Erie County Court of Common Pleas
Domestic Relations Division

Local Rules of the Court

For the Domestic Relations Division

Judge Roger E. Binette
Judge Tygh M. Tone
Judge Beverly K. McGookey

Enacted January 1, 2025

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DR RULE 1.1 - SCOPE OF RULES

A. The Domestic Relations Division of the Common Pleas Court for Erie County, Ohio, adopts the following rules for the management of proceedings and other functions of the Court pursuant to Rule 5 of the Rules of Superintendence for the Courts of Ohio. The Court may amend these rules from time to time as needed or required by law.

B. These rules are intended to supplement and complement the Ohio Rules of Civil Procedure, the Superintendence Rules of the Supreme Court of Ohio, and other controlling statutes. If there is a conflict between these rules and the Ohio Rules of Civil Procedure, the Ohio Rules of Civil Procedure shall control.

C. These rules shall be applied, construed and enforced to avoid inconsistency with other rules of the court and statutes governing proceeding of this Court. In their application, they shall be construed so as to provide fairness and to secure a just, expeditious and efficient determination of all proceedings. They shall apply to proceedings pending at the time they take effect.

D. These rules shall be effective January 1, 2025, and supersede all previous rules promulgated by this Court.

Effective Date: 1-1-2025
Amended: -----

DR RULE 1.2 - JURISDICTION OF THE DOMESTIC RELATIONS DIVISION

A. **In General:** Pursuant to R.C. §2301.03, the Judges of the Court are designated as the Judges of the Erie County Court of Common Pleas, Domestic Relations Division. The Judges of the Court have all of the powers relating all domestic relations cases, except those which are assigned to some other Judge of the Court of Common Pleas for some special reason. The following types of actions shall be filed in the Domestic Relations Division of this Court, and all pleadings concerning said actions shall be filed with the Clerk of Court at 323 Columbus Avenue, 1st Floor, Sandusky, Ohio, except as otherwise provided in this rule:
   1. All domestic relations actions;
   2. Civil domestic violence and civil stalking protection actions;
   3. Relief from Judgment actions pursuant to R.C. §3119.96 et. seq.; and,
   4. Administrative appeals from orders entered by the Erie County Child Support Enforcement Agency (CSEA).

B. **Obligation to Notify:** The party initiating an action involving parenting or support of minor children shall inform the Court in writing of the status of any prior or pending action in any domestic relations or juvenile court, including the amount of any prior support orders. Any action involving parenting or visitation, whether pending or post decree, and whether raised by complaint, counterclaim, or motion must be accompanied by a parenting proceeding affidavit pursuant to R.C. §3127.23. To satisfy this requirement the parties may use Ohio Supreme Court "Uniform Domestic Relations Form Affidavit 3 – Parenting Proceeding Affidavit." Said form can be found at www.supremecourt.ohio.gov/forms/all-forms/domestic-relations-and-juvenile-standardized/1.

C. **Jurisdiction with courts outside the state:** If any parenting or support order has been entered by any court outside this state, an order regarding such issue(s) will be entered only upon a showing that jurisdiction properly lies with this Court pursuant to the Uniform Child Custody Jurisdiction Act if the issue is parenting and/or visitation, or upon a showing that this Court otherwise had jurisdiction to entertain an action including personal jurisdiction over both parties, if the issue is other than parenting and/or visitation.

Effective Date: 1-1-2025
Amended: -----

DR RULE 1.3 - ASSIGNMENT OF CASES WITHIN THE DOMESTIC RELATIONS DIVISION

A. **Random Selection:** Actions filed in the Domestic Relations division shall be assigned to a judge by the Clerk of Courts through a process that ensures a random selection of the judge in accordance with the Rules of Superintendence.

B. **Reassignment:** Cases may be reassigned in the following circumstances:
   1. **Prior or Pending Cases:** Actions filed in which the same parties have previously engaged, or are currently engaged in litigation in this Court shall be reassigned to the previously assigned judge or the successor judge.
   2. **Simultaneous Filings:** When both parties have filed complaints for divorce, legal separation, or annulment, the court shall consolidate the cases. The matter shall proceed under the case number of the complaint upon which service was obtained first. The other complaint shall operate as the counterclaim when it is served. Simultaneous civil protection order cases will not be consolidated. However, at the discretion of the Court, and with notice to the parties, competing claims for a protective order may be consolidated for trial purposes only.

C. **Exception for Matters involving the Erie County Child Support Enforcement Agency:** Pursuant to an Judgment Entry filed in the Erie County Common Pleas Court under 2007 MS 0025, in the interests of judicial economy, the Judge of the Juvenile Division is assigned to preside over all Complaints, Motions, Applications and proceedings of every kind filed by the Erie County Child Support Enforcement Agency.

D. **Exception for Matters involving Protection Orders:** In the interest of Judicial Economy, and to expedite the hearing of ex parte filings, Civil Protection Order cases shall be handled pursuant to the protocol established in the Agreed Judgment Entry filed in the Erie County Common Pleas Court under 2021 MS 0141.

Effective Date: 1-1-2025
Amended: -----

DR RULE 1.4 – ASSIGNMENT OF CASES TO MAGISTRATES

A. **Magistrate's Authority:** All Magistrates appointed by this Court have full authority and power set forth in Civ.R. 53, Civ.R. 65.1 and Civ.R. 75. Magistrates are further awarded all other powers as set forth in the statutes of the State of Ohio and the local rules of this Court. Magistrates of this Court shall continue to issue Orders and Decisions when the authority to issue orders and decisions is specifically conveyed by statue or rule to a Magistrate.

B. **Magistrate's Hearings:** The Magistrate shall conduct hearings and shall exercise the power to regulate all proceedings in every hearing as if by the Court and do all acts and take all measures necessary or proper for the efficient performance of the Magistrate's duties under this Rule.

C. **Magistrate's Orders:**
   1. **Findings of Fact Not Required:** The Court will not order or require preparation of Findings of Fact and Conclusions of Law with regard to any Magistrate's Order (as defined by Civ.R. 53).

   2. **Motion to Set Aside a Magistrate's Order:**
      a. Motions to set aside a Magistrate's Order shall state with specificity the reasons for the motion.
      b. A motion to set aside a Magistrate's Order does not stay the order unless the Judge or Magistrate grants a stay.
      c. The Magistrate may continue to enter orders while a Motion to set aside is pending.
      d. Unless the Judge decides to directly rule on a motion to set aside a Magistrate's Order, a motion to set aside a Magistrate's Order will be determined by the Magistrate that issued the order. The Magistrate will issue an order that rules on the motion to set aside in a timely manner.

   3. **Motion to Review Magistrate's Order that ruled on a Motion to Set Aside:**
      a. A motion to review a Magistrate's Order that ruled upon a motion to set aside shall be filed within ten (10) days of the filing of the Magistrate's Order on the motion to set aside.
      b. A motion to review a Magistrate's Order that ruled on a motion to set aside shall be determined by the Judge.
      c. The order is not stayed unless the Judge grants a stay.
      d. The motion to review shall state with specificity the reasons necessitating judicial review. Unless otherwise ordered, a transcript of the proceedings is not necessary for a Motion to review a Magistrate's Order that ruled on a motion to set aside.
      e. Within a timely fashion the Judge reviewing the matter may issue a Judicial Order that does one of the following: 1.) summarily grants the motion; 2.) summarily denies the motion; 3.) sets the motion for a hearing on the Judge's docket; or 4.) summarily modifies the Magistrate's Order.

D. **Magistrate's Decisions:**

1. Prior to issuing a Magistrate's decision a Magistrate may, in their sole discretion, require the parties to file proposed Findings of Fact and Conclusions of Law at the close of the presentation of evidence in any case.

2. With regard to a Magistrate's Decision (as defined by Civ.R. 53), any party may request Findings of Fact and Conclusions of Law pursuant to Civ.R. 52 and 53. The request for Findings of Fact and Conclusions of Law must be timely filed pursuant to Civ.R. 52 and 53 (i.e., within seven (7) days of journalization of the Magistrate's Decision).

3. **Objections to a Magistrate's Decision:**
   a. **Filing:** A party filing an Objection to a Magistrate's Decision shall file a written pleading in compliance with Civ.R. 53. A copy of the objection shall be served on opposing counsel or the opposing party, if unrepresented, in accordance with the Ohio Rules of Civil Procedure. The opposing party may file an objection or response within ten (10) days of the filing of the first objection. All objections shall be in compliance with the provisions of Civ.R. 53.
   b. **Specificity:** The objection shall be specific and shall state with particularity the grounds for the objection, including copies of any supporting case or statutory law. Further, any objection to a finding of fact shall be supported by a transcript of all the evidence submitted to the magistrate relevant to that finding or an affidavit of that evidence if a transcript is not available. The Court will accept a recording of the proceedings as an alternative to the transcript. The party objecting to the findings of fact must specifically cite to the transcript or to the time stamp provided in the recording of the proceedings in support of their position.
   c. **Transcripts:** Any party requesting preparation of a transcript of any hearing before a magistrate, or any relevant portion(s) thereof shall make arrangements with the Court's Official Court Reporter.
   d. **Alternate to Transcript:** In lieu of a transcript and for purposes of objections only, a party may request a copy of the recording of the proceedings. Upon payment for the cost of the copy a will be provided in compact disc format. Only a party paying for the cost of a copy shall be provided a copy of said recording.

4. **Waiver of Objection to Magistrate's Decision:** Parties may voluntarily waive their rights to file Objections to the Magistrates Decision to expedite the finalization of agreed matters. Said waiver shall be made in writing using Waiver of Objections to Magistrate's Decision or by including the waiver within the agreed Judgment Entry signed by the parties. To satisfy this requirement the parties may use the Waiver of Objection to Magistrate's Decision located at www.eriecounty.oh.gov/Domestic Relations Div.aspx.

5. **Final Decree Following Magistrate's Decision:** Any Judgment Entry, following a Magistrate's Decision, shall be prepared and delivered to the Court by the party designated by the Magistrate, within fourteen (14) days of the expiration of the objection period or within fourteen (14) days after the Court has ruled upon any objections. The Judgment Entry shall contain complete findings and orders of the Court, without reference to the Magistrate's Decision. It is not acceptable to incorporate the Magistrate's Decision into the final decree of divorce.

6. **<u>Approval Signature Line for Magistrate</u>:** Any Judgment Entry submitted by counsel, following issuance of a Magistrate's Decision, shall contain an approval signature line for a magistrate, in addition to a signature line for the Judge. The signature line for the magistrate shall be placed in the approval column on the left side of the page.

Effective Date: 1-1-2025
Amended: -----

DR RULE 1.5 - COURT COSTS AND DEPOSITS

A. **Initial deposit of costs:** Except as provided in subsection 1.5(B), the Clerk of Courts shall not accept any action or proceeding for filing without a deposit as security for costs in the sums set forth in the Clerk's Schedule of Costs.

B. **Initial deposit not required:** An initial deposit of costs is not required: (1) when a party is filing a civil protection order; (2) when the filing is by the Child Support Enforcement Agency; (3) when the party is required by law to make the filing; or, (4) when the party files an Affidavit of Indigency for Court Costs. Nothing herein shall be construed to prevent the Court from requiring any other party to the action to make a sufficient deposit for costs, or from assessing costs to any party. This rule simply authorizes actions to be filed without an initial deposit.

C. **Affidavit of indigency for court costs:** The Clerk of Courts shall accept pleadings filed without a court cost deposit if a properly executed Affidavit of Indigency for Court Costs is submitted with the pleadings, affirming that the party is without funds or assets to make the initial deposit. Parties may use the Affidavit of Indigency found at www.eriecounty.oh.gov/Domestic Relations Div.aspx.

D. **Judicial review of Affidavit of indigency:** After the filing of an Affidavit of Indigency the Court will determine if there are sufficient facts to support a conclusion that substantial justice required that the party be relieved from making an initial deposit of costs. If, during the course of the proceedings, the Court determines that a party who has filed an Affidavit of Indigency is or has become able to pay the applicable costs deposit, the Court may order that party to pay the deposit within a reasonable period of time.

E. **Additional Deposits:** The court, in its discretion, may require additional deposits toward court costs during the pendency of an action or proceeding.

F. **Responsibility for Costs:** All dispositive judgment entries shall contain a provision allocating payment of costs. In the absence of any provision, after application of deposits, the balance of costs shall be paid as follows: by the Plaintiff in an uncontested divorce, legal separation or annulment proceeding; equally between the parties in a contested divorce proceeding or dissolution proceeding; by the Respondent in a domestic violence or civil stalking proceeding; the obligor in any proceeding relating to the enforcement, modification or termination of a support order, and by the moving party in a post-decree proceeding.

G. **Court Deposits Applied:** Absent a specific order by the Court to the contrary, upon final judgment the Clerk of Courts is directed to apply the deposit to the costs in the case, regardless of the party against whom costs are assessed. The Clerk shall assess the costs against the proper party, reimbursing the deposit when appropriate.

H. **Cost Schedule:** The Clerk of Courts shall publish a schedule of court costs and all deposits shall be made in the amount specified in that Schedule. Said Schedule may be adjusted from time to time. Information regarding the current Cost Schedule may be found at www.eriecounty.oh.gov/Domestic Relations Div.aspx.

Effective Date: 1-1-2025
Amended: -----

TITLE 2 - REQUIREMENTS FOR COUNSEL AND PRO SE LITIGANTS

DR RULE 2.1 – ATTORNEY OF RECORD

A. **Registration:** All Ohio attorneys practicing before this Court shall be registered with the Ohio Supreme Court and licensed in good standing.

B. **Out-of-state attorneys:** Any attorney who is admitted to the practice of law in another state, but not in Ohio, is not permitted to enter an appearance in any case before the Court unless first granted leave to do so by the Court.

C. **Written appearance of counsel:** Any qualified attorney retained in any case in this Court shall promptly enter a written appearance in the case, as counsel of record. No attorney shall appear at a hearing, on behalf of a party, unless that attorney has first entered his or her written appearance as counsel of record for that party, unless otherwise authorized by the Court.

D. **Withdrawal of counsel of record:** Any attorney seeking to withdraw as counsel of record from a case shall file a written motion and submit a proposed Judgment Entry to the Court. The Motion and proposed Judgment Entry shall state with particularity the reason(s) for the requested withdrawal of counsel. No attorney will be permitted to withdraw as counsel of record in the case unless one of the following requirements are met:
   1. **Motion with Client's Consent:** The motion contains an acknowledgment signed by the client that states as follows:
      a. The client understands the case will proceed according to the time schedule previously established by the Court, whether or not the client retains a new attorney;
      b. The client consents to the withdrawal of the attorney; and,
      c. The mailing address, telephone number, and e-mail address where the client may be personally contacted by the Court.
   2. **Substitution of New Counsel of Record:** There is concurrent substitution of new counsel for the client.
   3. **At Hearing:** The Court conducts a hearing at which the client and the attorney seeking to withdraw are present, and the Court finds that there is good cause for the withdrawal.
   4. **Abandonment and Lack of Cooperation:** The Motion contains an acknowledgement by the Attorney specifically stating the facts and circumstances forming the basis of the inability to remain as counsel for the party. The motion shall contain the last known mailing address, telephone number, and e-mail address for the client. Said permission shall be granted by the Court only upon good cause shown.
   5. **No issues remain pending before the Court**: An attorney may withdraw so as not to receive future notices regarding a case in which they have completed their work.

E. **Limited Appearance by Attorney:** By agreement with the client, an attorney's new or existing representation may be limited. The attorney must file and serve a "Notice of Limited Appearance" that clearly describes the scope of the limited appearance and states that the limitation has been authorized by the client. When an attorney has entered a limited appearance, any pleading, order, notice, brief or other paper that Civ.R. 5 requires to be served must be served on both the attorney and the attorney's client.

F. **Completion of Limited Appearance:** As provided by Civ.R. 3(B), an attorney's limited appearance may be terminated by filing and service of a "Notice of Completion of Limited Appearance." By signing the Notice of Completion of Limited Appearance, an attorney certifies under Civ.R. 11 that all of the services for which the attorney was retained have been completed. If no objection to the Notice of Completion of Limited Appearance is filed and served within 10 days, the attorney's withdrawal is complete without the need for leave of court.

Effective Date: 1-1-2025
Amended: -----

DR RULE 2.2 - APPOINTMENT OF LEGAL COUNSEL AND OTHER ASSISTANCE

A. Although limited, in certain cases, a party may be entitled to appointed counsel. Any person seeking court appointed counsel must complete an application with the Office of the Erie County Public Defender's Office. Applications can be obtained at www.eriecounty.oh.gov/PublicDefender.aspx. The Erie County Public Defender's Office shall then determine if the applicant is eligible for court appointed counsel. The Court reserves jurisdiction to order the party to pay legal fees of court appointed counsel if it is later discovered that the party was not eligible for appointed counsel.

B. Independent of Public Defender assistance, Petitioner's in Domestic Violence Civil Protective cases or Civil Stalking cases may be eligible for legal representation through Legal Aid of Western Ohio. Applications can be submitted on line as www.LegalAidLine.org.

C. A Party seeking the appointment of counsel must do so in a prompt manner. A party's failure to timely apply or follow-up on applications for Public Defender assistance or for assistance through Legal Aid of Western Ohio may, in appropriate circumstances, be deemed as a waiver of the right to counsel on the matter in the discretion of the Court.

D. In Civil Protection Order cases a Petitioner may seek the assistance from the Victim Assistance Program operated through the Erie County Prosecutor's Office, located at 247 Columbus Avenue, Suite 319, Sandusky, OH 44870. The assistance provided by said Program is through a non-attorney. The Program is victim assistance, rather than legal assistance, and cannot provide legal advice.

E. In Civil Protection Order cases a Petitioner may seek the assistance from Safe Harbour Domestic Violence Inc., Said service provider is a community resource for individuals seeking relief from Domestic Violence by providing shelter, counseling, advocacy, and support groups. They can be reached at 419-626-2200 or 1-800-953-2207.

Effective Date: 1-1-2025
Amended: -----

DR RULE 2.3 - PRO SE LITIGANTS (SELF-REPRESENTATION)

A. **Right to Self-Representation:** Nothing in these Rules shall be construed to prevent any party from representing himself or herself (appearing pro se) in any action before the Court.

B. **Requirement to fully comply with the law:** Pro se litigants are presumed to have knowledge of the law and of correct legal procedure, and are held to the same standard as all other litigants. Persons acting as their own legal counsel and representing themselves must comply with all statutory and Rule requirements in the filing and presentation of their case. Accordingly, pro se litigants are encouraged, but not required, to seek legal advice.

Effective: 1-1-2025
Amended: -----

TITLE 3 – INITIAL PLEADINGS AND MOTIONS

DR RULE 3.1 - GENERAL REQUIREMENTS FOR INITIAL PLEADINGS

A. **Electronic Filing:** Pleadings and Motions shall be filed in accordance with the Court's "In Re: Electronic Filing of Court Documents Administrative Order" and any amendments to the rule filed in 2019 MS 0007. A copy of the Order and amendments can be found at www.eriecounty.oh.gov/LocalRulesforE-Filing.aspx.

B. **Captions of pleadings:**
   1. **Initial Pleadings and Judgment Entries**: In addition to stating the name of the Court, the County and State, the caption of a Complaint, any initial pleading in a post-decree action, and all Judgment Entries, shall state the following:
      a. Full name of each party;
      b. The most recent residence address of each party (unless otherwise permitted by the Court);
      c. The date of birth for each party.
   2. **Subsequent Pleadings:** Pleadings filed subsequent to any initial pleading, except Judgment Entries, shall state the case number, the names, and party status (i.e. Plaintiff, etc.) of each party.
   3. **Retention of Caption:** Once a case is filed with the Clerk of Courts, the case shall retain that caption. Any subsequent pleadings shall continue to be captioned as in the original complaint. If a party's name changes from that contained in the original complaint, that party's original name and new name (listed as "aka") shall be listed in the caption.
   4. **Judge's and Magistrate's Names:** All pleadings shall contain the Judge's name in the caption. Once a magistrate has heard any aspect of a pending case, or issued an order or decision in the case, all subsequent pleadings in that case shall also contain that Magistrate's name.

C. **Attorney/party information:** All pleadings shall contain the name, mailing address, telephone number, e-mail address and registration number of the attorney filing the pleading. If the party is appearing *pro se* in the action, the pleading shall contain the party's name, mailing address, e-mail address and telephone number.

D. **Pleading requirements:** When these Rules specify that certain pleadings or forms are to be simultaneously filed, all of those pleadings or forms must be filed together. All documents must be accurately and fully completed, in typewritten or computer-generated form. Financial affidavits must be accurate and fully complete, have all required documentation attached, and be checked for mathematical accuracy prior to filing. All pleadings which require a notarized signature shall be notarized prior to filing. The Court may order that amended documents be filed that are inaccurate or incomplete.

E. **Prayer for Relief:** In addition to statutory and equitable relief, if a party is asking for Spousal Support or Attorney Fees as part of the resolution of the matter, so as to provide notice of the claim, said requests should be specifically included in the prayer for relief.

Effective Date: 1-1-2025
Amended: -----

DR RULE 3.2 - INITIAL PLEADINGS FOR DIVORCE, ANNULMENT, OR LEGAL SEPARATION ACTIONS

A. **Initial Complaint:** A divorce, annulment or legal separation case shall be commenced by filing the following mandatory documents with the Clerk of Courts, the filing of which cannot be waived:
   1. Complaint;
   2. Instructions for service of the Complaint and other pleadings;
   3. An Affidavit of Basic Information, Income, and expenses. To satisfy this requirement the parties may use Ohio Supreme Court "Uniform Domestic Relations Form Affidavit 1 – Affidavit of Basic Information, Income, and Expenses." Said form can be found at www.supremecourt.ohio.gov/forms/all-forms/domestic-relations-and-juvenile-standardized/1;
   4. A Financial Disclosure Affidavit. To satisfy this requirement the parties may use Ohio Supreme Court "Uniform Domestic Relations Form Affidavit 2 – Affidavit of Property and Debt." Said form can be found at www.supremecourt.ohio.gov/forms/all-forms/domestic-relations-and-juvenile-standardized/1;
   5. A Child Custody Affidavit if the parties have minor children. To satisfy this requirement the parties may use Ohio Supreme Court "Uniform Domestic Relations Form Affidavit 3 – Parenting Proceeding Affidavit." Said form can be found at www.supremecourt.ohio.gov/forms/all-forms/domestic-relations-and-juvenile-standardized/1;
   6. A completed Child Support Computation Worksheet if the parties have minor children. Calculations of child support can be completed through https://ohiochildsupportcalculator.ohio.gov/gov/home.html;
   7. A Health Insurance Affidavit if the parties have minor children. To satisfy this requirement the parties may use Ohio Supreme Court "Uniform Domestic Relations Form Affidavit 4 – Health Insurance Affidavit." Said form can be found at www.supremecourt.ohio.gov/forms/all-forms/domestic-relations-and-juvenile-standardized/1;
   8. A request for Temporary Orders with an accompanying Affidavit, if the Plaintiff desires Temporary Orders. To satisfy this requirement the parties may use Ohio Supreme Court "Uniform Domestic Relations Form Affidavit 5 – Motion and Affidavit or Counter Affidavit for Temporary Orders Without Oral Hearing." Said form can be found at www.supremecourt.ohio.gov/forms/all-forms/domestic-relations-and-juvenile-standardized/1.

