

RULES OF COURT

Mahoning County Common Pleas Court

Domestic Relations Division

Judge Beth A. Smith

Youngstown, Ohio

In effect: _____

**Proposed Amendments to the
LOCAL RULES OF PRACTICE AND PROCEDURE
OF THE MAHONING COUNTY COMMON PLEAS COURT
DOMESTIC RELATIONS DIVISION**

Effective ~~February 1, 2012~~ August 1, 2018

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

GENERAL RULES

RULE 1

ADOPTION, SCOPE AND CONSTRUCTION OF RULES

1.01 Adoption, scope and construction of rules

(A) **Adoption.** ~~The Domestic Relations Court of Mahoning County, Ohio~~ Mahoning County Common Pleas Court Domestic Relations Division hereby adopts the following ~~Rules~~ rules for the ~~Court's~~ court's management of proceedings pursuant to Article IV, Section 5(B) of the Ohio Constitution and ~~Rule 9~~ of the Ohio Supreme Court Rules of Superintendence for Courts of Common Pleas.

(B) **Scope.** These ~~Rules~~ rules are intended to supplement and complement the Ohio Rules of Civil Procedure and the Rules of Superintendence ~~of the Supreme Court of Ohio~~ for the Courts of Common Pleas.

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

(D) **Citation.** As used in these ~~Rules~~ rules, "Civ.R. ___" is a reference to the Ohio Rules of Civil Procedure and "Sup.R. ___" is a reference to the Rules of Superintendence for the ~~Supreme Court of Ohio~~ Courts of Common Pleas. These ~~Rules~~ rules shall be cited as "Local Rules" or "Loc.R. ___."

(E) **Court forms and website.** The ~~Court~~ court shall ~~from time to time~~ develop court forms for the efficient and equitable application of changes in Ohio law and these ~~Local Rules~~ local rules. ~~The Court may also adopt~~ These shall include Uniform Domestic Relations Forms developed by the Ohio Supreme Court. All such forms ~~as well as~~ and these local rules shall be posted on the ~~Court Website~~ court website which may be found at www.mahoningdrcourt.org. It shall be the duty of parties and counsel to regularly monitor the ~~Website~~ website for changes.

(F) **Effective.** These ~~Rules~~ rules as originally adopted on March 1, 1998, amended on February 1, 2012, shall be effective August 1, 2018 and supersede all previous rules promulgated by this ~~Court~~ court.

RULE 2

FILING FEES/COURT COSTS/DEPOSITS

2.01 **Filing fees, court costs/Deposits deposits.** The Mahoning County Clerk of Courts shall not accept any action or proceeding for filing without a deposit as security for costs in the amount set forth on the Mahoning County Domestic Relations Court's Schedule schedule of Filing Fees/Deposits filing fees/deposits as set forth on the Court's Website. The Domestic Violence domestic violence filings and Mahoning County Child Support Enforcement Agency filings are exempted from this requirement.

2.02 **Indigence.** An affidavit of indigence may be filed in lieu of filing fees or security deposits. The affidavit shall be notarized and executed by the party on whose behalf it is filed. The affidavit shall state the specific reasons the party does not have sufficient funds to pay the filing fee or the security deposit. The filing of an affidavit does may not relieve a party from liability for court costs. If during the course of a proceeding, the Court court learns finds that either party is, or has become, able to pay the applicable costs, the Court court may order either party to pay the deposit costs within a reasonable time. The Mahoning County Clerk of Courts shall refuse to file accept for filing an affidavit of indigence that does not comply with this rule.

~~In the case of indigence, a party may be relieved from making the initial deposit the court cost requirement is met by filing a poverty affidavit, as set forth on the Court's Website, stating that the party is without funds or assets to pay the deposit, and a certification by the attorney, if any, that no or nominal attorney fees have been paid. The party must also submit the Affidavit of Income and Expenses found on the Court Forms Section on the Court's Website. The filing of a poverty affidavit does may not relieve a party from liability for court costs. If during the course of a proceeding, the Court learns that either party is, or has become, able to pay the applicable costs, the Court may order either party to pay the deposit costs within a reasonable time.~~

2.03 **Responsibility for costs.** All judgment entries and orders dividing pensions and retirement accounts shall contain a provision for payment of court costs as ordered by the Court court. In the absence of a court order, after application of all deposits, the balance of costs shall be divided equally between the parties.

2.04 **Special Assessments assessments.** Pursuant to R.C. 2303.201(E)(1), the Court court has determined that additional funds are necessary to acquire and pay for special projects of the Court court including, but not limited to, the acquisition of additional facilities or the rehabilitation of existing facilities, the acquisition of equipment, the hiring and training of staff, community service programs, mediation or dispute resolution services, the employment of Magistrates magistrates, the training and education of Judges judges and Magistrates magistrates, and other related services. Accordingly, the Court court will from time to time, may authorize and direct the Clerk clerk of Courts courts to charge additional fees on the filing of each Complaint complaint for Divorce divorce, Legal Separation legal separation, Counterclaim, Petition counterclaim, petition for Dissolution dissolution of Marriage marriage and other post decree/divorce Motions motions.

RULE 3

FILING AND REMOVAL OF PAPERS FROM CUSTODY OF THE CLERK

3.01 **Filing of papers.** The Mahoning County Clerk of Courts shall file and preserve all papers delivered to the ~~Clerk~~ clerk for that purpose. The ~~Clerk~~ clerk shall not accept or journalize on its docket any ~~Entry, Decision~~ entry, decision, or ~~Order~~ order until it is signed by the ~~Judge~~ judge or a ~~Magistrate~~ magistrate.

3.02 **Removal.** No person, except a the Judge judge, Magistrate, Court Clerk, or their employees, court employee, or authorized employee of the Mahoning County Child Support Enforcement Agency shall remove any documents or case files from the ~~Clerk of Courts' clerk of courts'~~ office. Upon request, the ~~Clerk~~ clerk shall allow any person to examine, but not remove, any original document or case file that is maintained by its office. Examination shall be allowed during the regular business hours of the Mahoning County Clerk of Courts.

RULE 4

ASSIGNMENT OF DOMESTIC RELATIONS CASES

4.01 **Assignment commissioner(s).** The ~~Court~~ shall designate ~~Assignment Commissioner(s)~~ assignment commissioner(s) for divorce, legal separation, annulment, dissolution of marriage and ~~all other cases~~ motions filed in this ~~Court~~ court. Prior to filing a ~~Petition~~ petition for ~~Dissolution~~ dissolution of ~~Marriage~~ marriage, the parties or attorney shall secure a hearing date from the ~~Assignment Commissioner(s)~~ assignment commissioner(s). The ~~Assignment Commissioner(s)~~ assignment commissioner(s) shall assign for final hearing all uncontested and contested divorces, legal separations, annulments, ~~all other cases filed, and all other pre and post divorce motions~~ and dissolutions of marriage. The assignment commissioner(s) shall also schedule hearings on motions and other actions heard by this court.

4.02 **Divorce hearing date.** Pursuant to Civ. R. 75(K), no action for divorce, legal separation, or annulment may be heard and decided until the expiration of ~~forty-two (42)~~ days after the service of process or ~~twenty-eight (28)~~ days after the service of a counterclaim, which under this rule may be designated a cross-complaint, unless the ~~Plaintiff~~ plaintiff files a written waiver of the ~~twenty-eight (28)~~ day period.

4.03 **Uncontested status.** A divorce or legal separation case shall be deemed uncontested unless an answer is filed within ~~twenty-eight (28)~~ days after service of the summons and complaint upon a ~~Defendant~~ defendant or having obtained leave of court to file an answer. ~~If the service of notice has been made by publication, Defendant shall file an Answer within twenty-eight (28) days after the completion of service of publication.~~

4.04 **Continuances of final hearing.** Once a case is assigned for final hearing or trial, it may be continued only by leave of court for good cause shown.

RULE 5

POWERS OF THE MAGISTRATES

~~5.01~~ **Authority.** All ~~Magistrates~~ magistrates shall be awarded all of the powers set forth in Civ. R. 53 and Civ. R. 65.1. The ~~Magistrate~~ magistrates are further awarded all other powers as set forth in the journal entries of this ~~Court~~ court and the statutes of this state.

RULE 6

EX PARTE COMMUNICATIONS

~~6.01~~ **Ex parte communications.** No attorney or party shall discuss the merits, either orally or in writing, of any litigation with the ~~Judge~~ judge or ~~Magistrate~~ magistrate presiding over the matter without the presence of opposing counsel, or the party if not represented by counsel.

RULE 7

OUT OF STATE COUNSEL

~~7.01~~ **Out of state counsel.** ~~Attorneys admitted to practice law in other states, but not in Ohio, may request permission from the Court~~ court ~~to appear Pro Hac Vice~~ pro hac vice (PHV). ~~The decision of whether to permit representation by out of state counsel is a matter within the discretion of the Court~~ court. ~~In order to be admitted Pro Hac Vice~~ pro hac vice (PHV), said attorney must comply with all of the requirements of Rule XII of the Ohio Supreme Court Rules for the Government of the Bar, which include the following: Attorneys shall comply with the requirements set forth in the Ohio Supreme Court Rules for the Government of the Bar, specifically rule XII.

~~A) — Registration: First filing for Pro Hac Vice Registration with the Supreme Court's Office of Attorney Services and receiving the Pro Hac Vice Registration from that office.~~

~~(B) — Motion: Filing a motion with this Court for permission to appear Pro Hac Vice attached to which is a copy of the Pro Hac Vice certificate.~~

~~(C) — Service: Serving a copy of the motion upon all known parties and attorneys of record, and obtaining an order of approval by this Court.~~

~~(D) — Notice: Providing a notice of permission, together with a copy of the order of approval, to the Supreme Court's Office of Attorney Services within 30 days of the order.~~

~~Permission to appear PHV shall remain effective until the end of the calendar year at which point~~

counsel must seek a renewal of the PHV registration.

PLEADINGS, MOTIONS AND ORDERS

RULE 8

GENERAL RULES OF PLEADING

8.01 **Form.** ~~Unless otherwise provided herein, all~~ All pleadings, motions, briefs, and other filings shall comply in form and content with the Ohio Rules of Civil Procedure, the Rules of Superintendence of the Supreme Court of Ohio and the Mahoning County Domestic Relations Court's Local Rules. ~~of this Court as set forth below:~~

(A) **Caption.** ~~All Complaints~~ complaints, ~~Petitions~~ petitions, ~~Answers~~ answers, ~~Counterclaims~~ counterclaims, ~~Motions~~, motions, ~~Orders~~ orders and ~~Decrees~~ decrees shall state the name and address, ~~and employer~~, of ~~both~~ all parties. To protect privacy, each party's social security number and date of birth shall only be set forth on the "Family Information Sheet" family information sheet. ~~that is located on the Court's Website~~ The caption shall also describe the relief being requested.

(B) **Subsequent ~~Petition~~ case captions.** ~~In cases commenced by petition, the~~ Subsequent captions shall remain the caption of the original petition pleading. Parties ~~shall be designated by their names or as "Mother" and "Father" in the body of subsequent pleadings in cases involving children.~~

(C) **Paper size.** All ~~Pleadings, Motions~~ pleadings, motions and ~~Orders~~ orders shall be typewritten or printed on 8½" x 11" paper on one side only.

(D) **Attorney identification.** All ~~Pleadings, Motions~~ pleadings, motions and ~~Orders~~ other documents shall include the name of the attorney, ~~the firm name, if any~~, office address, office telephone number, ~~fax~~ facsimile number, if any, business e-mail address, if any, and the attorney's ~~Ohio Supreme Court Number~~ registration number.

(E) **Content of motions.** All motions shall state with particularity the grounds, ~~therefore~~ the relief or order sought, and shall identify any prior ~~Order(s)~~ order(s) at issue.

(F) **Separate documents.** All ~~Separation Agreements, and Shared Parenting Plans~~ separation agreements, and shared parenting plans and parenting plans filed with the ~~Court~~ court must be submitted as a separate document styled as a ~~Separation Agreement, and Shared Parenting Plans~~ separation agreement, and shared parenting plan or parenting plan and not included in the body of the pleadings.

8.05 ~~8.02~~ **Court Exhibit Family file/confidential documents file.** When a ~~Complaint~~ complaint or ~~Counterclaim~~ counterclaim for ~~Divorce~~ divorce, ~~Annulment~~ annulment, or ~~Legal Separation~~ legal separation, an ~~Answer~~ answer, or a ~~Petition~~ petition for ~~Dissolution~~ dissolution is filed, the clerk/court ~~Domestic Relations Court~~ shall keep a separate ~~Court~~ confidential

~~documents file for the Affidavits affidavits of Income income and Expenses expenses, Health Insurance Affidavits health insurance affidavits, Affidavits affidavits of Property property, Family Information Sheets family information sheets, IV-D Applications applications and Exhibits other documents permitted by Rules of Superintendence for the Courts of Ohio for each case. except for Exhibits presented at trials before the Judge or a Magistrate. Copies of these documents shall be time date stamped by the Clerk of Courts and served upon the parties pursuant to Instructions for Service.~~

~~(A) Upon the request of either party or an order of the Court, the Affidavits and Exhibits contained within this file shall be considered as part of “the original papers and exhibits filed in the trial court” for purposes of the record [Appellate Rule 9(a)].~~

~~(B) A person may review these files upon signed request to the Court.~~

~~8.02 8.03 Initial filings. All complaints, answers, and counterclaims shall be accompanied by the following court forms which shall be fully completed, filed with the Clerk clerk of Courts courts, and served upon the opposing party or parties. The forms are available on the Court’s Website which may be found at www.mahoningdcourt.org:~~

~~(A) **Mutual Restraining Order.** An attorney or party shall have the mutual restraining order signed by the judge or a magistrate prior to filing the complaint, answer, or counterclaim.~~

~~(B) **Mandatory Discovery Order:** An attorney or party shall have the mandatory discovery order signed by the judge or a magistrate prior to filing the complaint, answer or counterclaim.~~

~~(C) **(B) Affidavit of Income and Expenses. (Uniform Domestic Relations Form – Affidavit 1)** The Affidavit must be separately filed with the Clerk of Courts in all cases but shall be considered an exhibit by the Court and retained in the Court Exhibit File No documentation of income shall be attached to the Affidavit affidavit.~~

~~(D) **(C) Affidavit of Property. (Uniform Domestic Relations Form – Affidavit 2)** The Affidavit must be separately filed with the Clerk of Courts in all cases but shall be considered an exhibit by the Court and retained in the Court Exhibit File.~~

~~(E) **(D) Parenting Proceeding Affidavit. (Uniform Domestic Relations Form – Affidavit 3)** This Affidavit affidavit only needs to be filed if there are minor or disabled child(ren) of the parties.~~

~~(F) **(E) Health Insurance Affidavit. (Uniform Domestic Relations Form – Affidavit 4)** This Affidavit affidavit only needs to be filed if there are minor or disabled child(ren) of the parties.~~

~~(G) **(F) Motion and Affidavit or Counter Affidavit for Temporary Orders without Oral Hearing. (Uniform Domestic Relations Form – Affidavit 5)** This Motion motion~~

~~only~~ needs to be filed if temporary orders are being sought. No documentation of income shall be attached to this ~~M~~motion.

~~(H)~~ (G) **Family Information Sheet.** ~~The Information Sheet must be separately filed with the Clerk of Courts I in all cases but shall be considered as an exhibit by the Court and retained in the Court Exhibit File as is set forth below.~~

~~(I)~~ (H) **IV-D Application.** The application shall be fully completed, signed by the party, and separately filed with the Clerk clerk of Courts ~~only~~ courts in cases where child or spousal support is ~~being sought~~ requested, but shall be considered as an exhibit by the Court and retained in the Court Exhibit File as is set forth below.

