RULES OF THE COURT OF COMMON PLEAS
DOMESTIC RELATIONS DIVISION
LUCAS COUNTY, OHIO

Effective January 1, 2016

Judge David Lewandowski **Judge Lisa D. McGowan**

TABLE OF CONTENTS

Rule 1	**General Rules**
Rule 2	**Court Costs**
Rule 3	**Filing and Removal of Papers from Custody of the Clerk**
Rule 4	**Assignment of Domestic Relations Cases**
Rule 5	**Powers of the Magistrates**
Rule 6	**Pleadings**
Rule 7	**Scheduling and Motions**
Rule 8	**Pre-trial and Trial Rules**
Rule 9	**Pre-trial Conferences**
Rule 10	**Dismissal of Cases**
Rule 11	**Attorney of Record**
Rule 12	**Dissolution of Marriage**
Rule 13	**Judgment**
Rule 14	**Guardian ad Litem and Legal Counsel**
Rule 15	**Investigation Prior to Adjudication**
Rule 16	**Divorce Education for Parents**
Rule 17	**Reconciliation Counseling**
Rule 18	**Mediation**
Rule 19	**Arbitration**
Rule 20	**Parents and Courts Together (PACT)**
Rule 21	**Appointment of Counsel**
Rule 22	**Concurrent Jurisdiction with other Courts**
Rule 23	**Cases Certified to Juvenile Court**
Rule 24	**Qualified Domestic Relations Court Order**
Rule 25	**Special Process Server**
Rule 26	**Photographing, Recording and Broadcasting of Court Proceedings**
Rule 27	**Court Security**
Rule 28	**Case Management**
Rule 29	**Electronic Devices**

RULES OF THE COURT OF COMMON PLEAS
DOMESTIC RELATIONS DIVISION
LUCAS COUNTY, OHIO

Effective January 1, 2016

RULE 1
GENERAL RULES

1.01 Adoption, Scope and Construction of Rules.

(A) It is ordered that the Domestic Relations Court of Lucas County, Ohio shall adopt the following Rules for the management of proceedings of the Court pursuant to Article IV, Section five (5) of the Ohio Constitution, Rules of Superintendence of the Supreme Court Domestic Relations Division and General Division as required by law.

(B) These Rules shall be effective January 1, 2016 and supersede all previous rules promulgated by this Court.

RULE 2
COURT COSTS
(Effective March 23, 2015)

The Clerk shall not accept any pleading for filing without a deposit unless said pleading is filed with a request for suspension of costs and is accompanied by Schedules I and IV demonstrating indigency.

The Clerk shall charge the following deposits:

Divorce, Legal Separation, Annulment, Full Faith & Credit
(no minor child) $300.00

Divorce, Legal Separation, Annulment, Full Faith & Credit
(with a minor child) $350.00

Counter-claim for divorce, legal separation, annulment
or cross-complaint or third-party complaint/motion $150.00
If the Court determines that the deposit is insufficient to pay costs,
then the Court may order additional sums from either or both parties
at any scheduled hearing, pre-trial or trial.

Petition for Dissolution of Marriage
(no minor child) $300.00

Petition for Dissolution of Marriage
(with a minor child) $325.00

Consent motion for shared parenting with plan
(additional deposit with petition for dissolution, or post-judgment motion) $50.00

Service of summons on non-resident defendant by Sheriff in another county $40.00

Service of subpoena on non-resident defendant by Sheriff in another county $40.00

Motion to add a party defendant (excluding a minor child
or Guardian ad Litem for minor or incompetent) $10.00

Post-judgment/decree motion to vacate, revise or modify
(unless a motion to enforce, modify or establish residential parent/parenting time) $150.00

Qualified Domestic Relations Order/Division of Property Order $50.00

Post-judgment/decree to enforce, modify or establish
residential parent/parenting time or make-up parenting time $200.00

Consent Judgment Entry not requiring a hearing $25.00

Posting a bond with the Clerk of Courts..... $10.00

Ex-parte motion post-judgment re: terminating or modifying status of residential parent $150.00

Motion to re-instate a cause..... $25.00

Motion for Domestic Violence Expungement $100.00

The Clerk of Courts shall add as costs the following:

Referral for Mediation..... $50.00

Counseling Investigation for contested residential parent
status, parenting time..... $250.00

Counseling Investigation for contested residential parent
status, parenting time, post judgment $300.00

Additional funds are required for computerized legal services. Accordingly, the Clerk or deputy clerk of the division is authorized and directed to charge one additional fee of $6.00 on the filing of each cause of action or appeal under R.C. §2303.201, which shall be in addition to the filing fees and the charging of costs as directed by this order.

Additional funds are required to computerize the office of the Clerk of Court of Common Pleas. Accordingly, the Clerk of Court is authorized and directed to charge an additional fee of $20.00 on the filing of a cause of action or appeal; or an additional fee of $5.00 for docketing and indexing each petition to vacate, revise, or modify a judgment, under R.C. §2303.20 which shall be in addition to the filing fees and costs as directed by this order.

The Clerk of Courts shall retain $10.00 of every case where court costs are paid in a divorce, dissolution, legal separation or annulment; the sum of $5.00 in every post-judgment motion where court costs are paid for the purpose of microfilming/record retention of Domestic Relations cases only.

Additional funds are required to pay for community services. The Clerk of Courts is authorized and directed to retain an additional fee of $10.00 on every case where court costs are deposited. This additional $10.00 fee is not an increase in the filing fees, but a charge to those fees which shall be paid into a special fund for community services as provided in R.C. §2303.201(E). The fee is charged to an action for divorce, legal separation, dissolution, annulment or appeal thereof; and post-judgment motion to enforce, modify, or establish parent/parenting time or make-up parenting time; post-judgment motion to vacate, revise, or modify any other final order of this Court.

These fees and charges are in addition to, and not in lieu of any fees and charges previously set by statute and court order which are not in contradiction to the fees and charges stated above. At the conclusion of any pending divorce, dissolution, or legal separation, the Clerk of Court shall determine if all costs have been paid. Unless otherwise set forth in the court's order, the Clerk of Court shall assess all excess court costs to the plaintiff in the action. At the conclusion of any post decree action, the Clerk of Court, unless otherwise set forth in the court's order, shall assess all excess court costs to the Movant in the action. The Clerk of Court shall charge as costs all postage fees as established by statute.

The Clerk of Court shall, pursuant to Civ.R. 4.4(A)(2) post for service in the General and Domestic Relations Divisions of the Court of Common Pleas and in the Government Center and Child Support Enforcement Agency.

RULE 3
FILING AND REMOVAL OF PAPERS FROM CUSTODY OF THE CLERK

3.01 Filing of Papers.

(A) The Clerk of Courts shall file and preserve all papers delivered to him for that purpose.

(B) No judgment entry shall be accepted or journalized on the Clerk's docket until it is approved by the assigned Judge or Magistrate.

(C) All financial schedules shall be filed as non-case documents pursuant to Rule of Superintendence 44(c)(2)(h)(viii).

3.02 Removal of Papers.

(A) Removal

No person, except a Judge, Magistrate, Court Counselor, or their representative, shall remove any documents or case files from the custody of the Clerk of Courts.

(B) Examination

Upon request, the Clerk shall allow any person to examine, but not remove, any original document or case file that is maintained by its office. Examination shall be allowed during the regular business hours of the Clerk.

(C) Duplication

Upon request and the payment of fees fixed by law, the Clerk shall provide copies of any original document maintained by its office. Copies shall be provided during regular business hours within a reasonable period of time as determined by the Clerk. A reasonable period of time shall be based upon the size of the request with efforts toward a twenty-four (24) hour response time upon payment of the fee.

RULE 4
ASSIGNMENT OF DOMESTIC RELATIONS CASES

4.01 The Judges of the Court of Common Pleas, Division of Domestic Relations shall designate an Assignment Commissioner for divorce, legal separation, annulment, dissolution of marriage, and all other cases filed in the division.

4.02 Upon the filing of a dissolution of marriage, the case shall immediately be set for hearing by the Assignment Commissioner.

4.03 The Assignment Commissioner shall assign for final hearing all uncontested and contested divorces, legal separations, annulments, and all other cases filed in the division. The Clerk shall notify by mail all counsel of record or the parties, if not represented by counsel, not less than one (1) week in advance of the day and hour set, and shall advertise same in the official law journal not less than three (3) consecutive days including the trial date.

4.04 A divorce or legal separation case shall be deemed uncontested unless an answer is filed within twenty-eight (28) days after service of the summons and complaint upon the defendant. If the service of notice has been made by publication, defendant shall file an answer within twenty-eight (28) days after the completion of service of publication. When such a case has been duly assigned and advertised for final

hearing as an uncontested case, the defendant may not introduce evidence on his behalf except by leave of Court with good cause shown.

4.05 Pursuant to Civ.R. 75(K) no action for divorce, legal separation, or annulment may be heard and decided until the expiration of forty-two (42) days after the service of process or twenty-eight (28) days after the service of a counter-claim, which under this rule may be designated a cross-complaint, unless the plaintiff files a written waiver of such twenty-eight (28) day period. Once a case is voluntarily dismissed and subsequently re-filed, it shall remain assigned to the judge to whom it was originally assigned.

4.06 Once a case is assigned for final hearing or trial, it may be continued only by leave of Court for good cause shown.

RULE 5
POWERS OF THE MAGISTRATES

As a result of the amendment of Civ.R. 53, Magistrates, which became effective July 1, 2012, the Court hereby orders as follows:

5.01 Magistrates shall be awarded all of the powers set forth in Civ.R. 53, as amended July 1, 2012. The Magistrates are further awarded all other powers as set forth in the statutes of the State of Ohio and the local rules of this Court.

5.02 The Magistrates of this Court shall continue to issue Orders and Decisions when the authority to issue orders is specifically conveyed by statute or rule to a Magistrate.

5.03 This Rule shall supersede all prior Orders of Reference.

RULE 6
PLEADINGS

6.01 All pleadings, motions, and judgment entries shall be legibly printed or typewritten, and double spaced on 8½ x 11 inch paper. The caption in every pleading, motion and journal entry shall contain the case number, name, address, zip code, social security number and date of birth of each party. Every pleading, motion, and judgment entry shall include the name of the attorney, the firm name, if any, office address, office telephone number, fax number, if any, and the attorney's Ohio Supreme Court number. The face page of all filings shall provide a top margin of at least three (3) inches to permit the Clerk of Courts to add time stamp imprints.

6.02 All separation agreements filed with the Court must be on separate paper, typed, styled as a separation agreement, and not included in the body of the pleading.

6.03 All Complaints shall be accompanied by the following documents:

(A) Schedule I;

(B) Schedule II, UCCJEA Affidavit if there are minor children;

(C) Schedule III and IV may be filed upon good cause shown, not later than thirty (30) days from the filing of the Complaint;

(D) Prior six (6) month wage statement or the prior year's W-2 form and tax return;

(E) A completed IV-D application must be filed with the Complaint for Divorce, Legal Separation or Petition for Dissolution if there are minor children.

6.04 All Answers & Counter-claims shall be accompanied by Schedules I, II (if minor children), III, and IV, prior six (6) month wage statement and the prior year's W-2 or tax return.

6.05 Failure of either party to correctly and fully complete any schedule may result in dismissal of the pleadings.

6.06 It shall be the duty of the attorney or party to file sufficient copies of the pleadings so as to be served on all Defendants.

6.07 The Clerk of Courts may not receive for filing any pleadings which do not strictly conform to this rule.

RULE 7
SCHEDULING AND MOTIONS

7.01 (A) All motions and 75(N) requests shall first be scheduled for hearings at the office of the Assignment Commissioner, then be filed with the Clerk of Courts.