B. **Defendant's Answer and Counterclaim:** Unless an extension of time is granted by the Court, within twenty-eight (28) days after the date of service of the Complaint upon the Defendant, the Defendant may file an Answer and Counterclaim. Any responsive pleading by Defendant shall include the following:
   1. An Affidavit of Basic Information, Income, and expenses. To satisfy this requirement the parties may use Ohio Supreme Court "Uniform Domestic Relations Form Affidavit 1 – Affidavit of Basic Information, Income, and Expenses." Said form can be found at www.supremecourt.ohio.gov/forms/all-forms/domestic-relations-and-juvenile-standardized/1;
   2. A Financial Disclosure Affidavit. To satisfy this requirement the parties may use Ohio Supreme Court "Uniform Domestic Relations Form Affidavit 2 – Affidavit of Property and Debt." Said form can be found at www.supremecourt.ohio.gov/forms/all-forms/domestic-relations-and-juvenile-standardized/1;

3. A Child Custody Affidavit if the parties have minor children. To satisfy this requirement the parties may use Ohio Supreme Court "Uniform Domestic Relations Form Affidavit 3 – Parenting Proceeding Affidavit." Said form can be found at www.supremecourt.ohio.gov/forms/all-forms/domestic-relations-and-juvenile-standardized/1;
4. A completed Child Support Computation Worksheet if the parties have minor children. Calculations of child support can be completed through https://ohiochildsupportcalculator.ohio.gov/gov/home.html. Failing to submit a Worksheet will be deemed an agreement with Plaintiff's submitted Worksheet;
5. A Health Insurance Affidavit if the parties have minor children. To satisfy this requirement the parties may use Ohio Supreme Court "Uniform Domestic Relations Form Affidavit 4 – Health Insurance Affidavit." Said form can be found at www.supremecourt.ohio.gov/forms/all-forms/domestic-relations-and-juvenile-standardized/1;
6. A request for Temporary Orders with an accompanying Affidavit, if the Defendant desires Temporary Orders or if Defendant has a counter proposal to Plaintiff's request for Temporary Orders. Failing to submit a request or counter proposal to Plaintiff's request for Temporary Orders will be treated as an agreement to Plaintiff's proposal for Temporary Orders. To satisfy this requirement the parties may use Ohio Supreme Court "Uniform Domestic Relations Form Affidavit 5 – Motion and Affidavit or Counter Affidavit for Temporary Orders Without Oral Hearing." Said form can be found at www.supremecourt.ohio.gov/forms/all-forms/domestic-relations-and-juvenile-standardized/1.

Effective Date: 1-1-2025
Amended: -----

DR RULE 3.3 – INITIAL PLEADINGS FOR DISSOLUTION OF MARRIAGE ACTIONS

A Dissolution of marriage action shall be commenced by the filing of a Petition for Dissolution of Marriage, with a properly executed Separation Agreement, signed by both parties, filed therewith, along with the following documents:

A. An Affidavit of Basic Information, Income, and expenses for each party. To satisfy this requirement the parties may use Ohio Supreme Court "Uniform Domestic Relations Form Affidavit 1 – Affidavit of Basic Information, Income, and Expenses." Said form can be found at www.supremecourt.ohio.gov/forms/all-forms/domestic-relations-and-juvenile-standardized/1;
B. A Financial Disclosure Affidavit for each party. To satisfy this requirement the parties may use Ohio Supreme Court "Uniform Domestic Relations Form Affidavit 2 – Affidavit of Property and Debt." Said form can be found at www.supremecourt.ohio.gov/forms/all-forms/domestic-relations-and-juvenile-standardized/1;
C. A Child Custody Affidavit if the parties have minor children. To satisfy this requirement the parties may use Ohio Supreme Court "Uniform Domestic Relations Form Affidavit 3 – Parenting Proceeding Affidavit." Said form can be found at www.supremecourt.ohio.gov/forms/all-forms/domestic-relations-and-juvenile-standardized/1;
D. A properly executed agreed upon Shared Parenting Plan or Parenting Plan entered into and signed by the parties for any minor children of the marriage, which such plan must include a parenting time schedule. To satisfy this requirement the parties may use, depending on the agreement, Ohio Supreme Court "Uninform Domestic Relations Form 20 – Shared Parenting Plan," or "Uniform Domestic Relations Form 21 – Parenting Plan." Said form can be found at www.supremecourt.ohio.gov/forms/all-forms/domestic-relations-and-juvenile-standardized/1;
E. A completed Child Support Computation Worksheet if the parties have minor children. Calculations of child support can be completed through https://ohiochildsupportcalculator.ohio.gov/gov/home.html;
F. A Health Insurance Affidavit if the parties have minor children. To satisfy this requirement the parties may use Ohio Supreme Court "Uniform Domestic Relations Form Affidavit 4 – Health Insurance Affidavit." Said form can be found at www.supremecourt.ohio.gov/forms/all-forms/domestic-relations-and-juvenile-standardized/1
G. A waiver of service of summons/process by both parties. To satisfy this requirement the parties may use Ohio Supreme Court "Uniform Domestic Relations Form 30/Uniform Juvenile Form 9- Waiver of Service of Summons." Said form can be found at www.supremecourt.ohio.gov/forms/all-forms/domestic-relations-and-juvenile-standardized/1
I. A waiver of attorney by any unrepresented party. To satisfy this requirement the parties may use the Attorney Waiver form located at www.eriecounty.oh.gov/Domestic Relations Div.aspx.

Effective Date: 1-1-2025
Amended: -----

DR RULE 3.4 – INITIAL PLEADINGS FOR CIVIL PROTECTION ORDERS

A. **Scope of the Rule:** This rule applies to all forms of civil protections orders including Domestic Violence Civil Protection Orders, Dating Violence Civil Protection Orders, Civil Stalking Protection Orders and Civil Sexually Oriented Offense Protection Orders.

B. **Form of Petition.** A petition for any civil protection order shall be filed on a properly executed and notarized form mandated by the Ohio Supreme Court, or by filing a pleading in substantial compliance with that form. The forms must be notarized prior to filing the documents. Forms are available upon request at the Erie County Prosecutor's Office, 247 Columbus Avenue, Suite 319, Sandusky, or on the Ohio Supreme Court website at www.supremecourt.ohio.gov/forms/all-forms/protection-order/2.

C. **Request for Service.** The Petition shall be accompanied by Instructions for Service.

D. **Protection Orders involving minor children.** If a Petitioner and Respondent have minor children together, or if a Petitioner requests that a minor child be covered under a protection order the Petitioner shall file a Child Custody Affidavit with the petition. To satisfy this requirement Petitioner may use Ohio Supreme Court "Uniform Domestic Relations Form Affidavit 3 – Parenting Proceeding Affidavit." Said form can be found at www.supremecourt.ohio.gov/forms/all-forms/domestic-relations-and-juvenile-standardized/1. Further, if support issues exist, prior to the Seven (7) Day hearing, Petitioner shall file an "Affidavit of Basic Information, Income, and expenses" as well as a "Health Insurance Affidavit." Said Affidavits can be found at www.supremecourt.ohio.gov/forms/all-forms/domestic-relations-and-juvenile-standardized/1.

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Amended: -----

DR RULE 3.5 – INITIAL PLEADINGS IN OTHER DOMESTIC RELATIONS PROCEEDINGS

In other litigation between married parties in which the jurisdiction of the Domestic Relations Division is invoked, initial filing requirements are as follows:

A. **Support actions before acknowledgment is final pursuant to R.C. §2151.232:** Either parent who signed an acknowledgment of paternity may bring an action for support of the child, before the acknowledgment becomes final. Any Complaint for child support pursuant to this statute shall be accompanied by the following documents:
   1. A copy of the executed acknowledgment form;
   2. Documentation substantiating proof of marriage;
   3. Documentation that the acknowledgment was entered in the birth registry pursuant to R.C. §3111.24, and that the acknowledgment has not been rescinded or otherwise vacated; An "Affidavit of Basic Information, Income, and expenses" as well as a "Health Insurance Affidavit." Said Affidavits can be found at www.supremecourt.ohio.gov/forms/all-forms/domestic-relations-and-juvenile-standardized/1;
   4. A Child Support Computation Worksheet. Calculations of child support can be made through https://ohiochildsupportcalculator.ohio.gov/gov/home.html;
   5. Instructions for Service of Process; and
   6. Notice of Hearing.

B. **Support-only actions pursuant to R.C. § 2151.231:** A parent, guardian, custodian of a child, the person with whom a child resides, or CSEA may file an action for support of a child, without regard to the marital status of the child's parents. Any party objecting to an administrative support order entered by CSEA must also make that objection by commencing an action pursuant to R.C. §2151.231. Any complaint for support filed pursuant to this statute shall be accompanied by the following documents:
   1. Any Court or administrative order, acknowledgment (including birth registry entry) or other document establishing parentage;
   2. An "Affidavit of Basic Information, Income, and expenses" as well as a "Health Insurance Affidavit." Said Affidavits can be found at www.supremecourt.ohio.gov/forms/all-forms/domestic-relations-and-juvenile-standardized/1;
   3. A Child Support Computation Worksheet. Calculations of child support can be made through https://ohiochildsupportcalculator.ohio.gov/gov/home.html;
   4. Instructions for Service of Process; and,
   5. Notice of Hearing.

C. **Complaint for allocation of parental rights and Responsibilities or for parenting time/visitation pursuant to R.C. §§ 3111.13(c), 3109.04, and/or 3109.12:** Any Complaint for Allocation of Parental Rights and Responsibilities or Parenting Time/Visitation shall contain or be accompanied by:
   1. Any Court or administrative order, acknowledgment (including birth registry entry) or other document establishing parentage;
   2. Documentation substantiating proof of marriage;
   3. Child Custody Affidavit, an "Affidavit of Basic Information, Income, and expenses" and a "Health Insurance Affidavit." Said Affidavits can be found at

www.supremecourt.ohio.gov/forms/all-forms/domestic-relations-and-juvenile-standardized/1;

4. A Child Support Computation Worksheet. Calculations of child support can be made through https://ohiochildsupportcalculator.ohio.gov/gov/home.html;
5. Instructions for Service of Process; and,
6. Notice of a hearing.

D. **Complaint to establish parent and child relationship pursuant to R.C. §§ 3111.01 to 3111.18:** Any person filing a Complaint to Establish the Parent-Child Relationship shall:
   1. Allege in the Complaint that he or she has requested an administrative determination of the parent-child relationship from the Child Support Enforcement Agency, and that the administrative process is exhausted;
   2. Attach to the Complaint a copy of any administrative parentage order issued by the Child Support Enforcement Agency or acknowledgment of paternity;
   3. Set forth specific allegations to support a finding of fraud, duress or material mistake of fact, if the Complaint is filed to affect a rescission of an acknowledgment of paternity on those grounds;
   4. Documentation substantiating proof of marriage;
   5. File a Child Custody Affidavit, an "Affidavit of Basic Information, Income, and expenses" and a "Health Insurance Affidavit." Said Affidavits can be found at www.supremecourt.ohio.gov/forms/all-forms/domestic-relations-and-juvenile-standardized/1;
   6. File a Child Support Computation Worksheet;
   7. Instructions for Service of Process; and,
   8. Notice of hearing.

Effective Date: 1-1-2025
Amended: -----

TITLE 4 – SERVICE

DR RULE 4.1 - SERVICE BY PUBLICATION AND POSTING

A. **Service by Publication:** If the defendant's address, or the non-moving party's address in a post decree matter, is unknown, the plaintiff or moving party may serve the other party by publication. The plaintiff or moving party must strictly comply with Civ.R. 4.4(A)(1), including a sworn affidavit stating the specific actions taken to ascertain the other party's address.

B. **Payment of Costs for Publication:** Plaintiff or the moving party shall deposit all necessary costs for service of publication prior to any publication.

C. **Service by Posting of Notices for Service by Publication:** In divorce, annulment, or legal separation actions, and in all post-decree proceedings, if the plaintiff or moving party is indigent, and the other party's address is unknown, the service may be made by posting as provided in Civ.R. 4.4(A)(2). The plaintiff or moving party must comply with Civ.R. 4.4(A)(2), including a sworn affidavit stating the specific actions taken to ascertain the other party's address and an affidavit of indigency.

D. **Place of Posting:** The Court designates the Clerk of Courts as the person responsible for accomplishing posting of notices for service by publication. Notices shall be posted in a conspicuous location near the main entrance to the following buildings:
   1. Erie County Courthouse;
   2. Erie County Office Building at 274 Columbus Avenue, Sandusky, Ohio; and,
   3. Erie County Department of Job and Family Services, 221 West Parish Street, Sandusky, Ohio.

E. **Content and time length of Posting:** The notice that is posted shall contain the same information required in a newspaper publication pursuant to Civ.R. 4.4(A)(1). The Notice shall be posted in the required locations for six (6) consecutive weeks. The Clerk of Court shall comply with all other requirements of Civ.R. 4.4(A)(2) with regard to mailing the complaint and summons to the Defendant's last known address, and shall properly note service of process upon the docket of this Court.

F. **Necessary hearing delays due to Publication and Posting:** Given the time necessary to perfect service by publication or posting, hearings on cases requiring service by publication or posting will not be set for at least ten (10) weeks from the date when a request for service by publication or posting is made.

G. **Civil Protection Order Proceedings:** In civil protection order proceedings where the party's residence upon whom service is sought is unknown, service may be made by posting and mail without the necessity of a poverty affidavit. Civ. R. 4.4. However, all other Civ. R. 4.4 requirements, including but not limited to a sworn affidavit stating the specific actions taken to ascertain the other party's address, must be strictly complied with.

H. **Out of Country Defendants:** If the defendant or non-moving party lives in a country other than the United States, service must comply with Civ.R. 4.5. If the defendant or non-moving party resides in a country that has signed The Hague Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil and Commercial Matters ("Hague

Service Convention"), that party cannot be served by publication or posting. If the defendant or non-moving party lives in a country that has not signed The Hague Service Convention and that party's address is unknown, service may be made under Civ.R. 4.4(A)(1) or (2).

I. **Refused or Unclaimed Service:** If service attempted by certified or express mail or commercial carrier is returned as "refused" or "unclaimed," service must be made under Civ.R. 4.6(C) or (D), not by publication or posting.

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DR RULE 4.2 – SPECIAL PROCESS SERVER

A. Upon motion, accompanying affidavit, and proposed order, the Court may appoint an Applicant to act as a one-time Special Process Server on a particular case. The Applicant's affidavit must attest that the Applicant:
   1. Is not less than eighteen (18) years of age;
   2. Is not a party to the proceeding, related to a party to the proceeding, or having a financial interest in the outcome of the proceeding;
   3. Is a United States citizen or a legal resident of the United States;
   4. Holds a valid government-issued identification card, passport, or driver's license;
   5. Has not been convicted in the last ten years of any felony, offense of violence, or offense involving dishonesty or false statement, and is not currently under community control sanctions, probation, post-release control, or parole;
   6. Is not currently a respondent under any civil protection order;
   7. Is familiar with the required procedure for service of process; and,
   8. Will conduct themselves in a professional manner.

B. The term of the one-time Special Process Server for a particular matter ends when the case is closed unless otherwise ordered by the Judge.

Effective Date: 1-1-2025
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DR RULE 4.3 – WAIVER OF SERVICE

A party may waive service of process by executing and filing a written Waiver of Service of Summons. A sample waiver can be found at www.supremecourt.ohio.gov/forms/all-forms/domestic-relations-and-juvenile-standardized/1.

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DR RULE 4.4 – DISMISSAL OF CASES FOR FAILING TO OBTAIN SERVICE (WANT OF PROSECUTION)

A complaint for Divorce, Legal Separation, or Annulment, and a post decree motion will be set for dismissal if service is not made on the opposing party within six (6) months. The complaint or motion will be dismissed without prejudice after six (6) months unless the filing party can show good cause why service was not made within six (6) months and that service can be made within a reasonable period of time.

Effective Date: 1-1-2025
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TITLE 5 – PRETRIAL MOTIONS

DR RULE 5.1 – GENERAL REQUIREMENTS

A. **Contents of Motion:** Unless otherwise specified by a more specific rule contained within the local rules, the general rules that apply to all motions are as follows:
   1. All motions shall be made in writing and filed with the Clerk of Courts, unless made during a hearing, pretrial conference or trial.
   2. The motion shall include a concise written statement of the relief sought and the supporting factual grounds.
   3. The motion shall cite the legal authority upon which the motion was made.
   4. A party seeking more than one type of relief shall file a separate motion for each type of relief sought.
   5. When Affidavits in support are needed they shall be filed at the same time as the filing of the motion.
   6. When filing the motion Movant shall also submit a proposed Judgment Entry.
   7. The motion and supporting documentation shall be served in accordance with Civ.R. 7(B).

B. **Opposing a Motion:** Any party opposing a motion may file and serve a concise written statement of the reasons, including citation to any authority relied upon, within fourteen (14) days from service of the motion.

C. **Additional Briefs:** Reply or supplemental briefs will not be considered unless filed with leave of court after showing the necessity therefor.

D. The Court may deny and/or strike any motion, opposing motions, or brief filed that fails to comply with these rules.

Effective Date: 1-1-2025
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DR RULE 5.2 – DUTY TO SEEK RESOLUTION/CONSENSUS

A. For all pretrial motions, other than emergency motions or those served with the initial pleadings in the case, the moving party shall contact the opposing party to discuss the issue forming the basis of the motion to determine if the issue can resolved by agreement.

B. The Court will consider a potential award for reasonable fees and expenses pursuant to R.C. §3105.73 against any party who fails to make a good faith effort to resolve pretrial matters, giving rise to delay, lengthening of contested trial time, or increased attorney fees and litigation costs.

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DR RULE 5.3 – MOTION CUT-OFF DATE

Except for the completion of Guardian Ad Litem Reports which shall be completed in accordance with Ohio statute and Sup.R. 48, it is the Court's intention to have all discovery and investigation completed thirty (30) days prior to the final contested hearing on the matter, giving the parties sufficient time to attempt to negotiate and resolve contested issues once all of the operative facts have been investigated and disclosed. Accordingly, except for motions seeking to address discovery violations, all pretrial motions shall be filed not later than thirty (30) days prior to the date of final or evidentiary hearing except where leave of Court for good cause shown is granted.

Effective Date: 1-1-2025
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TITLE 6 - TEMPORARY ORDERS

DR RULE 6.1 - CIVIL RULE 75(N) TEMPORARY ORDERS

A. **Motion for Orders Pursuant to Civ.R. 75(N):** Either party may request the Court to establish temporary orders during the pendency of an action. Requests for temporary orders shall be supported by Affidavits detailed in Local Rule 3.2. Incomplete or insufficient affidavits to support may for the basis of a denial for the request.

B. **Response to a Request:** The opposing party may submit a counter-affidavit along with affidavits detailed in DR Rule 3.2. Incomplete or insufficient affidavits supporting the opposing party's position may for the basis for denying the opposing party's position.

C. **Ruling based on Affidavits:** The Court, upon review of the affidavits submitted, may issue an affidavit order, may refuse to issue an affidavit order, may continue the request for affidavit order for compliance with this rule, or may set the matter for oral hearing.

D. **Oral Hearings:** Upon the issuance of a Civ.R. 75(N) Order, either party may request an oral hearing. The request shall state with particularity the reason for the request to have the Court consider modification of its prior Civ.R. 75(N) Order.

E. **Time for Filing Request for Oral Hearing:** A request for an oral hearing pursuant to Civ.R. 75(N) must be filed in the Clerk of Courts office within twenty-eight (28) days of the issuance of the Civ.R. 75(N) Order.

F. **Scheduling a Hearing:** The Assignment Commissioner shall set the matter on a Magistrate's docket. Not more than one continuance shall be granted unless the Court determines that there are extraordinary circumstances. No hearing will be delayed to permit parties to conduct discovery specifically related to a temporary support order.

G. **Purpose and Form of the Hearing:** The purpose of the oral hearing shall be to permit each party to argue why the Civ.R. 75(N) Order should or should not be modified, and to submit additional documents for the Court's consideration. The hearing shall not include witnesses or testimony, except under special circumstances and at the discretion of the Court. Each party will be allotted no more than thirty (30) minutes for argument. Additional time may be allowed at the Court's discretion only upon a showing of good cause.

H. **Issuing an Order:** Upon conclusion of the oral hearing, the Magistrate shall file a Magistrate's Order establishing temporary orders or modifying such orders established by a Civ.R. 75(N) Order. Parties may file motions to set aside the Magistrate's Order pursuant to Civ.R. 53.

I. **Modifying or Amending Order:** Absent mutual consent of the parties, no motion to amend, modify, or terminate temporary orders shall be filed without leave of court. The motion for leave shall set forth with particularity the change in circumstances alleged to necessitate further oral hearing of a temporary order.

Effective Date: 1-1-2025
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DR RULE 6.2 - TEMPORARY ORDERS WHERE PARTIES RESIDE IN THE SAME RESIDENCE

A. The Court will not grant temporary child support, or allocation of parental rights and responsibilities when the parties reside in the same household. The Court may, however, allocate payment of household expenses.

B. If both parties are residing in the marital residence, a motion for exclusive occupancy shall not be granted by affidavit. After a hearing a party may be granted exclusive use if the party requesting exclusive occupancy establishes that the other party:
   1. Attempted to cause or recklessly cause bodily injury;
   2. Placed the party requesting exclusive occupancy, by threat of force, in fear of imminent serious physical harm;
   3. Committed any act with respect to a child that would result in the child being an abused child as defined in R.C. §2151.031; or,
   4. Any other reason deemed necessary and appropriate by the Court.

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DR RULE 6.3 - TEMPORARY ORDERS TO PREVENT THE RETURN OF A SPOUSE TO RESIDE IN THE MARITAL RESIDENCE

A. **When Granted:** A temporary order may be obtained by motion and affidavit to prevent a spouse from returning to the marital residence to reside, if such spouse no longer resides in the marital residence and has been voluntarily absent from there for more than thirty (30) continuous days immediately prior to execution of the affidavit required in division (C) of this rule.

B. **Procedure:** A request for a restraining order to prevent the return of a spouse to reside in the marital residence shall be by separate motion not combined with other requests for restraining orders. A proposed judgment entry shall be submitted with the motion.

C. **Content of Motion and Affidavit:** A motion seeking a temporary restraining order to prevent a spouse from returning to the marital residence shall state with specificity the reasons for the motion and shall be supported by an affidavit of the movant which states all of the following:
   1. The date on which the absent spouse left the marital residence;
   2. The number of days or months of continuous absence immediately preceding execution of the affidavit;
   3. That the spouse has voluntarily left the residence with the intent to no longer reside there; and,
   4. That the movant has resided in the marital residence during the entire thirty (30) day period immediately preceding execution of the affidavit.

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DR RULE 6.4 - MUTUAL TEMPORARY RESTRAINING ORDERS

The Court will, without a motion by any party, issue the Mutual Temporary Restraining Order set forth in Appendix to these rules, upon the filing of a Complaint for Divorce, Legal Separation or Annulment unless a Separation Agreement is filed with the Complaint.

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DR RULE 6.5 - MOTION FOR ADDITIONAL TEMPORARY RESTRAINING ORDERS

A request for additional temporary restraining orders not covered by the Court's Mutual Temporary Restraining Orders may be made by written motion, subject to the following:

A. The request must be supported by an affidavit of the party seeking the order, which states with specificity the facts to support the request.

B. The person or entity to be restrained must be a party to the action.

C. Ex parte restraining orders shall not duplicate any mutual restraining orders issued pursuant to DR Rule 6.4.

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DR RULE 6.6 – MOTION MODIFYING OR DISSOLVING A TEMPORARY RESTRAINING ORDER

In the absence of an agreement, any motion to modify and/or dissolve a temporary restraining order shall be supported by an affidavit of the moving party setting forth the specific facts which support the motion. In the absence of an agreement of the parties as to the terms and conditions for modifying and/or dissolving such orders, the matter shall be set for a hearing.

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DR RULE 6.7 - OTHER TEMPORARY ORDERS ADDRESSING DISPUTES INVOLVING ALLOCATION OF PARENTAL RIGHTS AND RESPONSIBILITIES

A. **Purpose of Rule:** Children who "do best" during or following a divorce are from families which maintain a low level of conflict. Accordingly confrontation and unpleasant scenes are to be avoided.