~~(J)~~ **Poverty Affidavit and Financial Disclosure.** ~~The affidavit and disclosure shall first be submitted to the Court for approval prior to filing with the Clerk of Courts.~~

8.03 8.04 **Dissolutions.** When a ~~Dissolution~~ dissolution is filed, the parties shall complete and provide the following forms:

~~(A)~~ **Family Information Sheet.** ~~Separate Information Sheets must be filed by each party with the Clerk of Court but shall be considered as an exhibit by the Court and retained in the Court Exhibit File. The form is available on the Court's Website.~~

~~(B)~~(A) **Petition for Dissolution dissolution**

~~(C)~~(B) **Separation Agreement, agreement, and ~~S~~shared shared ~~P~~parenting parenting ~~P~~plan plan, or parenting plan, if applicable**

~~(D)~~(C) **Waiver of Service service**

~~(E)~~(D) **Waiver of Counsel counsel** (when one attorney)

~~(F)~~(E) **Affidavit of Income and Expenses.** ~~(Uniform Domestic Relations Form – Affidavit 1)~~ The Affidavit must be separately filed with the Clerk of Courts in all cases but shall be considered an exhibit by the Court and retained in the Court Exhibit File. No documentation of income shall be attached to the Affidavit affidavit.

~~(G)~~(F) **Affidavit of Property.** ~~(Uniform Domestic Relations Form – Affidavit 2)~~ The Affidavit must be separately filed with the Clerk of Courts in all cases but shall be considered an exhibit by the Court and retained in the Court Exhibit File.

~~(H)~~(G) **Parenting Proceeding Affidavit.** ~~(Uniform Domestic Relations Form – Affidavit 3)~~ This Affidavit affidavit ~~only~~ needs to be filed if there are minor or disabled child(ren) of the parties.

~~(G)~~ **Affidavit of Income and Expenses:** ~~Separate Affidavits must be filed by each party with the Clerk of Court but shall be considered as an exhibit by the Court and~~

retained in the Court Exhibit File. No Documentation of income shall be attached to the Affidavit.

~~(H)~~**(H) Health Insurance Affidavit. (Uniform Domestic Relations Form – Affidavit 4)** This Affidavit ~~only~~ needs to be filed if there are minor or disabled child(ren) of the parties.

~~(I)~~**(I) Family Information Sheet** The Information Sheet must be separately filed with the Clerk of Courts ~~I in all cases but shall be considered as an exhibit by the Court and retained in the Court Exhibit File as is set forth below.~~

~~(I)~~ **Affidavit of Property:** A single Affidavit may be filed with the Clerk of Court but it must be signed by both parties. The Affidavit shall be considered as an exhibit by the Court and retained in the Court Exhibit File. ~~The form is available on the Court's Website.~~

(J) IV-D Application. The application shall be fully completed, signed by the party, and separately filed with the Clerk clerk of Courts courts ~~only~~ in cases where child or spousal support is being sought requested. ~~but shall be considered as an exhibit by the Court and retained in the Court Exhibit File as is set forth below.~~

(K) A Decree. A decree of dissolution of marriage along with a copy of the Separation Agreement, separation agreement, ~~Sshared Pparenting Pplan~~ shared parenting plan, or parenting plan (if applicable), and a guidelines child support computation worksheet (if minor or disabled children are at issue) shall be presented to the Assignment Commissioner assignment commissioner(s) at the time of filing.

8.04 ~~8.05~~ **Special Filings**

(A) Parenting Proceeding Affidavit. In all post-divorce motions seeking a reallocation of parental rights and responsibilities or a modification of parenting time, the parties shall file a ~~Parenting Proceeding Affidavit~~ parenting proceeding affidavit. ~~pursuant to R. C. 3127.23. Motions seeking modification of parenting time shall not require a Parenting Proceeding Affidavit.~~

(B) Notice of Intent to Relocate. A ~~Notice of Intent to Relocate~~ notice of intent to relocate must be filed in every case in which the ~~Residential Parent~~ residential parent intends to move to a new location either within or outside of the ~~State~~ state of Ohio. (Forms are available on the Court's Website.)

(C) Summons and Order to Appear & Request for Court-Appointed Counsel. All ~~Motions for Contempt or To Show Cause~~ motions for contempt or to show cause shall be accompanied by a ~~Summons and Order to Appear and Request for Court-Appointed Counsel~~ summons and order to appear and request for court-appointed counsel. ~~as set forth in the court forms on the Court's Website.~~ The ~~Summons~~ summons shall be stapled to the front of the motion as the cover page.

(D) Affidavit of indigence. An affidavit of indigence seeking a waiver of deposit shall first be submitted to the court for approval prior to filing with the clerk of courts. A completed affidavit of income and expenses shall also be submitted in support of the affidavit of indigence.

~~8.05 Court Exhibit File:~~ When a Complaint or Counterclaim for Divorce, Annulment, or Legal Separation, an Answer, or a Petition for Dissolution is filed, the Domestic Relations Court shall keep a separate Court file for the Affidavits of Income and Expenses, Health Insurance Affidavits, Affidavits of Property, Family Information Sheets, IV-D Applications and Exhibits for each case except for Exhibits presented at trials before the Judge or a Magistrate. Copies of these documents shall be time stamped by the Clerk of Court and served upon the parties pursuant to Instructions for Service.

~~(A) Upon the request of either party or an order of the Court, the Affidavits and Exhibits contained within this file shall be considered as part of “the original papers and exhibits filed in the trial court” for purposes of the record [Appellate Rule 9(a)].~~

~~(B) A person may review these files upon signed request to the Court.~~

8.06 ~~Mutual Restraining Order~~ restraining order. In all cases after the initial ~~Complaint~~ complaint has been filed, both parties are restrained from the actions set forth in the ~~Court’s Mutual Restraining Order~~ court’s mutual restraining order. Upon ~~Plaintiff’s~~ plaintiff filing of a ~~Complaint~~ complaint or ~~Defendant’s~~ defendant filing of a ~~Counterclaim~~ counterclaim, the filing party is deemed to have notice of the ~~Mutual Restraining Order~~ mutual restraining order.

8.07 ~~Clerk Shall Require Conformity~~ shall require conformity. The ~~Clerk of Court~~ clerk of courts may not ~~receive~~ accept for filing any pleadings which do not conform to this rule.

8.08 ~~Leave to Plead~~ plead. Leave to plead may be obtained only by written motion to the ~~Court~~ court and for good cause shown. ~~The motion shall set forth the number of leaves to plead previously obtained and the total length of those leaves.~~

8.09 ~~Scheduling.~~ All motions shall first be scheduled for hearing by the ~~Assignment Commissioner~~ assignment commissioner(s), then filed with the ~~Clerk of Court~~ clerk of courts and shall be subject to either affidavit or evidentiary hearing. The ~~Assignment Commissioner~~ assignment commissioner(s) may refuse to accept for filing any motion which fails to comply with these ~~Rules~~ rules.

8.10 Continuances

(A) ~~Motions.~~ All motions for continuance shall be in writing and a copy of the motion shall be immediately provided to the ~~Court’s Assignment Commissioner~~ court’s assignment commissioner(s). The movant shall first attempt to secure the consent of opposing counsel, if represented. The motion shall set forth the reason for the continuance and whether consent was obtained or denied. ~~and shall state the number of~~

~~prior continuances.~~ If the motion is granted, the party seeking the continuance must ~~obtain a new hearing date and shall~~ immediately notify the opposing party, counsel, and guardian ad litem, if any. All continuances must be approved by the ~~Court~~ judge or Magistrate a magistrate.

(B) **Unavailability of ~~Witness~~ witness.** When a continuance is requested because a witness is unavailable for a scheduled hearing or trial, the ~~Court~~ court may consider alternative methods for receiving ~~the~~ testimony.

(C) **~~Conflict of Trial Assignment Dates~~ trial assignment dates.** When a continuance is requested for the reason that counsel is scheduled to appear in another civil case assigned for trial on the same date in a different court, the case that was first set for trial shall have priority, pursuant to ~~Sup. R. 41~~ the Rules of Superintendence for the Courts of Ohio, specifically Rule 41.

(D) The ~~Court~~ court will not consider any motion for continuance unless ~~a copy of the conflicting assignment is attached to the motion and the motion is filed not less than fourteen (14) days prior to trial~~ disclosure of the conflicting assignment is set forth in the motion or is attached.

8.11 **~~Engaged Counsel:~~ counsel.** Pursuant to Sup. R. 41(C), if a designated trial counsel has ~~such~~ a number of cases assigned for trial in this or other courts ~~as to that may~~ cause undue delay in the disposition of ~~such~~ cases, the ~~Judge~~ court may impose sanctions against ~~said~~ the attorney and ~~may~~ limit the number of cases in which the attorney may serve as counsel in this ~~Court~~ court.

8.12 **~~Determination of Motions without Oral Hearing:~~ motions without oral hearing.** Pursuant to ~~Civil Rule 7(B)~~ Ohio Rules of Civil Procedure, the ~~Court~~ court may, to expedite its business, determine motions without oral hearing ~~upon the submission of brief written statements of reasons in support and opposition, or upon content of the motion~~.

RULE 9

SERVICE

9.01 **~~Service of Pleadings:~~ pleadings.** A party requesting service by the ~~Clerk of Court~~ clerk of courts must file instructions for service ~~regardless of the form of service requested~~. Any request for service of a ~~Complaint, Counterclaim, Motion, Order~~ complaint, counterclaim, motion, order, or other paper requiring service pursuant to the Ohio Rules of Civil Procedure shall be accompanied by a ~~time~~ date-stamped copy of the ~~paper~~ pleading to be served.

9.02 **~~Service of Motions:~~ motions**

(1) **~~Pending Cases~~ cases:** In pending cases, all motions shall be filed with the ~~Clerk of Court~~ clerk of courts and served on counsel for opposing party (or opposing party if ~~not~~ self-represented); and on the guardian ad litem, where one has been appointed.

(2) ~~Post Decree~~ decree. Any post-decree motion invoking the continuing jurisdiction of the ~~Court~~ court shall contain the full names, and current addresses ~~and places of employment~~ of both parties in the caption. Notice of the motion invoking continuing jurisdiction shall be served in the manner provided for service of process under Ohio Rules of Civil Procedure 4 through 4.6. ~~If certified mail is utilized, the request for certified mail service shall be made through the office of the~~ Mahoning County Clerk of Courts.

9.03 **Process Server ~~(One-Time Appointment)~~ server (one-time appointment)**. If a party desires personal service to be made by a special process server pursuant to ~~Civ. R. 4.3(B)(2) Ohio Rules of Civil Procedure~~, that party or counsel must file with the ~~Clerk of Court~~ clerk of courts an ~~Entry~~ entry appointing a special process server. The following must be stated in the ~~Entry of Appointment~~ entry of appointment:

- (A) The name and address of the person to be appointed as a process server;
- (B) ~~That the~~ The person to be appointed as process server is 18 years of age or older;
- (C) ~~That the~~ The person to be appointed as process server is not a party or counsel for a party in the action.

9.04 **Process Server ~~(Continuing Appointment)~~ server (continuing appointment)**. A person may apply to be designated as a "~~Standing Special Process Server~~" standing special process server for cases filed in this ~~Court~~ court by filing an application prescribed by the ~~Court~~ court, ~~as set forth on the Court's Website~~. The process server must file an application every year.

9.05 **Service by ~~Publication~~ publication**

(A) **When ~~Proper~~ proper**. In accordance with ~~Civ. R., 4.4 Ohio Rules of Civil Procedure~~, before service by publication can be made, an affidavit of a party or counsel shall be filed with the ~~Court~~ court. The affidavit shall state that service of summons cannot be made because the residence of ~~the Defendant~~ a party is unknown and detail all of the efforts made to determine that the residence cannot be ascertained with reasonable diligence. The ~~Court~~ court must give prior approval for service by publication.

(B) **Responsibility**. In all cases when service of process is to be accomplished by publication, it shall be the responsibility of the party to ensure that the publication is accomplished.

(C) **Confirmation**. Upon completion of the last publication of service, the party shall file with the ~~Court~~ court an affidavit showing the fact of publication, together with a copy of the ~~Notice of Publication~~ notice of publication. The affidavit and its exhibits shall constitute the proof of service.

(D) **Posting ~~Locations in Cases of Indigence~~ locations in cases of indigence**. Pursuant to ~~Civ. R. 4.4(A)(2) Ohio Rules of Civil Procedure~~, where ~~the Plaintiff~~ a party is proceeding in forma pauperis and if the residence of ~~Defendant~~ an opposing party is

unknown, service shall be made by posting and mail ~~The Court hereby designates the following two (2) additional posting locations in Mahoning County for the purpose of service by publication as set forth below:~~

(1) Domestic violence cases. The court hereby designates the following two additional posting locations in Mahoning County for the purpose of service by publication:

Struthers Municipal Building
6 Elm St.
Struthers, Ohio 44471

Mahoning County Court #3
605 ~~606~~ East Ohio Ave.
Sebring, Ohio 44672

(2) All other cases. Posting shall be made on the website of the Mahoning County Clerk of Courts in the section designated for this purpose. The clerk shall see that the actual legal notice is a PDF hyperlink to the case name and case number. The notice shall remain posted on the website for six successive weeks. After the last week of posting, the clerk shall note on the docket that the posting has been completed.

(E) Forms. Forms for requesting service by publication or posting must be submitted to the court for approval prior to filing.

RULE 10

TEMPORARY ORDERS BY AFFIDAVIT OR ORAL HEARING

10.01 ~~Motion and Affidavit~~ affidavit or ~~Counter-Affidavit~~ counter-affidavit for ~~Temporary Orders~~ temporary orders ~~Without~~ without ~~Oral Hearing~~ oral hearing. Temporary Orders in cases of divorce or legal separation shall be issued on the basis of Affidavits pursuant to Rule 75(N) of the Ohio Rules of Civil Procedure. If a party to a divorce or legal separation wants the ~~Court~~ court to issue temporary orders concerning temporary allocation of parental rights and responsibilities, temporary child support, temporary spousal support, or allocation of debts and expenses during pendency, the party requesting temporary ~~the~~ orders shall file a ~~Motion and Affidavit for Temporary Orders Without Oral Hearing~~ (forms are available on the Court's Website) motion and affidavit for temporary orders without oral hearing pursuant to Civ. R. 75(N). The ~~Motion~~ motion may be filed with the initial ~~Complaint~~ complaint or subsequent pleading, or it may be filed after the ~~Complaint~~ complaint is filed. ~~If there are minor children any Motion and Affidavit shall be accompanied by the Court's Affidavit of Income and Expenses, Parenting Proceeding Affidavit (if there are minor children), Health Insurance Affidavit and IV-D Application (forms available on the Court's Website).~~ It is the responsibility of the attorney for the party requesting Temporary Orders by Affidavit temporary orders by affidavit to provide an extra a copy of the aforementioned forms pleadings to the

~~Domestic Relations Assignment Commissioner~~ assignment commissioner(s) at the time of filing.

10.02 **Affidavit by ~~Opposing Party~~ opposing party.** The other party may file a ~~Motion and Counter Affidavit for Temporary Orders Without Oral Hearing or Affidavit of Income and Expenses~~ motion and counter affidavit for temporary orders without oral hearing or affidavit of income and expenses within ~~fourteen~~ (14) days of being served with the ~~Motion~~ motion. Unless previously filed, any ~~Counter Motion~~ counter-motion shall be accompanied by the ~~Court's Affidavit of Income and Expenses, Parenting Proceeding Affidavit~~ court's affidavit of income and expenses, parenting proceeding affidavit, and IV-D ~~Application~~ application. (~~forms available on the Court's Website~~). Any party filing a responsive document as described above shall take a copy of the document(s) to the ~~Domestic Relations Assignment Commissioner~~ domestic relations assignment commissioner(s) so that it may be considered by the ~~Magistrate~~ magistrate at the non-oral hearing on affidavit orders.