(B) The Assignment Commissioner shall refuse to accept for filing any motion which fails to comply with the Rules of the Court. Motions shall, at the time of filing, be set for hearing at a time and date certain by the Assignment Commissioner. Said motion shall not be set for hearing within seven (7) days of the date filed, except with the prior approval of the assigned Judge or Magistrate.

(C) The Assignment Commissioner shall not set more than two (2) evidentiary hearings or one (1) trial per half day for the moving attorney.

7.02 (A) Service on motions related to a pending case:

The moving party or his counsel shall notify opposing counsel of record (or the opposing party if unrepresented) of the time, date and place of hearing. Counsel shall certify on the original motion that he has given such notification, and has mailed the motion on the date the motion was filed.

(B) All motions which relate to post-decree matters must be served on the opposing party pursuant to the Ohio Rules of Civil Procedure or applicable statute.

7.03 Civ.R. 75(N) Orders.

Either party may request the Court to establish temporary orders during the pendency of an action. Requests for temporary orders shall be made by the filing of a court-approved affidavit requesting a Civ.R. 75(N) order. The affidavit shall be properly completed and shall be filed with the Clerk of Court. Included with the affidavit, if not already filed, shall be Schedule I, II, III and IV, and current income information such as pay-stubs with year-to-date earnings, W-2 information, or the prior year's income tax return.

The Court, upon review of the affidavits submitted, may issue an affidavit order, may refuse to issue an affidavit order, may continue the request for affidavit order for compliance with this rule, or may set the matter for evidentiary hearing.

The affidavit hearing shall be set no sooner than 17 days from the date of the movant's motion. Upon the filing of a Request for Affidavit Order, the opposing party shall be mailed a copy of the pleadings. The opposing party may submit a Counter-Affidavit, and, if no Schedule I, II, III or IV has been filed, the opposing party shall file same with the Clerk of Court within 14 days of the date of service of the movant's affidavit. The opposing party shall also submit a pay stub with year-to-date earnings, a W-2 form, or the prior year's income tax return. No continuances shall be granted to either party concerning the scheduling of the affidavit hearing.

Upon the issuance of a 75(N) order, either party may request an evidentiary hearing to have the Court consider modification of its prior Order. A request for an evidentiary hearing pursuant to Civ.R. 75(N) must be filed in the Clerk of Courts office within twenty-eight (28) days of the issuance of the order.

The Assignment Commissioner shall, upon the filing of a request for evidentiary hearing, set the matter for hearing upon a Magistrate's docket.

Upon conclusion of the evidentiary hearing, the Magistrate shall file a Magistrate's order establishing temporary orders or modifying such orders established by a 75(N) order. Parties may file objections to the Magistrate's order pursuant to Civ.R. 53.

No motion to amend, modify, or terminate temporary orders shall be filed without leave of court. The motion for leave shall set forth with particularity the change in circumstances alleged to necessitate further hearing of a temporary order.

7.04 Dockets.

The scheduling of cases to be heard by the assigned Magistrate shall be in the following manner:

(A) Request for the establishment of 75(N) orders shall be set upon the Affidavit Orders docket.

(B) Request for evidentiary hearings shall be set upon the assigned Magistrate's docket at 8:30 a.m. or 1:30 p.m.

(C) No special hearing times shall be set without the prior approval of the Judge or assigned Magistrate.

(D) Modification of the allocation of parental rights and responsibilities, issues related to parenting time and Ohio Department of Job and Family Services motions are not subject to the foregoing times, and may be set on pre-trial dockets or for half or full day hearings.

7.05 Schedules.

The following documents shall be filed with any motion to modify or establish child support and/or modify spousal support: Schedule I, Disclosure; Schedule V, Expenses; the preceding year's W-2 or 1040; and a statement from the party's employer of all wages received in the preceding six (6) months.

A motion to modify the prior order for the allocation of parental rights and responsibilities shall be accompanied by filing a completed Schedule II, UCCJEA Affidavit.

Failure to complete and file these documents may result in dismissal. Failure to file the Schedule II, when required by statute or local rule, shall result in the dismissal of the motion. The opposing party shall deliver copies of his/her completed schedules and the above income information to the moving party and to the Court prior to the commencement of the hearing.

7.06 IV-D and Health Insurance.

(A) All motions requesting that child support be established or modified must be accompanied by a completed IV-D application signed by the obligee.

(B) All orders of the Court in which a child support order has been established or modified shall contain a provision designating one or both parties as being required to obtain or maintain health insurance coverage for the minor children. Where health insurance is not available to either party at a reasonable cost, the order shall direct the parties to notify the CSEA upon obtaining coverage and shall set forth a method for payment of medical costs.

7.07 Caption and Mandatory Language.

An original motion shall contain the following:

(A) Name, address, social security number and date of birth of the Plaintiff and Defendant.

(B) A motion to modify a prior order shall include a reference to the date and language of the prior order, the reasons for requesting a modification, and the change requested.

7.08 Consent Motion.

A motion to modify a prior order related to the allocation of parental rights and responsibilities may be submitted with a consent judgment entry signed by both parties, if the custodial or residential parent is represented by counsel. No hearing need be scheduled. If the party relinquishing the status of residential parent is unrepresented, the case must be scheduled for hearing.

7.09 Lump Sum Judgment and Motion to Show Cause.

All motions for lump sum judgment or to show cause shall contain the following:

(A) A reference to the date and language of former order on which the motion is based;

(B) The facts constituting the violation;

(C) In filing a motion for failure to pay support, the motion must include a statement from the Ohio Department of Job and Family Services, not older than forty-five (45) days from the date of filing. The Court may dismiss any motion which fails to comply with this rule.

7.10 Domestic Violence.

In hearings resulting from a petition of domestic violence or subsequent motions the following shall apply:

(A) Hearings shall be set within ten (10) days of the issuance of the ex-parte order before the assigned Magistrate; Hearings involving exclusive use of the residence shall be set within seven (7) days of the issuance of the ex-parte order;

(B) Continuances will be granted pursuant to R.C. §3113.31.

(C) Respondent may request a continuance to obtain counsel which may be granted upon his or her waiver of the right to a hearing pursuant to R.C. §3113.31 and provided that the ex-parte order remain in effect until the next hearing.

7.11 Attorney Fees.

Requests for attorney fees shall contain the following:

(A) The request shall be in writing;

(B) It shall be itemized as to services rendered;

(C) It shall contain the number of hours and the hourly rate for each service rendered.

Failure to attach a fee schedule in compliance with the foregoing may result in the denial of the request of fees. The Court shall retain the right to award attorney fees to opposing counsel, without the filing of a written motion, upon a finding that the motion was spurious; that there was undue delay in proceeding with the case; that there was an unexcused absence; or for good cause shown.

7.12 Continuances.

(A) Granting of.

All requests for continuances, except in emergencies, shall be by written motion on a form approved by the Court. The Movant shall first attempt to secure consent of the opposing party; set forth in the motion whether consent was obtained or denied; and state the number of prior continuances. The motion shall state the reason for the continuance, endorsed in writing by the party as well as counsel, provided that the Judge or Magistrate may waive the requirement for good cause shown. The party seeking the continuance must obtain a new hearing date prior to requesting the continuance, and shall immediately notify the opposing party or counsel of the

Court's ruling on the continuance. All continuances must be approved by a Judge or Magistrate. The decision of the Magistrate shall be final.

(B) Unavailability of Witness.

When a continuance is requested by reason of the unavailability of a witness at the time of the scheduled hearing or trial, the Court may consider alternative methods of recording testimony.

(C) Conflict of trial assignment dates.

When a continuance is requested for the reason that counsel is scheduled to appear in another case assigned for trial on the same date in the same or a different court, the case that was first set for trial shall have priority. The Court will not, unless for good cause shown, consider any motion for continuance due to a conflict of trial assignment dates unless a copy of the conflicting assignment is attached to the motion and the motion is filed not less than thirty (30) days prior to trial.

(D) Engaged Counsel.

If a designated trial counsel has such a number of cases assigned for trial in the courts as to cause undue delay in the disposition of such cases, the Administrative Judge may impose sanctions against said attorney and may impose restrictions on the number of cases that the attorney may participate in at any one time.

7.13 Vacate Premises.

(A) Contents of Motion.

A motion to vacate premises shall state with specificity the reasons for the motion and shall be supported by an affidavit of the moving party setting forth the facts on which the motion is based. The motion shall be set for a hearing before a Magistrate.

(B) When Granted.

A motion to vacate premises may be granted if the Movant establishes that the opposing party:

(1) Attempted to cause or recklessly caused bodily injury by acts of physical violence;

(2) Placed a party, by threat of force, in fear of imminent serious physical harm;

(3) Committed any act with respect to a child that would result in the child being an abused child as defined in R.C. §2151.031;

(4) Engages in conduct or creates an environment which causes or is likely to cause severe emotional and/or mental stress to the spouse and/or minor children of the parties as defined in R.C. §3113.31.

(C) Ex-parte Orders to Vacate.

No motion to vacate premises shall be granted ex-parte. If circumstances warrant, a party can be ordered to vacate the premises on an ex-parte basis pursuant to a domestic violence action as provided in R.C. §3113.31.

(D) Orders Restraining Return.

A temporary restraining order may be obtained preventing a party from returning to the premises if such a party has been absent for more than thirty (30) continuous days immediately preceding the filing of the motion. Absence from the premises means the party is no longer residing at the premises.

The motion seeking a temporary restraining order preventing a party from returning to the premises must be accompanied by an affidavit setting forth the approximate date on which the absent party left the premises, the number of days (months) of continuous absence immediately preceding the filing of the motion and any reasons for the absence which is known to the movant.

7.14 Transcripts.

(A) Objections and Motions to Set Aside.

If a finding of fact or the weight of the evidence is a part or all of the basis of an objection or motion to set aside, a transcript of the testimony is necessary to support the objection. The transcript must be filed by the moving party within thirty (30) days of the filing of the objection unless the assigned Judge, in writing, extends the time due to the inability of the reporter to complete the transcript of the testimony.

The moving party shall, within three (3) days of the filing of the objection or motion to set aside make a written request for the transcript using the Court's form. At the time of the ordering of the transcript, the attorney or party shall arrange for payment of the court reporter. An advance deposit may be required and the attorney or party requesting the transcript shall be personally responsible for all costs related to the preparation of the transcript by the court reporter.

Failure to file a transcript, to order a transcript in a timely manner, or to make prompt payment as arranged at the time of the filing of the request is a basis for dismissal of the objection.

(B) Appeals.

Within three (3) days of the filing of the appeal, the moving party shall request a copy of the transcript of the proceedings. The request shall be in writing, using the Court's form. The moving party or attorney shall make arrangements for payment at the time of the request. The court reporter shall not commence the preparation of the transcript until deposit has been made. The person requesting the transcript shall be personally responsible for the payments of all costs related to the preparation of the transcript unless the court has ordered otherwise.

RULE 8
PRE-TRIAL & TRIAL RULES

8.01 Ex-parte Injunctions.

(A) No attorney or party shall seek to enjoin any party's personal banking account, business banking account, business credit account, or payroll account without explicit order from the Court.