B. **Parenting Seminar/course:** If during the course of the proceedings it appears that issues pertaining to the allocation of parental rights and responsibilities are in conflict, any party or any guardian ad litem appointed to the case may file a written motion requesting the Court to issue a temporary order requiring both parents to complete a Court approved on line parenting seminar/course. The Court, in its discretion, may also issue such an order on its own motion. In accordance with R.C. §3109.053 the Court shall issue an order requiring the parties to do the following:
   1. Promptly enroll in the seminar/course and pay any and all costs allocated to them to complete the seminar/course.
   2. Prior to the final hearing on the matter each parent shall a certificate of completion with the Court verifying completion of the seminar/course.

C. **Children of Divorce Seminar/Course:** If during the course of the proceedings it appears that issues pertaining to the allocation of parental rights and responsibilities are in conflict, any party or any guardian ad litem appointed to the case may file a written motion requesting the Court to issue a temporary order requiring the minor child(ren) of the marriage to complete a Court approved on line seminar/course pertaining to children of divorce. The Court, in its discretion, may also issue such an order on its own motion. In accordance with R.C. §3109.053 the Court shall issue an order requiring the parties to enroll in the seminar/course and pay any and all costs allocated to them to complete the seminar/course. Absent an order to the contrary, the obligation of the parties are as follows:
   1. The temporary custodial parent shall pay the costs associated with the seminar/course as well as file the certificate(s) of completion for the minor child(ren).
   2. If no parent is designated as the temporary custodian then the parties shall equally split the costs for the seminar and are equally responsible for taking steps to assure that the minor child(ren) completes the seminar/course.

D. **Orders Addressing Communication and Interactions between the parties:** If during the course of the proceedings it appears that issues pertaining to the allocation of parental rights and responsibilities are in conflict, any party or any guardian ad litem appointed to the case may file a written motion requesting the Court to issue a temporary order regarding parenting communications, interactions and physical exchanges by the parents. This includes but is not limited to requests for the use of neutral drop off points, the use of Kinship services, or communication assistance through products such as "Our Family Wizard" and "App Close." Such motions should state with particularity the reasons for the request, and the services sought to address the concern. The motion shall be supported by an affidavit and shall be accompanied with a proposed order. The Court, in its discretion, may also issue such an order on its own motion. Unless otherwise ordered by the Court, each party is responsible for paying their own expenses for such services.

E. **Failure to Comply:** Unless excused by the Court, any party failing to comply with a temporary order addressing disputes involving the allocation or parental rights and

responsibilities may be held in contempt. Further, failing to attend as required, or failing to comply with any other order issued by the Court addressing the allocation of parental rights and responsibilities may be considered by the Court as a factor pursuant to R.C. §3109.04.

Effective Date: 1-1-2025
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TITLE 7 - PRETRIAL PREPARATION AND NEGOTIATION

DR RULE 7.1 - MANDATORY DISCLOSURE

A. **Mandatory Discovery Conference:** In accordance with Civ.R. 26, without awaiting a discovery request, the parties to a Divorce, Legal Separation, or Annulment action must hold a discovery conference, outside of the presence of the Court, and discuss a plan for the collection and exchange of the mandatory disclosures of documents and information identified in this rule.

B. **Materials and timeframe for Mandatory Disclosure:** Regardless of whether the party asserts an asset is separate property rather than marital property, each party shall disclose and provide to the other party all of the following mandatory documents and information within the timeframes identified herein:

1. **Within Forty-Five (45) days following the First Pretrial:** If, at the first pretrial, it appears that there is a contested issue the parties shall exchange the following documentation/information within forty-five (45) days following the pretrial:
   a. Copies of all real estate deeds in which the party holds an interest;
   b. Copies of the most recent statement detailing the current balance of any loan secured by a mortgage or lien on any real estate in which the party holds an interest
   c. Copies of all boat or vehicle titles in which the party holds an interest;
   d. Copies of the most recent statement detailing any loan on any vehicle or boat in which the party holds an interest;
   e. Copies of the most recent statements for all bank accounts, IRAs, stock accounts,
   f. Copies of the most recent statement for any credit account or debt for the party;
   g. A copy of all pension, retirement and/or profit sharing plans including copies of the most recent plan summary and statement;
   h. All available COBRA benefits;
   i. Copies of individual income tax returns for the last three years;
   j. Documentary proof of current income from all sources;
   k. Verification of the cost of medical insurance policy which covers the any minor children of the marriage.

2. **Within fourteen (14) days prior to a Final Pretrial:** Unless otherwise ordered through a trial order issued pursuant to DR Rule 8.13 herein, no later than fourteen (14) days prior to a final pretrial on the matter the parties shall disclose and provide the opposing party with the following:
   a. Copies of all appraisals of real estate or personal property in which the party holds an interest;
   b. Absent an agreement on the division of personal property a complete list of each and every item of property that the party expects the Court to divide. If the value of the item has not been determined by an independent appraiser the list shall also contain the value the party making the list would be willing to pay to keep the item.
   c. Copies of all records, reports (including expert reports) and documentation the party has in hand which the party anticipates offering into evidence at trial.

3. **By a Final Pretrial:** If the parties have not reached a full settlement by a Final Pretrial the parties shall comply with the requirements contained in DR Rule 8.12.

4. **Within fourteen (14) days prior to a contested trial:** Unless otherwise ordered through a trial order issued pursuant to DR Rule 8.13 herein, no later than fourteen (14) days prior to a contested trial on the matter the parties shall disclose and provide the opposing party with the following:
    a. A witness list including the name, address, and contact information for each witness (including expert witnesses) that the party anticipates calling at trial.
    b. Subpoenas for witnesses must be served on the opposing party in accordance with Civ.R. 45(A)(3).
    c. Provide the opposing party with and Exhibit List and copies of each exhibit the party intends to offer into evident that is not being offered as a Joint Exhibit.

C. **Manner of Disclosure:** The disclosure required above shall be made by electronic mail, facsimile, regular mail, or hand delivery to the other party's attorney, or party if unrepresented. Documents disclosed are not filed with the Court.

D. **Protection of Personal Identifiers:** When exchanging documentation the parties shall redact dates of birth and social security numbers.

E. **Notice of Non-Compliance:** Notice of noncompliance with discovery must be raised by written motion. Said motion shall be filed within any timelines established through any pretrial orders issued pursuant to DR Rule 8.12 herein. If no such date has been otherwise established by a pretrial order then the written motion shall be filed prior to any final pretrial date so that the noncompliance issue can be resolved, and final discovery can be completed, in accordance within the timeframe stated in DR Rule 5.3 herein. The party asserting non-compliance by the adverse party must state with particularity the basis upon which the claim is being made as well as comply with the requirements contain in DR Rule 7.2(D) herein. The opposing party must state with particularity any objections they are asserting regarding the non-disclosure. Legal authority supporting the positions of each side must also be provided

F. **Failure to Comply:** Failure to comply with mandatory disclosure may result in sanctions, including but not limited to the following: a finding of contempt, award of attorney fees, dismissal of claims; and/or restrictions upon the submission of evidence.

G. **Mandatory Disclosure does not limit formal discovery:** The mandatory disclosure requirement serves as an addition to, and not a substitute for, any request for discovery permitted under Ohio Law.

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DR RULE 7.2 - DISCOVERY PROCEDURES

A. **In General**: Except for Civil Protection cases where discovery is governed under Civ.R. 65.1, Ohio Rules of Civil Procedure 26 through 37 shall apply to any action in the Domestic Relations Division, including post-decree motions.

B. **Filings Pertaining to Discovery**: Depositions upon oral examination, interrogatories, requests for documents, requests for admission, and answers and responses thereto shall not be filed with the Court unless on order of the Court or for use as evidence or for consideration of a motion in the proceeding.

C. **Motions for Protective Order**: A motion for protective order shall be filed no later than fourteen (14) days prior to the date on which response to a discovery request is due or the date of a scheduled deposition unless it can be shown that it was not possible to file such a motion within such time period. The motion shall state with specificity the basis for the protective order. The motion shall also cite any civil rule or case law supporting movant's claimed basis. Further, the motion shall state clearly on its face the date on which a response to the discovery request is due or the date of a scheduled deposition. Sanctions may be imposed for sham or frivolous motions.

D. **Discovery Disputes:**
   1. When a discovery dispute arises, before filing any motion regarding the dispute, a party, or counsel for the party, must first confer in good faith with the opposing party, or counsel for the opposing party, to determine if informal discussion may resolve the discovery issue.

   2. In the event that informal discussion does not resolve the discovery issue, the party moving to address the dispute must include in the body of the motion, or in an affidavit filed with the motion, the specific steps taken to resolve the discovery dispute. Failure to do so may, at the Court's discretion, cause the motion to be denied sua sponte.

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DR RULE 7.3 – DEPOSITIONS

A. **Scheduling:** Counsel and parties are expected to make a timely and good faith effort to confer and agree to schedules for the taking of depositions.

B. **Attendance, Participation and Duration of Deposition:** Absent advance agreement, verifiable emergency, or a protective order by the Court, the parties and their respective counsel shall appear on time and be ready to proceed for any agreed upon or ordered deposition. Further, absent advance agreement or verifiable emergency, neither the deponent nor counsel for the deponent shall limit the length of a deposition to less than one (1) day of seven (7) hours. Unless otherwise stipulated by the parties or ordered by the Court, depositions are limited to one (1) day of seven (7) hours per deponent.

C. **Decorum of parties and counsel:** Witnesses, parties, and counsel shall conduct themselves at depositions in a temperate, dignified and responsible manner, treating the opposing side with civility and respect. The party taking the deposition shall not embarrass, harass, or badger the deponent or engage in repetitive questioning. The deponent shall be permitted to complete an answer without interruption.

D. **Objections:** Objections shall be limited to:
   1. Those which would be waived if not made pursuant to Civ.R. 32(B) and (D),
   2. Those necessary to assert a privilege,
   3. Those necessary to enforce a limitation on evidence directed by the court,
   4. Those necessary to present a motion under Civ.R. 30(D),
   5. Those necessary to preserve a proper evidentiary objection should the deposition be used as evidence, or
   6. Those necessary to assert that the questioning is repetitive, embarrassing, harassing or badgering.

E. **Speaking Objections:** An objection may be made by stating "objection," and the legal grounds. The reasons for the objection beyond what is necessary to provide the legal basis shall not be made on the record. Counsel are prohibited from making speaking objections that suggest an answer to the deponent.

F. **Refusing to answer questions:** A deponent may refuse to answer a question only when necessary to preserve a privilege, to enforce a limitation on evidence directed by the Court, to present a motion under Civ.R. 30(B), or to terminate repetitive embarrassing, harassing or badgering questioning. If privilege is claimed, the examiner may ask the basis for asserting the privilege If the ground for not answering is that the questions has become repetitive, embarrassing, harassing or badgering, the examiner shall move on to other areas of inquiry reserving the right to pursue the objected-to questions at a later time. If the examiner believes that further questioning on the subject is necessary and proper, the examiner may apply to the judge or magistrate presiding over the case through a motion to compel or a motion filed under Civ.R. 30(D) for the right to pursue such questioning at a later date.

G. **Conferring During Questioning:** A deponent's counsel shall not confer during the deposition, except for the purpose of deciding whether to assert a privilege.

H. **Documents:** The examiner shall provide copies of all documents shown to the deponent during the deposition to counsel or self-represented party.

I. **Violations:** The Court may order any remedy, including sanctions, available under Civ.R. 26(C) or Civ.R. 37 for the violations of these rules by a witness, party or counsel.

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DR RULE 7.4 - INVESTIGATION AND RESOLUTION OF ASSET/DEBT ISSUES

A. **Appraisers:**
   1. **Real Estate Appraisers:** Real estate appraisals shall be made by licensed real estate agents, brokers, auctioneers, credentialed real estate appraisers, or such other persons who by experience and training are qualified to make real estate appraisals.
   2. **Personal Property Appraisers:** Personal property appraisals shall be made by an auctioneer or by persons who by experience and training are qualified to make personal property appraisals.

B. **Valuation Of Assets And Determination Of Liabilities:**
   1. **Required Evidence:** Under Ohio Law, the Court is required to make findings of fact concerning the value of assets and the balance due on liabilities when making a decision dividing property in a domestic relations action. Accordingly, whenever property issues are contested in a divorce, annulment or legal separation action, the parties shall present sufficient evidence to enable the Court to make the required findings in its decision. In the event the parties fail to present sufficient evidence, the Court may order the presentation of additional evidence in the case.
   2. **Readily Ascertainable Values:** Either party may present the following types of evidence concerning valuation in any domestic relations case. The Court will not consider the evidence to be conclusive or presumptive evidence or valuation and the other party may present any other relevant evidence concerning valuation to the Court.
      a. **Real Estate:** In lieu of an appraisal of real estate, either party may submit a certified copy of the County Auditor's appraisal card showing the market value of the real estate. Such evidence is generally admissible as an exception to the hearsay rule under Evid.R. 803(8) and as a self-authenticating document under Evid.R. 902(4).
      b. **Motor Vehicles:** In lieu of an appraisal of a motor vehicle, either party may submit a current accurate copy of a reliable internet service appraisal or a current copy of the page of the N.A.D.A. Official Used Car Guide showing the "Avg. Retail" value of a certain model of a motor vehicle. Such evidence is generally admissible under Evid.R. 803(17) as an exception to the hearsay rule.

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Amended ----

DR RULE 7.5 - INVESTIGATION AND RESOLUTION OF PATERNITY ISSUES

A. **When Testing Is Required:** There are a number of instances in which genetic testing to establish paternity of a child may be preferred or required. Although, not exhaustive, some scenarios in which genetic testing may be court ordered include the following:
   1. A minor child is born during the marriage, and both parties acknowledge that the Husband is not the biological father of the child – despite the fact that Husband is listed/identified on the birth certificate as the biological father of the child.
   2. A minor child is born prior to the marriage with no biological father listed/identified on the birth certificate and one or both parties assert that Husband is the biological father of the child.
   3. Wife become pregnant after the divorce proceedings are commenced but before the finalization of the divorce, and one or both parties question that Husband in not the biological father of the child.

B. **Motion for Testing:** Either party may file an appropriate motion for genetic testing. To the extent known, movant shall state the name and address of any putative father within the motion along with any agreement reached between the parties regarding a testing facility and payment of testing. A proposed Order for genetic testing may be provided by movant but is not required. After providing the opposing party with time to respond to the motion the Court will draft its own Order.

C. **Testing Details:** Absent an agreement of the parties with respect to a specific testing company, the Court will order the parties and the minor child to submit to the collection of genetic material (buccal swab/saliva) at the Erie County Child Support Enforcement Agency (ECCSEA) and testing will be conducted by the contractor retained by ECCSEA or State of Ohio. Both parties shall promptly complete any and all forms required by ECCSA and shall timely comply with testing instructions and protocols so that testing can be promptly completed.

D. **Cost of Testing:** The Court will order one or both parties to advance the cost of genetic testing at rates, or amounts, established by ECCSA through their contract with their testing facility. The cost, as established by ECCSA, will be deposited with ECCSEA in advance of the collection of genetic samples and testing.

E. **Failure to comply with testing requirements or payment of costs:** Failure to make the required deposit of costs for testing or the failure to complete necessary forms or test in a timely fashion can result in the initiation contempt proceedings with potential sanctions including but not limited to a possible dismissal of the motion for genetic testing or dismissal of the case.

F. **Hearing on Paternity and Correction of Birth Record:** Upon completion of genetic testing the Court shall conduct a hearing to determine paternity of the child and issue appropriate Orders. Prior to the hearing the parties shall determine whether they will stipulate to the test results, and shall take steps necessary to submit all relevant evidence as to the issue of paternity. If needed, after said hearing the parties shall assist the Court in completing all necessary forms to submit to Ohio Central Paternity Registry to ensure

the Birth Certificate is correct and to accurately reflect the name of the child's biological father.

Effective Date: 1-1-2025
Amended ----

DR RULE 7.6 - IN CAMERA INTERVIEW OF A MINOR CHILD

A. **Request for Interview:** Any party may request that the Court conduct an *in camera* interview of a minor child in any action concerning the allocation of parent rights and responsibilities or parenting time, by filing a written request at least thirty (30) days prior to a final hearing on the matter unless leave of court is granted for good cause. If no such request is made, the Court may, in its discretion, conduct an in camera interview upon its own motion.

B. **Timing of Interview:** To minimize the exposure of the minor child(ren) to parental conflicts, *in camera* interviews typically will be conducted by the Judge or Magistrate subsequent to the presentation of all other evidence in the matter and on a separate day from that scheduled for hearing on the merits of the complaint or motion. As a consequence, and unless the minor child(ren) must be present for some other purpose, the Court expects that the child(ren) will not be present in the courthouse at the time of the contested hearing on the issue of parent rights and responsibilities.

C. **Persons present during Interview:** No person, other than the Judge or Magistrate conducting the interview, the child, any Guardian Ad Litem for the Child, any Attorney for the child, and any other person specified by the Judge or Magistrate, shall be present during the *in camera* interview of a minor child, pursuant to R.C. §3109.04.

D. **Record of the Interview:** Upon completion, the record of the interview shall be deemed sealed and shall not be disclosed, except upon specific Court order. This Rule is in furtherance of the legislative purpose and intent of R.C. §3109.04.

E. **Prohibition on alternative written or recorded statements of the child's wishes or concerns:** No party, either directly or through others, shall obtain or attempt to obtain from a child a written or recorded statement or affidavit setting forth the child's wishes and concerns regarding the allocation of parental rights and responsibilities concerning the child. Any party found in violation of this rule may be held in contempt. Further, the Court may consider any violation of this rule as a factor when allocating parental rights and responsibilities.

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Amended ----

DR RULE 7.7 - APPOINTMENT OF A GUARDIAN AD LITEM FOR MINOR CHILD

A. **Appointment of Guardian Ad Litem in General**

1. The Court, in its discretion, may appoint a guardian ad litem in cases involving an allocation of parental rights and responsibilities, parenting time or in any case in which the court needs to determine the best interest of a child.
2. The Court shall appoint a guardian ad litem from the Court's list of approved guardians ad litem so the workload is equitably distributed taking into consideration the complexity of the issues, the parties, the children involved in the case, and the experience, expertise, and demeanor of available guardians ad litem. The distribution of appointments shall be made in an objectively rational, fair, neutral, and nondiscriminatory manner.
3. Upon appointment, counsel for both parties and the Assignment Clerk shall notify the Guardian Ad Litem of all proceedings. Further, it shall be the responsibility of the parties or their respective counsel to serve the Guardian Ad Litem with copies of all pleadings filed after the appointment.
4. The guardian ad litem shall have full access to court records and shall have the right to obtain court records and any agency personnel or records, including physicians and mental health professionals, educational facilities, other professionals, or an individual who may be relevant to the best interest of the child.
5. A guardian ad litem shall be appointed only to represent the best interest of the child and shall not also be appointed as the attorney for the child. No party or counsel shall attempt to independently obtain other legal counsel for the child. The Court may appoint separate legal counsel for the child in accordance with other provisions contained within the local rules.

B. **Procedure of Appointment:**

1. **Upon motion of the Court:** The Court may appoint a guardian ad litem on its own motion to protect the best interest of the child by issuing an order of appointment as detailed herein.
2. **Upon Mutual Consent of the Parties:** By agreement, the parties may select a specific guardian ad litem and agree as to how the deposit of costs for a guardian ad litem shall be divided among the parties. A brief motion should be filed detailing: 1.) why the parties believe a guardian is needed, 2.) the agreement on the sharing of costs and selection of a guardian ad litem, 3.) and an acknowledgement that the full initial deposit for the guardian ad litem is ready at hand. Prior to filing said motion it is the obligation of the parties to contact the proposed guardian ad litem to confirm availability. Finally, the parties must submit a proposed Order containing the language as in the Court's standard Order for the Appointment of a Guardian Ad Litem. A copy of the Court's Standard Order for the Appointment of a Guardian Ad Litem can be found at www.eriecounty.oh.gov/Domestic Relations Div.aspx.
3. **Upon Motion of a Party:** Absent an agreement, a party may file a motion with the Court detailing why the party believes that a guardian ad litem is needed, and asserting that the party has ready at hand the full initial deposit for the costs of a guardian ad litem.
4. **Issuance of Order:** Upon due consideration of the matter the Court, in its discretion, with or without a hearing, will issue an order on the appointment of a guardian ad litem. The Order shall provide the name and contact information of the Guardian Ad Litem

as well as an allocation of payment on the initial deposit for the costs of the guardian ad litem.

5. **Objections to Order:** If a party to the case objects to the appointment of a guardian ad litem, the party shall file a motion supported with an affidavit that states the objection with specificity. The Court shall thereafter make a ruling.
6. **Pay Rate and Initial Deposit for the Costs of a Guardian Ad Litem:**
   a. Any Guardian Ad Litem appointed to the case shall be compensated for services rendered at the rate of $150.00 per hour. Payment of said fees shall be in accordance with subsection (I) of this rule.
   b. The full initial deposit for the appointment of a guardian ad litem is $2,000.00.
   c. Absent an order by the Court to the contrary, the parties shall have fourteen (14) days from the date of the Order appointing a guardian ad litem to deposit the full initial deposit into the Guardian Ad Litem's Interest on Lawyers Trust Account (IOLTA).
   d. The parties shall each file a written Notice with the Court (along with proof of payment) documenting their full compliance with any obligation they may have regarding the deposit requirement. The Notice shall be filed no later than seven (7) days after the stated deadline for full compliance has lapsed.
   e. The Guardian Ad Litem shall file a written Notice with the Court reporting any non-compliance with the ordered deposit requirements no later than seven (7) days after the stated deadline for full compliance has lapsed.
   f. The Guardian Ad Litem shall not release any of the deposited funds from their IOLTA account until an appropriate motion is filed with this Court and a written order has been issued by the court directing the withdrawal of deposited funds from said IOLTA account and paid to the Guardian Ad Litem.

C. **Timeliness of Appointment:** The parties shall assess the need for a guardian ad litem as quickly as possible. No motion for appointment of a guardian ad litem shall be granted, except upon a showing of extraordinary circumstances once the matter has been set for a contested trial.

D. **Qualifications of a Guardian Ad Litem:** A guardian ad litem shall be an attorney in good standing, licensed to practice law in the State of Ohio, having experience in the practice area of family law, having malpractice insurance, and satisfying the training requirements set forth in Sup.R. 48.03. If the Court determines an individual is no longer qualified to serve as a guardian ad litem, the individual will be removed from the list of approved guardians ad litem and shall not be eligible for any new appointments until the individual has cured the issue resulting in disqualification. The Court shall retain discretion to continue a current guardian ad litem appointment pursuant to Sup.R. 48.05(B).

E. **Responsibilities of a Guardian Ad Litem:** To provide the Court with relevant information and an informed recommendation regarding the child's best interest, a guardian ad litem shall perform the responsibilities stated in this division, unless specifically relieved by the Court in the Order of Appointment.
   1. A guardian ad litem shall represent the best interest of the child for whom the guardian is appointed.
   2. A guardian ad litem shall maintain independence, objectivity, and fairness as well as the appearance of fairness in dealings with parties and professionals, both in and out of the courtroom and shall have no ex parte communications with the Court regarding the merits of the case.