10.03 **Scheduling of ~~Hearing~~ hearing.** When the party requesting an ~~Affidavit Order~~ affidavit order provides a copy of the ~~Motion and Affidavit for Temporary Orders Without Oral Hearing~~ motion and affidavit for temporary orders without oral hearing to the ~~Domestic Relations Assignment Commissioner~~ domestic relations assignment commissioner(s), the ~~Assignment Commissioner~~ assignment commissioner(s) shall set the ~~Motion~~ motion for a non-oral hearing on the ~~Magistrate's Docket~~ a magistrate's docket.

10.04 **Evidence and ~~Order~~ order.** The ~~Court~~ court shall consider the sworn affidavits of the parties and may, upon review of same, issue an ~~Order~~ order concerning the relief requested. The ~~Court~~ court also may, upon review of the affidavits submitted, refuse to issue a 75(N) ~~Order~~ order, ~~or~~ may set the matter for an oral hearing, or refuse to grant relief if the information provided is insufficient.

10.05 **Motion for ~~Oral Hearing~~ oral hearing.** Upon the issuance of a 75(N) ~~Order~~ order, either party may file a motion for an oral hearing to have the ~~Court~~ court consider modification of its prior ~~Order~~ order. A motion for an oral hearing must state with particularity the reason why an oral hearing is required. The motion must be filed with the ~~Clerk of Court~~ clerk of courts after the moving party obtains a hearing date from the ~~Domestic Relations Assignment Commissioner~~ domestic relations assignment commissioner(s). Unless the ~~Judge~~ judge or ~~Magistrate~~ magistrate grants a stay, a motion for oral hearing shall not suspend the ~~Temporary Order~~ temporary order.

RULE 11

ADDITIONAL EX PARTE ORDERS

11.01 Ex parte orders

(A) **Civ. R. 75(H).** In addition to ~~Temporary Orders by Affidavit~~ temporary orders by affidavit, pursuant to ~~Local Rule~~ local rule 10 and ~~Mutual Restraining Orders~~ mutual restraining orders, the ~~Court~~ court may issue ~~Ex Parte Orders~~ ex parte orders, with or without bond, ~~pursuant to Civ. R. 75(H)~~, when it is ~~made to appear~~ demonstrated to the ~~Court~~ court by affidavit that:

- (1) The opposing party is about to dispose or encumber property, or any part of property, so as to defeat the other party in obtaining spousal support or an equitable division of the marital property.
- (2) A party to the action, or a child, is about to suffer physical abuse, annoyance, or bodily injury by the other party.

The ~~Restraining Order~~ restraining order may be issued without notice and shall remain in force during the pendency of the action unless the ~~Court~~ judge or ~~Magistrate~~ magistrate otherwise orders. Prior to the issuance of an ~~Ex Parte Order~~ ex parte order, the party seeking the same shall make a good faith effort to provide opposing counsel, ~~if any, or the opposing party if not represented~~, with **REASONABLE** reasonable notice of the application to the ~~Court~~ court for such relief.

(B) **Parenting and Visitation issues.** ~~Ex Parte Orders~~ Ex parte orders concerning parenting ~~or visitation~~ shall not generally be issued except in emergency situations where third party independent corroboration of the danger is provided by credible ~~testimony~~ evidence from sources, including, but not limited to, the police or a children's services agency. When family violence is involved, domestic violence procedures should be followed. The party seeking the ~~Order~~ order shall be present for the ~~ex parte~~ ex parte hearing.

(C) **Notice of Hearing hearing.** When an ~~Ex Parte Order~~ ex parte order is granted, a hearing shall be scheduled and held promptly, and as soon as is practicable, to determine whether the ~~Order~~ order is required. The party granted the ~~same~~ ex parte order shall make a good faith effort to provide opposing counsel and unrepresented adverse parties with immediate notice of the hearing date.

(D) **Bond.** The posting of bond is within the discretion of the ~~Court~~ court.

(E) **Dissolving of Orders orders.** A party against whom an ~~Ex Parte Restraining Order~~ ex parte restraining order was issued may file a motion, supported by affidavit, requesting that the ~~Order~~ order be dissolved. In the absence of agreement of the parties as to the terms and conditions for dissolving ~~such Orders~~ the orders, the matter shall be set

for hearing before the ~~Judge~~ judge or ~~Magistrate~~ a magistrate.

RULE 12

CONTEMPT AND MOTIONS TO SHOW CAUSE

12.01 **Contents of ~~Motion~~ motion.** All motions shall contain the following:

(A) A reference to the date and language of the former ~~Order~~ order to which the motion relates.

(B) Specific facts, or an affidavit setting forth specific facts, forming the basis for the motion.

(C) The motion shall contain ~~the Court's official Summons and Order to Appear~~ an appropriate summons and order to appear signed by the ~~Court~~ judge or ~~Magistrate~~ a magistrate which shall be stapled to the front of the motion as the cover page. In the event of a failure of service, the movant shall attach a new summons and order to appear to the motion, and if necessary, the new hearing date included.

(D) Motions for contempt shall be served pursuant to Civ. R. 4 through Civ. R. 4.6. Personal service of a ~~Motion For Contempt~~ motion for contempt or ~~Motion to Show Cause~~ motion to show case is preferred to ensure that the non-moving party has actual notice of the hearing.

(E) The ~~Court~~ court may dismiss any motion which fails to comply with this rule.

12.02 **Contempt for ~~Unpaid Medical Bills~~ unpaid medical bills.** A motion alleging contempt for unpaid medical bills shall be accompanied by a fully executed "Explanation of Medical Bills" form ~~set forth on~~ located at the ~~Court's Website~~ court's website. Copies of the medical bills in dispute shall not be attached to the motion but such bills and other supportive documentation shall be marked as exhibits and submitted as evidence at the hearing. All ~~Motions to Compel Payment of Medical Bills~~ motions to compel payment of medical bills shall be filed within ~~twenty-four (24) months~~ a reasonable time of the initial billing to the moving party.

12.03 **Attorney Fees fees.** Attorney fees may be awarded in any contempt action involving child support, visitation, or spousal support. Absent evidence to the contrary, a fee of \$500.00 shall be considered a presumptively reasonable fee without the necessity of formal proof.

~~12.04 **Appointment of Attorney in Contempt Actions:** The Court will appoint counsel to indigent parties upon their completion of the requisite Indigency Certification Form and a finding of inability to pay attorney fees. In accepting the appointment, the attorney shall accept no compensation beyond that awarded by the Court.~~

~~12.05 **Payment of Fees:** Within fourteen (14) days of the conclusion of the case, the appointed attorney shall submit the required form for payment of fees.~~

12.04 **Appointment in contempt cases.** The court may appoint counsel in contempt cases to an indigent party in accordance with Sup. R. 8. Appointment of counsel for an indigent party alleged to be in contempt may be made upon request and is subject to the party's completion of the requisite financial disclosure/affidavit of indigence form and a finding of an inability to pay attorney fees.

12.05 **Procedures for appointment of counsel.** The court shall maintain a list of all available attorneys that are willing and qualified to act as court-appointed counsel in contempt cases. Selection of an attorney to act as court-appointed counsel shall be made on a rotating basis from the list of qualified attorneys on an equitable basis. The attorney list shall be reviewed by the court periodically to ensure there is an equitable distribution of appointments. In making appointments, the court shall take into account all of the following:

(A) The anticipated complexity of the case in which appointment will be made;

(B) Any educational, mental health, language, or other challenges facing the party for whom the appointment is made;

(C) The relevant experience of those persons available to accept the appointment, including proficiency in a foreign language, familiarity with mental health issues, and scientific or other evidence issues;

(D) The avoidance of conflicts of interests or other situations that may potentially delay timely completion of the case; and

(E) Intangible factors, including the court's view of a potential appointee's commitment to providing timely, cost-effective, quality representation to each prospective client.

~~12.05~~ 12.06 **Payment of Fees fees.** Within fourteen (14) days of the conclusion of the case, the appointed attorney shall submit the required form for payment of fees. Court-appointed counsel fees shall be subject to the fee limit set by the Mahoning County Common Pleas Court. In accepting the appointment, the attorney shall accept no compensation beyond that awarded by the court. The appointed attorney shall submit the required form for payment of fees within 14 days after conclusion of the case.

RULE 13

OBJECTIONS TO DECISION/MOTIONS TO SET ASIDE

13.01 **Magistrate's Decision decision.** Objections to a ~~Magistrate's Decision~~ magistrate's decision must be filed within ~~fourteen~~ 14 days of the date on which the ~~Magistrate's Decision~~ magistrate's decision was filed with the ~~Clerk of Court~~ clerk of courts. The opposing party may file an objection or response within ~~ten~~ 10 days after the first objection. The filing of said ~~Objections~~ objections shall stay the ~~Magistrate's Decision~~ magistrate's decision until the ~~ruling of the Judge~~ judge is rendered rules on the objections.

13.02 **Magistrate's Order order.** To appeal a ~~Magistrate's Order~~ magistrate's order, a ~~Motion to Set Aside the Order~~ motion to set aside the order must be filed within ~~ten~~ 10 days of the date ~~on which the Magistrate's Order~~ magistrate's order was filed with the ~~Clerk of Court~~ clerk of courts. The ~~Order~~ order is not stayed unless the ~~Judge~~ judge or the ~~Magistrate~~ magistrate grants a stay.

13.03 **Hearing Date Obtained date.** Prior to the filing of ~~Objections~~ objections or a ~~Motion to Set Aside~~ motion to set aside, a hearing date must be obtained from the ~~Court's Assignment Commissioner~~ court's assignment commissioner(s). The hearing date shall be ~~set forth~~ stated in the ~~Objections~~ objections or ~~Motion~~ motion and served upon the opposing counsel and party in accordance with the Ohio Rules of Civil Rules Procedure.

13.04 **Transcripts.** Objections or ~~Motions to Set Aside~~ motions to set aside shall be supported by a transcript of all the evidence submitted to the ~~Magistrate~~ magistrate relevant to that fact or an affidavit of that evidence if a transcript is not available. A transcript shall not be required if the objection is only to an issue of law. The transcript must be filed by the moving party within ~~thirty (30)~~ days of the filing of the objection unless the ~~Court~~ court, in writing, extends the time ~~due to the inability of the reporter to complete the transcript of the testimony.~~

(A) **Written Request request.** The moving party shall file a written ~~Notice~~ notice requesting the transcript within three (3) days of the filing of the ~~Motion to Set Aside~~ motion to set aside or ~~Objections~~ objection and furnish a copy of same to the ~~Court~~ court. The ~~Notice~~ notice shall state the name of the ~~Court Reporter~~ court reporter preparing the transcript. At the time the transcript is ordered, the attorney or party shall arrange for payment of the court reporter.

(B) **Dismissal for Non-Compliance non-compliance.** Failure to file a transcript when required shall result in dismissal of the ~~Motion to Set Aside~~ motion to set aside or the ~~Objection~~ objection.

PRETRIALS & TRIAL RULES

RULE 14

DISCOVERY

14.01 Discovery Procedures

(A) **In General general.** ~~Civil Rules 26 through 37 shall apply to any action.~~ The purpose of this ~~Rule~~ rule is to encourage prompt and complete discovery to avoid the ~~Court's~~ court's involvement in the discovery process.

(B) ~~Mandatory disclosure.~~ Each party has the affirmative duty, within ~~seventy five (75)~~ days of the filing of an answer or counterclaim, to disclose to the other party the ~~information and documents which are included in the court's mandatory discovery~~

order.

~~(C)~~ **(B) Authorization.** All parties shall sign any authorization necessary for the opposing party to obtain full and detailed wage, benefit, and pension information.

(C) Deadlines. Absent special circumstances or discovery deadlines set by the judge or a magistrate, all discovery shall be completed at least seven days prior to the initial settlement conference.

(D) Sanctions. Failure to comply with this rule may result in sanctions pursuant to Civ. R. 37, including but not limited to contempt citations, award of attorney fees, litigation expenses, possible dismissal of claims, or restrictions on the submission of evidence.

RULE 15

STATUS CONFERENCES

~~15.01~~ **Status Conferences conferences.** The ~~Court~~ court may schedule a status conference in parenting cases or in any other action before the ~~Court~~ court. Notice shall be ~~sent~~ provided to all self-represented parties pursuant to the Civil Rules or counsel of record. The ~~Judge~~ judge and ~~Magistrates~~ magistrates shall have discretion to conduct a status conference by telephone with both counsel.

RULE 16

PRETRIALS CONFERENCES

16.01 **Purpose.** A ~~pre-trial conference~~ pretrial may be held in every contested case. The purpose of the ~~conference~~ pretrial is to encourage settlement, identify issues in dispute, and set discovery deadlines.

16.02: **Disclosure of ~~Assets~~ assets.** Both parties shall ~~make known~~ disclose to the other party all of their assets and debts and, if necessary, shall amend their ~~Affidavit of Property~~ affidavit of property at the ~~Pre-Trial Conference~~ pretrial to comply with this requirement.

16.03 **Attendance by ~~Counsel~~ counsel.** The attorneys who will be present at trial shall attend all ~~pre-trial conferences~~ pretrials except with leave of court. ~~A continuance may not be granted on the grounds that the trial attorney is not prepared to go forward if he or she has failed to attend the pre-trial conference.~~ Failure to attend or comply with the requirements of this rule may result in sanctions.

16.04 **Attendance by ~~Parties~~ parties.** All parties shall be present at the ~~pre-trial conference~~ pretrial except with leave of court.

16.05 **Pretrial motions.** Absent special circumstances, all pretrial motions, including but not

limited to motions to compel and for contempt, shall be filed no later than 30 days prior to trial.

RULE 17

TRIALS

17.01 Exhibits, Witnesses & Trial Conduct

(A) All exhibits shall be marked prior to trial and indicate whether submitted by Plaintiff plaintiff or Defendant defendant. Plaintiff shall use numbers and Defendant defendant shall use letters.

~~(B) Exhibits admitted during trials or hearings before the Judge shall be retained by the Official Court Reporters. Exhibits admitted during trials or hearings before the Magistrate shall be retained by the Court.~~

~~(C) Exhibits retained by the Official Court Reporters shall be made available for review and/or copying in accordance with the protocols of that office. Exhibits retained by the Court shall be made available for review during normal business hours upon reasonable advance notice.~~

~~(D) Exhibits retained by the Court may be discarded after reasonable notice to the parties after the time for appeal has expired.~~

~~(E B)~~ The Judge judge and Magistrates magistrates may set issue orders during the pendency of a case imposing time limits for the exchange and submission of all documents and a list of other exhibits to be introduced at the trial or evidentiary hearing.

~~(F C)~~ The Judge judge and Magistrates magistrates may set issue orders during the pendency of a case imposing time limits for the submission of a list of witnesses, including experts, who will testify at trial or evidentiary hearing.

~~(G D)~~ The Judge judge and Magistrates magistrates may set issue orders during the pendency of a case imposing time limits for submitting to the ~~Court~~ court and opposing counsel all expert witness reports.

17.02 Trial Briefs/~~Findings~~ briefs/findings of fact and Conclusions conclusions of law. The ~~Court~~ court may require the parties to file ~~Trial Briefs~~ trial briefs and/or ~~Proposed Findings~~ proposed findings of Fact fact and Conclusions conclusions of Law law.

17.03 Attorney Fees fees/litigation expenses. An award of attorney fees/litigation expenses is discretionary with the ~~Court~~ court and shall be awarded in accordance with the ~~following protocol and considerations:~~ provisions of R.C. 3105.73.

