agencies. The Court shall take action as it deems necessary.
  - (f) If necessary, request timely Court reviews and judicial intervention in writing with notice to the parties or affected agencies;

(g) If the Guardian ad Litem is an attorney, file pleadings, motions, or other documents as appropriate and call, examine and cross-examine witnesses pursuant to applicable rules of procedure;

(h) Be available to testify at any relevant hearing.

(2) Duties of Guardian ad Litem. Unless specifically relieved by the Court, the duties of a Guardian ad Litem shall include, but are not limited to, the following:

(a) Become informed about the facts of the case and contact all relevant persons;

(b) Observe the child with each parent, guardian, or physical custodian;

(c) Interview the child, if age and developmentally appropriate, where no parent, foster parent, guardian, or physical custodian is present;

(d) Visit the child at the residence or proposed residence of the child in accordance with any standards established by the Court;

(e) Ascertain the wishes and concerns of the child;

(f) Interview the parties, foster parents, guardian, physical custodian, and other significant individuals who may have relevant knowledge regarding the issues of the case. The Guardian ad Litem may require each individual to be interviewed without the presence of others. Upon request of the individual, the attorney for the individual may be present.

(g) Interview relevant school personnel, medical and mental health providers, child protective services workers, and court personnel and obtain copies of relevant records;

(h) Review pleadings and other relevant Court documents in the case;

- (i) Obtain and review relevant criminal, civil, educational, mental health, medical, and administrative records pertaining to the child and, if appropriate, the family of the child or other parties in the case;
- (j) Request that the Court order psychological evaluations, mental health or substance abuse assessments, or other evaluations or tests of the parties as the Guardian ad Litem deems necessary or helpful to the Court; and
- (k) Review any necessary information and interview other persons as necessary to make an informed recommendation regarding the best interest of the child.

(3) Identification as Guardian ad Litem. A Guardian ad Litem shall immediately identify himself or herself as a Guardian ad Litem when contacting individuals and inform the individuals about the role of the Guardian ad Litem, the scope of the appointment, and that documents and information obtained may become part of court proceedings.

(4) Confidentiality. A Guardian ad Litem shall make no disclosures about a case or the investigation except to the parties and their legal counsel, in reports to the Court, or as necessary to perform the duties of a Guardian ad Litem, including as a mandated reporter. The Guardian ad Litem shall maintain the confidential nature of personal identifiers, as defined in Sup.R. 44, and address where there are allegations of domestic violence or risk to the safety of a party or child. Upon application, the Court may order disclosure of or access to the information necessary to challenge the truth of the information received from a confidential source. The Court may impose conditions necessary to protect witnesses from potential harm. Communications between the child(ren) and the Guardian ad Litem are not privileged.



(5) Timeliness. A Guardian ad Litem shall perform responsibilities in a prompt and timely manner.

(6) Record-keeping. A Guardian ad Litem shall keep accurate records of the time spent, services rendered, and expenses incurred in each case and file an itemized statement and accounting with the Court monthly and provide a copy to each attorney of record and unrepresented party while performing the responsibilities of a Guardian ad Litem.

(7) Conflicts of interest. A Guardian ad Litem shall avoid any actual or apparent conflict of interest arising from any relationship or activity, including, but not limited to, those of employment or business or from professional or personal contacts with parties or others involved in the case. Upon becoming aware of any actual or apparent conflict of interest, a Guardian ad Litem shall immediately notify the Court in writing. The Court shall take action as it deems necessary.

(8) Satisfaction of Training Requirements. A Guardian ad Litem shall meet the qualifications and satisfy all pre-service and continuing education requirements of Sup.R. 48.04 and 48.05 and shall provide the Court Administrator documentation indicating compliance with pre-service and continuing educational requirements so the Court may maintain the files required. The documentation shall include information detailing the date, location, content, and credit hours received for any relevant education.

(9) Required Certifications and Notifications. On or before March 1 of each year, all individuals on the list to serve as Guardian ad Litem shall certify to the Court Administrator that they are unaware of any circumstances that would disqualify them from serving, shall report the training they have attended to comply with this rule, and shall documentation that they are in good standing with the Ohio Supreme Court. Any individual on the list to serve as Guardian ad

Litem shall immediately notify the Court Administrator, in writing, of any arrest, indictment or conviction, including pleas of guilty, for any criminal offense involving any action that resulted in a child being abused or neglected, or of violation of R.C. 2919.25, or any sexually oriented offense involving a child; any pending professional disciplinary actions, any other grounds for disqualification, and any other issues affecting the ability to serve as Guardian ad Litem. Any individual approved to serve as a Guardian ad Litem shall immediately notify the Court Administrator, in writing, if the individual was named as a respondent in an action for civil protection order or was charged with domestic violence in any court.

**13.5 Court Fees and Costs.** All filing fees and court costs are waived as to Guardians ad Litem.

**13.6 Required Education.**

(1) Pre-Service Education. A Guardian ad Litem shall complete twelve hours of basic pre-service Guardian ad Litem education that complies with Sup.R. 48.04.

(2) Continuing Education. A Guardian ad Litem shall complete six hours of continuing education annually that complies with Sup.R.48.05.

(3) Failure to Comply. If a Guardian ad Litem fails to complete six hours of continuing education within any calendar year, that individual shall not be eligible to serve as a Guardian ad Litem on any new appointments until this continuing education requirement is satisfied. The Court shall have the discretion to continue the current Guardian ad Litem appointments.

**13.7 Guardian ad Litem Reports**

(1) Written Report. A Guardian ad Litem shall prepare a written final report, including recommendations to the court, within the time frame set forth herein. The report shall affirmatively state that

responsibilities have been met and shall detail the activities performed, hearings attended, persons interviewed, documents reviewed, experts consulted, and all other relevant information considered by the Guardian ad Litem in reaching the recommendations and in accomplishing the duties required by statute, by Court rule, and by the Order of appointment from the Court.

(2) Required warning. All reports shall include the following warning: “The Guardian ad Litem Report shall be provided to the Court, unrepresented parties, and legal counsel. Any other disclosure of the report must be approved in advance by the Court. Unauthorized disclosure or distribution of the report may be subject to court action, including penalties for contempt, which include fine and/or incarceration.”

(3) Time for filing. A Guardian ad Litem shall provide a report to the court, unrepresented parties, and legal counsel not less than seven days before the final hearing date, unless the due date is modified by the Court.

(4) Testimony. A Guardian ad Litem shall be available to testify at any relevant hearing and may orally supplement the report at the conclusion of the hearing.

(5) Interim Report. A Guardian ad Litem may provide an interim written or oral report at any time.

**13.8 Responsibilities of the Court.** The Court hereby appoints the Court Administrator to coordinate the application and appointment process, keep the files and records required by Sup.R. 48 through 48.07, maintain information regarding training opportunities, and receive written comments and complaints regarding the performance of Guardians ad litem practicing before the Court.

(1) Comments and Complaints about the Guardian ad Litem. The Court Administrator shall accept and consider written comments

and complaints regarding the performance of Guardians ad Litem practicing before the Court. A copy of comments and complaints submitted to the Court shall be provided to the Guardian ad Litem who is the subject of the complaint or comment. The Court Administrator may forward any comments and complaints to the Judge of the Court for consideration and action when appropriate. Dispositions by the Court shall be made promptly with notice to the person making the comment or complaint and to the subject Guardian ad Litem. The Court will maintain a written record in the file of the Guardian ad Litem regarding the nature and disposition of any comment or complaint.

**RULE 14.0**  
**HEARING/TRIAL ASSIGNMENTS**

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14.1 **Assignments.** All assignments of cases for a hearing or trial shall be made by the Assignment Commissioner. Where counsel requests a hearing date, it shall be set by the Assignment Commissioner. Requesting counsel shall notify opposing counsel of the hearing date; and failure to notify opposing counsel, or dilatory tactics by opposing counsel, may result in sanctions including an award of attorney fees to the aggrieved party. Notice of the hearing date shall be mailed or delivered forthwith to all interested counsel.

Cases are assigned to a Magistrate or to the Judge at the time the case is scheduled for pretrial. In the event that a case is assigned to a Magistrate, the case shall remain assigned to that Magistrate for all pretrial hearings, final hearings and post-decree motions, except upon a showing of cause. Any case that is dismissed and re-filed shall be reassigned to the Magistrate or Judge that was originally assigned to the case. (Note: The Magistrate who rules upon temporary orders may not necessarily be assigned the case. Likewise, cases heard by the Judge will not be assigned to a Magistrate until a post-decree motion is filed.

Counsel, upon filing a post-decree motion or re-filing a case that was previously dismissed, shall notify the Assignment Commissioner of the same so that the case can be reassigned to the appropriate Magistrate.

This rule shall not affect certain motions that are always heard by the Judge, i.e. MIMPS, Civ. R. 60(B) motions, exclusive occupancy hearings, and the like.

14.2 **Expedited hearings.** Any hearing involving an emergency situation may be expedited by requesting a need for an immediate hearing. Counsel should notify the Assignment Commissioner that the matter requires an

immediate hearing. Every effort will be made to hear these matters as quickly as possible.

- 14.3 **Objections to Report.** No hearing dates will be assigned for a review of any objections to a Magistrate's Report, unless the Court directs otherwise. All objections to any report must conform with Civil Rule 53.
- 14.4 **Uncontested matters.** A divorce, annulment or legal separation case shall be deemed to be uncontested unless an answer, motion or stipulation for leave to plead is filed within 28 days after completion of service or publication. When such a case has been set down for final hearing as an uncontested case, the defendant may appear but may be precluded from presenting any evidence except by leave of Court for good cause shown.
- 14.5 **Final hearings.** A final hearing may be delayed where the parties have insufficient security deposits to cover the court costs or have failed to make any approved arrangements for the deferred payment of costs.

**RULE 15.0**  
**APPEARANCE/DISMISSALS**

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- 15.1 **Non-Appearance.** If a party seeking relief fails to appear on the scheduled trial or hearing date, either in person or by counsel, the Court may enter an order dismissing the action for want of prosecution. If the other party failed to appear, either in person or by counsel, and the party seeking relief does appear, the Court may allow the case to proceed and determine all matters.
- 15.2 **Capias.** Where a party or a witness has failed to appear, the Court will not, unless provided sufficient cause, issue a capias or bench warrant where the record reflects the party or witness was not personally served to appear.
- 15.3 **Not ready for trial.** A party and/or counsel shall be presumed ready for trial on the scheduled trial date. If a party and/or counsel appears but is not ready for trial and fails to show good cause for not being ready, the Court may enter an order dismissing the action for want of prosecution or proceed with the case and determine all matters.
- 15.4 **Dismissals.** Last minute requests for dismissals may subject the movant to sanctions including attorney fees.