3. A guardian ad litem is an officer of the Court and shall act with respect and courtesy to the parties at all times.
4. A guardian ad litem shall appear and participate in any hearing for which the duties of a guardian ad litem or any issues substantially within a guardian ad litem's duties and scope of appointment are to be addressed.
5. The guardian ad litem may file pleadings, motions, and other documents as appropriate and call, examine, and cross-examine witnesses under the applicable rules of procedure. The guardian ad litem shall be entitled to participate in the hearing in the same manner as counsel.
6. When a guardian ad litem determines a conflict exists between the child's best interest and the child's wishes, the guardian ad litem shall, at the earliest practical time, request in writing that the Court promptly resolve the conflict and enter appropriate orders.
7. A guardian ad litem shall meet the qualifications for guardians ad litem for each county where the guardian ad litem serves and shall promptly advise each court of any grounds for disqualification or unavailability to serve.
8. A guardian ad litem shall be responsible for providing the Court with a statement indicating compliance with all initial and continuing education requirements. The compliance statement shall include information detailing the date, location, and number of credit hours received for any relevant education.
10. A guardian ad litem shall immediately identify themselves as a guardian ad litem when contacting individuals in the course of a particular case and shall inform these individuals about the guardian ad litem's role and that documents and information obtained may become part of court proceedings.
11. As an officer of the Court, a guardian ad litem shall make no disclosures about the case or the investigation except in reports to the Court or as necessary to perform the duties of a guardian ad litem. A guardian ad litem shall maintain the confidential nature of personal identifiers, as defined in Sup.R. 44, or addresses where there are allegations of domestic violence or risk to a party's or a child's safety. A guardian ad litem may recommend that the Court restrict access to the report or a portion of the report, after trial, to preserve the privacy, confidentiality, or safety of the parties or the person for whom the guardian ad litem was appointed in accordance with Sup.R. 45. The Court may, upon application, and under such conditions as may be necessary to protect the witnesses from potential harm, order disclosure of or access to the information that addresses the need to challenge the truth of the information received from the confidential source.
12. A guardian ad litem shall perform responsibilities in a prompt and a timely manner, and, if necessary, a guardian ad litem may request timely court reviews and judicial intervention in writing with notice to parties or affected agencies.
13. A guardian ad litem whom the Court or a party pays, shall keep accurate records of the time spent, the services rendered, and the expenses incurred in each case; file an itemized statement and accounting with the Court; and provide a copy to each party or other entity responsible for payment.

F. **Specific Duties of a Guardian Ad Litem:** Unless relieved of some duties as a result of a limited scope appointment, or by specific order of the Court relieving the guardian ad litem of a specific duty, a guardian ad litem shall:
1. Meet with and interview the child; observe the child with each parent, foster parent, guardian, or physical custodian; and conduct at least one interview with the child where none of these individuals is present;
2. Visit the child at the child's residence in accordance with any Court established standards;

3. Ascertain the best interest of the child;
4. Meet with and interview the parties, the foster parents, and other significant individuals who may have relevant knowledge regarding the issues of the case;
5. Review pleadings and other relevant court documents in the case;
6. Review criminal, civil, educational and administrative records pertaining to the child and, if appropriate, to the child's family or to other parties in the case;
7. Interview school personnel, medical and mental health providers, child protective services workers, and relevant Court personnel and obtain copies of relevant records;
8. Recommend that the Court order psychological evaluations, mental health and/or substance abuse assessments, or other evaluations or tests of the parties as the guardian ad litem deems necessary or helpful to the Court;
9. Perform any other investigation necessary to make an informed recommendation regarding the best interest of the child.

G. **Reports of a Guardians Ad Litem:**
1. A guardian ad litem shall prepare a written final report, including recommendations to the Court, within the times set forth in this division or as otherwise ordered by the Court.
2. The report shall detail the activities performed, hearings attended, persons interviewed, documents reviewed, experts consulted, and all other relevant information considered in reaching the guardian ad litem's recommendations and in accomplishing the duties required by statute, Court rule, or the Court's Order of Appointment.
3. In proceedings involving the allocation of parental rights and responsibilities, a written report shall be submitted to the Court not less than seven (7) days before the final hearing unless the Court extends the due date.
4. The Court shall consider the recommendation of the guardian ad litem in determining the best interest of the child only when the report or a portion of the report has been admitted as an exhibit.
5. Unless the Court and the parties agree, the report of the guardian ad litem shall not be entered into direct evidence absent the guardian ad litem's testimony. The parties may cross-examine the guardian ad litem concerning the contents of the report and the basis for the guardian ad litem's recommendations.
6. The guardian ad litem's report shall not be filed with the Clerk of Courts.

H. **Responsibilities of Parties after Appointment of a Guardian Ad Litem:**
1. Unless otherwise provided, it is the responsibility of each party involved in the litigation to timely contact the guardian ad litem, and to provide the guardian with information relating to the minor child. The parties shall cooperate with the guardian ad litem during the investigation.
2. The parties shall not disclose the contents of any report of the guardian ad litem through any means, including but not limited to, copying the report, posting it or any portion of it on social media or other mediums, or disclosing all or portions of the report to any person without prior approval of the Court.
3. Any party found in violation of their responsibilities may be subject to Court action including penalties or contempt, which may include incarceration, fines, dismissal of claims, or an order for payment of attorney fees and/or costs.

I. **Fees and Payments for Guardian Ad Litem:**
1. The Court may award fees to the Guardian Ad Litem for services rendered through the completion of the Guardian Ad Litem's employment.

2. The Guardian Ad Litem shall provide statements(s) to the Court and the parties (through counsel if any) showing the number of hours spent performing duties, a general description of the duties performed, the cost of services billed to date, any payments for services received and any balance due for services.
3. Upon the filing of such statements(s) the Court will authorize disbursement of the deposit(s) for the payment of Guardian Ad Litem fees. The Court may require additional deposits for Guardian Ad Litem fees from time to time, and the final order on the matter shall contain a provision regarding payment of any outstanding Guardian Ad Litem fees.
4. Fees may be taxed against any or all parties. The Court may make a final determination as to the allocation of costs at the final hearing.
5. Guardian Ad Litem fees are in the nature of child support and are not to be considered dischargeable in any bankruptcy proceeding.

J. **Removal of Guardian:** A guardian ad litem may be removed upon motion of any party and/or at the discretion of the Court only upon good cause shown.

K. **Duration of Appointment and Reappointment of Guardian Ad Litem in Subsequent Proceedings:**
1. Unless otherwise removed by the Court, the appointment of a guardian ad litem will remain in effect until a final entry is filed in the case which shall constitute discharge of the guardian ad litem.
2. Whenever appropriate, the same guardian ad litem shall be reappointed for a specific child in any subsequent case.

Effective Date: 1-1-2025
Amended: ----

DR RULE 7.8 - APPOINTMENT OF ATTORNEY FOR CHILD

A. **When Appointed:** The court may, in its discretion, appoint an attorney for a minor child when necessary to protect the legal interests of a child in contested proceedings involving the allocation of parental rights and responsibilities. The appointment may be made on the court's own motion or upon the motion of a party, an attorney for a party, or the court-appointed guardian ad litem.

B. **Nature of Representation:**
   1. The attorney for a child is not an attorney performing the role of a guardian ad litem appointed pursuant to Sup.R. 48.01- 48.07.
   2. The attorney for a child shall provide independent legal representation as counsel of record for the child who shall be joined as a party defendant. The attorney for the child shall owe the same duties of undivided loyalty, confidentiality, and competent representation as are due an adult client in a traditional attorney-client relationship.
   3. The attorney for a child shall be served with all pleadings, motions, notices and other documents filed in the case and be provided with all documents exchanged in discovery. The attorney for a child shall be given notice of all hearings and other proceedings, in the same manner as service is made or notice is given to the parties to the action, consistent with rules and laws applicable to parties.

C. **Appointment Considerations:**
   1. The court shall not appoint an attorney to represent a child unless the court finds, at any stage in the proceedings, that the legal interests of the child are not adequately protected or represented by one of the parties. The court will not routinely appoint an attorney for a child.
   2. If there is a conflict between the guardian ad litem's position and the child's preference, the court may appoint an attorney for the child.
   3. In determining whether to make an appointment of an attorney for a minor child, the court shall consider the:
      a. Nature and adequacy of the evidence to be presented by the parties and the availability of other methods of obtaining information;
      b. Whether an attorney for the child would be likely to provide the court with relevant evidence not likely to be otherwise presented;
      c. The age and maturity of the child and whether the child is of sufficient reasoning ability to express wishes and desires;
      d. Whether the child is competent to direct the terms of the representation;
      e. Available resources for payment;
      f. Whether the issues of allocation of parental rights and parenting time are highly contested or protracted;
      g. Whether the child is subjected to stress as a result of the dispute that might be alleviated by the intervention of counsel representing the child;
      h. Whether the dispute involves allegations of physical, emotional, or sexual abuse or neglect of the child;
      i. Whether the best interest of the child appears to require independent representation; and,
      j. Whether the appointment would be helpful in resolving the issues of the case.

D. **Order of Appointment:** The court will issue an Order of Appointment that will state:
   1. The appointed counsel's name, address, telephone number, and email address;

2. The name of the child for whom counsel is appointed;
3. The child's date of birth;
4. The child's address, if appropriate;
5. The appointment is solely as legal counsel for the child;
6. The scope of the appointment and the issues to be addressed in the case;
7. Authorize the appointed counsel to have reasonable access to the child and to all otherwise privileged or confidential information about the child, without the necessity of any further order of court or the execution of a release, even in the absence of consent by a parent or by the child, except if the information is otherwise protected by law;
8. The rate of compensation for the attorney and the determination of the ability of any party to pay the attorney fees and expenses; and,
9. The allocation of fees payable by each party to the attorney subject to further order of court.

E. **Obligations and Rights of Counsel for the Child:**

1. The attorney for the child shall:
   a. Immediately identify himself or herself as attorney for the child when contacting individuals and inform them about the role of the attorney, the scope of the appointment, and that documents and information obtained by the attorney may become part of court proceedings;
   b. Gather evidence that bears on the legal interests of the child and present that admissible evidence to the court in any manner appropriate for the counsel of a party;
   c. Present the child's wishes to the court;
   d. File and serve notices, pleadings and motions, and conduct discovery as necessary in representing the interests of the minor child;
   e. Interview the child;
   f. Review court files and all accessible relevant records available to both parties;
   g. Make any further investigations child's counsel considers necessary to ascertain evidence relevant to the allocation or parental rights or parenting time hearing;
   h. Introduce and examine witnesses, present arguments to the court concerning the child's welfare, and participate further in the proceeding to the degree necessary to represent the child adequately;
   i. Keep accurate records of the time spent, services rendered, and expenses incurred in each case while performing the responsibilities as the attorney for the child; and,
   j. Provide a redacted statement detailing fees and expenses to all parties at the conclusion of representation or as requested by the Court during the pendency of the proceedings.

2 In informing and counseling the client, the attorney for the child should:
   a. Meet with the child upon appointment, before court hearings, when apprised of emergencies or significant events affecting the child, and at other times as needed;
   b. Explain to the child what is expected to happen, before, during, and after each hearing;
   c. Advise and consult the child and provide guidance, communicating in a way that maximizes the child's ability to direct the representation;
   d. Discuss each substantive order, and its consequences, with the child;
   e. Interview the child in a developmentally appropriate manner;
   f. Seek to elicit in a developmentally appropriate manner the child's expressed objectives of representation;

g. Consider the impact on the child in formulating the attorney's presentation of the child's expressed objectives of representation to the court;
h. Take any action consistent with the child's interests that the attorney considers necessary to expedite the proceedings; and,
i. Encourage settlement and or participate in alternative forms of dispute resolution.

3. The attorney for a child shall have the following rights with respect to the child represented:
   a. To have reasonable access to the child;
   b. To confer with the child in a private setting that allows for confidential communications, which may include by telephone or videoconference, as appropriate;
   c. To have standing to seek affirmative relief on behalf of the child;
   d. To be heard in the proceeding and take any action available to a party in the proceeding;
   e. To have access to the child's medical, dental, mental health, and other health-care records;
   f. To have access to the child's school and educational records;
   g. To interview school personnel, caretakers, health-care providers, mental health professionals, and others who have assessed the child or provided care to the child;
   h. To assert or waive any privilege on behalf of the child;
   i. To refuse any physical or psychological examination or evaluation that has not been ordered by the court;
   j. On approval of the court, to seek independent psychological or physical examination or evaluation of the child for purposes of the pending proceeding;
   k. To conduct thorough, continuing, and independent discovery and investigations;
   l. To request the court to authorize the relevant local child protective services to release relevant reports or files concerning the child;
   m. To review and sign, or decline to sign, a proposed or agreed order affecting the child;
   n. To request a hearing or trial on the merits;
   o. To consent or refuse to consent to an interview of the child by another attorney;
   p. To attend all legal proceedings in the suit;
   q. Not to be compelled to produce the attorney's work product developed during the appointment;
   r. Not to be required to disclose the source of information obtained as a result of the appointment;
   s. Not to provide a report or submit a report into evidence; and,
   t. Not to testify in court.

F. **Compensation:**
   1. **Approved Fee Rate:** An attorney for a child shall bill and be paid at the rate of $150.00 per hour for all reasonable and necessary time expended and expenses incurred.

   2. **Deposits:** Parties are responsible for payment for the legal services provided by the attorney for the child. When making the appointment, the court will order one or both of the parties to pay a $1,500.00 or greater deposit toward the attorney's fees and expenses, to be paid by one or both of the parties. The deposit shall be paid to the attorney for a child who shall hold it in the attorney's Interest on Lawyers Trust Account (IOLTA) as security for partial payment of the attorney's fees.

a. The parties shall each file a written Notice with the Court, along with proof of payment, documenting full compliance with their respective deposit requirement. The Notice shall be filed no later than seven (7) days after the deposit requirement has been satisfied.
b. The attorney for the child shall file a written Notice with the Court reporting any non-compliance with the ordered deposit requirement no later than seven (7) days after the stated deadline for full compliance has lapsed.
c. The attorney for the child shall not release any of the deposited funds from their IOLTA account until an appropriate Motion is filed with the Court and a written Order has been issued by the Court directing the withdrawal of deposited funds from said IOLTA account and paid to the Attorney for the Child.

3. **Payment:** The attorney for a child shall submit a motion for payment at the conclusion of the case, or in the alternative, a motion for partial payment and request for an additional deposit when the services provided have exceeded the deposit on hand. The motion must itemize the duties performed, time expended, and expenses incurred. The court may approve or deny any portion of the requested fees. The court will issue an order regarding payment of requested fees and expenses that allocates payment to one or more parties, unless a hearing on the motion is requested within fourteen (14) days.

4. **Final Allocation of Attorney Fees for Child:** In determining the allocation of attorney fees, the court will consider any relevant factor, including:
   a. The total amount of compensation of the child's attorney;
   b. The sources of compensation of the child's attorney, including the parties;
   c. The income, assets, liabilities, and financial circumstances of the parties, as demonstrated using an affidavit, testimony to the court, or evidence of qualification or any means-tested public assistance;
   d. The conduct of any party resulting in the increase of the child's attorney fees and expenses without just cause; and,
   e. The terms and amount of any installment payments.

5 **Enforcement of Fee Payment:** Approved fees payable to an attorney shall be deemed to be in the nature of support of the child and within the exceptions to discharge in bankruptcy under 11 U.S.C. 523. The court may enforce payment of the child's attorney fees and expenses as follows: issue a lump sum judgment; conduct contempt of court proceedings; or, utilize any other manner authorized by law. The court will not delay or dismiss a proceeding solely because of a party's failure to pay attorney fees and expenses. The inability of a party to pay attorney fees and expenses ordered by a court will not delay any final entry.

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DR RULE 7.9 - CUSTODY EVALUATIONS

A. **Definition:** As used in this rule a "Custody evaluation" means an expert study and analysis, by an individual qualified to be a custody evaluator, of the needs and development of a child who is the subject of an action or proceeding in which child custody or parenting time is an issue, and of the comparative and relative capacities of the parties and other relevant adults to care for and meet the needs and best interest of the child.

B. **Applicability:** Pursuant to R.C. §3109.04(C) and Sup.R. 91 the Court may order a custody evaluation to analyze the needs of a child who is the subject of the action and capacities of the parents or other relevant adults to meet the needs and best interest of the child. The Court shall only consider custody evaluations completed by a custody evaluator appointed by the Court.

C. **Appointment of Custody Evaluator:**
   1. Upon its own motion, or the motion of a party, guardian ad litem, or counsel for a child, the Court may appoint a custody evaluator to perform a custody evaluation pursuant to Sup.R. 91.04.
   2. When submitting a motion for the appointment of a custody evaluator the Movant shall:
      a. Articulate the reasons why a custody evaluation is needed;
      b. Articulate whether they are seeking a full or partial evaluation;
      c. Articulate the specific issues they seek to have addressed in the evaluation.
   3. When submitting a motion for the appointment of a custody evaluator movant must also submit an documentation from the custody evaluator they propose using, verifying:
      a. The name, business address, telephone number and e-mail address of the evaluator;
      b. That the evaluator meets all licensure, training, and educational requirements stated is Sup.R. 91.08-91.09;
      c. The hourly rate of the evaluator;
      d. The initial deposit required by the evaluator to begin the evaluation process; and,
      e. The anticipated time needed to complete the evaluation process.
   4. The Court shall not appoint as a custody evaluator a guardian ad litem appointed to the case.
   5. Absent agreement of the parties, guardian ad litem, and counsel for the minor child, if any, the Court shall hold a hearing prior to the appointment of a custody evaluator to discuss the time and scope of the proposed evaluation, time frame for the evaluation, as well as the initial allocation of costs and deposits for the completion of the evaluation.

D. **Qualifications:** All Custody Evaluators shall meet the licensure, training, and education requirements as state in Sup.R. 91.08-91.09.

E. **Order of Appointment:** The order shall include the provisions set forth in Sup.R. 91.05(C).
   1. The name, business address, licensure, and telephone number of the evaluator.
   2. The purpose and scope of the appointment.
   3. The term of the appointment.
   4. A provision that a written report is required and oral testimony may be required.

5. Any deadlines pertaining to the submission of reports to the Court, including the dates of any pretrial, settlement conference, or trial associated with the furnishing of reports.
6. A provision for payment of fees, expenses, and any hourly rate or fee that will be charged.
7. Any provision the Court deems necessary to address the safety and protection of all parties, the children of the parties, any other children residing in the home of a party, and the person being appointed.
8. A provision that grants the custody evaluator the right to access information as authorized by the appointment.
9. A provision that requires the parties to cooperate with the custody evaluator and provide information promptly when requested to do so, including but not limited to signing any releases of information so as to allow the custody evaluator to gather the information necessary to conduct the evaluation.
10. Any other provisions the Court deems necessary.

F. **Description of Custody Evaluation:** Unless contraindicated in the judgment of the custody evaluator or limited by the order of appointment, a custody evaluation shall include but not be limited to all of the following:
   1. Information obtained through interviews, joint or individual, with each party seeking custody or parenting time.
   2. Information obtained through interviews with each child.
   3. Information obtained through interviews with stepparents, significant others, or any other adult residing in the home.
   4. Information obtained through interviews with step or half-siblings residing in the home.
   5. Information obtained from childcare providers, schools, counselors, hospitals, medical professionals, social service agencies, guardians ad litem, and law enforcement agencies.
   6. Information from home visits or observations of each child with the appropriate adults involved.
   7. Results of clinical tests administered.
   8. History of child abuse, domestic violence, substance abuse, psychiatric illness, and involvement with the legal system.
   9. Investigation into any other relevant information about the child's needs.

G. **Responsibilities of the Custody Evaluator:** A custody evaluator appointed by the Court pursuant to Sup.R. 91.04 shall do all of the following when performing the custody evaluation:
   1. Maintain objectivity, provide and gather balanced information from both parties to the case, and control for bias.
   2. Strive to minimize the potential psychological trauma to children during the evaluation and report writing by performing responsibilities in a prompt and timely manner.
   3. Protect the confidentiality of the parties and children with collateral contacts and not release information about the case to any individual except as authorized by the Court or statute.
   4. Immediately identify themselves as a custody evaluator when contacting individuals in the course of a particular case and inform these individuals about the role of a custody evaluator and that documents and information obtained may become part of court proceedings.
   5. Refrain from any ex parte communications with the Court regarding the merits of the case.

6. Not offer any recommendations about a party unless that party has been evaluated directly or in consultation with another qualified neutral professional.
7. Consider the health, safety, welfare, and best interest of the child in all phases of the process, including interviews with parents, extended family members, counsel for the child, and other interested parties or collateral contacts.
8. Not pressure children to state a custodial preference.
9. Inform the parties of the evaluator's reporting requirements, including, but not limited to suspected child abuse and neglect and threats to harm one's self or another person.
10. Not disclose any recommendations to the parties, their attorneys, or the attorney for the child before having gathered the information necessary to support the conclusion.
11. Be conscious of the socioeconomic status, gender, race, ethnicity, sexual orientation, cultural values, religion, family structures, and developmental characteristics of the parties.
12. Upon discovery, notify the Court in writing of any conflicts of interest arising from any relationship or activity with parties or others involved in the case. A custody evaluator shall avoid self-dealing or associations from which the custody evaluator may benefit, directly or indirectly, except from services as a custody evaluator.

H. **Custody Evaluator Reports:**
1. A custody evaluator shall prepare a written final report, including recommendations to the Court, at least thirty (30) days prior to the final hearing.
2. The Court may receive and read the written report in advance of a hearing or trial for the purpose of conducting a settlement conference in the case.
3. The report shall include a detailed analysis of the strengths and areas in need of improvement of the parties with respect to meeting the needs of the child, as well as a comparative analysis of the different parenting plans or companionship plans under consideration.
4. The report shall not be considered an investigation pursuant to Civ.R. 75(D), Juv.R. 32(D), or R.C. §3109.04(C).
5. All reports submitted to the Court shall include the following notice: "The custody evaluator's report shall be provided to the Court for distribution to unrepresented parties and legal counsel. Unauthorized disclosure or distribution of the report may be subject to court action, including the penalties for contempt which include fines and/or incarceration."

I. **Disclosure of the Custody Evaluator's Report:**
1. The report is not available for public access pursuant to Sup.R. 44-47; however, it is subject to the Rules of Civil Procedure where applicable to discovery in civil actions.
2. A party may copy a written report of a custody evaluation but, except as permitted by the Court, shall not disseminate the report by any means, including by social media. Any additional disclosure of this report must be approved in advance by the Court. In particular, reports or the recommendations shall not be shared with minor children who are the subject of the case.
3. Unauthorized disclosure or distribution of the report, in whole or in part, may be subject to court action, including the penalties for contempt which include fines and/or incarceration.
4. No individual shall be permitted to place the content of the report on any form of social media.

J. **Testimony & Report at Hearing or Trial:**
   1. The evaluator's report shall be admitted into evidence at a hearing or trial on the Court's motion. The report shall be admitted as the Court's exhibit in the form of the custody evaluator's expert direct testimony.
   2. A party challenging the report shall subpoena the evaluator to appear not less than fourteen (14) days before a hearing or trial.
   3. The Court shall notify the evaluator as soon as a hearing or trial date is set. The evaluator shall be available to testify on cross-examination regarding the report if subpoenaed by a party not less than fourteen days prior to trial.

K. **Communication with the Court:** A custody evaluator speaks through their report and shall refrain from any ex parte communication with the Court. When necessary, a custody evaluator may communicate with the Court to amend the scope or timeframe of their appointment.

L. **Fees and Payments:**
   1. The Court shall issue an order regarding the allocation of payment of the custody evaluator's fees and expenses. Prior to the appointment, the parties have a right to be heard on the issue of allocation of payment.
   2. The Court shall consider the parties' ability to pay the fees and expenses of the custody evaluator. In making this determination, the Court shall consider all of the following:
      a. The income, assets, liabilities, and financial circumstances of the parties, as demonstrated by an affidavit or statement of income and expenses, testimony to the Court, or evidence of qualification for any means-tested public assistance.
      b. The complexity of the issues.
      c. The anticipated reasonable fees and expenses of the custody evaluator, including any reasonable fees or expenses related to potential testimony.
   3. The Court shall issue an order regarding the allocation of payment of the custody evaluator's fees and expenses which shall consist of both of the following:
      a. Any requirement for a party to pay reasonable fees and expenses, including an initial deposit.
      b. Any requirement for any other entity or individual to contribute toward reasonable fees and expenses.
   4. For good cause shown, based upon a change of financial circumstances, the conduct of any party, or other unforeseen circumstances, the Court may approve additional fees or expenses, reallocate reasonable fees or expenses, or require a party to reimburse another party in part or in whole for reasonable fees or expenses paid.