(A) ~~A request for attorney fees and expenses to prosecute an action shall be made in writing and shall be included in the body of a motion or other pleading that gives rise to~~

~~the request for fees.~~

~~(B) — At the time of the final hearing on the motion or pleading that gives rise to the request for attorney fees, the attorney seeking such fees shall present:~~

~~(1) — Testimony and an itemized statement describing the services rendered, the time for such services, and the requested hourly rate for in-court time and out-of-court time.~~

~~(2) — Testimony as to whether the case was complicated by any or all of the following: new or unique issues of law; difficulty in ascertaining or valuing the parties' assets; problems with completing discovery; any other factor necessitating extra time being spent on the case; testimony regarding the attorney's years in practice and experience in domestic relations cases; evidence of the parties' respective income and expenses, if not otherwise disclosed during the hearing.~~

~~(E A)~~ Expert testimony other than the attorney requesting fees is required to prove both the necessity and reasonableness of attorney fees.

~~(D B)~~ Failure to comply with the provisions of this rule may result in the denial of a request for attorney fees.

~~(E C)~~ Any attorney fee award made by this ~~Court~~ court must be entered in favor of a party litigant and not in favor of a party's attorney. ~~Such fee may be ordered payable through the Child Support Enforcement Agency.~~

RULE 18

COURT APPOINTMENT OF VALUATION EXPERTS

18.01 ~~When used~~ Value of assets. Whenever the value of an asset is in dispute, the ~~Court~~ court may, upon motion of either party, or upon the ~~Court's~~ court's own motion, and for good cause shown, appoint an expert for the purpose of appraisal.

18.02 ~~Content of Order~~ order. The ~~Order~~ order of appointment shall state specifically the property to be valued, the name of the expert, the allocation of any costs or fees, and ~~what advancement, if any, if a deposit is to be made paid~~ to the expert. The ~~Order~~ order shall state that the parties are to cooperate fully with the expert.

RULE 19

MEDICAL EXPENSE SCHEDULE

~~19.01~~ Standard Order order. Pursuant to ~~R.C. 3119.30~~, ~~the~~ The parties shall share the cost of medical, dental, optical, and prescribed drug expenses not covered by insurance in accordance ~~with~~

~~the percentages on each party's income as shown on the most recent worksheet computation with Ohio Revised Code, or as otherwise ordered by the Court court.~~

RULE 20

QUALIFIED MEDICAL CHILD SUPPORT ORDER (QMCSO)

~~20.01 **Procedure:** In all cases involving employer provided group health plans, as defined in Employment Retirement Income Security Act of 1974 Section 607(1), and requested by the employer, a QMCSO shall be issued identifying the medical, dental, optical and other health benefits, if any are available, as well as listing the child(ren) of the parties, who shall be designated as the "Alternate Recipients." The Alternate Recipients shall be enrolled in the group health care plans and shall receive all medical, dental, optical and other health benefits available under any of the employer's group health plans, as if they meet all the requirements of a dependent and thus are dependents under the group health plans.~~

RULE 21 20

DISSOLUTION OF MARRIAGE HEARINGS

~~21.01 20.01 Scheduling. Prior to filing a Petition petition for Dissolution dissolution of Marriage marriage with the Court court, the attorney for the petitioner, or in the event both petitioners are represented by counsel, the attorneys the parties and/or their counsel shall obtain a hearing date from the Assignment Commissioner assignment commissioner(s). If a Shared Parenting Plan is included with the petition, an additional copy of the same shall be submitted to the Court for review.~~

~~21.02 20.02 Decree. The Decree decree, together with all necessary orders and copies attachments, shall be supplied to the Court court prior to the hearing.~~

~~21.03 20.03 Workshop for Parents Parent education. In order for Dissolutions with minor children to be granted, both Both parties may be ordered by the court to attend parent education. shall have attended the Court's Workshop for Parents. The Decree decree will may not be signed until certification proof of attendance is provided to the Court court. If no certification proof is received by the hearing date, the court may dismiss the petition. within ninety (90) days of the filing of the petition, the same may be dismissed.~~

~~21.04 20.04 Valuation of Assets. In separation agreements, all marital and separate assets shall be identified and the values of same set forth unless the parties waive the court's duty to place a value on each and every asset and agree to its division and equitable distribution. In the absence of a written appraisal of real estate, the county auditor's appraisal may be accepted as evidence of value. In the absence of a written appraisal of motor vehicles, the NADA or Kelly Blue Book values may be accepted as evidence of value.~~

~~21.04 20.05 Attendance. Absent special circumstances, if either party fails to appear at the Dissolution Hearing dissolution hearing, the Court court may dismiss the same petition.~~

~~21.05~~ 20.06 **Disagreement.** Pursuant to R.C. 3105.65, if at the time of the hearing either spouse is not satisfied with the ~~Separation Agreement~~ separation agreement, or does not wish a dissolution of the marriage, the ~~Court shall~~ court may dismiss the petition.

~~21.06~~ 20.07 **Waiver of Magistrate's Decision.** A waiver of magistrate's decision may be signed by the parties and counsel and submitted with the judgment entry/decree in all dissolution of marriage cases where the matter is heard by a magistrate.

20.08 **Conversion of ~~Dissolution Action~~ dissolution action to ~~Divorce Action~~ divorce action.** Pursuant to R.C. 3105.65, an action for dissolution may be converted to an action for divorce upon the filing of a motion to convert, along with a Complaint complaint for ~~Divorce~~ divorce, and any necessary all required affidavits, and an entry converting dissolution to divorce. ~~The motion and the Complaint shall be submitted to the Court along with an Entry Converting Dissolution to Action for Divorce, as set forth on the Court's Website.~~ If the motion is approved, the divorce action shall proceed in accordance with the ~~Civil Rules~~ Ohio Rules of Civil Procedure in the same manner as if the motion had been the original ~~Complaint~~ complaint. The motion shall be filed no later than seven (7) days after the date ~~on which~~ the dissolution hearing was scheduled.

RULE 22 21

DIVORCE HEARINGS

~~22.01~~ 21.01 **Scheduling.** The ~~Court~~ court will not hear an uncontested divorce earlier than ~~forty two~~ (42) days after the service of the ~~Complaint~~ complaint. ~~Counsel for the Plaintiff~~ Plaintiff or ~~plaintiff's~~ counsel may schedule the final hearing ~~twenty eight~~ (28) days after the completion of service upon the ~~Defendant~~ defendant.

~~22.02~~ 21.02 **Notice.** In divorces where there is no counsel of record, the ~~Court~~ court shall issue notice to the adverse party pursuant to Civ. R. 75(L).

~~22.03~~ 21.03 **Workshop Education for Parents parents and Children children.** ~~In order for divorces with minor children to go forward, both~~ Both parties shall ~~have attended the Court's Workshop for Parents~~ may be ordered to attend parent education classes and provide ~~certification~~ proof of the ~~same~~ attendance to the ~~Court~~ court prior to the final hearing. ~~Depending upon the facts of the individual case, the~~ The Court court may not grant a ~~non-appearing Defendant~~ defendant ~~companionship~~ parenting time rights to a party until ~~he/she~~ that party attends the ~~Workshop for Parents~~ parent education. For children between the ages of 8 and 12 years of age, ~~the~~ The court may ~~require their attendance at a Workshop for Children.~~ order minor child/ren to attend child/ren's education class(es). Parents must provide proof of the child/ren's attendance prior to the final hearing.

~~22.04~~ 21.04 **Valuation of Assets.** In divorces, all marital and separate assets shall be identified and the values ~~of same~~ set forth unless the parties waive the court's duty to place a value on each and every asset and ~~affirmatively waived by the parties, who mutually~~ agree to its division and equitable distribution. In the absence of a written appraisal of real estate, the county auditor's appraisal may be accepted as evidence of value. In the absence of a written appraisal of motor vehicles, the NADA or Kelly Blue Book values may be accepted as evidence of value.

~~22.05~~ 21.05 **Witnesses.** Only one corroborating witness who has personal knowledge of the facts ~~shall be~~ is required to testify at the final divorce hearing.

~~22.06~~ 21.06 **Attendance/Dismissal dismissal.** In uncontested divorce cases, if the Plaintiff ~~plaintiff~~ does not attend the final hearing, the ~~Court court~~ shall may dismiss the case for failure to proceed. If the Defendant ~~defendant~~ appears and wishes to contest any issue, the ~~Court court~~ may convert the hearing into a status conference.

~~22.07~~ **Judgment Entries:** ~~At the time of the uncontested hearing, counsel for the Plaintiff shall present to the Court a judgment entry and all necessary Orders together with sufficient copies for the Child Support Enforcement Agency and parties.~~

~~22.08~~ 21.07 **Conversion of Divorce Action divorce action to Dissolution Action dissolution action.** Pursuant to R.C. 3105.08 and 3105.62, an action for divorce may be converted to an action for dissolution upon the filing of a motion, ~~along with a Petition petition for Dissolution dissolution, and Separation Agreement separation agreement, all required affidavits, supporting documents, and an entry converting the divorce to dissolution. If the motion is approved, the dissolution action shall proceed in accordance with the Ohio Rules of Civil Procedure. The motion, with all supporting documents, shall be submitted to the Court along with an Entry Converting Divorce to Action for Dissolution as set forth on the Court's Website.~~

RULE 23 22

JUDGMENT ENTRIES, DECISIONS & ORDERS

~~23.01~~ 22.01 **Preparation.** The ~~Court court~~ may order counsel for either party to prepare a judgment entry. A copy ~~of the same~~ shall first be submitted to opposing counsel ~~within thirty (30) days, unless the time is extended by the Court.~~ The parties shall abide by the following protocol:

(A) The opposing party shall have ~~fourteen (14)~~ days in which to approve or reject the judgment entry.

(B) If the opposing party fails to take any action on the judgment entry within ~~fourteen (14)~~ days, the preparer may present the entry for journalization by certifying that the judgment entry was submitted to the opposing party and that no response was made.

(C) If a judgment entry is not presented to the ~~Court court~~ within ~~forty-five (45)~~ 30 days of the hearing, counsel and parties ~~shall may~~ be summoned to appear before the ~~Court court~~.

(D) ~~In the event of~~ If there is a dispute over the content of an entry, the ~~Court court~~ may order a transcript of the proceedings and assess the cost of same.

(E) Failure of an attorney to comply with the above may result in vacating any award of attorney fees, a finding of contempt, imposition of a fine, or ~~dismissal of a case~~ other appropriate remedies.

~~23.02~~ 22.02 **Signature by Both Parties both parties.** Unless excused by the ~~Court court~~, all agreed judgment ~~entries, and orders, and orders dividing pensions and retirement accounts~~ shall be signed by

both parties and counsel. ~~Child Support Enforcement Agency Orders, Restraining Orders, Orders Appointing Process Servers, and Orders Permitting Withdrawal as Counsel~~ support enforcement agency orders, restraining orders, orders appointing process servers, and orders permitting withdrawal as counsel are excepted from this rule.

~~23.03~~ 22.03 Court costs. All judgment entries shall provide for the payment of court costs.

~~23.04~~ 22.04 General Contents ~~content of Judgment Entries~~ judgment entries, Decisions decisions, and Orders Related to Child Support orders related to child support, and Spousal Support spousal support, and Divisions of Property divisions of property. All judgment entries, magistrates' decisions, and orders related to child support, ~~or~~ spousal support, and the division of property shall contain the following information:

(A) Names and addresses of the parties, ~~and the~~ full names and dates of birth of any minor children (if applicable); and only the last four digits of account numbers;

(B) Name and address of the employer of the child support obligor or the obligor's payor. In the event that the responsibility for providing private health insurance changes to a third party or spouse, a copy of the health insurance card ~~along~~ with the name and address of the health insurance company shall be provided to the ~~Child Support Enforcement Agency~~ child support enforcement agency; and

(C) All mandatory language regarding support as set forth on the ~~Court's Website~~ court's website.

~~(D) Standard language for QDROs and DOPOs set forth on the Court's Website, if applicable.~~

~~23.05~~ 22.05 Required Documents ~~documents for Support Orders~~ support orders. A child support computation worksheet shall accompany all judgment entries ~~awarding child support when calculating child support if required by law.~~

~~23.05 Advance Submission of Entries:~~ In all uncontested divorces or dissolutions of marriage, counsel shall submit all proposed entries, plans and documents to the Court for its prior review and approval.

~~23.06~~ 22.06 Emancipation. Any judgment entry terminating a child support obligation ~~by~~ due to the emancipation of a minor child shall address the existence of any support arrearage, ~~and/or~~ any waiver of arrearage, ~~thereof~~ and any unpaid processing charges. If there ~~remain other minor~~ are any unemancipated children of the parties, a new child support computation worksheet must be ~~undertaken~~ completed and the judgment entry shall include the modification.

~~23.07~~ 22.07 Required Language ~~language for Child Support, Spousal Support~~ child support, spousal support, and Health Insurance health insurance. In compliance with the applicable provisions of R.C. 3119.01, ~~and Seq. et seq.,~~ the ~~Court~~ court mandates the use of the specific language in Findings findings of Fact fact, Orders, Judgment Entries orders, judgment entries, and Decrees decrees which address spousal support, child support, ~~and/or~~ health insurance. The required language is available on the ~~Court's Website~~ court's website.

RULE ~~24~~ 23

DIVISION OF PENSION ~~ORDERS~~ & RETIREMENT ACCOUNTS

24.01 ~~23.01~~ 23.01 ~~Qualified Domestic Relations Order~~ domestic relations order (QDRO)

(A) Unless otherwise ordered, the alternate payee entitled to ~~the a share of the~~ a share of the pension or retirement ~~plan~~ account shall be responsible for preparing the ~~Qualified Domestic Relations Order~~ qualified domestic relations order "~~QDRO~~" (QDRO) for submission to the ~~Court~~ court.

(B) Whenever it is ordered that a pension or retirement ~~program~~ account be divided by a QDRO, the parties and counsel shall sign ~~and approve~~ the original ~~of a~~ QDRO submitted to the ~~Court~~, court and shall sign ~~and approve~~ any subsequent QDRO submitted to the ~~Court~~, court, unless waived by the ~~Court~~ court.

(C) If the ~~Court~~ court ordered a division of a pension or retirement ~~plan~~ account, the ~~Court~~ court may assign the responsibility to submit the QDRO.

(D) The QDRO shall be submitted to the ~~Court~~ court ~~along~~ with the ~~Judgment-Entry~~ judgment entry for ~~Divorce~~ divorce or ~~Decree~~ decree of ~~Dissolution~~ dissolution of ~~Marriage~~ marriage or within 90 days thereafter. The party preparing the QDRO shall be responsible to submit the QDRO to the plan administrator for ~~acceptance of same~~ approval.

(E) The QDRO shall include the name and address of the plan administrator on the front page and shall provide for the payment of court costs. Only the plan administrator's copy shall contain full social security numbers. Instructions for service upon all parties and the plan administrator shall also be included.

24.02 ~~23.02~~ 23.02 ~~Division of Property Order~~ property order (DOPO)

(A) The division of retirement benefits for members of the Ohio Public Employees Retirement System (OPERS), State Teachers Retirement System (STRS), School Employees Retirement System (SERS), Ohio Police ~~And~~ and Fire Pension Fund (OP&F), and Ohio Highway Patrol Retirement System (HPRS) shall conform with the requirements of each agency's respective administrative rules.

(B) Unless otherwise ordered, the participant of the plan shall be responsible for preparing the DOPO for submission to the ~~Court~~ court.

(C) Whenever it is ordered that a retirement ~~plan~~ benefits be divided by a DOPO, the parties and counsel shall sign ~~and approve~~ the original ~~of a~~ DOPO submitted to the ~~Court~~ court, and shall sign ~~and approve~~ any subsequent DOPO submitted to the ~~Court~~ court, unless waived by the ~~Court~~ court.