**RULE 16.0**  
**CONTINUANCES**

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- 16.1 **Form.** Except in cases of emergency or by order of the Court on its own motion, a motion for a continuance of a cause after it has been set for trial/hearing must be in writing.
- 16.2 **Contents of Motion.** Each motion shall set forth the following:
- (a) the specific reasons for a continuance;
  - (b) if a conflict with another court hearing, a copy of the other court's notice must be attached;
  - (c) the number of prior continuances (Note: if there has been more than one prior request for a continuance, the motion must also be signed and authorized by the client);
  - (d) an averment that counsel has contacted opposing counsel and has obtained either approval or disapproval;
  - (e) the date of existing trial/hearing.
- 16.3 **Automatic Denial.** Where counsel fails to contact opposing counsel, the continuance may be denied irrespective of the basis for the request. Opposing counsel in this instance includes counsel where minimal effort or knowledge would have identified the attorney representing the opposing party. Where there is no counsel of record and one cannot be readily ascertained, then the opposing party should be served with a copy of the requested continuance.
- 16.4 **Unavailability of Witness.** A continuance of a cause may be granted on the ground of inability to produce the testimony of an absent witness when it is made clear that due diligence was used to procure such testimony. In order to obtain a continuance on this ground, the party making the application must support the same by affidavit stating therein what is expected to be proven by the appearance of such witness. If the Court finds the testimony so set forth to be immaterial or if both parties consent



to the reading of an affidavit into evidence, the application will not be sustained and the cause will proceed to trial.

- 16.5 **Trial/Hearing Conflicts.** Where a continuance of a cause is requested on the grounds that counsel of record in the case is already engaged on the date set for trial in another Court of record or a governmental bureau, proof of such prior assignment shall be attached to the motion for continuance which shall be filed forthwith following notification of the assignment of the case in this Court.
- 16.6 **Attached Entries.** All motions for a continuance shall be accompanied by a proposed entry granting the request to a new day certain. In the event a continuance is granted, the Court may, at its discretion, assess costs and expenses against the moving party.
- 16.7 **Continuance within seven days of Hearing/Trial Date.** Unless extraordinary circumstances are shown to exist, motions for continuances submitted within seven days of the trial/hearing date will automatically be denied.
- 16.8 **Submission of continuances.** A motion for continuance of a cause must be submitted to the Magistrate or Judge hearing that specific trial or hearing. A proposed entry granting the request to a new date certain must have a signature line for the Magistrate or Judge.

**RULE 17.0**  
**STANDARD PARENTING TIME ORDER**  
**(Effective for cases decided on or after March 1, 2023)**

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**PREAMBLE AND CONSIDERATIONS**  
**FOR DEVELOPING PARENTING TIME SCHEDULES**

This court recognizes and appreciates the importance of preserving a healthy and ongoing relationship between children and parents. The best parenting plans are ones which are created by agreement and are tailored with a family's specific needs in mind. Parents are encouraged to thoughtfully research parenting plan options to make the best decision for their family with consideration of the following:

1. The developmental needs and age of each child;
2. The psychological attachments of each child;
3. Any special needs of the child;
4. The distance between the homes of the parents;
5. The ability of the parents to cooperate and communicate;
6. The preservation or development of a close relationship with each parent;
7. The importance of a consistent and predictable schedule for the child;
8. Each child's temperament and ability to handle change;
9. Parents' career demands and work schedules;
10. The ability to review and adapt the terms of the plan to meet the changing needs of the children;
11. And any special circumstances of the family including, but not limited to physical health, psychological health, substance abuse or violence which would jeopardize the physical or emotional wellbeing of a child.

For information regarding age appropriate parenting schedules, additional considerations for parenting time, proposed schedules and blank schedules to complete if needed, parents are encouraged to reference *Planning for Parenting Time: Ohio's Guide for Parents Living Apart* at the following website: <https://www.supremecourt.ohio.gov/Publications/JCS/parentingGuide.pdf>

The Court recognizes that children have individual needs and that no one schedule will be a perfect fit for every family. However, if the parents are not able to reach an agreement without court intervention, the Court will make a determination of parenting issues and time schedules which address the best interests of the children in the case.

**The schedule set forth below is a Standard Parenting Time Order as required by Ohio Revised Code Section 3109.051(F)(2).**

### **17.1 LOCAL PARENTING TIME**

The following schedule is applicable to those situations where the parties live within 150 miles of each other. The primary goal of any parenting time schedule is to maintain contact between the parents and the children. The optimum parenting time schedule is where the parents agree to be as flexible as possible. For purposes of this schedule, \_\_\_\_\_ shall be designated as Parent 1; \_\_\_\_\_ shall be designated as Parent 2.

**17.11 Regular Parenting Time.** Parenting time between the children and the parents shall take place at such times and places as the parties may agree, but in the absence of agreement shall be as set forth below:

#### **CHOOSE ONE OPTION. A, B, or C BELOW MUST BE SELECTED**

##### **OPTION A:**

1. The children shall reside equally with both parents on an alternating weekly basis. The children shall transition from one parent's residence to the other every Friday at 6:00 p.m. unless the parties agree upon a different day and time.
2. The parent who is not exercising weekly parenting time shall be entitled to spend one weekday evening with the children from 5:00

p.m. until 8:00 p.m., which shall be Wednesday unless otherwise agreed. The parent exercising weekday evening parenting time shall be responsible for picking up and returning the children for this parenting time.

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**OPTION B:**

1. **Weekends:** Alternate weekends from Friday at 6:00 p.m. until Monday at 6:00 p.m. This alternating weekend schedule shall not change, even when interrupted by holiday and birthday, summer and/or vacation parenting time.
2. **Weekdays:** Parent 1/Parent 2 (circle one) shall have parenting time with the children each Monday beginning at 6:00 p.m. until Wednesday at 6:00 p.m. Parent 1/Parent 2 (circle the other parent) shall have parenting time with the children from Wednesday at 6:00 p.m. until Friday 6:00 p.m.

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**OPTION C:**

1. **Weekends:** Parent 1 shall have parenting time on alternate weekends from Friday at 6:00 p.m. until Sunday at 6:00 p.m.; however, if the preceding Friday or the following Monday of that weekend is a holiday during which Parent 1 is scheduled to have parenting time, then parenting time shall be expanded to include the holiday by beginning Thursday evening at 6:00 p.m. (if Friday is the holiday) or shall extend through Monday to 6:00 p.m. (if Monday is the holiday).
2. **Weekdays:** Parent 1 shall have mid-week parenting time of 5:00 p.m. to 8:00 p.m. on Wednesday evening every week. At the discretion of Parent 1, if Parent 1 has the facilities and is able to take the child to school on Thursday morning, this parenting time period may extend overnight Wednesday, and Parent 1 must provide transportation and deliver the child to school on Thursday morning, or to the residence of Parent 2, or to daycare by 9:00 a.m. Thursday morning.

17.12 **Holidays and Days of Special Meaning.** Mother's Day shall always be with the children's mother and Father's Day shall always be with the children's father, **regardless of the weekend parenting time schedule.** If the parties cannot agree, the times shall be 9:30 a.m. to 6:00 p.m.

(A) **Children's Birthdays:** The children's birthdays shall always be with Parent 1 in years ending with even numbers and always with Parent 2 in years ending with odd numbers. The parent exercising birthday parenting time must provide one week's notice of the intent to have parenting time for the birthday. If the parties cannot agree, the parenting time shall be from 10:00 a.m. to 7:00 p.m. if the birthday falls on a non-school day for the child and a non-working day for the designated parent. If it is the child's school day or the designated parent's workday, the parenting time shall be 5:00 p.m. to 8:00 p.m. The children's birthday parenting time schedules take precedent over all other designated parenting times. Brothers and sisters shall be permitted to attend the birthday event.

(B) **Parent Birthdays:** The parent exercising their birthday shall receive parenting time from 1:00 p.m. to 5:00 p.m. (non-school days); 6:00 p.m. to 8:30 p.m. (school days). If both parents have the same birthdate, they are to alternate with Parent 1 receiving the common birthday in years ending in an odd number and Parent 2 receiving the common birthday in years ending in an even number.

(C) **Trick-or-Treat:** If trick-or-treat is on the same night in both parents' neighborhoods, Parent 1 shall have trick-or-treat in years ending with an even number and Parent 2 shall have trick-or-treat in years ending with an odd number. Parenting time shall be 5:00 p.m. to 9:00 p.m., or one hour before trick-or-treat commences to one hour after trick-or-treat ends, whichever is longer. However, if the parents' neighborhoods have trick-or-treat on different nights, then both parents shall have the children from 5:00 p.m. to 9:00 p.m., or one hour before trick-or-treat commences to one

hour after trick-or-treat ends, whichever is longer, on that parent's respective night.

(D) **July 4<sup>th</sup>**: Parent 1 shall have the July 4<sup>th</sup> holiday in years ending with an odd number and Parent 2 shall have the July 4<sup>th</sup> holiday in years ending with an even number. Parenting time shall be from 6:00 p.m. on July 3<sup>rd</sup> to 9:00 a.m. July 5<sup>th</sup>.

**Holidays shall take precedence over regular weekend parenting time.**

Other days of special meaning, such as religious holidays and other school days off, shall be shared by the agreement of the parents. If the parents cannot agree, the regular parenting time schedule shall apply.

**In the event of a conflict between regular parenting time and the parenting time set forth in paragraphs 17.12, 17.13, and 17.14, the parenting time set forth in those enumerated paragraphs interrupts regular and summer parenting time. The alternating weekend schedule continues throughout the year even if interrupted by the holiday. This means that one parent may have three weekends in a row because of holiday parenting time. Over the course of time, this process equalizes parenting time for each parent.**

17.13 **Extended Holiday Periods.** There are certain holiday periods where school age children receive additional time off from school during spring breaks, Thanksgiving and Winter Break.

For the years ending in even numbers, Parent 1 shall have, and for the years ending in odd numbers, Parent 2 shall have parenting time as follows:

- (1) Thanksgiving Break: Wednesday before Thanksgiving from 6:00 p.m. to Friday after Thanksgiving at 6:00 p.m.
- (2) Spring Break: 6:00 p.m. the last day of school before break begins through 6:00 p.m. of the last day before school resumes. If the child is not of school age, the school schedule for the school district in which

the school placement parent resides shall determine the spring break dates.

**17.14 Winter Break Parenting Time.** For the years ending in even numbers, Parent 1 shall have, and for the years ending in odd numbers, Parent 2 shall have Winter break parenting time from 6:00 p.m. on the last day of school before Winter break until 2:00 p.m. on December 25.

For the years ending in odd numbers, Parent 1 shall have, and for years ending in even numbers, Parent 2 shall have Winter Break parenting time from 2:00 p.m. on December 25 until 6:00 p.m. on January 1.

If the child is not of school age, the school schedule for the school district in which the school placement parent resides shall determine the Winter Break dates.

**17.15 Summer Parenting Time.** Commencing Friday at 6:00 p.m. following the close of school for the summer, each parent shall exercise parenting time with the children in one week blocks of time to commence on the Friday of each parent's normal alternating weekend and continuing until the following Friday at 6:00 p.m. A parent may exercise vacations with the minor children during his or her regularly scheduled summer parenting time. The vacationing parent shall notify the other parent and provide a general itinerary of the vacation to the other parent, including dates, locations, addresses, and telephone numbers, no later than thirty (30) days prior to the scheduled vacation. Holiday and birthday celebrations with either parent shall not be missed requiring the scheduling of the vacation around these events. The summer parenting time schedule shall conclude Friday at 6:00 p.m. on the last Friday prior to the start of school, at which time, the parents would return to the regular parenting time schedule.