(B) At the time of the filing of a Divorce or Legal Separation, the Clerk shall forward to each party a copy of the court's Injunctions. The standard injunctions of the Court are as follows:

IN THE COURT OF COMMON PLEAS OF LUCAS COUNTY, OHIO
Division of Domestic Relations

Preliminary Injunctions

IT IS ORDERED, PURSUANT TO LOCAL RULE 8.01, EFFECTIVE ON THE DATE A COMPLAINT IS FILED THAT EACH SPOUSE IS ENJOINED FROM COMMITTING ANY OF THE FOLLOWING ACTS:

1. Removing, or causing to be removed **from Lucas County or its contiguous counties**, the child(ren) born or adopted by the parties, **so as to change the domicile of the children**;

2. Causing physical abuse, annoying, inflicting bodily injury, attempting to cause or recklessly cause bodily injury, threatening the use of force or imminent physical harm, molesting, following, stalking, bothering, harassing, annoying, interfering with or imposing any restraint on the personal liberty of the other spouse,

forcing sexual relations, committing any act with respect to a child in violation of the Revised Code of Ohio;

3. Incurring debt in the name of the other spouse except for necessary food, housing, utilities, medical care, and necessary transportation;

4. Selling, removing, transferring, encumbering, pledging, damaging, hiding, concealing, assigning or disposing of any and all property, real or personal, owned by both or either spouse or a child (including household goods, vehicles, financial accounts, and the personal property of each), without the prior written consent of the spouse or the Court. Excluded is any account now used for the payment of living costs;

5. Voluntarily changing the term of, or beneficiary of, terminating coverage of, cashing in, borrowing against, encumbering, transferring, canceling or failing to renew any type of insurance, including health, automobile, life, home, liability, disability, or fire insurance that provides coverage for a spouse or child(ren) born or adopted by the parties and/or of either or both spouses;

6. Voluntarily liquidating, cashing in, changing the beneficiary of, terms, or conditions of any retirement or pension plan or program that provides any benefit to a spouse or a child(ren) born or adopted by the parties and/or of either or both spouses; and

7. Voluntarily interrupting or terminating any utility service to the marital residence without prior written consent of the other spouse or the Court.

Nothing in the above restraining orders precludes a spouse from using their property to pay necessary and reasonable attorney fees, litigation and court costs in this action.

Judge David Lewandowski **Judge Lisa D. McGowan**

WARNING

THIS IS AN OFFICIAL COURT ORDER. IF YOU DISOBEY ANY ORDER OF COURT, YOU MAY BE FOUND IN CONTEMPT OF COURT, SENTENCED TO JAIL, FINED, AND ORDERED TO PAY COSTS AND ATTORNEY FEES, IN ADDITION TO ANY OTHER LEGAL REMEDY AVAILABLE TO THE SPOUSE, CHILD OR OTHER DEPENDENT AFFECTED. THIS ORDER IS IN EFFECT UNTIL (1) THE COURT ISSUES AN ORDER WHICH MODIFIES OR TERMINATES IT; OR (2) A FINAL JUDGMENT FOR DIVORCE OR LEGAL SEPARATION IS FILED WITH THE CLERK OF COURTS.

IF YOU ARE IN DISAGREEMENT WITH ANY OF THE ABOVE ORDERS

You or your attorney need to file a written motion with the

Clerk of Courts, Division of Domestic Relations
Family Court Center
429 N. Michigan, Suite B
Toledo, Ohio 43604
(across from the Lucas County Courthouse)

(C) All other requests for temporary restraining orders must be set for hearing, except by leave of Court.

(D) Dissolving of Orders.

Upon the filing of a motion to dissolve ex-parte injunctions, the motion shall be set for hearing before the assigned Judge or Magistrate.

(E) Allocation of Parental Rights and Responsibilities.

(1) No ex-parte orders of allocation of parental rights and responsibilities or parenting time shall be issued except in emergency circumstances. The party requesting said order shall make every good faith effort to provide opposing counsel or unrepresented adverse parties with the notice of application to the Court for relief.

(2) Post Motions.

(a) Ex-parte motions for change of possession/residential parent status shall have an affidavit attached and must be filed with an accompanying motion for reallocation.

(b) A file stamped copy of the ex-parte motion shall be taken from the Clerk to the assigned Judge for ruling. If further investigation is necessary, the Judge may refer the matter to the Court Counseling Department.

(F) Ex-parte contact with the Court.

Except in emergency circumstances, or as otherwise provided by law, a lawyer shall not communicate, or cause another to communicate, as to the merits of any litigation with any Judge or Magistrate of the Court until final disposition without adequate notice to opposing counsel or unrepresented adverse parties. Counsel shall not cause to have delivered to the Court any written communication between the counsel or parties during the pendency of the action.

8.02 Discovery Procedures.

(A) In General

Civ.R. §26 and §27 shall apply to any action.

(B) Motion for Protective Orders

A motion for protective order shall be filed no later than fourteen (14) days prior to the date on which response to a discovery request is due or the date of a scheduled deposition, unless it can be shown that it was not possible to file such a motion within such time period. The motion shall state, with specificity, the basis for the protective order and shall state clearly on its face the date on which a response to the discovery request is due or the date of a scheduled deposition.

(C) Mandatory Disclosure

Within sixty (60) days of the filing of an Answer or Counter-claim, each party has the affirmative duty to disclose to the other party the following information and documents:

(1) All pension and profit-sharing plans including the most recent plan summary;

(2) All COBRA benefits to which the other party may be entitled;

(3) Copies of all real estate deeds, vehicle titles and registration, unless already in the possession of the other party;

(4) All appraisals of real estate, personal property or any business property in which the party holds an interest;

(5) Copies of the last three (3) years individual tax returns, unless already in the possession of the other party;

(6) Documentary proof of current income from all sources; and

(7) Copies of the most recent statements on all bank accounts, IRA's, stock accounts, mortgages, credit card accounts, and other debts.

(D) No objection as to the admissibility of any document will be entertained at any court hearing:

(1) If that document was provided to opposing counsel at least fourteen (14) days before the hearing; and

(2) Unless the party opposing introduction of the document into evidence files a written objection to the introduction of that document at least seven (7) days before the hearing, setting forth the particular legal objection raised.

(E) Sanctions

Failure to comply with this Rule may result in sanctions pursuant to Civ.R. §37, including but not limited to contempt citation, possible dismissal of claims, or restrictions on the submission of evidence.

8.03 Disclosure of Exhibits.

(A) Prior to trial, each party shall provide an exhibit list and copies of exhibits to the Court and opposing party.

(B) Copies of exhibits shall be exchanged prior to entering the courtroom.

RULE 9
PRE-TRIAL CONFERENCES

9.01 A pre-trial conference may be held in every contested case. By leave of Court, an agreed statement of counsel may be permitted in lieu of said pre-trial conference. In the event of an agreed statement in lieu of a pre-trial conference, provision shall be made for scheduling the case for trial.

9.02 The attorneys who will be present at trial may be ordered to attend all pre-trial conferences. A continuance may not be granted on the grounds that the trial attorney is not prepared to go forward if he or she has failed to attend the pre-trial conference.

9.03 All parties in interest may be present at the pre-trial conference.

9.04 The attorneys shall be prepared to:

(A) Freely discuss the theory or theories of their case, both factual and legal;

(B) Discuss the necessity or desirability of amendments to any pleadings or the filing of additional pleadings;

(C) Discuss simplification of the issues;

(D) Make admissions as to the facts and the genuineness of documents and other exhibits which are not in dispute;

(E) Dismiss parties unnecessary to the case;

(F) Provide the names of witnesses whom they intend to call, and state the general nature of their testimony. If the Court so orders, counsel shall not be permitted to call additional witnesses at the trial, except rebuttal witnesses, unless the names and addresses of said witnesses and the general nature of their testimony are furnished in writing to other counsel of record at the time set by the Court before trial, or upon leave of Court at the trial, for good cause shown;

(G) Provide the number and nature of exhibits they intend to introduce, and if required by the Court, produce them for examination by the Court or parties;

(H) Provide the names, addresses, and specialties of any anticipated expert witnesses;

(I) Exchange reports of expert witnesses expected to be called by the parties;

(J) Exchange medical reports and hospital records;

(K) Discuss limitations on the number of expert witnesses;

(L) Discuss the necessity of supplementing interrogatory answers or other previous discoverable matters;

(M) Discuss procedures and time limitations for the completion of any further anticipated discovery;

(N) Submit and consider authorities on unique or controverted issues, or guarantee their submission at least seven (7) working days prior to trial; and

(O) Discuss any other matters that may expedite the trial or disposition of the case.

9.05 The Court may dismiss at pre-trial without further notice to the parties any case for failure to timely complete fully and file Schedules, I, II, III and/or IV with required attachments as to income.

9.06 The Court may decide, or take under advisement, any motions pending in the case at the time of the pre-trial conference.

9.07 Failure of an attorney to be prepared for pre-trial conference.

Failure of a party or attorney to appear or cooperate in good faith at the pre-trial conference, may subject said attorney or party, in the discretion of the Court, to any sanctions provided by Civ.R. §37, including fines or an award of expenses and/or attorney fees to any party prejudiced by said failure. In addition, if counsel, in the event of counter-claim and/or cross-claim is pending, fails to comply with this rule, the Court shall have the authority to proceed with all or any portion of the case; and to decide and determine any or all matters ex-parte upon failure of the plaintiff or defendant to appear in person or by counsel at pre-trial conference in accordance herewith.

9.08 The Court may require the parties to submit a list of proposed witnesses, trial briefs, or any other material to be submitted at the time of pre-trial conference.

Failure of a party to submit such written items to the Court as ordered may result in the dismissal of the action or the award of attorney fees to the opposing party; or such other sanctions as the Court deems appropriate.

RULE 10
DISMISSAL OF CASES

10.01 Each Judge shall review or cause to be reviewed quarterly all assigned cases. Cases which have been on the docket for six (6) months without any proceedings taken therein, except cases awaiting trial assignments, may be dismissed for want of prosecution.

10.02 The Administrator of the Court Counseling Division of this Court shall review not less than monthly all cases assigned to the Division and notify the Assigned Judge monthly of all cases wherein the party has failed to comply with Rule 15.03. The Assigned Judge may immediately cause said cases to be dismissed.

10.03 Upon failure to comply with any local rule, statute, order, civil rule, or failure to timely journalize, the assigned Judge may, after notice to counsel or a party (if he or she is unrepresented), exercise any sanction provided by the Ohio Rules of Civil Procedure, including dismissal.

10.04 If the movant fails to obtain service upon his complaint or motion within ninety (90) days of filing, the Court may dismiss same for want of prosecution.

10.05 If a case has not been set for further proceedings for a period of thirty (30) days, the Court may dismiss for want of prosecution.

10.06 Once a case has been dismissed other than upon its merits, the case will not be reinstated unless a motion is filed within a reasonable time stating the reason for the request, and serving the same upon opposing counsel, or if there is no opposing counsel, upon the other party or parties. The case may immediately be scheduled for pre-trial and trial upon being reinstated.

10.07 The unexcused failure of any attorney and/or party to appear for a hearing at the scheduled time may result, within the discretion of the Court, in subjecting the offending person to any or all of the sanctions provided by Civ.R. §37, including dismissal or the assessment of fines.

10.08 The Court may dismiss an action upon the showing that either party has failed to comply with all pre-trial orders.

10.09 Voluntary dismissals pursuant to Civ.R. §41 shall contain the following language: "It is so Ordered" and shall contain a signature line for the assigned judge.

RULE 11
ATTORNEY OF RECORD

11.01 Upon entering an appearance as counsel, no attorney shall thereafter be relieved of responsibility unless the attorney timely files a written motion with the Court stating the grounds for withdrawing from the case, together with a proper certification that the client has been notified. The attorney requesting the right to withdraw shall comply with the Professional Conduct Rule 1.16.

11.02 A written motion to withdraw as counsel shall state with particularity all motions, outstanding Judgment Entries, and dates of future hearings and shall set forth the number of continuances which have been granted during the pendency of the case. Once a firm trial date has been set, counsel may not withdraw, make a substitution of counsel, or enter an appearance without leave of court. Except for good cause shown, a firm trial date may not be continued due to the withdrawal, substitution, or entry of appearance. The motion may be set for hearing at the discretion of the judge or magistrate. A firm trial date is defined as the final hearing for disposition of the Complaint or post-decree motion.

11.03 Any attorney entering a case he or she did not commence shall do so by written entry of appearance. The Clerk of Courts shall note such entry of appearance upon the appropriate docket of the court and notify the Judge assigned to the case.

