

ACKNOWLEDGEMENT

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**LOCAL RULES
CLINTON COUNTY COURT OF COMMON PLEAS
DOMESTIC RELATIONS**

**PART ONE
PLEADINGS AND GENERAL PROVISIONS**

**1.01 COMPLIANCE WITH THE OHIO RULES OF CIVIL PROCEDURE,
STATUTORY REQUIREMENTS AND LOCAL RULES.**

- A. All pleadings shall comply in form and content with Title III of the Ohio Rules of Civil Procedure, requirements of the Ohio Revised Code, and Local Rules, Clinton County Common Pleas, Domestic Relations Rules (hereinafter referred to as “Local Rules” or “LR”).
- B. All initial and final pleadings shall contain the names, addresses, and dates of birth of both parties in the case caption. Initial filings and final decrees and/or entries shall contain the names and dates of birth of all minor children of the parties. Pleadings shall also contain the telephone number of any party who is not represented by counsel. All pleadings shall contain the signature, name, address and telephone number of the attorney preparing the pleading, along with the attorney’s registration number issued by the Supreme Court of Ohio.
- C. Social Security numbers (SSNs) shall not be included on any document that will be filed with the Clerk. SSNs must still be provided on IV-D Applications (required in cases with child and/or spousal support). These documents must be submitted to the Administrative Assistant for the Domestic Relations Magistrate at the appropriate time (with initial pleadings for IV-D Applications). The Court will then transmit these documents to the CSEA. **DO NOT FILE THE IV-D APPLICATION WITH THE CLERK OF COURTS.** As to account numbers on the financial affidavit (Form 1.0), you may use the last four digits only in order to distinguish various accounts, but you need not give the entire account number. (Example: ABC Bank Visa, Account No. xxxx-xxxx-2670.)
- D. Throughout these rules the designation of Plaintiff, Defendant, Petitioner or Respondent shall mean the party and his/her attorney, if represented, or the party if unrepresented.
- E. Failure to comply with the Local Rules is not a basis for extension of any time requirements mandated by Local Rule, State Law, or Rules of Procedure.

1.02 STYLE OF PLEADINGS.

- A. All pleadings and forms required by the Court shall be typewritten or printed LEGIBLY in INK.
- B. All filings with the Clerk of Courts must contain a top margin of at least one (1) inch.
- C. The Court requires an original plus one copy of all filings, plus a sufficient number of copies for service. Exception for Decrees: The Court requires an original and three copies of each Decree. If an attorney or party wants file-stamped copies of any filing or pleading, he/she must provide additional copies as well as an envelope with postage for mailing.
- D. The Court strongly encourages pleadings to refer to the parties as Husband/Wife or Mother/Father instead of Plaintiff/Defendant.

1.03 COMPLIANCE REVIEW.

- A. Attorney Filings and Pro Se Filings (Filings by Persons Unrepresented by Counsel).

All pleadings shall be filed with the Clerk of Courts. Upon filing, the Clerk shall present all filings to the Office of the Administrative Assistant for the Domestic Relations Magistrate (hereinafter DR Assistant's Office or Compliance Officer) for review to insure that all required documents are present and completed. The purpose of compliance review by the DR Assistant/Compliance Officer is to assist counsel and the public by assuring the quality of documents processed by the Court and to increase the efficiency of the Court's operation.

After review of the pleadings by the DR Assistant/Compliance Officer, notice will be provided to counsel and/or pro se parties indicating whether the filing is in compliance with all requirements of Local Rules, State Law and Ohio Rules of Civil Procedure. Filings in compliance will be set for hearing.

- B. Filings Found to be Non-Compliant.

Counsel and/or pro se parties will receive notice of any filing which is found to be non-compliant. No action will be taken by the Court on this matter until all non-compliant filings have been amended, filed with the Clerk of Courts, and found to be in full compliance. Further, if the filing fails to conform to the requirements of Local Rules, State Law or the Ohio Rules of Civil Procedure or fails to pass compliance standards within forty-five (45) days from the initial filing, the Court shall dismiss the filing on its own motion.

1.04 ATTORNEY REQUIREMENTS.

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

1.05 ATTENDANCE POLICY.

Parties have a right to attend any conference or hearing. If a party wishes to attend a conference that is scheduled to be held in chambers, that party shall communicate that fact to his or her attorney and the conference will be held in a courtroom. All conferences or hearings with a pro se party shall be held in the courtroom.

Failure to Appear:

When one party fails to appear at a scheduled hearing or conference, any of the following MAY occur:

1. When the moving party/plaintiff fails to appear at a pretrial or hearing, the Court may dismiss the case or grant other appropriate relief to the responding party/defendant.
2. When the respondent/defendant fails to appear at a pretrial or hearing, the Court may order that the case proceed ex parte.
3. When a party fails to appear pursuant to subpoena or a court order, the Court may issue a *capias*.

NO CHILDREN SHALL BE BROUGHT TO ANY COURT HEARING WITHOUT PRIOR APPROVAL OF THE COURT.

1.06 PROPER COURTROOM ATTIRE AND COURTROOM BEHAVIOR.

Proper attire is required while present in Court. Any activity or attire deemed to be disruptive to the decorum of the Court is strictly prohibited. Any Court employee may exclude anyone not properly attired.

Parties and counsel are expected to act appropriately during all court proceedings, in the courtroom as well as outside the courtroom. Neither the parties nor counsel shall engage in yelling, screaming, name calling or any other offensive behavior. Any such conduct may result in immediate sanctions and may also result in the hearing being discontinued and rescheduled on the Court's docket.

1.07 DOCUMENTS REQUIRED FOR DIVORCE, DISSOLUTION, LEGAL SEPARATION AND MOTIONS.

See Documents Required for Filings (Attached as Appendix 1 to these Local Rules).

1.08 ELECTRONIC TRANSMISSION FILING (FAX FILINGS).

(Repealed and Reserved eff. January 1, 2024)

Refer to Local Civil Rule 8 E-Filing

1.09 PROCESS SERVERS.

A. One-Time Appointment.

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

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

B. Continuing Appointment.

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

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

The applicant requesting designation shall also submit an entry captioned “In Re: The Appointment of (name of applicant) as Standing Special Process Server” and stating “applicant has complied with the provisions of Local Rule 1.09; (name of

applicant) is hereby designated as a Standing Special Process Server authorized to make service of process in all cases filed in this Court, to serve until further order of the Court.” The Clerk shall record such appointment on the Court’s general docket, and shall retain the original applications and entries. In any case thereafter, the Clerk of Courts shall accept a copy of the time-stamped appointing entry as satisfying the requirements of Civil Rule 4.1 for designation by the Court of a person to make service of process.

1.10 COURT COSTS.

A. Initial Filings.

The Clerk of Courts shall not accept a domestic relations action for filing unless it is accompanied by either a filing fee as established by the Court or a court order waiving the filing fee based upon motion and affidavit of an indigent party.

Upon said motion, the Court may waive all or a part of the filing fee required with filing in cases of indigency or partial indigency. The Court reserves the right to assess court costs at any time during pendency of the action.

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

Security for costs must be posted to cover witness fees, plus mileage, for all witnesses to be subpoenaed.

B. Final Entries.

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

1.11 SERVICE OF PROCESS BY PUBLICATION.

In all cases when service of process is to be accomplished by publication, it shall be the responsibility of the party to insure that the publication is accomplished, including the selection of the means of publication and administration of the publication.

Upon completion of the last publication of service, the publisher shall file with the Court an affidavit showing the fact of publication, together with a copy of the notice of publication. The affidavit and its exhibits shall constitute proof of service.

1.12 SERVICE OF PROCESS BY POSTING AND MAIL.

In compliance with Civil Rule 4.4(A)(2), service of process may be perfected by a combination of posting and mailing. Upon the filing of the affidavits required by Civil Rule 4.4(A), the Clerk of Courts shall make service by posting the proper notice as follows: The front door of the Clinton County Courthouse; the Child Support Enforcement Agency located on S. South Street (Wilmington); and the Clinton County Administration Building located on Sugartree Street (Wilmington). The notices shall be posted for six consecutive weeks. Mailings of the complaint and summons required in Civil Rule 4.4(A)(2) must also be completed. Service is complete when the Clerk notes on the docket where and when notice was posted.

1.13 FAILURE TO COMPLY WITH PART ONE OF THESE LOCAL RULES.

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

1.14 NOTICE OF SUBPOENA ISSUANCE.

Notice of issuance of subpoenas shall be given to all other parties in accordance with Civ. R. 45(A)(3).

1.15 DISCOVERY.

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

PART TWO

TEMPORARY ORDERS – DIVORCE/LEGAL SEPARATION PROCEEDINGS

2.01 EXISTING ORDERS.

At the time of filing, if there are any orders from another court that may affect the issuance of temporary orders in this Court, the orders should be referenced and a copy attached (Example: Juvenile, Probate, Domestic Violence Orders, etc.).

2.02 JUVENILE COURT JURISDICTION.

When Juvenile Court has jurisdiction over all of the children of a marriage, the Complaint or Petition shall contain a statement to that effect. When Juvenile Court

has jurisdiction of some, but not all, of the children of a marriage, the pleadings shall identify the name and date of birth of the child or children who are subject to Juvenile Court jurisdiction.

2.03 EX PARTE TEMPORARY RESIDENTIAL PARENT STATUS.

At the commencement of an action for divorce, annulment, or legal separation, either party may file a Civil Rule 75(N) motion with a supporting affidavit requesting temporary orders for residential parent status, child support and parenting time. (See Court's suggested forms attached as Appendix 3).

A. When both parties remain in the same home:

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

B. When the parties are separated:

If the parties live in separate households and have established a parenting plan that has successfully allocated parental rights, a party may submit that plan to the Court for approval as a temporary order. Otherwise, if the parties live in separate households, the Plaintiff shall file with the Complaint a motion and proposed ex parte order granting temporary residential parent status as follows:

1. To the person who had actual, physical custody of the child(ren) for at least ten (10) days preceding the filing of the Complaint; or
2. If the parties shared actual physical custody of the child(ren) preceding the filing of the Complaint, to the person who was the primary caretaker of the children prior to the filing of the Complaint; or
3. If the parties equally shared caretaking responsibilities, request the matter be set before the Court for immediate hearing.

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

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

2.04 EX PARTE TEMPORARY PARENTING TIME ORDERS.

If the parties are living in separate households, the Plaintiff shall file with the Complaint a motion and proposed ex parte order granting parenting time to the non-residential parent at a minimum in accordance with the Court's Standard Parenting Schedule (attached as Appendix 5 to these Local Rules).

If the residential parent wishes to restrict or deny parenting time, a separate motion with supporting affidavit must be filed and an order must be obtained from the Judge or Magistrate assigned to the case. If parenting time is denied or restricted by an ex parte order, notice of the restriction and notice of an emergency hearing shall be served upon the restrained parent.

2.05 EX PARTE TEMPORARY CHILD SUPPORT ORDER.

A. When both parties remain in the same home:

If both parties remain in the marital residence, the Plaintiff shall file with the Complaint a proposed ex parte order which provides that each parent shall continue to provide support for the minor children in accordance with the established practices of the household. A child support worksheet is still required to be filed.

B. When the parties are separated:

1. If the parties live in separate households and one party has been designated the temporary residential parent of the children, the Plaintiff shall file with the Complaint a motion and proposed ex parte order which requires the non-residential parent to pay temporary child support.
2. The amount of the temporary child support order shall be calculated pursuant to O.R.C. 3119 and a child support worksheet shall be attached to each temporary order.
3. Temporary child support orders shall be effective on the date stated or, if none, on the date the order is filed. Temporary child support shall be payable through the Child Support Enforcement Agency (CSEA) unless a separate motion is filed requesting the support to be paid directly to the obligee and an Order to that effect is granted. If paid through the CSEA, all required statutory language must be included in the order. (See Child Support Notifications attached as Appendix 4 to these Local Rules). Deviation from the basic child support schedule will not be granted by the Court on an ex parte temporary order UNLESS agreed by the parties.

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

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

D. Determination of income for calculation of child support:

If the non-residential parent's income is unknown, the filing attorney shall obtain that information from an employer or other source by filing a subpoena duces tecum to obtain said information and shall note on the computation worksheet that a subpoena has been issued and that income has been estimated or imputed until that information is received.

2.06 EX PARTE TEMPORARY ORDER FOR PAYMENT OF DEBTS.

At the time of filing of the Complaint, the Plaintiff may file a motion and request an ex parte hearing concerning the payment of marital debts and obligations during the pendency of the case. Any order granted at an ex parte hearing on payment of said debts and obligations shall be reviewable at pretrial.

2.07 TEMPORARY SPOUSAL SUPPORT.

Temporary spousal support shall be awarded only upon motion and hearing. A motion for temporary spousal support shall be accompanied by Form 1.1 (Affidavit of Income and Expenses). The responding party shall file Form 1.1 before or at the hearing. Temporary spousal support motions may be given an expedited hearing date.

All Affidavits shall be signed and notarized.

2.08 EXCLUSIVE USE OF THE MARITAL RESIDENCE.

A. Orders to Vacate.

Motions for an order requiring a spouse to move from the established home of the parties shall not be granted without a hearing after notice to the opposing party, unless there is demonstrated to the Judge/Magistrate that there is urgent need for an immediate order to protect the physical well being of the movant or minor children of the movant. An ex parte order to remove will be granted only upon testimony of the person seeking an order of removal.

B. Orders Not to Return to Residence.

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

The motion seeking an ex parte temporary restraining order preventing a party from returning to the residence must be accompanied by an affidavit setting forth the approximate date on which the absent party left the residence, the number of days (months) of continuous absence immediately preceding the filing of the motion and any reason for the absence that is known to the movant. Any motion to dissolve an ex parte temporary restraining order granted pursuant to this Local Rule shall be heard within fourteen (14) days of the date the motion to dissolve is filed.

2.09 MUTUAL RESTRAINING ORDER.

In all divorce cases and at the time of the filing of the Complaint, the Court shall issue an order restraining both parties from:

- A. Threatening, abusing, annoying or interfering with the other party or the parties' child(ren);
- B. Incurring debt in the name of the other party or in the parties' joint names;
- C. Selling, disposing, damaging or allowing a lien/loan to be placed against either or both parties' real or personal property (including money);
- D. Changing or failing to renew the present health, life, home, automobile, or other insurance coverage or making any change regarding a retirement plan including changing any beneficiary designation (without notice and hearing or written agreement of the parties);
- E. Relocating the parties' minor child(ren) from Clinton County or their present address; and
- F. Claiming the children as dependants on any income tax return.

The above restraining order shall not prevent the payment of ordinary and necessary business and living expenses.

These restraints shall be imposed by the Court's standard Mutual Restraining Order (attached to Appendix 6) which shall be served upon the Plaintiff upon filing the Complaint and shall be served upon Defendant along with summons.