**17.16 Transportation.** Parent 1 is responsible for all transportation associated with mid-week parenting time. The transportation associated with all other parenting times shall be equally divided between the parties as follows:

The children shall be picked up at the home of Parent 2 by Parent 1, or a designated driver, at the beginning of Parent 1's parenting time. Parent 2, or a designated driver, shall pick up the children from Parent 1's home at the beginning of Parent 2's parenting time.

**17.2 LONG DISTANCE PARENTING TIME**  
**(For Parties Residing Over 150 Miles Apart)**

The intent of long-distance parenting time (over 150 miles) is the same as when the parents are located reasonably close to one another and that is to maintain contact between the children and the parents. Both parents are encouraged to be as flexible as possible concerning parenting time.

**17.21 Extended Holiday Periods.** Parent 1 shall have parenting time:

(A) **Thanksgiving**: From 6:00 p.m. Wednesday (before Thanksgiving Day) to Sunday at 6:00 p.m.

(B) **Spring Break**: From 6:00 p.m. the last day of school before break begins to 6:00 p.m. of the day before school starts.

(C) **Winter Break**: From 3:00 p.m. December 25 to 6:00 p.m. on the last day before school resumes after New Year's Day.

If the child is not of school age, the school schedule for the school district in which the school placement parent resides shall determine the Spring Break and Winter Break dates.

**17.22 Summer Parenting Time.** Parent 1 shall have seven (7) weeks of summer parenting time with the children which shall be exercised at the discretion of Parent 1 in two blocks of no more than four weeks separated by at least two weeks. During summer vacation, there will be reciprocal weekends for Parent 2 if travel time is less than six hours (round trip). In any event, with school age children, the child shall be returned to Parent 2 at least one week prior to the start of school. The only exception would be if the Parent 2's vacation is controlled by a mandatory shut-down of the employer's operations. Parent 1 shall provide Parent 2 with notice of the



weeks during which she or he intends to exercise summer vacation with the minor children on or before April 15 of that year.

**17.23 Additional Vacation Times.** Parent 1 may exercise additional parenting time with the children as follows:

(A) Where the travel time does not involve more than six hours (round trip), Parent 1 may exercise each year one period of parenting time for a three day weekend during a holiday otherwise designated for Parent 1 under Rule 17.12 beginning at 4:30 p.m. the day before the first day of the three day weekend to 8:30 p.m. of the last day of the three day weekend. Parent 1 must provide a thirty-day notice of intent to exercise this parenting time.

(B) If Parent 1 elects to travel to the area where the children normally reside, Parent 1 may exercise parenting time pursuant to Rule 17.13, except the following times would apply:

(1) Mother's/Father's Day: 1:00 p.m. to 5:00 p.m.;

(2) Parent 1's Birthday: 1:00 p.m. to 5:00 p.m. (non-school days); (if both parents have the same birth date, they are to alternate);

(3) Children's birthday: 1:00 p.m. to 5:00 p.m. (non-school days); 6:00 p.m. to 8:30 p.m. (school days).

(4) If Parent 1 intends to exercise this additional parenting time, fourteen (14) days' notice must be given to Parent 2. Unless the order or decree specifies otherwise, Parent 1 shall be responsible for the costs of transportation for any parenting time exercised under this Section 17.23.

**17.24 Transportation.** Where the parents reside more than 150 miles apart, the parents shall divide the hours of transportation and the expense as evenly as possible.

### **17.3 PARENTING TIME WITH INFANTS (Age birth to 18 months)**

The court recognizes that parenting time with infants raises special concerns for the parents because of the care, skill and needs of the baby or infant. During this most formative of times, it is important that both parents are able to observe, share and participate in activities with the infant. The court encourages parenting time with frequent short periods of parenting time with the infant at the beginning, and with more frequent and longer periods of parenting time as the infant grows and the comfort level for the infant and parent increases.

17.31 **Birth to twelve months.** Parent 1 shall have parenting time from 2:00 p.m. until 6:00 p.m. on Sundays and 6:00 p.m. to 8:00 p.m. on Wednesdays every week.

17.32 **Twelve months to 18 months.** Parent 1 shall have parenting time from 6:00 p.m. on Saturdays to 6:00 p.m. on Sundays, and from 5:00 p.m. to 8:00 p.m. on Wednesday, every week.

17.33 **After 18 months.** Regular parenting time schedule applies.

17.34 **Special Situations.** If the parents have an infant who is younger than 18 months of age and either parent does not believe this infant schedule is appropriate in their circumstances then, upon the request of either parent, the court will schedule an oral hearing for the purpose of establishing a reasonable parenting time schedule. Said hearing shall be scheduled for 30 minutes, allowing each parent 15 minutes to present their case.

### **17.4 GENERAL RULES (APPLICABLE TO ALL PARENTING TIME ORDERS)**

(A) **Notice.** Parents have a right to parent their children and the children have the right to prepare for and expect contact with each parent. Notice of intent not to exercise parenting time shall be given 24 hours in advance, absent an emergency. The children must only be available for 30 minutes past the scheduled pick-up time unless prior arrangements have been made by the agreement of the parents.

(B) **Special Situations.** When either parent will be gone overnight during his or her parenting time, the other parent shall be afforded the opportunity to exercise overnight parenting time.

(C) **Telephone or Video Parenting Time.** Each parent shall have telephone, facetime or other video contact of reasonable frequency and duration with the children while in the physical care of the other parent. Each parent shall provide the other with appropriate telephone numbers and contact information to facilitate the virtual parenting time.

(D) **Address.** Each parent shall provide the other parent and the Court with any change in residential address promptly and in accordance with the Notice of Relocation required by the Ohio Revised Code.

**RULE 18.0**  
**HEARINGS/TRIALS**

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18.1 **With a Pretrial Hearing.** In all trials or hearings before the Court where a pretrial hearing has been conducted, the following matters shall be accomplished prior to and without delaying the trial/hearing.

(A) All exhibits shall be marked and reviewed by both counsel. In addition, a list of exhibits to be offered by each party shall be submitted to the Court and opposing counsel.

(B) All stipulations are to be in writing, approved by the parties or their counsel and filed with the Court unless waived by the Court.

(C) If a trial brief has been requested by the Court, counsel shall serve it upon opposing counsel. The trial brief shall contain at least the following material:

(1) a clear statement of the issues involved;

(2) a summary of the factual situation in regard to each claim or defense;

(3) the nature of the relief specifically sought.

18.2 **Without a Pretrial Hearing.** In all trials or hearings before the Court where a pretrial hearing has not been held, counsel for all parties are expected to comply with Rule 18.1 as reasonably as can be anticipated.

18.3 **Jury Trials.** In all jury trials in addition to the requirements of Rule 18.1, counsel for all parties shall:

(A) Review jury questionnaires before trial. Failure to do so will preclude counsel from asking questions where answers were readily available in the questionnaires.

(B) Be present with their clients in the courtroom fifteen minutes before the trial commencement time.

(C) Question only those jurors in the jury box. Be aware that all challenges for cause and preemptory are outside the hearing of the jury.

(D) Have citations of authority accompanying any written proposed jury instructions.

- 18.4 **Conduct.** Counsel and their parties shall be present in the courtroom promptly on the date and time of the trial/hearing. Counsel will advise their clients and witnesses to remove all chewing gum, chewing tobacco, or snuff which would impair their testimony.
- 18.5 **Time of Trial.** The trial or hearing shall begin promptly on the date and time set, and no delay shall be permitted for additional negotiations between the parties, unless prior approval is received from the Court. Failure to comply with this rule will result in a continuance of the hearing with sanctions against the counsel and/or the parties.
- 18.6 **Examination of Witnesses.** Except by permission of the Court, only one counsel for each party will be permitted to speak on any interlocutory motion, or upon any question arising during the trial of a cause or a proceeding, and only one counsel for each party will be permitted to examine the same witness in any trial or proceeding before the Court.
- 18.7 **Video Depositions.** The Court has audio-visual playback capability. If use of the equipment is necessary, the Bailiff must be notified three days in advance of the time it will be needed.
- 18.8 **Argument Limitations.** In any argument to the Court or jury upon the trial of a cause, only two counsel for each party will be heard unless for special reasons the Court permits otherwise. The Court may limit the time for argument as it may deem reasonable.

In contested divorce, annulment or legal separation matters, the Court may require counsel for each party to submit a proposed decree incorporating their respective views of the evidence. The Court may request proposed decrees in lieu of closing arguments.

**RULE 19.0**  
**MAGISTRATE**

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19.1 **Appointment.** A court of record may appoint one or more magistrates who shall be attorneys at law admitted to practice in Ohio. The order of reference assigns to the magistrate all Fairfield County Domestic Relations Court matters that the magistrate can lawfully handle.

19.2 **Compensation.** The compensation of the magistrate shall be fixed by the court, and no part of the compensation shall be taxed as costs.

19.3 **Reference and Powers.**

(1) **Order of reference.**

(a) A court of record may by order refer any of the following to a magistrate:

- (i) any pretrial or post-judgment motion in any case;
- (ii) the trial of any case that will not be tried to a jury; and
- (iii) upon the unanimous written consent of the parties, the trial of any case that will be tried to a jury.

Except as provided in division (C)(1)(a)(iii) of this rule, the effect of a magistrate's order or decision is the same regardless of whether the parties have consented to the order of reference.

(b) Subject to division (C)(1)(a)(ii) and (iii) of this rule, an order of reference may be specific to a particular case or may refer categories of motions or cases.

(c) The order of reference to a magistrate may do all of the following:

- (i) specify or limit the magistrate's powers;
- (ii) direct the magistrate to report only upon particular issues, do or perform particular acts, or receive and report evidence only;
- (iii) fix the time and place for beginning and closing the hearings and for the filing of the magistrate's decision.

- (2) **General powers.** Subject to the specifications and limitations stated in the order of reference, the magistrate shall regulate all proceedings in every hearing as if by the court and do all acts and take all measures necessary or proper for the efficient performance of the magistrate's duties under the order. The magistrate may do all of the following:
- (a) issue subpoenas for the attendance of witnesses and the production of evidence;
  - (b) rule upon the admissibility of evidence, unless otherwise directed by the order of reference;
  - (c) put witnesses under oath and examine them;
  - (d) call the parties to the action and examine them under oath.
  - (e) In cases involving direct or indirect contempt of court, and when necessary to obtain the alleged contemner's presence for hearing, issue an attachment for the alleged contemner and set bail to secure the alleged contemner's appearance, considering the conditions of release prescribed in Crim. R. 46.
- (3) **Power to enter orders.**
- (a) **Pretrial orders.** Unless otherwise specified in the order of reference, the magistrate may enter orders without judicial approval in pretrial proceedings under Civ. R. 26 to 37, temporary restraining orders under Civ. R. 75(H), in hearings under Civ. R. 75(M), and other orders as necessary to regulate the proceedings.
  - (b) **Appeal of pretrial orders.** Any person may appeal to the court from any order of a magistrate entered under division (C)(3)(a) of this rule by filing a motion to set the order aside, stating the party's objections with particularity. The motion shall be filed no later than ten days after the magistrate's order is entered. The pendency of a motion to set aside does not stay the effectiveness of the magistrate's order unless the magistrate or the court grants a stay.