(D) If the ~~Court~~ court ordered a division of a retirement ~~plan~~ benefits, the ~~Court~~ court may assign the responsibility to submit the DOPO.

(E) The DOPO shall be submitted to the ~~Court~~ court along with the ~~Judgment Entry~~ judgment entry for ~~Divorce~~ divorce or ~~Decree~~ decree of ~~Dissolution~~ dissolution of ~~Marriage~~ marriage or within 90 days thereafter. The party preparing the DOPO shall be responsible to submit the DOPO to the plan administrator for ~~acceptance of same~~ approval.

(F) The DOPO shall include the name and address of the plan administrator on the front page and shall provide for the payment of court costs. Only the plan administrator's copy shall contain full social security numbers. Instructions for service upon all parties and the plan administrator, and the payment of court costs shall also be included on a separate page.

RULE ~~25~~ 24

WITHDRAWAL OR SUBSTITUTION OF COUNSEL

~~25.01~~ 24.01 **Withdrawal.** After entering an appearance as counsel, an attorney shall not be permitted to withdraw unless:

(A) Counsel timely files a written motion with the ~~Court~~ court stating the grounds for withdrawing from the case, together with a proper certification that counsel has notified the client of all subsequent hearing dates, and the necessity for attendance at same, and has notified both the client and opposing counsel of the withdrawal.

(B) The ~~Court~~ court grants the motion.

~~25.02~~ 24.02 **Substitution of Counsel** counsel ~~of Record~~ record. Any attorney entering a case on behalf of a party who has had previous representation in the action, shall do so by written notice of substitution filed with the ~~Clerk~~ clerk of ~~Court~~ courts and hand-delivered to the ~~Court~~ court. The notice shall contain a certification that previous counsel has been notified of the substitution. A copy of the notice shall be promptly provided to the ~~Court~~ court.

RULE ~~26~~ 25

DISMISSAL OF CASES

~~26.01~~ 25.01 **Failure of Service** service. If the movant fails to obtain service upon his or her complaint or motion within ~~ninety (90) days~~ six months of filing, the ~~Court~~ court may, absent a showing of good cause, dismiss the same for want of prosecution.

~~26.02~~ 25.02 **Unexcused Absence** absence. The unexcused failure of an attorney and/or party to appear for a hearing at the scheduled time may subject the offending person to sanctions, and/or dismissal of the action.

~~26.03~~ **Failure to Comply:** ~~The Court may dismiss an action upon the showing that either party has failed to comply with all Status Conference or Pre Trial Orders.~~

RULE ~~27~~ 26

MOTION FOR RELIEF FROM JUDGMENT

~~27.01~~ 26.01 **Motions.** All ~~Motions~~ motions for ~~Relief From Judgment~~ relief from judgment, other than those based upon clerical mistakes, shall comply with Civ. R. 60(B).

~~27.02~~ 26.02 **Supporting Materials** materials. The motion shall be supported by materials which demonstrate:

- (A) The timeliness of the motion;
- (B) The reasons for seeking relief;
- (C) A material defense or claim.

~~27.03~~ 26.03 **Memorandum.** The moving party shall file a memorandum of fact and law and may include affidavits, transcripts, depositions, answers to interrogatories, exhibits, and other relevant materials and shall serve a copy upon the opposing party and deliver a copy to the ~~Court~~ court.

~~27.04~~ 26.04 **Opposition to Motion** motion. The opposing party may file a brief or memorandum and supporting materials within ~~fourteen~~ (14) days after service of the motion and shall serve a copy upon the moving party and deliver a copy to the ~~Court~~ court.

~~27.05~~ 26.05 **Determination.** Except when the ~~Court~~ court otherwise orders, ~~Motions~~ motions for ~~Relief From Judgment~~ relief from judgment shall ~~may~~ be determined without oral argument pursuant to Civ. R. 7(B).

PARENTING TIME AND VISITATION

RULE ~~28~~ 27

PARENTING TIME AND VISITATION

~~28.01~~ 27.01 **Model Schedules** schedules. The court encourages the parties to devise their own parenting time schedules. Pursuant to R.C. Section 3109.051(F)(2), ~~the~~ The Court adopts ~~the Court has adopted~~ the following Parenting Time Schedules as set forth ~~parenting time schedules as mandated by Ohio law. These schedules are available on the Court's Website~~ parenting time schedules as mandated by Ohio law. These schedules are available on the court's website pursuant to R.C. Section 3109.051; for use in all new cases, as well as in cases in which the Court specifically orders this current version including:

- (A) local parenting time schedule;
- (B) long distance parenting time schedule; and
- (C) transitional parenting time schedule.

~~The Court may update the above schedules from time to time and shall have discretion to deviate~~

from these Schedules ~~them~~ based upon the factors set forth in R.C. 3109.051(D).

~~28.02~~ 27.02 **Traveling outside the State state of Ohio.** Parents shall be permitted to travel with their children to locations outside the ~~State state~~ of Ohio without notice to the other parent or the ~~Court court~~ for periods not to exceed ~~forty-eight (48)~~ hours. For travel periods that will exceed ~~forty-eight (48)~~ hours, the traveling parent shall notify the other parent of ~~such the~~ travel plans in writing at least ~~seven (7)~~ days prior to the trip. ~~Said The~~ notice shall, at a minimum, include the scheduled departure and return dates, travel arrangements, and a telephone number where the child/ren can be reached in case of an emergency.

~~28.03~~ 27.03 **Moving within or outside the State state of Ohio.** In the event the ~~Residential Parent residential parent~~ decides to relocate within or outside the ~~State state~~ of Ohio, ~~said the~~ parent shall, at least ~~sixty (60)~~ days prior to the planned move, give written notice to the ~~Court court~~ of their intention to relocate by filing a ~~Notice of Intent to Relocate notice of intent to relocate. form issued by the Court and posted on the Court's Website.~~ A copy of ~~said the~~ notice shall be furnished to the ~~Court's Assignment Commissioner court's assignment commissioner(s)~~ at the time of filing. Upon the filing of ~~said the~~ notice, the ~~Court clerk~~ shall mail a copy of the notice to the ~~Non-Residential Parent non-residential parent~~ unless the ~~Residential Parent residential parent~~ objects to ~~said the~~ mailing for reasons of alleged domestic violence or abuse or neglect of a child.

~~28.04~~ 27.04 **Shared Parenting parenting.** In accordance with ~~R.C. 3109.04(G)~~ Ohio Revised Code, plans for shared parenting shall include provisions covering all factors that are relevant to the care of children, including, but not limited to, physical living arrangements, child support obligations, income tax dependency/credit, ~~exemptions~~ provision for the child/ren's health care, school placement (~~including the location where the child(ren) shall catch the bus~~), and the parent with whom the child/ren will be physically located during legal holidays, school holidays and other days of special importance meaning.

RULE ~~29~~ 28

~~WORKSHOP FOR PARENTS & CHILDREN~~ PARENT & CHILD EDUCATION

~~29.01~~ 28.01 **~~Workshop for Parents~~ Education for parents.** ~~A If~~ ordered by the court, both parents shall attend a ~~Court court~~ approved ~~Workshop for Parents~~ education program which must be attended by the parties prior to final hearings in actions for divorce, and legal separation ~~and dissolution of marriage~~ where minor children are involved. A ~~person parent~~ may be denied parenting time rights until ~~Workshop the parent has been~~ attended the required education.

~~29.02~~ 28.02 **~~Workshop for Children:~~ Education for children.** ~~A If~~ ordered by the ~~Court court~~, minor children of parents going through a divorce or dissolution of marriage must attend a court approved Workshop education program for Children children. ~~may also be required for the children of parents going through a divorce or dissolution of marriage where the children are between the ages of 8 and 12.~~

~~29.03~~ 28.03 **Certificate Proof of Attendance attendance.** Upon the completion of the Workshops education, each party will be issued a Certificate of Attendance proof of attendance ~~will be issued for each participant that will~~ and shall be furnished provided to the ~~Court~~ court.

~~29.04~~ 28.04 **Motions to ~~Modify Parental Rights~~ modify parental rights and parenting time.** After the filing of a motion to modify the allocation of parental rights and responsibilities, ~~including visitation, or parenting time,~~ the court may require the parties to attend parent education. The court may also order children to attend educational programs. ~~each party may be required to attend a workshop if not previously attended.~~

RULE 30 29

GUARDIAN AD LITEM

~~30.01~~ 29.01 **Appointment.** Upon the motion of either party or at the discretion of the ~~Court~~ court, the ~~Court~~ court may ~~order~~ appoint a guardian ad litem ~~appointed~~ at any time when it is essential to protect the interests of a minor child(ren) or a party. ~~Once the matter has been set for trial, no motion for appointment of guardian ad litem shall be granted except by leave of Court.~~ The duties of the guardian ad litem may include, but not be limited to, ~~meeting with the child alone for discussion, observing the child(ren)'s interaction with each parent and talking with the child(ren)'s other key individuals such as teachers, neighbors and relatives.~~ The guardian shall make a recommendation to the ~~Court~~ court. ~~The guardian need not be an attorney~~ Guardians ad litem are expected to comply with Sup.R. 48.

~~30.02~~ 29.02 **Cooperation.** ~~Unless otherwise provided, it~~ 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 child(ren).

~~30.03~~ 29.03 **Report.** Unless otherwise directed by the ~~Court~~ court, the guardian ad litem shall prepare a report not less than seven (7) days in advance of the settlement conference date. The report shall be made available to either parent or counsel not less than seven (7) days prior to the hearing upon written request. The report shall be signed by the guardian who shall be subject to cross-examination concerning the contents of the report.

~~30.04~~ **Fees:** ~~The Court may initially order either or both parties to deposit with the Clerk of Court a set sum towards the anticipated fee for the guardian ad litem. The Court may set the hourly rate permitted to be charged by the guardian ad litem for services rendered and may award the same at the completion of service upon submission of a detail of hours setting forth the time devoted. Should the deposited amount prove insufficient to cover the fee, the Court shall order the parties to share the balance due in proportionate amounts as the Court deems appropriate.~~

~~30.05~~ **Discharge:** ~~Unless otherwise directed, counsel for the parties shall include in the final Entry or Decision a provision for the discharge of the guardian ad litem.~~

RULE 31 30

PARENTING INVESTIGATION

~~31.01~~ 30.01 Investigation Involving Minor Children involving minor children. The ~~Court~~ court may order an investigation as to the character, family relations, past conduct, earning ability and financial worth of the parties to the action. of parenting and family relations pursuant to the Ohio Revised Code. All parties shall submit to the investigatory process.

~~31.02~~ 30.02 Report. Unless otherwise directed by the ~~Court~~ court, pursuant to Civ.R. 75(D) and R.C. 3109.04, the The investigator shall prepare a report for the ~~Court~~ court not less than seven (7) days ~~in advance of~~ before the hearing date. The report of the investigator shall be made available to either parent or counsel upon written request. ~~not less than seven (7) days before hearing.~~ The report shall be signed by the investigator who shall be subject to cross-examination by either party concerning the contents of the report.

~~31.03~~ 30.03 Fees. The ~~Court~~ court may tax as costs ~~all or any part of~~ the fees and expenses of the investigation.

RULE 32-31

PSYCHOLOGICAL MEDICAL, MENTAL HEALTH AND CUSTODY PARENTING EVALUATIONS

~~32.01~~ 31.01 Appointment. The ~~Court~~ court may order ~~custody~~ medical, mental health and/or psychological or psychiatric parenting evaluations of the parties, the children, or any ~~interested~~ third party. Upon motion of ~~either party~~ any party, the ~~Court~~ court shall determine the necessity for such evaluation. The order of appointment shall specify the evaluation to be had, the party or parties to be evaluated, and the name of the evaluator/expert. The order shall also state that the parties are to cooperate fully with the evaluator/expert, and how the costs shall be assessed.

~~32.02~~ 31.02 Report. Unless otherwise directed by the ~~Court~~ court, the ~~psychologist or psychiatrist~~ The evaluator/expert will provide shall prepare a report for the Court court with the original written report and recommendations not less than seven (7) days ~~prior to~~ before the final hearing, or upon an order of the court. The report of the ~~psychiatrist or psychologist~~ evaluator/expert shall be made available to any interested party ~~either parent~~ or counsel ~~not less than seven (7) before the final hearing~~ upon written request. The report shall be accepted into evidence as the ~~psychologist's or psychiatrist's~~ evaluator's/expert's direct testimony by agreement of the parties. Either party may subpoena the evaluator/expert for cross-examination.

~~32.03~~ 31.03 Fees. The ~~Court~~ court may initially order either or both parties to deposit with the ~~Clerk~~ clerk of ~~Court~~ courts a set sum towards the anticipated fee for the evaluations. Should the deposited amount prove insufficient to cover the fee, the ~~Court~~ court shall order the parties to share the balance due in proportionate amounts as the ~~Court~~ court deems appropriate.

31.04 Drug and alcohol assessments. Upon proper motion, or upon the court's own motion, drug and alcohol assessments may be ordered with costs assessed at the court's discretion.

RULE 33 32

INTERVIEWS WITH CHILDREN

~~33.01~~ 32.01 **In Camera camera.** All interviews with children shall be conducted in camera pursuant to the requirements of R.C. 3109.04. ~~The Court may permit counsel or the guardian ad litem to be present.~~ The transcript or ~~tape~~ recording of the child's interview shall be sealed and neither party shall be permitted to obtain a copy without a court order and for good cause shown.

~~33.02~~ 32.02 **Affidavits.** Affidavits signed by children shall not be accepted for filing nor admitted into evidence as exhibits. Pursuant to R.C. 3109.04~~(B)(3)~~, other exhibits relating to the children such as writings, video and tape recordings, or transcriptions of same, shall not be accepted for filing or admitted into evidence.

RULE 34 33

PARENTING COORDINATOR

~~34.01~~ 33.01 The ~~Court~~ court may appoint a parenting coordinator in those cases where the parents are in such a state of conflict that they are unable to agree upon the implementation of the allocation of parental rights and responsibilities and/or parenting time. Such appointment shall be ~~with the consent of the parents who shall be responsible for entering into a written agreement with the parenting coordinator regarding length of term, amount and manner of compensation, and authority to make decisions regarding the minor child(ren). The decision making authority of the parenting coordinator shall not affect the Courts exclusive jurisdiction to determine the allocation of parental rights and responsibilities or the parenting time~~ in accordance with Sup.R. 90.

33.02 A parenting coordinator shall comply with the requirements of Sup. R. 90 through 90.12.

~~34.02~~ 33.02 A parenting coordinator shall comply with the requirements of Sup. R. 90 through 90.12. ~~Any parenting coordinator employed by the parties, or with whom the Court makes referrals shall have experience in areas related to family law and may be an Attorney or a mental health professional.~~

RULE 35 34

PARENTING CONSENT ENTRIES

Consent entries. A ~~Consent Judgment Entry~~ consent judgment entry relating to the allocation of parental rights and responsibilities may be submitted to the ~~Court~~ court without the necessity of a ~~motion or~~ hearing only if signed by both parties and both counsel. If the party relinquishing the status of ~~Residential Parent~~ residential parent is unrepresented, the case ~~must~~ may be scheduled for hearing. A notice of hearing shall be issued by the ~~Court~~ court and filed with the ~~Clerk of Court~~ clerk of courts. In the event that the responsibility for providing private health insurance changes to a third party or spouse, a copy of the health insurance card along with the name and address of the health insurance company shall be provided to the Mahoning County Child

Support Enforcement Agency.

