

WARREN COUNTY  
COURT OF COMMON PLEAS  
DIVISION OF DOMESTIC RELATIONS

# LOCAL RULES



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As Amended and Effective  
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**LOCAL RULES  
WARREN COUNTY COURT OF COMMON PLEAS  
DIVISION OF DOMESTIC RELATIONS**

**PART ONE  
Pleadings and General Provisions**

**1.1 Compliance with the Ohio Rules of Civil Procedure, Statutory Requirements And Local Rules.**

- A. All pleadings shall comply in form and content with Title III of the Ohio Rules of Civil Procedure, requirements of the Ohio Revised Code, and the Local Rules of the Warren County Court of Common Pleas, Division of Domestic Relations (“Local Rules”).
- B. All initial and final pleadings shall contain the names, addresses, email addresses and dates of birth of both parties in the case caption. Initial filings and final decrees and/or entries shall contain the names and dates of birth of all minor children of the parties. All other pleadings shall also contain the telephone number and email address of any party. All pleadings filed by attorneys shall contain the signature, name, address, telephone number, fax number and email address of the attorney preparing the pleading, along with the attorney’s registration number issued by the Supreme Court of Ohio. If the parties are filing a dissolution that resulted from the collaborative process, the caption shall state: Collaborative Dissolution Petition.
- C. No pleading, motion or other filing may contain more than one case number. The Clerk of Courts has the option to reject any filing that contains more than one case number.
- D. Petitions for Registration of Foreign Decrees: Filings requesting registration for UIFSA and UCCJEA shall be on separate petitions but filed under the same case number.
- E. Social Security numbers (“SSNs”) shall not be included on any document that will be filed with the clerk. SSNs must still be provided on IV-D applications (DR Form 12, available on the Domestic Relations Court Document Center) (required in cases with child and/or spousal support) and wage withholding information sheets (DR Form 11, available on the Domestic Relations Court Document Center). These documents must be submitted to the Domestic Relations Office (“DR Office”) at the appropriate time (with initial pleadings for IV-D applications and with final documents for the wage withholding information forms). The Court will then transmit these documents to the Warren County Child Support Enforcement Agency (“CSEA”). **THE IV-D APPLICATION AND THE WAGE WITHHOLDING INFORMATION SHEET SHALL NOT BE FILED WITH THE CLERK OF COURTS.** As to account numbers on the financial affidavit (DR Form 1, available on the Domestic Relations Court Document Center), you may use the last four digits only in order

to distinguish various accounts, but you need not give the entire account number. E.g., “OSU Platinum Visa, account no. xxxx-xxxx-2670.”

- F. Throughout these rules the designation of Plaintiff, Defendant, Petitioner or Respondent shall mean the party and his/her attorney, if represented, or the party if self-represented.
- G. Failure to comply with the Local Rules is not a basis for extension of any time requirements mandated by Local Rule, state law or rules of procedure.

## 1.2 Style of Pleadings.

- A. All pleadings and forms required by the Court shall be typewritten or printed legibly in ink. The Court approves of electronically signed documents. However, typed signatures will not be accepted.
- B. All ORIGINAL pleadings shall be on 8 ½” x11” paper and typed or printed on one side (not double sided). Copies ONLY may be double sided. All filings with the Clerk of Courts must contain a top margin of at least two (2) inches.
- C. The Court will accept electronic filings (e-filings) via email at [DRFILINGS@co.warren.oh.us](mailto:DRFILINGS@co.warren.oh.us) or facsimile to 513-695-1884. *(Please do not email individual judicial assistants directly unless asked to do so.)* **NOTE: E-filings will be accepted Monday through Friday from 8:00 a.m. to 4:30 p.m. (excluding all Government holidays). If an e-filing is sent after 4:00 p.m. it may not be reviewed or filed until the next day.** E-filings are not guaranteed to be filed the same day pending review.

Emails and facsimiles shall include the title of the document(s) in the subject line. E-filings are subject to compliance before filing.

Submission of filings to the DR Office is not a filing of the legal action. A document is not officially filed, and thus an official part of the case record, until approved and stamped with a time and date stamp by the Clerk of Court.

Please DO NOT follow up with an original hard copy.

The Court will provide an original and one copy of e-filings to the Clerk of Courts and service copies if applicable.

Filings that are submitted to the Court in person or by mail require an original plus one copy of all filings, plus a sufficient number of copies for service. If an attorney or party wants file-stamped copies of any filing or pleading, he/she must provide the additional copies as well as an envelope with postage for mailing.

Attorneys may contact the Clerk of Courts 513-695-1120 to enable access to view and print filed stamped copies. Self-represented parties may contact the Clerk of Court for copies of file stamped copies.

Filing fees will be collected by the Warren County Clerk of Courts via the Clerk's preferred method of payment.

- D. The Court strongly encourages pleadings to refer to the parties as Husband/Wife or Mother/Father instead of Plaintiff/Defendant. For same sex cases please use the names of the parties.
- E. Exhibits that will be used at trial shall be submitted at trial and not attached to any pleadings filed with the Court without special permission from the DR Court.

### **1.3 Pre-approval.**

#### **A. Attorney Filings.**

Prior to filing with the Clerk of Courts, all pleadings shall first be submitted to the DR Office for review to ensure that all required documents are present and complete. If all required documents are present and complete, the documents may be taken to or will be forwarded to the Clerk of Courts. If documents are missing or incomplete, the person responsible for the preparation of the documents will be notified. It shall be that person's responsibility to make the revisions and resubmit them when completed.

Submission of filings to the DR Office is not a filing of the legal action. A document is not officially filed, and thus an official part of the case record, until approved and stamped with a time and date stamp by the Clerk of Court.

#### **B. Pro Se Filings (Filings by Persons Self-represented).**

Prior to filing with the Clerk of Courts, all pro se pleadings shall first be submitted to the DR Office for review. The purpose of review by the DR Office is to assist the public by assuring the quality of the documents processed by the Court and to increase the efficiency of the Court's operation. After approval, all pleadings shall be filed with the Clerk of Courts. Submission of filings to the DR Office is not a filing of the legal action. A document is not officially filed, and thus an official part of the case record, until approved and stamped with a time and date stamp by the Clerk of Court.

#### **C. Failure to Present Filings for Pre-approval.**

Any filing which is filed directly with the Clerk of Courts without prior review by the DR Office shall thereafter be reviewed by the DR Office. If the filing fails to conform to the requirements of Local Rules, state law or the Ohio Rules of Civil Procedure, the Court may dismiss the filing on its own motion.



#### **1.4 Attorney Requirements.**

Attorneys who practice in the DR Court must be admitted to the practice of law and registered with the Ohio Supreme Court. An attorney may be required to present his or her registration card to a Judge or Magistrate.

#### **1.5 Attendance Policy.**

Parties have a right to attend any conferences or hearings. If a party wishes to attend a conference that is scheduled to be held in chambers, that party shall communicate that fact to his or her attorney and the conference will be held on the record in a Courtroom. All conferences or hearings with a self-represented party shall be held on the record.

#### **1.6 Documents Required for Divorce, Dissolution, Legal Separation and Motions.**

See documents required for filings available on the Domestic Relations Court Document Center. [www.co.warren.oh.us/Domestic\\_Relations\\_Court/](http://www.co.warren.oh.us/Domestic_Relations_Court/)

#### **1.7 Email and Fax Filings.**

The Clerk of Courts will now allow email filings and fax filings in addition to hard copy filings, which have been sent to and reviewed by the DR Court. Emails and facsimiles shall include the title of the document(s) in the subject line and sent to: [DRFILINGS@co.warren.oh.us](mailto:DRFILINGS@co.warren.oh.us) or Fax 513-695-1884. See Local Rule 1.2C.

Motions for continuance and proposed orders granting the continuance may be emailed or faxed directly to the Assignment Commissioner for review. When approved or denied by the Judge or Magistrate assigned to the case, the motion and order will be filed by the Assignment Commissioner with the Clerk of Courts.

#### **1.8 Process Servers.**

##### **A. One-time Appointment.**

If a party desires personal service to be made by a special process server pursuant to Civil Rule 4.1, the party or counsel shall submit a motion and a proposed entry appointing a special process server. The following shall be stated in the motion and order:

1. the name of the person (not an agency or company) to be appointed as process server;
2. that the person to be appointed as process server is eighteen (18) years of age or older; and
3. that the person to be appointed as process server is not a party to the action.

##### **B. Continuing Appointment. (“Standing Special Process Server”)**

A person may apply to be designated as a Standing Special Process Server for cases filed in this Court by filing an application supported by affidavit setting forth the following information:

1. the name, address and telephone number of the applicant;
2. that the applicant is eighteen (18) years of age or older;
3. that the applicant agrees not to attempt service of process in any case in which the applicant is a party; and
4. that the applicant agrees to follow the requirements of Civil Rules 4 through 6, and any applicable Local Rules and special instructions for service of process as ordered by the Court in individual cases.

The applicant requesting designation shall also submit an entry captioned “In re The Appointment of (name of applicant) as Standing Special Process Server” and stating “applicant has complied with the provisions of Local Rule 1.8; (name of applicant) is hereby designated as a Standing Special Process Server authorized to make service of process in all cases filed in this Court, to serve until further order of the Court.” The Clerk shall record such appointment on the Court’s general docket, and shall retain the original applications and entries. In any case thereafter, the Clerk of Courts shall accept a copy of the time-stamped appointing entry as satisfying the requirements of Civil Rule 4.1 for designation by the Court of a person to make service of process.

## **1.9 Court Costs.**

### **A. Initial Filings.**

The Clerk of Courts will not file a domestic relations action without the proper filing fee as established by the Clerk of Courts or a Court order waiving the filing fee based upon motion and affidavit of an indigent party.

If the Court learns that a party who filed an affidavit of indigency is able to pay the costs, the Court may order that party to pay the Court costs within a reasonable period of time.