- (c) **Contempt in the magistrate's presence.** In cases of contempt in the presence of the magistrate, the magistrate may impose an appropriate civil or criminal contempt sanction. Contempt sanctions under division (C)(3)(c) of this rule may be imposed only by a written order that recites the facts and certifies that the magistrate saw or heard the conduct constituting contempt. The contempt order shall be filed and a copy provided by the clerk to the appropriate judge of the court forthwith. The contemnor may by motion obtain immediate review of the magistrate's contempt order by a judge, or the judge or magistrate may set bail pending judicial review.
- (d) **Other orders.** Unless prohibited by the order of reference, a magistrate shall continue to be authorized to enter orders when authority is specifically conveyed by statute to magistrates or referees.
- (e) **Form of magistrate's orders.** All orders of a magistrate shall be in writing, signed by the magistrate, identified as a magistrate's order in the caption, filed with the clerk, and served on all parties or their attorneys.

#### 19.4 **Proceedings.**

- (1) All proceedings before the magistrate shall be in accordance with these rules and any applicable statutes, as if before the court.
- (2) Except as otherwise provided by law, all proceedings before the magistrate shall be recorded in accordance with procedures established by the court.

19.5 **Decisions in referred matters.** Unless specifically required by the order of reference, a magistrate is not required to prepare any report other than the magistrate's decision. Except as to those matters on which magistrates are permitted to enter orders without judicial approval pursuant to division (C)(3) of this rule, all matters referred to magistrates shall be decided as follows:



- (1) **Magistrate's decision.** The magistrate promptly shall conduct all proceedings necessary for decision of referred matters. The magistrate shall prepare, sign, and file a magistrate's decision of the referred matter with the clerk, who shall serve copies on all the parties or their attorneys.
- (2) **Findings of fact and conclusions of law.** If any party makes a request for findings of fact and conclusions of law under Civ. R. 52 or if findings and conclusions are otherwise required by law or by the order of reference, the magistrate's decision shall include proposed findings of fact and conclusions of law. If the request under Civ. R. 52 is made after the magistrate's decision is filed, the magistrate shall include the findings of fact and conclusions of law in an amended magistrate's decision.
- (3) **Objections.**
  - (a) **Time for filing.** Within fourteen days of the filing of a magistrate's decision, a party may file written objections to the magistrate's decision. If any party timely files objections, any other party may also file objections not later than ten days after the first objections are filed. If a party makes a request for findings of fact and conclusions of law under Civ. R. 52, the time for filing objections begins to run when the magistrate files a decision including findings of fact and conclusions of law.
  - (b) **Form of objections.** Objections shall be specific and state with particularity the grounds of objection. If the parties stipulate in writing that the magistrate's findings of fact shall be final, they may object only to errors of law in the magistrate's decision. Any objection to a finding of fact shall be supported by a transcript of all the evidence submitted to the magistrate relevant to that fact or an affidavit of that evidence if a transcript is not available. A party shall not assign as error on appeal the court's adoption of any

finding of fact or conclusion of law unless the party has objected to that finding or conclusion under this rule.

(4) **Court's action on magistrate's decision.**

(a) **When effective.** The magistrate's decision shall be effective when adopted by the court. The court may adopt the magistrate's decision if no written objections are filed unless it determines that there is an error of law or other defect on the face of the magistrate's decision.

(b) **Consideration of objections.** Upon consideration of any objections, the court may adopt, reject, or modify the magistrate's decision, hear additional evidence, recommit the matter to the magistrate with instructions, or hear the matter. The court may refuse to consider additional evidence proffered upon objections unless the objecting party demonstrates that with reasonable diligence the party could not have produced that evidence for the magistrate's consideration.

(c) **Permanent and interim orders.** The court may adopt a magistrate's decision and enter judgment without waiting for timely objections by the parties, but the filing of timely written objections shall operate as an automatic stay of execution of that judgment until the court disposes of those objections and vacates, modifies or adheres to the judgment previously entered. The court may make an interim order on the basis of a magistrate's decision without waiting for or ruling on timely objections by the parties where immediate relief is justified. An interim order shall not be subject to the automatic stay caused by the filing of timely objections. An interim order shall not extend more than twenty-eight days from the date of its entry unless, within that time and for good cause shown, the court extends the interim order for an additional twenty-eight days.

**RULE 20.0**  
**OBJECTIONS TO PROPOSED DECISIONS**

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- 20.1 **Objections.** Any objections filed by a party pursuant to Civil Rule 53 shall be specific and state with particularity the grounds therefore. The party shall specify which finding of fact and/or conclusions of law is objectionable.
- 20.2 **Service.** In addition to serving a copy of the objections upon opposing counsel or parties, counsel must verify that a copy of the objections has been provided to the Court Administrator.
- 20.3 **Transcripts.** If a transcript, or parts thereof, is required to support a party's objections, the party shall request by written motion an extension of time in which to have the transcript prepared. A transcript shall be required if the parties objections relate to the magistrate's findings of fact, unless the parties stipulate as to the facts in issue. If there is a delay caused by the preparation of a transcript, the Court may make such temporary orders as is deemed necessary and just including the requirement that the party requesting the extension post bond to cover any damages the opposing party may suffer because of the delay. A ruling on the objections shall be made by the Court without a hearing unless the Court deems a hearing is necessary.
- 20.4 **Payment of Transcript.** Where a party requests the preparation of a complete or partial transcript, the request must be made in writing to the Court Reporter. The party must deposit with the Court Reporter sufficient monies to cover the costs of preparation. The amount of the deposit shall be determined by the Court Reporter and must be deposited within seven days after notice from the Court Reporter unless the time is extended by an order of the Court. Failure to deposit the required amount will equate to a waiver of any objections to the report.

**20.5 Filing Requirements and Times.** As provided in the Ohio Rules of Civil Procedure, a party may file objections to a Magistrate's report within fourteen days of the filing of the report. This time limitation will not be extended by Civil Rule 6.

Within ten days, opposing parties may file objections to the report or a response or memorandum contra to the first objections. If the second party files objections, the first party may, within ten days, file a response or memorandum contra. No other filings will be permitted and such filings will be subject to a motion to strike.

**20.6 Effective Dates of Orders.** While objections to the Magistrate's report may stall the execution of any recommended orders, it will not change the effective date of recommendations unless the Court indicates otherwise in a subsequent order.

**RULE 21.0**  
**MEMORANDUM ENTRY**

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21.1 **Procedure - Scheduled Hearings.** Where any issue has been set for an oral hearing, it is expected that both counsel and parties are prepared to go forward with the presentation of their evidence.

The commencement of a hearing may be delayed where negotiations between the parties will be meaningful and result in stipulations or settlement of contested issues.

Where parties and counsel have appeared on the day of the hearing and have negotiated a settlement of the contested issues, a written memorandum entry shall be prepared.

Both parties and counsel shall sign the memorandum entry and submit the memorandum to the Court for approval.

The Court shall designate its approval by signing the memorandum. Once signed by the Court, the memorandum entry shall be filed with the clerk's office and placed in the case file.

21.2 **Procedure - Mediation.** Where the parties have reached an agreement through mediation, the written agreement must be signed by the parties and counsel (if applicable) and submitted to the Court. If the Court approves the agreement it shall be filed with the clerk's office and placed in the case file.

21.3 **Entry requirements.** Except as provided in Local Rule 22.5, within 30 days counsel or non-represented parties shall prepare and submit to the Court an entry incorporating the terms of the memorandum entry or mediation agreement.

21.4 **Failure to submit entry.** If counsel and/or parties fail to submit an entry within the required time period, the Court may dismiss the matter.

**RULE 22.0**  
**ENTRIES/ORDERS**

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22.1 **Preparation.** When counsel is directed by the Court to prepare the proper entry and submit it together with approval of opposing counsel to the Court for signature, the following time limitations and procedures shall apply:

The entry shall be submitted to the Court within **fifteen (15) days** unless directed otherwise by the Court.

If the entry has not been filed after fifteen days, the Court shall contact the responsible attorney to determine the cause of delay. If the delay is due to opposing counsel refusing to approve it, counsel shall submit it to the Court without said approval with the notation “submitted but not approved”. Opposing counsel may, instead of approving the entry, forthwith submit objections to the proposed entry. The Court may sign the entry as submitted or modify it and thereafter have it filed with the Clerk.

If the delay is due to the failure of opposing counsel or party to respond, the preparer shall submit the entry to the Court with the notation “submitted but not returned”.

22.2 **Signing of Entries.** Entries and applications for special orders may be presented by counsel or an agent for signing at the opening of a session or in chambers at the convenience of the Court.

Once an entry or order has been signed by the Court, absolutely no interlineation, deletions or additions are to be made without proper approval of the Court, Magistrate or Court Administrator.

22.3 **Entry Contents.** All final entries or any entries ordering or modifying spousal support or child support, custody, visitation or the payment of any expenses relating to the parties’ children shall not be accepted for filing by the Clerk of Courts without the current address, social security number and date of birth of each party. This order must be followed unless there is a waiver of this requirement by the Court, Magistrate or Court

Administrator; or an affidavit from the filing party indicates that such information is unavailable.

Where orders or entries require payment for any type of support to be made through the Child Support Enforcement Agency and the designated amounts do not include processing charge, Enforcement Agency shall be permitted to assess the applicable processing charge by adding the processing charge to the designated figure.

22.4 **Decrees with children.** No decree will be signed where there is a failure to comply with Local Rule 12.0.

22.5 **Decrees.** When counsel is directed by the Court to prepare a final decree of divorce and submit it together with approvals of opposing counsel to the Court for signature, the following time limitations and procedures shall apply:

The final decree **shall** be submitted to the Court within **ninety (90) days** of the final hearing. No extensions will be granted. Failure to file the decree will result in dismissal of the case. No reinstatements will be permitted.

All decrees for divorce, legal separation, annulment, and dissolution must contain current addresses of the parties and each party must have a different address. The Court will not accept a final decree where the parties have the same address.

Each dissolution of marriage decree must have a separation agreement attached to it even if it is the same agreement filed with the petition. Failure to attach a separation agreement to the decree may cause the matter to be continued or a delay in the court signing the decree. Orders or entries resulting from trials or hearings conducted by the Magistrate shall contain an approval line for the Magistrate and Judge.

22.6 **QDRO's.** In all final decrees that require Qualified Domestic Relations Orders for retirement plans of both or either party, the decree shall be worded to place responsibility for the preparation and submission of the Qualified Domestic Relations Order upon the primary participant in the

plan. The decree shall also include a requirement that the Qualified Domestic Relations Order be submitted to the retirement plan administrator no later than 30 days after the final decree has been filed.