DISPUTE RESOLUTION

RULE ~~36~~ 35

FAMILY SERVICES, CONCILIATION & COUNSELING

~~36.01~~ 35.01 **Family Services Department services department.** The Court's Family Services Department ~~court's family services department~~ shall coordinate all ~~Dispute Resolution~~ dispute resolution and ~~Family Services~~ family services within the ~~Court~~, court, including, but not limited to the screening and assessment of all parenting cases; the coordination of appointment of mediators, conciliators, guardians ad litem, custody investigators, counselors and mental health professionals; the scheduling and monitoring of the attendance of parties at Parenting Workshops; assisting parties in developing companionship schedules and shared parenting plans; providing informal dispute resolution of minor issues; and facilitating agreed changes in the allocation of parental rights and out of state visits and relocation.

~~36.02~~ 35.02 **Conciliation.** Pursuant to R.C. 3105.091, at any time after ~~thirty~~ (30) days from service, a party by motion, or the ~~Court~~ court sua sponte, may initiate conciliation for any period of time not to exceed ~~ninety~~ (90) days. The parties shall advise the court as to the outcome of the conciliation or the court may schedule a hearing or telephone conference.

~~36.03~~ 35.03 **Family Counseling counseling.** If the parties have minor children, the ~~Court~~ court may order family counseling during the ~~course~~ pendency of the proceedings and may designate the counselor, type of counseling, length of time, and costs, or any other specific requirements. The ~~Court~~ court may request the designated counselor to prepare an ~~Assessment Report and Recommendation~~ assessment report and recommendation for the ~~Court~~ court.

~~36.04~~ **Report and Hearing:** Upon completion of the Conciliation Assessment Report and Recommendation, notice shall be provided to the Court and to counsel for each party or to the party, if proceeding pro se. A hearing shall be set by counsel for the party seeking relief to determine if further orders consistent with the Recommendations are necessary. If no hearing is set, or, if no further orders are made concerning conciliation counseling, the case shall proceed to completion in its normal course.

~~36.05~~ **Time Limits:** In no case shall an Order for Conciliation Assessment or Conciliation Counseling extend beyond ninety (90) days without leave of the Judge.

RULE ~~37~~ 36

MEDIATION

~~37.01~~ 36.01 **Uniform Mediation Act and Superintendence Rule Sup.R. 16.** By this Rule rule, the ~~Court~~ court incorporates by reference R.C. 2710 "Uniform Mediation Act" (UMA) and R.C.

3109.052 which addresses ~~Mediation~~ mediation of ~~Differences~~ differences as to ~~Allocation~~ allocation of ~~Parental Rights~~ parental rights and ~~Responsibilities~~ responsibilities and ~~Rule 16~~ of the Supreme Court of Ohio Rules of Superintendence. The purpose of the rule is to promote greater efficiency and public satisfaction through the facilitation of the earliest possible resolution of disputes through the use of mediation.

~~37.02~~ 36.02 **Referrals to Mediation** mediation. A ~~Domestic Relations~~ domestic relations case may be referred to mediation by order of the ~~Court~~ court. The ~~Court~~ court may issue the order on its own motion, upon the motion of a party, or upon agreement of the parties. The following actions shall be exempted from mediation upon request of any party:

(A) Cases in which one of the parties is mentally ill;

(B) In emergency circumstances requiring an immediate hearing by a jurist; or

(C) Cases in which the parties have achieved an executed ~~Agreed Judgment Entry~~ agreed judgment entry.

~~37.03~~ 36.03 **Effect on Orders** orders. While mediation is pending, all remaining court orders shall remain in effect, and no order is stayed or suspended during the mediation process unless otherwise ordered by the ~~Court~~ court.

~~37.04~~ 36.04 **Confidentiality**. Pursuant and subject to the provisions of the “Uniform Mediation Act” (UMA) O.R.C. 2710.01 to 2710.10, O.R.C. 3109.052, the Rules of Evidence, and any other pertinent ~~judicial rule~~, all All communications related to the mediation or made during the mediation process shall be governed by the privileges as set forth in the UMA, Ohio Revised Code, Ohio Rules of Evidence, and other pertinent judicial rules. Upon written agreement, all communications may be confidential. The ~~Mediator~~ mediator shall inform the ~~Court~~ court who attended and whether the case settled. If the case has not settled, then the ~~Mediator~~ mediator shall inform the ~~Court~~ court whether the case is scheduled for further mediation or is returned to the ~~Court~~ court for further proceedings. No other information shall be communicated by the ~~Mediator~~ mediator to the ~~Court~~ court unless all who hold a mediation privilege, including the ~~Mediator~~ mediator, have consented to such disclosure.

~~37.05~~ 36.05 **Legal Advice** advice. The efforts of the ~~Mediator~~ mediator shall not be construed as giving legal advice.

~~37.06~~ 36.06 **Mediator Conflicts** conflicts of Interest interest. The ~~Mediator~~ mediator assigned by the ~~Court~~ court to conduct mediation shall disclose to the mediation parties, counsel, if applicable, and any non-party participants any known possible conflicts that may affect the ~~Mediator’s~~ mediator’s impartiality as soon as such conflict(s) become known to the ~~Mediator~~ mediator. If counsel or a mediation party requests that the assigned ~~Mediator~~ mediator withdraw because of the facts so disclosed, the assigned ~~Mediator~~ mediator should withdraw and request that the assigned ~~Judge or Magistrate~~ court appoint another ~~Mediator~~ mediator from the list of qualified ~~Mediators~~ mediators ~~that is~~ maintained by the ~~Court~~ court. The parties shall be free to retain the ~~Mediator~~ mediator by an informed, written waiver of the conflicts of interest.

~~37.07~~ 36.07 **Attendance at Mediation Sessions** mediation sessions. All parties shall attend scheduled mediation sessions unless previously excused. The ~~Court~~ court may order parties to return

to mediation at any time. ~~Further, and pursuant to the UMA, all~~ All parties may have their attorney and/or other support person or persons attend the mediation session. If counsel or any mediation party becomes aware of the identity of a person or entity whose consent is required to resolve the dispute, but who has not yet been joined as a party in the pleadings, they shall promptly inform the ~~Mediator~~ mediator as well as the assigning ~~Judge or Magistrate~~ court of such fact.

In the event ~~that~~ a party wishes to have an additional person who is not a party attend mediation, ~~said~~ the party shall provide the ~~Mediator~~ mediator with a request ~~regarding same~~ at least ~~forty-eight (48)~~ hours prior to the mediation session. A copy of the request shall be provided to the other party.

~~37.08~~ 36.08 **Failure to Attend Mediation attend mediation.** If any of the individuals identified in the above paragraph fail to attend mediation without good cause, the ~~Court~~ court may impose sanctions, including the award of attorney's fees and other costs, contempt, or other appropriate sanctions.

~~37.09~~ 36.09 **Termination.** If the assigned ~~Mediator~~ mediator determines that further mediation efforts would not benefit the parties, he or she shall inform all interested parties and the ~~Court~~ court that the mediation is terminated using the procedure required by this ~~Court~~ court.

~~37.10~~ 36.10 **Mediation Procedures procedures.** In accordance with all applicable provisions of this rule, if a case is deemed appropriate for mediation, one will be scheduled. Any ~~Mediator~~ mediator providing services for the court shall utilize procedures that will:

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

(B) Screen for domestic violence both before and during mediation;

(C) Encourage appropriate referrals to legal counsel and other support services for all parties, including victims of and suspected victims of domestic violence;

(D) Mediation shall not be used for any of the following purposes:

(1) as an alternative to the prosecution or adjudication of domestic violence;

(2) in determining whether to grant, modify or terminate a protection order;

(3) in determining the terms and conditions of a protection order; and

(4) determining the penalty for violation of a protection order.

(E) Nothing in Rule ~~37.12(D)~~ 36.11(D) shall prohibit the use of mediation in a divorce or custody case. ~~even though that case may result in the termination of the provisions of a protection order.~~

~~37.14~~ 36.11 **Domestic Violence violence.** When a case is referred to mediation, the ~~Court~~ court shall use procedures to ensure that if cases involving domestic violence are referred to mediation, the

~~Court~~ court shall make written findings of fact, as required by R.C. 3109.052. Any ~~Mediator~~ mediator providing services for the court shall only conduct a mediation session where violence or fear of violence is alleged, suspected or present when that ~~Mediator~~ mediator has completed the training specified below and ensures that the following conditions are satisfied:

(A) The person who is or may be the victim of domestic violence has been fully informed, both orally and in writing, of his or her right to decline to participate in the mediation process, and his or her option to have a support person present at the mediation sessions;

(B) The ~~Mediator~~ mediator has concluded that the parties have the capacity to mediate without fear of coercion or control;

(C) Procedures are in place to provide for the safety of the parties, non-party participants, and the ~~Mediator~~ mediator. ~~Prior to undertaking a mediation, The Mediators the mediators shall meet with contact the Court's Family Services Department court's family services department, on a regular basis to discuss safety enhancement issues that pertain to mediation training including, but not limited to, building entry and exits, security personnel available during mediation sessions, room location and emergency contact information.~~

(D) Mediation shall be terminated if the ~~Mediator~~ mediator believes there is a continued threat of domestic violence or coercion.

~~37.12~~ 36.12 **Mediation Memorandum memorandum of Understanding understanding.** If an agreement is reached in mediation, the assigned ~~Mediator~~ mediator shall immediately prepare a written memorandum memorializing the agreement reached by the parties. The "~~Mediation Memorandum~~" mediation memorandum of understanding may be signed by the parties and counsel (if the "~~Mediation Memorandum~~" mediation memorandum of understanding is signed it will not be privileged pursuant to R.C. 2710.05(A)(1)). The written "~~Mediation Memorandum of Understanding~~" mediation memorandum of understanding may become an order of the court after review and approval by the parties and their attorney, if applicable. No oral agreement by counsel or with parties or an officer of the court will be enforceable unless made in open court.

~~37.13~~ 36.13 **Mediation Report report.** At the conclusion of the mediation, and in compliance with R.C. 2710.06, the court shall be informed of the status of the mediation including all of the following:

(A) Whether the mediation occurred or terminated;

(B) Whether a settlement was reached on some, all or none of the issues;

(C) Attendance of the parties; and

(D) Future mediation session(s), including date(s) and time(s).

~~37.14~~ 36.14 **Mediator Qualifications qualifications.** Any ~~Mediator~~ mediator hired to work for the court's ~~Mediation Service~~ mediation service or hired by the service as a contract ~~Mediator~~ mediator shall meet the following qualifications:

(A) General qualifications and training. A ~~Mediator~~ mediator employed by the ~~Court~~ court or to whom the ~~Court~~ court makes referrals for mediation of ~~allocation of parental rights and responsibilities, the care of, or visitation with, minor children,~~ shall satisfy all of the following:

(1) Possess a bachelor's degree, or equivalent education or experience as is satisfactory to the ~~Court~~ court, and at least two years of professional experience with families. "Professional experience with families" includes mediation, counseling, casework, legal representation in family law matters, or such other equivalent experience satisfactory to the ~~Court~~ court.

(2) Complete at least ~~twelve~~ 12 hours of basic mediation training or equivalent experience as a ~~Mediator~~ mediator that is satisfactory to the Ohio Supreme Court Dispute Resolution Section in accordance with standards established by the Supreme Court Advisory Committee on Dispute Resolution.

(3) After completing the training required by ~~division (C)(1)(b);~~ Sup.R. 16, complete at least ~~forty~~ 40 hours of specialized family or divorce mediation training which has been approved by the Ohio Supreme Court Dispute Resolution Section in accordance with standards established by the ~~Supreme Court Advisory Committee~~ Commission on Dispute Resolution.

(B) Specific qualifications and training for Domestic Abuse domestic abuse. A ~~Mediator~~ mediator employed by the ~~division~~ court or to whom the ~~Court~~ court makes referrals for mediation of any case shall complete at least ~~fourteen~~ 14 hours of specialized training in domestic abuse and mediation through a training program approved by the Ohio Supreme Court Dispute Resolution Section in accordance with standards established by the ~~Supreme Court Advisory Committee~~ Commission on Dispute Resolution. A ~~Mediator~~ mediator who has not completed this specialized training may mediate these cases only if he/she co-mediate with a ~~Mediator~~ mediator who ~~had~~ has completed the specialized training.

~~37.15~~ 36.15 **Mediation Standards** standards. Mediators providing services for the court ~~shall~~ are encouraged to comply with the Model Standards of Practice for Family and Divorce Mediation and the Special Policy Considerations for the State Regulation of Family Mediators and Court Affiliated Programs as set forth in Rule Sup.R. 16. ~~of the Rules of Superintendence for the Courts of Ohio.~~

~~37.16~~ 36.16 **Fees and Costs** costs. Mediators providing services for the court shall comply with the ~~Court-approved Sliding Fee Scale~~ court-approved sliding fee scale.

SPECIAL PROCEEDINGS

RULE 38 37

DOMESTIC VIOLENCE

~~38.01~~ 37.01 **Pleading.** An ~~Ex Parte Civil Protection Order~~ ex parte civil protection order may be ~~initiated~~ requested by filing a petition in accordance with the standard ~~Civil Protection Order~~ civil

protection orders forms as promulgated by the Supreme Court of Ohio. Such forms and instructions are available from the Court court. ~~The pleading must set forth all information required by R.C. 3113.31(C).~~ Any other case involving the petitioner, ~~or~~ respondent, or the minor children of the parties pending in this or any other court shall be disclosed in the petition.

~~38.02~~ 37.02 Procedure

(A) The petition must first be filed with the ~~Clerk of Court~~ clerk of courts. The ~~Clerk of Court~~ clerk of courts shall not collect a cost deposit for the filing of a petition.

(B) A ~~time-~~ date-stamped copy of the petition shall be presented to the ~~Court~~ court for review at the ~~ex parte~~ ex parte hearing. Upon hearing, the ~~Court~~ court may grant any relief authorized by R.C. 3113.31(E). ~~The Court may require respondent to post a bond to assure compliance with the orders issued. All orders issued at the ex parte hearing shall remain in effect until a full hearing is held.~~

(C) ~~If a Protection Order is granted at~~ Following the ~~ex parte~~ ex parte hearing, the ~~Court~~ court shall ~~order the case set for~~ schedule a full hearing. ~~The full hearing shall be scheduled within seven (7) court days of the ex parte hearing if the Protection Order issued includes an Order described in R.C. 3113.31(E)(1)(b) or (c) [granting possession of a residence]. The full hearing shall be scheduled within ten (10) court days after the ex parte hearing in all other cases. Failure of service or continuance of the full hearing for any other reason shall not affect the validity of the ex parte orders granted.~~ in accordance with R.C. 3113.31.

(D) ~~After the ex parte hearing, and after the petitioner has obtained a date and time for the full hearing from the Assignment Commissioner, the petitioner shall immediately present the Civil Protection Order to the Clerk of Court for filing and journalization.~~

(E) ~~Petitioner shall cause a copy of the petition, all other documents filed with the petition, the ex parte orders and a notice of the full hearing date to be served on respondent. Petitioner shall also cause a copy of the ex parte orders to be served on any appropriate law enforcement agency that has jurisdiction to enforce the orders pursuant to R.C. 3113.31(F)(1).~~

(~~F~~) (D) Service shall be ordered through the Mahoning County Sheriff's Office or any other law enforcement agency. The ~~Court~~ court may authorize the petitioner to attempt service upon the respondent by a special process server upon petitioner's request, or when service by the sheriff's office is unsuccessful.