All filing fees will be collected by the Warren County Clerks of Courts using the Clerk’s preferred method of payment.

For a list of current filing fees: [www.co.warren.oh.us/clerkofcourt/legal/fees.aspx](http://www.co.warren.oh.us/clerkofcourt/legal/fees.aspx)

B. Final Entries.

All final entries must contain an order as to the party responsible for paying any outstanding Court costs and that such costs shall be paid within thirty (30) days of the mailing of a cost statement by the Clerk of Courts. In the event a final entry is filed with the Court that fails to provide for the payment of Court costs, all Court costs shall be paid by the Plaintiff or moving party within thirty (30) days of the mailing of a cost statement by the Clerk of Courts.

**1.10 Posting of Notice Where Party's Address is Unknown for Indigent Cases.**

In compliance with Civil Rule 4.4 (A)(2) and Rule 65.1, the Court hereby designates the Warren County Common Pleas Court, Franklin Municipal Court and the Mason Municipal Court as places for the posting of notice for IN FORMA PAUPERIS service by publication where the residence of the party is unknown.

**1.11 Failure to Comply.**

If any person fails to properly file a form required by these rules, the Court may continue the matter in progress and entertain a motion for attorney fees occasioned by the delay or impose other appropriate sanctions.

**1.12 Notice of Subpoena Issuance.**

Notice of issuance of subpoenas shall be given to all other parties in accordance with Civil Rule 45(A)(3). Please contact the Warren County Clerk of Courts for subpoena forms.

**1.13 Discovery.**

Discovery requests and responses, other than as specifically required by the Civil Rules, shall not be filed with the Court. Attorneys/self-represented parties may file a notice of service of discovery requests or responses.

**1.14 Behavior and Conduct.**

A. Proper Attire.

All individuals using the Court, including, but not limited to Court employees, attorneys, parties, media, witnesses or observers must be properly attired. No shorts, tank tops or shirts exposing midriffs or other attire deemed inappropriate by the Court shall be permitted.

B. Behavior.

It is the duty of every person in the Courtroom to give respectful attention to the Court at all times when in session.

C. Timeliness.

All individuals scheduled to appear before the Court, including but not limited to, parties, attorneys and witnesses shall arrive and be prepared to proceed on their case at the scheduled time of the hearing. If an individual is late, he or she may be subject to sanctions at the discretion of the Judge/Magistrate. Failure to appear for a hearing may result in sanctions and/or dismissal of the action.

D. Electronic Devices.

Individuals entering the Courtroom shall turn electronic devices such as cell phones, PDAs or portable computers to silent mode or off. No cell phone calls shall be initiated or received in the Courtroom while Court is in session unless initiated by the Court.

E. Conduct of Attorneys.

Attorneys in proceedings before the Court shall refrain from manifesting, by words or conduct, bias or prejudice based on race, gender, religion, national origin, disability, age, sexual orientation or socioeconomic status against parties, witnesses, counsel or others.

F. Sanctions.

Failure to comply with the required behavior and conduct may result in contempt of Court.

G. Contempt of Court.

To ensure the decorum and dignity that should characterize the practice of law and to aid the Court at all times in the discharge of its duties, it is hereby declared to be contempt of the Court for any person to use insulting, vulgar or profane language in the presence of the Court while the Court is in session or appear before the Court under the influence of illegal drugs or alcohol.

## **PART TWO**

### **Temporary Orders and Discovery Orders Divorce/Legal Separation Proceedings**

#### **2.01 Existing Orders.**

At the time of filing, if there are any orders from another Court that may affect the issuance of temporary orders in this Court, the orders should be referenced and a copy attached (i.e. juvenile, probate, domestic violence orders, etc.).

## **2.1 Temporary Residential Parent Status.**

### **A. When both parties remain in the same home:**

If both parties are living in the marital residence, the Plaintiff shall file with the complaint an ex parte order which provides that the parents will share the rights and responsibilities regarding their child/children in accordance with the established practices of the household. The order shall further provide that, pending further order of the Court, each parent shall be a residential parent of the child/children.

### **B. When the parties are separated:**

If the parties live in separate households, the Plaintiff shall file with the complaint an ex parte order granting temporary residential parent status to the person who had actual physical custody of the child/children preceding the filing of the complaint.

### **C. When the parties separate after the filing of ex parte orders:**

Ex parte orders shall only be issued at the time of, or prior to service of, the initial filings. If circumstances change after the filing of the ex parte orders and service has been perfected, the parties may seek a new order by motion and hearing or by the filing of an Agreed Entry/Order.

### **D. When Juvenile Court has jurisdiction over the child/children:**

When Juvenile Court has jurisdiction over all the children of a marriage, the complaint or petition shall contain a statement to that effect and must include the filing fee for a complaint or petition without children.

When Juvenile Court has jurisdiction of some, but not all, of the children of a marriage, the pleadings shall identify all the children by name and date of birth and note which children are under the jurisdiction of the Juvenile Court. The filing fee included must be for a complaint or petition with children.

## **2.2 Temporary Child Support Order.**

### **A. When both parties remain in the same home:**

If both parties remain in the marital residence, the Plaintiff shall file with the complaint an ex parte order which provides that each parent shall continue to provide support for the minor child/children in accordance with the established practices of the household. A child support worksheet is still required in connection with this type of order.

### **B. When the parties are separated:**

1. If the parties live in separate households and one party has been designated the temporary residential parent of the child/children, the Plaintiff shall file with the

complaint an ex parte order which requires the non-residential parent to pay temporary child support.

2. The amount of the temporary child support order shall be calculated pursuant to O.R.C. §3119 and a child support worksheet shall be attached to each temporary order.
3. Temporary child support orders shall be effective on the date the order is filed. Temporary child support shall be payable directly to the payee unless a Domestic Violence Civil Protection Order (“DVCPO”) exists in which case it shall be payable through the CSEA. If paid through the CSEA, all required statutory language must be included in the order. (See Notifications available on the Domestic Relations Court Document Center.) If more parenting time than the Warren County Basic Parenting Schedule I (available on the Domestic Relations Court Document Center) is granted, the Court will consider a deviation in child support on a case-by-case basis. A party may submit any information by affidavit concerning whether a deviation is appropriate.

C. When the parties separate after the filing of ex parte orders:

Ex parte orders shall only be issued at the time of, or prior to service of, the initial filings. If circumstances change after the filing of the ex parte orders and service has been perfected, the parties must seek a new order by motion and hearing or by the filing of an Agreed Entry.

**2.3 Temporary Parenting Time Orders.**

If the parties are living in separate households, the Plaintiff shall file with the complaint an ex parte order granting parenting time to the non-residential parent at a minimum in accordance with the Warren County Basic Parenting Schedule (available on the Domestic Relations Court Document Center). For children over age two (2), the ex parte order must designate Warren County Basic Parenting Schedule II parenting time unless Plaintiff files an affidavit indicating why the non-residential parent should be restricted to Warren County Basic Parenting Schedule I or less (e.g. work schedule, distance prohibiting transportation of child/children to school, the parents already have a schedule they have been following or other reason). The Court may require a hearing on a request to restrict or deny parenting time.

**2.4 Temporary Order for Payment of Debts.**

At the time of filing of the complaint, the Plaintiff may submit an order providing that the parties shall continue to pay their marital debts and obligations in accordance with past practices of the household.

## **2.5 Temporary Spousal Support.**

Ex parte spousal support may be awarded on a case-by-case basis and must be supported by a motion, affidavit and proposed order. The Court may deny ex parte relief and instead schedule a hearing.

## **2.6 Mutual Restraining Orders.**

The Plaintiff shall file with the Complaint the Mutual Restraining Order (DR Form 7 available on the Domestic Relations Court Document Center). Any other request for a restraining order shall be awarded on a case-by-case basis and only upon motion, supporting affidavit and proposed order.

## **2.7 Mandatory Discovery.**

The Plaintiff shall file with the Complaint the Mandatory Disclosure Order (DR Form 6 available on the Domestic Relations Court Document Center.)

## **2.8 Insurance Policies.**

Parties shall maintain all insurance coverage (medical, dental, optical, household, motor vehicle and life insurance) in effect at the time of filing of the complaint until further order of the Court.

## **2.9 Exclusive Use of the Marital Residence.**

### **A. Orders to Vacate.**

Motions for an order requiring a spouse to move from the established home of the parties will not be granted without a hearing after notice to the opposing party. The filing party shall obtain a hearing date from the Assignment Commissioner. All motions shall contain a notice of the date and time of hearing and shall be served in accordance with the Ohio Rules of Civil Procedure.

### **B. Orders Not to Return to Residence.**

An ex parte order can be obtained, preventing a party from returning to the marital residence, if such party has been absent for more than thirty (30) continuous days immediately preceding the filing of the motion. Absence from the residence means that the party is no longer residing at the residence.

The motion seeking an ex parte temporary order preventing a party from returning to the residence must be accompanied by an affidavit setting forth the approximate date on which the absent party left the residence, the number of days (months) of continuous absence immediately preceding the filing of the motion and any reason for the absence that is known to the movant. Any motion to dissolve an ex parte temporary order granted pursuant to this

Local Rule shall be heard within fourteen (14) days of the date the motion to dissolve is filed.

**2.10 Relief from Ex Parte Orders.**

- A. Any party who believes that an ex parte order filed in accordance with these rules is incorrect or inappropriate may file a motion for relief. The filing party shall obtain a hearing date from the Assignment Commissioner. All motions shall contain a notice of the date and time of hearing and shall be served in accordance with the Ohio Rules of Civil Procedure.
- B. Motions for relief from ex parte temporary orders can be given priority on the Court's docket. In the event an ex parte order is found to be incorrect or inappropriate, any modification may be made retroactive to the effective date of the ex parte order.
- C. Given the time sensitive nature of these orders, the Court may make an exception to Local Rule 3.7 in this instance.

**PART THREE**  
**Case Management and Procedure**

**3.1 Magistrates.**

Pursuant to Civil Rule 53, the Court may refer matters to a Magistrate.