Any other requests for restraining orders shall be awarded on a case-by-case basis and only upon motion, supporting affidavit and proposed entry.

2.10 RELIEF FROM EX PARTE ORDERS.

Any person who believes that an ex parte order filed in accordance with these rules is incorrect or inappropriate may file a motion for relief. The filing party shall obtain a hearing date from the Assignment Commissioner. All motions shall contain a notice of the date and time of hearing and shall be served in accordance with the Ohio Rules of Civil Procedure.

Motions for relief from ex parte temporary orders shall be given priority on the Court's docket. In the event an ex parte order is found to be incorrect or inappropriate, any modification may be made retroactive to the effective date of the ex parte order.

PART THREE CASE MANAGEMENT AND PROCEDURE

3.01 MAGISTRATES.

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

B. Ex Parte Communications.

No attorney shall discuss the merits, either orally or in writing, of any case with any Judge or Magistrate presiding over the matter until final disposition thereof without the presence of opposing counsel or the opposing party, if not represented.

3.02 SCHEDULING OF NON-CONTESTED CASES.

A. Dissolutions.

In all dissolutions, the Attorney(s) or, if unrepresented, the Petitioners, shall contact the Assignment Commissioner to schedule the final hearing. NOTE: In dissolution actions with children, no final hearing shall proceed unless both parties have attended the mandatory parenting educational seminar.

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

In all non-contested divorces and actions for legal separation, if a timely Answer is not filed by the Defendant (within 42 days from service), the first pretrial date set out in notice served with the Complaint shall become the final hearing date. If less than 42 days from service have lapsed at the first pretrial, Attorney for Plaintiff (or Plaintiff if unrepresented) shall contact the Assignment Commissioner or request the Court (at pretrial) to schedule a final hearing.

3.03 SCHEDULING OF CONTESTED DIVORCES AND LEGAL SEPARATIONS.

A. Pretrial Conferences.

1. The first pretrial hearing shall be set at the time the Complaint is filed. The date shall be at least 60 days after the filing of the Complaint. Said hearing shall be inserted in the proper notice and served with the summons.
2. If a scheduling order is necessary and unable to be established at the first pretrial (as determined by the Judge or Magistrate assigned to the case), the Court may set the case for further pretrial for the purpose of establishing a scheduling order. The purpose of the pretrial to establish a scheduling order is to: (1) Identify the issues in controversy; (2) Establish a timetable for discovery; and (3) Set appropriate pretrial conference dates (if warranted) or set trial dates.

At the conclusion of the pretrial, a scheduling order may be issued. The Court may conduct a scheduling conference in conjunction with any hearing on a temporary motion in order to expedite the case.

3. At any pretrial hearing, the Court may also determine whether there are disputed issues regarding the allocation of parental rights and responsibilities. If parenting issues are disputed, the parties may be referred to mediation in accordance with these Local Rules. If mediation is ordered, the matter will be set for further pretrial after mediation.
4. At any pretrial hearing, the Court may require the parties to file pretrial statements by a designated date.

B. Discovery at Pretrial Conferences.

1. A discovery cutoff date shall be set at pretrial. Parties (if unrepresented) and counsel shall exchange all discovery as required in Appendix 8 attached to these rules prior to said cutoff date.

2. If so ordered by the Court, each party shall file a pretrial statement on or before the designated date. The pretrial statement shall contain all of the following information:
 - a. A list of all property believed to be the separate property of each spouse;
 - b. A list of all property believed to be marital in nature, the value of that property, the valuation date used in determining the value, the NADA trade-in value of any vehicles (if available), and an account of all debts owing upon each item of property;
 - c. A list of all debts of the marriage;
 - d. A statement of the contested issues of fact and law;
 - e. A list of all witnesses;
 - f. A list of all exhibits; and
 - g. A statement as to whether shared parenting is being requested.

If a pretrial statement is not filed as ordered and in accordance with this rule, the Court may continue the pretrial in progress and entertain a motion for attorney fees against the non-complying party.

3. Unless excused by the Court or by agreement of counsel, trial counsel and clients must attend the pretrial. Failure to abide by this rule may result in a second pretrial with opposing counsel's attorney fees paid by the non-complying attorney (in the Court's discretion).

C. Scheduling of Final Hearings.

No scheduled final hearing can go forward until all discovery issues are resolved. Further, if the matter is a divorce or legal separation with minor children involved, failure of a non-residential parent to attend the educational seminar may result in a suspension of parenting time until that parent attends the seminar and petitions the Court for parenting time.

D. Emergency Hearings.

If a substantial emergency exists which requires prompt court intervention, counsel may request an emergency hearing. A motion for an emergency hearing, accompanied by an affidavit setting out the nature of the emergency and the relief sought, shall be presented to the Administrative Assistant for the DR Magistrate. The Judge or Magistrate hearing the case will approve or reject the request for an

emergency hearing. If approved, the Assignment Commissioner will set the motion for the first available hearing date, at least seven (7) days after service. All motions must be served in accordance with the Civil Rules.

NOTE: There is a mandatory duty to report child abuse to the Department of Human Services. Also, the Juvenile Court has statutory authority to issue ex parte emergency custody orders.

NOTE: NO CHILDREN SHALL BE BROUGHT TO ANY COURT HEARING WITHOUT PRIOR APPROVAL OF THE COURT.

3.04 MOTION PRACTICE.

SEE ALSO APPENDIX 1 (DOCUMENTS REQUIRED FOR FILNGS).

A. Scheduling of Hearing.

1. The first hearing on any motion shall be a pretrial UNLESS the *Court* designates otherwise on the hearing notice.
2. All motions shall contain a notice with sufficient space for the Assignment Commissioner to insert the date, time and place of the hearing.
3. Any responsive motion shall be filed at least seven (7) days prior to the scheduled hearing. Parties must be present at all hearings unless excused by the Court.
4. Any motion for a change of allocation of parental rights and responsibilities or significant modification of a shared parenting plan may be referred to mediation by the Court at pretrial.

COUNSEL SHALL NOT INSERT THE HEARING DATE IN ANY MOTION UNLESS THE DATE WAS OBTAINED BY THE ASSIGNMENT COMMISSIONER FOR THE **MOTION BEING SET**. (Example: If the matter is pending and a new motion is filed, Counsel shall not simply insert the next scheduled hearing date in the motion as a hearing date unless the Assignment Commissioner has been contacted AND approved the same).

B. Content of Motions.

1. All pleadings shall be in conformity with 1.01 (B) of these Local Rules.
2. All motions to modify prior orders of the Court shall contain a statement of the order sought to be modified, the date of such order, the nature of the modification sought, and the specific change in circumstances which justifies

modification. If the motion fails to be specific, the Court may dismiss the motion.

3. An entry of appearance should be filed by counsel, if new to the case, to insure that court mailings are sent to the appropriate counsel and address.
4. Exhibits that will be used at trial shall be submitted at trial and not attached to any pleadings filed with the Court without special permission from the Judge or Magistrate hearing the case.
5. Tax returns, credit card statements, phone bills, medical bills and similar personal financial information shall not be attached to any motions filed with the Court without special permission from the Judge or Magistrate hearing the case.

C. Motions Regarding Health Care Expenses.

Any motion seeking reimbursement for health care expenses shall contain a statement that the movant has previously forwarded the medical bills and a calculation of the amount due to the respondent and that timely payment has not been made.

All motions must contain a chronological list of all bills for which payment is requested, the name and address of each health care provider, the date of service, the nature of the service provided and the name and date of birth of the person who received the services. Further, the motion must state all amounts that have been paid by insurance companies, the balances remaining, and the amount sought to be reimbursed.

Absent unusual circumstances, or court order to the contrary, a request for reimbursement of health care expenses should be made within thirty (30) days of the date when payment is made or due. Reimbursement should be made within thirty (30) days of the request.

D. Motions for Contempt – Show Cause Motions.

1. All motions requesting a contempt finding shall contain a statement of the court order alleged to have been violated, the date of the court order, and the facts constituting the violation. If payment of money is involved, the amounts owed shall be stated in the motion.
2. At the hearing on a motion for contempt of a support order, a CSEA payment history (i.e. a computer printout from the CSEA) must be presented by the moving party. An audit may be submitted, if available, but is not required.

3. Upon a finding of contempt, the Court may award a standard attorney fee of up to \$500.00. If a higher award is sought, the attorney must request fees as part of the motion and comply with Local Rule 3.07 (Attorney fees).
4. Whenever a motion for contempt is filed, the caption must so indicate so that the Clerk of Courts may issue a summons.

E. Settlement of Contested Matters.

Whenever the parties or counsel inform the Assignment Commissioner that an agreement has been reached on an issue previously in controversy, they must submit written proof of the agreement (by fax, mail or hand delivery) in order to avoid appearing at the hearing. If no written agreement is submitted, counsel must appear with the parties to read the agreement into the record. If the submitted written agreement is not in a form suitable for filing or if an agreement is read into the record, the attorneys must thereafter submit an agreed entry in accordance with Local Rule 6.02.

F. Burden and Hearing.

1. In any action where there must be a showing of a change of circumstances, the movant must establish a prima facie case regarding such change at a hearing scheduled for that purpose or the motion will be denied.
2. If any pending motion is unable to be resolved by second pretrial, the matter will be promptly set for an evidentiary hearing before the Judge or Magistrate on the issue of a change of circumstance or final resolution of all pending issues. Further pretrial on the matter may be set at the discretion of the Judge or Magistrate hearing the case.
3. If a hearing cannot be concluded in the amount of time allotted, the Court may grant a continuance in progress at its discretion.

G. Agreed Motions.

All modifications of a court order (including changes in the allocation of parental rights and responsibilities) shall be initiated by the filing of a motion, even when the parties agree to the modification.

Any agreed modification where one party is represented by counsel shall be set for hearing and notice provided to give unrepresented party opportunity to be heard.

The Court may, in its discretion, refuse to approve agreements which are not in the best interest of the child(ren).

H. Failure to Comply.

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

NOTE: NO CHILDREN SHALL BE BROUGHT TO ANY COURT HEARING WITHOUT PRIOR APPROVAL OF THE COURT.

3.05 POST DECREE EX PARTE ORDERS FORBIDDEN.

The use of ex parte orders to modify a prior allocation of parental rights and responsibilities is not appropriate. Any perceived need to transfer legal custody on an emergency basis because of an alleged abuse, neglect or dependency is more appropriately addressed by the Juvenile Division of the Common Pleas Court in the county where the child resides.

This does not apply to actions where ex parte orders are statutorily permitted such as civil protection orders for domestic violence or stalking/sexually oriented offenses.

3.06 EXHIBITS.

A. Exhibits for Trial.

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

1. An index of exhibits; and
2. An original and three sets of photocopies of all exhibits, premarked, with the Plaintiff identifying exhibits by number and the Defendant identifying exhibits by letter.

B. Retention/Destruction of Exhibits.

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

3.07 ATTORNEY FEES.

As an alternative to retaining an expert to testify at the final hearing on the issue of reasonableness and necessity of legal services, the party requesting fees may submit an affidavit to opposing counsel setting forth qualifications of the requesting party's attorney, the hourly rate of the attorney, and an itemized statement of the services

rendered, with an estimate of the remaining preparation time and time required for attendance to the final hearing. The affidavit must be submitted to opposing counsel at least two (2) days before the final hearing.

The affidavit should be offered as an exhibit at the final hearing. The responding party may then indicate at the final hearing whether he or she will stipulate to the reasonableness and necessity of the requesting party's attorney fees. If there is no such stipulation, the Court, upon request, will schedule a follow-up hearing at which time the issue of attorney fees will be litigated and the requesting party may present expert testimony on the issue of reasonableness and necessity of fees, including those fees incurred in preparing for and attending the follow-up hearing.

3.08 SUPPLEMENTAL PLEADINGS.

Any person who files pleadings after a case has been heard (including but not limited to: written arguments, briefs and requests for findings of fact and conclusions of law) shall contact the DR Magistrate's Assistant and notify him/her of the filing.

3.09 CONTINUANCES.

A. Policy.

No case in which a date has been set for a hearing shall be continued without the written authorization of the assigned Judge or Magistrate. Requests for continuances shall be granted only in compliance with Rule 41 of the Rules of Superintendence for the Courts of Ohio.

B. Contents of Motion.

Requests for continuances must be made by written motion AND accompanied by a proposed order. The motion must contain:

1. The filing date of the original motion;
2. The subject matter of the motion;
3. The scheduled hearing date;
4. Reason for the continuance;
5. Copy of conflicting trial assignment notice attached, if appropriate; and
6. Statement as to whether or not opposing counsel/party agrees to the continuance.

C. Contents of Order.

The proposed Order shall include a blank for the new hearing date; or, in the alternative, a hearing date may be obtained by telephone from the Assignment Commissioner and inserted into the Order before submission to the Court (provided that the Order reflects that the date was, in fact, obtained from the Assignment Commissioner).

D. Opposed Continuance.

If opposing counsel/party does not agree to a continuance, the Judge or Magistrate hearing the case shall, in his/her discretion, rule upon the request for continuance.

3.10 BANKRUPTCY.

If a bankruptcy action is filed by either or both parties, that party or parties shall file a Notice of Filing of Bankruptcy in the domestic relations case. Said notice shall include the location of the Court in which it was filed and the Bankruptcy Code Chapter under which the filing was made.

3.11 WITHDRAWAL OF COUNSEL.

A. Filing Requirements.

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

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

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

B. Time Limitations.

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

C. Substitution of Counsel.

As an alternative to the foregoing procedure, counsel may file a Notice of Substitution of Counsel.

3.12 TIMELY DISPOSITION OF CASES.

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

**PART FOUR
PARENTING PROVISIONS**

4.01 APPEARANCE AND SUPERVISION OF CHILDREN IN COURT.

NO CHILDREN SHALL BE BROUGHT TO ANY COURT HEARING WITHOUT PRIOR APPROVAL OF THE COURT.

In the event that children must be brought to Court (Court has granted approval or children are not children involved in the pending case), adequate supervision must be provided for them. The Court cannot be responsible for the care of children during their parents' hearing.

4.02 SEMINAR FOR SEPARATING PARENTS.

All parents in divorce, legal separation or dissolution actions in which there are any minor children under sixteen years of age shall register for an educational seminar for separating parents sponsored by the Court (or a like educational seminar approved by the Court) within thirty (30) days before or after the filing of the action or service of process.

An order requiring attendance by both parties shall be filed with the Complaint for Divorce, Annulment or Legal Separation. This order shall be served upon the Defendant, together with the Complaint. In cases of Dissolution, each Petitioner shall sign and file an order to attend the educational seminar.

Each parent shall be responsible for registering at least one week prior to the seminar to be attended unless said registration is not required by the official coordinating said seminar. Each person shall be responsible to pay the fee associated with this seminar.

No action may proceed to final hearing until the custodial parent has attended the seminar. No dissolution may proceed to final hearing unless both parties have attended the seminar. However, non-compliance by a parent who enters no appearance and does not contest the action shall not delay the final hearing.