(~~G~~) (E) At the full hearing, the court shall address the issues issuance of the protection orders, spousal financial support, child support, child visitation parenting, counseling and other requested relief shall be addressed. ~~The Court may require respondent to post a bond to assure compliance with the orders issued. Standard Consent Agreement forms are available from the Court. If respondent fails to appear after proper service, the full hearing shall proceed by default. The Court shall direct that a copy of its orders be delivered to the respondent on the same day that the order is entered, if practicable.~~

~~38.03~~ 37.03 **Duration of Protective Orders** protection orders. Any protection order or other court order issued at the full hearing on the petition may be effective for ~~five (5)~~ years from its date of

filing unless an earlier termination is ordered. A ~~Civil Protection Order~~ civil protection order may be renewed by the filing of a motion with the ~~Court~~ court. The motion should be filed at least ~~fourteen~~ (14) days prior to the scheduled expiration of the ~~Civil Protection Order~~ civil protection order.

~~38.04~~ 37.04 **Counseling.** The ~~Court~~ court may order ~~parties~~ respondent to attend ~~counseling~~ batterer's intervention and if ordered, the ~~Court~~ court will may set a review hearing to ensure compliance.

RULE 39 38

REGISTRATION OF A FOREIGN DECREE **FOREIGN ORDERS**

~~39.01~~ 38.01 **Procedure for Filings Under filings under Uniform Interstate Family Support Act (UIFSA)**

(A) ~~The registration of a foreign order under UIFSA shall be accomplished by the filing of a petition requesting registration and modification, and alleging the grounds. The procedures for registration, enforcement and modification of foreign support orders shall be in accordance with R.C. 3115.602-616.~~

(B) ~~The petition must be accompanied by two (2) copies (one (1) certified) of the support order to be registered. Forms to assist in the process are available on the court's website.~~

(C) ~~The petitioner must submit a sworn statement containing the same information required to register enforcement (R.C. 3115.39) and an affidavit stating the last known address of the obligor and the address of the obligee.~~

(D) ~~The petitioner shall submit all required financial information on the uniform UIFSA forms so that the support calculations can be completed by the tribunal.~~

(E) ~~The Court shall require the Clerk of Court to send, by certified mail, notice of the registration to the petitioner, respondent and any initiating tribunal.~~

(F) ~~The petitioner shall submit a completed Notice of Registration of Foreign Support Order available on the Court's Website.~~

~~39.02~~ 38.02 **Procedure for filings under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA)**

(A) ~~Pursuant TO R.C. 3127.35, the registration of a foreign order shall be accomplished by the filing of: The procedures for registration, enforcement and modification of foreign custody orders shall be in accordance with R.C. 3127.35-53.~~

(B) ~~The petition must be accompanied by two (2) copies (one (1) certified) of the support order to be registered. Forms to assist in the process are available on the court's website.~~

- ~~(1) A letter or document requesting that the child custody determination be registered.~~
- ~~(2) Two copies, including one certified copy of the determination sought to be registered, and a statement under penalty of perjury that, to the best of the knowledge and belief of the person seeking registration, the order has not been modified.~~
- ~~(3) Except as otherwise provided in section 3127.23 of the revised code, the name and address of the person seeking registration and any parent who is designated the Residential Parent and legal custodian of the child or to have parenting time with respect to the child or any person acting as a parent who has been awarded custody or visitation in the child custody determination sought to be registered.~~
- ~~(4) An advance deposit or fee established by the Court.~~
- ~~(5) The petitioner shall submit a completed Notice of Registration of Foreign Custody Order available on the Court's Website.~~

39.03 Procedure for filings under Full Faith and Credit

~~(A) The enforcement of a foreign order shall be commenced by the filing of:~~

- ~~(1) A certified copy of the foreign judgment;~~
- ~~(2) An affidavit setting forth the names and addresses of the judgment creditor/obligee and judgment debtor/obligor;~~
- ~~(3) Instructions for the Clerk of Court to send notice of the filing, including the name and address of the judgment creditor/obligee, to the judgment debtor/obligor at the address given.~~

~~(B) A foreign judgment so filed has the same effect and is subject to the same procedures, defenses, and proceedings as a judgment of this Court.~~

RULE 40

ACTION ON A FOREIGN DECREE

~~40.01 **Modification:** In order to modify a provision concerning allocation of parental rights and responsibilities, or companionship and visitation of a foreign decree, this Court must be able to exercise jurisdiction in accordance with the conditions of R.C. 3127.17 et seq.~~

~~40.02 **Filing and Service:** Prior to filing a Complaint or Motion, the moving party shall first have filed and served an Affidavit Application for registration of an Out of State Custody or Visitation Order pursuant to the Uniform Child Custody Jurisdiction and Enforcement Act. The form is set forth on the Court's Website. The party shall file a Complaint or Motion at the time of registration of the decree and serve the opposing party pursuant to Civ. R. 4 through Civ. R. 4.6. A certified copy of the foreign decree shall be attached to the petition. The Parenting Declaration is set forth in the Appendix of these Rules.~~

~~40.03 Compliance with Local Rules:~~ The party shall comply with Local Rule 8 and Local Rule 9.

RULE 41

CONCURRENT JURISDICTION

~~41.01 Duty of Disclosure:~~ It shall be the obligation of any party initiating any action in this Court to inform the Court of the status of any other action requested from another court, and the result of said request, or any existing matters of any other court.

RULE 42

CERTIFICATION TO JUVENILE COURT

~~42.01 Protocol:~~ The following protocol shall be followed in any case previously certified to the Juvenile Court of Mahoning County, Ohio by this Court relative to minor children.

~~(A) If no action was taken in Juvenile Court, the moving party shall first obtain an Order from the Juvenile Court declining jurisdiction.~~

~~(B) If the matter was docketed in the Juvenile Court, the moving party shall file a motion in the Juvenile Court requesting that the matter be assigned for hearing in the Domestic Relations Court. An Order transferring the case shall be obtained from the Juvenile Court.~~

COURT ADMINISTRATION

RULE 43 39

CONFLICTS OF INTEREST

~~43.01 Gifts/Favors favors.~~ The ~~Court court,~~ including the ~~Judge, Magistrates and judge,~~ magistrates, employees, as well as guardians ad litem, mediators, mental health, and/or parenting evaluators and parenting coordinators appointed by the court, shall not accept any gift, favor, or item from any attorney or party.

RULE 44 40

COURT REPORTERS, RECORDINGS, & TRANSCRIPTS

~~44.01~~ ~~40.01~~ ~~Cases~~ **Heard heard by the Judge judge.** In matters heard by the Judge judge, the court reporter may be provided by the ~~Court court~~ and taxed as costs.

~~44.02~~ 40.02 **Cases heard by the Magistrate magistrate or a visiting judge.** All matters heard by a ~~Magistrate~~ magistrate or a visiting judge will be recorded digitally, unless otherwise agreed by the parties, or ordered by the court.

~~44.03~~ **Preservation of Recordings:** ~~All digital recordings shall be preserved by the Court for not less than thirty (30) days after the Decision or Order is issued.~~

~~44.04~~ 40.03 **Transcripts.** A person requesting a transcript of a hearing before the judge shall present a Mahoning County Common Pleas Official Court Reporter with the court's praecipe. The court reporter shall sign the praecipe, file it with the clerk of courts, and a copy shall be provided to the court's assignment commissioner(s).

A person requesting a transcript of a hearing before a visiting judge or a magistrate shall present a Mahoning County Common Pleas Official Court Reporter or a certified court reporter with the court's praecipe. The court reporter shall sign the praecipe, file it with the clerk of courts, and a copy shall be provided to the court's assignment commissioner(s).

The ordering party shall be responsible for contacting the Mahoning County Common Pleas Official Court Reporter or certified court reporter and make arrangements for the payment of said transcript to be paid directly to the court reporter. All transcripts must contain a certification by the court reporter stating the transcript is authentic and accurate and that the court reporter is an impartial third party, unrelated to any litigant, attorney, or witness in the case, and has no financial or other interest in the outcome of the case.

~~44.04~~ 40.04 **Qualifications.** In the event a requesting party does not contract with a Mahoning County Common Pleas Official Court Reporter, the contracted reporter must hold at the minimum the Registered Professional Reporter Designation from the National Court Reporters Association. The court reporter must have no less than four years of experience as a court reporter and must have experience in transcribing digital recordings.

40.05. Substitution. In the event a party to a case requests the services of a court reporter to take the record before a visiting judge or a magistrate, the party must get the approval of the court., The requesting party shall be responsible for all the expenses associated with said court reporter including any transcription requested by the court.

40.06. Official Record record. The transcript, not the compact disc digital copy, shall constitute the official record of the proceeding.

RULE 45 41

COURT SECURITY

~~45.01~~ 41.01 **Searches.** In order to maintain appropriate security for the public and court personnel, the Court court may require that all persons entering the courthouse and the Mahoning County Domestic Relations Court submit to a search of their persons and property.

~~45.02~~ 41.02 **Weapons.** No weapons or other instruments which may cause bodily harm shall be permitted in the Mahoning County Domestic Relations Court.

~~45.03~~ 41.03 **Supervision.** It shall be the duty of the Mahoning County Sheriff to supervise and maintain all security in the Mahoning County Domestic Relations Court.

~~45.04~~ 41.04 **Court Security Plan security plan.** The ~~Court~~ court ~~will adopt~~ has adopted a Security Plan security plan as required by Rule Sup.R. 9. ~~of the Rules of Superintendence of the Supreme Court.~~

RULE ~~46~~ 42

PHOTOGRAPHING, RECORDING AND BROADCASTING OF COURT PROCEEDINGS

~~46.01~~ 42.01 **Procedures.** In compliance with Sup. R. 12, the ~~Court~~ court shall permit the broadcasting, televising, recording, or photographing of public court proceedings.

(A) Request for permission to broadcast, televise, record, or photograph in a ~~Courtroom~~ courtroom shall be made in writing to the Mahoning County Domestic Relations Court.

(B) The ~~Court~~ court shall ~~immediately~~ inform the attorneys for all the parties in the case of a media request.

(C) A journal entry shall be issued setting forth the conditions thereto.

42.02 Electronic devices.

(A) No radio, television transmission, audio recording device (other than a device used for purposes of the official record), or photography shall be permitted, except upon consent of the court and in accordance with Sup.R. 11 ~~Rule 11 of the Rules of Superintendence for the Court of Ohio.~~

(B) All mobile phones or other similar devices that are capable of emitting sound shall be turned off, turned to ~~the~~ vibrate, or ~~to~~ the silent mode position, prior to entering the courtroom.

RULE ~~47~~ 43

CASE MANAGEMENT PLAN

Preface: General. In accordance with the Rules of Superintendence for the Courts of Ohio ~~Sup.R. 5(B)(1),~~ the court establishes a general framework for the management of cases filed in the Mahoning County Domestic Relations Court. The court promotes the timely and goal of this Rule is the prompt and fair disposition of litigation cases. This rule establishes a general framework for management of cases, leaving to the discretion of the Judge the use of additional procedures to accomplish the goal of this Rule.

43.01 A. Temporary Orders orders

1. ~~(A)~~ Temporary Orders orders in divorce actions are issued by the ~~Court~~ court pursuant to Civil Rule 75(N). A ~~Request for Affidavit Order form~~ motion and affidavit for temporary orders without oral hearing is ~~available on the Court's Website and~~ may be filed with the ~~Complaint~~ complaint and/or ~~Counterclaim~~ counterclaim for ~~Divorce~~ divorce.

2. ~~(B)~~ Non-oral hearings on Requests for Affidavit Orders motions for temporary orders are normally scheduled approximately ~~seven (7) weeks from date of filing~~ 28 days from date of service if requested with the original complaint. Once an ~~Answer~~ answer and/or ~~Counterclaim~~ counterclaim is filed, the 75(N) is ~~may be advanced to~~ may be advanced to 14 days from the date of filing the ~~Answer~~ answer, and/or ~~Counterclaim~~ counterclaim, or subsequent requests.

3. ~~(C)~~ The ~~Court~~ court may schedule an oral hearing on the 75(N) ~~Order Request(s)~~ order requests if insufficient information is available from which to issue an order or if the parenting or financial circumstances of the parties are not clear. ~~from the Request(s)~~ request(s)

4. ~~(D)~~ Where no ~~Answer~~ answer and/or ~~Counterclaim~~ counterclaim is filed, the 75(N) ~~Order~~ order shall contain a date for an uncontested divorce before the ~~Court~~ court.

5. ~~(E)~~ If an ~~Answer~~ answer and/or ~~Counterclaim~~ counterclaim is filed, the 75(N) ~~Order~~ order shall contain dates for a ~~Pre-Trial, Settlement Conference~~ pretrial, settlement conference, and ~~Trial~~ trial before the ~~Judge~~ judge. The ~~Trial~~ trial will be set approximately 6 months from the date of filing the ~~Complaint~~ complaint. The ~~Settlement Conference~~ settlement conference will be scheduled approximately one month before ~~Trial~~ trial and the ~~Pre-Trial~~ pretrial will be scheduled ~~within 4 to 6 weeks~~ as soon as possible after the ~~Order~~ order is issued.

6. ~~(F)~~ Parties have the right to file a ~~Motion~~ motion for an oral hearing on the 75(N) ~~Order~~ order.

7. ~~(G)~~ ~~Ex Parte Orders~~ Ex parte orders are granted only under exigent circumstances in accordance with ~~Local Rule~~ local rule 11. Movants must be present in order for such relief to be granted.

43.02 B. Motions to Set Aside Temporary Orders set aside temporary orders

1. ~~(A)~~ A ~~Motion~~ motion to ~~Set Aside Temporary Orders~~ set aside temporary orders shall be scheduled before the ~~Judge~~ judge.

2. ~~(B)~~ A transcript of the oral hearing shall be required if the ~~Motion~~ motion raises issues of fact and not law.

43.03 C. Other Pre-Divorce Proceedings pre-divorce proceedings

1. ~~(A)~~ Pre-divorce ~~Motions~~ motions may be set for hearing.

~~2. (B).~~ Where parenting is in dispute, the ~~Court~~ court may order a parenting assessment by the ~~Court's Director~~ court's director of ~~Family Services~~ family services, refer parties to ~~Mediation~~ mediation, or appoint a ~~Guardian ad Litem~~ guardian ad litem, or utilize other alternative dispute process. The court shall address the costs by court order.

~~3. If Mediation is ordered, the parties shall share in the costs of same in accordance with the Court approved Sliding Fee Scale. If Mediation is not appropriate, or successful in resolving parenting disputes, the Court may appoint a Guardian ad Litem and the parties shall each be required to make a deposit towards the Guardian's fee. The Guardian's Report shall be submitted at least seven (7) days prior to the Settlement Conference before the Court.~~

43.04 D. Uncontested Divorees divorces

~~1. (A)~~ Uncontested divorces may be set for hearing before the ~~Magistrates~~ magistrates. If an ~~Answer~~ answer or ~~Counterclaim~~ counterclaim is filed on or before the date for the uncontested divorce, the ~~divorce hearing may be converted~~ court may convert the divorce hearing to a Pre-Trial pretrial.

~~2. (B)~~ An uncontested divorce will not be heard earlier than 42 days after service of the ~~Complaint~~ complaint. The ~~Court~~ court may schedule the final hearing 28 days after the completion of service upon the ~~Defendant~~ defendant.

~~3. (C)~~ If an agreement is reached between the parties before a ~~Magistrate~~ magistrate, counsel shall submit to the ~~Magistrate~~ magistrate a ~~Separation Agreement~~ separation agreement, ~~Shared Parenting Plan~~ shared parenting plan, and parenting plan, if applicable. The ~~Magistrate~~ magistrate shall then issue a ~~Decision~~ decision adopting same. If ~~the Agreement~~ an agreement is reached in court before the ~~Judge~~ judge, the parties shall ~~may~~ sign an Agreed Order agreed order submitting the ~~Judgment Entry~~ judgment entry and related documents within 30 days, or the court may reschedule the hearing to enable the parties and counsel to reduce the agreement to writing and submit testimony.