RULE 12
DISSOLUTION OF MARRIAGE

12.01 The parties shall comply with the filing requirements and all other pertinent rules of court.

12.02 Pursuant to R.C. §3103.06, the parties shall be living separate and apart at the time of filing.

12.03 The parties shall provide a specific month, day, and year that a child support or spousal support obligation begins. A statement relating payment to the signing of the agreement or the finalization of the decree is not in compliance with this rule.

12.04 All child support payments shall commence on the date of the filing of the petition, and be fully paid prior to the final decree.

12.05 The attorney shall state on the caption the party represented by counsel, and file a written waiver of representation by the unrepresented party.

RULE 13
JUDGMENT

13.01 Filing.

The judgment specified in Civ.R. §58 shall be journalized within thirty (30) days of the decree or decision. If judgment is not prepared and presented for journalization by counsel or party, then it may be prepared and journalized by the Court. Failure of an attorney to journalize a judgment within thirty (30) days of decree or decision may result in vacating any award of fees, a finding of contempt, imposition of a fine, or dismissal of the case.

13.02 Child Support and Spousal Support.

(A) All judgment entries related to child support or spousal support shall contain the following information:

(1) Names, addresses, social security numbers and birth dates of the parties and children;

(2) Income of the parties;

(3) The amount of child support awarded on a monthly basis, per child, plus processing charge. If health insurance is available, the child support is $ _____ per month, per child, for ___ child(ren). If health insurance is not available, the child support is $ _____ per month, per child, for ___ child(ren)If health insurance is not available, the Cash Medical Support Order is $ _____ per month, per child, for ___ child(ren). Include 2% processing charge;

(4) Child support and/or spousal support to be paid through the Ohio Department of Job and Family Services;

(5) The effective date of the establishment or modification of support;

(6) A provision that one or both of the parties shall provide health care coverage for any minor child or, if not available to either party at a reasonable cost, a provision requiring that coverage be obtained if it subsequently becomes available to either party at a reasonable cost;

(7) A provision for income withholding or other order consistent with R.C. §3123;

(8) The amount of any arrearage with a lump sum judgment to the appropriate party and a method of repayment, plus processing charge, through the Ohio Department of Job and Family Services;

(9) If appropriate, an order that any wage withholding order be terminated by separate order;

(10) A provision requiring the parties to comply with the Additional Order and Notice to parties;

(11) A provision adopting the Cash Medical Support Order.

(B) The following documents shall accompany all judgment entries awarding child support or spousal support:

(1) Attached to judgment entry:

(a) Child support computation work sheet.

(b) Additional Order and Notice to Parties.

(c) Cash Medical Support Order.

(2) Detached from judgment entry: Income Withholding Order.

(3) Order to terminate withholding order (if appropriate).

(C) All orders for support shall, if no date is stated, commence on the first Friday after the file-stamp date of the order.

(D) All orders containing support provisions shall comply with R.C. §3113, R.C. §3121, R.C. §3123 and R.C. §3125 and shall include the following language:

(1) "All support under this order shall be withheld from the income or assets of the obligor pursuant to a withholding or deduction notice or appropriate order issued in accordance with R.C. §§3119, 3121, 3123, and 3125 or a withdrawal directive issued pursuant to R.C. §3123 and shall be forwarded to the obligee in accordance with R.C. §3119, §3121, and §3125."

(E) All orders related to child support shall contain the following language:

(1) "Child support shall continue until such time as the child becomes emancipated or until further order of the Court. The duty to support shall continue beyond the age of majority so long as the child continuously attends a recognized and accredited high school on a full-time basis on and after the child's eighteenth birthday. The duty to pay child support shall not continue beyond the date that the child reaches nineteen years of age unless there exists a court-ordered duty or a provision contained in a Separation Agreement providing for the continuation of support. The obligation to pay child support continues during periods of seasonal vacation."

(F) All benefit/income withholding orders shall be on the form prescribed by the Court, must include processing charge (except benefit withholding orders to the Ohio Bureau of Employment Services), and shall be payable monthly. All wage withholding orders shall be typed except as to the amount of withholding.

13.03 Divorces and Dissolutions.

(A) On all uncontested matters and dissolution of marriage, copies of the Separation Agreement or proposed Judgment Entries shall be presented to the Court for review at the time of the uncontested hearing or dissolution of marriage.

(B) Failure to comply with paragraph 13.04 of this rule shall be grounds to dismiss the case or continue the cause to a later date.

(C) Any pleading concerning the allocation of parental rights or the issue of parenting time shall contain a provision acknowledging the filing of a Uniform Child Custody Jurisdiction and Enforcement Act Affidavit filed pursuant to R.C. §3127.23 (Schedule II).

(D) Consent entries involving the allocation of parental rights or otherwise affecting the welfare of minor children may be subject to investigation before approval by the Court.

(E) In a dissolution of marriage, all provisions for the payment of support and/or the duration of support shall be contained in the Decree of Dissolution. Provisions concerning child support contained in a Separation Agreement or Shared Parenting Plan shall state that the parties consent to the continuing jurisdiction of the Court to modify said support pursuant to the relevant child support statutes.

13.04 Settled Judgment Entries.

(A) In cases which have been settled and the attorney has been required to submit a judgment entry, the judgment entry shall be submitted within fourteen (14) days of the evidentiary hearing or thirty

(30) days of the trial date. Failure to comply with this rule may result in the automatic dismissal of the motion by the Court.

(B) The Court may order either counsel to prepare the judgment entry setting forth the agreement of the parties. Said judgment entry shall be submitted to the opposing counsel prior to the submission to the Court. If counsel are unable to agree upon the judgment entry, the opposing counsel shall notify in writing, within five (5) days, the counsel who prepared the entry. Both counsel may thereafter submit an entry to the Court within ten (10) days of the written notice, along with a detailed letter outlining the differences between the two (2) conflicting entries, and the Court shall direct which entry shall be filed. A judgment entry sent for signature which is not returned or rejected by opposing counsel within five (5) days, may be submitted to the Court without the signature of the opposing counsel or party. All judgment entries not signed by both parties shall be accompanied by a copy of the transmittal letter indicating the date sent to the opposing counsel or party.

13.05 Emancipation.

Any judgment entry terminating a child support obligation by the emancipation of a minor child shall set forth the amount of any arrearage owed to the payee or to the Ohio Department of Job and Family Services, shall grant a lump sum judgment for any arrearage, and shall state the method of payment. If there remain other minor children of the parties, a new child support calculation must be made, and the judgment entry shall include the modification and shall comply with the provisions of 13.02 and 13.03.

13.06 Mandatory Language Regarding Parenting Time.

(A) Where there is no substantial deviation from the Court Schedule, the original Judgment Entry shall contain the following language:

"The Plaintiff/Defendant is awarded parenting time with the minor child(ren) pursuant to the **Court's Local or Long Distance Parenting Time Schedule** as set forth in Local Rule 13.06(E), and attached to Plaintiff and Defendant's copy of the Judgment Entry. Should a party move closer to or further than 150 miles from Lucas County, the appropriate Local or Long Distance Parenting Time Schedule set forth in Local Rule 13.06(E) shall be instituted without further hearing unless otherwise ordered by the Court."

(B) The counsel preparing the Judgment Entry for submission to the Court shall submit two (2) copies (not the original) which have attached thereto a copy of the Court's parenting time schedule.

(C) If at final adjudication, the parties are deviating from the standard schedule, said deviation shall be set forth in the Judgment Entry.

(D) When parenting time has been ordered supervised by other than an agency, the Judgment Entry shall make the supervisor a third party defendant and shall contain the supervisors signature. The Judgment Entry shall contain the specific duties of the supervisor.

(E) Court local and long distance parenting time schedule.

November 15, 2015
ALLOCATION OF PARENTAL RIGHTS AND RESPONSIBILITIES

LOCAL PARENTING TIME SCHEDULE

COURT OF COMMON PLEAS OF LUCAS COUNTY, OHIO
DIVISION OF DOMESTIC RELATIONS

If the Court order or decree indicates that the Court schedule is the order for parenting time, then the ORDER OF THE COURT IS THE FOLLOWING:

PARENTING TIME FOR THE NON-RESIDENTIAL / CUSTODIAL PARENT SHALL TAKE PLACE AT SUCH TIMES AND PLACES AS THE PARTIES CAN AGREE (*these are the most important words*). This shall not normally be less than:

1. Weekends

   Beginning on a specific date (_____), every other weekend from Friday night at 7 p.m. to Sunday night at 7 p.m.

2. Mid-week

   In addition, the child(ren) shall spend a minimum of one weekday parenting time as follows:

   For a child not yet in Kindergarten, 5 p.m. to 7:30 p.m.
   For a child in Kindergarten - 8th grade, 5 p.m. to 8 p.m.
   For a high school student, 5 p.m. to 9 p.m.

   If there is more than one child, the hour of return shall be the hour for the youngest child. If the parents cannot agree on a day, the day for the mid-week parenting time is Wednesday.

3. Holidays

   NOTE: Holidays take priority over ANY other parenting time, including routine (weekends and mid-weeks), birthdays, school breaks, and vacations.

   Parents may wish to change by agreement a holiday at least one week in advance in order to observe family or religious traditions. If not changed by agreement, holiday times are as follows:

	Even-numbered Years	Odd-Numbered Years	As Agreed, OR
Easter	Father	Mother	Sun. 10 am. - 7 pm.
Mother's Day	Mother	Mother	Sun. 10 a.m. - 7 p.m.
Memorial Day	Mother	Father	Sun. 7 pm. - Mon. 8 pm.
Father's Day	Father	Father	Sun. 10 a.m. - 7 p.m.
July 4th	Father	Mother	7/4, 9 am. - 7/5, 9 am.
Labor Day	Mother	Father	Sun. 7 pm. - Mon., 8 pm.
Halloween	Mother	Father	Day/Time per parent's neighborhood
Thanksgiving	Father	Mother	Thur. 9 am. - Fri. 9 am.
Christmas Eve	Mother	Father	12/23, 9 pm. - 12/24, 10 pm.
Christmas Day	Father	Mother	12/24, 10 pm. - 12/25, 9 pm.
New Year's Eve/Day	Mother	Father	12/31, 5 pm. - 1/1, 9 pm.

4. Birthdays and Other Days of Special Meaning

   a. Child's Birthday: The child's birthday shall be spent with the mother in the even-numbered years, and with the father in the odd-numbered years. If the parties cannot agree, the time is 10 a.m. to

8 p.m., for a child not in school on the birthday, and 5 p.m. to 8 p.m., for a child in school on the birthday. Siblings attend the birthday event. The other parent can celebrate on another date.

b. Parents Birthday: Each parent may have the child(ren) on his/her birthday. If the parties cannot agree, the time will be from 10:00 a.m. until 8:00 p.m. for children not in school on the birthday, and 5:00 p.m. until 8:00 p.m. for children in school on the birthday.

If a child's birthday and a parent's birthday fall on the same day (or if both parents have the same birthday), parties should abide by the schedule for the child's birthday.

c. **The Court recognizes that parties' traditions, culture, and religion may impact parenting times. These other days of special meaning, family traditions, 3-day weekends, etc., should be discussed in advance and written into the Court order.**

5. School Breaks

NOTE: The schedule for Winter Break coincides with the holiday schedule for Christmas Eve/Day and New Year's Eve/Day. The schedule for Spring Break *usually* coincides with the holiday schedule for Easter.

a. In the even numbered years, Father shall have the entire Spring Break. In the odd numbered years, Mother shall have the entire Spring Break.

b. In the even-numbered years, Mother shall have Winter Break until December 24 at 10 p.m. Father shall have from December 24, at 10 p.m. until the end of the break. In the odd-numbered years, Father shall have Winter Break until December 24 at 10 p.m. Mother shall have from December 24 at 10 p.m. to the end of the break.

c. The break begins at 7:00 p.m. on the last day of school before the break and ends at 7:00 p.m. the night before school resumes. It is understood that not all the schools of children in the same family will necessarily have the same break.

d. Children not yet in mandatory education (Kindergarten) do not follow the break schedule unless they have older, school-aged siblings who will be going for the break.