M. **Removal & Resignation:**
   1. The Court may remove a custody evaluator appointed to perform a custody evaluation upon a showing of good cause.
   2. A custody evaluator appointed to perform a custody evaluation may resign prior to completing the evaluation only upon a showing of good cause, notice to the parties, an opportunity to be heard, and with the approval of the Court.

N. **Conflicts of Interest:**
   1. A custody evaluator shall avoid any actual or apparent conflict of interest arising from any relationship or activity including, but not limited to, those of employment or business or from professional or personal contacts with parties or others involved in the case. A custody evaluator shall avoid self-dealing or associations from which the

custody evaluator might benefit, directly or indirectly, except for compensation for services as a custody evaluator.

2. Upon becoming aware of any actual or apparent conflict of interest, a custody evaluator shall immediately take action to resolve the conflict; shall advise the Court and the parties of the action taken and may resign from the matter with leave of Court; or shall seek Court direction as necessary.
3. Because a conflict of interest may arise at any time, a custody evaluator has an ongoing duty to comply with this division.

Effective Date: 1-1-2025
Amended ----

DR RULE 7.10 - OTHER EXPERT EVALUATIONS

A. **Applicability:** This rule applies to all motions for evaluations (other than custody evaluations) seeking to obtain evidence of character, family relations, past conduct, earning ability, and financial worth of the parties to the action, pursuant to Civ.R. 75(D), or seeking evidence of character, family relations, past conduct, earning ability, or financial worth of each parent, pursuant to R.C. §3019.04(C).

B. Absent an agreement by the parties, any party seeking an evaluation shall file a written motion that contains the following:
   1. Articulates the reasons why said evaluation is needed;
   2. Provides the name, business address, telephone number, and e-mail address of the proposed evaluator
   3. Provides documentation demonstrating that the evaluator meets all licensure, training and educational requirements to perform the request evaluation.
   4. Acknowledges that movant has funds ready at hand to pay all costs of the evaluation.

C. Absent submitting an agreed order, movant shall also provide the Court with a proposed order. If the evaluation is for a physical or mental examination, the proposed order shall specify time, place, manner, conditions and scope of the ordered examination in accordance with Civ.R. 35(A).

D. Upon due consideration of the matter the Court, in its discretion, with or without a hearing, will issue an order on the appointment of an evaluator.

E. **Timeliness:** The parties shall assess the need for evaluations as quickly as possible. No motion for appointment of an evaluator shall be granted, except upon a showing of extraordinary circumstances once the matter has been set for a contested trial.

F. **Final Allocation of Evaluator Costs as Litigation Expense:** Pursuant to R.C. §3105.73, the Court may consider allocating costs of an evaluator as a litigation expense, if equitable, at the final hearing on the matter.

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Amended: ----

DR RULE 7.11 - MEDIATION

A. This Rule incorporates by reference R.C. Chapter 2710, commonly known as the Uniform Mediation Act, ("UMA"), R.C. §3109.052 and Sup.R.16.

B. **Private Mediation:** Except as detailed below, the parties, by mutual consent, may attempt to resolve disputed issues through the services of a private mediator, whose costs shall be paid by the parties. The parties shall identify the private mediator to the court in writing by submitting a motion and an agreed upon order for mediation signed by the parties. The parties shall also notify the court of the termination of private mediation and its outcome.

C. **Exceptions**:
   1. The Court shall not permit the use of mediation in any of the following situations:
      a. As an alternative to the prosecution or adjudication of domestic violence;
      b. In determining whether to grant, modify, or terminate a civil protection order;
      c. In determining the terms and conditions of a civil protection order; and,
      d. In determining the penalty for violation of a civil protection order.
   2. This rule does not prohibit the use of mediation in a divorce or allocation of parental rights case subsequent to the issuance of a civil protection order.

D. **Procedure:**
   1. Mediation shall commence within thirty (30) days of the agreed order for mediation.
   2. The mediation shall be completed by the mediator within ninety (90) days from the date of the mediation order, unless extended by the Court for good cause shown.
   3. Mediation may be in person or conducted through an electronic forum.
   4. The parties shall be advised that either may withdraw from the mediation process at any time without any adverse effect upon the party's standing before the court.
   5. The mediator shall have the right not to conduct the mediation session or to terminate a mediation session.
   6. All court orders shall remain in effect during the mediation process.
   7. All agreements reached during mediation shall not be binding upon the parties until adopted by the court.
   8. The mediation does not provide legal advice.

E. **Privilege/Confidentiality:**
   1. All communications related to the mediation or made during the mediation process shall be governed by the privileges as set forth in the UMA, R.C. §3109.052, Sup.R.16, and the Ohio Rules of Evidence.
   2. Statements made during the course of the mediation screening, mediation sessions and the notes of the mediator or individual(s) conducting the screening shall not be discoverable or admissible as evidence in any proceeding in this court.
   3. This rule does not require the exclusion of any evidence that is otherwise discoverable merely because it is disclosed in the course of a screening or during mediation. This rule shall not preclude the mediator from testifying as to a crime committed in the presence of the mediator or from complying with any law requiring the reporting of child abuse or any other mandatory reporting statute.

F. **Attendance:** The court may require a party's attorney or a guardian ad litem to attend the mediation if the court determines it is appropriate and necessary for the process and consistent with the UMA. Parties, attorneys and guardians ad litem who fail to appear for

a court ordered mediation may be charged an additional fee for failing to appear without good cause.

G. **Mediation Outcome Report:** The mediator shall file a mediation outcome report or an extension of time to mediate within one-hundred (100) days of the date of the order for mediation, or within ten (10) days upon the termination of the mediation, whichever occurs first. The mediation outcome report shall inform the court who attended mediation and whether a settlement was reached. No other information shall be communicated by the mediator to the court unless all who hold a mediation privilege as to the confidentiality of the mediation including the mediator, have consented in writing to such a disclosure with the exception of the items listed in the UMA.

H. **Qualifications:** Mediators shall meet the qualifications as set forth in Sup.R.16.

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Amended:

TITLE 8 – HEARINGS AND COMMUNICATIONS WITH THE COURT

DR RULE 8.1 - LIMITATION ON COMMUNICATIONS WITH THE COURT

Except as provided in DR Rule 8.2 herein, no attorney or party shall discuss the merits of any case either orally or in writing, with any judge or magistrate presiding over the matter without all legal counsel of record or self-represented parties participating in the discussion.

Effective Date: 1-1-2025
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DR RULE 8.2 – EX PARTE HEARINGS

A. **Ex parte Motions and Emergency Hearings for Parental Rights and Responsibilities:** In a pending divorce, legal separation, post decree matter, or third-party complaint an ex parte order allocating or reallocating parental rights and responsibilities will only be granted in cases where exigent circumstances are established and where the movant complies with all of the requirements of this Rule.

B. **General Requirements of Ex Parte Motions:** The movant must file a written motion containing all of the following:
   1 All ex parte motions shall include a statement as to whether the nonmoving party is presently represented by counsel and whether or not that attorney has entered an appearance in the case. If the nonmoving party is represented, the motion shall state the name of the nonmoving party's attorney.
   2 All ex parte motions shall disclose any other orders issued by this Court, or by any other Court, which are currently in effect and relevant to the relief requested in the motion. A time-stamped copy of any relevant and current order shall be attached to the ex parte motion.
   3 All ex parte motions shall disclose the efforts, if any, which have been made by the Movant or counsel to give notice of the issue(s) raised in the motion, and the reasons supporting any claim that notice should not be given. The motion shall state whether or not the Movant knows the present residence of the nonmoving party and, if not, what efforts the Movant has made to discover the present address of the nonmoving party.

C. **General Requirements of Ex Parte Affidavits:** All ex parte motions shall be supported by affidavit(s) and shall be filed with the motion. Supporting affidavits shall be made on personal knowledge, shall set forth such facts that would be admissible as evidence, and shall show affirmatively that the affiant is competent to testify to the matters stated in the affidavit. Affidavits must contain specific facts and information to support the claim for relief and establish that exigent circumstances exist.

D. **General Requirements for Supporting Documentation:** If the motion for an ex parte order is filed post decree Movant shall file, contemporaneously with the motion, a "Parenting Proceeding Affidavit," an "Affidavit of Basic Information, Income and Expenses," a "Health Insurance Affidavit" containing information necessary for the establishment of Child Support and Health Insurance. Said forms can be found at www.supremecourt.ohio.gov/forms/all-forms/domestic-relations-and-juvenile-standardized/1. Further, Movant shall file, contemporaneously with the motion, a completed Child Support Computation Worksheet. Calculation of child support can be completed through https://ohiochildsupportcalculator.ohio.gov/gov/home.html.

E. **General Requirements of Proposed Order:** Movant must provide the Court with a proposed Order granting the ex parte relief. The Order shall contain for following language:

> *NOTICE: Any party to this action may request that the Court set a hearing on the ex parte motion and order. All requests for hearing shall be made in writing by filing a judgment entry for a notice of hearing and a preacipe with instructions to the clerk requesting service. The foregoing shall be filed with the Court within ten (10) days after service of this Order.*

F. **Appearance of Movant at time of filing of Motion:** The moving party shall bear the burden of proof and shall present sufficient, competent evidence to establish that an ex parte order is needed. Accordingly, the party moving for an ex parte order shall be present at Court at the time the motion is filed to provide testimony, under oath, as deemed necessary by the Court, to support any claim of exigent circumstances warranting the need for an ex parte order.

G. **Consideration of Exigent Circumstances:** In reviewing the affidavit(s) and any testimony deemed necessary by the Court, the Court will consider the following factors:
   1. Whether a child of any party is about to suffer physical abuse, severe emotional harm, or neglect by the other party/parties or in the other party/parties home;
   2. Based on the facts presented, whether it is in the best interest of the minor child to grant the ex parte motion; and,
   3. Based on the facts presented, whether notice and an opportunity to be heard prior to the granting of the motion is not in the best interest of the child given the evidence presented.

H. **Service of Motions and Order:** The motion for an ex parte order, supporting documentation filed the supporting order, and any Order issued by the Court in response to the motion shall be served on the opposing party in accordance with the civil rules.

I. **Hearings subsequent to Denial of Ex Parte Order:** In the event the Court denies the motion for an ex parte order the Court may consider granting or reallocating parental rights and responsibilities after the opposing party has been given notice and an opportunity to respond to the motion.

J. **Hearings subsequent to Granting of Ex Parte Order:** In the event a party requests a hearing on the granting of an ex parte motion, the Court shall set a hearing on an expedited basis, as soon as the Court's docket may permit. At the hearing the moving party shall bear the burden of proof to demonstrate by sufficient, competent evidence, that the continuation of the ex parte order is warranted

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DR RULE 8.3 - TIMEFRAME FOR HEARINGS

A. **Initial Hearings:** After service is perfected initial hearings shall be scheduled as soon as possible, subject to the following:
   1. **Civil Protection Order Cases:** Initial hearings on civil protection order cases shall be set in accordance with the time requirements contained in R.C. §3113.31 and §2903.214.
   2. **Dissolutions:** The Court, in its discretion, may schedule a pretrial prior to a final hearing on the dissolution. Pursuant to R.C. §3105.64 the final hearing on a dissolution of marriage shall be set not less than thirty (30) days after the filing of the Petition.
   3. **Agreed/Uncontested Hearings on Divorce, Annulment or Legal Separation:** Pursuant to Civ.R. 75(K) no action for divorce, annulment, or legal separation may be heard and decided until the expiration of forty-two (42) days after service of process. Counsel for Plaintiff, or Plaintiff if unrepresented, shall notify the Court if a divorce, annulment or legal separation is proceeding as an uncontested case by agreement of the parties. Further, movant's attorney, or movant if unrepresented, shall notify the Court if a post decree motion is proceeding as an uncontested matter. At the time of providing notice to the Court the parties shall provide the Court with a copy of the signed proposed Judgment Entry/Order resolving the matter. The Court will then schedule the matter accordingly.
   4. **All other matters:** In all other matters that have been properly filed and served, the Court shall schedule a pretrial where the matter is or may be contested. The Court may, however, dismiss a matter without a hearing for failing to comply with the Rules of the Court or failing to otherwise demonstrate good cause.

B. **Subsequent Hearings:** Further pretrials/hearings shall be set by the Court at or immediately after the current pretrial/hearing. At each pretrial/hearing the attorneys and self-represented parties shall be prepared to inform the Court:
   1. The type of hearing they are proposing to be set next (i.e., pretrial, evidentiary hearing, uncontested hearing);
   2. Any preference as to whether the hearing is in person, remote, or telephonic;
   3. How much time is needed to fully prepare for the next hearing date;
   4. How much total hearing time is needed for the next hearing; and,
   5. Proposed dates of availability for the next hearing date.

C. **Time Guidelines for Final Hearings on Contested Matters:**
   1. **Civil Protection Order Cases:** Pursuant to the Rules of Superintendence the guideline within which to resolve all civil protection cases is three (3) months from the date of service.
   2. **Dissolutions:** Pursuant to R.C. §3105.64 and the Rules of Superintendence, dissolution proceedings shall be resolved within three (3) months from the date of filing.
   3. **Divorce, Annulment or Legal Separation:** Pursuant to the Rules of Superintendence, divorce, annulment, and legal separation cases without children should be resolved within twelve (12) months, while such actions with children should be resolved within eighteen (18) months.
   4. **Post Decree Motions:** Post decree matters, including but not limited to contempt and any reallocation of parental rights and responsibilities should be resolved within twelve (12) months from date of service.

D. **Duty of the Parties:** The parties and their counsel shall work toward completing discovery, conducting settlement negotiations, and litigating motion hearings so that the final hearing on all matters can be resolved within the time parameters of this Rule.

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DR RULE 8.4 - HEARING NOTICES

A. **Notice to Parties and Counsel:** Notice of any hearing, or trial date will be sent by electronic mail to all counsel of record or mailed to the parties, if not represented by counsel, no less than fourteen (14) days before the day set for pretrial, hearing, or trial. The Court may shorten the notice time if required by statute or rule, by agreement of the parties or counsel, or in its discretion.

B. **Duty to Update Address:** The parties and their counsel shall immediately file a change of mailing address and/or e-mail address with the clerk of courts so that notice can be effectuated.

Effective Date: 1-1-2025
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DR RULE 8.5 - DRESS CODE

All attorneys, parties and witnesses, when attending Court, shall dress in a manner which reflects respect for the Court and for the decorum of formal legal proceedings. No individual shall appear in any hearing dressed inappropriately, as determined by the Court. If the parties are not properly attired the Court may continue the hearing. It shall be the duty of counsel to advise the parties and witnesses of this rule prior to their appearance in Court.

Effective Date: 1-1-2025
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DR RULE 8.6 - CHILDREN AT HEARINGS

A. **Limitation on Minor Children Appearing at Hearings:** Hearings can be lengthy and at times may be emotionally charged. Accordingly, parents should not bring children to any virtual or in person hearing unless otherwise directed by the Court. All children must be supervised at all times. Court personnel are not permitted, and should not be asked to supervise children. If a child brought to the courthouse is disruptive or unsupervised the Court may sua sponte continue a hearing.

B. **Limitation on Physical Restraint of Minor Children during Hearing:**
   1. In accordance with Sup.R. 5.01 it is the policy of the Court that no physical restraint of a child appearing in court shall be utilized unless the Court makes an individualized determination on the record that there is no less restrictive alternative to use physical restraint and that the physical restraint of the child is necessary because the child represents a current and significant threat to the safety of the child's self or other persons in the courtroom, or there is a significant risk that the child will flee the courtroom.
   2. If the Court receives a written or verbal request to use a physical restraint on a minor child, the child, the child's guardian ad litem, the child's attorney, and all parties will first be heard on the issue of whether the use of physical restraint is necessary.
   3. If the Court determines that physical restraint is necessary, the restraint must be the least restrictive means necessary to meet the risk as determined by the Court. Further, the restraint should not unnecessarily restrict the movement of the child's hands.
   4. This rule does not prohibit the use of restraints during transportation to and from the Court or in the court buildings either before or after hearings.

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DR RULE 8.7 - COURT SECURITY

Pursuant to the Sup.R. 9, the Court has implemented a Security Plan for purposes of ensuring security in court facilities in accordance with Ohio Court Security Standards adopted by the Supreme Court of Ohio.

A. All persons entering the courthouse shall pass through a magnetometer and have all packages large enough to conceal a weapon or dangerous ordnance pass through an x-ray machine.

B. No weapons or other instrument, ordnance or device which may cause bodily harm will be permitted into the courthouse, except that law enforcement officers acting within the scope of their employment as a witness or on official business shall be allowed to carry their official side arm. Law enforcement officers appearing for their own case will not be allowed to carry a weapon or dangerous ordnance.

Effective Date: 1-1-2025
Amended: ----
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DR RULE 8.8 - CELL PHONES AND OTHER ELECTRONIC DEVICES

A. Absent the express written permission of the Court no party or witness may bring a cell phone, laptop computer, or other electronic device into the Courthouse.

B. Attorneys appearing before the Court may bring in a cell phone, laptop or electronic device. However, such devices may not be used to record in any area of the courthouse, except as provided in DR Rule 8.9 herein.

C. Failure to comply with this rule may result in a finding of contempt, confiscation of the electronic device, fines or expulsion from the courthouse.

D. In no event shall the Court or courthouse security be liable for damage to any electronic device confiscated in accordance with this rule.

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DR RULE 8.9 - PHOTOGRAPHING, RECORDING AND BROADCASTING COURT PROCEEDINGS

In compliance with Sup.R. 12, the Court shall permit the broadcasting, televising, recording or photographing of court proceedings. The term "proceedings" shall be understood to apply to public hearings by the Court.

A. Request for permission to broadcast, televise, record, or photograph in the courtroom shall be made in writing to the Judge assigned to the case as far in advance as reasonably practicable but in no event later than twenty-four (24) hours prior to the courtroom session to be broadcast, recorded or photographed unless otherwise permitted by the Judge for good cause shown.

B. To the extent possible, the Court shall timely inform the attorneys for all the parties in the case of the media request. The intent of this rule is to allow attorneys for all parties an opportunity to be heard prior to the Judge deciding the media request.

C. In the event the Judge approves the media request, the Judge shall prepare and sign a journal entry setting forth the conditions of media broadcasting, televising, recording or photographing. This entry shall be made a part of the record of the case. Sup.R. 12 and this rule shall govern the Judge's granting of the media request.

D. In the event of a continuance of the Court proceeding requested to be broadcasted, televised, recorded or photographed for a period of more than thirty (30) days, a new media request shall be required.

E. Any equipment which is non-portable shall be set up and ready for operation prior to the commencement of morning or afternoon Court sessions. In no event will persons be permitted to bring equipment into the courtroom during trial unless such equipment can be easily carried by a single person and without causing distraction or disturbance.

F. No media recording or proceedings in the Judge's chambers or accesses thereto shall be permitted except with the express permission of the Judge.

G. The Judge, counsel, and witnesses shall not address any remark to or via the media when the Court is in session. In all respects, the trial shall proceed in exactly the same manner as though there were no media recording in progress.

H. No media recording shall be made of any document or exhibit before or after such document or exhibit is admitted into evidence, except those which are clearly visible to spectators, e.g., maps, charts, blackboards, etc.

I. Permission for media recording shall in no way diminish the ethical requirements applicable to Judges and lawyers respecting comments or the release of information relating to a case in progress.

J. Sup.R. 12 is incorporated herein by reference and adopted into this rule.

K. All media representatives shall be properly attired in the manner which reflects positively upon the media profession. Proper courtroom decorum shall be maintained by all media representatives.

L. No personal recording devices shall be permitted in the courtroom.

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Amended: ----

DR RULE 8.10 - INFORMAL CONFERENCES

In urgent matters the parties may request an informal conference with the Court by contacting the Assignment Commissioner to schedule an in person, telephone, or Zoom conference on short notice. The basis for the conference must be provided to the Assignment Commissioner in an e-mail or other written request explaining why an expedited informal conference is needed. The Court, in its sole discretion, will then determine whether an informal conference is warranted given the circumstances presented. If approved, all parties or their counsel must be present during the informal conference.

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DR RULE 8.11 - PRETRIAL CONFERENCES

A. **Purpose:** The purpose of a pretrial conference is to achieve an amicable settlement of the controversy and, in the event settlement is not possible, to expedite trial of the action. Civ.R. 16 shall apply to pretrial/case management conferences. At the time of the pretrial conference the attorneys or self-represented parties shall be prepared to:
   1. Freely discuss the theory or theories of their case, both factual and legal;
   2. Discuss the necessity or desirability of amendments to any pleadings or the filing of additional pleadings;
   3. Discuss simplification or narrowing of legal issues;
   4. Make admissions as to the facts and the genuineness of documents and other exhibits which are not in dispute, including but not limited to: asset valuation and allocation; income and the appropriateness of spousal support; and, appropriateness of shared parenting or allocation of parental rights and responsibilities;
   5. Dismiss parties unnecessary to the case;
   6. Provide the names of witnesses whom they intend to call, and state the general nature of their testimony. If the Court so orders, counsel shall not be permitted to call additional witnesses at the trial, except rebuttal witnesses, unless the names and addresses of said witnesses and the general nature of their testimony are furnished in writing to other counsel of record at the time set by the Court before trial, or upon leave of Court at the trial, for good cause shown;
   7. Provide the number and nature of exhibits they intend to introduce, and if required by the Court, produce them for examination by the Court or parties;
   8. Provide the names, addresses, and specialties of any anticipated expert witnesses;
   9. Exchange reports of expert witnesses expected to be called by the parties;
   10. Exchange medical reports and hospital records;
   11. Discuss limitations on the number of expert witnesses;
   12. Discuss the necessity of supplementing interrogatory answers or other previous discoverable matters;
   13. Discuss procedures and time limitations for the completion of any further anticipated discovery;
   14. Submit and consider authorities on unique or controverted issues, or guarantee their submission at least seven (7) working days prior to trial;
   15. Discuss the appropriateness of Conciliation or any other need to stay the proceedings;
   16. Discuss any other matters that may expedite the trial or disposition of the case; and,
   17. Discuss the need for further pretrials along with a time table within which the case can be fully disposed of.

B. **In Person Pretrials:** Unless otherwise indicated in the Notice of Hearing, all pretrials shall be conducted in person, with all parties and their counsel, if any, appearing and ready to proceed at the scheduled time.

C. **Telephone Pretrials:**
   1. In the Notice of Hearing the Court will specifically indicate whether a hearing is a telephone pretrial conference. If the hearing is a telephone pretrial conference the Court will provide a phone number a code to be used at the time of the hearing.
   2. Attorneys and self-represented parties must be available and call in at the start time of their scheduled court event.
   3. Represented parties do not need to directly call in to a telephone pretrial conference. Their absence is excused for purposes of DR Rule 8.16 herein. However, the party

must be available by phone to their attorney during telephone pretrial and attorneys should have authority as set forth in Civ.R. 16.

4. Telephone pretrials are official court proceedings. All participants are required to conduct themselves as if present in the courthouse.
5. Telephone pretrial conferences, while being a Court proceeding, are not evidentiary hearings and are not recorded by the Court.
6. Recording of telephone pretrial conference by any participant by any means is strictly prohibited. Failure to comply with this provision may result in sanctions and/or a finding of contempt.
7. People who are not involved in the telephone pretrial should not be present, unless permitted by the Court.
8. The Judge or Magistrate may end the hearing if court protocols are not followed.