22.7 **Hearing Dates.** Where the parties are able to reach an agreement before the scheduled hearing date, the agreed entry **must** contain a statement that any pending hearing date is to be canceled unless other issues remain to be resolved. It is the responsibility of the parties and/or attorneys to contact the Assignment Commissioner to cancel any pending hearing dates from the court docket.



**RULE 23.0**  
**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

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- 23.1 **Procedure.** A request for findings of fact and conclusions of law must comply with Civil Rule 53.
- 23.2 **Proposed Findings of Fact and Conclusions of Law.** When a request for findings of fact and conclusions of law is made, the Court may direct each counsel to submit proposed findings of fact and conclusions of law. Each counsel shall submit their respective proposed findings of fact and conclusions of law within seven (7) days unless otherwise directed by the Court. A copy of all requests for, and proposed, findings of fact and conclusions of law must be submitted to the Court Administrator (see local rule 3.0). Failure to submit the proposed findings of fact and conclusions of law within the required time will constitute a waiver of the party's right to request findings of fact and conclusions of law. However, only the findings of fact and conclusions of law issued by the Court shall form part of the record.
- 23.3 **Contents.** Succinctly, proposed findings of fact must contain findings of fact and proposed conclusions of law must contain conclusions of law. Reiterating the testimony of witnesses does not comply with a request for proposed findings of fact. Any proposed findings of fact and conclusions of law submitted by counsel that are poorly drafted or that contain arguments, opinions of counsel or facts obtained after the hearing will be rejected and the Court may return the proposed findings of fact and conclusions of law to counsel to be redone or the Court may reject the proposed findings of fact and conclusions of law and deem the request for findings of fact and conclusions of law to be waived.

**RULE 24.0**  
**STATEMENTS OF EVIDENCE**

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- 24.1 **Procedure.** Where no record has been made of the proceedings or the record is incomplete, counsel may supplement the record with a statement of evidence prepared pursuant to Appellate Rule 9(C). **A file-stamped copy of the statement of evidence must be submitted to the Court Administrator.** It is the responsibility of counsel to insure that the file-stamped copy is immediately provided to the Court Administrator.
- 24.2 **Resolution of objections.** Where there are objections or proposed amendments to the statement, the Court shall resolve the conflict or objection by submitting a “Trial Court’s Statement of the Evidence.” **A file-stamped copy of all objections or proposed amendments must be immediately provided to the Court Administrator.** Failure to provide the Court Administrator a copy may result in an incomplete record before the Court of Appeals.

**RULE 25.0**  
**CHILD SUPPORT ENFORCEMENT AGENCY**

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- 25.1 **Duties.** It shall be the duty of the Child Support Enforcement Agency to collect and disburse spousal support and/or child support payments and maintain records of the same. The Child Support Enforcement Agency shall maintain a file for each order under the jurisdiction of the Fairfield County Domestic Relations Court and shall conduct administrative procedures and provide services required under Ohio and federal law.
- 25.2 **Copies of Orders.** A copy of every order establishing or affecting a spousal and/or child support obligation shall be furnished to the Child Support Enforcement Agency.
- 25.3 **Wage Assignments.** The agency shall be responsible for the preparation of all income withholding orders, benefit withholding orders, lump sum orders, notices to income providers, and administrative orders for income withholding. The agency shall forward all withholding orders to the parties and income providers. If an entry or order is not prepared by the agency, counsel shall be responsible for providing the complete name and address of the withholding agent directly to the CSEA. The agency shall be responsible for subsequent activity pertaining to the withholding orders. The agency shall provide the required forms to effectuate the income withholding.
- 25.4 All support orders issued or modified by the Court must contain the language set forth in "Exhibit A" and "Exhibit B" attached hereto.
- 25.5 **Required Notice Language.** Pursuant to Section 3121.29 of the Revised Code, each support order, or modification of support order, shall contain a notice that states the following in **boldface** type and in ALL CAPITAL LETTERS:

**EACH PARTY TO THIS SUPPORT ORDER MUST NOTIFY  
THE CHILD SUPPORT ENFORCEMENT AGENCY IN WRITING  
OF HIS OR HER CURRENT MAILING ADDRESS, CURRENT**

**RESIDENCE ADDRESS, CURRENT RESIDENCE TELEPHONE NUMBER, CURRENT DRIVER'S LICENSE NUMBER, AND OF ANY CHANGES IN THAT INFORMATION. EACH PARTY MUST NOTIFY THE AGENCY OF ALL CHANGES UNTIL FURTHER NOTICE FROM THE COURT OR AGENCY, WHICHEVER ISSUED THE SUPPORT ORDER. IF YOU ARE THE OBLIGOR UNDER A CHILD SUPPORT ORDER AND YOU FAIL TO MAKE THE REQUIRED NOTIFICATIONS, YOU MAY BE FINED UP TO \$50 FOR A FIRST OFFENSE, \$100 FOR A SECOND OFFENSE, AND \$500 FOR EACH SUBSEQUENT OFFENSE. IF YOU ARE AN OBLIGOR OR OBLIGEE UNDER ANY SUPPORT ORDER ISSUED BY THE COURT AND YOU WILFULLY FAIL TO GIVE THE REQUIRED NOTICES, YOU MAY BE FOUND IN CONTEMPT OF COURT AND BE SUBJECTED TO FINES UP TO \$1000 AND IMPRISONMENT FOR NOT MORE THAN 90 DAYS.**

**IF YOU ARE AN OBLIGOR AND YOU FAIL TO GIVE THE REQUIRED NOTICES YOU MAY NOT RECEIVE NOTICE OF THE FOLLOWING ENFORCEMENT ACTIONS AGAINST YOU: IMPOSITION OF LIENS AGAINST YOUR PROPERTY; LOSS OF YOUR PROFESSIONAL OR OCCUPATIONAL LICENSE, DRIVER'S LICENSE, OR RECREATIONAL LICENSE; WITHHOLDING FROM YOUR INCOME, ACCESS RESTRICTIONS AND DEDUCTION FROM YOUR ACCOUNTS IN FINANCIAL INSTITUTIONS; AND ANY OTHER ACTION PERMITTED BY LAW TO OBTAIN MONEY FROM YOU TO SATISFY YOUR SUPPORT OBLIGATION.**

Additionally, if there is a child support order involved, the following language shall occur:

**THE PARENT WHO IS THE RESIDENTIAL PARENT AND LEGAL CUSTODIAN OF A CHILD FOR WHOM A CHILD SUPPORT ORDER IS ISSUED OR THE PERSON WHO OTHERWISE HAS CUSTODY OF A CHILD FOR WHOM A CHILD SUPPORT ORDER IS ISSUED IMMEDIATELY SHALL NOTIFY, AND THE OBLIGOR UNDER A CHILD SUPPORT ORDER MAY NOTIFY, THE CHILD SUPPORT ENFORCEMENT AGENCY ADMINISTERING THE CHILD SUPPORT ORDER OF ANY REASON FOR WHICH THE CHILD SUPPORT ORDER SHOULD TERMINATE, WITH RESPECT TO A COURT CHILD SUPPORT ORDER, A WILLFUL FAILURE TO NOTIFY THE CHILD SUPPORT ENFORCEMENT AGENCY AS REQUIRED BY SECTION 3119.87 OF THE REVISED CODE IS CONTEMPT OF COURT.**

All such orders shall also contain language requiring the notices required by Section 3119.87 as set forth above shall be sent to Job &

Family Services, Child Support Enforcement Agency, 239 West Main Street, Lancaster, OH 43130.

The following language is also required by Section 3119.32 of the Revised Code and shall appear in cases where a party is required to obtain health care insurance coverage for a child:

IF THE PERSON REQUIRED TO OBTAIN HEALTH CARE INSURANCE COVERAGE FOR THE CHILDREN SUBJECT TO THIS CHILD SUPPORT ORDER OBTAINS NEW EMPLOYMENT, THE AGENCY SHALL COMPLY WITH THE REQUIREMENTS OF SECTION 3119.32 OF THE OHIO REVISED CODE, WHICH MAY RESULT IN THE ISSUANCE OF A NOTICE REQUIRING THE NEW EMPLOYER TO TAKE WHATEVER ACTION IS NECESSARY TO ENROLL THE CHILDREN IN HEALTH CARE INSURANCE COVERAGE PROVIDED BY THE NEW EMPLOYER.

**25.6 Preservation of Assigned Support Rights.** The following language is required in all divorce, dissolution, and any other order or decree providing for child support.

IT IS FURTHER ORDERED that all child support arrearages for the minor children herein payable either by temporary or final order accruing during any period of time when either parent assigned support rights and received or receives benefits from any Department of Human Services for said children shall survive and continue as an enforceable obligation due the Department of Human Services that provided said benefits, until paid in full.

**25.7 Termination of Support Orders.** All entries terminating support prior to submission to the court for approval shall first be submitted to the CSEA for certification that no support arrearage exists and the CSEA shall enter its approval thereon. If arrearages are owed, the amounts due shall be paid before certification of the entry by the CSEA or submission of the entry to the court for approval.

**25.8 CSEA Pretrial Procedures.** All motions filed by the CSEA in the Domestic Relations Division of the Common Pleas shall not require a pretrial as required by Local Rule 10.1, but the Magistrate/Judge may convert the hearing to a pre-trial hearing at their discretion or upon request of one of the parties.

- 25.9 **Temporary Orders for Support.** In any entry wherein counsel desires to preserve support arrearages accruing from temporary orders, counsel shall specifically provide in said entry that the temporary arrearages survive and shall specify the exact amount of the surviving arrearage.
- 25.10 **Rules of Procedure for CSEA Administrative Hearings.** The CSEA is authorized to adopt rules of procedure for all administrative hearings conducted by the agency. Attached hereto and incorporated herein is "Exhibit C", copies of rules currently in effect.
- 25.11 **Certification of Support Arrearages.** The CSEA shall provide certification of support arrearages upon receipt of a written request from the parties or counsel. All written requests must identify the parties and case number and date of last support order, if known. All written requests must be received by the CSEA no less than fourteen (14) days before the date that the certification is required to be completed.

## **“EXHIBIT A”**

### **GENERAL PROVISION FOR INCOME WITHHOLDING IN COURT ORDERS**

The following language **MUST** appear in **ALL** support orders issued or modified by a court:

“ALL SUPPORT UNDER THIS ORDER SHALL BE WITHHELD OR DEDUCTED FROM THE INCOME OR ASSETS OF THE OBLIGOR PURSUANT TO A WITHHOLDING OR DEDUCTION NOTICE OR APPROPRIATE ORDER ISSUED IN ACCORDANCE WITH CHAPTERS 3119., 3121., AND 3125, OF THE REVISED CODE OR A WITHDRAWAL DIRECTIVE ISSUED PURSUANT TO SECTIONS 3123.24 TO 3123.38 OF THE REVISED CODE AND SHALL BE FORWARDED TO THE OBLIGEE IN ACCORDANCE WITH CHAPTERS 3119., 3121., 3123., AND 3125 OF THE REVISED CODE.”