6. Vacation

a. Each parent is entitled to four (4) weeks of vacation each year (in addition to school breaks and holidays). Each must notify the other sixty (60) days in advance of the scheduled vacation. NOTE: This shall only apply if your Court order does not already specify a summer parenting time schedule. In the event both parties, using proper advance notice, request the same dates, the non-residential parent's choice of vacation has priority [unless the residential parent's vacation is an annual mandatory shut-down of the place of employment, or unless the residential parent is required by an employer to give more than sixty (60) days' notice of intent to take a vacation and the non-residential parent has no similar requirement. If both parents have mandatory shut-downs which overlap, they should split the vacation time equally].

b. Vacation may be exercised during the school year provided the vacationing parent (1) can get the child(ren) to school, or (2) can ensure that the child(ren)'s attendance/academic requirements are met.

c. Summer school necessary for the child to pass to the next grade must be attended. Vacation may be scheduled by either parent during a mandatory summer school period, but the child must complete all classes.

d. Each parent must provide the other parent with destination, times of arrival and departure, and method of travel as soon as it is known, but at least two (2) weeks in advance, if the vacation will be outside the parent's community.

e. Only weekends may be made up if missed due to the other parent's vacation. Make-up time should be exercised within thirty (30) days, at a time agreed upon by the parties or, if there is no agreement, on a weekend chosen by the parent receiving the make-up time.

7. Parenting Time Presumptions

a. Basis for Schedule

This parenting plan presumes that the father and the mother are good parents and that a child is safe with either parent, based on the evidence before the Court; that the father and the mother respect the right of their child(ren) to have two parents throughout the child(ren)'s life for nurturing, continuity, normal development, and emotional and economic support; and the father and mother each respects the right of the other to parent their child(ren).

During and after a divorce, there is often a crisis period in which families are under great stress because of loss, conflict, and change. Mental health professionals uniformly agree that the children who "do best" are from families who maintain a low level of conflict and an appropriate level of co-parenting communication. The absence of conflict is even more critical than the amount of time either parent spends with the child(ren). However, children feel most loved and clearly benefit from continued *positive* relationships with both parents.

For any schedule to succeed, parents should be flexible based upon the changing needs of the child(ren) over the years.

b. Keeping the Children Together

This schedule presumes that if the parents have more than one child, the parenting time will be exercised with all children together.

c. Child's Response to Parenting Time

Children of divorce grow up to be as normal and healthy as children whose parents are not divorced if the parents communicate well, if both parents continue regular contact with thechild(ren), and avoid the use of anger in front of the child(ren) when dealing with the other parent.

It is normal when parents first separate for a child to have a strong emotional reaction at exchange times saying good-bye to one parent. Parents need to know that the emotional response is quite natural, and that each parent needs to calmly reassure the child that he or she will see the other parent soon. Parents should understand that this response by the child does not mean that the child does not love the other parent, or wishes not to spend time with the other parent. The length of the adjustment will vary.

If a child indicates 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, 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 should seek the immediate assistance of a mental health professional, Court counselor or file a motion. As uncomfortable as this issue may be for a parent, this issue should not go unresolved. IT IS THE ABSOLUTE AFFIRMATIVE DUTY OF THE RESIDENTIAL PARENT TO MAKE CERTAIN THAT HIS OR HER CHILD GOES FOR THE PARENTING TIME.

d. Making Parenting Time Routine

This schedule presumes that the non-residential parent shall be there for all the parenting time (i.e., Weekends, Mid-weeks, Holidays, Birthdays/Other Days of Special Meaning, and School Breaks) and that no advance notice to the residential parent is necessary (except for Vacation). The residential parent shall have the child(ren) ready to go.

e. Missing Parenting Time

The non-residential parent must give notice of intent NOT to have parenting time as soon as he or she is aware that it is not possible. A parent who does not exercise parenting time forfeits the time. Since the schedule presumes ordinary parenting times will be spent with the child(ren), non-canceled time where the parent fails to appear upsets the child(ren) considerably, as well as the residential parent. A parent who continually fails to keep his or her commitment to parenting time may have rights modified and may be subject to other legal remedies upon motion by the residential parent.

f. Make-up Time for Rescheduled Parenting Time

A parent may only cancel the other parent's parenting time as specified under the Vacation section of this schedule. However, if the parties agree to modify the schedule to accommodate an extenuating circumstance, make-up time should be given/taken within thirty (30) days at a time agreed upon by the parties or, if there is no agreement, at a time chosen by the parent receiving the make-up time.

g. Transportation

Each parent shall be responsible for providing the transportation at the BEGINNING of his/her parenting time. If unavailable, that parent must arrange for another licensed driver well-known to the child(ren) for this purpose. All child restraint laws must be complied with by any person driving with the child(ren). No person transporting the child(ren) may be under the influence of drugs or alcohol.

Unless otherwise ordered, the parent ENDING his/her parenting time must have the child(ren) available for pick-up at his/her home or at the daycare or childcare provider's home. If the child(ren) is at school or a regularly scheduled activity at the time of pick-up, the parent BEGINNING parenting time shall pick up the child(ren) from the school or activity. The residential parent is responsible for making the necessary notifications and signing any necessary permission slips/releases related to the pick-up or drop-off.

h. Promptness

This schedule presumes that each parent will be prompt for exchanges of the child(ren), and that the parents will ready the child(ren) emotionally and physically for the parenting time. The residential parent has no duty to wait for the non-residential parent to pick up the child(ren) longer than thirty (30) minutes, unless the non-residential parent notifies the residential parent that she/he will be late, and the residential parent agrees to remain available after the thirty (30) minute waiting period. A parent who is more than thirty (30) minutes late loses the parenting time. A parent who has a pattern of lateness may have rights modified.

i. Communication between Parents

IT IS THE RESPONSIBILITY OF THE PARENTS, NOT THE CHILDREN, TO MAKE ALL PARENTING TIME ARRANGEMENTS. Neither parent should communicate with a child about the schedule or about future events or activities which conflict with allotted times. It is not the responsibility of a child to mediate or become involved in parental differences over times, dates, or activities. If parents have temporary difficulty communicating about the needs of their child(ren), they should seek assistance from a neutral third party or a professional and not enlist the child to resolve their inability to talk to each other.

When Parents Do Not Communicate With Each Other

Parents temporarily may use other adults to make arrangements for parenting time. But the best solution is to seek professional help to learn or improve the ability to work together for the child(ren)'s best interests. Failing to get the cooperation of the other parent to enter counseling, a parent should call the Court counselor or file a motion with the Court to order counseling to resolve this very serious problem before the damage to the child becomes irreversible.

j. Communication Between Parent and Child

Each parent has the right to talk over the telephone with the child(ren) as often as the parents agree. If the parents do not agree, then the non-posessory parent should have telephone privileges once per day. Phone calls should take place during the normal hours a child is awake, and if the child is unavailable for conversation, each parent shall take the responsibility of seeing that the child timely returns the call.

Note that due to ongoing, rapid changes in technology (i.e., text messaging, email, Skype, Facebook, Twitter, other social media/networking sites, etc.), not every conceivable situation can be anticipated or addressed. However, the Court strongly recommends parents consider the age and maturity of their child(ren) and cooperate to make joint decisions regarding the purchasing and use of cell phones and any other technology which may affect communication between a parent and a child. Any likely areas of dispute should be discussed in advance and written into the Court order.

Regarding discipline, a parent may rescind the use of a child's cell phone or other technology as a form of discipline without violating a Court order. However, this shall not interfere with the child's regular communication with the other parent.

k. Discipline and Changes in Child's Behavior

It is presumed that parents use methods of discipline consistent with the law and consistent with each other as much as possible, and will communicate with each other if a child is becoming a discipline problem.

Parents need to discuss behavior problems and solutions with each other as the need arises. Parents who have major disagreement over appropriate discipline or solutions to their child's problems and cannot resolve their disagreement should seek the assistance of a Court counselor or mental health professional. Examples of times for concern are decline of a child's grades, serious or chronic problems at school, dramatic changes in behavior, or delinquency, to name a few.

l. Child's Records

(1) Both parents are entitled by law to equal access to their child(ren)'s daycare, school, and medical records unless limited by Court order.

(2) The residential parent is responsible for taking all necessary action for all recordkeeping purposes to use the birth or adopted name only.

(3) School Records: The residential parent must list the non-residential parent as a parent of the child and as an emergency contact for the child (unless limited by Court order), and must authorize the school to release to the non-residential parent any and all information concerning the child. The residential parent also must provide the non-residential parent with any and all passwords necessary to access the child's academic and extracurricular information online. If the non-residential parent is unable to access the information directly, the residential parent is responsible to personally provide copies of every grade card within five (5) days of receipt, and must personally inform the non-residential parent of all school notices or special activities (i.e., parent-teacher conferences, honors programs, athletic events, school pictures, graduation events, or any other activity in

which the child is involved) as soon as she/he receives notice. The child should not be used to deliver the information.

(4) Medical Records/Consultation: The residential parent shall, upon request by the non-residential parent, immediately comply with whatever action is required, including the signing of a full release, to provide access to any medical, dental, hospital, surgical, optometric, or mental health records of the minor child.

m. Illness or Injury of a Child

No schedule can adequately spell out what should be common sense when dealing with an ill or injured child.

If a child becomes ill or injured, warranting the giving of medication or consultation with a doctor or dentist, each parent must notify the other parent as soon as possible. There is a presumption that a child will go for parenting time even if ill unless the parties agree otherwise. The residential parent MUST provide written instructions and sufficient medication to last during the parenting time. Additionally, any allergy or chronic condition suffered by a child also must be communicated in writing from the residential to the non-residential parent, including specifics regarding medication or treatment recommended for the illness or condition. The non-residential parent must care for the child as directed, discussing with the residential parent if the child's condition worsens or does not improve as might reasonably be expected.

If the parents agree to cancel the parenting time due to the child's illness or injury, then the time must be made up within thirty (30) days to the non-residential parent at a time agreed upon by the parties or, if there is no agreement, at a time chosen by the non-residential parent. If another child is also scheduled to have parenting time, then the regular schedule must go on with that child.

n. Schoolwork

A parent must provide time for any child to study, 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 schoolwork 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.

o. Children's Activities

Scheduled parenting time periods shall not be delayed or denied because a child has other scheduled activities (with friends, work, lessons, sports, etc.). It is the responsibility of the parents to discuss activities important to the child in advance, including time, dates, and transportation needs, so that the child is not deprived of activities and maintaining their friends. If the activities are regularly scheduled, they should be agreed upon in advance and written into the judgment entry or decree. Both parents are encouraged to attend all their child's activities. If the scheduling of activities is not under the control of either parent, both parents will be expected to take the child(ren) to or arrange transportation for activities occurring during their parenting time. Each parent is entitled by law to equal access to the activities of their child(ren), unless limited by Court order.

p. Clothing

The residential parent is responsible for providing sufficient, appropriate, clean clothing, based on the lifestyle of the residential parent and child. If the planned activities during parenting time require special or unusual clothing needs, the non-residential parent must notify the residential parent at least two (2) days in advance. If the child does not have the type of clothing requested, the residential parent is under no obligation to comply with the request. All clothing sent by the residential parent MUST be returned immediately after the parenting time.

q. Address and Telephone Numbers

Each parent must, unless the Court orders otherwise, keep the other informed of his or her current address and telephone number, and an alternate telephone number in the event of an emergency.

r. Moving

Either parent must notify the other, and the residential parent must also notify the Court, at least thirty (30) days in advance of their intent to change their residence, and provide a new address and telephone number within ten (10) days of establishing a new residence. If the parents are less than 150 miles apart after the move, the local parenting time schedule applies. If the parents are more than 150 miles apart after the move, the long distance parenting time schedule applies. The Ohio Department of Jobs and Family Services must also be notified pursuant to the Court's Additional Order and Notice to Parties.