D. **Virtual Pretrials**:

1. In the Notice of Hearing the Court will specifically indicate whether a hearing is a virtual hearing. If the hearing is a virtual hearing the Court will provide a link to be used at the time of the hearing.
2. Attorneys and self-represented parties must be available and link in at the start time of their scheduled court event. In this regard, all participants must:
   a. Prior to the hearing all participants should download any app necessary to connect to the link provided by the Court.
   b. Join with video and internet audio when prompted. Make sure your camera is on and your microphone is unmuted.
   c. Upon joining, you will be placed in a virtual waiting room. Be patient. The meeting host will admit you into your meeting when the case is called.
   d. If you are disconnected from the meeting, reconnect immediately using the same Zoom link. Stay on Zoom until court is dismissed by the Court.
3. Virtual pretrials are official court proceedings. All participants are required to conduct themselves as if present in the courthouse. In this regard all participants shall do the following:
   a. Find a quiet, private space with a stable internet connection. Avoid areas with background noise or distractions.
   b. There should be no offensive or distracting backgrounds.
   c. Dress appropriately.
   d. Do not attend the hearing while driving, walking, lying down, or talking to others.
   e. Sit upright and be sure your face is visible with appropriate lighting.
   f. Do not smoke, vape, eat or drink while attending virtual court.
   g. Participants should be focused only on the hearing. Avoid distractions, doing other tasks, or unnecessarily getting up and moving around during the hearing.
   h. The Judge or Magistrate will direct the hearing and ask for participants to speak.
   i. Avoid talking at the same time someone else is talking. Just like an in-person court setting, the Court will indicate when it is your turn to be heard.
   j. Speak slowly and clearly, and allow time for any technological delay between devices.
   k. Keep your microphone unmuted and camera on at all times.
   l. If technical problems occur, please remain quiet so the Court can address the issue.
   m. Do not communicate by text, telephone, video, chat, email, or speaking directly to anyone during testimony except with counsel or an interpreter.
   n. People who are not involved in the virtual pretrial should not be present, unless permitted by the Court.

4. Virtual pretrials, while being a Court proceeding, are not evidentiary hearings and are not recorded by the Court.
5. Video or audio recording of virtual proceedings by any participant by any means is strictly prohibited. Failure to comply with this provision may result in sanctions and/or a finding of contempt.
6. The Judge or Magistrate may end the hearing if court protocols are not followed.

Effective Date: 1-1-2025
Amended: ----

DR RULE 8.12 – FINAL PRETRIAL CONFERENCES

A. Prior to any contested/evidentiary hearing on any Domestic Relations Complaint or post-decree motion the Court may schedule a Final Pretrial on the matter to address any remaining issue detailed in DR Rule 8.11(A).

B. **Mandatory Filings:** Unless otherwise ordered by the Court, prior to the Final Pretrial Conference each party shall file the following:
   1. If the allocation of parental rights and responsibilities remains unresolved in any initial or post decree proceeding each party shall file their proposed parenting plan, or shared parenting plan, which shall include:
      a. proposed calculations and worksheets for child support;
      b. proposed allocation of child related expenses not covered by child support;
      c. proposed reasons to deviate from child support;
      d. a proposed health insurance order, including proposals regarding the payment of cash medical, reasons to deviate from the payment of cash medical, and proposed allocations in the payment of uninsured medical expenses; and,
      e. A proposed parenting time schedule which takes into account the unique schedules and circumstances of the parties and their child(ren). The party may, however, propose that the Standard Time Parenting Time Order or Standard Long Distance Parenting Time Order be adopted.
   2. Any other document so ordered by the Court pursuant to DR Rule 8.13.

C. **Failure to Comply:** Unless otherwise excused by the Court, the failure of a party to comply with this Rule may be subject to sanctions in accordance with DR Rule 8.17.

Effective Date: 1-1-2025
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DR RULE 8.13 – TRIAL ORDERS

A. The Court may decide, or take under advisement, any motions pending in the case at the time of a pretrial or final pretrial conference.

B. **Trial Orders:** Pursuant to Civ. R. 16(D), at the conclusion of any pretrial/settlement conference the Court may issue an Order reflecting actions taken at the pretrial or actions to be completed prior to any follow-up pretrial or contested trial on the matter. The Court may require the parties to submit a list of proposed witnesses, trial briefs, or any other material to be submitted at the time of pre-trial conference.

C. **Failure to Comply:** Failure of a party to comply with any trial order may result in the dismissal of the action, the award of attorney fees to the opposing party, or such other sanctions as the Court deems appropriate.

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DR RULE 8.14 – WAIVER OF HEARING FOR AGREED UPON MATTERS

A written Judgment Entry, signed by the parties, shall be provided to the Court in advance of a contested hearing in lieu of going forward with a hearing on the matter, regarding any motion, issue, or post decree matter subject to the following:

A. Uncontested hearings on any initial Divorce, Annulment, or Legal Separation cannot be waived.

B. Final Hearings on a Dissolution cannot be waived.

C. In cases where a party is not represented by counsel the Court may, in its discretion required the signature of the unrepresented party to be notarized in lieu of appearing for the hearing. Further, if an agreed entry purports to deprive an unrepresented party of a right or otherwise operates to the potential detriment of such party, a hearing on the merits of such matters may be conducted by the Court before such entry is accepted and journalized by the Court.

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DR RULE 8.15 – ACCELERATED HEARING DATE FOR RESOLVED MATTERS

If a contested hearing date is scheduled and an agreement is reached on a matter where the hearing cannot be waived in accordance with DR Rule 8.14, the parties may contact the Assignment Commissioner and request an earlier uncontested final hearing date. A signed Judgment Entry resolving the matter shall be provided to the Court at the time the request is made.

Effective Date: 1-1-2025
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DR RULE 8.16 – CONTESTED TRIAL/EVIDENTIARY HEARINGS

A. **Obligation to narrow issues:** Prior to the contested trial date the parties shall continue working to resolve as many issues as possible, narrowing the scope, length, and cost of trial. In this regard the parties shall do the following:
   1. **Stipulations:** The parties should reduce stipulations to writing, signed by the parties. At the beginning of any contested hearing the parties should submit as a joint exhibit a copy of any stipulations entered into between the parties.
   2. **Exhibits:** All exhibits shall be marked in advance of any contested hearing. The Plaintiff/First Petitioner shall use numbers and the Defendant/Second Petitioner shall use letters. Further, absent a trial order to the contrary, no later than seven (7) days prior to any contested evidentiary hearing or trial the parties shall exchange copies of all exhibits and shall inform the Court, as to which exhibits will be admitted by stipulation and which exhibits will be contested.
   3. **Trial Briefs:** If counsel anticipates any novel or complex issue which will be presented at a contested hearing, counsel may file trial briefs prior to the hearing. The Court may, on a case-by-case basis, require the parties to file trial briefs or memoranda of law prior to a hearing.
   4. **Written Closing Arguments with Proposed Findings of Fact and Conclusions of Law:** The Court may, in its sole discretion, require the parties to submit a written closing argument along with proposed findings of fact and conclusions of law at the close of the presentation of evidence in any case.

B. **Unjustified Refusal to narrow issues:** The unjustified refusal of any party and/counsel to stipulate to undisputed facts/issues at trial, giving rise to delay, lengthening of contested trial time, or increased attorney fees and litigation costs, may be considered by the Court in a potential award for reasonable fees and expenses pursuant to R.C. §3105.73.

C. **Timely Appearance at Contested Trial:** If a case is not fully resolved by the contested trial date all parties and their counsel, if any, shall appear in person on the date and time selected for trial and shall be prepared to proceed at that time. Any party failing to appear on the date and time selected, or to be prepared to proceed, shall be subject to sanctions in accordance with DR Rule 8.17.

D. **Presentation of Testimony by Virtual Means:** It is the Court's preference that all witnesses appear in person to provide testimony. In the sole discretion of the Court, upon a written motion filed more than thirty (30) days prior to the trial/contested hearing, the Court may allow a material witness to testify remotely. In order to present the testimony of a material witness remotely the motion must state with particularity:
   3. Why the witness's testimony material to a contested issue;
   4. The reasons as to why the witness cannot appear in person;
   5. What steps were taken to secure the testimony in person; and,
   6. What alternative methods can be employed to secure the testimony such as a trial deposition or admission of an affidavit or expert report by stipulation of the parties.

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DR RULE 8.17 – FAILURE TO APPEAR OR BE PREPARED FOR A PRETRIAL/TRIAL/ CONTESTED EVIDENTIARY HEARING

A. **Failure to Appear or be Prepared for a Pretrial Conference:** Unless otherwise excused by the Court, the failure of a party or attorney to appear, to file required documentation pursuant to DR Rule 8.12, or to cooperate in good faith at any pretrial on any pre or post decree matter may subject said attorney or party, in the discretion of the Court, to any sanctions provided by Civ.R. 37, including fines or an award of expenses and/or attorney fees to any party prejudiced by said failure.

B. **Failure to Appear for a Trial/Contested Evidentiary Hearing:** If a party seeking relief fails to appear on the scheduled trial or evidentiary hearing date, either in person or by counsel, the Court may enter an order dismissing the action for want of prosecution. If the other party fails to appear, either in person or by counsel, and the party seeking relief does appear, the Court may allow the case to proceed and hear and determine all matters.

C. **Failure to be Prepared for a Trial/Contested Evidentiary Hearing:** If a party and/or counsel thereof appears on the scheduled trial date or evidentiary hearing date and shows good cause why they are not ready for trial or hearing, the Court shall make such orders as are proper. If a party and or counsel therefore appears, but is not ready for trial or the evidentiary hearing and fails to show good cause for not being ready, the Court may enter an order dismissing the action for want of prosecution, if the party is the person seeking relief, or proceed with the case and determine all matters, if the party is the person not seeking the relief.

Effective Date: 1-1-2025
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DR RULE 8.18 - INTERPRETERS

A. **When appointment of a foreign language interpreter is required:** The Court shall appoint a foreign language interpreter in a case or court function in either of the following situations:
   1. A party or witness who is limited English proficient or non-English speaking requests a foreign language interpreter and the court determines the services of the interpreter are necessary for the meaningful participation of the party or witness;
   2. Absent a request from a party or witness for a foreign language interpreter, the court concludes the party or witness is limited English proficient or non-English speaking and determines the services of the interpreter are necessary for the meaningful participation of the party or witness.

B. **When appointment of a sign language interpreter is required:**
   1. The Court shall appoint a sign language interpreter in a case or court function in either of the following situations:
      a. A party or witness who is deaf, hard of hearing, or deaf blind requests a sign language interpreter;
      b. Absent a request from a party or witness for a sign language interpreter, the Court concludes the party or witness is deaf, hard of hearing, or deaf blind and determines the services of the interpreter are necessary for the meaningful participation of the party or witness.
   2. When appointing a sign language interpreter pursuant to division (B)(1) of this rule, the Court shall give primary consideration to the method of interpretation chosen by the party or witness in accordance with 28 C.F.R. 35.160 (b)(2), as amended.

C. **Appointments to avoid:** The Court shall use all reasonable efforts to avoid appointing an individual as a foreign language interpreter pursuant to division (A) of this rule or sign language interpreter pursuant to division (B) of this rule if any of the following apply:
   1. The interpreter is compensated by a business owned or controlled by a party or a witness;
   2. The interpreter is a friend or a family or household member of a party or witness;
   3. The interpreter is a potential witness;
   4. The interpreter is court personnel employed for a purpose other than interpreting;
   5. The interpreter is a law enforcement officer or probation department personnel;
   6. The interpreter has a pecuniary or other interest in the outcome of the case;
   7. The appointment of the interpreter would not serve to protect a party's rights or ensure the integrity of the proceedings;
   8. The interpreter does or may have a real or perceived conflict of interest or appearance of impropriety.

D. **Appointment of and certification requirement for foreign language interpreters:**
   1. **Certified Foreign Language Interpreter:** Except as provided in divisions (D)(2) through (4) of this rule, when appointing a foreign language interpreter pursuant to division (A) of this rule, the Court shall appoint a Supreme Court certified foreign language interpreter to participate in-person at the case or court function.
   2. **Provisionally Qualified Foreign Language Interpreter or Registered Language Interpreter:** Except as provided in divisions (D)(3) and (4) of this rule, if a Supreme Court certified foreign language interpreter does not exist or is not reasonably available to participate in-person at the case or court function and after considering the gravity

of the proceedings and whether the matter could be rescheduled to obtain a Supreme Court certified foreign language interpreter to participate in-person at the case or court function, the Court may appoint a provisionally qualified foreign language interpreter or registered foreign language interpreter to participate in-person at the case or court function. The court shall summarize on the record its efforts to obtain a Supreme Court certified foreign language interpreter to participate in-person at the case or court function and the reasons for using a provisionally qualified foreign language interpreter.

3. **Foreign Language Interpreter:** Except as provided in division (D)(4) of this rule, if a Supreme Court certified foreign language interpreter or, provisionally qualified foreign language interpreter, or registered foreign language interpreter does not exist or is not reasonably available to participate in-person at the case or court function and after considering the gravity of the proceedings and whether the matter could be rescheduled to obtain a Supreme Court certified foreign language interpreter or, provisionally qualified foreign language interpreter, or registered foreign language interpreter to participate in-person at the case or court function, the Court may appoint a foreign language interpreter who demonstrates to the court proficiency in the target language and sufficient preparation to properly interpret the proceedings to participate in-person at the case or court function. Such interpreter shall be styled a "language-skilled foreign language interpreter." The court shall summarize on the record its efforts to obtain a Supreme Court certified foreign language interpreter or provisionally qualified foreign language interpreter to participate in-person at the case or court function and the reasons for using a language-skilled foreign language interpreter. The language-skilled foreign language interpreter's experience, knowledge, and training should be stated on the record. Each language-skilled foreign language interpreter shall take an oath or affirmation under which the interpreter affirms to know, understand, and act according to the "Code of Professional Conduct for Court Interpreters and Translators."
4. **Telephonic Interpreter:** If a Supreme Court certified foreign language interpreter, provisionally qualified foreign language interpreter, registered foreign language interpreter, or language-skilled foreign language interpreter does not exist or is not reasonably available to participate in-person at the case or court function and after considering the gravity of the proceedings and whether the matter could be rescheduled to obtain a Supreme Court certified foreign language interpreter, provisionally qualified foreign language interpreter, registered foreign language interpreter, or language-skilled foreign language interpreter to participate in-person at the case or court function, the Court may appoint an interpreter to participate in the case or court function through telephonic interpretation. The court shall summarize on the record its efforts to obtain a Supreme Court certified foreign language interpreter, provisionally qualified foreign language interpreter, registered foreign language interpreter, or language-skilled foreign language interpreter to participate in-person at the case or court function and the reasons for using an interpreter who will participate in the case or court function through telephonic interpretation. In appointing the interpreter, the court shall follow the order of certification preference in divisions (D)(1) through (3) of this rule and comply with the "Standards for the Use of Telephonic Interpretation."

E. **Appointment of and certification requirement for sign language interpreters:**

1. **Certified Sign Language Interpreter:** Except as provided in divisions (E)(2) through (5) of this rule, when appointing a sign language interpreter pursuant to division (B) of this rule, the Court shall appoint a Supreme Court certified sign language interpreter.

2. **Registered Sign Language Interpreter:** Except as provided in divisions (E)(3) through (5) of this rule, if a Supreme Court certified sign language interpreter does not exist or is not reasonably available and after considering the gravity of the proceedings and whether the matter could be rescheduled to obtain a Supreme Court certified sign language interpreter, the Court may appoint a registered sign language interpreter.
3. **Sign Language Interpreter:** Except as provided in divisions (E)(4) and (5) of this rule, if a Supreme Court certified sign language interpreter or registered sign language interpreter does not exist or is not reasonably available and after considering the gravity of the proceedings and whether the matter could be rescheduled to obtain a Supreme Court certified sign language interpreter or registered sign language interpreter, the Court may appoint a sign language interpreter who holds one of the following certifications:
   a. A "National Interpreter Certification" from the Registry of Interpreters for the Deaf;
   b. A "Certification of Interpretation" and "Certification of Transliteration" from the Registry of Interpreters for the Deaf;
   c. A "Level V Certification" from the National Association of the Deaf;
   d. A "Level IV Certification" from the National Association of the Deaf.
4. **Certified Deaf Interpreter:** If the communication mode of the deaf, hard-of-hearing, or deaf-blind party, witness, or juror is unique and cannot be adequately accessed by a sign language interpreter who is hearing, the Court shall appoint a sign language interpreter certified as a "Certified Deaf Interpreter" by the Registry of Interpreters for the Deaf.
5. **Sign Language Interpreter with Oral Transliteration Certificate:** If the communication mode of the deaf, hard-of-hearing, or deaf-blind party or witness requires silent oral techniques, the Court may appoint a sign language interpreter who possesses an "Oral Transliteration Certificate" from the Registry of Interpreters for the Deaf.
6. The Court shall summarize on the record its efforts to obtain and reasons for not using a Supreme Court certified sign language interpreter or registered sign language interpreter. The sign language interpreter's name, experience, knowledge, and training should be stated on the record.

F. **Appointment of multiple foreign language interpreters or sign language interpreters:**
1. To ensure the accuracy and quality of interpretation, when appointing a foreign language interpreter pursuant to division (A) of this rule or sign language interpreter pursuant to division (B) of this rule, the Court shall appoint two or more foreign language interpreters or sign language interpreters in either of the following situations:
   a. The case or court function will last two or more hours and requires continuous, simultaneous, or consecutive interpretation;
   b. The case or court function will last less than two hours, but the complexity of the circumstances warrants the appointment of two or more interpreters.
2. To ensure the accuracy and quality of interpretation, the Court shall appoint two or more foreign language interpreters or sign language interpreters for a case or court function involving multiple parties or witnesses requiring the services of an interpreter.

G. **Examination on record:**
1. In determining whether the services of a foreign language interpreter are necessary for the meaningful participation of a party or witness pursuant to division (A) of this rule, the Court shall conduct an examination of the party or witness on the record. During the examination, the Court shall utilize the services of a foreign language interpreter,

who may participate remotely. However, in doing so the court is not required to comply with the requirements of division (D) of this rule.

2. In determining whether the services of a sign language interpreter are necessary for the meaningful participation of a party or witness pursuant to division (B) of this rule, the Court shall conduct an examination of the party or witness on the record. During the examination, the Court shall utilize the services of a sign language interpreter, who may participate remotely. However, in doing so the court is not required to comply with the requirements of division (E) of this rule.

H. **Waiver:** A party may waive the right to a foreign language interpreter under division (A) of this rule or sign language interpreter under division (B) of this rule, unless the court has determined the interpreter is required for the protection of the party's rights and the integrity of the case or court function. When accepting the party's waiver, the court shall utilize the services of a foreign language interpreter or sign language interpreter, who may participate remotely. However, in doing so the court is not required to comply with the requirements of division (D) or (E) of this rule.

I. **Duty to Advise Interpreter of Hearing Dates:** After the appointment of an interpreter it is the obligation of the party to whose benefit the interpreter has been appointed to keep the interpreter notified of all hearing dates, and to notify the interpreter of any cancelled or rescheduled hearing dates. If the appointment of an Interpreter is for a witness, then it is the obligation of the party seeking to call that witness to keep the interpreter notified of all hearing dates and to notify the interpreter of any cancelled or rescheduled hearing dates.

J. **Assessment of Costs of Interpreter:** So as to provide access to the courts to persons with disabilities the Court will not require any party to pay interpreter costs as a condition precedent to the appointment of an interpreter. The Court may however, when equitable, assess and allocate the costs of an interpreter to or between the parties as a litigation expense pursuant to R.C. 3105.73.

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DR RULE 8.19 – CONTINUANCES

A. All requests for continuances, except in emergencies, shall be made by written motion which complies with Civ.R. 7(B). A sample motion can be found at www.eriecounty.oh.gov/ClerkofCourts.aspex.

B. Prior to filing any motion for continuance the party seeking a continuance shall first make a good faith effort to contact the opposing party and determine whether they are in agreement with the continuance.

C. **Contents of Written Motion:** A written motion for a continuance shall include the following:
   1. **Statement on consent by the opposing party:** The motion shall state whether the continuance is agreed upon or opposed. If the Movant was unable to contact the opposing party they must detail what steps were taken in making a good faith effort.
   2. **Consent from client:** If the motion for continuance is filed by counsel for a party, the motion must also state whether counsel's client has been contacted and consents to the continuance.
   3. **Grounds and documentation Supporting Good Cause for a Continuance:** A continuance will be granted only for good cause shown and not simply based upon the agreement of the opposing party.

D. **Proposed Judgment Entry:** any party moving for a continuance must submit a proposed Judgment Entry when submitting the motion. Said Judgment Entry shall be substantially similar to the sample Judgment Entry found at www.eriecounty.oh.gov/ClerkofCourts.aspex.

E. **Continuances of Pretrials:** In granting the continuance of a pretrial the Court shall consider whether the request will affect any contested trial date set.

F. **Continuances of Contested Trial/Evidentiary Hearing Dates:** In considering whether to grant a continuance of a trial/evidentiary hearing the Court shall consider the following:
   1. **Unavailability of Witness:** Continuances may be granted on the grounds of inability to procure the testimony of an absent material witness when it appears that due diligence was used to procure such testimony. When a continuance is requested by reason of the unavailability of a material witness at the time of the scheduled hearing or trial, the Court may consider alternative methods of recording testimony. In order to obtain a continuance on these grounds the movant must provide documentation detailing steps taken to procure such testimony. Further, movant must submit an affidavit from the witness as to what the witness expects to testify to. If the Court finds the testimony to be immaterial, or if both parties consent to the reading of the affidavit in evidence the motion will be denied and the case will proceed to trial.

   2. **Conflict of Trial Assignment Dates:** When a continuance is requested for the reason that counsel is scheduled to appear in another case assigned for trial on the same date, the case that was first set for trial shall have priority and shall be tried on the date assigned. However, criminal cases assigned for trial have priority over civil cases assigned for trial. The Court will not, unless for good cause shown, consider any motion for continuance due to a conflict of trial assignment dates unless a copy of the conflicting assignment is attached to the motion.

G. **Decision of the Court:**
   1. Failure to comply with these rules shall result in the continuance being denied and the matter proceeding as originally scheduled.
   2. The Court may consider the age of the case and the potential impact on any minor children involved in the proceeding as factors in whether to grant a continuance.
   3. In the event that a continuance is granted, the Court may, in its discretion, assess costs and expenses against the moving party.

H. **Obligation of Movant upon granting of Continuance:** Unless the Judgment Entry granting a continuance contains new hearing date the party requesting the continuance shall promptly contact the assignment commissioner and the opposing parties to coordinate a new hearing date.

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DR RULE 8.20 - BANKRUPTCY STAYS

A. Upon the filing of any bankruptcy, the parties or their counsel shall submit to the Court proof of the filing, which may be a time-stamped copy of the initial filing.

B. No stay of proceedings shall be granted until proof of filing is submitted to the Court.

C. Upon filing of the notice of the bankruptcy stay, there shall be no further proceedings that may affect the bankruptcy estate.

D. The automatic stay does not apply, and hearings may be held as necessary, to address the temporary establishment or modification of any allocation of parental rights and responsibilities.

E. The automatic stay does not apply to the establishment, modification, or collection of spousal support or child support from property that is not property of the bankruptcy estate pursuant to 11 USC 362.

F. Counsel or parties shall be required to periodically report the status of the bankruptcy proceedings to the Court.

G. Upon being granted relief from the stay or final discharge of the bankruptcy, and upon submission of proof of the relief from stay or discharge, the pending matter will commence.

H. No later than fourteen (14) days after receiving a Notice of Discharge or other notice/order finalizing or dismissing a Bankruptcy Petition involving any party, the party shall file a notice of final disposition with this Court so that the matter can be put back on the Court's active docket.