**“EXHIBIT B”**

Pursuant to Ohio Revised Code Section 3121.28 which requires that all child support orders be specified in a monthly amount due, it is further ORDERED that Defendant, \_\_\_\_\_, shall pay child support of \$\_\_\_\_\_ per month, plus processing charge, for current support to be discharged in equal amounts according to the pay schedule of the obligor. In the event the discharge of this support order is in increments less than monthly, the Fairfield County Child Support Enforcement Agency shall administer this order on a monthly basis in the amount as set out above.

Each party to the support order has a right to request a review of the order thirty-six months from the establishment of the order or from the date of the most recent review, or sooner, if certain circumstances are present. Contact the CSEA for further details.



## **"EXHIBIT C"**

The following rules of procedure will be effective for all Administrative Hearings conducted by the Fairfield County Child Support Enforcement Agency as of March 1, 1994.

Said rules are pursuant to and in conformity with the procedures set forth in the Ohio Department of Job & Family Services Child Support Enforcement Manual.

1. The CSEA hearing authority shall permit a request for one postponement per party of the original scheduled date for the hearing based on "good cause", provided the request is received before the scheduled date.

"Good cause" is defined as circumstances which would reasonably prevent attendance at the hearing. The hearing must be rescheduled within fifteen (15) days of the original date.

2. Either party may bring a legal or other authorized representative to the hearing. The hearing officer may exclude any individual who does not have a valid interest in the proceedings.
3. The party requesting the hearing must be personally present for the hearing. Failure of the party requesting the hearing to personally appear for the hearing will result in a dismissal of the requested hearing.
4. The party and their authorized representative, if any, must appear for the hearing at the scheduled time or within twenty (20) minutes following the scheduled time. Failure to appear within these time limitations will result in a dismissal of the requested hearing.
5. All other procedures as set forth in the Ohio Department of Job & Family Services Child Support Enforcement Manual and the Ohio Administrative Code shall apply to the administrative process.

**RULE 26.0**  
**DEPOSITS/COSTS**

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26.1 **Payment of Court Costs.** From the initial filing of any complaint, petition or post-decree motion, the Clerk of Courts shall closely monitor the costs of each case. Where a security deposit fails to cover the costs as they accrue, the Clerk shall notify the party and/or counsel that an additional deposit must be posted within five (5) days. If the additional requested funds are not deposited within five (5) days, the Clerk shall promptly notify the Court. The Court will immediately schedule a hearing on the issue of costs to ascertain the basis for noncompliance. No other hearings will be held in the case until the costs hearing has been completed. The hearing may be avoided should the parties submit a proposal of payment to the Court Administrator and the Court Administrator approves the proposal.

26.11 **Affidavits of Indigency.** Where the Clerk has accepted any filing with an affidavit averring the party cannot financially prepay the costs, the Clerk shall immediately notify the Court. The Court in turn may request additional financial information from the party asserting financial inability to prepay costs.

The Court will review the financial information to determine the affiant's indigency. If the Court finds the information sufficient to determine indigency, the Court will issue an order to the Clerk to accept all subsequent filings without prepayment of costs. If the party avers at the final hearing of the new case that their financial status has not changed, the Court will enter an order directing the Clerk to waive payment of any costs assessed to that party.

If the financial information is not filed within the specified times, the Court shall set a hearing to determine the party's ability to pay any costs assessed against that party. If any request for affidavits

fail to provide sufficient information, the Court may set a hearing on the issue of the payment of courts costs before the final hearing.

All affidavits should include a proposal of deferred payments of costs or a statement that the party is financially unable to make any deferred payments toward the costs. All costs payment determination hearings will be scheduled before any final hearing is held.

26.2 **Unpaid costs.** The Clerk shall keep a list of all unpaid or accrued costs in all proceedings where costs have been taxed, and shall send statements to all persons against whom costs have been taxed, and shall send statements to all persons against whom costs have been taxed in all proceedings that have become final, at least once every three months. After two such notices, if the costs have not been paid, the Clerk shall issue a certificate of judgment for the amount of such costs without further order.

26.3 **Designation of Deposits.** On or before the tenth of January of each calendar year, the Clerk shall prepare a list of proposed amounts for security deposits in the filing of various pleadings, motions and documents in the Domestic Relations Division of the Fairfield County Common Pleas Court.

If approved by the Domestic Relations Court, the Clerk shall journalize the costs and form the list of security deposits which will be effective for the remainder of the calendar year.

If the Clerk fails to submit a proposed list by the tenth of January, the deposits approved the previous year shall carry over and remain in effect for the new year or until revised by the Court or statute.

26.31 **Schedule of Deposits.** Unless waived by the Court upon a showing of good cause, deposits for costs must be made with the Clerk of Courts when pleadings are filed in the following matters:

Complaints for Divorce \_\_\_\_\_ \$300.00

Legal Separation, Annulment, Custody, Petitions for Dissolution of Marriage, Private Parenting Actions, Cross- Claims, Counter Claims_____	\$250.00
Post-Decree Motions_____	\$150.00
Notice of Appeal_____	\$150.00
Certifications_____	\$ 5.00
Copy of Local Rules_____	\$ 10.00

All costs will be paid from all deposits then divided in accordance with the Court entry. If the costs are not allocated in the final judgment entry, the Clerk of Courts will charge the costs equally to all parties.

Publication costs are not included in deposits and shall be paid directly to the newspaper when Notice of Publication is presented to be published.

**26.4 Computerization costs.** Pursuant to the authority of Revised Code 2303.201(A) it is determined that, for the efficient operation of the Domestic Relations Division of the Fairfield County Common Pleas Court, additional funds are required to obtain computerized legal research services.

The Clerk of this Court is directed and hereby authorized to charge and collect an additional fee of \$3.00 upon the filing of each cause of action or appeal under Revised Code 2303.20(A), (Q) and (U).

All funds collected pursuant to this rule shall be paid to the County Treasurer to be maintained by the County Auditor in a separate account for utilization of this Court in procuring and maintaining computerized legal research services.

Pursuant to the authority of Revised Code 2303.201(B) it is determined that, for efficient operation of this Court, additional funds are required to computerize the office of the Clerk of the Court of Common Pleas.

The Clerk of this Court is directed and hereby authorized to charge an additional fee of \$10.00 upon the filing of each cause of action, appeal,

certificate of judgment, or the docketing and indexing of each aid in execution or petition to vacate, review, or modify a judgment under Revised Code 2303.20(A), (P), (Q), (T), and (U).

All funds collected pursuant to this rule shall be paid to the County Treasurer to be disbursed, upon an order of the Court of Common Pleas, Domestic Relations Division and subject to appropriation by the Board of County Commissioners, in an amount no greater than the actual cost to the Court of procuring and maintaining computer systems for the office of the Clerk of the Court of Common Pleas. ).

In order for the Clerk of Courts to efficiently and effectively administer this rule, all post-decree motions to modify or vacate a judgment must be properly designated by proper identification within the caption of the case just under the case number. This includes a multi-branch motion if one or more of the branches request a modification or vacating of a judgment. **FAILURE TO PROPERLY IDENTIFY A POST-DECREE MOTION WILL RESULT IN A DISMISSAL OF THE MOTION** unless just cause is shown for the failure to properly identify the motion.

26.5 **Filing Deposits.** The Clerk shall not accept for filing any of the above mentioned pleadings or motions without payment of the prescribed security deposits unless:

- (a) An affidavit of an inability to prepay the deposit is filed with the Clerk as prescribed in Revised Code 2323.31; or
- (b) The party is exempt by law.

**RULE 27.0**  
**CUSTODY OF FILES AND EXHIBITS**

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- 27.1 **Removal.** No person except a Judge of the Court, Magistrate or representative of either shall remove any documents or case files from the custody of the Clerk of Court.
- 27.2 **Examination.** Upon request, the Clerk shall allow any person to examine, but not remove, any original document or case file that is maintained by the Clerk's Office. Examination shall be allowed during the regular business hours of the Clerk.
- 27.3 **Copies.** Upon request and the payment of a fee fixed by law, the Clerk shall provide copies of any original document maintained by its office. Copies shall be provided during regular business hours within a reasonable period of time as determined by the Clerk. A reasonable period of time shall be based upon the size of the request with efforts toward a 24-hour response time.
- 27.4 **Security.** Papers or files in the courtroom during the time a cause is on trial shall be considered in the custody of the Clerk. The Clerk is required to keep files of pending cases in a place secure from unauthorized handling or inspection and under his personal supervision.
- 27.5 **Custody of Exhibits and Documents Used in Hearings and/or Trials.** Due to space limitations it is necessary for the Court to periodically dispose of exhibits and documents used as or associated with the presentation of evidence at hearings and/or trials before the Court. The Court establishes the following time schedule:
- All exhibits and documents maintained by the official Reporter of this Court shall after five years be distributed to the party/parties or shall be destroyed. Five years is defined as commencing the date of journalization of this Court's order in such proceeding. The

retention period of five years may be extended upon motion filed by a party to the proceeding and upon notice and hearing.

**27.6 Custody of Audio Tapes.** In order to conserve costs through the reuse of audio tapes it will require the Court to authorize the erasure of various tape recordings of testimony made during hearings and/or trials. The time schedules are set out in the following paragraphs.

**27.61 Tapes involving children.** For all recordings made where minor children were involved the Court shall comply with Ohio Revised Code Section 3109.36 which requires all pleadings, orders and decrees, any record made of any hearings and other pertinent documents to be kept until the child reaches eighteen years or two years after the last appeal or post decree entry which ever event occurs last. Therefore all audio tapes involving children shall be kept until six months after the eighteenth birthday of the youngest child in the case. Each tape shall be marked with a "DO NOT ERASE UNTIL (DATE)".

**27.62 Other tapes.** For all recordings made where no children were involved the tape shall be kept for a period of two years after the date of last appeal or post decree entry which resolved the issues. At least thirty days prior to the expiration of the time periods designated above the Court shall publish a list of the cases where exhibits, documents and audio tapes are scheduled for disposition. Any party or counsel of record may request possession of said exhibits, documents or tapes by petitioning the Court. However, if any audio tape is requested a cost of a replacement tape shall be assessed and paid before any tape is released.

**RULE 28.0**  
**COURT REPORTER**

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- 28.1 **Recording of Proceedings.** Unless otherwise ordered by the Court, all matters of record shall be preserved by electronic recording. In any *in chambers* proceedings, if counsel for any party desires that a record be made, said counsel shall notify the court, in writing, at least three full working days prior to the time of the scheduled proceeding, of counsel's desire for a record.
- 28.2 **Ordering of Transcripts.** Any party objecting to factual determinations in a report of the Magistrate shall order a transcript of said hearing from which the objections are raised. All transcripts of proceedings must be transcribed by a certified court reporter. A request for transcript shall be filed in writing and a copy delivered to a certified court reporter PRIOR to the expiration of 14 days after the issuance of the Magistrate's Proposed Decision. The ordering party shall be responsible for contacting the certified court reporter and making arrangements for the costs of said transcript to be paid directly to the court reporter. The Court Reporter shall use due diligence in preparing the transcript in a timely manner.
- 28.3 **Qualifications.** The Court does not have an appointed Court Reporter on staff but any person desiring to be a Court Reporter for this Court must hold, at the minimum, the Registered Professional Reporter designation from the National Court Reporters Association. The court reporter must have no less than four years of experience as a court reporter and must have experience in transcribing from audio recordings. All transcripts must contain a certification by the court reporter stating that the transcript is authentic and accurate, and that the court reporter is an impartial third party, unrelated to any litigant, attorney or witness in the case, and has no financial or other interest in the outcome of the case.