43.05 E. Scheduling and Notice notice of Trial trial

~~1. (A)~~ Scheduling: After service of the ~~Complaint~~ complaint, the ~~Judge~~ judge may schedule the following hearings: ~~Pre-Trial, Settlement Conference~~ pretrial, settlement conference, and ~~Trial~~ trial. The ~~Court~~ court staff shall consult by phone with all counsel of record ~~or a person designated by the attorney of record~~ to schedule the hearings.

~~2. (B)~~ Pursuant to Civil Rule 75, a ~~Notice~~ notice of ~~Trial~~ trial shall be issued to ~~both parties by regular mail, whether or not they are represented by counsel~~ all counsel of record and any self-represented parties. This ~~Notice~~ notice shall ordinarily be issued at the time the trial is scheduled.

43.06 F. Pre-Trials Pretrials

~~1. (A)~~ A ~~Pre-Trial Conference~~ pretrial may be held at such time and place as the ~~Court~~ court may direct. If not set forth in ~~Temporary Orders~~ temporary orders, the ~~Court~~ court shall give ordinary mail notice of the time and place to all counsel and self-represented parties.

~~2. (B)~~ The presence of all parties and trial counsel is required at the ~~Pre-Trial~~ pretrial unless specifically waived by the ~~Court~~ court.

~~3. (C)~~ The parties ~~may shall~~ submit to the ~~Court~~ court at the ~~Pre-Trial~~, a ~~Pre-Trial Statement~~ any amended property affidavit. ~~substantially in compliance with the format set forth on the Court's Website.~~

~~4. (D)~~ Statements of the parties made during the ~~Pre-Trial-Conferences~~ pretrial shall not be binding upon the parties unless expressly made so by written stipulation. The proceeding does not have to be recorded.

~~5. (E)~~ If a party fails to appear at the ~~Pre-Trial-Conference~~ pretrial, the ~~Court~~ court may impose appropriate sanctions.

~~6. (F)~~ At the ~~Pre-Trial-Conference~~ pretrial, the ~~Court~~ court may refer the parties' parenting disputes to Mediation mediation, order a Parenting-Assessment parenting assessment, and/or appoint a Guardian-ad-Litem guardian ad litem, or utilize any alternative dispute process. The court shall address the costs by court order. ~~The parties shall share the cost of Mediation in accordance with the Court approved Sliding Fee Scale or otherwise determined by the Court. If a Guardian ad Litem is appointed, the parties may each be required to make a deposit with the Clerk of Courts towards the Guardian's Fee.~~

43.07 ~~G.~~ **Settlement Conferences** conference

~~1. (A)~~ A ~~Settlement-Conference~~ settlement conference may be set in every contested divorce case. ~~Such~~ The conference shall be governed by the ~~Pre-Trial~~ pretrial conditions set forth above except that no additional formal ~~Pre-Trial-Statement/Affidavit~~ affidavit of property need be submitted. The parties shall be prepared to discuss with the ~~Court~~ court their final offer of settlement.

~~2. (B)~~ All ~~Discovery~~ discovery shall be completed by the ~~Settlement-Conference~~, settlement conference except otherwise permitted by ~~Court-Order~~ court order.

43.08 ~~H.~~ **Dissolutions of Marriage** marriage

~~1. (A)~~ ~~Unless otherwise ordered by the Court,~~ Dissolutions of Marriage marriage shall be set before the ~~Judge~~ judge or a magistrate.

~~2. (B)~~ Before filing a ~~Petition~~ petition for ~~Dissolution~~ dissolution of Marriage marriage, the original ~~Petition~~ petition and all related documents shall be given to the ~~Assignment Commissioner~~ assignment commissioner(s) for the scheduling of a hearing date which shall be no earlier than 30 days nor more than 90 days from the date of filing. The ~~Decree~~ decree of ~~Dissolution~~ dissolution of Marriage marriage and a copy of the attached Separation Agreement separation agreement, and ~~Shared Parenting Plan~~ shared parenting plan, and parenting plan, if applicable, shall also be provided to the ~~Assignment Commissioner~~ assignment commissioner(s) and held by the ~~Court~~ court until the date of hearing.

3. ~~(C)~~ The ~~Court~~ court shall issue a ~~Notice~~ notice of ~~Hearing~~ hearing to ~~both parties~~ all counsel and self-represented parties.

4. ~~(D)~~ The ~~Court~~ will review the Decree prior to the hearing to ~~insure~~ ensure that all required ~~language is present~~.

5. ~~4. (D)~~ Both parties must appear for the ~~Dissolution~~ dissolution hearing or the ~~Petition~~ petition will be dismissed. For good cause shown, the hearing on the ~~Dissolution~~ dissolution may be reset not more than 90 days from the date of filing the ~~Petition~~ petition.

43.09 ~~I. Contested Divorce Trials~~ divorce trials

~~Unless otherwise ordered by the Court, contested~~ Contested divorce trials shall ~~may~~ be set before the ~~Judge~~ judge or a magistrate.

43.10 ~~J. Preparation of Judgment Entries~~ judgment entries

1. ~~(A)~~ **Responsibility of Counsel** counsel. The counsel for plaintiff, or an unrepresented plaintiff, shall prepare a final judgment entry unless ~~otherwise ordered~~ the case is heard by a magistrate. The judgment ~~entries~~ entry shall be submitted to the court at the time of the final hearing in ~~uncontested or settled divorces~~. ~~All~~ The judgment ~~entries~~ entry shall state who shall pay the court costs. The failure to file a judgment entry may result in dismissal of the action or sanctions.

2. ~~(B)~~ **In Court Settlements** court settlements: In the event that the parties reach an agreement on all issues on the date of the divorce, they may dictate the same into the record and proceed to present evidence in support of the ~~Complaint~~ complaint and/or ~~Counterclaim~~ counterclaim for ~~Divorce~~ divorce. The ~~Court~~ court will then permit the parties to sign an agreed ~~Judgment Entry~~ judgment entry or ~~Order~~ order granting them 30 days to reduce the same to writing and submit the same in the form of a ~~Judgment Entry~~ judgment entry (if being submitted to the ~~Court~~ court) or a ~~Separation Agreement~~ separation agreement (if being submitted to the ~~Magistrate~~ magistrate). The ~~Judgment Entry~~ judgment entry or ~~Separation Agreement~~ separation agreement shall include all related paperwork including a ~~Shared Parenting Plan~~ shared parenting plan, parenting plan, Child Support Worksheet child support computation worksheet and ~~Qualified Domestic Relations Order~~ orders that divide pension/retirement accounts if applicable.

In the event that the ~~Judgment Entry~~ judgment entry, ~~Separation Agreement~~ separation agreement and related paperwork are not received by the date stated in the ~~Judgment Entry~~ judgment entry or ~~Order~~ order, the parties and counsel shall appear before the ~~Court~~ court at said date and time.

The parties and counsel are advised that in the event the ~~Judgment Entry~~ judgment entry or ~~Separation Agreement~~ separation agreement is not submitted, the ~~Court~~ court may nonetheless adopt the parties' agreement, dismiss the case and/or impose sanctions, including the cost of stenographic ~~reproduction of the hearing~~ transcriptions.

The court may reschedule the hearing to enable the parties and counsel to reduce the agreement to writing and submit testimony.

~~3. (C) Trial Briefs briefs and Findings findings of Fact fact and Conclusions conclusions of Law law: The Court court may order the parties to prepare Findings findings of Fact fact and Conclusions conclusions of Law law following trial and/or trial briefs prior or subsequent to trial.~~

43.11 ~~K.~~ **Motions for Continuances continuance**

All motions for continuance shall be made in writing and in accordance with ~~Local Rules of Court~~ local rule 8.10(A). Movant shall first attempt to secure consent of opposing counsel, if represented. All continuances must be approved by the ~~Court~~ court.

43.12 ~~L.~~ **Notice of Filing filing of Discovery Documents discovery documents**

~~Pursuant to Civil Rule 5(D), originals Originals or copies of any discovery request, or answers to discovery requests, shall not be filed with the Clerk clerk of Courts courts, except as permitted by this Rule and the Ohio Rules of Civil Procedure. Certificates of notice of service of request for discovery or answers shall be filed as required by the Rules of Civil Procedure.~~

43.13 ~~M.~~ **Filing of Pleadings, Motions pleadings, motions and Documents documents**

~~1. (A) All pleadings shall conform with the requirements of the Local Rules local rules of this Court court and the Ohio Rules of Civil Procedure.~~

~~2. (B) Service of summons shall be in accordance with Civil Rules Civ.R. 4 through 4.6 subject to the Local Rules local rules of this Court court.~~

43.14 ~~N.~~ **Parenting Education education**

~~1. (A) If there are minor children, the parties are required to complete a Parenting Education Workshop pursuant to the Local Rules of this Court the court may order the parties to attend parent education.~~

~~2. The Workshop shall not be required where no Answer has been filed.~~

43.15 ~~O.~~ **Procedure for Post-Decree Motions post-decree motions**

~~1. (A) Post-Decree Motions -decree motions may be scheduled before the Magistrates magistrates.~~

~~2. (B) All pleadings shall conform with the requirement of Local Rules local rules of Court court.~~

~~3. (C) Service of Process shall be in accordance with Civil Rules Civ.R. 4 through 4.6.~~

~~4. (D) All motions, unless otherwise allowed, must be in writing and shall detail the relief or order sought. Copies of prior Judgment Entries, judgment entries, Decisions decisions or Orders orders shall not ordinarily be attached to the motions.~~

~~5. (E)~~ All post-decree motions will first be submitted to the ~~Assignment Commissioner~~ assignment commissioner(s) for a date and time of hearing before filing. It is the responsibility of the moving party to set the hearing for sufficient time based on the complexity of the issues.

~~6. (F)~~ In post-decree motions involving parenting disputes, the ~~Assignment Commissioner~~ assignment commissioner(s) shall schedule an initial ~~Status Hearing~~ status hearing. At the ~~Status Hearing~~, status hearing, the ~~Court~~ court may order a ~~Parenting Assessment~~, parenting assessment, refer the parties to ~~Mediation~~ mediation, or appoint a ~~Guardian ad Litem~~ guardian ad litem, or utilize any alternative dispute process.

~~A. At the Status Hearing, the Assignment Commissioner will schedule a Telephone Conference to review the status of Mediation within 30 days with counsel, and the parties if they so choose to participate in the conference call. In the event Mediation is not successful, a Guardian ad Litem may be appointed upon Motion. At the Status Hearing, the Trial shall also be scheduled within 60 days from the date of the Status Hearing.~~

~~B. If Mediation is ordered, the parties shall be ordered to share the costs of Mediation in accordance with the Court approved Sliding Fee Scale.~~

~~C. If Mediation is not appropriate or successful, the Court may appoint a Guardian ad Litem upon motion and the parties may be required to deposit funds with the Clerk of Courts to apply to the Guardian's Fee.~~

~~D. The Guardian's Report shall be submitted at least 7 days prior to the Final Hearing.~~

43.16 ~~P.~~ **P. Agreed Entries entries**

Agreed entries on motions may be submitted at any time. A hearing may be required on agreed entries pursuant to ~~Local Rule 35~~ local rule 34. ~~A Consent Judgment~~ Any such Entry entry relating to the allocation of parental rights and responsibilities may be submitted to the ~~Court~~ court without the necessity of a ~~motion~~ or hearing only if signed by both parties and both counsel. If the party relinquishing the status of ~~Residential Parent~~ residential parent is unrepresented, the case ~~must~~ may be scheduled for hearing. A notice of hearing shall be issued by the ~~Court~~ court and filed with the ~~Clerk~~ clerk of ~~Court~~ courts. In the event that the responsibility for providing private health insurance changes to a third party or spouse, a copy of the health insurance card ~~along~~ with the name and address of the health insurance company shall be provided to the Mahoning County Child Support Enforcement Agency.

43.17 ~~Q.~~ **Q. Motions to set aside orders and objections to Magistrates Decisions magistrates decisions**

~~1. (A)~~ Prior to filing motions to set aside orders and ~~Objections~~ objections to Magistrates Decisions magistrates decisions, the appealing or objecting party shall bring the original motion or objections to the ~~Assignment Commissioner~~ assignment commissioner(s) to obtain a hearing date which must be contained in the motion or objections.

~~2. (B)~~ A hearing on ~~Objections~~ motions or objections is normally scheduled before the ~~Judge~~ judge within 3 to 6 weeks depending on the length of a transcript that may be required.

~~3. (C)~~ The delay in obtaining a transcript will not enlarge the 10 or 14 day time period for the filing of the motion to set aside or ~~Objections~~ objections.

43.18 ~~R. Domestic Violence~~ violence

1. (A) Petitions for ~~Domestic Violence Civil Protection Orders~~ domestic violence civil protection orders are generally heard by the ~~Court~~ court on the day they are filed. Victim ~~Advocates~~ advocates are welcome to accompany ~~Petitioners~~ petitioners throughout the process.

~~2. (B)~~ If an ~~Ex Parte Order~~ ex parte order is denied, the matter shall still be set for full hearing ~~on the Court's Docket~~ within ~~7 or 10~~ 14 days. ~~depending on the relief granted.~~

~~3. (C)~~ When a ~~Civil Protection Order~~ civil protection order is granted on a full hearing basis, the ~~Court~~ court shall have discretion to set the duration of the ~~Order~~ order up to 5 years.

RULE 45 44

LANGUAGE ACCESS PLAN

44.01 By journal entry, the court has adopted a comprehensive language access plan to provide for interpretive services to litigants in accordance with Sup. R. 88.

44.02 The court has developed forms for implementation of the language access plan that are available on the court's website or in person at the court.

RULE 45

COURT RECORDS

45.01 Family file/confidential documents file. In all domestic relations cases, the clerk of courts/court in accordance with the Rules of Superintendence for the Courts of Ohio shall create a family file/confidential documents file, in addition to the case document file as set forth herein.

(A) Case document means a document submitted to the court or filed with the clerk of courts in a judicial action or proceeding, including exhibits (subject to the limitations set forth below), pleadings, motions, orders, and judgments and any documentation prepared by the court or clerk of courts in the judicial action or proceeding, such as journals, dockets, and indices. Case documents shall be filed and maintained by the clerk of courts in a public file.

(B) A case document does not include the following:

1. Health care documents, including but not limited to physical health, psychological health, psychiatric health, mental health, and counseling documents.

2. Drug and alcohol use assessments, pre-disposition treatment facility reports and drug test reports;

3. Guardian ad litem reports, including collateral source documents attached to or filed with the reports;

4. Home investigation reports, including collateral source documents attached to or filed with the reports;

5. Child custody evaluations and reports, including collateral source documents attached to or filed with the reports;

6. Domestic violence risk assessments;

7. Supervised parenting time or companionship or visitation records and reports, including exchange records and reports;

8. Financial disclosure statements regarding property, debt, taxes, income, and expenses, including collateral source documents attached to or filed with records and statements;

9. Asset appraisals and evaluations;

10. Health insurance affidavits;

11. Affidavits in support of motions which include specific references to information contained in the confidential documents set forth herein; and

12. Any other privileged or confidential document that requires separation from the case document file.

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

(D) Contents of a family file/confidential documents file shall be available for inspection and review by court personnel and guardians ad litem in the performance of their required duties, or as the court may direct.

- (E) Contents of a family file/confidential documents file may be inspected and reviewed by the parties, an attorney of record in the case, representatives of the child support enforcement agency, and representatives of children services.
- (F) Review of a family file/confidential documents file may be permitted by others upon written motion to the court. The court will give notice of the motion to all parties in the case, and may schedule a hearing on the motion. The court may permit public access to a document or information in a family file/confidential documents file if it finds by clear and convincing evidence that the presumption of maintaining confidentiality is outweighed by a higher interest.
- (G) Copying, photographing, distributing, removing or showing the documents to unauthorized individuals is prohibited.