



COMMON PLEAS COURT

DOMESTIC RELATIONS DIVISION

Laura B. Smith, Judge

Proposed Amendments to the Local Rules of Court for the Fairfield County Common Pleas Court – Domestic Relations Division

Comments are requested on the following proposed amendments to the Local Rules of Court for the Fairfield County Common Pleas Court - Domestic Relations Division. The Court will accept public comments until Friday, November 14, 2025.

Comments on the proposed amendments should be submitted in writing, not later than Friday, November 14, 2025, to:

Lori L. Lovas, Court Administrator

Fairfield County DR Court

224 East Main Street, 4th Floor

Lancaster, Ohio 43130

lori.lovas@fairfieldcountyohio.gov

Please include your full name and mailing address in any comments submitted by email.

Key to Adopted Amendments:

1. Existing language appears in regular type. Example: text
2. Existing language to be deleted appears in strikethrough. Example: ~~text~~
3. New language to be added appears in underline. Example: text

S E R V E • C O N N E C T • P R O T E C T

1. RULE 2.0 PLEADINGS: FORMAT AND PROCEDURE

- 2.1 **Caption Requirements.** In every pleading or initial post-decree motion filed ~~on behalf of a party or parties, there~~ the name and current complete address for all parties 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. Subsequent filings shall retain the caption of the original pleading. 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 the names of the first party on each side of the case with the applicable “et al.” designating multiple parties.
- 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~~ Relieve from Judgment
10. Parentage
 - a. Establish Parent-Child Relationship
 - b. Complaint for Custody
 - c. Complaint for Support
 - d. Complaint for Parenting Time or 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~~ Supreme Court of Ohio Uniform Domestic Relations Form – Affidavit 1: Affidavit of Basic Information, Income, and Expenses and Supreme Court of Ohio Uniform Domestic Relations Form – Affidavit 2: Affidavit of Property and Debt. 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, in black or blue ink only, on one side of the paper measuring eight and one-half (8 1/2) by eleven (11) inches. Double-sided documents will not be accepted.

- ~~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~~2.6 **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~~ refusal by the Clerk of Courts and/or dismissal by the Court.

- ~~2.9~~2.7 **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.

[Existing language unaffected by the amendments is omitted to conserve space.]

2. RULE 12.0 PARENT EDUCATION CLASS

- 12.1 **General application.** In any proceeding pertaining to the allocation of parental rights and responsibilities for the care of a child, the court may require that the parents attend classes on parenting or other related issues before the court

issues an order allocating the parental rights and responsibilities for the care of the minor children. 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. 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/locate/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.

3. RULE 27.0 CUSTODY OF FILES AND EXHIBITS

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. No filed document in any case may be removed from the case file, replaced, or altered in any way, except upon order of the Court to seal.

- 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~~ regularly 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 as set forth below. ~~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.~~

27.51 Exhibits for cases concluding on or before March 30, 2025. For cases concluding on or before March 30, 2025, Sup.R. 26.06(B) allows for the destruction of exhibits at the conclusion of litigation, including times for direct appeal, following proper notification to the party who tendered the exhibits. For those cases, the Court will notify the party who tendered the exhibits, in writing to their last known address, that they must retrieve their exhibits within 60 days of the date of the notice or the Court will dispose of them. Exhibits will be destroyed one year following the date from the written notification if the notification is returned addressee unknown, undeliverable, or moved with no forwarding address. Parties seeking to retrieve their exhibits must contact the Court to schedule a time to collect them.

27.52 Exhibits for cases concluding on or after April 1, 2025. For cases concluding on or after April 1, 2025, after one year from the conclusion of litigation and including times for direct appeal, the Court will dispose of exhibits without prior notice to the party who tendered the exhibits. Parties seeking to retrieve their exhibits must contact the Court to schedule a time to collect them.

- 27.6 **Custody of Audio Tapes Recordings.** In accordance with Sup.R. 26.03(B), recordings of proceedings shall be retained for five years after the final judgment in the case. ~~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.~~

[Existing language unaffected by the amendments is omitted to conserve space.]