Seminar attendance or other parenting education or counseling program may also be required by order of the Court in connection with all actions involving minor children, including post-decree motions.

The requirement for attendance of the parenting educational seminar may be waived by the Court for good cause shown.

Failure of a non-residential parent to attend the educational seminar by the final hearing date may result in a suspension of parenting time until that parent attends the seminar and petitions the Court for parenting time.

4.03 STANDARD ORDER OF PARENTING.

The Court of Common Pleas has adopted a Standard Parenting Schedule which is attached hereto as Appendix 5.

4.04 INTERVIEW OF CHILDREN BY THE COURT.

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

4.05 APPOINTMENT OF GUARDIAN AD LITEM (GAL).

A. Appointment.

In any case in which the allocation of parental rights and responsibilities is to be determined, the Court, in its discretion, may, and upon motion of either party, shall, appoint a Guardian Ad Litem (GAL) for the child(ren). The Guardian Ad Litem shall be selected from the list of approved Guardians Ad Litem maintained by the Court. The GAL shall serve until the Court enters a final order in the case.

B. Scope.

The Guardian Ad Litem shall perform any functions necessary to protect the best interests of the child(ren), including those duties set forth in the Order Appointing Guardian Ad Litem (GAL Form 1).

C. Procedure.

A party requesting appointment of a GAL must file a motion, set the matter for hearing and serve the other party pursuant to the Ohio Rules of Civil Procedure (unless an oral motion is made during a pretrial hearing). The Court may also appoint a GAL sue sponte. In either case, if the Court appoints a GAL, the Court shall file GAL Form 1.

D. Fees.

1. If the Court appoints a GAL sue sponte or as a result of a party's motion, the entry appointing the GAL may order a party or the parties to deposit funds with the Clerk of Courts. The Court shall have discretion concerning the amount of the initial deposit.

The appointment of the GAL does not take effect, nor does it bind the proposed GAL to any duty or legal obligation, until the full deposit is paid to the Clerk of Courts.

2. In the event the GAL determines that the work required will exceed the amount of \$1,200.00, the GAL shall seek court approval, with notice to counsel and/or unrepresented parties, before incurring any fees that exceed said amount.
3. Upon completion of the GAL's duties, the GAL shall submit an affidavit of fees to the Court for approval and a proposed Order directing the Clerk to release the approved amount and ordering payment of any amounts due over the deposit.

E. Qualifications.

Guardians Ad Litem shall be approved by the Court upon request. GALs must comply with all state-mandated training requirements (see Ohio Rules of Superintendence 48). All prospective GALs must submit an application (see GAL Form 2), submit to a background check (civil and criminal) and annually provide proof of compliance with Rule 48.

F. Reports.

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

Written reports shall be provided to parties and/or counsel by the Court at the GAL report hearing or at least fourteen (14) days prior to trial.

G. Comments or Complaints.

Any comments or complaints regarding the performance of a Guardian Ad Litem appointed pursuant to this rule shall be in writing and shall be directed to the Administrative Assistant for the DR Magistrate.

A copy of comments or complaints submitted to the Court shall be provided to the Guardian Ad Litem who is the subject of the complaint or comment. The Administrative Assistant for the DR Magistrate may forward any comments or complaints to the DR Magistrate or General Division Judge for consideration and appropriate action. The Administrative Assistant for the DR Magistrate shall maintain a written record in the Guardian Ad Litem's file regarding the nature and disposition of any comment or complaint and shall notify the person making the comment or complaint and the subject Guardian Ad Litem of the disposition.

Motions to remove a Guardian Ad Litem shall be scheduled for hearing before the DR Magistrate assigned to adjudicate the allocation of parental rights and responsibilities.

H. Annual Certification.

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

All individuals on the Guardian Ad Litem list shall certify annually that they are unaware of any circumstances that would disqualify them from serving, and shall report in writing the training they have attended to comply with Superintendence Rule 48 (see GAL Form 3).

4.06 PSYCHOLOGICAL OR PSYCHIATRIC EXAMINATIONS.

A. Appointment.

The Court may appoint a psychologist or psychiatrist to conduct an evaluation on the issues of custody and/or parenting time in order to assist the Court in allocating parental rights. The Court will allocate the costs of the evaluation between the parties in its discretion. The psychologist or psychiatrist will be the Court's witness.

B. Report.

The psychologist or psychiatrist will provide the Court with the original written report and recommendations (including case name and number and date of hearing) no less than seven (7) days prior to the hearing unless otherwise ordered, with copies mailed to counsel for each party, or to a party if unrepresented. The report shall be accepted into evidence as the psychologist's or psychiatrist's direct testimony, and he or she may be subject to cross examination by either party. A party desiring to cross examine shall arrange for the psychologist's or psychiatrist's appearance at the hearing and is responsible for paying the fee for that appearance.

4.07 RELOCATION.

Both parents shall give written notice to the other parent at least 30 days prior to any intent to change address or phone number unless a restrictive order has been obtained from the Court (notice must be sent certified mail with return receipt or hand delivered by one party to the other). A copy of the notice shall be provided to the Clerk of Courts, Clinton County Court of Common Pleas, Clinton County Courthouse, Wilmington, Ohio 45177.

Neither parent may relocate the children out of Clinton County (or the County where the children presently reside) without first obtaining a modified parenting time order. The parties may submit an agreed order modifying parenting time, with a provision for allocation of transportation expenses, to the Court for adoption by the Court as an order. If the parents are unable to agree, the moving parent shall PRIOR TO RELOCATION:

1. File a motion asking the Court to modify the parenting time schedule;
2. Set a hearing; and
3. Obtain a modified parenting time order.

Continuances of the hearing will be at the discretion of the Court and will not be granted absent good cause due to the need to conduct these hearings in an expedited manner.

4.08 TRANSFER OF JUVENILE COURT SUPPORT CASES TO GENERAL DIVISION COMMON PLEAS COURT.

If at the time of the filing of a Complaint for Divorce or Petition for Dissolution there is a Clinton County Juvenile Court child support order for the benefit of one or more of the parties' children, and if the order should be consolidated in General Division Common Pleas Court, motions must be filed in both Courts.

The Juvenile Court motion should request transfer of the case to the General Division Common Pleas Court. The transfer can be accomplished by an agreed entry or a court order following a hearing, if the matter is contested.

The General Division Common Pleas Court motion should request the Court to accept transfer. The transfer into General Division Common Pleas Court can be accomplished by an agreed entry or a court order following hearing, if the matter is contested.

**PART FIVE
DISPUTE RESOLUTION**

5.01 CONCILIATION.

A motion for conciliation must be filed in accordance with Ohio Revised Code 3105.091. (Note: O.R.C. 3117 does not apply to this Court.)

5.02 MEDIATION.

A. Mediation Order.

At any time after service of summons in any action for divorce, legal separation or annulment, or at any time after the filing of a post-decree motion, the Court may order both parties into mediation in accordance with O.R.C. 3109.052. Mediation may be provided by a court-employed mediator. All private mediators must be approved by the Court as set forth below.

B. Scope.

The Court may order mediation of parenting issues pursuant to O.R.C. 3109.052. By agreement of the parties, the court-employed mediator may mediate any other pending issues.

C. Criteria.

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

However, nothing in this rule shall prohibit the use of mediation in a subsequent divorce or custody case, even though that case may result in the termination of the provisions of a protection order.

3. When violence and/or fear of violence is alleged, suspected or present, mediation may only occur if the mediator has specialized training as set forth in the Ohio Rules of Superintendence 16(C)(2) and all of the conditions contained in Ohio Rule of Superintendence 16(B)(2) are met.

D. Procedure.

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

E. Cost of Mediation.

Court-connected mediation is provided at no cost to the parties. The Court shall apportion the cost of private mediation after considering the parties' respective incomes. The Court shall retain the right to reconsider the cost allocation upon request by either party and for good cause shown. The Court, in its discretion, can order a party to reimburse the Court for court-connected mediation if a party fails to appear for the mediation without good cause or notice to the mediator.

F. Confidentiality.

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

G. Testimony.

The mediator cannot be called as a witness to testify in any hearing related to divorce, dissolution, legal separation or the allocation of parental rights and responsibilities. However, the privilege does not extend to criminal cases, delinquency, child abuse, child neglect or dependent child actions. The privilege belongs to the mediator and cannot be waived even by the consent of both parties.

PART SIX

DECREES – ENTRIES – MAGISTRATE'S DECISIONS - ORDERS

6.01 DECREES AND JUDGMENT ENTRIES IN CONTESTED MATTERS.

A. General Preparation of Decrees/Entries.

After the Court has announced its decision on any matter requiring an entry, order, decision or decree, the Court may order counsel to prepare the appropriate document and forward it to opposing counsel within ten (10) days. Opposing counsel shall sign and return the document within ten (10) days of receipt. The document shall be submitted to the Court within thirty (30) days after the Court announces its decision.

B. Disagreement Concerning Documents Prepared by Counsel.

If opposing counsel objects to the document as to form or because it does not accurately embody the Court's decision, counsel shall indicate objections by

affixing the words “subject to objection” under counsel’s signature and return it to the preparer. Either or both counsel shall then set the matter for a hearing on the entry with the Assignment Commissioner. Unless the matter is resolved prior to hearing, each attorney must present a draft entry to the Judge/Magistrate at such hearing. The Judge/Magistrate shall approve and file one or the other of the submitted entries or shall prepare and file his/her own entry or decision.

C. Failure to Respond to Draft Documents.

If counsel prepares the necessary documents as ordered, but opposing counsel fails to respond with approval or objections, or if counsel fails to timely prepare the necessary document(s) as ordered, a “Notice of Presentation of Entry” may be filed with the Court in substantial compliance with DR Form 1 (included in Appendix 7). Such notice shall include the following:

1. Notice to the opposing counsel that the proposed entry will be presented to the Court for approval after the expiration of fourteen (14) days from the date of mailing unless the other attorney, within the fourteen (14) days, files a written objection stating the grounds with particularity, attaches his/her own proposed entry and sets the matter for hearing.
2. Failure to file written objections and/or set a hearing will be construed as acquiescence to the filing of the proponent’s entry.
3. The proposed entry shall be attached to the notice.

If, after the expiration of the fourteen (14) day period, opposing counsel has not filed a written objection, the counsel who drafted the document shall present both the file-stamped Notice of Presentation of Entry and the actual proposed entry to the assigned Judge/Magistrate for consideration.

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

6.02 DECREES AND JUDGMENT ENTRIES IN AGREED MATTERS.

When a matter scheduled for hearing is settled by agreement, said agreement shall be read into the record or both parties shall sign an agreed entry at the hearing. If the matter is read into the record, counsel shall present an agreed entry endorsed by both counsel, or parties if not represented, within thirty (30) days of the hearing. If counsel (or a party) cannot agree on the entry, they shall schedule a conference with the Court. If the agreement was recorded, a transcript must be obtained and presented at the conference.

6.03 FAILURE TO TIMELY SUBMIT ENTRIES.

Attorneys who fail to timely submit agreed entries (or entries the Court has ordered counsel to prepare) will be given notice to appear to present entry or face attorney contempt and/or dismissal of the pending matter. Attorney attendance is compulsory unless excused by the Court. THIS HEARING IS NOT FOR THE PURPOSE OF LITIGATING THE MATTER. If the original agreement of the parties that was read into the record is no longer satisfactory to either party, a new motion must be filed with the Court AFTER the original agreement has been properly journalized with the Court.

6.04 COMPLIANCE AND PROCEDURE FOR FILING DECREES, ENTRIES, MAGISTRATE'S DECISIONS, ORDERS.

A. Compliance.

All final decrees/entries/Magistrate's Decisions that include children's issues must be submitted to the Administrative Assistant to the DR Magistrate for compliance review prior to filing. The documents will be reviewed to determine compliance with Local Rules, mandatory statutory language and completion of all required court forms. If the documents are approved by the Office of the Administrative Assistant, they will be filed with the Clerk of Courts. If the documents are not approved, the person responsible for their preparation will be contacted and required to pick up the documents, make necessary changes, and resubmit the documents to the Office of the Administrative Assistant to the DR Magistrate.

B. Other Filings.

All court filings (other than those requiring compliance review) requiring a Judge or Magistrate's signature shall be dropped off at the Clerk of Courts. Court personnel will present the documents to the appropriate Judge or Magistrate for signature. The signed documents will be filed with the Clerk of Courts unless other instructions are given.

C. Notifications.

All decrees, entries and decisions that address child support and/or health insurance shall adopt the Notifications (see Appendix 4) and they shall be attached thereto.

6.05 AGREED MODIFICATION OF PARENTAL RIGHTS AND RESPONSIBILITIES.

Parties who agree to modification of parental rights and responsibilities shall submit an agreed entry with the appropriate attachments to the Office of the Administrative Assistant to the DR Magistrate for compliance review. Motions must comply with Local Rule 1.01 (B) and Local Rule 3.04.

6.06 WAIVER OF SUPPORT ARREARAGES.

An obligee seeking to waive support arrearages must file a written request, schedule a hearing and appear in person before the Court. The Court may waive appearance for good cause shown. If both parties are represented by counsel, an agreed entry may be filed in lieu of a hearing. Any waiver of arrearages has no effect on money that may be owed to any governmental agency.

6.07 PERSONAL PROPERTY.

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

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

6.08 LEGAL DESCRIPTION FOR REAL ESTATE.

Any entry or decree that affects the title to any real property must have a copy of the most recent deed to said property attached or the legal description typed into the entry or decree. The attached deed and/or the typed legal description must indicate that the legal description has been approved for filing by the Tax Map Office and must include the prior deed reference.

6.09 ORDER FOR RESTORATION OF FORMER NAME.

A party requesting restoration of a former name shall have said name included in the final decree or must submit a separate proposed entry setting forth the party's

complete name before and after the requested change, as well as the party's date of birth and current address. Any such entry may be approved by the Court up to sixty (60) days subsequent to the filing of a final decree.

6.10 QUALIFIED DOMESTIC RELATIONS COURT ORDERS (QDRO).

A. Preparation.

1. **Unless otherwise agreed**, counsel for the alternate payee entitled to a portion of the other spouse's pension or retirement plan shall prepare the QDRO for submission to the Court. The pension participant shall sign any releases necessary to facilitate drafting of the QDRO.
2. Whenever the parties agree to divide a pension or retirement program by a QDRO, they and their counsel shall sign and approve the original of a QDRO submitted to the Court, and shall sign and approve any subsequent QDRO submitted to the Court, unless waived by the Court.
3. The QDRO shall be prepared and submitted to the Court with the final decree, or as soon as possible thereafter.