All transcripts filed with the Domestic Relations Division of the Common Pleas Court will be signed and sealed by the Court Reporter and remain sealed until opened by the Court. Rights to copy transcripts filed are reserved by the Court Reporter.

- 28.4 **Transcript Deposits and Payments.** The Court Reporter reserves the right to require a deposit for the preparation of all transcripts; that deposit to be based on a reasonable estimate of the number of pages requested. The amount of the deposit shall be the TOTAL ESTIMATED COST of the transcript, unless otherwise specified by the Court Reporter. Any overpayment of deposit will be refunded; however, any balance will be due within seven days of notification of the completion of the transcript. All costs must be paid in full before the original is filed or copy released.

The transcript is considered ordered only after a signed request for transcript and the required deposit is made to the Court Reporter.

If final payment is not received within the allotted amount of time, the Court will proceed to rule on the objections without the benefit of the transcript; however, final payment will still be due and owing to the Court Reporter.

- 28.5 **Substitution.** Either party may secure the services of a free-lance Court Reporter to record said trial/hearing with the Court's approval. The requesting party shall be responsible for all the expenses associated with said Court Reporter including any transcription. However, the Court may order a prevailing party to be reimbursed for any such additional expenses.

- 28.6 **Copies.** A copy of a hearing may be obtained by delivering a blank CD to a Domestic Relations Court Bailiff. There is no charge for "burning" the CD.

**RULE 29.0**  
**SUBPOENAS**

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- 29.1 **Requests.** All praecipes or request for subpoenas shall be filed no later than five days before trial unless provisions are included for special process servers. Failure of service of a subpoena prepared five days or less before the hearing of trial may preclude a continuance of the matter.
- 29.2 **Service.** Where the attorney has requested a special process server, the attorney shall verify that the process server has promptly completed and returned the proof of service to the Clerk.
- 29.3 **Civil Rules 34(C) and 45.** Requested documents from non-parties shall be requested under Ohio Rules of Civil Procedure 34(C). All parties shall follow the procedure set forth in Ohio Rules of Civil Procedure with the intent of this Local Rule to mandate notice in writing to every other party to the action prior to the production of the documents. When documents are received by the requesting party/attorney, copies of all said documents shall be provided to opposing party/attorney within seven (7) days of receipt thereof. If proper notice has not been provided or if copies of the requested documents have not been provided to every other party, any such documents provided by the non-party shall be subject to exclusion by the Court.

**RULE 30.0**  
**PATERNITY ACKNOWLEDGMENTS**

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- 30.1 **General.** The parent and child relationship between a child and the natural father of the child may be established by an Acknowledgment of Paternity as provided in Sections 3111.20 to 3111.35 of the Revised Code and pursuant to Sections 3111.01 to 3111.18 or 3111.38 to 3111.54 of the Revised Code. An Acknowledgment of Paternity Affidavit must be signed and processed through the Ohio Department of Health, Bureau of Vital Statistics. When done properly, the Ohio Department of Health will issue a certified copy of that Acknowledgment to the parents. When parents wish to establish support, custody or visitation, an action will be filed in Domestic Relations Court.
- 30.2 **Procedure.** A Complaint for Support, Complaint for Custody (Allocation of Parental Rights and Responsibilities), or Complaint for Visitation shall be filed in the Domestic Relations Court and will be given a “PA” case number. Where the establishment of the parent/child relationship is by Acknowledgement of Paternity Affidavit pursuant to Sections 3111.01 to 3111.18 or 3111.38 to 3111.54 of the Revised Code, then one of the following documents must be part of the initial pleadings to verify that the parent/child relationship has been established: 1) the filed Acknowledgment of Paternity Affidavit, or 2) a copy of the child’s birth certificate, or 3) the CPR Search Results from the Central Paternity Registry, or 4) Notice to Court Regarding Paternity from the Child Support Enforcement Agency.

When the initial pleadings along with the filed Acknowledgement of Paternity or birth certificate or Search Results from the Central Paternity Registry or Notice to Court Regarding Paternity are presented for filing, it should be drawn to the attention of the Clerk that this is a “PA” case number situation. The initial pleading shall include under the case number a designation in accordance with Local Rule 2.3 (10).

**RULE 31.0**  
**PARENTING COORDINATION**

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**31.1 Definitions.** “Parenting coordination” is a court ordered child-focused dispute resolution process established to assist parties in implementing a parental rights and responsibilities order or companionship time order using assessment, education, case management, conflict management, coaching, or decision-making.

“Parenting coordination” is not mediation subject to ORC Chapter 2710, ORC 3109.052, or Sup.R. 16. Parenting Coordination is governed by Sup.R. 16.60-16.66.

“Parenting Coordinator” is a court ordered individual who conducts parenting coordination. The parenting coordinator may work in the community or in the court.

**31.2 Ordering of Parenting Coordination.**

- (1) **Reasons to Order Parenting Coordination.** The Court may order parenting coordination, sua sponte or upon written motion of one or both parties, when one or more of the following factors are present:
- (a) The parties have ongoing disagreements about the implementation of a parental rights and responsibilities or companionship time order and need assistance;
  - (b) There is a history of extreme or ongoing parental conflict that previous litigation or other interventions have not resolved and from which a child of the parties is adversely affected;
  - (c) The parties have a child whose parenting time schedule requires frequent adjustments, specified in a court order, to maintain age-appropriate contact with both parties, and the parties are unable to reach agreement on the parenting time schedule without Court intervention.

- (d) The parties have a child with a medical or psychological condition or disability that requires frequent decisions regarding treatment or frequent adjustments in the parenting time schedule, and the parties are unable to reach agreement without Court intervention;
  - (e) One or both parties suffer from a medical or a psychological condition or disability that results in an inability to reach agreements or adjustments in the parenting time schedule without assistance, even when minor in nature; or
  - (f) Any other factor the Court determines.
- (2) **Reasons Not to Order Parenting Coordination.** A court shall not order parenting coordination to determine the following:
- (a) Changes in the designation of the residential parent or legal custodian;
  - (b) Change in school placement of a child, in the case of shared parenting;
  - (c) Substantive changes in parenting time;
  - (d) Modification of child support, allocation of tax exemptions or benefits or division of uncovered medical expenses; or
  - (e) Grant, modify, or terminate a protection order or penalty for violation of a protection order.

### 31.3 Parenting Coordinator Requirements.

- (1) **General Education and Training.** Prior to a court appointment, a parenting coordinator shall meet all of the following qualifications:
- (a) A master's degree or higher, a law degree, or education and experience satisfactory to the court;
  - (b) At least three years of professional experience with situations involving children, including counseling, casework, legal representation in complex family law matters, servicing as a guardian ad litem or mediator, or other equivalent experience satisfactory to the Court;

- (c) Complete the Supreme Court of Ohio approved trainings:
  - (i) Fundamentals of Mediation Training;
  - (ii) Specialized Family or Divorce Mediation Training;
  - (iii) Specialized Domestic Abuse Issues in Mediation Training; and
  - (iv) Parenting Coordination Training.
- (2) **Continuing Education.** To maintain eligibility for appointment, a parenting coordinator shall complete at least six hours per calendar year of education related to children, families, mediation or diversity.
  - (a) Diversity training may include awareness and responsiveness, cultural and racial diversity, and the effects of a parenting coordinator's personal biases, values and styles on the parenting coordination process.
  - (b) The continuing education may include continuing education for lawyers, social workers, or other licensed mental health professionals and professional development events that are acceptable to the Court.
- (3) **Inclusion on the Court Approved Parenting Coordinator List.** In order to be added to the court parenting coordinator appointment list, the parenting coordinator shall submit an application and resume to the court administrator for review and approval. If a parenting coordinator is appointed to a case for which the parenting coordinator is paid, the parenting coordinator must agree to accept one reduced fee assignment per year.
- (4) **Parenting Coordinator Annual Reporting and Review.**
  - (a) A parenting coordinator shall file a copy of all reports and decisions in the Family File of the case file for the assigned case.
  - (b) On or before January 1 of each year, a parenting coordinator shall provide the court administrator with the following:

- (i) A list of active parenting coordination cases
- (ii) An updated resume
- (iii) Certification that he/she is unaware of any circumstances that would disqualify him/her from servicing as a parenting coordinator; and
- (iv) A list of continuing education completed during the previous year, including the sponsor, title, date and location of each training.

A parenting coordinator shall not be eligible for appointment until these requirements are satisfied.

- (5) **Court Reporting Requirements.** On or before February 1 of each year, the Court shall file with the Dispute Resolution Section of the Supreme Court of Ohio all of the following:
  - (a) A copy of this Local Rule;
  - (b) A copy of the Court's current roster of parenting coordinators;
  - (c) A copy of new or updated resume for each parenting coordinator submitted to the Court during the previous year; and
  - (d) A copy of continuing education training for each parenting coordinator.

#### 31.4 **Parenting Coordinator Appointment.**

- (1) **Parenting Coordinator Appointment Order.** The Court's appointment order shall include the following:
  - (a) The name and contact information of the parenting coordinator and the definition and purpose of the parenting coordinator;
  - (b) The scope and authority of the parenting coordinator;
  - (c) The term of the appointment;
  - (d) The scope of confidentiality;

- (e) Allocation for payment of the parenting coordinator's fees and expenses;
  - (f) Procedures for decision-making of the parenting coordinator;
  - (g) Procedures for objections to parenting coordinator decisions;
  - (h) Procedures for other provisions the Court considers necessary and appropriate; and
  - (i) An order requiring the parties to contact the parenting coordinator within a time period.
- (2) **Selection of Parenting Coordinator for Appointment.** The parenting coordinator who meets the qualification in this Local Rule shall be selected using of the following:
- (a) Random selection from the Court's roster of parenting coordinators;
  - (b) Specific appointment based on the type of case and the qualifications and caseload of the parenting coordinator; or
  - (c) Parties select a parenting coordinator from the Court's roster of parenting coordinators.
- If a party objects to the appointment of a particular parenting coordinator, the party shall file a motion supported with an affidavit that states the objections with specificity. The court will conduct a non-oral hearing.
- (3) **Prohibited Parenting Coordinator Appointments.** The Court shall not appoint a parenting coordinator who does not possess the qualifications in this Local Rule, or who is serving in a role that creates a professional conflict including, but not limited to: a child's attorney or child advocate; guardian ad litem; custody evaluator; therapist, consultant, coach or other mental health role to any family member; mediator; or attorney for either party. Parties shall not waive this provision.
- (4) **Termination or Modification of Parenting Coordinator Appointment.** Upon motion of a party, for good cause shown, or at



the parenting coordinator's request in a written decision, or sua sponte, the Court may terminate or modify the parenting coordinator appointment.