4. RULE 30.0 PATERNITY ACKNOWLEDGMENTS PARENTAGE CASES

~~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 In all cases involving a child born to parents unmarried at the time of the child’s birth, a copy of the child’s birth certificate and one of the following documents must be part of the initial pleadings to verify whether a that the parent/child relationship has been established: 1) a copy of the court order establishing paternity. 2) the a 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 Fairfield County 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).~~

[Existing language unaffected by the amendments is omitted to conserve space.]

5. RULE 31.0 PARENTING COORDINATION

~~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 R.C. Chapter 2710, ~~ORC 3109.052~~, or Sup.R. 16.20 through 16.25. 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~~The 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~~ Be an independently licensed mental health professional; be licensed to practice law in Ohio, or otherwise have education and experience satisfactory to the appointing court or division;
 - (b) ~~At least three years of~~ Possess extensive practical and professional experience with situations involving children, including counseling, casework, legal representation in complex family law matters, serving 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 continuing 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. 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.
 - (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.~~ If a parenting coordinator fails to comply with the continuing education requirement of division (2)(a) of this rule, the parenting coordinator shall not be eligible to serve as a parenting coordinator until the requirement is satisfied.
- (3) **Inclusion on the Court Approved Parenting Coordinator List.** In order to be added to the Court parenting coordinator appointment list, the prospective parenting coordinator shall submit ~~an application and a~~ resume to the Court

Administrator for review and approval. The resume should include experience, education, and training which demonstrates the applicant's ability to successfully perform duties as a parenting coordinator. 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 serving 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 of~~ 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 specific time period.

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~~ Court 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.

[Existing language unaffected by the amendments is omitted to conserve space.]

6. **RULE 32.0 CUSTODY EVALUATION**

32.1 **Definitions.** As used in Sup.R. 91.01 through 91.09:

- (A) **Best interest.** "Best interest" has the same meaning as in R.C. 3109.04 and 3109.051.

(B) **Custody evaluation.** “Custody evaluation”, as defined in Sup.R. 91.01, means an expert study and analysis, by an individual qualified to be a custody evaluator, of the needs and development of a child who is the subject of an action or proceeding in which child custody or parenting time is an issue, and of the comparative and relative capacities of the parties and other relevant adults to care for and meet the needs and best interest of the child. Custody evaluation shall include full and partial evaluation. Custody and parenting time shall include allocation of parental rights and responsibilities, companionship, and parenting time.

(C) **Custody evaluator.** “Custody evaluator” means an individual meeting the requirements of Sup.R. 91.08 and this Local Rule. As used in this rule, a custody evaluator can be one of the following:

- (1) “Court-connected evaluator,” a person employed by the court or with whom the court contracts custody evaluation services.
- (2) “Private custody evaluator,” a person in private practice who provides custody evaluation services to the parties pursuant to court order.

(D) **Evaluation.** “Evaluation” includes an investigation and assessment.

(E) **Full evaluation.** “Full evaluation” means a comprehensive examination of the best interest of a child.

(F) **Partial evaluation.** “Partial evaluation” means an examination of the best interest of a child that is limited by court order in either time or scope.

32.2 Application of Rules. Fairfield County Local Domestic Rule 32 shall apply in any case in which the Fairfield County Domestic Relations Court appoints a person to perform a custody evaluation, on or after the effective date of this rule, to assist the court when child custody, parenting time, or companionship time/visitation is at issue.

32.3 Custody Evaluator Qualifications and List.

(A) **Private Custody Evaluator List.** Pursuant to Sup.R. 91.05, the court shall maintain a list of all custody evaluators eligible to receive appointments in Fairfield County. The list shall include the following for each custody evaluator:

- (1) Professional licensing of the evaluator;
- (2) The hourly rate or flat fee amount;
- (3) The deposit amount;
- (4) The rate for expert testimony for trial.

The list of evaluators may be obtained by contacting the court.

(B) **Licensure and Training Requirements.** A custody evaluator must meet the requirements of Sup.R. 91.08 and this rule. Any custody evaluator who

fails to meet these requirements at any time shall immediately notify the Court Administrator.

(C) **Pre-Appointment Training.** All custody evaluators maintained on the court's list shall complete the training requirements outlined in Sup.R. 91.