B. Assumptions.

1. **Unless otherwise agreed**, a QDRO for a defined benefit plan shall contain the following provisions or shall be governed by the following assumptions:
 - a. The QDRO will be a separate interest QDRO, meaning the alternate payee's benefits shall be independent of those of the participant.
 - b. The division of benefits shall be based on the language of the case of **Hoyt v. Hoyt** (1999), 53 Ohio St.3d 177 and its progeny.
 - c. The benefits assigned to the alternate payee shall include any and all temporary and supplemental benefits. Further, the benefits assigned to the alternate payee shall include all early retirement subsidies and, should the alternate payee commence receipt of benefits prior to participant's retirement, the alternate payee's benefits will be recalculated to reflect the subsidy.
 - d. The alternate payee will be deemed to be the surviving spouse of the participant to the extent of benefits assigned for the purpose of a pre-retirement survivor annuity.

- e. The division of the benefits will be the date of the final hearing of the case (**unless otherwise agreed**).
2. **Unless otherwise agreed**, a QDRO for a defined contributions plan shall contain the following provisions or be governed by these assumptions:
 - a. The division of benefits will be the date of the final hearing of the case.
 - b. The alternate payee's share of the benefits shall be credited with investment earnings and/or losses from the date of division until distribution.
 - c. The QDRO will allow an immediate lump sum distribution of the alternate payee's benefits.
 - d. Any loans from the plan taken during the marriage shall be allocated equally between the parties (**unless otherwise agreed**).
 - e. The alternate payee's share of the benefits will reflect credit for sums deposited into the plan after the date of division which are based on service for periods prior to the date of division.

C. Mandatory Language.

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

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

6.11 DIVISION OF PENSION ORDERS (DOPO).

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

The terms of Local Rule 6.10 (Qualified Domestic Relations Court Orders-QDROs) apply to DOPOs to the extent such terms are not in conflict with the statutory requirements of DOPOs.

Specific retirement information may be found for the respective agencies on the internet at: www.opers.org; www.strsoh.org; www.ohsers.org; www.op-f.org; and www.ohprs.org.

PART SEVEN CIVIL PROTECTION ORDERS DOMESTIC VIOLENCE – CIVIL STALKING AND SEXUALLY ORIENTED OFFENSES

7.01 PROCEDURE FOR OBTAINING CIVIL PROTECTION ORDER.

- A. An action for a civil protection order may be commenced by filing a Petition with the Clerk of Courts of the Common Pleas Court. All filings MUST be on the forms provided by the Ohio Supreme Court. Petitioners can obtain a packet for filing for a Civil Protection Order as follows: (1) From the Clerk of Courts; (2) From the Alternatives to Violence Center; or (3) From the Ohio Supreme Court website (www.supremecourtofohio.gov).
- B. Pro se litigants (parties representing themselves without attorneys) should familiarize themselves with the Local Rules of this Court, local procedures of this Court, as well as the Ohio Rules of Civil Procedure and Ohio Rules of Evidence.
- C. Petitions MUST be filed with the Clerk of Courts between the hours of 8:30 a.m. and 3:30 p.m. Any Petition filed after 2:00 p.m. shall not be heard until the next day. Any Petition for a Domestic Violence Civil Protection Order filed on a Friday MUST be filed with the Clerk of Courts by noon and will be heard that day.
- D. If Petitioner is requesting an ex parte hearing, he/she MUST be available on the day of filing of the Petition between the hours of 9:00 a.m. until 4:00 p.m. The Petitions will be heard as the Court is able to schedule the hearing on its docket.

1. For Domestic Violence Civil Protection Orders under O.R.C. 3113.31: If the Petition is not heard by 4:00 p.m., it will be heard no later than 24 hours after it is filed with the Clerk of Courts.
2. For Civil Stalking or Sexually Oriented Offense Protection Orders under O.R.C. 2903.214: Petitions will be heard as soon as the Court docket permits, but no later than 4:00 p.m. the next day Court is in session.

7.02 MOTIONS TO MODIFY OR TERMINATE CIVIL PROTECTION ORDERS.

A. Domestic Violence Civil Protection Orders under O.R.C. 3113.31.

Ohio Supreme Court Form 10.01-K must be filed to modify or terminate a protection order. The forms may be obtained from the Clerk of Courts, Alternatives to Violence Agency or the Ohio Supreme Court website referenced above.

The motion must comply with Ohio Rules of Civil Procedure. A hearing must be held on the Motion. Any party seeking to dismiss a Civil Protection Order must personally appear before the Court and state on the record the reason for seeking the dismissal. This process ensures that the Petitioner understands the effect of the dismissal. Moreover, the Court will notify all necessary agencies of the dismissal. If the moving party fails to appear for the hearing, the request for dismissal will be denied and the Civil Protection Order will remain in full force and effect as originally ordered.

B. Civil Stalking or Sexually Oriented Offense Orders under O.R.C. 2903.214.

Forms to modify or terminate a protection order under this Section may be obtained from the Clerk of Courts or the Alternatives to Violence Agency. Modification or dismissal will only be granted if there is a showing that the original circumstances have materially changed and it is no longer equitable for the Civil Protection Order to continue.

The motion must comply with Ohio Rules of Civil Procedure. A hearing must be held on the Motion. Any party seeking to dismiss a Civil Protection Order must personally appear before the Court and state on the record the reason for seeking the dismissal. This process ensures that the Petitioner understands the effect of the dismissal. Moreover, the Court will notify all necessary agencies of the dismissal. If the moving party fails to appear for the hearing, the request for dismissal will be denied and the Civil Protection Order will remain in full force and effect as originally ordered.

C. Renewal of a Civil Protection Order.

A Civil Protection Order or Consent Agreement must be renewed in the same manner as the original order or agreement was issued or approved. This requires the filing of a new petition.

D. Consent Agreements.

Consent Agreements between the parties shall be permitted pursuant to statute and the Rules of Civil Procedure.

E. Continuances.

Continuances of any hearing concerning Civil Protection Orders may be granted in the Court's discretion for the following reasons:

1. Respondent has not been served prior to hearing.
2. Parties consent to continuance.
3. Continuance is needed to allow party to obtain counsel.
4. Continuance is needed for other good cause shown.

PART EIGHT SPECIAL ACCOMODATIONS

8.01 DISABLED PERSONS.

Any person who requires special accommodations because of a handicap or disability shall notify the Court of his or her special requirements at least ten (10) days before a scheduled court appearance. The Court shall comply with all reasonable requests for assistance, including providing interpreters without additional cost, except as described in Local Rule 8.02.

8.02 INTERPRETIVE SERVICES.

When interpretive services are needed, the attorney or party requesting an interpreter shall make a request to the Office of the Administrative Assistant for the DR Magistrate at least ten (10) days before the scheduled hearing. The Court will arrange for an objective interpreter to be present for the hearing. The requesting party's failure to appear at the hearing may result in that party being held responsible for payment of the interpreter's fee.

APPENDIX A

A Lawyer's Creed

Letter from Court to Pro Se Litigants

A LAWYER'S CREED

To my clients, I offer loyalty, confidentiality, competence, diligence, and my best judgment. I shall represent you as I would want to be represented and be worthy of your trust. I shall counsel you with respect to alternative methods to resolve disputes. I shall endeavor to achieve your lawful objections as expeditiously and economically as possible.

To the opposing parties and their counsel, I offer fairness, integrity and civility. I shall not knowingly make misleading or untrue statements of fact or law. I shall endeavor to consult with and cooperate with you in scheduling meetings, depositions and hearings. I shall avoid excessive and abusive discovery. I shall attempt to resolve differences and, if we fail, I shall strive to make our dispute a dignified one.

To the courts and other tribunals, and to those who assist them, I offer respect, candor and courtesy. Where consistent with my client's interests, I shall communicate with opposing counsel in an effort to avoid or resolve litigation. I shall attempt to agree with other counsel on a voluntary exchange of information and on a plan for discovery. I shall do honor to the search for justice.

To my colleagues in the practice of law, I offer concern for your reputation and well-being. I shall extend to you the same courtesy, respect, candor and dignity that I expect to be extended to me.

To the profession, I offer assistance in keeping it a calling in the spirit of public service, and in promoting its understanding and an appreciation for it by the public. I recognize that my actions and demeanor reflect upon our system of justice and our profession, and I shall conduct myself accordingly.

To the public and our system of justice, I offer service. I shall devote some of my time and skills to community, governmental and other activities that promote the common good. I shall strive to improve the law and our legal system and to make the law and our legal system available to all.

John W. Rudduck, *Judge*
Mary H. McElwee, *Chief Magistrate*
Helen L. Rowlands, *Magistrate*
Daniel N. Kosanovich, *Mediator*



Clinton County Court of Common Pleas

Michael Sutton, *Bailiff*
Robert Wisecup, *Bailiff*
Lori Luttrell, *Admin. Asst.*
Beth Klemetsen, *Admin. Asst.*

937-382-3640 Phone

commonpleas@clintoncountycourts.org
46 S. South Street, Wilmington, Ohio 45177

937-383-3455 Fax

Continual changes in Ohio law make it nearly impossible for parties to complete a divorce or dissolution involving minor children without the representation of a licensed attorney. All divorce decrees and decrees of dissolution involving minor children must contain orders providing for matters such as child support, health insurance, parenting time, notice of intent to relocate, application for Child Support Enforcement services and the list goes on.

These requirements are technical in nature and not within the knowledge of the average lay person. The Court cannot provide you legal advice and cannot help you draft the documents. You are strongly urged to seek the advice of an attorney even if you believe that your divorce or dissolution is relatively simple and you can agree upon the terms. An attorney can help put your agreement into the proper legal format and save you the time and aggravation of going through this process only to find that your divorce or dissolution cannot be granted.

The Court cannot grant your dissolution or divorce until **all** of the statutory requirements are met. You are urged to consider this warning prior to spending the deposit required for the filing of your divorce or dissolution papers. Not all of this money can be refunded once you file. The Clerk must, by law, recoup her actual costs for processing these papers. You are therefore advised to consult with an attorney prior to attempting to file on your own.

Sincerely,

John W. Rudduck
Judge

JWR/III

APPENDIX 1

Documents Required for Filings

**CLINTON COUNTY COURT OF COMMON PLEAS
DIVISION OF DOMESTIC RELATIONS
DOCUMENTS REQUIRED FOR FILINGS**

DISSOLUTION WITH CHILDREN

INITIAL FILINGS

- Petition
- Separation Agreement
- Waiver of Service
- Waiver of Representation (unless both parties are represented)
- Affidavit of Property (Form 1.0)
- Parenting Proceeding Affidavit – Pursuant to O.R.C. 3127.23(A) (Form 2.0)
- Motion for and Shared Parenting Plan (if applicable)
- Child Support Computation Worksheet (includes computation for cash medical) (Form 3.0)
- Health Insurance Affidavit
- IV-D Application (for child support)
- Copy of Valid Driver's License or Identification Card (Must be picture Identification)

FINAL FORMS

- Decree of Dissolution
 - Must attach Separation Agreement (Marital Separation Agreement)
- Final Decree of Shared Parenting (if applicable)
 - Must attach Shared Parenting Plan
- Child Support Computation Worksheet (or copy of previously filed) that includes computation for cash medical support

Parenting class to be completed BEFORE final hearing

DISSOLUTION WITHOUT CHILDREN

INITIAL FILINGS

- Petition
- Separation Agreement (Marital Settlement Agreement)
- Waiver of Service
- Waiver of Representation (unless both parties are represented by counsel)
- Affidavit of Property (completed and signed by both parties) (Form 1.0)
- Copy of Valid Driver's License or Identification Card (Must be picture identification)

FINAL FORMS

- Decree of Dissolution
 - Must attach Separation Agreement (Marital Settlement Agreement)
- Waiver of Magistrate's Decision – Objection Period (If applicable)

DIVORCE/LEGAL SEPARATION WITH CHILDREN

INITIAL FILINGS

- Complaint for Divorce or Legal Separation
- Motion for Temporary Orders, with supporting affidavits (Rule 75N Motion and Order can be found on Court's Website)
- Temporary Orders (Completed and with All attachments) or Notice of Hearing on Temporary Orders (If applicable)
- Affidavit of Property – Fully Completed (Form 1.0)
- Parenting Proceeding Affidavit Pursuant to O.R.C. 3127.23(A) (Form 2.0)
- Motion for and Shared Parenting Plan (If applicable)
- Child Support Computation Worksheet (includes computation for cash medical) (Form 3.0)
- IV-D Application (for child support)

RESPONSIVE PLEADINGS

- Answer, and if applicable, Counterclaim
- Affidavit of Property – Fully completed (Form 1.0)

FINAL FORMS

- Decree of Divorce or Legal Separation
- Final Decree of Shared Parenting (If applicable)
 - Must attach Shared Parenting Plan
- Child Support Computation Worksheet (or copy of previously filed) with computation for cash medical support
- Waiver of Magistrate’s Decision – Objection Period (If Applicable)

Parenting class to be completed BEFORE final hearing

DIVORCE/LEGAL SEPARATION WITHOUT CHILDREN

INITIAL FILINGS

- Complaint for Divorce or Legal Separation
- Motion for Temporary Orders with supporting affidavits (if applicable)
- Temporary Orders (completed and with all attachments) OR Notice of Hearing on Temporary Orders (if applicable)
- Affidavit of Property – Fully completed (Form 1.0)
- Instructions for Service
- Copy of Valid Driver’s License or Identification Card (Must be picture identification)

RESPONSIVE PLEADINGS

- Answer, and if applicable, Counterclaim
- Affidavit of Property – Fully completed (Form 1.0)

FINAL FORMS

- Decree of Divorce or Legal Separation
- Waiver of Magistrate’s Decision – Objection Period (If applicable)

Note: Qualified Domestic Relations Orders (QDRO) may be required in any of the foregoing actions if retirement assets are being divided in kind.

POST-DECREE MODIFICATION OF PARENTAL RIGHTS AND RESPONSIBILITIES (INCLUDING CHILD SUPPORT)

INITIAL FILINGS

- Motion
- Parenting Proceeding Affidavit – Pursuant to O.R.C. 3127.23(A) (Form 2.0)
- Motion for and Shared Parenting Plan (if applicable)
- Child Support Computation Worksheet (with computation for cash medical) (Form 3.0)

FINAL FORMS

- Entry of Modification
- Final Decree of Shared Parenting (If applicable)
 - Must attach Shared Parenting Plan
- Child Support Computation Worksheet (Or copy of previously filed) with computation for cash medical support
- Waiver of Magistrate’s Decision – Objection Period (If applicable)

Court personnel CANNOT, by law, give you legal advice. This form is used only to provide information concerning what documents this Court requires to be filed in your action. IF LEGAL ADVICE IS NECESSARY, YOU ARE STRONGLY ENCOURAGED TO CONSULT WITH AN ATTORNEY.