If the residential parent moves or gives notice of intent to move the child away from the area, the non-residential parent may file a motion objecting to the move and the Court will address the issue.

s. Parents' Work Schedule

This schedule presumes that the parents are available for full weekends and mid-week parenting time. If the non-residential parent is regularly employed every weekend and chooses not to exercise parenting time on the weekend, the parents should agree in advance about the day and time for parenting time. If the parties cannot agree, either may wish to consult with the Court counselor or file a motion.

t. Traditions and Family

This schedule is in no way meant to interfere with family traditions. Each parent is encouraged to respect each other's family traditions and to adjust the parenting time schedule accordingly. Each parent should expect new traditions will develop. It is expected that the child(ren) will continue contact with grandparents, aunts, uncles, cousins, and any other family members during such times as they are with their parents.

u. Step-parent's name

A parent should not, nor permit any other person to suggest, encourage, or require a child to refer to any person other than the child's parents as "mom" or "dad", etc.

v. Newborn Child(ren)

This schedule might not apply to a newborn or very young child whose sense of time differs from an older child. A newborn needs briefer, more frequent contact with a parent not living in the same household than this schedule specifies. Parents need to exercise more flexibility in scheduling times for a newborn and very young child, and may need to consult with the child's physician and/or Court counselor in the event they do not agree.

w. Teenagers

A regular routine of parenting time may become more difficult as a child ages, has more activities outside of the family unit, obtains a driver's license, dates, works, and spends time with friends, as the parents allow a young adult more freedom of choice generally. The parents need to respect their teenager opting to spend time more with friends or in organized activities, and less time with each parent, especially weekends and summer holidays. Maximum flexibility in scheduling is absolutely necessary for a child of this age. Within limits, it is advisable to consider the teenager's wishes, as long as the parents agree. If the parents are unable to resolve scheduling conflicts, they may wish to consult with a Court counselor or file a motion.

x. Non-compliance with Court Order

Any of the responsibilities or rights outlined in this schedule may be enforced by the Court after the filing of the appropriate motion by either party. Note that a parent may not deny parenting time because the other parent does not pay child support or refuse to pay child support because the other parent denies parenting time.

Penalties for the Parent Who Willfully Fails to Comply With This Schedule

A parent who willfully fails to comply with this schedule may be found guilty of contempt of Court. The first penalty is a fine not to exceed $250 and a jail sentence not to exceed thirty (30) days, the second penalty is a fine not to exceed $500 and a jail sentence not to exceed sixty (60) days, the third penalty is a fine not to exceed $1,000 and a jail sentence not to exceed ninety (90) days. The Court may also assess attorney fees and Court costs. Other remedies available may include an order for make-up parenting time, an order for the reimbursement of transportation costs, an order for the appointment of (and payment for) a Guardian ad Litem for the minor child. The Court may order and in addition to any other remedy available at law.

y. Modifying this Order

The Court reserves the right to modify this schedule after a motion by either party.

JUDGE DAVID LEWANDOWSKI **JUDGE LISA D. McGOWAN**

GLOSSARY

"Curb-side Exchange" - a legal term always written specifically into the Court order. The non-residential parent is prohibited from entering upon the property of the residential parent to exchange the child(ren), the residential parent must remain inside the home, and there must be no communication during the exchange of the parents' child(ren). The process of curb-side exchange means the non-residential parent (at the specified parenting time) parks in front of the residential parent's residence and honks the horn to notify the residential parent to send the child(ren) to the non-residential parent's car. The residential parent shall immediately send the child(ren) to the car, making certain the driver is well-known to the child(ren) (if the driver is not the other parent) and watch the child(ren) enter the car and leave. Upon return after the parenting time, the non-residential parent parks in front of the residential parent's home, honks the horn to signal that the child(ren) are returning, and watches the child(ren) return to the residence.

"Parenting Time" - a legal term meaning the time set aside for the non-residential parent to parent his or her child(ren) without any legal restriction except as to time. Court-imposed. Restrictions to parenting time are always written specifically into the Court order.

"Supervised Parenting Time" - a legal term meaning the time set aside for the non-residential parent to parent his or her child(ren) with legal restrictions as to time, place, and neutral party who is always present with the child(ren) during the parenting time.

November 15, 2015

ALLOCATION OF PARENTAL RIGHTS AND RESPONSIBILITIES

LOCAL PARENTING TIME SCHEDULE

COURT OF COMMON PLEAS OF LUCAS COUNTY, OHIO
DIVISION OF DOMESTIC RELATIONS

If the Court order or decree indicates that the Court schedule is the order for parenting time, then the ORDER OF THE COURT IS THE FOLLOWING:

PARENTING TIME FOR THE NON-RESIDENTIAL / CUSTODIAL PARENT SHALL TAKE PLACE AT SUCH TIMES AND PLACES AS THE PARTIES CAN AGREE (*these are the most important words*). This shall not normally be less than:

1. Weekends

   Beginning on a specific date (_____), every other weekend from Friday night at 7 p.m. to Sunday night at 7 p.m.

2. Mid-week

   In addition, the child(ren) shall spend a minimum of one weekday parenting time as follows:

   For a child not yet in Kindergarten, 5 p.m. to 7:30 p.m.
   For a child in Kindergarten - 8th grade, 5 p.m. to 8 p.m.
   For a high school student, 5 p.m. to 9 p.m.

   If there is more than one child, the hour of return shall be the hour for the youngest child. If the parents cannot agree on a day, the day for the mid-week parenting time is Wednesday.

3. Holidays

   NOTE: Holidays take priority over ANY other parenting time, including routine (weekends and mid-weeks), birthdays, school breaks, and vacations.

   UNLESS AGREED OTHERWISE, PARENT 1 = PLAINTIFF AND PARENT 2 = DEFENDANT.

   Parents may wish to change by agreement a holiday at least one week in advance in order to observe family or religious traditions. If not changed by agreement, holiday times are as follows:

	Even-numbered Years	Odd-Numbered Years	As Agreed, OR
Easter	Parent 1	Parent 2	Sun. 10 am. - 7 pm.
Mother's Day*	Parent 2	Parent 1	Sun. 10 a.m. - 7 p.m.
Memorial Day	Parent 2	Parent 1	Sun. 7 pm. - Mon. 8 pm.
Father's Day*	Parent 2	Parent 1	Sun. 10 a.m. - 7 p.m.
July 4th	Parent 1	Parent 2	7/4, 9 am. - 7/5, 9 am.
Labor Day	Parent 2	Parent 1	Sun. 7 pm. - Mon., 8 pm.
Halloween	Parent 2	Parent 1	Day/Time per parent's neighborhood
Thanksgiving	Parent 1	Parent 2	Thur. 9 am. - Fri. 9 am.
Christmas Eve	Parent 2	Parent 1	12/23, 9 pm. - 12/24, 10 pm.
Christmas Day	Parent 1	Parent 2	12/24, 10 pm. - 12/25, 9 pm.
New Year's Eve/Day	Parent 2	Parent 1	12/31, 5 pm. - 1/1, 9 pm.

*If applicable

4. Birthdays and Other Days of Special Meaning

a. Child's Birthday: The child's birthday shall be spent with Parent 2 in the even-numbered years, and with Parent 1 in the odd-numbered years. If the parties cannot agree, the time is 10 a.m. to 8 p.m., for a child not in school on the birthday, and 5 p.m. to 8 p.m., for a child in school on the birthday. Siblings attend the birthday event. The other parent can celebrate on another date.

b. Parents Birthday: Each parent may have the child(ren) on his/her birthday. If the parties cannot agree, the time will be from 10:00 a.m. until 8:00 p.m. for children not in school on the birthday, and 5:00 p.m. until 8:00 p.m. for children in school on the birthday.

If a child's birthday and a parent's birthday fall on the same day (or if both parents have the same birthday), parties should abide by the schedule for the child's birthday.

c. **The Court recognizes that parties' traditions, culture, and religion may impact parenting times. These other days of special meaning, family traditions, 3-day weekends, etc., should be discussed in advance and written into the Court order.**

5. School Breaks

NOTE: The schedule for Winter Break coincides with the holiday schedule for Christmas Eve/Day and New Year's Eve/Day. The schedule for Spring Break *usually* coincides with the holiday schedule for Easter.

a. In the even-numbered years, Parent 1 shall have the entire Spring Break. In the odd-numbered years, Parent 2 shall have the entire Spring Break.

b. In the even-numbered years, Parent 2 shall have Winter Break until December 24 at 10 p.m. Parent 1 shall have from December 24, at 10 p.m. until the end of the break. In the odd-numbered years, Parent 1 shall have Winter Break until December 24 at 10 p.m. Parent 2 shall have from December 24 at 10 p.m. to the end of the break.

c. The break begins at 7:00 p.m. on the last day of school before the break and ends at 7:00 p.m. the night before school resumes. It is understood that not all the schools of children in the same family will necessarily have the same break.

d. Children not yet in mandatory education (Kindergarten) do not follow the break schedule unless they have older, school-aged siblings who will be going for the break.

6. Vacation

a. Each parent is entitled to four (4) weeks of vacation each year (in addition to school breaks and holidays.) Each must notify the other sixty (60) days in advance of the scheduled vacation. Note: This shall only apply if your Court order does not already specify a summer parenting time schedule. In the event both parties, using proper advance notice, request the same dates, the non-residential parent's choice of vacation has priority [unless the residential parent's vacation is an annual mandatory shut-down of the place of employment, or unless the residential parent is required by an employer to give more than sixty (60) days' notice of intent to take a vacation and the non-residential parent has no similar requirement. If both parents have mandatory shut-downs which overlap, they should split the vacation time equally.]

b. Vacation may be exercised during the school year provided the vacationing parent (1) can get the child(ren) to school or (2) can ensure that the children's attendance/academic requirements are met.

c. Summer school necessary for the child to pass to the next grade must be attended. Vacation may be scheduled by either parent during a mandatory summer school period, but the child must complete all classes.

d. Each parent must provide the other parent with destination, times of arrival and departure, and method of travel as soon as it is known, but at least two (2) weeks in advance, if the vacation will be outside the parent's community.

e. Only weekends may be made up if missed due to the other parent's vacation. Make-up time should be exercised within thirty (30) days, at a time agreed upon by the parties or, if there is no agreement, on a weekend chosen by the parent receiving the make-up time.

7. Parenting Time Presumption

a. Basis for Schedule

This parenting plan presumes that both parents are good parents and that a child is safe with either parent, based on the evidence before the Court; that both parents respect the right of their child(ren) to have two parents throughout their life for nurturing, continuity, normal development, and emotional and economic support; and the father and mother each respects the right of the other to parent their child(ren).

During and after a divorce, there is often a crisis period in which families are under great stress because of loss, conflict, and change. Mental health professionals uniformly agree that the children who "do best" are from families who maintain a low level of conflict and an appropriate level of co-parenting communication. The absence of conflict is even more critical than the amount of time either parent spends with the children. However, children feel most loved and clearly benefit from continued *positive* relationships with both parents.

For any schedule to succeed, parents should be flexible based upon the changing needs of the children over the years.

b. Keeping the Children Together

This schedule presumes that if the parents have more than one child, the parenting time will be exercised with all children together.

c. Child's Response to Parenting Time

Children of divorce grow up to be as normal and healthy as children whose parents are not divorced if the parents communicate well, if both parents continue regular contact with the child(ren), and avoid the use of anger in front of the child(ren) when dealing with the other parent.

It is normal when parents first separate for a child to have a strong emotional reaction at exchange times saying good-bye to one parent. Parents need to know that the emotional response is quite natural, and that each parent needs to calmly reassure the child that he or she will see the other parent soon. Parents should understand that this response by the child does not mean that the child does not love the other parent, or wishes not to spend time with the other parent. The length of the adjustment will vary.