(D) **Continuing Education.**

(1) All court-connected or private custody evaluators shall comply with the continuing education requirements as outlined in Sup.R. 91.09.

(2) On or before January 1st of each year, all custody evaluators shall submit to the court any updates to their resume and a list of continuing education training completed by the evaluator during the previous calendar year pursuant to Sup.R. 91.09, including the provider, title, date, and location of each training.

(3) Any custody evaluator that fails to meet the continuing education requirements shall not be eligible for new custody evaluation appointments until their continuing education requirements are satisfied. However, a custody evaluator shall be permitted to complete all of their ongoing appointments. Ongoing appointments include those where the court expands or limits the scope of the evaluation after the initial order of appointment, and those changes occur after the date that the evaluator is no longer eligible to accept new appointments.

(4) In order to regain eligibility for new appointments, a custody evaluator must come current on all outstanding continuing education requirements. If the deficiency in continuing education is more than three calendar years, the custody evaluator shall complete the initial training requirements before they may regain eligibility.

32.4 **Appointment of a Custody Evaluator.**

(A) **Order.** Upon motion or on its own initiative, a court may order a custody evaluation to aid in evaluating the best interest of a child in a contested custody, parenting time, or visitation case. The order shall specifically indicate whether the custody evaluation is a full evaluation or a partial evaluation. If a partial evaluation is ordered, the court shall indicate on the order the specific issue or issues to be addressed by the evaluation. The order shall also outline with specificity the hourly rate or flat fee of the custody evaluator and the allocation of fees and deposits as required by Sup.R. 91.05.

(B) Fees and Expenses.

- (1) In determining the allocation of fees and expenses for a private custody evaluator, including advance deposit amounts, the court shall consider the flat fee or rate of reasonable compensation required by the custody evaluator and the ability of each party to pay said fees and expenses. Each party shall have the right to be heard as it relates to allocation of reasonable fees and expenses, which at the discretion of the court may include brief oral testimony, submission of narrative affidavits, and/or submission of financial affidavits that are otherwise required by the local rules or the Revised Code. In determining a party's ability to pay, the court shall consider:

 - (a) The income, assets, liabilities, and financial circumstances of the parties as demonstrated by an affidavit or statement of income and expenses, testimony to the court, or evidence of qualification for any means-tested public assistance;
 - (b) The complexity of the issues;
 - (c) The total anticipated fees and expenses of the custody evaluator, including any reasonable fees and expenses related to providing oral testimony.
- (2) Upon request of any party or upon the request of the custody evaluator, and for good cause shown, the court may approve additional fees or expenses, reallocate reasonable fees or expenses, or require a party to reimburse another party in part or in whole for reasonable fees and expenses paid. Good cause shall include, but not be limited to, a change of financial circumstances, the conduct of any party, or some unforeseen circumstance. Until such time as a motion to reallocate fees is decided by the court, the parties shall continue to comply with all existing orders regarding the allocation of fees and expenses.

(C) Removal of Custody Evaluator.

- (1) A judicial officer presiding over the case in which a custody evaluator was appointed may remove a custody evaluator upon a showing of good cause. Any party may file a motion in the case requesting removal and shall include specific information outlining what they believe to be good cause for removal. The motion shall be provided to all parties and the custody evaluator.
- (2) Any private custody evaluator may be removed from the court's list if the court determines that a private custody evaluator

continuously fails to adhere to the requirements of these rules or the Rules of Superintendence as it relates to an appointment as a custody evaluator. Loss of licensure or suspension shall result in immediate removal. Reinstatement may occur following suspension upon request and subsequent approval of the Judge, so long as training and continuing education requirements are maintained.

(D) **Resignation of Custody Evaluator.** A custody evaluator appointed to perform a custody evaluation may resign prior to the completion of the evaluation only upon a showing of good cause, notice to the parties and their counsel, an opportunity to be heard, and with the approval of the court.

(E) **Access to Court Records.** Once the order of appointment is filed, the custody evaluator may access the court file, to include the Family File, until the conclusion of their work on each specific case.