APPENDIX 3

Civil Rule 75(N) Motion for Temporary Orders

Civil Rule 75(N) Temporary Order

(Court Suggested Forms)

**IN THE COURT OF COMMON PLEAS
CLINTON COUNTY, OHIO**

Plaintiff,	:	CASE NO. _____
vs.	:	MOTION AND AFFIDAVIT FOR 75(N) TEMPORARY EX PARTE ORDERS (Parenting & Child Support)
Defendant.	:	

_____ moves the Court for a temporary order granting him/her:

- Residential Parenting Rights
- Child Support

upon his/her affidavit and without oral hearing, pursuant to Rule 75(N) of the Ohio Rules of Civil Procedure. The opposing party has 14 days from the date of service to file a counter motion and/or affidavits.

NOTE: Temporary spousal support requires a separate motion and hearing pursuant to Local Rules.

SECTION I: SEPARATION

For cause and upon being duly sworn, _____ states as follows:

- Plaintiff and Defendant are residing separate and apart and have been since _____.
- Parties are residing together and request an order for allocation of household expenses only.
- Parties are residing together, but planning to separate:
 - My spouse knows of the pending separation.
 - My spouse does not know of the pending separation.

Explain: _____

SECTION II: PARENTING

- I request to be the residential parent and legal custodian on a temporary basis.
- I have filed a 3127.23(A) Affidavit and have specifically addressed therein the child abuse/neglect, domestic violence, physical harm provisions of the Ohio Revised Code as those statutes pertain to both parents and this case.
- My current residential address and telephone number are:

Telephone: _____

- I have lived at the above address for: _____ Years _____ Months _____ Weeks
- The above address is located in the _____ school district.
- My spouse's current residential address and telephone number are:

Telephone: _____

- I have been the primary caretaker of our child(ren) since _____
- Explain: _____

- I have had actual physical custody of the minor child(ren) for at least ten (10) days preceding the filing of the Complaint.

Explain: _____

- The minor child(ren) attend(s) school at _____ and have been so enrolled since _____

- The current daycare provider for minor child(ren) is _____

Daycare provider address _____

Daycare provider phone number _____

This person has been caring for the child(ren) for: _____ Years _____ Months _____ Weeks

- I (am) or (am not) planning to change our child(ren)'s daycare provider.

- The special (physical, mental, educational disability) needs of the child(ren) are _____

Pursuant to Local Rule, the non-residential parent shall be granted parenting time (visitation) in accordance with the Court's Standard Parenting Schedule attached hereto. No supervised parenting time order will be granted unless the reasons therefore are stated with specificity in a separate motion filed with the Court.

IF STANDARD VISITATION IS NOT GRANTED IN THIS EX PARTE ORDER ISSUED AT MY REQUEST, I UNDERSTAND THAT I MUST SET UP AND BE AVAILABLE FOR AN IMMEDIATE HEARING ON THE VISITATION ISSUE.

- I am aware that children need both their parents' love and respect. I am further aware that both my spouse and I must attend a parental education course that helps explain how divorce can negatively impact children, and what I can do to lessen that negative impact on our own children.
- Recognizing that the 75(N) Order is temporary only, my position on further parenting allocation is as follows:
 - I (have) or (have not) requested shared parenting.
 - I (object) or (do not object) to shared parenting.
 - I (have) or (have not) filed a shared parenting plan.
 - I (do) or (do not) request a mediation order at this time.
 - I (am) or (am not) willing to attend mediation.

SECTION III: CHILD SUPPORT

- I have no other income except as set forth in my Affidavit of Income, Expenses and Financial Disclosure.
- There is no reason known to me why I cannot continue my employment.
- The reason I cannot work or continue to work is: _____

- I believe my spouse's income to be approximately \$ _____ gross per week based upon:

- There was no previous filing in this Court which left an arrearage on records of the CSEA.
- This affidavit is being filed only in conjunction with a Complaint.
- This counter affidavit is being filed in response to an affidavit filed by (Plaintiff) or (Defendant).
- I request the Court to make the following support orders:
 - Child Support in the amount of \$ _____ per month (MUST ATTACH WORKSHEET)
(Deviation on ex parte order is not permissible under Local Rules).

Other: _____

ATTACH ADDITIONAL PAGES AS NECESSARY

STATE OF OHIO,
COUNTY OF CLINTON, SS:

_____ herein, being first duly sworn, says that the facts stated herein
are true as he/she verily believes.

Signature of (Plaintiff) or (Defendant)

Sworn to before me and subscribed in my presence this _____ day of _____, 20_____.

Notary Public

Respectfully submitted,

Attorney for (Plaintiff) or (Defendant)
Supreme Court No. _____
Address and Telephone: _____

If this Motion and Affidavit are included with filing of the Complaint, request Clerk to serve with Complaint and Summons.
If this Motion and Affidavit are filed after Complaint is served, add Certificate of Service for service by regular mail.

**IN THE COURT OF COMMON PLEAS
CLINTON COUNTY, OHIO**

_____	:	CASE NO. _____
Plaintiff,	:	
	:	MAGISTRATE’S TEMPORARY
vs.	:	ORDER
	:	
_____	:	
Defendant.	:	

This matter came before Magistrate Helen L. Rowlands on the _____ day of _____, 20_____, for hearing on temporary orders and pretrial. Present before the Court were: Plaintiff with counsel _____; and Defendant with counsel _____.

NATURE OF TEMPORARY ORDER

Temporary Orders are just as they indicate - temporary in nature. When there is no agreement between the parties on Temporary Orders, the Magistrate attempts to devise a schedule with the intent of maintaining stability in the life of the child(ren) considering the limited testimony given at a hearing on such Orders (or information provided to the Court by counsel). The Magistrate considers the testimony and looks toward maintaining stability and also considers any possible safety issues or other issues to effectuate a parenting order (transportation, exchanges, etc). At the Temporary Order stage, there have been no investigations concerning a permanent (modifiable) order based on best interest of the child(ren). Wherefore, the Temporary Order may or may not be adopted as a final order depending on each individual case and the evidence presented at hearing in a final action if there is no agreement between the parties.

TEMPORARY ORDER

1. _____ (Mother/Father) is designated as the residential parent and legal custodian of the parties’ minor child(ren).
2. _____ (Mother/Father) is designated as the non-residential parent of the parties’ minor child(ren) and shall have parenting time as follows:
 - Pursuant to Clinton County Standard Parenting Schedule (copy provided to parties and found in Appendix 5 of Local Rules) WITH the following modifications:

Other: _____

3. Other parenting issues: _____

TEMPORARY CHILD SUPPORT

4. Mother OR Father is the Child Support Obligor for purposes of this Order and this Order for child support and cash medical support is effective _____.

5. Mother OR Father is the Child Support Oblige for purposes of this Order.

6. The worksheet used to compute child support and cash medical support under Ohio Revised Code 3119.022 or 3119.023 is attached.

This Order is consistent with the basic child support schedule and worksheet attached hereto.

This Order is deviated pursuant to O.R.C. 3119.22 and O.R.C. 3199.23 based upon the following factors: _____

7. That the Child Support Obligor shall pay child support for the minor child(ren) named in this Order as follows:

Current Support	
Cash Medical Support	
Processing Charge	
TOTAL	

8. All payments of support shall be made through Ohio Child Support Payment Central at the following address:

- (1) Payments made directly by the Obligor must be mailed to Ohio Child Support Payment Central, P.O. Box 182373, Columbus, Ohio 43218-2372; or
- (2) Payments made by wage deduction must be paid through Ohio Child Support Payment Central, P. O. Box 182394, Columbus, Ohio 43218-2394.

Any payment not made through Ohio Child Support Payment Central shall be deemed a gift.

9. Pursuant to Local Rule, neither party may change or fail to renew existing health insurance coverage on the minor child(ren). Both the Obligor and the Obligee shall obtain private health insurance coverage for the children if coverage is available for the children at a reasonable cost to both the Obligor and Obligee and dual coverage would provide for coordination of medical benefits without unnecessary duplication of coverage. Reasonable cost is defined as the contributing cost of the private insurance to the person responsible for the health care of the children subject to the Order that does not exceed an amount equal to 5 percent of the annual gross income of that person.

ORDERED this _____ day of _____, 20_____.

Magistrate

Pursuant to Civ.R. 53(C)(3)(b), any person may appeal to the court from any order of a magistrate entered under Civ.R. 53(C)(3)(a) by filing a motion to set the order aside stating the party's objections with particularity no later than ten (10) days after the magistrate's order is entered.

APPENDIX 4

Child Support Notifications

(Mandatory Attachment for all Orders with Child Support)

EACH PARTY TO THIS SUPPORT ORDER MUST NOTIFY THE CHILD SUPPORT ENFORCEMENT AGENCY IN WRITING OF HIS OR HER CURRENT MAILING ADDRESS, CURRENT RESIDENCE ADDRESS, CURRENT RESIDENCE TELEPHONE NUMBER, CURRENT DRIVER'S LICENCE NUMBER, AND OF ANY CHANGES IN THAT INFORMATION. EACH PARTY MUST NOTIFY THE AGENCY OF ALL CHANGES UNTIL FURTHER NOTICE FROM THE COURT OR AGENCY, WHICHEVER ISSUED THE SUPPORT ORDER.

IF YOU ARE THE OBLIGOR UNDER A CHILD SUPPORT ORDER AND YOU FAIL TO MAKE THE REQUIRED NOTIFICATIONS, YOU MAY BE FINED UP TO \$50 FOR A FIRST OFFENSE, \$100 FOR A SECOND OFFENSE, AND \$500 FOR EACH SUBSEQUENT OFFENSE. IF YOU ARE AN OBLIGOR OR OBLIGEE UNDER ANY SUPPORT ORDER ISSUED BY A COURT AND YOU WILLFULLY FAIL TO GIVE THE REQUIRED NOTICES, YOU MAY BE FOUND IN CONTEMPT OF COURT AND BE SUBJECTED TO FINES UP TO \$1,000 AND IMPRISONMENT FOR NOT MORE THAN 90 DAYS.

IF YOU ARE AN OBLIGOR OR OBLIGEE AND YOU FAIL TO GIVE THE REQUIRED NOTICES TO THE CHILD SUPPORT ENFORCEMENT AGENCY, YOU MAY NOT RECEIVE NOTICE OF THE CHANGES AND REQUESTS TO CHANGE THE CHILD SUPPORT AMOUNT, HEALTH CARE PROVISIONS, OR TERMINATION OF THE CHILD SUPPORT ORDER. IF YOU ARE AN OBLIGOR AND YOU FAIL TO GIVE THE REQUIRED NOTICES, YOU MAY NOT RECEIVE NOTICE OF THE FOLLOWING ENFORCEMENT ACTIONS AGAINST YOU: IMPOSITION OF LIENS AGAINST YOUR PROPERTY; LOSS OF YOUR PROFESSIONAL OR OCCUPATIONAL LICENSE, DRIVER'S LICENSE, OR RECREATIONAL LICENSE; WITHHOLDING FROM YOUR INCOME; ACCESS RESTRICTION AND DEDUCTION FROM YOUR ACCOUNTS IN FINANCIAL INSTITUTIONS; AND ANY OTHER ACTION PERMITTED BY LAW TO OBTAIN MONEY FROM YOU TO SATISFY YOUR SUPPORT OBLIGATION.

The residential parent and legal custodian of a child for whom a child support order is issued, or the person who otherwise has custody of a child for whom a child support order is issued, **shall immediately** notify the appropriate child support enforcement agency administering the child support order of any reason for which the child support order should terminate. Further, the Obligor under a child support order **may** notify the appropriate child support enforcement agency administering the child support order of any reason for which the child support order should terminate. Reasons for which a child support order should terminate include all of the following:

- * The child's attainment of the age of majority if the child no longer attends an accredited high school on a full-time basis and the child support order requires support to continue past the age of majority only if the child continuously attends such a high school after attaining that age;
- * The child ceasing to attend an accredited high school on a full-time basis after attaining the age of majority, if the child support order requires support to continue past the age of majority only if the child continuously attends such a high school after attaining that age;
- * The child's death;
- * The child's marriage;
- * The child's emancipation;
- * The child's enlistment in the armed services;
- * The child's deportation;
- * Change of legal custody of the child.

A FAILURE TO NOTIFY THE CHILD SUPPORT AGENCY AS REQUIRED BY THIS ORDER IS CONTEMPT OF COURT

CHILD SUPPORT NOTICES/ORDERS REQUIRED BY OHIO LAW - PAGE 2

(Hereby incorporated into the Support Order in this case)

RELOCATION NOTICE: UNLESS THIS COUNTY'S LOCAL RULE REGARDING RELOCATION IS INCORPORATED INTO YOUR ORDER, THEN: Pursuant to Ohio Revised Code Section 3109.051(G), the parties hereto are hereby notified as follows:

IF THE RESIDENTIAL PARENT INTENDS TO MOVE TO A RESIDENCE OTHER THAN THE RESIDENCE SPECIFIED IN THE PARENTING TIME ORDER OR DECREE OF THE COURT, THE PARENT SHALL FILE A NOTICE OF INTENT TO RELOCATE WITH THE COURT THAT ISSUED THE ORDER OR DECREE. UNLESS OTHERWISE ORDERED PURSUANT TO O.R.C. 3109.051(G)(2), (3) AND (4), THE COURT SHALL SEND A COPY OF THE NOTICE TO THE PARENT WHO IS NOT THE RESIDENTIAL PARENT. UPON RECEIPT OF THE NOTICE, THE COURT, ON ITS OWN MOTION OR THE MOTION OF THE PARENT WHO IS NOT THE RESIDENTIAL PARENT, MAY SCHEDULE A HEARING WITH NOTICE TO BOTH PARENTS TO DETERMINE WHETHER IT IS IN THE BEST INTEREST OF THE CHILD(REN) TO REVISE THE PARENTING TIME SCHEDULE FOR THE CHILD.

RECORDS ACCESS NOTICE: Pursuant to Ohio Revised Code Sections 3109.051(H) and 3319.321(B)(5)(a), the parties hereto are hereby notified as follows:

EXCEPT AS SPECIFICALLY MODIFIED OR OTHERWISE LIMITED BY COURT ORDER, AND SUBJECT TO O.R.C. SECTIONS 3125.16 AND 3319.321(F), A PARENT OF A CHILD WHO IS NOT THE RESIDENTIAL PARENT OF THE CHILD IS ENTITLED TO ACCESS, UNDER THE SAME TERMS AND CONDITIONS UNDER WHICH ACCESS IS PROVIDED TO THE RESIDENTIAL PARENT, TO ANY RECORD THAT IS RELATED TO THE CHILD AND TO WHICH THE RESIDENTIAL PARENT OF THE CHILD LEGALLY IS PROVIDED ACCESS. IF THE COURT DETERMINES THAT THE NON-RESIDENTIAL PARENT SHOULD NOT HAVE THE SAME ACCESS TO SAID RECORDS AS THE RESIDENTIAL PARENT, SAID COURT SHALL ISSUE AN ORDER CONTAINING THE TERMS AND CONDITIONS TO BOTH THE RESIDENTIAL PARENT AND THE NON-RESIDENTIAL PARENT. ANY KEEPER OF A RECORD WHO KNOWINGLY FAILS TO COMPLY WITH THIS ORDER IS IN CONTEMPT OF COURT.