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DR RULE 8.21 – CONCILIATION STAYS

A. **Motion for Conciliation or Family Counseling:** Pursuant to R.C. 3105.091, at any time after thirty days from the service of summons or first publication of notice in an action for divorce, annulment, or legal separation, or at any time after the filing of a petition for dissolution of marriage any party may file a written motion seeking an order for the parties to undergo conciliation for a period of time not to exceed ninety (90) days. Further, if children are involved a party may file a written motion requesting family counseling during the course of the proceeding or for any reasonable period of time as directed by the Court. The Court may issue such an order on its own motion

B. **Contents of the Motion:** Any motion for conciliation or family counseling must detail the services being sought and must be accompanied with an Affidavit signed by the moving party, containing the following:
   1. A statement detailing the problems movant wishes to address and/or reasons why movant believes conciliation or family counseling will assist in the ultimate resolution of the matter.
   2. A statement as to whether the opposing party is in agreement with conciliation and/or family counseling.
   3. The name, phone number, email address, and street address of the proposed counsellor that will provide the conciliation or family counseling service.
   4. Details concerning the type, length, and specific conditions of the counseling being sought.
   5. A statement that the movant will pay all out of pocket costs associated with the conciliation/family counseling services provided, unless otherwise agreed by the parties to split or divide the costs associated with the service.
   6. A statement that the movant is not seeking conciliation services simply for the purpose of delay.

C. **Contents of Proposed Order:** A motion for conciliation or family counseling must be accompanied with a proposed order setting forth the name and contact information of the conciliator as well as the conciliation procedure. Further, if the order includes family counseling, the order shall specify the required type of counseling, the proposed length of time of the counseling, and any other specific conditions required for the family counseling. Finally, the order shall direct and order the manner in which the costs of any conciliation procedures and any family counseling are to be paid.

D. **Opposing Motion:**
   1. Any party opposing a motion for conciliation or family counseling may file and serve a concise written statement of the reasons why the party opposes the motion. If no response is filed then the Court will rule on the motion accordingly.

   2. The opposing party may also propose any alternate counselor or conciliator. If they are proposing and alternate conciliator or counselor they shall provide a proposed Judgment Entry detailing the name and contact information of the conciliator or counselor along with details concerning the type, length and specific conditions of counseling to be provided, as well as details regarding payment for services. Movant will then be given fourteen (14) days to respond to the alternate proposal.

E. **Ruling on the Motion:** The Court will rule on a motion for conciliation/family counseling based on the motion and opposition filed. The decision of whether or not to order conciliation is completely within the discretion of the trial court.

F. **Conciliation as Stay of Proceedings:** No action for divorce, annulment, or legal separation, in which conciliation or family counseling has been ordered, shall be heard or decided until the conciliation or family counseling has concluded and been reported to the court.

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TITLE 9 – ALLOCATION OF PARENTAL RIGHTS AND RESPONSIBILITIES

DR RULE 9.1 – MANDATORY PROVISIONS WHEN ALLOCATING PARENTAL RIGHTS AND RESPONSIBILITIES

A. **Mandatory Provisions:** Any Judgment Entry, Plan or Decree allocating or reallocating parental rights and responsibilities shall contain all required statutory language and notices, as well as provisions for all agreements or understandings regarding the following:
   1. A designation of residential parent and legal custodian if no shared parenting agreement is reached;
   2. A relocation notice provision;
   3. Records Access Notice;
   4. Day Care Access Notice;
   5. School activities Access Notice;
   6. Child Support, including any parenting time adjustment or deviations thereto, arrearages or overpayments, method to secure support payments, duration and termination of Support, and required notices;
   7. Health Insurance Coverage;
   8. Cash Medical Support & Children's Health Care Expenses; and,
   9. Tax Dependency.

B. **Approved Form:** The Court suggests use of the Sixth, Seventh, Eighth, Ninth, and Tenth, Sections of Uniform Domestic Relations Form 15 to comply with the requirements of Subsection A herein. Said form can be found at www.supremecourt.ohio.gov/all-forms/domestic-relations-and-juvenile-standardized/1.

C. **Child Support Computation Worksheet:** Any child support order shall have a fully completed, accurately calculated, Child Support Computation Worksheet attached to the Judgment Entry as an exhibit. Calculations of child support can be completed through https://ohiochildsupportcalculator.ohio.gov/gov/home.html.

D. **Parenting Time Schedule:** A parenting time schedule for any non-residential parent shall be attached to the proposed Judgment Entry. If the parties elect to use a Standard Parenting Time order a copy of that Order must be attached to the Judgment Entry.

Effective Date: 1-1-2025
Amended: ----

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DR RULE 9.2 – ALLOCATION THROUGH SHARED PARENTING PLANS AND DECREES

A. **Time Requirements for Filing:** In dissolution proceedings involving minor children any plan for shared parenting shall be filed with the petition for dissolution. In all other cases the proposed shared parenting plan must be filed at least thirty (30) days prior to the hearing on the issue of allocation of parental rights and responsibilities for the care any minor children.

B. **Mandatory Requirements For Shared Parenting Plans:** All shared Parenting Plans (including Amended Shared Parenting Plans) shall contain all of the following provisions:
   1. The names of the parents, the children and the child(ren)'s date(s) of birth;
   2. A statement that: (1) each parent believes the other parent to be a fit parent, and that each recognizes the unique contributions that each has to offer the child(ren); (2) the parents wish to share legal responsibility for the child(ren), as set forth in the Shared Parenting Plan; (3) the parents' primary concern is the best interests of the minor child(ren); and (4) shared parenting is in the best interest of the minor child(ren);
   3. Provisions covering all language and relevant notices, as well as provisions for all agreements or understandings identified in DR Rule 9.1 regarding the care of the child(ren);
   4. The plan may also include optional provisions concerning the child(ren)'s education, religious upbringing, child care, removal of the child from the state the child's name, the specific authority of each parent, dispute resolution procedure and any other matter to the best interests of the child(ren);
   5. A designation that both parents are "residential parents and legal custodians" of the child(ren); and,
   6. A statement immediately preceding each party's signature on the Shared Parenting Plan, which provides that each party has thoroughly reviewed and understands the Plan; that he or she has voluntarily signed the Plan, and that each party requests that the Court adopt the Plan as the Judgment and Order of conduct.

C. **Mandatory Language In Shared Parenting Decree:** A Shared Parenting Decree shall contain all mandatory child support language required by DR Rule 9.2, and deviation language regarding child support if a deviated amount of child support is agreed upon. Additionally, the Judgment Entry shall contain one of the following findings, as appropriate:

   1. Any Shared Parenting Decree modifying an existing Shared Parenting Order must include appropriate R.C. §3109.04(E)(2) language as to the legal conclusions made by the Court, as follows:

      Based upon the representations of the parties, the Court finds that a modification of the existing Shared Parenting Plan is in the best interests of the child(ren).

   2. Any Shared Parenting Decree modifying a prior allocation of sole or split parental rights and responsibilities, to shared parenting, shall include appropriate R.C. §3109.04(E)(1) language as to the legal conclusions made by the Court, as follows:

Based upon the representation of the parties, the Court finds that a change has occurred in the circumstances of (the child), (his residential parent), or (either of the parents subject to a shared parenting decree), that the residential parent agrees to a change in the residential parent (and/or the child with the consent of the residential parent… integrated…), and that a modification of parental rights and responsibilities is in the best interest of the child.

3. Any initial Shared Parenting Decree, in a case which does not contain any prior allocation of parent rights and responsibilities, shall include appropriate R.C. §3109.04(D) language as to the legal conclusions made by the Court, as follows:

   Based upon the representation of the parties, the Court finds that adoption of the attached Shared Parenting Plan is in the best interests of the minor child(ren).

Effective Date: 1-1-2025
Amended: ----

DR RULE 9.3 – STANDARD PARENTING TIME ORDER

A. Pursuant to R.C. §3109.051(F)(2) the Court has adopted standard parenting time guidelines for both standard and long distance parenting time. A copy of the "Rules and Schedules for Standard Parenting Time Order" as well as the "Rules and Schedules for Long Distance Parenting Time" are available on the Court's website at www.eriecounty.oh.gov/Domestic Relations Div.aspx. These guidelines serve as a baseline for establishing a parenting time schedule and, in most cases, are explicitly specified as a default schedule, to be imposed when parents cannot agree on a difference schedule.
B. Absent an agreement of the parties or Court order to the contrary, a copy of the applicable Rules and Schedules for Parenting Time at the time of the Final Hearing of any Divorce, Dissolution, or Alimony only action with minor children shall be attached to and incorporated into the Final Decree.
C. Prior to adopting the Standard Parenting Time Order the parties are encouraged to seek an agreement on parenting time based on the unique circumstances of their family. The parties should consider all factors contained in R.C. §3109.051. Further, in reaching an agreement on parenting time that is in the best interests of their child(ren) the parties are encouraged to consider "Planning for Parenting Time – Ohio's Guide for Parents Living Apart" found at www.supremecourt.ohio.gov.

Effective Date: 1-1-2025
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DR RULE 9.4 – ORDERS FOR CHILD SUPPORT, HEALTH CARE COVERAGE, AND OTHER ALLOCATIONS OF CHILD EXPENSES

A. **Child Support Orders:**

1 **Required support related notices:** All divorce decrees, dissolution decrees, legal separation decrees and any other decisions, entries or orders which contain an order of support for children shall contain all support related notices as required by the Ohio Revised Code. These notices shall be incorporated within the Divorce Decree, Dissolution Decree, Legal Separation Decree, and any other decision, entry, or order, or may be attached as an addendum. The appropriate notices shall be used based on the effective date of the support order being issued so as to properly reflect the applicable changes to the Ohio Revised Code.

2 **Child Support Worksheet:** Regardless of any agreement to deviate child support, child support orders shall attach a properly completed child support worksheet.

3 **Deviations in Child Support**: All parties shall carefully consider and address any deviations, modifications, or adjustments in child support to address the fair and equitable allocation of all child related expenses in the best interest of the child(ren). Judgment Entries shall fully document who is responsible for, and whether any deviations are being made in support due to, the allocation of child expenses, including but not limited to: payment of school tuition or day care; payment of school activity fees; payment of school lunches; payment for school trips; payment of other extracurricular sporting or activities; payment for sporting equipment, gear or uniforms; payment for driving schools; payment for car insurance or repairs; payment for cell phones or cell phone plans; payment of college application fees; and, payment of weekly allowances. All deviations, modifications, or allocations of child expenses shall be stated in the Judgment Entry.

4 **Service on CSEA:** The Clerk of Courts will seve a copy of every order for child support upon the Erie County Child Support Enforcement Agency (CSEA). The CSEA shall prepare the required withholding notices and submit them to the employer or other withholding source.

B. **Health Care Coverage and Medical Expenses:**

1. Pursuant to R.C. §3119.30(A), both parents are liable for the health care expenses of the child(ren) who are not covered by private health insurance coverage.
2. All divorce decrees, dissolution decrees, legal separation decrees and any other decisions, entries or orders which contain an order of support for children shall contain provisions addressing each party's responsibility in providing health insurance coverage, the payment of cash medical, and the allocation of uninsured medical costs and expenses.
3. The payment of cash medical cannot be waived if health insurance is being provided through public assistance.

Effective Date: 1-1-2025
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TITLE 10 – CONTEMPT AND ATTORNEY FEE AWARDS

DR RULE 10.1 - CONTEMPT MOTIONS

A. **Required Documents:** A Motion for Contempt, regardless of whether it is filed during the initial proceedings or post-decree, is commenced by the moving party filing the following documents. The use of Ohio Supreme Court "Uniform Domestic Relations Form 24 – Motion for Contempt, Affidavit, and Instructions for Service" may be used to satisfy the first three requirements listed below. Said form can be found at www.supremecourt.ohio.gov/all-forms/domestic-relations-and-juvenile-standardized/1
The documents must be filed include the following:

1. **Motion:** Motion containing specific reference to the Court Orders claimed to be violated. The failure to include specific reference may result in summary dismissal of the motion. The motion shall also contain a written Demand for relief which, except and provided for in DR Rule 10.03, should include any request for reasonable attorney fees.
2. **Attachment:** The movant shall attach to their motion a copy of the Order that movant claims to have been violated.
3. **Affidavit**: Supporting affidavit of movant and other affidavits in support, if applicable.
4. **Service:** A Motion and Affidavit to Show Cause requiring the alleged contemnor to appear for a hearing on a specified date and time which includes instructions to the Clerk for service of process upon the alleged contemnor. Absent consent, service of the motion upon opposing counsel is insufficient in a contempt action.
5. **Proposed Order and Notice of Hearing:** The moving party shall also submit at the time the Motion to Show Cause is filed, a Show Cause Order and Notice. The proposed Order and Notice of hearing shall contain all of the Notice requirements contained in the Ohio Supreme Court "Uniform Domestic Relations Form 25 – Show Cause Order and Notice." Said form can be used by the moving party and can be found at www.supremecourt.ohio.gov/all-forms/domestic-relations-and-juvenile-standardized/1.

B. **Appearance of Counsel:** Any attorney retained to defend a contempt motion shall promptly enter an appearance in the case, whether or not his or her client is filing a responsive pleading. Upon filing of the entry of appearance, both attorneys shall be in communication with the other to resolve and identify all issues prior to any Court hearing.

C. **Opposing Response/Brief:** Any party may file a written response/brief opposing the motion, together with supporting affidavits. Any such response/brief shall be filed with the Court at least seven (7) days prior to the first scheduled Pretrial Conference or hearing on the motion, except for good cause shown.

Effective Date: 1-1-2025
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DR RULE 10.2 – R.C. §3105.73 AWARD OF REASONABLE ATTORNEY FEES AND LITIGATION EXPENSES

A. **Reasonable Award if Equitable:** Pursuant to R.C. §3105.73(A) and (B), in an original action or post decree matter for divorce, dissolution, legal separation, or annulment of marriage, the Court may award all or part of either party's reasonable attorney fees and litigation expenses if the court finds the award equitable. Requests for attorney fees pursuant to R.C. §3105.73 shall be made in the manner stated herein.

B. **Written Demand:** A request for attorney fees and expenses to prosecute or defendant an actions or post decree matter shall be made in writing in an initial or responsive pleading or by written motion filed at least fourteen (14) days prior to the final contested hearing on the matter. No oral motion for fees shall be entertained unless good cause is shown why the provisions of this rule could not be complied with.

C. **Written Response:** The party from whom attorney fees are being sought may, but is not required to, file a memorandum in opposition to the motion for attorney fees, no later than seven (7) days before the matter is scheduled for a contested hearing.

D. **Hearing on Request for Fees and Expenses:** Absent an agreement by the parties, any request for fees and expenses shall be heard at the time of the final hearing on the motion or pleading that gives rise to the request for attorney fees at which hearing the party seeking fees must present evidence as to reasonableness and equity.

E. **Evidence of Award being Reasonable:** At a hearing on the matter the Court may consider, but is not limited to only considering, the following regarding reasonableness of the fees and expenses:
   1. **Affidavit:** An affidavit signed by counsel for the moving party verifying the method by which the fees requested were calculated, including the services rendered, the time expended for such services and the hourly rates for in-Court and out-of-court time (unless a flat fee has been charged, in which case the amount of the flat fee shall be disclosed).
   2. **Counter Affidavit:** To challenge the claim of reasonable fees the Court will consider an affidavit signed by counsel for the opposing party verifying services they rendered, the time expended for such services and the hourly rates for in-Court and out-of-court time (unless a flat fee has been charged, in which case the amount of the flat fee shall be disclosed).
   3. **Attorney Testimony:** Testimony 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 tor valuing the parties' assets; (c) problems with completing discovery; and (d) any other factor necessitating extra time being spent on the case; Testimony from the client as to whether the services billed were actually rendered; If the fees are sought because of any complex legal or factual issues, testimony concerning the existence of those issues.
   4. **Expert Testimony:** Unless specifically required by the Court, expert testimony shall not be required to prove the reasonableness of the fees, although it may be required to prove other aspects of the motion for fees. Either party may elect to present expert evidence in support of or in opposition to a motion for attorney fees.
   5. **Documentation supporting litigation expenses:** Receipts for expenses can be attached to counsel's affidavit if paid through counsel.

F. **Evidence of Award being Equitable:** In determining whether the request is equitable the Court may take judicial notice of the record of the proceedings as well as consider any evidence presented regarding marital assets and income, spousal support ordered, and the financial impact of the proceedings on both parties, as well as the actions of the parties as they relate to impinging upon the course of litigation, including but not limited to evidence of delay, unnecessary expenditures of time and effort caused by refusal to cooperate or comply with court orders, evidence of financial misconduct or misrepresentations, or the filing of excessive or unnecessary motions. However, the Court will not consider the parties assets in post decree request for attorney fees.

G. **Failure to Comply:** Failure to comply with the provisions of this rule may result in a denial of the motion for attorney fees.

Effective Date: 1-1-2025
Amended: ----

DR RULE 10.3 – ATTORNEY FEES IN CONTEMPT ACTIONS INVOLVING SUPPORT OR PARENTING TIME

A. **Written Demand:** An award of attorney fees is mandatory in child support, spousal support, and parenting time contempt actions pursuant to R.C. §3109.05, §3109.051 and §3105.18. Counsel need not make a written motion requesting an award of attorney fees in those types of actions. Contempt proceedings on all other matters shall comply with the requirements of DR Rule 10.01.

B. **Ordinary Fees:** Generally, the Court considers attorney fees not in excess of Five Hundred Dollars ($500.00) to be a reasonable attorney fee award in these types of contempt actions. The Court generally will not require evidence to support an award of attorney fees not in excess of Five Hundred Dollars ($500.00) in those cases. The Court may require evidence, however, if it deems evidence necessary in the case.

C. **Extraordinary Fees:** The Court shall retain discretion to consider and award attorney fees in excess of Five Hundred Dollars ($500.00) in these types of contempt actions. In order to obtain an award of fees in excess of Five Hundred Dollars ($500.00) counsel must present evidence and testimony at a hearing as to reasonableness.

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DR RULE 10.4 – R.C. §2323.51 AWARD OF REASONABLE ATTORNEY FEES AND LITIGATION EXPENSES FOR FRIVOLOUS CONDUCT

A. **Reasonable Award for Frivolous Conduct**: R.C. §2323.51 provides a mechanism for an award of reasonable attorney fees and other reasonable expenses to a party adversely affected by frivolous conduct. Requests for attorney fees pursuant to R.C. §2323.51 shall be made in the manner stated herein.

B. **Written Motion:** Requests for reasonable attorney fees for frivolous conduct shall be made by written motion. No oral motion shall be entertained. Said motion shall contain the following information. Any motion failing to contain the following may be denied without further hearing. Information that must be included in the motion shall be as follows:
   1. The motion shall specifically reference that it is being made pursuant to R.C. §2323.51.
   2. The motion shall specifically identify each party or counsel of record who allegedly engaged in frivolous conduct.
   3. The motion shall articulate the conduct specifically being complained of and specifically articulate how it meets one of the four types of "frivolous conduct" as defined in §2323.51(A)(2)(a).
   4. The Motion shall be accompanied by an affidavit signed by counsel for the moving party verifying the method by which the fees requested were calculated, including the services rendered, the time expended for such services and the hourly rates for in-Court and out-of-court time (unless a flat fee has been charged, in which case the amount of the flat fee shall be disclosed).
   5. The motion shall be accompanied by a request for hearing.
   6. The motion shall be served on each party or counsel of record who allegedly engaged in frivolous conduct and to each party who allegedly was adversely affected by the frivolous conduct.

C. **Timing of Motion:** Motions filed pursuant to R.C. §2323.51 must be filed not more than thirty (30) days after the entry of final judgment in the original action or post decree motion. Any motion not timely filed will be dismissed sua sponte without a hearing.

D. **Hearing on the motion:** A hearing on a motion filed pursuant to R.C. §2323.51 will be set subject to the following:
   1. An evidentiary hearing on a motions for sanctions under R.C. §2323.51 will only be scheduled where the motion demonstrates arguable merit. In cases where the Court has sufficient knowledge of the circumstances for the denial of the requested relief, it need not waste judicial resources on hearings that are perfunctory, meaningless or redundant.
   2. If the motion demonstrates arguable merit. After proper notice, a hearing shall be held, allowing the parties and counsel of record involved to present any relevant evidence at the hearing, including evidence of fees and costs incurred. The Court will thereafter determine that if the conduct involved was frivolous, whether a party was adversely affected by it, and what award, if any should be made.

Effective Date: 1-1-2025
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TITLE 11 – PREPARATION AND JOURNALIZATION OF ENTRIES

DR RULE 11.1 - JOURNALIZATION OF ENTRIES

A. **Cases Settled Prior to Hearing:** If a matter that is scheduled for contested hearing is settled by the parties before the hearing, the matter shall be resolved in accordance with DR Rule 8.13.

B. **Cases Settled at Hearing:** If a case is settled during the course of a hearing the parties shall reduce the settlement agreement to writing. The parties' in court agreement may be handwritten, but any handwritten agreement shall be detailed and legible. The agreement shall be signed by the parties. The agreement shall be submitted to the Court. In the alternative, the parties may place the full agreement on the record as a stipulation of the parties. Counsel shall prepare a Judgment Entry which fully comports with the parties' handwritten agreement, and shall file the same with the Court pursuant to Divisions (E) and (F) of this Rule.

C. **Signatures Required:** Signed approval of any Judgment Entry, except one entered by agreement of the parties, constitutes approval of the form only of the Judgment Entry. All Judgment Entries shall be signed by both parties and counsel of record, or shall indicate any person's refusal to sign the Judgment Entry. A party does not need to sign a Judgment Entry if:
   1. The party waived signature in writing or on the record;
   2. The party previously signed an agreement reflecting the terms contained in the Judgment Entry;
   3. The Judgment Entry affects only procedural aspects (except continuances) of the case;
   4. The Judgment Entry adopts or approves a Magistrate's Decision; or
   5. The party has filed no responsive pleading or otherwise appeared in the case.

D. **Counsel Responsible for Preparing a Judgment Entry:** Counsel for the movant or Plaintiff shall prepare the final Judgment Entry, unless otherwise specified by agreement of the parties or order of the Court.

E. **Time for Preparation/Transmittal of Judgment Entry:** Absent a Court Order to the contrary, counsel responsible for preparation of the Judgment Entry shall submit it to opposing counsel within fourteen (14) days of:
   1. The hearing relevant to the Judgment Entry;
   2. Expiration of the objection period to a Magistrate's Decision; or
   3. Any ruling upon objections to a Magistrate's Decision.

F. **Time for Approval by Opposing Counsel:** Within fourteen (14) days of receipt of the proposed Judgment Entry, opposing counsel or party, if unrepresented, shall approve or reject the proposed Judgment Entry. If approved, opposing counsel or preparing counsel, if a party is unrepresented, shall file the Judgment Entry with the Court immediately. If rejected by the opposing party, counsel shall attempt to resolve any disputes regarding to the proposed Judgment Entry. If a dispute cannot be resolved, either counsel shall transmit the original proposed Judgment Entry to the Court, with a written statement of the opposing

party's objections to the proposed Judgment Entry. The Court shall thereafter resolve any disputes regarding to the proposed Judgment Entry.

G. **Extensions of Time:** If the parties encounter unforeseen difficulties with the timely preparation and submission of the Judgment Entry, the parties shall promptly notify the Court of that fact, and shall seek an extension of time in which to timely file the Judgment Entry. The parties may request the Court's assistance in resolving any disputes.

H. **Failure to Comply with This Rule:**
   1. **Preparing Counsel:** If counsel fails to prepare a Judgment Entry in a timely manner, the Assignment Clerk shall send the attorney a "Notice of Overdue Filing." If the Judgment Entry is still not prepared within the time frame stated in the Notice of Overdue Filing, that attorney will receive a "Notice of Noncompliance," signed by the Judge, noting that sanctions will be imposed if the Judgment Entry is not filed as instructed. If the Judgment Entry is still not timely filed, counsel may be sanctioned.
   2. **Opposing Counsel:** If opposing counsel fails to present the proposed Judgment Entry to the Court in a timely fashion, the attorney who prepared the Judgment Entry may unilaterally present the Judgment Entry for signature by the Judge and journalization, with the following certification:
      a. That submission to the opposing party was made according to the rule;
      b. .The date on which the Judgment Entry was submitted to the opposing party;
      c. That the opposing party has failed to approve or reject the entry in a timely fashion; and
      d. Any other information which would assist the Court.