If a child indicates 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, 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 should seek the immediate assistance of a mental health professional, Court counselor or file a motion. As uncomfortable as this issue may be for a parent, this issue should not go unresolved. IT IS THE ABSOLUTE AFFIRMATIVE DUTY OF THE RESIDENTIAL PARENT TO MAKE CERTAIN THAT HIS OR HER CHILD GOES FOR THE PARENTING TIME.

d. Making Parenting Time Routine

This schedule presumes that the non-residential parent shall be there for all the parenting time (i.e., Weekends, Mid-weeks, Holidays, Birthdays/Other Days of Special Meaning, and School Breaks) and that no advance notice to the residential parent is necessary (except for Vacation). The residential parent shall have the child(ren) ready to go.

e. Missing Parenting Time

The non-residential parent must give notice of intent NOT to have parenting time as soon as he or she is aware that it is not possible. A parent who does not exercise parenting time forfeits the time. Since the schedule presumes ordinary parenting times will be spent with the child(ren), non-canceled time where the parent fails to appear upsets the child(ren) considerably, as well as the residential parent. A parent who continually fails to keep his or her commitment to parenting time may have rights modified and may be subject to other legal remedies upon motion by the residential parent.

f. Make-up Time for Rescheduled Parenting Time

A parent may only cancel the other parent's parenting time as specified under the Vacation section of this schedule. However, if the parties agree to modify the schedule to accommodate an extenuating circumstance, make-up time should be given/taken within thirty (30) days at a time agreed upon by the parties or, if there is no agreement, at a time chosen by the parent receiving the make-up time.

g. Transportation

Each parent shall be responsible for providing the transportation at the BEGINNING of his/her parenting time. If unavailable, that parent must arrange for another licensed driver well-known to the child(ren) for this purpose. All child restraint laws must be complied with by any person driving with the child(ren). No person transporting the child(ren) may be under the influence of drugs or alcohol.

Unless otherwise ordered, the parent ENDING his/her parenting time must have the child(ren) available for pick-up at his/her home or at the daycare or child care provider's home. If the child(ren) is at school or a regularly scheduled activity at the time of pick-up, the parent BEGINNING parenting time shall pick up the child(ren) from the school or activity. The residential parent is responsible for making the necessary notifications and signing any necessary permission slips/releases related to the pick-up or drop-off.

h. Promptness

This schedule presumes that each parent will be prompt for exchanges of the child(ren), and that the parents will ready the child(ren) emotionally and physically for the parenting time. The residential parent has no duty to wait for the non-residential parent to pick up the child(ren) longer than thirty (30) minutes, unless the non-residential parent notifies the residential parent that s/he will be late, and the residential parent agrees to remain available after the thirty (30) minute waiting period. A parent who is more than thirty (30) minutes late loses the parenting time. A parent who has a pattern of lateness may have rights modified.

i. Communication between Parents

IT IS THE RESPONSIBILITY OF THE PARENTS, NOT THE CHILDREN, TO MAKE ALL PARENTING TIME ARRANGEMENTS. Neither parent should communicate with a child about the schedule or about future events or activities which conflict with allotted times. It is not the responsibility of a child to mediate or become involved in parental differences over times, dates, or activities. If parents have temporary difficulty communicating about the needs of their child(ren), they should seek assistance from a neutral third party or a professional and not enlist the child to resolve their inability to talk to each other.

When Parents Do Not Communicate With Each Other

Parents temporarily may use other adults to make arrangements for parenting time. But the best solution is to seek professional help to learn or improve the ability to work together for the child(ren)'s best interests. Failing to get the cooperation of the other parent to enter counseling, a parent should call the Court Counselor or file a motion with the Court to order counseling to resolve this very serious problem before the damage to the child becomes irreversible.

j. Communication between Parent and Child

Each parent has the right to talk over the telephone with the child(ren) as often as the parents agree. If the parents do not agree, then the non-possessory parent should have telephone privileges once per day. Phone calls should take place during the normal hours a child is awake, and if the child is unavailable for conversation, each parent shall take the responsibility of seeing that the child timely returns the call.

Note that due to ongoing, rapid changes in technology (i.e., text messaging, email, Skype, Facebook, Twitter, other social media/networking sites, etc.), not every conceivable situation can be anticipated or addressed. However, the Court strongly recommends parents consider the age and maturity of their child(ren) and cooperate to make joint decisions regarding the purchasing and use of cell phones and any other technology which may affect communication between a parent and a child. Any likely areas of dispute should be discussed in advance and written into the Court order.

Regarding discipline, a parent may rescind the use of a child's cell phone or other technology as a form of discipline without violating a Court order. However, this shall not interfere with the child's regular communication with the other parent.

k. Discipline and Changes in Child's Behavior

It is presumed that parents use methods of discipline consistent with the law and consistent with each other as much as possible, and will communicate with each other if a child is becoming a discipline problem.

Parents need to discuss behavior problems and solutions with each other as the need arises. Parents who have major disagreement over appropriate discipline or solutions to their child's problems and cannot resolve their disagreement should seek the assistance of a Court counselor or mental health professional. Examples of times for concern are decline of a child's grades, serious or chronic problems at school, dramatic changes in behavior, or delinquency, to name a few.

l. Child's Records

(1) Both parents are entitled by law to equal access to their children's daycare, school, and medical records unless limited by Court order.

(2) The residential parent is responsible for taking all necessary action for all record keeping purposes to use the birth or adopted name only.

(3) School Records: The residential parent must list the non-residential parent as a parent of the child and as an emergency contact for the child (unless limited by Court order), and must authorize the school to release to the non-residential parent any and all information concerning the child. The residential parent also must provide the non-residential parent with any and all passwords necessary to access the child's academic and extracurricular information online. If the non-residential parent is unable to access the information directly, the residential parent is responsible to personally provide copies of every grade card within five (5) days of receipt, and must personally inform the non-residential parent of all school notices or special activities (i.e., parent-teacher conferences, honors

programs, athletic events, school pictures, graduation events, or any other activity in which the child is involved) as soon as s/he receives notice. The child should not be used to deliver the information.

(4) Medical records/consultation: The residential parent shall, upon request by the non-residential parent, immediately comply with whatever action is required, including the signing of a full release, to provide access to any medical, dental, hospital, surgical, optometric, or mental health records of the minor child.

m. Illness or Injury of a Child

No schedule can adequately spell out what should be common sense when dealing with an ill or injured child.

If a child becomes ill or injured, warranting the giving of medication or consultation with a doctor or dentist, each parent must notify the other parent as soon as possible. There is a presumption that a child will go for parenting time even if ill unless the parties agree otherwise. The residential parent MUST provide written instructions and sufficient medication to last during the parenting time. Additionally, any allergy or chronic condition suffered by a child also must be communicated in writing from the residential to the non-residential parent, including specifics regarding medication or treatment recommended for the illness or condition. The non-residential parent must care for the child as directed, discussing with the residential parent if the child's condition worsens or does not improve as might reasonably be expected.

If the parents agree to cancel the parenting time due to the child's illness or injury, then the time must be made up within thirty (30) days to the non-residential parent at a time agreed upon by the parties or, if there is no agreement, at a time chosen by the non-residential parent. If another child is also scheduled to have parenting time, then the regular schedule must go on with that child.

n. Schoolwork

A parent must provide time for any child to study, 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 schoolwork 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.

o. Children's Activities

Scheduled parenting time periods shall not be delayed or denied because a child has other scheduled activities (with friends, work, lessons, sports, etc.). It is the responsibility of the parents to discuss activities important to the child in advance, including time, dates, and transportation needs, so that the child is not deprived of activities and maintaining their friends. If the activities are regularly scheduled, they should be agreed upon in advance and written into the judgment entry or decree. Both parents are encouraged to attend all their child's activities. If the scheduling of activities is not under the control of either parent, both parents will be expected to take the child(ren) to or arrange transportation for activities occurring during their parenting time. Each parent is entitled by law to equal access to the activities of their child(ren), unless limited by Court order.

p. Clothing

The residential parent is responsible for providing sufficient, appropriate, clean clothing, based on the lifestyle of the residential parent and child. If the planned activities during parenting time require special or unusual clothing needs, the non-residential parent must notify the residential parent at least two (2) days in advance. If the child does not have the type of clothing requested, the residential parent is under no obligation to comply with the request. All clothing sent by the residential parent MUST be returned immediately after the parenting time.

q. Address and Telephone Numbers

Each parent must, unless the Court orders otherwise, keep the other informed of his or her current address and telephone number, and an alternate telephone number in the event of an emergency.

r. Moving

Either parent must notify the other, and the residential parent must also notify the Court, at least thirty (30) days in advance of their intent to change their residence, and provide a new address and telephone number within ten (10) days of establishing a new residence. If the parents are less than 150 miles apart after the move, the local parenting time schedule applies. If the parents are more than 150 miles apart after the move, the long distance parenting time schedule applies. The Ohio Department of Jobs and Family Services must also be notified pursuant to the Court's Additional Order and Notice to Parties.

If the residential parent moves or gives notice of intent to move the child away from the area, the non-residential parent may file a motion objecting to the move and the Court will address the issue.

s. Parents' Work Schedule

This schedule presumes that the parents are available for full weekends and mid-week parenting time. If the non-residential parent is regularly employed every weekend and chooses not to exercise parenting time on the weekend, the parents should agree in advance about the day and time for parenting time. If the parties cannot agree, either may wish to consult with the Court counselor or file a motion.

t. Traditions and Family

This schedule is in no way meant to interfere with family traditions. Each parent is encouraged to respect each other's family traditions and to adjust the parenting time schedule accordingly. Each parent should expect new traditions will develop. It is expected that the child(ren) will continue contact with grandparents, aunts, uncles, cousins, and any other family members during such times as they are with their parents.

u. Step-parent's name

A parent should not, nor permit any other person to suggest, encourage, or require a child to refer to any person other than the child's parents as "mom" or "dad", etc.

v. Newborn Child(ren)

This schedule might not apply to a newborn or very young child whose sense of time differs from an older child. A newborn needs briefer, more frequent contact with a parent not living in the same household than this schedule specifies. Parents need to exercise more flexibility in scheduling times for a newborn and very young child, and may need to consult with the child's physician and/or Court counselor in the event they do not agree.

w. Teenagers

A regular routine of parenting time may become more difficult as a child ages, has more activities outside of the family unit, obtains a driver's license, dates, works, and spends time with friends, as parents allow a young adult more freedom of choice generally. The parents need to respect their teenager opting to spend time more with friends or in organized activities, and less time with each parent, especially weekends and summer holidays. Maximum flexibility in scheduling is absolutely necessary for a child of this age. Within limits, it is advisable to consider the teenager's wishes, as long as the parents agree. If the parents are unable to resolve scheduling conflicts, they may wish to consult with a Court counselor or file a motion.

x. Non-compliance with Court Order

Any of the responsibilities or rights outlined in this schedule may be enforced by the Court after the filing of the appropriate motion by either party. Note that a parent may not deny parenting time because the other parent does not pay child support or refuse to pay child support because the other parent denies parenting time.

Penalties for the Parent Who Willfully Fails to Comply With This Schedule

A parent who willfully fails to comply with this schedule may be found guilty of contempt of Court. The first penalty is a fine not to exceed $250 and a jail sentence not to exceed thirty (30) days, the second penalty is a fine not to exceed $500 and a jail sentence not to exceed sixty (60) days, the third penalty is a fine not to exceed $1,000 and a jail sentence not to exceed ninety (90) days. The Court may also assess attorney fees and Court costs. Other remedies available may include an order for make-up parenting time, an order for the reimbursement of transportation costs, an order for the appointment of (and payment for) a Guardian ad Litem for the minor child.

y. Modifying this Order

The Court reserves the right to modify this schedule after a motion by either party.