**3.2 Scheduling of Non-contested Cases.**

A. Dissolutions.

In all dissolutions, the Assignment Commissioner will schedule the final hearing.

B. Non-Contested Divorces and Non-Contested Actions for Legal Separation.

In all divorces and actions for legal separation, the Assignment Commissioner will schedule the Final Non-Contested Divorce/Scheduling Conference/Hearing.

If a timely answer is not filed by the Defendant, the hearing shall be in person and the Plaintiff should bring a witness so the case may be heard as a final non-contested divorce or non-contested legal separation.



### **3.3 Scheduling of Contested Divorces and Contested Legal Separations.**

#### **A. Scheduling Conference.**

1. In all divorces and actions for legal separation, the Assignment Commissioner will schedule the Final Non-Contested Divorce/Scheduling Conference/Hearing per Local Rule 3.2.

When an answer to a complaint is filed, the Court will convert the hearing to an in-person scheduling conference or a telephone scheduling conference if both parties are represented by counsel. The purpose of the scheduling conference is to identify the issues in controversy, establish a timetable for discovery, and set appropriate pretrial conference dates if warranted or, if not, trial dates. At the conclusion of the scheduling conference, a scheduling order may be issued. The Court may conduct a scheduling conference in conjunction with any hearing on a temporary motion in order to expedite the case.

2. At the scheduling conference, the Court will also determine whether there are disputed issues regarding the allocation of parental rights and responsibilities. If parenting issues are disputed, the parties may be referred to mediation and/or Cooperative Dispute Resolution (“CDR”) in accordance with Part Five of these Local Rules. The matter will then be set for a status/scheduling conference after mediation or CDR.
3. The Court may determine at the scheduling conference if any disputed property or support issues are suitable for CDR.
4. At any scheduling conference, the Court may schedule a pretrial and may require the parties to file pretrial statements.

#### **B. Pretrials.**

1. Attorneys/self-represented parties shall complete all discovery as ordered at the scheduling conference.
2. If so ordered, each party shall file a pretrial statement on or before the date of the pretrial. The pretrial statement shall contain all of the following information:
  - a. a list of all property believed to be the separate property of each spouse;
  - b. a list of all property believed to be marital in nature, the value of that property, the valuation date used in determining the value, the NADA trade-in value of any vehicles (if available), and an account of all debts owing upon each item of property;
  - c. a list of all other debts of the marriage;

- d. a statement of the contested issues of fact and law;
  - e. a list of all witnesses;
  - f. a list of all exhibits;
  - g. a statement as to whether shared parenting is being requested.
3. If a pretrial statement is not filed in accordance with this rule, the Court may continue the pretrial in progress and entertain a motion for attorney fees against the non-complying party.
  4. Unless excused by the Court, trial counsel must attend the pretrial. Failure to abide by this rule may result in a second pretrial with opposing counsel's attorney fees paid by the non-complying attorney.

#### C. Settlement Conferences.

Generally, no matter will be set for trial until the parties have held a settlement conference after discovery has been completed. The Court may waive such conference for good cause shown.

#### D. Scheduling of Final Hearings.

Generally, no final hearings shall be scheduled until discovery is completed.

#### E. Emergency Hearings.

If a substantial emergency exists which requires prompt Court intervention, counsel may request an emergency hearing. A motion for an emergency hearing, accompanied by an affidavit setting out the nature of the emergency and the relief sought, shall be presented to the DR Office. The Judge will approve or reject the request for an emergency hearing. If approved, the Assignment Commissioner will set the motion for the first available hearing date, at least seven (7) days after service. Generally, the party filing the motion for an emergency hearing requests service by personal service in order to expedite the hearing.

### **3.4 Motion Practice.**

#### A. Scheduling of Hearings.

1. The party filing a motion shall first obtain a hearing date from the Assignment Commissioner.
2. All motions shall contain a notice of the time, date and place of the hearing.

3. Parties shall be present at the initial hearing of any motion (unless excused in advance by the Court) and shall be present at later hearings at the discretion of the Court.
4. Any responsive motion shall be filed at least seven (7) days prior to the scheduled hearing. If such motion is filed, the originally-scheduled hearing may be used as a pretrial and scheduling conference rather than a hearing on the merits.
5. The initial hearing on a motion to modify custody (including significant modification of a shared parenting plan) may be conducted as a pretrial and the issue may be referred to mediation and/or Cooperative Dispute Resolution (“CDR”) under Local Rules 5.2 and 5.3. In such cases, a status/scheduling conference after mediation or CDR will also be set.

#### B. Content of Motions.

1. All pleadings shall be in conformity with 1.1 B. of these Local Rules.
2. All motions to modify prior orders of the Court shall contain a statement of the order sought to be modified, the date of such order, the nature of the modification sought, and the specific change in circumstances which justifies modification.
3. An entry of appearance should be filed by counsel to insure that Court mailings are sent to the appropriate counsel. The entry must include the supreme court number, address, phone number and email address of the attorney.
4. Exhibits that will be used at trial shall be submitted at trial and not attached to any pleadings filed with the Court without special permission from the DR Court.
5. Tax returns, credit card statements, phone bills, medical bills and similar personal financial information shall not be attached to any motions filed with the Court without special permission from the DR Court.

#### C. Motions Regarding Health Care Expenses.

Any motion seeking reimbursement for health care expenses shall contain a statement that the movant has previously forwarded the medical bills and a calculation of the amount due to the Respondent and that timely payment has not been made. Absent unusual circumstances, or Court order to the contrary, a request for reimbursement of health care expenses should be made within thirty (30) days of the date when payment is made or due. Reimbursement should be made within thirty (30) days of the request.

#### D. Motions for Contempt.

All motions requesting a contempt finding shall contain a statement of the Court order alleged to have been violated, the date of the Court order, and the facts constituting the

violation. At the hearing on a motion for contempt of a support order, a CSEA payment history (i.e. a computer printout from the CSEA) must be presented by the moving party. An audit may be submitted, if available, but is not required. Upon a finding of contempt, the Court may award a standard attorney fee of up to \$1000.00. If a higher award is sought, the attorney must request fees as a part of the motion and shall comply with Local Rule 3.8.

Whenever a motion for contempt is filed, the caption must be titled "Motion for Contempt" so the Clerk of Courts will issue a summons.

E. Settlement of Contested Matters.

Whenever the parties or counsel inform the Assignment Commissioner that an agreement has been reached on an issue previously in controversy, they must submit written proof of the agreement (by fax, email, mail or hand delivery) in order to avoid appearing at the hearing. If no written agreement is submitted, counsel must appear with the parties to read the agreement into the record. If the submitted written agreement is not in a form suitable for filing or if an agreement is read into the record, an Agreed Entry be submitted thereafter in accordance with Local Rule 6.2.

F. Failure to Comply.

The Court may dismiss any motion that does not comply with the requirements of these Local Rules.

### **3.5 Exhibits.**

A. Exhibits for Trial.

Before a hearing begins, each party shall provide the Court with the following:

1. an index of exhibits;
2. an original and three sets of photocopies of all exhibits, pre-marked, with the Plaintiff/Petitioner identifying exhibits by number and the Defendant/Respondent identifying exhibits by letter; and
3. PARTIES ARE PROHIBITED FROM USING EXHIBIT BINDERS LARGER THAN TWO (2) INCHES.

B. Retention/Destruction of Exhibits.

Exhibits shall be held and subject to destruction in accordance with Rule 26 of the Rules of Superintendence for the Courts of Ohio. Parties desiring return of exhibits should make application to the Court following completion of the case and all applicable appeal time periods.

### **3.6 Exchange of Exhibits and Witness Lists.**

Both parties shall exchange all exhibits expected to be used at trial and a list of all witnesses to be called to testify at trial at least 14 days prior to trial, unless otherwise ordered.

### **3.7 Expert Witnesses.**

A party may not call an expert witness to testify (other than for attorney fees) unless a written report has been procured from the expert and forwarded to opposing counsel. It is counsel's responsibility to take reasonable measures, including the procurement of supplemental reports, to insure that each report adequately sets forth the expert's opinion. Unless good cause is shown, all reports must be supplied to opposing counsel no later than thirty (30) days prior to trial. The report of an expert must reflect his or her opinions as to each issue on which the expert will testify. An expert will not be permitted to testify or provide opinions on issues not raised in his or her report.

Absent extraordinary circumstances, all experts must submit reports. If a party is unable to obtain a written report from an expert, counsel for the party must demonstrate that a good faith effort was made to obtain the report and must advise the Court and opposing counsel of the name and address of the expert, the subject of the expert's expertise, together with his or her qualifications, and a detailed summary of his or her testimony. The Court may exclude testimony of the expert if good cause is not determined for the absence of a report.

### **3.8 Attorney Fees.**

At the time of the final hearing of any motion seeking attorney fees, the attorney seeking such fees shall present:

1. an itemized statement describing the services rendered, the time for such services, and the requested hourly rate. Such itemized statement must have been provided to opposing counsel at least three (3) days prior to trial;
2. an affidavit as to whether the case was complicated by any or all of the following;
  - a. new or unique issues of law;
  - b. difficulty in ascertaining or valuing the parties' assets;
  - c. problems with completing discovery;
  - d. any other factor necessitating extra time being spent on the case.
3. an affidavit regarding the attorney's years in practice and experience in domestic relations cases;

4. evidence of the parties' respective income and expenses, if not otherwise disclosed during the proceedings;
5. failure to comply with the provisions of this rule shall result in the denial of a request for attorney fees, unless jurisdiction to determine the issue of fees is expressly reserved in any order resulting from the hearing.

### **3.9 Court Appointed Counsel.**

#### **A. Eligibility.**

Court appointed counsel is available only for cases in which a contempt motion is pending and a jail sentence is a possible sanction.

#### **B. List of Appointees.**

A master list of eligible attorneys will be maintained by the Court.