32.5 Responsibilities of Custody Evaluator.

(A) **General Responsibilities.** A custody evaluator appointed by the court shall be familiar with the duties and responsibilities outlined in this local rule, the order of appointment, and Sup.R. 91.01 - 91.09, specifically those set forth in Sup.R. 91.06.

(B) **Communication with the Court.** If the custody evaluator requires assistance as outlined in Sup.R. 91.06(B) when one party resides in another jurisdiction, or if they require an amendment to the scope or the time frame set forth in order of appointment as outlined in Sup.R. 91.06(C), the custody evaluator may request a status conference with the assigned judicial officer by contacting the assignment commissioner, or as otherwise directed by the court. Any request must also be provided to all counsel and unrepresented parties, the guardian ad litem, and any attorney advocate, if one has been appointed. A status conference will then be scheduled with notice to the custody evaluator, the attorneys of record, any unrepresented party, and any guardian ad litem.

32.6 Custody Evaluation Report.

(A) **Dissemination and Time Frame.** A custody evaluator shall provide the Custody Evaluation Report to the assigned judicial officer, the attorneys, any unrepresented parties, and the guardian ad litem on the case. The written report shall be filed with the Clerk of Courts at least 30 days prior to the final hearing.

(B) **Required Notice.** The written report shall include the statement:
“Except as permitted by the court, a party shall not distribute the report by any means, including by social media. Reports or recommendations

shall not be shared with the minor child(ren) subject to the case. Unauthorized disclosure or circulation of the report may be subject to court action including the penalties for contempt, which include fines and/or incarceration.”

(C) Court Access to Report.

The court may receive and read the written report in advance of a hearing or trial for the purpose of conducting a settlement conference in the case.

(D) Discovery and Public Access. The written report filed by the custody evaluator shall not be available for public access pursuant to Sup.R.44 through 47. However, the written report shall be subject to the Ohio Rules of Civil Procedure applicable to discovery in civil actions.

(E) Use of Report. The court shall consider only those custody evaluations and reports completed by a custody evaluator appointed by the court. This provision shall not limit either party from retaining an additional expert or experts to review the custody evaluation and offer additional testimony as to its content.

(F) Testimony and Report at Hearing or Trial.

(1) The evaluator’s report shall be admitted into evidence at a hearing or trial on the court’s motion. The report shall be admitted as the court’s exhibit in the form of the evaluator’s expert direct testimony. A party challenging the report shall subpoena the evaluator to appear not less than fourteen (14) days before a hearing or trial.

(2) The court shall notify the evaluator as soon as a hearing or trial date is set. The evaluator shall be available to testify on cross-examination regarding the report if subpoenaed by a party not less than fourteen (14) days prior to trial.

32.7 Submission, Review, and Disposition of Comments and Complaints.

(A) Designation of Person to Receive and Review Complaints. All comments or complaints submitted under this rule shall be delivered to the Court Administrator. All comments and complaints received under this rule shall be reviewed by the Court Administrator as may be appropriate.

(B) Process for Submitting a Comment or Complaint. All comments and complaints submitted under this rule shall be made in writing. Comments and complaints may be submitted by electronic means.

(C) Receipt, Review, and Response to a Comment or Complaint.

(1) The court shall create and maintain a file for the purposes of recording all complaints, comments, notes, and responses for

each custody evaluator authorized to perform custody evaluations in the Fairfield County Court of Common Pleas, Division of Domestic Relations.

- (2) Upon receipt of a comment or complaint, the Court Administrator shall provide a copy of the comment or complaint to the custody evaluator who is the subject of the comment or complaint. If requested by the Court Administrator, the custody evaluator who is the subject of the comment/complaint shall have 30 days to respond to the comment or complaint. Said response shall be in writing and submitted to the Court Administrator.
- (3) The Court Administrator shall promptly review and consider the comment or complaint and any response from the custody evaluator. The Court Administrator may forward any comments and complaints to the Judge of the Court for consideration and action when appropriate. Any comments and complaints made by a party or guardian ad litem shall be provided to the opposing party and guardian ad litem to avoid ex parte communication. The response from the court shall be final and shall be issued in writing and provided to the person making the comment/complaint, the custody evaluator who is the subject of the comment/complaint, the opposing party, and guardian ad litem.
- (4) The role of the court is to determine if the custody evaluator complied with the requirements of this rule and the Rules of Superintendence in completing their examination, and may suggest corrective action, additional training, or removal from the list. The court shall not determine matters that are left to the discretion of a professional licensing board.