DAY CARE CENTER ACCESS NOTICE: Pursuant to Ohio Revised Code Sections 3109.051(I), the parties hereto are hereby notified as follows:

THE COURT ISSUING A PARENTING TIME ORDER OR DECREE PURSUANT TO THIS SECTION OR O.R.C. 3109.12 SHALL DETERMINE WHETHER THE PARENT GRANTED THE RIGHT OF PARENTING TIME IS TO BE PERMITTED ACCESS, IN ACCORDANCE WITH O.R.C. SECTION 5104.015, TO ANY CHILD DAY-CARE CENTER THAT IS, OR THAT IN THE FUTURE MAY BE, ATTENDED BY THE CHILDREN WITH WHOM THE RIGHT OF PARENTING TIME IS GRANTED. UNLESS THE COURT DETERMINES OTHERWISE, THE PARENT WHO IS NOT THE RESIDENTIAL PARENT AND WHO IS GRANTED PARENTING TIME RIGHTS IS ENTITLED TO ACCESS TO THE CENTER TO THE SAME EXTENT THAT THE RESIDENTIAL PARENT IS GRANTED ACCESS TO THE CENTER. IF THE COURT DETERMINES THAT THE NON-RESIDENTIAL PARENT SHOULD NOT HAVE THE SAME ACCESS TO SAID CENTER AS THE RESIDENTIAL PARENT, SAID COURT SHALL ISSUE AN ORDER CONTAINING THE TERMS AND CONDITIONS OF ACCESS (WHICH SHALL NOT BE GREATER THAN THE ACCESS THAT IS PROVIDED TO THE RESIDENTIAL PARENT) AND THE COURT SHALL INCLUDE SAID TERMS AND CONDITIONS OF ACCESS IN THE PARENTING TIME ORDER OR DECREE.

SCHOOL ACTIVITIES NOTICE: Pursuant to Ohio Revised Code Section 3109.051(J), the parties hereto are hereby notified as follows:

EXCEPT AS SPECIFICALLY MODIFIED OR OTHERWISE LIMITED BY COURT ORDER, AND SUBJECT TO O.R.C. 3319.321(F), THE PARENT OF THE CHILD WHO IS NOT THE RESIDENTIAL PARENT OF THE CHILD IS ENTITLED TO ACCESS, UNDER THE SAME TERMS AND CONDITIONS UNDER WHICH ACCESS IS PROVIDED TO THE RESIDENTIAL PARENT, TO ANY STUDENT ACTIVITY THAT IS RELATED TO THE CHILD AND TO WHICH THE RESIDENTIAL PARENT OF THE CHILD LEGALLY IS PROVIDED ACCESS. IF THE COURT DETERMINES THAT THE NON-RESIDENTIAL PARENT SHOULD NOT HAVE THE SAME ACCESS TO SAID STUDENT ACTIVITIES AS THE RESIDENTIAL PARENT, SAID COURT SHALL ISSUE AN ORDER CONTAINING THE TERMS AND CONDITIONS TO BOTH THE RESIDENTIAL PARENT AND THE NON-RESIDENTIAL PARENT. ANY SCHOOL OFFICIAL OR EMPLOYEE WHO KNOWINGLY FAILS TO COMPLY WITH THIS ORDER IS IN CONTEMPT OF COURT.

(Revised 2-11-19)

APPENDIX 5

Court's Standard Parenting Schedule

EXHIBIT B
STANDARD PARENTING SCHEDULE
CLINTON COUNTY COURT OF COMMON PLEAS

IT IS RECOGNIZED THAT EACH SITUATION AND EACH CHILD IS DIFFERENT, AND IT IS PREFERRED THAT PARENTS TAILOR THE PARENTING SCHEDULE TO MEET THE SPECIFIC NEEDS OF THEIR CHILDREN. In the event they cannot, the court has established the following guidelines for parenting time. Parties are encouraged to create their own parenting time plans. For parties who cannot agree, however, the Court has designed this plan to ensure that minor children have frequent and consistent contact with both parents.

If you have objections to this plan because of special circumstances (e.g. travel time, work schedules) or problems (e.g. substance abuse, mental illness, violence), be prepared to present specific facts in a scheduled hearing to show why this parenting time schedule is not in the best interests of your children.

If a child indicates a strong opposition to being with the non-residential parent, it shall be the responsibility of both parents to appropriately deal with the situation by calmly discussing with the child his or her reasons, and to work together to alleviate those misgivings without confrontation or argument. It is the absolute affirmative duty of each parent to foster an environment which avoids such problems, and to make certain that the children enjoy companionship with both parents.

If there is a willful denial of companionship by either parent, the court may make a finding of contempt, and order appropriate sanctions, which may include incarceration, fine and attorney fees. Further, a parent's interference with the parenting time of the other parent may be considered a change of circumstances allowing the court to modify the allocation of parental rights and responsibilities.

PARENTING TIME

A. **INFANTS: 0 - 6 MONTHS**

The non-residential parent may spend time with the child(ren) away from the residential parent's residence every Tuesday and Thursday evening from 5:30 p.m. to 7:30 p.m. and one day each weekend, alternating between Saturday and Sunday, from 3:00 p.m. to 5:00 p.m.

Christmas Parenting Time: For child(ren) between the ages of 0 and 6 months, the non-residential parent shall be entitled to additional parenting time from 2:00 p.m. until 4:00 p.m. on Christmas Day.

When exercising parenting time with infants between the ages of 0 to 6 months, the parties are encouraged to consider the special needs of the children (need for breast feeding, etc.).

B. **CHILDREN: 6 - 12 MONTHS**

From 6 months of age to 12 months of age, the non-residential parent may spend time with the child(ren) as follows: Every Tuesday and Thursday evening from 5:30 p.m. to 8:30 p.m. and on alternating weekends from Saturday at 10:00 a.m. to Sunday at 6:00 p.m.

Christmas Parenting Time: For child(ren) 6 months of age to 12 months of age, the non-residential parent shall be entitled to additional parenting time from 3:30 p.m. until 8:00 p.m. on Christmas Day.

If a child is between the age of 6 months and 12 months and has an older brother or sister over the age of 12 months who is exercising holiday visitation with the non-residential parent, then the holiday visitation schedule for the infant child shall be the same as the older brother or sister. (See Holidays and Special Days schedule for children 12 months through majority).

C. **CHILDREN 12 MONTHS THROUGH MAJORITY**

1. **Weekends**: Alternate weekends beginning Friday at 6:00 p.m. and ending Sunday at 6:00 p.m.
2. **Weekdays**: Every Wednesday (or other day by agreement) from 5:30 p.m. to 8:30 p.m.
3. **Holidays and Special Days**:

In even-numbered years, the non-residential shall have the minor child(ren) on:
In odd-numbered years, the residential shall have the minor child(ren) on:

Presidents' Day: Friday at 6:00 p.m. to Monday at 6:00 p.m.

Easter: Saturday at 6:00 p.m. to Sunday at 6:00 p.m.

July 4th: From 9:00 a.m. until 11:00 p.m.

Labor Day: Friday at 6:00 p.m. to Monday at 6:00 p.m.

Christmas/New Years: December 24th at 9:00 p.m. to January 1st at 6:00 p.m.

In odd-numbered years, the non-residential parent shall have the minor child(ren) on:
In even-numbered years, the residential parent shall have the minor child(ren) on:

Martin Luther King Day: Friday at 6:00 p.m. to Monday at 6:00 p.m.

Memorial Day: Friday at 6:00 p.m. to Monday at 6:00 p.m.

Thanksgiving: Wednesday night at 6:00 p.m. to Thursday at 6:00 p.m. unless the following weekend is the non-residential parent's parenting time. If the following weekend is the non-residential parent's parenting time, he/she shall keep the minor child(ren) until Sunday at 6:00 p.m.

Christmas: December 21st or the last day of school, whichever first occurs, at 6:00 p.m. to December 24th at 9:00 p.m. (Note: If the child(ren) are in school, the time starts on the last day of school. If two or more children and only one child in school, the time starts for all children on the last day of school).

Spring Break: Commencing at 6:00 p.m. on the Sunday after school recesses for break until 6:00 p.m. the following Sunday.

Other Special Days:

Mother's Day: Child to be with Mother from 6:00 p.m. Saturday until 6:00 p.m. Sunday.

Father's Day: Child to be with Father from 6:00 p.m. Saturday until 6:00 p.m. Sunday.

Birthdays: The child's birthday shall be celebrated in the home of the residential parent unless his birthday falls on a scheduled parenting time with the non-residential parent. If the child's birthday falls during the residential parent's parenting time, the non-residential parent shall have the child from 5:30 p.m. until 8:30 p.m. the evening before the child's birthday. Likewise, if

the child's birthday falls during the non-residential parent's parenting time, the residential parent shall have the child from 5:30 p.m. until 8:30 p.m. the evening before the child's birthday.

4. **Extended Parenting Time:**

Each parent shall have extended parenting time with the child(ren) up to four weeks per year.

The extended parenting time for ages 12 months to 4 years shall be exercised in weekly intervals and shall be non-consecutive weeks absent an agreement of the parties to the contrary.

The extended parenting time for ages 4 years through 9 years shall be exercised in weekly intervals not to exceed two consecutive weeks at a time, absent an agreement of the parties to the contrary.

The extended parenting time for ages 10 years through majority may be taken in any arrangement of weekly intervals including up to four weeks consecutive. If either parent exercises extended parenting time for four consecutive weeks, the other parent shall be entitled to parenting time after the first two weeks from Friday at 6:00 p.m. until Sunday at 6:00 p.m. during the four week extended parenting time. The parent who exercises the extended time for four consecutive weeks is not entitled to make-up time for the weekend time granted to the other parent during this four week parenting period.

The Court assumes most extended parenting time will be exercised during the summer months after the child(ren) have completed the school year. However, if the time is exercised during the school year, the parent exercising the extended parenting time must see that the child(ren) attend(s) school and all school activities in which the child(ren) are involved unless other arrangements are made with the school.

Further, any extended parenting time during the school year cannot exceed 9 days (including two weekends) so that the child(ren) miss no more than one full week of school classes. Provided, however, that the child(ren) shall not be permitted to miss any school days without the prior written consent of the school.

Extended weekly parenting time shall begin and end on Friday absent agreement of the parties. Each parent must give the other parent 30 days prior written notice of the dates he or she intends to have extended parenting time with the child(ren). In the case of conflict, the schedule of the parent who first gives written notice to the other parent shall prevail.

5.

Summer Vacations and Travel:

The summer break is defined as beginning the Friday after the last day the child(ren) attend(s) school at 6:00 p.m., through the Friday one full week before school reconvenes at 6:00 p.m.

If either parent takes the child on vacation away from his/her residence even during that parent's designated parenting time, the parent taking the child must notify the other parent of the vacation, including the destination, phone numbers where he or she can be reached, times of arrival and departure, and method of travel. Further, the child shall be allowed access to a telephone to contact the other parent as the needs and wishes of the child(ren) dictate.

GENERAL RULES REGARDING PARENTING TIME

CONFLICTING SCHEDULES:

In the event of any conflict between parenting time schedules, the following is the order of precedence:

1. Holidays
2. Vacation Periods (Including Spring Break)
3. Weekends and Mid-Week Days

For example, one parent may not schedule his or her summer vacation to include July 4th if July 4th is the other parent's holiday that year. NOTE: Easter is a holiday; Spring Break is a vacation period.

TRANSPORTATION:

Unless the parties can agree otherwise, transportation for parenting time to be provided by the parent receiving the child(ren). (Example: If the child is going to visit with Father, Father provides transportation. If child is going back to be with the Mother, then Mother provides that transportation.).

A responsible adult designated by the receiving parent and known by the child(ren) can substitute as a provider of transportation provided that person has a valid driver's license.

All transporting parents or designated parties must have proper restraint devices for the age/weight of the child(ren) as required by law.

ILLNESS:

If a child is too ill for parenting time, the residential parent should notify the non-residential parent at least twenty-four (24) hours in advance, if possible. A child who is confined to bed rest pursuant to a doctor's instructions, or who has a fever of 100 degrees Fahrenheit or greater and other signs of illness is presumed too ill for parenting time. If a child has a less severe illness or medical condition, the parents shall consider the nature of the illness (whether it may be contagious, or the child is physically uncomfortable, etc.), the care necessary, the ability to provide the care, exposure of the illness to others, parenting time plans, and any other important matters. If the parents agree that the child should go for the parenting time period, then the residential parent shall provide the parenting time parent with all appropriate medications and/or medical instructions, which shall be administered or followed by the parenting time parent. The parenting time parent must care for the child as directed, and notify the other parent if the child's condition worsens, or does not improve as might reasonably be expected.

Any weekend parenting time that is missed under this provision shall be made up the following weekend. Said makeup time will result in the parent receiving the makeup time having two consecutive weekends (the makeup weekend and his/her next scheduled weekend which falls on the very next weekend).

SUPPORT OF PARENTING TIME:

If a child indicates a strong opposition to being with the other parent, it is the responsibility of each parent to appropriately deal with the situation, by calmly talking to the child as to the child's reasons, and to work with the other parent to do what is in the child's best interests, and particularly, to avoid confrontation or unpleasant scenes. If the matter is not settled, either parent may seek the immediate assistance of a mental health professional or file a motion. As uncomfortable as this issue may be for a parent, this issue should not go unresolved.

TELEPHONE AND MAIL:

Each parent must keep the other parent informed of his or her current HOME telephone number and address within ten days of any change thereof (unless this Court has ordered otherwise). If there is no home phone, the parties must supply a working cell phone number and assure that the cell phone is in proper working order.

Both parents shall encourage free communications between the child and the other parent and shall not do anything to impede or restrict reasonable communications by telephone or mail between the child or the parent. Any telephone conversations and/or mail between the child and either parent shall be strictly confidential and shall not be monitored, eavesdropped, recorded, opened or read by the other parent.

If the parents cannot agree on telephone contact, the non-residential parent shall have telephone privileges at least three times per week. Phone calls should be made during the normal hours a child is awake. If the child(ren) is unavailable, the parent with the child(ren) shall be responsible to see that the child(ren) timely returns the call. If the child(ren) wants to call the other parent, he/she/they shall be permitted to do so at any time with no exceptions. If the call from the child(ren) is long distance, it shall be collect unless the parent the child is staying with agrees otherwise.

PROMPTNESS:

Each parent shall be prompt for the pick-up and return of the child at parenting time. The residential parent has no duty to wait for the non-residential parent to pick up the child more than fifteen (15) minutes unless the non-residential parent notifies the residential parent that he/she will be late and the residential parent agrees to wait. If the non-residential parent is more than fifteen (15) minutes late and has not notified the residential parent, he/she loses his/her parenting time. The parent returning the child shall not return the child before the end of the stated period unless otherwise agreed in advance.