#### **C. Qualifications for Appointees.**

Attorneys must be admitted to practice law in the State of Ohio and be in good standing.

#### **D. Procedure for Selecting Appointees.**

Appointees shall be assigned cases on a rotating basis from an alphabetical master list. The Court will submit to appointed counsel a copy of the order appointing counsel as well as copies of notices of any hearings already scheduled on the Court's docket.

#### **E. Emergency Procedure.**

Should an emergency situation arise wherein the services of a Court appointed attorney are needed immediately or within a period of time substantially less than is normally required to fill a Court appointment, it will be within the discretion of the Court to deviate from the regular procedure as is necessary to ensure that justice is served.

#### **F. Removal From List.**

All appointees are subject to removal from the master list at the discretion of the Court.

### **3.10 Continuances.**

#### **A. Policy.**

No case in which a date has been set for a hearing shall be continued without the written authorization of the assigned Judge or Magistrate. Requests for continuances shall be

granted only in compliance with Rule 41 of the Rules of Superintendence for the Courts of Ohio.

**B. Contents of Motion.**

Requests for continuances must be made by written motion and accompanied by a proposed order. The motion to continue and proposed order may be emailed directly to the Assignment Commissioner or faxed to 513-695-1884 for review, and must contain:

1. filing date of the original motion.
2. subject matter of the motion;
3. the scheduled hearing dates;
4. number of previous continuances granted and at whose request;
5. reason for the continuance;
6. proof of conflicting trial assignment may be needed upon request; and
7. statement as to whether or not opposing counsel/party agrees to the continuance.

If opposing counsel/self-represented party does not agree to a continuance, the hearing may be converted to telephone conference. If the Court denies the continuance the hearing will go forward as scheduled.

**C. Contents of Order.**

The proposed order shall include a blank for the new hearing date and time.

**3.11 Bankruptcy.**

If a bankruptcy petition is filed by either or both parties, the party or parties shall file a Notice of Filing of Bankruptcy in the domestic relations case, including a copy of the first page of the Bankruptcy Court filing. If relief from stay is granted or at the conclusion of the bankruptcy case, the party or parties shall file a Motion to Reactivate Case in this Court, with a copy of the relief order attached, and shall schedule the matter for further hearing with the Assignment Commissioner.

**3.12 Objections to Magistrate's Decision.**

**A. Procedure.**

Persons filing an objection to a Magistrate's Decision shall file such objection with the Clerk of Courts within 14 days of the filing of the Magistrate's Decision.

After the filing of an objection the Assignment Commissioner shall set the objection for a submission date. The Court will not consider the objections until the submission date, unless Local Rule 3.13A applies. No oral hearing will be held, except on motion filed by a party and granted by the Court or upon the Court's own order. Any motion requesting an oral hearing shall provide specific reasons for the necessity of an oral hearing. Any such motion shall be accompanied with a proposed entry granting the oral hearing.

Supplemental written memoranda in support of or in opposition to the objection shall be filed by **4:00 p.m. on the submission date**.

B. Transcripts.

If a party intends to object to a Magistrate's decision pursuant to Civil Rule 53 on the basis that a finding or conclusion is unsupported by the evidence or is contrary to the evidence, that party shall provide a transcript of all evidence relevant to such findings or conclusions. See Local Rule 3.13, Transcripts.

**3.13 Transcripts.**

A. Ordering Transcripts.

At the time of filing objections to a Magistrate's decision, or if a party otherwise requests a transcript for any other purpose, the party shall file a praecipe for transcript separately from the written objection (DR Form 5, available on the Domestic Relations Court Document Center) with the Clerk of Courts, requesting a transcript. In order to file the transcript with the Domestic Relations Court ("DR Court"), the transcript must be prepared by a transcriptionist assigned by the Court. The party filing the praecipe shall also provide a copy of the praecipe to the opposing party and submit a copy to the DR Office. The DR Office shall assign the transcript to the appropriate transcriptionist who shall then notify the requesting party or attorney of the estimated cost of the transcript within 24 hours. The entire cost estimate of the transcript shall be paid to the transcriptionist within seven (7) days of the filing of the praecipe. Transcripts will not be prepared without payment of the cost estimate. If objections are filed and if no payment is received within that seven (7) day period, the transcriptionist shall notify the Judge who may then proceed to rule upon the objections and a Notice of Failure of Cost Estimate for Transcript shall be filed by the transcriptionist. Any balance or refund due shall be payable to or by the appropriate party upon the completion of the transcript.

B. Filing of Transcript.

1. If a transcript is ordered due to an objection being filed, the transcriptionist shall file the completed transcript with the Clerk of Courts at least fourteen (14) days prior to the objection hearing/submission date so long as any balance due has been paid. In cases where the transcript of the proceedings before the Magistrate exceeds fifty (50) pages in length, the parties shall, by the submission date, file written memoranda with references to the transcript and record that support their respective positions.



Failure to file transcript references shall be considered a waiver to objections to findings of fact.

2. If a transcript is ordered due to any reason other than objection to a Magistrate's Decision, the transcriptionist shall file the transcript upon completion and upon payment of any outstanding balance.

C. Cost.

The cost of a typed transcript requested under this rule is \$4.50 per page (subject to change) for the original (filed with the Clerk of Courts). The cost of an expedited transcript (14 or less days) is \$7.50 per page (subject to change).

D. Deposition Transcriptions.

All deposition transcripts prepared by a qualified Court Reporter to be filed with the Clerk of Courts must be accompanied by a separate Notice of Filing of Deposition. All deposition transcripts must be securely bound. (A binder clip or single staple is not sufficient.)

### **3.14 Withdrawal of Counsel.**

A. Filing Requirements.

An attorney seeking to withdraw as counsel in a pending case shall present a motion and proposed entry/order to the assigned Judge or Magistrate. The motion shall contain the following:

1. date and time of any scheduled hearings;
2. reasons for withdrawal;
3. statement that the client must promptly obtain new counsel unless new counsel is already in the case;
4. statement that no continuances of pending hearings will be granted solely for the reason of change of counsel.

If the client has agreed to the withdrawal and signed the entry/order, the Court may consider the motion forthwith. If the client has not signed the entry/order, the motion shall also state that the Court may sign the entry/order unless the client requests a hearing within seven (7) days after the motion is served. In order to request a hearing, the client shall contact the Assignment Commissioner. The certificate of service on the motion must include the withdrawing counsel's client as well as the opposing counsel or party.

B. Time Limitations.

In the absence of extraordinary circumstances, the Court will not grant an attorney permission to withdraw less than thirty (30) days prior to a scheduled hearing. Attorneys may not withdraw prior to completion of any assigned entries.

C. Substitution of Counsel.

As an alternative to the foregoing procedure, counsel may file a Notice of Substitution of Counsel that includes both the current attorney's signature and the substituting attorney's signature.

**3.15 Timely Disposition of Cases.**

This Court shall strive to comply with all Ohio Supreme Court guidelines regarding the timely disposition of cases.

**3.16 Dismissal of Domestic Violence Civil Protection Orders (“DVCPO”).**

Any Petitioner seeking to dismiss an Ex Parte DVCPO must personally appear before the Court and state on the record the reason for seeking the dismissal of the Ex Parte DVCPO.

Any party seeking to dismiss a Consent Agreement or Full Hearing Civil Protection Order must file a motion, obtain service upon the other party and appear in person for a hearing to request that the Consent Agreement or Full Hearing DVCPO be dismissed. A filing fee may be assessed to the Respondent.

**3.17 Modifications of Domestic Violence Civil Protection Orders.**

Any party seeking to modify the Consent Agreement or Full Hearing Civil Protection Order must file a motion, obtain service upon the other party and appear in person for a hearing to request that the Consent Agreement or Full Hearing DVCPO be modified. A filing fee may be assessed to the Respondent. A divorce decree or filing in the parties' divorce case is not sufficient to modify a DVCPO.

## **PART FOUR Parenting Provisions**

**4.1 Supervision of Children While in the Courthouse.**

In the event that a child/children must be brought to Court, adequate supervision must be provided for them. The Court cannot be responsible for the care of children during their parents' Court proceedings.

#### **4.2 Seminar for Separating Parents.**

All parents in divorce, legal separation, or dissolution actions in which there are any minor children under sixteen (16) years of age shall register for an educational seminar for separating parents sponsored by the Court within thirty (30) days after the filing of the action or service of process. No action may proceed to final hearing until the custodial parent(s) has attended the seminar. No dissolution may proceed to final hearing unless both parties have attended the seminar. However, 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.

Failure of a non-residential parent to attend the educational seminar by the final hearing date may result in suspension of parenting time.

Each parent shall be responsible for registering at least one week prior to the seminar to be attended. Fees shall be paid from the deposit for the Court costs paid to the Clerk of Courts with the initial complaint for in-person classes provided by the Court.

Information shall be included by the Clerk of Courts with service of process in each action for divorce or legal separation in which there are any minor children. Plaintiff's counsel shall deliver a copy of the information to the Plaintiff.

Counsel filing dissolution of marriage actions shall provide a copy of the information to both parties to the action.

In the event a party resides more than fifty (50) miles from Warren County and seeks to attend another Court's parenting class, such party must obtain pre-approval by contacting the Court Administrator at 513-695-2586.

Seminar attendance may also be required by order of the Court in connection with motions for post-decree relief concerning custody or parenting time issues.

#### **4.3 Basic Parenting Schedules Warren County.**

This Court has adopted Basic Parenting Schedules Warren County (available on the Domestic Relations Court Document Center.)

#### **4.4 Interview of Child by Court.**

All interviews of children will be scheduled at the discretion of the Court and conducted in accordance with Ohio Revised Code §3109.04(B)(2). The interviews will be recorded and shall remain confidential.