I. **Magistrate's Orders:** All of the above provisions fully apply to preparation and submission of a Magistrate's Order.

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DR RULE 11.2 – QUALIFIED DOMESTIC RELATIONS ORDER (QDRO) OR DIVISION OF PROPERTY ORDER (DOPO)

A. **Preparation:**
   1. Parties to a dissolution of marriage shall prepare any QDRO or DOPO where applicable, prior to the filing of the dissolution, so that the order may be presented to the Court at the final hearing on the dissolution.
   2. Where the division of a retirement asset is included in a written separation agreement, unless the agreement provides otherwise, the participant of a divided pension or retirement related asset shall prepare, or pay for the costs for the preparation of, the QDRO or DOPO for submission to the Court as soon as possible, but in no event later than one-hundred twenty (120) days from the final entry of divorce or legal separation.
   3. Where the division of a retirement asset is the result of a trial to the Court, the Court may assign the responsibility of preparation of the QDRO or DOPO to either party at the Court's discretion. If the Court fails to assign responsibility, then the participant of the QDRO or DOPO shall bear the responsibility and cost for preparation of the QDRO or DOPO. In the event the decree is the result of a proceeding in which the participant is in default of answer or other pleading, the alternative payee shall prepare the QDRO or DOPO for submission to the Court as soon as possible, but in no event later than one-hundred twenty (120) days from the final entry of divorce or legal separation.

B. **Mandatory Language:** In all cases in which a QDRO or a DOPO 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 or Division of Property 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 re-characterization 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 participants shall not take actions, affirmative or otherwise, that can circumvent the terms and provisions of the Qualified Domestic Relations Order or Division of Property Order, or, that may diminish or extinguish the rights and entitlements of the non-participant.*

Effective Date: 1-1-2025
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TITLE 12 – POST DECREE FILINGS

RULE 12.1 – GENERAL REQUIREMENTS FOR POST-DECREE MOTIONS TO MODIFY

A. **Required Filings:** Absent a specific rule to the contrary in these rules, any post-decree proceeding shall be commenced by the filing of the following:

1. **Motion to Modify:** The written motion must contain a specific reference to Court Order movant wishes to modify along with a citation to the legal authority authorizing the modification. The failure to include specific references may, in the discretion of the Court, result in summary dismissal of the motion.

2. **Attachment to the Motion:** A copy of the specific order movant seeks to modify shall be attached to the motion.

3. **Supporting affidavits:** The movant must also file an affidavit detailing facts demonstrating why they believe a modification is appropriate. Further, if the motion is to modify an allocation of parental rights and responsibilities, the following affidavits and documentation in support, must be filed:
   a. An Affidavit of Basic Information, Income, and expenses. To satisfy this requirement the parties may use Ohio Supreme Court "Uniform Domestic Relations Form Affidavit 1 – Affidavit of Basic Information, Income, and Expenses." Said form can be found at www.supremecourt.ohio.gov/forms/all-forms/domestic-relations-and-juvenile-standardized/1;
   b. A Parenting Proceeding Affidavit. To satisfy this requirement the parties may use Ohio Supreme Court "Uniform Domestic Relations Form Affidavit 3 – Parenting Proceeding Affidavit." Said form can be found at www.supremecourt.ohio.gov/forms/all-forms/domestic-relations-and-juvenile-standardized/1;
   c. A completed Child Support Computation Worksheet. Calculations of child support can be completed through https://ohiochildsupportcalculator.ohio.gov/gov/home.html;
   d. A Health Insurance Affidavit if the parties are seeking any modification related to health care coverage for the minor children. To satisfy this requirement the parties may use Ohio Supreme Court "Uniform Domestic Relations Form Affidavit 4 – Health Insurance Affidavit." Said form can be found at www.supremecourt.ohio.gov/forms/all-forms/domestic-relations-and-juvenile-standardized/1;

4. **Notice of Hearing:** The moving party shall also provide a notice to the assignment clerks with blank areas to fill in the hearing date and time. Said Notice will be submitted with the Motion. Any Notice of Hearing on a motion concerning parenting or support issues shall also contain the following advisement:

> *TO THE PERSON SERVED WITH THIS DOCUMENT: You are required to file an Affidavit of Basic Information, Income and Expenses with the Court at least seven (7) days prior to the hearing/conference scheduled herein.*

B. **Service of Process:** The moving party shall serve the opposing party with process as provided in the Ohio Rules of Civil Procedure. Civ.R. 75 requires that all post-decree motions be served in accordance with Civ.R. 4 to 4.6. This means that all post decree motions must be served on the opposing party, unless that party waives service in accordance with DR Rule 4.3. Additionally, when accomplishing service of process by publication, the movant must comply with the provisions of Civ. R. 4.4 and DR Rule 4.1.

C. **Appearance of Counsel:** Any attorney retained in a post-decree proceeding shall promptly enter his or her appearance as counsel of record in the case, whether or not his or her client is filing a responsive pleading. Upon filing of the entry of appearance, both attorneys shall be in communication with the other to resolve and identify all issues prior to any Court hearing.

D. **Opposing Response/Brief:** Any party may file a written response/brief opposing the motion, together with supporting affidavits. Any such response/brief shall be filed with the Court at least seven (7) days prior to the first scheduled Case Management/Pretrial Conference or hearing on the motion, except for good cause shown.

E. **Hearings of Post-Decree Modifications:** Hearings on post decree motions, if needed, will be scheduled and heard in accordance with Title 8 of the DR Rules.

Effective Date: 1-1-2025
Amended: ----

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DR RULE 12.2 - AGREED POST-DECREE MODIFICATIONS OF PROPERTY DIVISION AWARDS

In the event the parties agree to a modification of a property division award previously entered by the Court, the parties shall file a joint motion requesting the modification. The motion shall be filed pursuant to Civ.R. 60(B), and shall state the specific provision of the rule applicable to the motion and the specific reason why the modification is sought. The motion shall be signed by both parties, and the parties shall waive notice of hearing and any findings of fact and conclusion of law with regard to the modification. The parties shall also state the modification is equitable pursuant to R.C. §3105.171. An Agreed Judgment Entry shall be submitted with the motion, and the Judgment Entry shall be approved by both parties and their legal counsel. The Agreed Judgment Entry modifying the property division pursuant to Civ.R. 60(B) shall contain the following language:

> *IT IS FURTHER ORDERED, ADJUDGED AND DECREED that, pursuant to Ohio Civil Rule 60(B)_____, the divorce/dissolution decree of _____ is hereby vacated or otherwise reopened for the limited purpose, and to the limited extent, of including the above agreement in the final decree. Accordingly, the Court hereby approves and adopts the above agreement of the parties as the judgment and order of the Court. In doing so, the Court incorporates the same into the final decree dissolving the marriage of the parties, originally filed on_____, and hereby reaffirms and re-adopts all aspects of said final decree as the judgment and order of the Court, as modified above.*

The specific subsection of Civ.R. 60 must be cited in the Judgment Entry. The above clause should be placed at the end of the Agreed Judgment Entry.

Effective Date: 1-1-2025
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DR RULE 12.3 - TRANSFERS OF PROPERTY BY JUDGMENT ENTRY

If a party fails or is unable to execute the proper instruments to effectuate a transfer of title to property allocated under a decree of divorce, dissolution, or legal separation, the party seeking the transfer shall file a motion pursuant to Civ.R. 70 explaining why an order is needed. Movant shall also submit a proposed order containing the relief they are seeking in accordance with Civ.R. 70. If the party is seeking to have property located within the State of Ohio transferred by Judgment Entry, movant may submit a completed "Uniform Domestic Relations Form 16 – Judgment Entry Converting Interest in Real Estate" as the proposed entry. Said form can be found at www.supremecourt.ohio.gov/forms/all-forms/domestic-relations-and-juvenile-standardized/1. The motion and proposed entry shall be served on the opposing party.

Effective Date: 1-1-2025
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DR RULE 12.4 - REALLOCATION OF PARENTAL RIGHTS AND RESPONSIBILITIES FROM PRIOR SOLE OR SPLIT ORDER

A. **Mandatory Filings:** Any party seeking to modify a prior allocation of parental rights and responsibilities other than through shared parenting shall file a motion, and all supporting affidavits and documentation detailed in DR Rule 12.1. In addition thereto, movant shall specifically provide the following:
   1. If the motion seeks to modify the prior allocation of residential parent and legal custodian:
      a. The Motion shall specifically refer to which provision of R.C. §3109.04(E)(1)(a) movant relies upon.
      b. Movant's supporting affidavit must articulate what change in circumstances has arisen since the prior decree or that were unknown to the Court at the time of the prior decree.
   2. If the motion seeks to modify the prior award of parenting time:
      a. The Motion shall specifically refer to R.C. §3109.051.
      b. Movant's supporting affidavit shall articulate why changes to the parenting time schedule are needed, and what changes they are specifically proposing.

B. **Mandatory Language In Agreed Judgment Entry:**
   1. Any agreed Judgment Entry reallocating parental rights and responsibilities must include appropriate R.C. 3109.04(E)(1)(a) language as to the legal conclusions made by the Court. The following is suggested:

      Based upon representation of the parties, the Court finds that a change has occurred in the circumstances of (the child), (his residential parent), or (either of the parents subject to a shared parenting decree), that the residential parent agrees to a change in the residential parent…, (and/or the child with the consent of the residential parent…integrated…), and that a modification of parental rights and responsibilities is in the best interest of the child.

   2. Any agreed Judgment Entry establishing modified parenting time shall contain language that the modification to parenting time is in the best interest of the minor child(ren), and shall have a copy of the modified Parenting Schedule attached to the Judgment Entry.

Effective Date: 1-1-2025
Amended: ----

TITLE 13 – SPECIAL PROCEEDINGS

DR RULE 13.1 - REGISTRATION OF A FOREIGN PARENTING DECREE OR ORDER FOR ENFORCEMENT AND/OR MODIFICATION UNDER THE UNIFORM CHILD CUSTODY JURISDICTION AND ENFORCEMENT ACT (UCCJEA), R.C. §§3127.01-3127.53

A. **Registration (R.C. §3127.35):**

1. **When Applicable:**
   a. A foreign (out-of-state) decree of divorce, dissolution, legal separation or annulment, or order that allocates or awards legal custody, physical custody, parenting time, companionship or visitation may be registered with the court for the purpose of enforcing or modifying its child custody determination. The act of registering does not necessarily vest the court with jurisdiction to enforce or modify said order.
   b. The registration of a foreign decree or court order does not vest the court with jurisdiction to enforce or modify its child support, spousal support, property division provisions or other monetary obligations.
   c. A petition for registration of a foreign support order under the Uniform Interstate Family Support Act (UIFSA) must be filed in a separate action, pursuant to DR Rule 13.2 of these Rules.

2. **Registration Procedure:**
   a. A person seeking to register a foreign decree or order for enforcement or modification under the UCCJEA must file with the Clerk of Courts a Petition to Register Foreign Parenting Order with Notice requesting registration for enforcement or modification. The Petition must be served upon the opposing party or parties according to methods of service in Civ.R. 4 through 4.6.
   b. Two copies of the foreign decree or order and any modifications of the order including one certified copy must be attached to the Petition. A certified translation to English of the foreign decree or order if issued, in a language other than English, with all content from the original must be attached to the Petition.
   c. The Petition will receive an Erie County Domestic Relations Court case number as an original action.
   d. The Petition must include:
      i. A sworn affidavit stating under penalty of perjury, to the best of the knowledge and belief of the person seeking registration, that the foreign decree or order has not been modified.
      ii. The name and address of the person seeking registration, and the name and address of any parent and any person who has been allocated or awarded legal custody, physical custody, parenting time, companionship or visitation time with the child(ren) by the foreign decree or order, in the caption of the Petition.
      iii. A conspicuous Notice to the non-registering party or parties that states:
         (a) That the registered child custody determination is enforceable as of the date of the registration in the same manner as a child custody determination issued by a court of this state.

(b) That a hearing to contest the validity of the registered determination must be requested within thirty (30) days after service of Notice.
(c) That failure to contest the registration shall result in confirmation of the child custody determination and preclude further contest of that determination with respect to any matter that could have been asserted.

e. If the non-registering party or parties fail to timely request a hearing to contest registration, the registered decree or order shall be confirmed by operations of law. An Order Confirming Registration of Foreign Parenting Order shall be submitted with the Petition for the Court's use. The Court will decline to confirm the registration if all the requirements in this section of this rule are not met.

3. **Contesting Registration:**
   a. A party seeking to contest the validity of the registered decree or order shall file and serve upon the Petitioner a Request for Hearing to Contest Registration of Foreign Parenting Order within thirty (30) days after service of Notice.
   b. If a timely Request is filed, a hearing will be scheduled to determine whether the registered decree or order will be confirmed.
   c. The registered decree or order will be confirmed unless the party contesting registration established one of the following:
      i. The issuing court did not have jurisdiction.
      ii. The child custody determination sought to be registered has been vacated, stayed, or modified by a court having jurisdiction to do so.
      iii. The person contesting registration was entitled to notice of the child custody proceedings for which registration is sought, but notice was not given.

4. **Confirmation of Registration:**
   a. The filing of the Petition and required documents constitutes registration of the foreign parenting decree or order.
   b. The registration of a foreign parenting decree or order does not confer jurisdiction to enforce or modify the order.
   c. A registered decree or order confirmed by operation of law or after notice and hearing is enforceable in the same manner as an order of this court, provided that the court has jurisdiction over this matter.
   d. Confirmation of a registered parenting decree or order by operation of law or after notice and hearing precludes further contest of the determination with respect to any matter that could have been asserted at the time of registration.

B. **Enforcement and/or Modification of a Foreign Parenting Order:**
   1. **Assumption of Jurisdiction:**
      a. Before issuing any modification or enforcement orders, the Court will determine that it has jurisdiction to proceed.
         i. The Court will not exercise jurisdiction if, at the time the motion is filed, a parenting proceeding is pending in another state exercising jurisdiction, unless:
            (a) The court in the other state has declined to exercise jurisdiction because this Court is the more convenient forum, or
            (b) This Court exercises temporary emergency jurisdiction.
         ii. Specific affirmative relief will not be granted unless the registered decree or order has been confirmed.

2. A Motion to Enforce and/or a Motion to Modify a Foreign Parenting Order may be filed at the same time the Petition to Register Foreign Parenting Order is filed, or at a later time. The motion must be separate from the Petition.
    a. The motion must be served upon the responding party or parties according to methods of service in Civ.R. 4 through 4.6.
    b. A Parenting Proceeding Affidavit must be filed at the same time the motion is filed.
    c. The motion must be supported by a sworn affidavit that sets forth the specific operative facts that constitute the alleged non-compliance or change of circumstances.
    d. A Motion to Enforce a Foreign Parenting Order must state:
        i. Whether the court that issued the child custody determination identified the jurisdictional basis it relied upon in exercising jurisdiction, and if so, what the basis was.
        ii. Whether the determination for which enforcement is sought has been vacated, stayed, or modified by a court whose decision must be enforced under R.C. Chapter 3127 and, if so, identify the court, the case number, and the nature of the proceeding.
        iii. Whether any proceeding has been commenced that could affect the current proceeding, including proceedings for enforcement of child custody determination, proceedings relating to domestic violence or protection orders, proceedings to adjudicate the child as an abused, neglected, or dependent child, proceedings seeking termination of parental rights, and adoptions, and, if so, the court, the case number, and the nature of the proceeding.
        iv. The present physical address of the child and the respondent, if known.
        v. Whether relief in addition to the immediate physical custody of the child and attorney's fees is sought, including a request for assistance from law enforcement officials and, if so the relief sought.
        vi. Whether the child custody determination has been registered and confirmed and the date and place of registration.
    e. A hearing will be scheduled on the motion.
    f. A Motion to Modify a Foreign Parenting Order must state the reasons this Court should assume jurisdiction under R.C. Chapter 3127. The moving party must be prepared to demonstrate these reasons at the first scheduled hearing.

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DR RULE 13.2 - REGISTRATION OF A FOREIGN DECREE OF SUPPORT FOR ENFORCEMENT AND/OR MODIFICATION UNDER THE UNIFORM FAMILY SUPPORT ACT (UIFSA), R.C. §§3115.601 – 3115.616

A. **Registration Pursuant to R.C. §§3115.601- 3115.616**

1. **When Applicable:**
   a. A foreign (out-of-state) decree or order that allocates child or spousal support, health care, medical support, arrearages or income withholding may be registered with the court for the purpose of enforcing its support provisions. The act of registering does not necessarily vest the court with jurisdiction to enforce or modify said order.
   b. A foreign (out-of-state) child support, health care, medical support, arrearage, or income withholding order may be registered with the court for the purpose of modifying its support provision.
   c. The registration of a decree does not vest the court with jurisdiction to enforce or modify its parenting or property division provisions.
   d. A petition for registration of a child custody order as provided for under the Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA) must be filed in a separate action pursuant to DR Rule 13.1 of these Rules.

2. **Registration Procedure:**
   a. A person seeking to register a foreign decree or order for enforcement or modification under the UIFSA must file a Petition to Register Foreign Support Order with Notice requesting registration for enforcement or modification with the Clerk of Courts. The Petition must be served upon opposing parties according to methods of service in Civ. R. 4 through 4.6.
   b. Two copies of the foreign order and any modifications of the order, including one certified copy must be attached to the Petition. A certified translation to English of the foreign decree or order, if issued in a language other than English, with all content from the original must be attached to the Petition.
   c. The Petition will receive an Erie County Domestic Relations Court case number as an original action.
   d. The Petition must include:
      i. A sworn statement by the party seeking registration or a certified statement by the custodian of the records showing the amount of any arrearage as of a date certain.
      ii. The name of the obligor and all of the following if known:
         (a) The obligor's address and last four digits of social security number.
         (b) The name and address of the obligor's employer and any other source of income of the obligor.
         (c) A description and the location of property of the obligor in this state not exempt from execution.
         (d) The name and address of the obligee, and, if applicable, the agency or person to whom support payments are to be remitted.
      iii. A conspicuous Notice to the non-registering party or parties that states that:

(a) A registered order that is confirmed pursuant to R.C. Chapter 3115 is enforceable as of the date of registration in the same manner as an order issued by a tribunal of this state.
(b) A hearing to contest the validity or enforcement of the registered order must be requested pursuant to R.C. Chapter 3115 no later than 20 days after the date of mailing or personal service of the notice.
(c) Failure to contest the validity or enforcement of the registered order in a timely manner will result in confirmation of the order, and enforcement of the order and the alleged arrearages, and precludes further contest of that order with respect to any matter that could have been asserted.
(d) The amount of any alleged arrearages under the support order.

e. If the non-registering party or parties fail to timely request a hearing to contest registration, the registered order shall be confirmed by operation of law. A proposed Order Confirming Registration of Foreign Support Order shall be submitted with the Petition for the Court's use. The Court will decline to confirm the registration if all of the requirements if all the requirements in this section of the rule are not met.
f. Upon registration of an income withholding order for enforcement, the court shall issue a withholding notice to the obligor's payor pursuant to R.C. Chapter 3121.

3. **Contesting Registration:**
   a. A party seeking to contest the validity or enforcement of the registered order shall file and serve upon the Petitioner a Request for Hearing to Contest Registration of Foreign Support Order, within twenty (20) days after service of Notice.
   b. If a timely Request is filed, a hearing will be scheduled to determine whether the registered order will be confirmed.
   c. The registered order will be confirmed unless the party contesting registration established one of the following:
      i. The issuing tribunal lacked personal jurisdiction over the contesting party.
      ii. The order was obtained by fraud.
      iii. The order has been vacated, suspended, or modified by a later order.
      iv. The issuing tribunal has stayed the order pending appeal.
      v. There is a defense under the law of this state to the remedy sought.
      vi. Full or partial payment has been made.
      vii. The applicable statute of limitation under R.C. Chapter 3115 precludes enforcement of some or all of the arrearages.

4. **Confirmation of Registration:**
   a. The filing of the Petition and required documents constitutes registration of the foreign support order.
   b. The registration of a foreign support order does not confer jurisdiction to enforce or modify the order.
   c. A registered order confirmed by operation of law or after notice and hearing is enforceable in the same manner as an order of this court, provided that the court has jurisdiction over this matter.
   d. Confirmation of a registered support order by operation of law or after notice and hearing precludes further contest of the order with respect to any matter that could have been asserted at the time of registration.

B. **Enforcement and/or Modification of a Foreign Support Order:**

1. **Assumption of Jurisdiction:** Before issuing any modification or enforcement orders, the court will determine that it has jurisdiction to proceed.
   a. The court will not exercise jurisdiction it the requirements of R.C. Chapter 3115 are not met.
   b. If modification is granted, the court becomes the tribunal with continuing exclusive jurisdiction.
   c. Specific affirmative relief will not be granted unless the registered order has been confirmed.
2. A Motion to Enforce and/or Modify a Foreign Support order may be filed at the same time the Petition to Register Foreign Support Order is filed, or at a later time. The motion must be separate from the Petition.
   a. The motion must be served upon the responding party or parties according to methods of service in Civ.R. 4 through 4.6.
   b. The motion must be supported by a sworn affidavit that sets forth the specific operative facts that constitute the alleged non-compliance or change in circumstances.
   c. A hearing will be scheduled on the motion.
   d. A Motion to Modify a Foreign Support Order must state the reasons the court should assume jurisdiction under R. C. Chapter 3115. The moving party must be prepared to demonstrate that the court has jurisdiction at the first scheduled hearing.

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DR RULE 13.3 - CIVIL PROTECTION ORDERS

A. **Scope of the Rule:** This rule applies to all forms of civil protections orders including Domestic Violence Civil Protection Orders, Dating Violence Civil Protection Orders, Civil Stalking Protection Orders and Civil Sexually Oriented Offense Protection Orders.

B. **Initial Pleadings:** Initial pleadings shall be filed in accordance with DR Rule. 3.4 herein.

C. **Service:** Service shall be perfected in accordance with Civ.R.4-4.7 and DR Rules 4.1-4.4.3 herein.

D. **Discovery:** Any request for discovery shall be in writing filed with the Court. Discovery is limited to that authorized pursuant to Civ.R. 65.1.

E. **Timeframe for Hearings:** The timeframe for initial hearings and the ultimate resolution of Civil Protection cases shall be in conformity with DR Rule 8.3 herein.

F. **Modifying Civil Protection Orders:**
   a. **Policy of the Court:** Either party to a Civil Protection Order may file to modify a protection order as provided herein. The requirements of Section E apply to requests to dismiss filed by Petitioner only.

   b. **Required Pleadings:** A motion to modify a civil protection order can only be granted after hearing upon a written motion to modify with service of the motion on the opposing party. A party may use the motion to modify and notice of hearing found at www.supremecourt.ohio.gov/forms/all-forms/protection-order/2. If not using the Supreme Court form, the motion and notice must contain the same information contained in said form.

G. **Motion to Dismiss by Petitioner:**
   a. **Notice of Voluntary Dismissal Prior to Full Hearing:** Prior to a full hearing on any civil protection order a Petitioner may voluntarily dismiss the Petition by filing a Notice of Dismissal. Said form can be found at www.eriecounty.oh.gov/Domestic Relations Div.aspx.

   b. **Dismissal after granting of Protection Order as Hearing Attendance:** Once a Protection Order has been granted, either through agreement, or through a hearing after service on a Respondent, a Civil Protection Order will only be dismissed upon the following:
      i. A Petitioner files a written motion and serves Respondent. Petitioner may use the motion and notice of hearing found at www.supremecourt.ohio.gov/forms/all-forms/protection-order/2. If not using the Supreme Court form, the Motion and Notice must contain the same information contained in said form.
      ii. The Petitioner must appear and give testimony to the Court explaining the reasons for the request.

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