### 31.5 **Parenting Coordinator Responsibilities.**

- (1) **Model Standards.** A parenting coordinator shall comply with the "2019 Revised Guidelines for Parenting Coordination" developed by the Association of Family and Conciliation Courts Task Force on Parenting Coordination. Wherever a conflict exists between the guidelines and this local rule, this rule shall control.
- (2) **Satisfaction of Education and Training Requirements.** A parenting coordinator shall meet the qualifications and comply with all education and training requirements of Sup.R. 16.64 and Local Rule.
- (3) **Competence or Ability to Perform Duties.** A parenting coordinator shall report to the Court any activity that would adversely affect the parenting coordinator's ability to perform the functions as parenting coordinator. A parenting coordinator shall decline or withdraw from an appointment or request appropriate assistance in either of the following situations:
  - (a) The facts and circumstances of the case are beyond the skill or expertise of the parenting coordinator; or
  - (b) Personal circumstances, including but not limited to medical, mental health, or substance misuse or dependence, exist that compromise the ability of the parenting coordinator to perform his or her role.
- (4) **Compliance with Appointment Order.** A parenting coordinator shall comply with the requirements of and act in accordance with the Court's appointment order.
- (5) **Independence, Objectivity, and Impartiality.** A parenting coordinator shall maintain independence, objectivity, and impartiality, including avoiding the appearance of partiality, in

dealings with parties and professionals, both in and out of the courtroom.

(6) **Conflicts of Interest.**

(a) A parenting coordinator shall avoid any actual or apparent conflicts of interest arising from any relationship activity, including but not limited to those of employment or business or from professional or personal contact the parties or others involved in the case. A parenting coordinator shall avoid self-dealing or associations from which a parenting coordinator may directly or indirectly benefit except from compensation for services as a parenting coordinator.

(b) Upon becoming aware of any actual or apparent conflict of interest, a parenting coordinator shall notify the Court and the parties of the action taken to resolve the conflict, and if unable to do so, seek the direction of the Court.

(c) A parenting coordinator shall avoid serving in multiple roles with the same family, even with the consent of the parties.

(7) **Ex parte Communications.** A parenting coordinator shall have no ex parte communications with the Court regarding substantive matters or issues on the merits of the case.

(8) **Legal Advice.** A parenting coordinator shall not offer legal advice.

(9) **Confidentiality, Privilege and Public Access.**

(a) Confidentiality: Except as provided by law, communications made between parenting coordinator, parties, other relevant parties and the court shall not be confidential.

(b) Privilege: Except as provided by law, parenting coordination communications shall not be privileged.

(c) Public Access to parenting coordinator files: Parenting coordinator files not filed with the Clerk of Court or submitted to the Court are unavailable for public access pursuant to Sup.R. 44 through 47.

- (10) **Recordkeeping of Fees and Costs.** A parenting coordinator shall maintain records necessary to document charges for services and expenses. A parenting coordinator shall issue invoices for services and expenses to parties no less than once per month.
- (11) **Disclosure of Abuse, Neglect, and Harm.**
  - (a) A parenting coordinator shall report any suspected child abuse or neglect and any apparent serious risk of harm to another family member, third party protective services, law enforcement, or other appropriate authority; and
  - (b) A parenting coordinator shall report child abuse or neglect pursuant to the procedures in ORC 2151.421.

### 31.6 **Parenting Coordination Procedures.**

- (1) **Screening for Domestic Abuse and Domestic Violence.** Parenting coordination is prohibited when domestic abuse or domestic violence is alleged, suspected, or present unless all of the following conditions are satisfied:
  - (a) Screening is conducted, both before and during parenting coordination, for domestic abuse and domestic violence and for the capacity of the parties to engage in parenting coordination;
  - (b) The person who is or may be the victim of domestic abuse or domestic violence is fully informed about the parenting coordination process; the right to decline participation in the parenting coordination process; and at the discretion of the parenting coordinator, the right to have any other individuals attend and participate in the parenting coordination sessions;
  - (c) The parties have the capacity to participate in the parenting coordination process without fear of coercion or control;
  - (d) The parenting coordinator takes reasonable precautions to create a safe environment for the parties and all other persons involved in the parenting coordination process; and

- (e) Procedures are in place for the parenting coordinator to terminate a parenting coordination session if there is a threat of domestic abuse, domestic violence or coercion between the parties.
- (2) **Fees.** Parenting Coordinators shall do the following:
- (a) Submit information annually regarding his/her fee structure to the court for inclusion on the Court's roster of parenting coordinators.
  - (b) Execute a contract for services with the parties;
  - (c) Set and collect fees for services;
  - (d) Submit a monthly billing statement to the parties.
- (3) **Stay of Proceedings.** Referral of a case to parenting coordination stays a case until further notice. The Clerk of Courts shall not accept for filing any documents while a case is in parenting coordination with the following exceptions:
- (a) An objection to a parenting coordinator's decision;
  - (b) A motion to lift the stay;
  - (c) A response to a motion to lift the stay;
  - (d) An application to dismiss the case;
  - (e) A notice related to counsel;
  - (f) A motion for changes in the designation of the primary residential parent or legal guardian.
  - (g) A motion for changes in the primary placement of a child;
  - (h) A motion regarding matters unrelated to the issues referred to the parenting coordinator; or
  - (i) A motion to remove the parenting coordinator.
- (4) **Parties' Attendance and Participation.**
- (a) Parties shall contact and meet with the parenting coordinator within thirty (30) days of the appointment order.
  - (b) Parties shall attend scheduled parenting coordination sessions. The parenting coordinator has the authority to

approve or to disapprove any request to reschedule parenting coordination sessions.

- (c) A parenting coordinator shall allow attendance and participation of the parties and, if the parties request, their attorneys and any other individuals the parties designate. A party shall notify the parenting coordinator at least one week before the session should a party want his/her attorney or other designated individual to attend.
  - (d) Parties shall notify the parenting coordinator and the Court of any changes to address, telephone number, and electronic mail address.
  - (e) The parenting coordinator may notify the Court of noncompliance and request that sanctions be levied against offending parties.
- (5) **Access to Court Proceedings and Documents.** The parenting coordinator shall be given notice of all hearings and proceedings and shall be provided a copy of all pleadings, motions, notices, and other documents filed in the case.
- (6) **Release of Records.** The parties shall allow the parenting coordinator access to any records that the parenting coordinator deems necessary to adequately perform his/her role. Upon request of the parenting coordinator, parties shall sign any and all necessary authorizations to release records and information to the parenting coordinator.
- (7) **Referrals to Support Services.**
- (a) A parenting coordinator may provide the parties information regarding appropriate referrals to community resources, such as legal counsel, counseling, parenting courses or education.

- (b) The parenting coordinator shall provide necessary support services to the parties concerning victims and suspected victims of domestic abuse and domestic violence.
- (8) **Parenting Coordination Agreements and Decisions.**
- (a) **Agreements.** Parties shall sign and comply with agreements reached during a parenting coordination session, which shall be maintained in the parenting coordinator's file. The parenting coordinator shall provide a copy to each party and their attorneys, if applicable.
  - (b) **Decisions.** The parenting coordinator shall first attempt to assist the parties in reaching an agreement that resolves the dispute. If the parties are unable to reach an agreement, the parenting coordinator shall issue a written decision that is effective immediately and remains effective until further order of the Court. The parenting coordinator shall provide copies to the parties and their attorneys, if applicable. The decision shall be immediately filed with the Clerk of Courts pursuant to Ohio Rules of Civil Procedure Rule 4 to 4.6. All filing fees shall be waived for the parenting coordinator. The decision shall include all of the following:
    - (i) Case caption, including case number;
    - (ii) Date of the decision;
    - (iii) The decision of the parenting coordinator;
    - (iv) Facts of the dispute and facts upon which the decision is based;
    - (v) Reasons supporting the decision;
    - (vi) The manner in which the decision was provided to the parties; and
    - (vii) Any other necessary information.
  - (d) **Objections to Parenting Coordinator Decisions.** A party may file written objections to a parenting coordinator's

decision with the Clerk of Court and serve all other parties to the action within fourteen (14) days of the filing date of the decision. If a party files objections timely, the other party may also file objections with the Clerk of Courts and serve all other parties to the action, not later than ten (10) days after the first objections are filed. A hearing will be scheduled, upon request, or at the discretion of the Court. A judge or magistrate shall issue a ruling.

(9) **Parenting Coordinator Review and Complaints.**

- (a) The court administrator shall complete a review of the parenting coordinators on the Court's roster in January of each year.
- (b) A party to a case appointed to parenting coordination may file a complaint regarding the parenting coordinator within one year from the termination of the appointment. The complaint shall be submitted to the court administrator and shall include all of the following:
  - (i) The case caption and case number;
  - (ii) The name of the parenting coordinator;
  - (iii) The name and contact information for the complainant;
  - (iv) The nature of any alleged misconduct or violation;  
and
  - (v) The date the alleged misconduct or violation occurred.
- (c) The court administrator shall provide a copy of a complaint to the parenting coordinator. The parenting coordinator has fourteen (14) days from the date of the receipt of the complaint to respond in writing to the court administrator.

- (d) The court administrator shall investigate alleged misconduct or violations and shall issue a response within thirty (30) days from the date the complaint was received.
  - (e) Dissatisfaction with the decisions of the parenting coordinator does not constitute misconduct.
- (10) **Sanctions.** Any party who violates these rules may be subject to sanctions, including but not limited to, additional fees, forfeiture of paid fees, contempt of court, attorney fees, or costs. The parenting coordinator may recommend sanctions to the Court. The parenting coordinator may also file a motion for contempt for failure to pay. All filing fees shall be waived for the parenting coordinator.



**RULE 32.0**  
**PRECEDENCE**

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- 32.1 **Subordination.** The rules set forth herein are promulgated pursuant to Rule 83 of the Ohio Rules of Civil Procedure and, in case of conflict, shall be subordinate to the Ohio Rules of Civil Procedure.
- 32.2 **Precedence.** These rules supersede any and all local rules issued by the court from July 1, 1991 to December 31, 2023. These rules adopted for the Common Pleas Court of Fairfield County, Ohio, Domestic Relations Division, this 1<sup>st</sup> day of January, 2024.

*SIGNATURE ON FILE WITH FAIRFIELD  
COUNTY CLERK OF COURTS*  
\_\_\_\_\_  
JUDGE LAURA B. SMITH

I hereby certify that a copy of the foregoing rules was electronically filed with the Supreme Court of Ohio on the 29<sup>th</sup> day of January, 2024.

*SIGNATURE ON FILE WITH FAIRFIELD  
COUNTY CLERK OF COURTS*  
\_\_\_\_\_  
BRANDEN C. MEYER  
Clerk of Courts  
Fairfield County, Ohio