#### 4.5 Appointment of Guardian Ad Litem (GAL).

##### A. Appointment.

In any case in which the allocation of parental rights and responsibilities is to be determined, the Court in its discretion or upon motion of either party, may appoint a guardian ad litem for the child/children. The guardian ad litem shall be selected from the list of approved guardians ad litem maintained by the Court. The GAL shall serve until the Court enters a final order in the case.

##### B. Scope.

The guardian ad litem shall perform any functions necessary to protect the best interests of the child/children, including those duties set forth in the Order Appointing Guardian Ad Litem (GAL Form 1, available on the Domestic Relations Court Document Center).

##### C. Procedure.

A party requesting appointment of a GAL must file a motion, set the matter for hearing, and serve the other party pursuant to the Ohio Rules of Civil Procedure. The Court may also appoint a GAL sua sponte. In either case, if the Court appoints a GAL, the Court shall file GAL Form 1.

##### D. Fees.

1. If the Court appoints a GAL sua sponte or as a result of a party's motion, the order appointing the GAL may order a party or parties to deposit funds with the Clerk of Courts or with the GAL's trust account. The Court shall have discretion concerning the amount of the initial deposit.
2. A GAL request for payment of fees shall be made pursuant to Rule of Superintendence 48.02.

##### E. Reports.

Guardian ad litem reports shall be submitted to the DR Office (**not filed with the Clerk of Courts**) and served upon the attorneys/self-represented parties at least fourteen (14) days prior to trial. The GAL report shall be accepted into evidence as the GAL's direct testimony, and he or she may be subject to cross examination by either party. If either party intends to call the GAL as a witness, such party shall subpoena the GAL at least seven (7) days prior to trial. Unless subpoenaed, the GAL need not appear at trial. The party issuing a subpoena to the GAL is responsible for paying the fee for the GAL's appearance, unless otherwise ordered by the Court. If both parties issue a subpoena, the parties shall divide the GAL's appearance fee.

F. Comments/Complaints.

Any comments or complaints regarding the performance of a guardian ad litem appointed pursuant to this rule shall be in writing and shall be directed to the Court Administrator.

A copy of comments or 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 or complaints to the Domestic Relations Judge for consideration and appropriate action. The Court Administrator shall maintain a written record in the guardian ad litem's file regarding the nature and disposition of any comment or complaint and shall notify the person making the comment or complaint and the subject guardian ad litem of the disposition.

Motions to remove a guardian ad litem shall be scheduled for hearing before the Judge or Magistrate assigned to determine the allocation of parental rights and responsibilities.

G. Qualifications.

Guardians ad litem shall be approved by the Court upon request. GALs must comply with all state-mandated training requirements (see Ohio Rule of Superintendence 48). All prospective GALs must submit an application (see GAL Form 2, available on the Domestic Relations Court Document Center), a background disclosure statement (see GAL Form 3, available on the Domestic Relations Court Document Center), submit to a background check (civil and criminal) and annually provide proof of compliance with Rule 48.

H. Annual Certification.

The Court shall annually conduct a review of its GAL list to determine that all individuals are in compliance with the training and education requirements of Rule 48, that they have performed satisfactorily on all assigned cases during the preceding calendar year and are otherwise qualified to serve.

All individuals on the guardian ad litem list shall certify annually that they are unaware of any circumstances that would disqualify them from serving, and shall report in writing the training they have attended to comply with Rule 48.

#### **4.6 Psychological or Psychiatric Examinations.**

A. Appointment.

The Court may appoint a psychologist or psychiatrist to conduct an evaluation on the issues of custody and/or parenting time in order to assist the Court in allocating parental rights. The Court will allocate the costs of the evaluation between the parties. The psychologist or psychiatrist will be the Court's witness. Absent written Court approval, neither attorney/self-represented party shall provide any documents to such person, other than a trial

notice, or communicate, or cause any third party to communicate, with the psychologist or psychiatrist.

**B. Report.**

The psychologist or psychiatrist will provide the Court with the original written report and recommendations (including case name and number, the date of hearing and the name of the assigned Judge or Magistrate) no less than thirty (30) days prior to the hearing unless otherwise ordered, with copies mailed to counsel for each party, or to a party if self-represented. The report shall be accepted into evidence as the psychologist's or psychiatrist's direct testimony, and he or she may be subject to cross examination by either party. A party desiring to cross examine shall arrange for the psychologist's or psychiatrist's appearance at the hearing and is responsible for paying the fee for that appearance.

**4.7 Residence of Minor Children.**

All final decrees or entries designating parental rights and responsibilities must order the custodial parent not to remove the child/children from the State of Ohio (unless the custodial parent already resides outside of Ohio) for the purpose of establishing residency for them in another state without either (1) a Court order approving such change and establishing a parenting schedule or (2) an agreement signed by the parties.

**4.8 Notice of Intent to Relocate.**

**A. Filing of Notice.**

If a parent of a minor child/children intends to relocate, that party must file a Notice of Intent to Relocate with the Clerk of Courts and mail a copy to the other party, in addition to notifying the CSEA. Copies of the Notice of Intent to Relocate (DR Form 8) are available in the DR Office and available on the Domestic Relations Court Document Center. Notice must be sent within the following timeframes:

1. if relocating within Warren County – at least thirty (30) days in advance of the move;
2. if relocating outside Warren County – at least sixty (60) days in advance of the move.

**B. Motions.**

If either party seeks a change in parenting orders as a result of relocation, that party shall file a motion with the Court and schedule a hearing.

#### **4.9 Transfer of Juvenile Court Support Cases to Domestic Relations Court.**

If there is a Warren County Juvenile Court child support order for the benefit of one or more of the parties' children, and if the order should be transferred to DR Court, appropriate motions must be filed in both Courts.

The Juvenile Court motion should request transfer of the case to DR Court. This Motion must be filed with the Warren County Juvenile Court. The transfer can be accomplished by submitting an Agreed Entry or by Court order following a hearing if the matter is contested.

The DR Court motion should request that the DR Court accept the transfer. This Motion shall be filed with the DR Court. The transfer into DR Court can be accomplished by submitting an Agreed Entry or by Court order following a hearing if the matter is contested.

## **PART FIVE Dispute Resolution**

### **5.1 Conciliation.**

- A. A motion and entry/order for conciliation must be filed in accordance with O.R.C. 3105.091. (Note that O.R.C. 3117 does not apply to this Court.) The motion shall contain the following:
  - 1. name of the counselor;
  - 2. statement of required type of counseling;
  - 3. the time length for counseling;
  - 4. any other conditions requested.
- B. The entry/order granting conciliation shall stay the case for up to ninety (90) days and shall include a notice of hearing for a status conference at the end of the conciliation period.

### **5.2 Mediation.**

- A. Mediation Order.

At any time after service of summons in any action for divorce, legal separation or annulment, or at any time after the filing of a post-decree motion, the Court may order both parties into mediation in accordance with O.R.C. 3109.052. Mediation may be provided by a Court employed mediator. That Court employed mediator may not sit as a Magistrate on that case. All private mediators must be qualified as set forth below in Local Rule 5.2 (F).

B. Scope.

The Court may order mediation of parenting issues pursuant to RC 3109.052. The parties may agree to mediate any other pending issues with a private mediator.

C. Criteria.

1. In considering whether to order a case to mediation or whether to continue with mediation once it is ordered, the Court and/or mediator will consider relevant factors, including the following:
  - a. whether either party has been convicted of or pled guilty to a violation of O.R.C. 2919.25, or whether either party has committed an act resulting in a child/children being adjudicated to have been abused; in either case, mediation will be ordered only if the Court determines that it is in the best interests of the parties for mediation to proceed and supports that determination with specific written findings of fact;
  - b. whether one party is genuinely in fear of the other where domestic violence is alleged, regardless of whether there is a conviction;
  - c. whether one or both parties are alleged to have a significant drug and/or alcohol dependency;
  - d. whether one of the parties is mentally ill or has significant psychological problems that might interfere with mediation; and
  - e. whether the physical distance between the parties is so great that it is not feasible for them to maintain a consistent mediation schedule.
2. Mediation will not be used:
  - 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.

However, nothing in this rule 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.

3. When violence and/or fear of violence is alleged, suspected or present, mediation may only occur if the mediator has specialized training as set forth in the Ohio Rule



of Superintendence 16(C)(2) and all of the conditions contained in Ohio Rule of Superintendence 16(B)(2) are met.

D. Procedure.

1. When the Court orders mediation, a mediation order shall be filed. Both parties shall complete a mediation intake form. The mediation intake form will include information to facilitate screening for domestic violence.
2. If a Court employed mediator is to be used, the mediation coordinator shall schedule the first mediation session. If a private mediator is to be used, the parties or, if represented, the attorneys, shall advise the mediation coordinator within seven (7) days of the identity of the private mediator.
3. An order to mediate will not stay the implementation of any temporary orders issued by this Court nor any scheduling order/discovery matter or hearing.
4. At the conclusion of mediation, the mediator shall submit a mediation report to the Court (which shall not be filed in the Court's case file) and provide copies to the parties and their attorneys if represented. A mediation report shall indicate whether an agreement has been reached on any of the issues that were the subject of the mediation.
5. Any written agreements shall be forwarded to counsel and a copy given to the parties. Mediation agreements shall not be filed with the Court.
6. Any agreement reached during mediation shall not be binding upon the parties until approved by the attorneys/self-represented parties, and by the Court, which shall consider the best interests of the child/children when allocating parental rights and responsibilities and/or establishing a parenting schedule. The mediation agreement becomes binding when it is filed with the Court as an Agreed Entry or as a Court Entry.
7. Pursuant to Ohio Rule of Superintendence 16, parties are permitted to have their attorneys and other individuals they designate accompany them and participate in mediation. Attorney attendance, or attendance by anyone other than the parties, although not expected or encouraged, will be allowed only if sufficient advance notice is given so that opposing counsel may be notified and given an opportunity to attend.
8. Children shall not be brought to the mediation session.
9. Where appropriate, the mediator will provide appropriate referrals to legal counsel and other support services for all parties.