CLOTHING/MEDICATIONS:

The residential parent shall send with the child(ren) on parenting time sufficient clothing and outerwear appropriate for the season and for any known planned activities. For the weekend, this shall consist of a minimum of a coat and shoes appropriate for the weather, two extra sets of play clothes, one dress outfit and underwear, in addition to the clothes the children are wearing at the time of the start of the weekend. In the case of infants, the residential parent shall send with the child(ren) sufficient bottles, formula and diapers and shall inform the non-residential parent of the child's sleeping and eating schedules. The non-residential parent shall return all items that are sent with the child(ren) at the end of his or her parenting time.

Further, the residential parent shall send with the child(ren) on parenting time all prescribed medications with a schedule of the dosage and time the child last took the medication, the dosage and time of dosages which must be taken during the parenting time. Each parent shall assure that the child(ren) properly take the prescribed medication.

Each parent must provide the other parent with a copy of any existing insurance card or medical card which provides benefits or coverage for the benefit of the minor child(ren).

CHILD'S POSSESSIONS:

The child shall be entitled to take clothing and items of personal property to each parent's household. Gifts given to the child shall not be restricted to one household unless special circumstances make it unreasonable to move the item between households. Normally,

special circumstances would be deemed to apply to computer hardware (not software), video game systems (not the individual game software) and large items that cannot be easily transported. Each parent shall use due diligence to ensure that items brought from the other household are returned with the child in good condition.

SCHOOLWORK:

A parent must provide time for the child(ren) to study and complete homework assignments, papers or other school assigned projects, even if the completion of this work interferes with the parent's plans with the children. If school work is assigned by the school prior to the parenting time, the residential parent must inform the other parent of the work to be done, and it must be completed during the parenting time period.

COOPERATION:

Both parents shall refrain from criticizing the other parent or arguing with the other parent in the presence of the child(ren).

CHANGE OF RESIDENCE OF EITHER PARENT:

A. THE FOLLOWING PROVISION APPLIES FOR CASES HEARD IN THE CLINTON COUNTY COMMON PLEAS DOMESTIC RELATIONS DIVISION:

Both parents shall give written notice to the other parent at least 30 days prior to any intent to change address or phone number unless a restrictive order has been obtained from the Court (notice must be sent certified mail with return receipt or hand delivered by one party to the other). A copy of the notice shall be provided to the Clerk of Courts, Clinton County Court of Common Pleas, Clinton County Courthouse, Wilmington, Ohio 45177.

Neither parent may relocate the children out of Clinton County (or the County where the children presently reside) without first obtaining a modified parenting time order. The parties may submit an agreed order modifying parenting time, with a provision for allocation of transportation expenses, to the Court for adoption by the Court as an order. If the parents are unable to agree, the moving parent shall PRIOR TO RELOCATION:

1. File a motion asking the Court to modify the parenting time schedule;
2. Set a hearing; and
3. Obtain a modified parenting time order.

No continuances of the hearing will be granted without written permission of the Court. (See Local Rule).

B. THE FOLLOWING PROVISION APPLIES FOR CASES HEARD IN THE CLINTON COUNTY COMMON PLEAS COURT JUVENILE DIVISION:

The residential parent shall file a Notice of Intent to Relocate if the parent intends to move to a residence other than the residence specified in the parenting time order. The Notice shall be filed with the Juvenile Court at least thirty (30) days before the intended relocation. The address of the Juvenile Court is: Clinton County Common Pleas Court, Juvenile Division, Clinton County Courthouse, Wilmington, Ohio 45177.

If the parenting order provides for shared parenting of a child, each parent is the residential parent unless the order clearly states otherwise.

Unless a restrictive order has been issued, or is requested, the Court will send a copy of the Notice to the other parent.

It is the responsibility of each parent to notify the Court of any change of the parent's mailing address.

Any parent who receives a Notice of Intent to Relocate may request that a hearing be scheduled to determine whether it is in the best interest of the child to revise the parenting time schedule for the child. The Court, upon its own motion, may also schedule a hearing.

After a hearing has been set, the Court, upon the request of a parent or upon its own motion, may issue an order restraining either parent from relocating the child until the Court determines if relocation would be in the best interest of the child.

ACCESS TO SCHOOL, MEDICAL AND OTHER RECORDS:

Pursuant to Ohio Revised Code, the non-residential parent is entitled to access under the same terms and conditions under which access is provided to the residential parent to any record related to the child, and any student activity related to the child, or any public school, private school, or daycare that is, or may be in the future, attended by the child.

The residential parent shall promptly notify the non-residential parent of any information received concerning parent-teacher meetings, school club meetings, school programs, athletic schedules, and any other school or church activities in which the child may be engaged or interested. The non-residential parent shall be responsible for the child's participation in the aforesaid activities during any periods of visitation.

The residential parent shall furnish to the non-residential parent a photocopy of the child's grade card or report, and copies of any other reports concerning the child's status or progress at school. NOTE: If the residential parent fails to furnish copies to the non-residential parent, the non-residential parent should contact the school and request he/she be added as a party to receive copies directly from the school.

APPENDIX 6

Mutual Restraining Order

First Pretrial Hearing Notice and Mandatory Discovery Notice

**THESE FORMS SHALL BE ISSUED BY THE COURT
(Parties Should Not Prepare and File)**

**IN THE COURT OF COMMON PLEAS
CLINTON COUNTY, OHIO**

Plaintiff/Petitioner I	:	CASE NO. _____
vs/and	:	
	:	MAGISTRATE'S ORDER MUTUAL RESTRAINING ORDER
Defendant/Petitioner II	:	

Upon the filing of the Complaint herein and pursuant to Local Rule 2.09, neither party shall:

- A. Threaten, abuse, annoy or interfere with the other party or the parties' child(ren);
- B. Incur debt in the name of the other party or in the parties' joint names;
- C. Sell, dispose, damage or allow a lien/loan to be placed against either or both parties' real or personal property (including money);
- D. Change or fail to renew the present health, life, home, automobile, or other insurance coverage or make any change regarding a retirement plan including changing any beneficiary designation (without notice and hearing or written agreement of the parties);
- E. Relocate the parties' minor child(ren) from Clinton County or their present address; and
- F. Claim the children as dependents on any income tax return.

This Order shall not prevent the payment of ordinary and necessary business and living expenses.

ORDERED this _____ day of _____, 20_____.

Helen L. Rowlands, Magistrate

Instructions to the Clerk: Copy to Plaintiff per Civil Rules, copy to Defendant with summons.

Amended: 3-1-11

IN THE COURT OF COMMON PLEAS
CLINTON COUNTY, OHIO

Plaintiff/Petitioner I : CASE NO. _____
vs/and : **MAGISTRATE'S ORDER**
: **FIRST PRETRIAL HEARING**

Defendant/Petitioner II : **MANDATORY DISCOVERY NOTICE**

This case is scheduled for a first pretrial or an uncontested divorce final hearing as follows:

_____, 20_____, at _____ a.m./p.m.

Pursuant to Local Rule 3.02 and 3.03:

- **If an Answer is not filed by Defendant within forty-two (42) days from service, this matter may proceed as an uncontested final divorce hearing.**
- If an Answer has been filed, the hearing will be a pretrial. Further pretrial hearings will be scheduled at the discretion of the Court.
- Unless excused by the Court or by agreement of counsel, trial counsel and the parties must attend all pretrial hearings.

MANDATORY DISCOVERY PURSUANT TO LOCAL RULE 3.03(B)

Pursuant to Local Rule 3.03(B), each party must give the other party specific information regarding assets and income by the discovery cutoff date designated at pretrial. (See Local Rule, Appendix 8). No scheduled final hearing can go forward until all discovery issues are resolved. Failure to comply could result in an award of attorney fees to opposing counsel.

ORDERED this _____ day of _____, 20_____.

Helen L. Rowlands, Magistrate

**NO CHILDREN SHALL BE BROUGHT TO ANY COURT HEARING
WITHOUT PRIOR APPROVAL OF THE COURT.**

APPENDIX 7

DR Form 1 – Notice of Presentation of Entry

Form 1.0 – Affidavit of Property

Form 1.1 – Affidavit of Income and Expenses

Form 2.0 – Parenting Proceeding Affidavit

Form 2.1 – Health Insurance Affidavit

Form 3.0 – Child Support Computation Worksheet

**IN THE COURT OF COMMON PLEAS
CLINTON COUNTY, OHIO**

_____ : CASE NO. _____
Plaintiff :
vs. : **NOTICE OF PRESENTATION OF**
_____ : **ENTRY**
Defendant. :

Now comes _____ by and through counsel and respectfully requests that this Court sign the attached Entry as it accurately reflects this Court's decision. The undersigned prepared the attached Entry and forwarded it to opposing counsel on _____. On _____ and _____, the undersigned attempted to contact opposing counsel to determine if there were any objections to the attached Entry. To date, no response has been received.

Therefore, _____, requests that if _____ does not file objections or provide this Court with his/her draft Entry within fourteen (14) days of the filing of this Notice, that this Court sign the attached Entry and file with the Court. In the event that _____ does file an objection or prepare his/her own Entry, _____ requests that this matter be set for hearing immediately.

Respectfully submitted,

Attorney for _____

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing Notice of Presentation of Entry upon _____, Attorney for _____, at _____ (address) by regular U.S. mail, postage prepaid, this ____ day of _____, 20____.

Attorney for _____

AFFIDAVIT

(To be attached to Divorce and Dissolution Pleadings)
 , SS:

STATE OF OHIO, COUNTY OF _____

		PLAINTIFF-PETITIONER	DEFENDANT-PETITIONER
1.	Name		
2.	Social Security No.		
3.	Name of Employer		
4.	Address of Employer		
5.	Gross Annual Income		
6.	Birthdate/# Times Married		

ASSETS:	Description	F.M.V.	Liens	Monthly Pyt	Net Equity
a)	Real Estate				
b)	Autos, Boats, Motorcycles, etc				
c)	Pension/Retirement Funds				
d)	Life Insurance (Cash Value)				
e)	Stocks, Bonds, Commercial Paper				
f)	Household Goods				
g)	Antiques/Jewelry Guns/Collectibles				
h)	Other (specify)				

i) Bank Accounts:	Account #1	Account #2	Account #3
Name of Bank			
Type of Account			
Account Number			
Account Balance			

DEBTS: Name of Person/Firm You Owe	Monthly Amt.	Current Balance

- If you need additional space to list assets and/or debts, check the box to the left and attach additional information.
- If there are minor children the issue of this marriage, check the box to the left and attach appropriate affidavits and C/S guidelines computation.

Affiant states this information to be complete and accurate to the best of his/her belief under penalty of law.

Sworn to before me and subscribed in my presence this _____ day of _____, 20__, at _____, Ohio.

Affiant _____

Notary Public _____

Affiant #2 (Dissolution) _____

AFFIDAVIT

STATE OF OHIO, COUNTY OF _____, ss:

1. Affiant's Name _____ Case No. _____

2. Affiant's Income from last year \$ _____

3. Affiant's expected income for current year \$ _____

4. Spouse's income from last year \$ _____

5. Spouse's expected income for current year \$ _____

6. Regular monthly expenses of affiant

(a) Rent _____

(b) Electric _____

(c) Phone (home/cell) h _____ c _____

(d) Water and Sewage _____

(e) Cable/internet _____

(f) Medical _____

(g) Heat _____

(h) Residence Mortgage Payment _____

(i) Residence Real Estate Taxes _____

(j) Residence Insurance _____

(k) Food _____

(l) School Lunches _____

(m) Health Insurance _____

(n) Car Payment _____

(o) Car Insurance _____

(p) Gasoline, oil for car _____

(q) Baby-sitter (work related) _____

(r) Baby-sitter (non-work-related) _____

(s) Life Insurance _____

(t) Recreation _____

(u) Monthly Savings/IRA/Investments _____

(v) Child-related Expenses not included above (specify) _____

(w) Total of monthly debts from 1.0 not already included _____

(x) Other (specify) _____

(y) Other (specify) _____

TOTAL MONTHLY EXPENSES _____

7. Name, age, and relationship of persons living in the same household as affiant:

8. State any exceptional circumstances that might affect the need for or the ability to pay temporary alimony.

Affiant states under oath this information to be complete and accurate to the best of his/her belief.

Affiant

Sworn to before me and subscribed in my presence this ____ day of _____, 20____.

Notary Public

FORM 2.0 PARENTING PROCEEDING AFFIDAVIT

COURT OF COMMON PLEAS

CLINTON COUNTY, OHIO

Plaintiff/Petitioner		Case No.	
	v./and	Judge	John W. Rudduck
Defendant/Petitioner/Respondent		Magistrate	Helen L. Rowlands

Instructions: Check local court rules to determine when this form must be filed.
 By law, an affidavit must be filed and served with the first pleading filed by each party in every parenting (custody/visitation) proceeding in this Court, including Dissolutions, Divorces and Domestic Violence Petitions. Each party has a continuing duty while this case is pending to inform the Court of any parenting proceeding concerning the child(ren) in any other court in this or any other state. **If more space is needed, add additional pages.**

PARENTING PROCEEDING AFFIDAVIT (R.C. 3127.23(A))

Affidavit of _____
 (Print Your Name)

Check and complete ALL THAT APPLY:

1. I request that the court not disclose my current address or that of the child(ren). My address is confidential pursuant to R.C. 3127.23(D) and should be placed under seal to protect the health, safety, or liberty of myself and/or the child(ren).
2. Minor child(ren) are subject to this case as follows:

Insert the information requested below for all minor or dependent children of this marriage. You must list the residences for all places where the children have lived for the last **FIVE** years.

a.	Child's Name: _____	Place of Birth: _____	
	Date of Birth: _____	Sex: <input type="checkbox"/> Male <input type="checkbox"/> Female	
	Period of Residence	Check if Confidential	Person(s) With Whom Child Lived (name & address)
	to present	<input type="checkbox"/> Address Confidential?	Relationship
_____	_____	_____	_____
_____	_____	<input type="checkbox"/> Address Confidential?	_____
_____	_____	<input type="checkbox"/> Address Confidential?	_____
_____	_____	<input type="checkbox"/> Address Confidential?	_____
_____	_____	<input type="checkbox"/> Address Confidential?	_____

FORM 2.0 PARENTING PROCEEDING AFFIDAVIT

b. Child's Name: _____ **Place of Birth:** _____

Date of Birth: _____ **Sex:** Male Female

Check this box if the information requested below would be the same as in subsection 2a and skip to the next question.