7. RULE 33.0 ELECTRONIC FILING

33.1 General. The Administrative Order regarding Electronic Filing of Documents in the General and Domestic Relations Divisions of the Fairfield County Court of Common Pleas, as amended from time to time, governs practice and procedures to be followed regarding the filing of court documents in all civil cases in the Domestic Relations Division of this Court.

33.2 Application. All documents filed electronically shall conform to the requirements of these Local Rules and the most current version of the Administrative Order regarding the electronic filing of court documents. The filing party, or their attorney of record, shall be responsible for complying with the most current version of the Administrative Order.

IN THE COURT OF COMMON PLEAS OF FAIRFIELD COUNTY, OHIO
DOMESTIC RELATIONS DIVISION

	:	
	:	
Plaintiff	:	Case No. _____
	:	
vs.	:	Judge Laura B. Smith
	:	Magistrate Lora H. Cleary
	:	Magistrate Sandra S. Miller
Defendant	:	

STANDARD JUDGMENT ENTRY/RESTRAINING ORDER

This matter comes before the Court pursuant to Local Rule 9.3, which provides that, upon the filing of a Complaint for Divorce or Legal Separation, a mutual, reciprocal Restraining Order is issued by this Court *sua sponte*. The Court, being fully advised, hereby **ORDERS, ADJUDGES, and DECREES** as follows:

Plaintiff and Defendant are hereby restrained during the pendency of this action, or until further order of the Court, as follows:

1. Neither party shall bother, molest, harass, annoy, assault, do bodily harm, restrain, or interfere with the other party at his/her residence, place of employment, or any other place he/she may be found. This restraint shall include telephone calls and all other written or electronic communication.
2. In accordance with R.C. 2903.216, both parties shall lawfully uninstall or discontinue use of any tracking device or tracking application utilized or installed on the other spouse's property. If lawful uninstallation or discontinued use of the tracking device or tracking application cannot be accomplished within seventy-two (72) hours of service of the Complaint for Divorce, notification shall be filed with the Court in writing.
- ~~2.3.~~ Neither party shall transfer, alienate, withdraw, conceal, secret, mortgage, pledge, damage, destroy, sell, encumber, or otherwise dispose of any assets of either or both parties, whether marital or non-marital, other than for ordinary, necessary, and regular living expenses and for the current payments on existing marital obligations.
- ~~3.4.~~ Neither party shall incur any additional joint debt on existing lines of credit

or credit cards.

- ~~4.5.~~ Neither party shall alter, modify, amend, or terminate any medical insurance coverage covering the parties or the minor children of the parties, unless such change is mandated by the employer providing the coverage and notice is given to the other party.
- ~~5.6.~~ Neither party shall change the beneficiary or beneficiaries of any life insurance policies, or the payable on death beneficiaries or joint and survivorship ownership of any tax deferred savings plans, pension plans, retirement plans, certificates of deposits, savings accounts, stock or brokerage accounts, or other such intangible assets owned by either or both parties, whether marital or non-marital.
- ~~6.7.~~ Neither party shall terminate or cancel any existing paid up insurance coverage, including automobile, liability, fire, or casualty insurance.
- ~~7.8.~~ Neither party shall terminate or cause the termination of any utility service at the marital residence.
- ~~8.9.~~ Neither party shall remove the minor children from the jurisdiction of this Court, except upon Court order. Neither party shall change the school enrollment of the children without prior Court order. Neither party shall conceal the whereabouts of the children.

No bond shall be required of either party hereto and this Restraining Order shall be immediately effective upon the Plaintiff and it shall be effective upon the Defendant upon service of the same.

It is so **ORDERED**.

JUDGE/MAGISTRATE

I hereby certify that the foregoing Temporary Restraining Order is identical to the Court Order required by Local Rule 9.3.

SUBMITTED BY:

Attorney or Self-Represented Party Signature