E. Cost of Mediation.

Court connected mediation is provided at no cost to the parties. The Court shall retain the right to consider the cost allocation of private mediation upon request by either party and for good cause shown.

F. Mediator Qualifications.

Private mediators shall have minimum qualifications as set forth in Rule 16 of the Rules of Superintendence for the Courts of Ohio. See also paragraph C. 3. of this rule regarding domestic violence. All mediators are encouraged to comply with the Model Standards of Practice for Family and Divorce Mediation.

G. Confidentiality.

Statements made during the course of mediation assessment or the mediation sessions are privileged and shall not be admissible as evidence in any subsequent proceeding in this Court except as required by law. O.R.C. §2317.02 and §2710.01 et seq. This rule does not require the exclusion of any evidence, which is otherwise discoverable, merely because it is presented in the course of mediation.

No electronic monitoring or use of social media of any type is permitted during mediation. This includes, but is not limited to, cell phones, recording devices, facetime, etc.

### **5.3 Cooperative Dispute Resolution.**

A. Definitions.

1. “Cooperative Dispute Resolution” (“CDR”) is a Court ordered dispute resolution process in which the Court Assessor provides an advisory opinion of the probable outcome of any parenting, assets/debts or support dispute. CDR is not mediation.
2. The “Court Assessor” (“Assessor”) is a Court appointed individual who conducts the CDR session and meets all of the following qualifications:
  - a. a minimum of twelve hours of basic mediation training;
  - b. a minimum of forty hours of specialized family or divorce mediation training;
  - c. fourteen hours of specialized training in domestic abuse issues provided by the Supreme Court of Ohio Dispute Resolution Section; and
  - d. in the future, the Assessor will not be assigned as a hearing officer to decide any issues pending between the parties.

3. “CDR Communication” means a statement, whether oral, verbal or nonverbal, that occurs during a CDR session or is made for purposes of considering, conducting, participating in, initiating, continuing or reconvening a CDR session.

B. Scope.

The Court may order a CDR session of any parenting issues, assets/debts division issues or support issues.

C. Criteria.

In considering whether to send a case to CDR, the Court, and/or the Assessor will consider all relevant factors including, but not limited to, the factors addressed above in Section 5.2(C).

D. Cost.

There shall be no additional Court costs for the CDR session.

E. Procedure.

1. The parties may request CDR through a motion to the Court. Also, the Court, on its own motion, may order the case, in whole or in part, to CDR.
2. When the Court orders CDR, a CDR order shall be filed specifying the nature of the CDR session (parenting, assets/debts and/or support).
3. An order to CDR will not stay the implementation of any temporary orders issued by this Court nor any scheduling order/discovery matter or hearing.

F. Brief.

1. Two weeks prior to the CDR session, each party shall submit the Parenting Perspective Brief, Division of Assets/Debt Brief and/or Spousal Support Intake Brief to the Court. Parties shall deliver a copy of the Brief(s) to opposing counsel (or the other party if self-represented).
2. The Brief shall NOT be filed in the Court file.
3. The Court’s copies of the Brief(s) shall be shredded upon completion of the CDR process.
4. If either party fails to timely submit the Brief(s) to the Court and/or opposing party, the Court may impose a fine of up to \$100 and the session will go forward as originally scheduled.

#### G. CDR Session.

At the CDR session, the Assessor will oversee the discussion to allow each party and attorney if represented the opportunity to be heard in an atmosphere of cooperation and respect. The Assessor will seek additional information from the parties or attorneys, if necessary. Once the information is gathered, there will be a short break to provide the Assessor the opportunity to consider the issues and determine probable outcomes for the parties. The Assessor will then present this feedback and options to the parties and counsel if represented. The parties will be given an opportunity to consult privately with their attorneys if represented to review and discuss the Assessor's feedback. The parties will reconvene and discuss results. If the parties come to a full or partial agreement, the parties and or counsel shall report such to the assigned Judge or Magistrate at the scheduling conference following the CDR session. The assigned Judge or Magistrate will require the agreement to be reduced to writing and submitted to the Court within thirty (30) days.

#### H. Confidentiality.

1. Cooperative Dispute Resolution communications are confidential.
2. Exceptions to confidentiality include the following:
  - a. parties may share all CDR communications with their attorneys if represented;
  - b. allegations of abuse or neglect of a child/children;
  - c. certain threats of harm to other people or oneself;
  - d. statements made during the CDR process to plan or hide an ongoing crime;
  - e. statements made during the CDR process that reveal a felony.

#### I. Privilege.

1. CDR communication is privileged and not subject to discovery or admissible as evidence in a judicial proceeding. An Assessor may not be deposed or subpoenaed to testify about any CDR communication unless an exception applies.
2. Exceptions to privilege include the following:
  - a. the CDR communication is otherwise discoverable;
  - b. the CDR communication is an imminent threat or statement of a plan to inflict bodily injury or commit a crime of violence;

- c. the CDR communication is intentionally used to plan, to attempt to commit, or to commit a crime or to conceal an ongoing crime or ongoing criminal activity;
- d. the CDR communication is required to be disclosed pursuant to Ohio Revised Code Section 2921.22.

## **5.4 Parenting Coordination.**

### 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 O.R.C. Chapter 2710, O.R.C. 3109.052, or Sup.R. 16. Parenting Coordination is governed by Sup.R. 16.60-16.66.

“Parenting coordinator” means a court ordered individual who conducts parenting coordination.

“Sua sponte” means the Court has taken notice of an issue on its own motion without prompting or suggestion from either party.

#### **A. Reasons for Ordering 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:

1. The parties have ongoing disagreements about the implementation of a parental rights and responsibilities order or a companionship time order and need ongoing assistance;
2. There is a history of extreme or ongoing parental conflict that previous litigation or other interventions has not resolved and from which the child/children of the parties are adversely affected;
3. The parties have a child/children whose parenting time schedule requires frequent adjustments, specified in an Order of the Court, to maintain age-appropriate contact with both parties, and the parties have been previously unable to reach agreements on their parenting time schedule without Court intervention;
4. The parties have a child/children with a medical or psychological condition or disability that requires frequent decisions regarding treatment or frequent adjustments in the parenting time schedule, specified in an Order of the Court, and the parties have been previously unable to reach agreements on their parenting time schedule without Court intervention;

5. One or both parties suffer from a medical or psychological condition or disability that results in an inability to reach agreements on or to make adjustments in their parenting time schedule without assistance, even when minor in nature;

6. Any other factor the Court determines.

**B. Reasons Not to Order Parenting Coordination.**

The Court shall not order parenting coordination to determine the following:

1. Whether to grant, to modify, or to terminate a protection order or penalty for violation of a protection order;
2. Substantive changes in parenting time; Modification of child support, allocation of tax exemptions or benefits or division of uncovered medical expenses;
3. Changes in the designation of the residential parent or legal custodian; or
4. Change in school placement of a child/children, in the case of shared parenting.

**5.5 Parenting Coordinator Requirements.**

**A. General Education and Training.**

The Court shall appoint an individual as a parenting coordinator who meets all the following qualifications:

1. A master's degree or higher, a law degree, or education and experience satisfactory to the Court;
2. At least three (3) years of significant professional experience with situations involving a child/children, which includes parenting coordination, counseling, casework, legal representation in family law matters, serving as a guardian ad litem or mediator, or such other equivalent experience satisfactory to the Court;
3. Has completed the Supreme Court of Ohio approved training:
  - a. Fundamentals of Mediation training;
  - b. Specialized Family and Divorce Mediation training;
  - c. Specialized Domestic Abuse Issues and dispute resolution;
  - d. Parenting Coordination training.

**B. Continuing Education.**

To maintain eligibility for appointment, a parenting coordinator shall complete at least six hours per calendar year of continuing education relating to children, families, mediation or diversity.

1. 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.
2. The continuing education may include continuing education for lawyers, social workers, or other licenses mental health professionals and professional development events that are acceptable to the Court.

C. Required Documents.

All parenting coordinators must complete and submit the Application for The Parenting Coordinator Appointment List (DR Form 13, available on the Domestic Relations Court Document Center) to the Court. The application shall include:

1. A resume stating the applicant's training, experience and expertise demonstrating the applicant's ability to successfully perform the duties and responsibilities of the parenting coordinator.
2. A copy of the applicant's certificate of completion for each required Supreme Court of Ohio training;
3. Background Disclosure Statement (DR Form 14, available on the Domestic Relations Court Document Center);
4. Proof of current malpractice insurance.

D. Parenting Coordinator Annual Reporting and Review.

1. On or before January 1st of each year, a parenting coordinator shall provide to the Court:
  - a. A list of the parenting coordinator's active parenting coordination cases;
  - b. An updated resume;
  - c. Certification that he/she is unaware of any circumstances that would disqualify him/her from serving as a parenting coordinator; and
  - d. A list of continuing education completed during the previous year, including the sponsor, title, date, and location of each training equaling six hours.

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

2. The Court shall conduct an annual review of each parenting coordinator's qualifications each January and shall remove from the Court's list those parenting coordinators who are no longer qualified.

E. Court Reporting Requirements.

On or before February 1<sup>st</sup> of each year, the Court shall file with the Dispute Resolution Section of the Supreme Court of Ohio all the following:

1. A copy of this Local Rule;
2. A copy of the Court's current roster of parenting coordinators, including the Parent Coordinator's fee structure;
3. A copy of new or updated resume for each parenting coordinator submitted to the Court during the previous year; and
4. A copy of continuing education training for each parenting coordinator.

**5.6 Parenting Coordinator Appointment.**

A. Parenting Coordinator Appointment Order.

The Court's appointment order shall include the following:

1. The name and contact information of the parenting coordinator and the definition and purpose of the parenting coordinator;
2. The scope of authority of the parenting coordinator;
3. The term of appointment, not to exceed 12 months, and is renewable after each 12 months period;
4. The scope of confidentiality;
5. Allocation for payment of the parenting coordinator's fees and expenses;
6. Procedures for decision-making of the parenting coordinator;
7. Procedures for objections to parenting coordinator decisions;
8. Other provisions the Court considers necessary and appropriate; and
9. An order requiring the parties to contact the parenting coordinator within a period of time.