<u>Period of Residence</u>	<u>Check if Confidential</u>	<u>Person(s) With Whom Child Lived</u> (name & address)	<u>Relationship</u>
_____ to present	<input type="checkbox"/> Address Confidential?	_____	_____
_____ to _____	<input type="checkbox"/> Address Confidential?	_____	_____
_____ to _____	<input type="checkbox"/> Address Confidential?	_____	_____
_____ to _____	<input type="checkbox"/> Address Confidential?	_____	_____

c. Child's Name: _____ **Place of Birth:** _____

Date of Birth: _____ **Sex:** Male Female

Check this box if the information requested below would be the same as in subsection 2a and skip to the next question.

<u>Period of Residence</u>	<u>Check if Confidential</u>	<u>Person(s) With Whom Child Lived</u> (name & address)	<u>Relationship</u>
_____ to present	<input type="checkbox"/> Address Confidential?	_____	_____
_____ to _____	<input type="checkbox"/> Address Confidential?	_____	_____
_____ to _____	<input type="checkbox"/> Address Confidential?	_____	_____
_____ to _____	<input type="checkbox"/> Address Confidential?	_____	_____

IF MORE SPACE IS NEEDED FOR ADDITIONAL CHILDREN, ATTACH A SEPARATE PAGE AND CHECK THIS BOX .

3. Participation in custody case(s): (Check only one box.)

I **HAVE NOT** participated as a party, witness, or in any capacity in any other case, in this or any other state, concerning the custody of, or visitation (parenting time), with any child subject to this case.

I **HAVE** participated as a party, witness, or in any capacity in any other case, in this or any other state, concerning the custody of, or visitation (parenting time), with any child subject to this case. For each case in which you participated, give the following information:

FORM 2.0 PARENTING PROCEEDING AFFIDAVIT

- a. Name of each child: _____
- b. Type of case: _____
- c. Court and State: _____
- d. Date and court order or judgment (if any): _____

IF MORE SPACE IS NEEDED FOR ADDITIONAL CUSTODY CASES, ATTACH A SEPARATE PAGE AND CHECK THIS BOX .

4. Information about other civil case(s) that could affect this case: (Check only one box.)

- I **HAVE NO INFORMATION** about any other civil cases that could affect the current case, including any cases relating to custody, domestic violence or protection orders, dependency, neglect or abuse allegations or adoptions concerning any child subject to this case.
- I **HAVE THE FOLLOWING INFORMATION** concerning other civil cases that could affect the current case, including any cases relating to custody, domestic violence or protection orders, dependency, neglect or abuse allegations or adoptions concerning a child subject to this case. Do not repeat cases already listed in Paragraph 3. Explain:

- a. Name of each child: _____
- b. Type of case: _____
- c. Court and State: _____
- d. Date and court order or judgment (if any): _____

IF MORE SPACE IS NEEDED FOR ADDITIONAL CASES, ATTACH A SEPARATE PAGE AND CHECK THIS BOX .

5. Information about criminal case(s):

List all of the criminal convictions, including guilty pleas, for you and the members of your household for the following offenses: any criminal offense involving acts that resulted in a child being abused or neglected; any domestic violence offense that is a violation of R.C. 2919.25; any sexually oriented offense as defined in R.C. 2950.01; and any offense involving a victim who was a family or household member at the time of the offense and caused physical harm to the victim during the commission of the offense.

<u>Name</u>	<u>Case Number</u>	<u>Court/State/County</u>	<u>Convicted of What Crime?</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

IF MORE SPACE IS NEEDED FOR ADDITIONAL CASES, ATTACH A SEPARATE PAGE AND CHECK THIS BOX .

FORM 2.0 PARENTING PROCEEDING AFFIDAVIT

6. Persons not a party to this case who has physical custody or claims to have custody or visitation rights to children subject to this case: (Check only one box.)

- I DO NOT KNOW OF ANY PERSON(S)** not a party to this case who has/have physical custody or claim(s) to have custody or visitation rights with respect to any child subject to this case.
- I KNOW THAT THE FOLLOWING NAMED PERSON(S)** not a party to this case has/have physical custody or claim(s) to have custody or visitation rights with respect to any child subject to this case.

a. Name/Address of Person

- Has physical custody Claims custody rights Claims visitation rights

Name of each child: _____

b. Name/Address of Person

- Has physical custody Claims custody rights Claims visitation rights

Name of each child: _____

c. Name/Address of Person

- Has physical custody Claims custody rights Claims visitation rights

Name of each child: _____

OATH

(Do Not Sign Until Notary is Present)

I, (print name) _____, swear or affirm that I have read this document and, to the best of my knowledge and belief, the facts and information stated in this document are true, accurate and complete. I understand that if I do not tell the truth, I may be subject to penalties for perjury.

 Your Signature

Sworn before me and signed in my presence this ____ day of _____, 20__.

 Notary Public
 My Commission Expires: _____

FORM 2.1 HEALTH INSURANCE AFFIDAVIT

**COURT OF COMMON PLEAS
CLINTON COUNTY, OHIO**

Plaintiff/Petitioner _____ Case No. _____
v./and _____ Judge John W. Rudduck
Magistrate Helen L. Rowlands
Defendant/Petitioner _____

Instructions: Check local court rules to determine when this form must be filed.
This affidavit is used to disclose health insurance coverage that is available for children. It is also used to determine child support. It must be filed if there are minor children of the relationship. **If more space is needed, add additional pages.**

HEALTH INSURANCE AFFIDAVIT

Affidavit of _____
(Print Your Name)

	<u>Mother</u>	<u>Father</u>
Are your child(ren) currently enrolled in a low-income government-assisted health care program (Healthy Start/Medicaid)?	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
Are you enrolled in an individual (non-group or COBRA) health insurance plan?	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
Are you enrolled in a health insurance plan through a group (employer or other organization)?	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
If you are not enrolled, do you have health insurance available through a group (employer or other organization)?	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
Does the available insurance cover primary care services within 30 miles of the child(ren)'s home?	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No

FORM 2.1 HEALTH INSURANCE AFFIDAVIT

Mother

Father

Under the available insurance, what would be the annual premium for a plan covering you and the child(ren) of this relationship (not including a spouse)?

\$ _____

\$ _____

Under the available insurance, what would be the annual premium for a plan covering you alone (not including children or spouse)?

\$ _____

\$ _____

If you are enrolled in a health insurance plan through a group (employer or other organization) or individual insurance plan, which of the following people is/are covered:

Yourself?

Yes No

Yes No

Your spouse?

Yes No

Yes No

Minor child(ren) of this relationship?

Yes No

Yes No

Number _____

Number _____

Other individuals?

Yes No

Yes No

Number _____

Number _____

Name of group (employer or organization) that provides health insurance

Address

Phone number

OATH

(Do not sign until notary is present.)

I, (print name) _____, swear or affirm that I have read this document and, to the best of my knowledge and belief, the facts and information stated in this document are true, accurate and complete. I understand that if I do not tell the truth, I may be subject to penalties for perjury.

Your Signature

Sworn before me and signed in my presence this _____ day of _____, 20_____.

Notary Public

My Commission Expires: _____

<https://ohiochildsupportcalculator.ohio.gov/home.html>

APPLICATION FOR CHILD SUPPORT SERVICES NON-PUBLIC ASSISTANCE APPLICANT

IMPORTANT: If you are receiving ADC or Medicaid, do not complete this application, because you became eligible for child support services when you became eligible to receive ADC or Medicaid.

I the undersigned, _____ request Child Support Services from the _____ County Child Support Enforcement Agency. I understand and agree to the following conditions:

- A. I am a resident of the County in which services are requested.
- B. Recipients of child support services shall cooperate to the best of their ability with the CSEA. (See attached rights and responsibility information).

The Child Support Enforcement Agency can assist you in providing the following services:

1. Location of Absent Parents.

The agency can assist in finding where an absent parent is currently living, in what city, town or state. The applicant can request "Location Services Only", if the sole need is to find the whereabouts of the absent parent.

2. Establishment or Modification of Child Support and Medical Support.

The CSEA can assist you to obtain an order for support if you are separated, have been deserted or need to establish paternity (*fatherhood*). The CSEA can also assist you in changing the amount of support orders (*modification*), and to establish a medical support order.

3. Enforcement of Existing Orders.

The CSEA can help you collect current and back child support.

4. Federal and State Income Tax Refund Offset Submittals for the Collection of Child Support Arrearages.

The agency can assist in collecting back support (*arrearages*) by intercepting a non-payor's federal and state income tax refunds on some cases.

5. Withholding of Wages and Unearned Income for the Payment of Court Ordered Support.

The agency can help you get payroll deductions for current and back child support and can intercept unemployment compensation to collect child support.

6. Establishment of Paternity.

The agency can obtain an order for the establishment of paternity (*fatherhood*), if you were not married to the father of the child. An absent parent may request paternity services.

7. Collection and Disbursement of Payments.

The CSEA can collect the child support for you, and send you a check for the amount of the payments received. Back support collected will be paid to you until all of the back support you are owed is paid.

If you received ADC in the past and support was assigned to the state, back support collected will be paid to the state after you receive back support owed to you.

8. Interstate Collection of Child Support.

The agency can assist you in collecting support if the payor is living in another state or in some foreign countries.

C. The only fee you can be charged for services is a one dollar application fee. Some counties pay this fee for the applicants.

D. In providing IV-D services, the CSEA and any of its contracted agents (e.g., prosecutors, attorneys, hearing officers, etc.) represent the best interest of the children of the state of Ohio and do not represent any IV-D recipient or the IV-D recipient's personal interest.

APPLICANT INFORMATION (INFORMATION ABOUT YOU)	
Name	Date of Birth
Social Security Number (SSN)	Current Marital Status (Check One) <input type="checkbox"/> Single <input type="checkbox"/> Married <input type="checkbox"/> Divorced <input type="checkbox"/> Separated <input type="checkbox"/> Deserted <input type="checkbox"/> Widowed

Type(s) of Service(s) Requested: All services listed _____ Location of absent parent only _____
 Other (please explain) _____

I understand that the Child Support Agency - within 20 days of receiving this application will contact me by a written notice to inform me if my case has been accepted for child support services (IV-D Services).

Signature of Applicant	Date
------------------------	------

Applicants Name (Last, First, Middle)	Telephone Number (Home)
Address (Street/Route, P.O. Box)	(Work)
City, State, Zip Code	

INFORMATION ON CHILDREN

	Child 1	Child 2	Child 3	Child 4
a. Name				
b. Sex				
c. SSN				
d. Date of Birth (DOB)				
e. Name(s) of Absent Parent				
f. Has Paternity (Fatherhood) Been Established?				
g. Is There An Order For Support <input type="checkbox"/> Yes <input type="checkbox"/> No				

ABSENT PARENT INFORMATION OR PARENT ORDERED TO PAY CHILD SUPPORT

	Absent Parent #1	Absent Parent #2	Absent Parent #3
Name			
Address (City, State, Zip Code)			
SSN			
Date of Birth (DOB)			
Name of Employer			
Address of Employer (City, State, Zip Code)			
Amount of Support Ordered (Wk, BI-Wk, Mo)			
Case Number on Support Order			
Date of Support Order			
Location Where Order Was Issued (City, County, State)			
Military Service Give Date and Branch Entered			
Arrest Record: Give Date and Place of Arrest			
If the absent parent has been on Public Assistance: Give Date and Place			
Give Name and Address of Current Spouse of Absent Parent			

• Have you ever been on public assistance? Yes No

When (Date)	Where (City and State)	County
-------------	------------------------	--------

FOR AGENCY USE ONLY

Case Name	Date Requested	Date Mailed or Provided
Case Number	Date Returned or File Date	

APPENDIX 8

Mandatory Discovery

MANDATORY DISCLOSURE OF DISCOVERY - DOCUMENTS TO BE EXCHANGED

- A. Complete federal and state income tax returns for the immediate past filing year and three years prior, with all schedules, W2s, 1099s, and other supporting documentation.
- B. If applicable, a breakdown of overtime, commissions and bonuses for the present year and past three years.
- C. All documents verifying present gross income, as defined in O.R.C. 3119.01 and any employment contracts.
- D. Proof of the marginal cost of health care insurance (cost of single coverage and cost of coverage for children).
- E. Proof of child care costs (cancelled checks and/or receipts).
- F. Cost of contribution of health insurance under COBRA (if applicable).
- G. As to all assets of either party (legal, equitable or custodial) including, but not limited to:
 - 1. Real estate deeds, land contracts, options to purchase, leases, timeshare documents, as well as any appraisals and financing/refinancing applications regarding the same.
 - 2. If real estate was owned prior to the marriage: Proof of purchase price, fair market value and mortgage balance at time of marriage; present mortgage balance and cost of improvements during the marriage.
 - 3. Titles to all titled personal property, including but not limited to, vehicles, boats, motors, trailers, campers, aircraft, ATVs, personal watercraft and motorcycles.
 - 4. Financial or brokerage accounts (one year of statements and cancelled checks or registers).
 - 5. All life insurance policies with proof of cash surrender value, history of loans against such policies and present beneficiary designation.
 - 6. All health insurance policies.
 - 7. Any pending or settled lawsuits or government claims (workers compensation, unemployment compensation, Social Security, etc.).
 - 8. Trust documents (if a party, trustee, settlor, beneficiary, or party in interest).
 - 9. Notes receivable or loans to others.
 - 10. All stocks, bonds, savings bonds or stock, stock options or other investment vehicles, as well as twelve (12) months of brokerage statements.

11. Present value with latest statements on all retirement benefits, including but not limited to IRAs, 401(k)s, 403(b)s, SEPs, Keoghs, government pensions and employer-provided pensions, as well as information of any loans against the same. If a portion of the same is premarital, the value at date of marriage, and if defined contribution, history of annual contributions to the same.
 12. As to business interests of either party: All tax returns with all schedules and financial statements, as well as any other documents requested by the other party by motion to produce at least 28 days prior to discovery cutoff date.
 13. Itemization of household goods and furnishings with an opinion as to fair market value.
 14. All other assets (including but not limited to judgments, airline miles, gift certificates, deferred compensation, unused vacation or sick pay, etc.).
 15. If claim of dissipation of assets, all documents evidencing the same.
 16. If either party has transferred funds or property with value of \$500.00 or more to someone other than spouse or creditor, all documents evidencing the same.
 17. If there is a claim of separate property interests (premarital, inherited or gifted), all documents substantiating such claims, as well as tracing documents for the same.
 18. Current Social Security Statement (including record of earnings and summary of estimated benefits).
- H. As to all liabilities of the parties (individual, joint or as co-maker, surety or guarantor):
1. Balance with all creditors at time of filing of action.
 2. Credit card statements on all accounts for six (6) months prior to filing of action.
 3. Proof of parties' liabilities at time of marriage.
 4. Credit applications by either party.
 5. Chapter 7 or 13 Bankruptcy documents for the last seven (7) years.
- I. Miscellaneous:
1. Safety deposit box entry cards for six (6) months prior to filing of action.
 2. Prenuptial or antenuptial agreements of either party.
 3. Any divorce decree, qualified domestic relations order or other court order which enforces a present or future obligation on a party (including maintaining beneficiary designation).