B. Selection of Parenting Coordinator for Appointment.

The parenting coordinator who meets the qualifications in this local rule shall be selected using one of the following:



1. Random selection from the Court's roster of parenting coordinators;
2. Specific appointment based on the type of case and the qualifications and caseload of the parenting coordinator;
3. The parties selecting a parenting coordinator from the Court's roster of parenting coordinators;
4. By any other method approved by the Court.

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 within seven (7) days of the PARENTING COORDINATOR's appointment. The Court will conduct a hearing to address the objection to the appointment of a parenting coordinator.

C. 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, or other mental health role consultant; coach to any family member; mediator; or attorney for either party. Parties shall not waive this prohibition.

D. 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.

## **5.7 Parenting Coordinator Responsibilities.**

A. Model Standards.

A parenting coordinator shall comply with the "2019 Revised Guidelines for Parenting Coordination" the Association of Family and Conciliation Courts Task Force on Parenting Coordination developed. Wherever a conflict exists between the guidelines and this local rule, this rule shall control.

B. 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 this local rule.

C. Competence or Ability to Perform Duties.

A parenting coordinator shall report to the Court any activity, criminal or otherwise, that would adversely affect the parenting coordinator's ability to perform the functions of a

parenting coordinator. A parenting coordinator shall decline or withdraw from an appointment or request appropriate assistance in either of the following situations:

1. The facts and circumstances of the case are beyond the skill or expertise of the parenting coordinator; or
2. When personal circumstances, including but not limited to medical conditions, mental health, or substance misuse or dependence, exist that compromise the ability of the parenting coordinator to perform his or her role.

D. Compliance with Appointment Order.

A parenting coordinator shall comply with the requirements of and act in accordance with the appointment order the Court issued.

E. 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.

F. Conflicts of Interest.

1. A parenting coordinator shall avoid any conflicts of interest arising from any relationship 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. A parenting coordinator shall avoid self-dealing or associations from which the parenting coordinator may benefit, directly or indirectly, except from services as a parenting coordinator.
2. Upon becoming aware of a conflict of interest, a parenting coordinator shall advise 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.
3. A parenting coordinator shall avoid serving in multiple roles with the same family, even with the consent of the parties.

G. Ex parte Communications.

A parenting coordinator shall not have ex parte communications with the Court regarding substantive matters or issues on the merits of the case.

H. Legal Advice.

A parenting coordinator shall not offer legal advice.

I. Confidentiality, Privilege and Public Access.

1. Confidentiality: Except as provided by law, communications made between parenting coordinator, parties, other relevant parties and the court shall not be confidential.
2. Privilege: Except as provided by law, parenting coordination communications shall not be privileged.
3. 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.

J. 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.

K. Disclosure of Abuse, Neglect, and Harm.

1. 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
2. A parenting coordinator shall report child abuse or neglect pursuant to the procedures in ORC 2151.421.

**5.8 Parenting Coordination Procedures.**

A. Screening for Domestic Abuse and Domestic Violence.

1. 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.

B. Parties Attendance and Participation.

1. Parties shall contact and meet with the parenting coordinator within thirty (30) days of the appointment order.
2. 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.
3. A parenting coordinator shall allow attendance and participation of the parties and, if the parties request, their attorneys if represented, and any other individuals the parties designate. A party shall notify the parenting coordinator at least one (1) week before the session should a party want his/her attorney if represented or other designated individual to attend.
4. Parties shall notify the parenting coordinator and the Court of any changes to address, telephone number, and electronic mail address.
5. The parenting coordinator may file a Motion with the Court regarding noncompliance and request that sanctions be levied against offending parties.

C. Fees.

1. The Parenting Coordinator shall submit information annually regarding his/her fee structure to the Court for inclusion on the Court's roster of parenting coordinators. The Court's Parenting Coordinator Referral List lists parenting coordinators and their fees.
2. The Parenting Coordinator shall execute a contract for services with the parties.
3. The Parenting Coordinator shall set and collect fees for services.
4. The Parenting Coordinator shall submit a monthly billing statement to the parties.

D. Stay of Proceeding.

Referral of a case to parenting coordination will stay the case. At the commencement of the stay the Court will set a Review hearing in 60-90 days. The Order granting the Parenting Coordination shall include a notice of hearing for the Review. The Clerk of Court shall not

accept for filing any documents while a case is stayed for parent coordination with the following exceptions:

1. A parent coordinator's decision;
2. An objection to a parenting coordinator's decision;
3. A motion to lift the stay;
4. A response to a motion to lift the stay;
5. An application to dismiss the case;
6. A notice related to counsel;
7. A motion for changes in the designation of the primary residential parent or legal guardian;
8. A motion for changes in the primary placement of a child/children;
9. A motion regarding matters unrelated to the issues referred to the parenting coordinator; and
10. A motion to remove a parenting coordinator.

E. 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.

F. 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 all necessary authorizations to release records and information to the parenting coordinator.

G. Referrals to Support Services.

1. A parenting coordinator may provide to the parties information regarding appropriate referrals to community resources, such as legal counsel, counseling, parenting courses or education.
2. The parenting coordinator shall provide necessary support services to the parties concerning victims and suspected victims of domestic abuse and domestic violence.

## H. Parenting Coordination Agreements and Decisions.

### 1. 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.

### 2. 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 in effect until further order of the Court. The parenting coordinator shall provide copies to the court, the parties and their attorneys, if applicable. The decision shall be immediately filed with the Clerk of Court pursuant to the Ohio Rules of Civil Procedure Rule 4 to 4.6. and emailed to the parties and their attorneys, if applicable. All filing fees shall be waived for the parenting coordinator. The decision shall include all the following:

- a. Case caption pursuant to Local Rule 1.1B;
- b. Date of the decision;
- c. The decision of the parenting coordinator;
- d. Facts of the dispute and facts upon which the decision is based;
- e. Reasons supporting the decision;
- f. The manner in which the decision was provided to the parties;
- g. Any other necessary information.

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 any party timely files objections, any other party may also file objections with the Clerk of Court 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. A judge or magistrate shall issue a ruling on the objections.

## I. Parenting Coordinator Evaluations and Complaints.

1. The court shall complete a review of the parenting coordinators on the Court's roster in January of each year.

2. A party to a case appointed to parenting coordination may file a complaint regarding the parenting coordinator within one (1) year from the termination of the appointment. The complaint shall be submitted to the court, and include all the following:
  - a. Case caption pursuant to Local Rule 1.1B;
  - b. The name of the parenting coordinator;
  - c. The name and contact information for the person making the complaint;
  - d. The nature of any alleged misconduct or violation;
  - e. The date the alleged misconduct or violation occurred.
3. The court shall provide a copy of the 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.
4. The court shall investigate the allegations and shall issue a timely response which shall not exceed more than ninety (90) days after the complaint was received.
5. Dissatisfaction with the decisions of the parenting coordinator does not constitute misconduct.

J. Confidentiality and Privilege.

Communications made as part of parenting coordination, including communications between the parties and their child/children and the parenting coordinator, communications between the parenting coordinator and other relevant parties, and communications with the Court, shall not be confidential. Parenting coordination shall not be privileged.

K. Public Access.

A parenting coordinator's files, not filed with the Clerk of Court or submitted to the Court, shall not be available for public access pursuant to Rules 44 through 47 of the Rules of Superintendence for the Courts of Ohio.

L. 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 fees. All filing fees shall be waived for the parenting coordinator.

## **PART SIX**

### **Decrees/Entries/Magistrate's Decisions/Orders**

#### **6.1 Decrees and Judgment Entries in Contested Matters.**

##### **A. Disagreement Concerning Documents Prepared by Counsel/Self-Represented Party.**

If an attorney/self-represented party prepares the necessary document but opposing counsel/self-represented party objects to the document as to form or because it does not accurately embody the Court's decision, counsel/self-represented party shall indicate objections by affixing the words "subject to objection" under the signature. Counsel/self-represented party shall then prepare his or her own entry, sign it and submit the original to the other attorney/self-represented party along with the entry previously provided to him or her by the other attorney/self-represented party. Either or both counsel/self-represented party shall then set the matter for a hearing on the entry as soon as possible. Each attorney/self-represented must present a draft entry to the Judge/Magistrate at such hearing. The Judge/Magistrate shall approve and file one or the other of the submitted entries or shall prepare and file their own entry or decision.

##### **B. Failure to Respond to Draft Documents.**

Prior to the matter being set for Entry/Dismiss if one attorney/self-represented party prepares the necessary document(s) as noted above but opposing counsel/self-represented party fails to respond with approval or objections, or if the attorney/self-represented party fails to timely prepare the necessary document(s) as noted above, counsel/self-represented party may file a "Notice of Presentation of Entry" with the Court in compliance with DR Form 9 (available on the Domestic Relations Court Document Center). Such notice shall include the following:

1. Notice to the opposing counsel/self-represented party that the proposed entry will be presented to the Court for approval after the expiration of fourteen (14) days from the date of mailing unless the other attorney/self-represented party, within the fourteen (14) days, files a written objection stating the grounds with particularity, attaches his/her own proposed entry and sets the matter for hearing.
2. Failure to file written objections and/or to set a hearing will be considered as a waiver to the filing of the proponent's entry.
3. The "Proposed Entry" and the original Entry shall be provided with the notice and signed by the submitting party and/or counsel.

If, after the expiration of the fourteen (14) day period, opposing counsel/self-represented party has not filed a written objection, the original Entry will be taken to the assigned Judge/Magistrate for consideration.



- C. Nothing in this rule precludes the Judge/Magistrate from preparing and filing his or her own entry/decision at any time.

## **6.2 Decrees and Judgment Entries in Agreed Matters.**

When a matter scheduled for hearing is settled by agreement on the record, the attorneys/self-represented parties shall present an Agreed Entry endorsed by both counsel, or parties if self-represented, within thirty (30) days of the hearing. If counsel/self-represented party cannot agree on the entry, they shall schedule a conference with the Court. A transcript must be obtained and presented at the conference.

## **6.3 Failure to Timely Submit Entries (“Entry or Dismiss”)**

Attorneys/self-represented parties who fail to timely submit entries will be given notice to appear to present entry or face contempt and/or dismissal of the pending matter. Attorney/self-represented party attendance is **mandatory** unless excused by the Court. If only one Entry is submitted to the Court, the Court will consider filing that Entry.

## **6.4 Compliance and Procedure for Filing Decrees, Entries, Magistrate’s Decisions, Orders.**

### **A. Compliance.**

All final decrees/entries must be submitted to the DR Office for compliance review prior to filing. The documents will be reviewed to determine compliance with Local Rules, mandatory statutory language and completion of all required Court forms. If the documents are approved by the DR Office, they will be filed with the Clerk of Courts. If the documents are not approved, the person responsible for their preparation will be contacted and required to make the necessary changes, and resubmit the documents to the DR Office.

### **B. Other Filings.**

All Court filings requiring a Judge or Magistrate’s signature shall be submitted to the DR Office. Court personnel will present the documents to the appropriate Judge or Magistrate for signature. The signed documents will then be filed with the Clerk of Courts unless other instructions are given.

### **C. Notifications.**

All decrees, entries and decisions that address child support and/or health insurance shall adopt the Notifications (available on the Domestic Relations Court Document Center) and they shall be attached thereto and incorporated herein.

## **6.5 Agreed Modification of Parental Rights.**

Parties who agree to a modification of parental rights and responsibilities shall submit an Agreed Entry with the appropriate attachments to the DR Office for compliance review.

## **6.6 Waiver of Support Arrearages.**

An obligee seeking to waive support arrearages must file a written motion, schedule a hearing and appear in person before the Court. The Court may waive appearance for good cause shown. At the hearing, the party seeking to waive the arrearages must bring a copy of an Audit prepared by the Warren County Child Support Enforcement Agency. If both parties are represented by counsel, an Agreed Entry may be filed in lieu of a hearing. Any waiver of arrearages has no effect on money that may be owed to any governmental agency.

## **6.7 Personal Property.**

If personal property has been divided and exchanged before the divorce decree is filed, the decree shall include the following language: "All personal property has been divided and exchanged."

If personal property has not been divided and exchanged before the divorce decree is filed, the decree shall include the following language: "The parties shall exchange and divide all personal property no later than thirty (30) days after the filing date of the final decree. If the parties cannot agree upon a date to conduct this division and exchange, the date for the division and exchange of personal property shall be at 12:00 noon on the 30<sup>th</sup> day following the filing of the decree. If either party fails to abide by the terms of the final decree regarding the division and exchange of personal property, the Court shall entertain a motion for contempt or a motion to compel the division or exchange of personal property. The Court will only entertain these motions if filed by a party on or before the 30<sup>th</sup> day after the expiration of the thirty (30) day period."

## **6.8 Legal Description Approval.**

Any legal description of Warren County real estate that is incorporated into an entry for recording purposes must be reviewed by the Warren County Tax Map Department as to content and legibility and by the Auditor's Office to ensure that ownership names are consistent with the County Auditor's records. These legal descriptions will be mailed with a verification stamp upon approval of the Auditor's Office and Tax Map Department.

## **6.9 Qualified Domestic Relations Court Orders ("QDRO").**

### **A. Preparation.**

1. Unless otherwise agreed, counsel/self-represented party for the alternate payee entitled to a portion of the other spouse's pension or retirement plan shall be responsible for the preparation of the QDRO for submission to the Court. The pension participant shall sign any releases necessary to facilitate drafting of the QDRO.
2. Whenever the parties agree to divide a pension or retirement program by a QDRO, they and their counsel/self-represented party shall sign and approve the original of a

QDRO submitted to the Court, and shall sign and approve any subsequent QDRO submitted to the Court, unless waived by the Court.

3. The QDRO shall be prepared and submitted to the Court with the final decree, or as soon as possible thereafter. The Court will file properly executed QDROs with the Clerk of Courts however it is not the practice of the Court to mail the documents to the pension or retirement plan.

B. Assumptions.

1. Unless otherwise agreed, a QDRO for a defined benefit plan shall contain the following provisions or shall be governed by the following assumptions:
  - a. the QDRO will be a separate interest QDRO, meaning the alternate payee's benefits shall be independent of those of the participant;
  - b. the division of benefits shall be based on the language of the case of *Hoyt v. Hoyt*, 53 Ohio St. 3d 177 (1999) and its progeny;
  - c. the benefits assigned to the alternate payee shall include any and all temporary and supplemental benefits. Further, the benefits assigned to the alternate payee shall include all early retirement subsidies and, should the alternate payee commence receipt of benefits prior to participant's retirement, the alternate payee's benefits will be recalculated to reflect the subsidy;
  - d. the alternate payee will be deemed to be the surviving spouse of the participant to the extent of benefits assigned for the purpose of a pre-retirement survivor annuity;
  - e. The division of the benefits will be the date of the final hearing of the case.
2. Unless otherwise agreed, a QDRO for a defined contribution plan shall contain the following provisions or be governed by these assumptions:
  - a. the division of benefits will be the date of the final hearing of the case;
  - b. the alternate payee's share of the benefits shall be credited with investment earnings and/or losses from the date of division until distribution;
  - c. the QDRO will allow an immediate lump sum distribution of the alternate payee's benefits;
  - d. any loans from the plan shall be charged to the participant's benefits and will remain the obligation of the participant;

- e. the alternate payee's share of the benefits will reflect credit for sums deposited into the plan after the date of division which are based on service for periods prior to the date of division.

### C. Mandatory Language.

In all cases in which a QDRO is to be issued, the final judgment entry shall contain the following language:

1. "The Court retains jurisdiction with respect to the Qualified Domestic Relations Order to the extent required to maintain its qualified status and the original intent of the parties. The Court also retains jurisdiction to enter further orders as are necessary to enforce the assignment of benefits to the non-participant as set forth herein, including the recharacterization thereof as a division of benefits under another plan, as applicable, or to make an award of spousal support, if applicable, in the event that the participant fails to comply with the provisions of this order."
2. "The participant shall not take actions, affirmative or otherwise, that can circumvent the terms and provisions of the Qualified Domestic Relations Order, or that may diminish or extinguish the rights and entitlements of the participant."

### 6.10 Division of Pension Orders ("DOPO").

The division of retirement benefits for members of the Ohio Public Employees Retirement System (OPERS), State Teachers Retirement System (STRS), School Employees Retirement System (SERS), Ohio Police and Fire Pension Fund (OP&F), and Ohio Highway Patrol Retirement System (HPRS) shall conform with the requirements of each agency's respective administrative rules. The terms of Local Rule 6.9 apply to DOPOs to the extent such terms are not in conflict with the statutory requirements of DOPOs. DOPOs shall indicate the method of service to the proper agency whether by the Clerk of Courts or other method of service.

Specific retirement information may be found for the respective agencies on the Internet at [www.opers.org](http://www.opers.org); [www.strsoh.org](http://www.strsoh.org); [www.ohsers.org](http://www.ohsers.org); [www.op-f.org](http://www.op-f.org) and [www.ohprs.org](http://www.ohprs.org).

## PART SEVEN Special Accommodations

### 7.1 Special Accommodations.

Any person who requires special accommodations because of a handicap or disability shall notify the Court of his or her special requirements at least ten (10) days before a scheduled Court appearance. The Court shall comply with all reasonable requests for assistance, including providing interpreters without additional cost, except as described in Local Rule 7.2.

## **7.2 Interpretive Services.**

When interpretive services are needed, the attorney or party requesting an interpreter shall make a written request to the DR Office by submitting a Notice of the Request (DR Form 17, available on the Domestic Relations Court Document Center) to [DRFilings@co.warren.oh.us](mailto:DRFilings@co.warren.oh.us) thirty (30) days prior to the scheduled hearing. The Court will then arrange for an interpreter for the hearing. The requesting party's failure to appear at the hearing may result in that party being held responsible for payment of the interpreter's fees.

If a matter that has an interpreter scheduled must be continued less than 48 hours prior to the hearing, the continuing party may be held responsible for payment of the interpreter's fees, subject to the Court's discretion.

# **PART EIGHT**

## **Records Retention Schedule**

### **8.1 Necessity.**

The purpose of this rule is to establish a system for court records management and retention, to provide the minimum standards for production, maintenance, preservation and destruction of records within the courts and to authorize alternative electronic methods and techniques for record preservation in accordance with the Ohio Supreme Court's Superintendence Rule 26.

### **8.2 Retention.**

Any records not specifically listed herein or in the Superintendence Rule 26 will be retained according to the General Retention Schedule of Warren County and any other records retention schedule for court records put forth by the Warren County Records Commission.

### **8.3 Adoption.**

The adoption of this rule is consistent with the Superintendence Rule 26, and the adoption thereof by the Warren County Records Commission.

## **PART NINE**

### **Electronic Mailing of Notices and Documents by the Court**

#### **9.1 Email.**

The preferred method for distribution of documents by the Court shall be by Electronic Mail. In the absence of a valid email address, Court documents will be sent by Regular U.S. Mail.

All Parties and Counsel are responsible for providing the Clerk of Courts with an accurate email address.

#### **9.2 Request for Mailing of Notices and Documents by Regular U.S. Mail.**

Any attorney/self-represented party who does not wish to receive documents by email shall file a NOTICE OF REQUEST FOR DISTRIBUTION BY U.S. MAIL (DR Form 3, available on the Domestic Relations Court Document Center) in each case in which they do not wish to receive electronic documents. A copy of this request shall be filed with the Court.