JUDGE DAVID LEWANDOWSKI **JUDGE LISA D. McGOWAN**

GLOSSARY

"Curb-side Exchange" - a legal term always written specifically into the Court order. The non-residential parent is prohibited from entering upon the property of the residential parent to exchange the child(ren), the residential parent must remain inside the home, and there must be no communication during the exchange of the parents' child(ren). The process of curb-side exchange means the non-residential parent (at the specified parenting time) parks in front of the residential parent's residence, honks the horn to notify the residential parent to send the child(ren) to the non-residential parent's car. The residential parent shall immediately send the child(ren) to the car, making certain the driver is well-known to the child(ren) (if the driver is not the other parent) and watch the child(ren) enter the car and leave. Upon return after the parenting time, the non-residential parent, parks in front of the residential parent's home, honks the horn to signal that the child(ren) are returning, and watches the child(ren) return to the residence.

"Parenting Time" - a legal term meaning the time set aside for the non-residential parent to parent his or her child(ren) without any legal restriction except as to time. Court-imposed. Restrictions are always written specifically into the Court order.

"Supervised Parenting Time" - a legal term meaning the time set aside for the non-residential parent to parent his or her child(ren) with legal restrictions as to time, place, and neutral party who is always present with the child(ren) during the parenting time.

November 15, 2016

ALLOCATION OF PARENTAL RIGHTS AND RESPONSIBILITIES

LONG DISTANCE PARENTING SCHEDULE
(For parents who live more than 150 miles apart)

COURT OF COMMON PLEAS OF LUCAS COUNTY, OHIO
DIVISION OF DOMESTIC RELATIONS

NOTICE OF INTENT TO EXERCISE PARENTING TIME:

Notice of intent to exercise parenting time must be provided <u>in writing</u> by the non-residential parent at least <u>thirty</u> (30) days in advance of the first day of the parenting time. The residential parent must acknowledge the notice within three (3) days of receipt.

If the Court order or decree indicates that the <u>Long Distance Schedule</u> is the order for parenting time, then PARENTING TIME FOR THE NON-RESIDENTIAL PARENT SHALL TAKE PLACE AT SUCH TIMES AND PLACES AS THE PARENTS CAN AGREE (<u>*these are the most important words*</u>). This shall not normally be less than the following:

1. <u>Summer Vacation</u>:

Summer vacation shall be from June 15 to July 31 of each calendar year. These dates cannot be changed except by agreement of both parties or a Court order.

2. <u>School Breaks:</u>

<u>Even-numbered Years</u>	**<u>Odd-numbered Years</u>**
<u>Winter Break</u> **First to last day of break.**	**<u>Spring Break</u>** **First to last day of break.**
	<u>Thanksgiving Break</u> **First to last day of break.**

WHILE NO SPECIFIC TIMES ARE SET FOR LONG DISTANCE EXCHANGES DUE TO THE NEED FOR FLEXIBILITY IN MAKING TRANSPORTATION ARRANGEMENTS, THE COURT DOES EXPECT PARENTS TO BE REASONABLE IN CONSIDERING THEIR CHILDREN'S NEEDS.

3. Additional Parenting Times:

a. A once-a-month weekend beginning the third Friday of each month, unless agreed otherwise, if the traveling time for the child does not exceed three (3) hours one-way from home to home. The times are Friday at 7 p.m. to Sunday at 7 p.m. unless agreed otherwise. The residential parent must have at least one week advance notice.

b. Father's Day or Mother's Day may be spent with the designated parent. The residential parent must have at least one (1) week advance notice.

c. The non-residential parent who visits the community where the residential parent lives is entitled to parenting time if she/he provides two (2) days advance notice to the residential parent. The parenting time may be outside the presence of the residential parent (unless prohibited by court order).

d. The residential parent who bring the child(ren) to the community where the non-residential parent lives must provide two (2) days advance notice and must provide parenting time between the non-residential parent and their child(ren) outside the presence of the residential parent (unless prohibited by Court order).

4. <u>Transportation:</u>

THE PARENT COMING INTO POSSESSION OF THE CHILD(REN) IS RESPONSIBLE FOR ARRANGING AND PAYING FOR THE CHILD(REN)'S TRANSPORTATION.

<u>Transportation by Car:</u> Any responsible adult with a valid driver's license well-known to the child(ren) may be utilized to provide transportation. All child restraint laws must be complied with by any person driving the child(ren). No person transporting the child(ren) may be under the influence of drugs or alcohol.

Transportation by Airplane: Airline regulations govern the age at which a child may fly unescorted. Airline reservations should be made well in advance and preferably be non-stop. The parent who is taking the child(ren) to the airport must call the other parent immediately upon departure to notify the other parent that the child(ren) will be arriving, and the parent who meets the child(ren) must immediately notify the other parent that they have arrived.

Note: Travel by methods other than car requires each parent to transport the child in a timely fashion to the transportation terminal for departure and pick up. Prior to making the decision on any method of transportation, parents should carefully consider the age of the child(ren), the safety of the child(ren) traveling alone, the child(ren)'s experience traveling alone, and whether an adult should chaperone the travel.

5. Long Distance Parenting Time Presumptions:

a. Basis for Schedule

This parenting plan presumes that both parents are good parents and that a child is safe with either parent, based on the evidence before the Court; that both parents respect the right of their child(ren) to have two parents throughout their life for nurturing, continuity, normal development, and emotional and economical support; and that each parent respects the other's right to parent their child(ren).

b. Keeping the Children Together

This schedule presumes that if the parents have more than one child, the parenting time will be exercised with all children together.

c. Child's Response to Long Distance Parenting Time

Children whose parents live at a considerable distance from each other grow up to be as normal and healthy as children whose parents live in the same community if the parents communicate well, if both parents continue regular contact with the child(ren), and if both parents avoid the use of anger in front of the child(ren) when dealing with or talking about the other parent.

It is normal for a child to have a strong emotional reaction when leaving the residential parent, and an equally strong reaction when leaving the non-residential parent. Parents need to know that this type of emotional response is quite natural and does not mean that the child does not love the other parent or wishes not to see him or her. Parents need to calmly reassure the child that he or she will see the other parent again. A healthy child should adjust to the situation.

Some parents are naturally concerned about a very young child being separated from the residential parent for the extended periods of time set by this schedule. So long as the non-residential parent has an established relationship with the child, the general rule is that the child should spend time with that parent and will adjust to new surroundings with the assistance of both parents. Parents may obtain from the office of the Courtcounselor special information on the unique needs of very small children during parenting time periods.

If a child indicates strong opposition to being with the other parent, it is the responsibility of both parents to calmly talk to the child as to the child's reasons, and to work together to do what is in the child's best interest, particularly avoiding confrontation or unpleasant scenes. If the matter is not settled quickly, either parent should seek the immediate assistance of a mental health professional or Court counselor, or file a motion with the Court. No parent should allow a child to decide when or whether parenting time will take place. As uncomfortable as this problem may be for either parent, this issue should not go unresolved. IT IS THE ABSOLUTE, AFFIRMATIVE DUTY OF THE RESIDENTIAL PARENT TO MAKE CERTAIN THAT THE CHILD(REN) GO FOR ALL PARENTING TIME, AND THE RESIDENTIAL PARENT SHALL DISCUSS WITH THE CHILD(REN) IN ADVANCE OF THE PARENTING TIME THE IMPORTANCE OF THEIR CONTINUING RELATIONSHIP WITH THE OTHER PARENT.

d. Making Parenting Time a Routine

This schedule presumes that the non-residential parent shall exercise all parenting time periods so long as proper notice is given. The residential parent shall not schedule any plans for the child(ren) which interferes with the non-residential parent's time nor deny the rights set forth in this schedule to the other parent.

e. Missing Parenting Time

The non-residential parent must give notice of intent NOT to have parenting time, as soon as he or she is aware that parenting time is not possible. A parent who cancels parenting time forfeits the time. Since the schedule presumes ordinary parenting times will be spent with the child(ren), non-canceled time where the parent fails to appear upsets the child(ren) considerably, as well as the residential parent. A parent who continually fails to keep his or her commitment to parenting time may have rights modified, and may be subject to other legal remedies as well, upon motion by the residential parent. Likewise, a parent who denies Court ordered parenting time may have rights modified, and may be subject to other legal remedies as well, upon motion by the non-residential parent.

f. Exchanging the Child(ren)

This schedule presumes that the parents will not exchange the child(ren) before or after the scheduled time, unless the parents agree to do so in advance.

g. Summer School

Summer school which is necessary for a child to pass to the next grade must be completed online or attended at a school in the non-residential parent's school district after receipt of written notice from the residential parent. The non-residential parent must make arrangements with both schools and be certain that documentation of completion is received by the school in the residential parent's community.

h. Child's Activities

Scheduled parenting time must not be delayed because a child wishes to schedule other activities (with friends, work, lessons, sports, etc.) which conflict with the non-residential parent's parenting time. The residential parent shall not schedule or allow a child to schedule any event which conflicts with the times and dates herein, unless the parties agree otherwise. This schedule anticipates that the child will develop new friends and relationships, and have additional activities in a different community which are presumed to be beneficial to the child.

I. Child's Health

As a general rule, if a child is hospitalized or has a serious injury or illness, each parent should be notified. If the child becomes ill or injured while with the non-residential parent, the parent shall secure appropriate treatment and notify the residential parent. Additionally, any allergy or chronic condition suffered by a child must be communicated in writing from the residential to the non-residential parent, including specifics regarding medication or treatment prescribed for the illness or condition. Sufficient medication should be sent. THE NON-RESIDENTIAL PARENT MUST CARE FOR THE CHILD AS DIRECTED.

j. Clothing

The residential parent is responsible for providing sufficient, appropriate, clean clothing for the parenting time period. If planned activities require special or unusual clothing needs, the non-residential parent must notify the residential parent at least two (2) days in advance of the beginning of the period. If the child does not have the type of clothing requested, the residential

parent is under no obligation to comply with the request. All clothing sent by the residential parent must be immediately returned at the end of the parenting time.

k. Communication between Parents

IT IS THE RESPONSIBILITY OF THE PARENTS, NOT THE CHILDREN, TO MAKE ALL PARENTING TIME ARRANGEMENTS. Neither parent should communicate with a child about future events or activities which conflict with the other parent's allotted times. It is not the responsibility of a child to mediate or become involved in parental differences over times, dates, or activities. If parents have temporary difficulty communicating about the needs of their child(ren), they should seek assistance from a neutral third party or a professional and NOT enlist the child to resolve their inability to talk to one another.

When Parents Do Not Communicate With Each Other: Parents temporarily may use other adults to make arrangements for parenting time. But the best solution is to seek professional help to learn or improve the ability to work together for the child(ren)'s best interests. Failing to get the cooperation of the other parent to enter counseling, a parent should call the Court counselor or file a motion with the Court to resolve this very serious problem before the damage to the child becomes irreversible.

l. Communication between Parent and Child

This schedule presumes that frequent and liberal communication between the non-residential parent and the child(ren) is vital in place of regular physical contact which would be available if the parents lived nearer to each other. Unless the parties agree or the Court orders otherwise, there shall be no limit on the number and length of telephone calls (or contacts via letters, email, text messaging, Skype, Facebook or other social media, etc.) from either parent to the child(ren). Each parent must also allow all communication requested by the child(ren) to the other parent. (However, the Court retains the right to limit contact if it finds that it is not in the best interests of the child.)

Telephone calls should take place during the normal hours a child is awake, and if the child is unavailable for conversation, each parent shall take the responsibility of seeing that the child timely returns the call. If it is the practice of either parent to use a telephone answering device, the parents should agree in advance to calling at a designated time so that the call may be completed. Each parent must always provide a telephone number to the other parent where the child may be reached. The child must be allowed privacy by each parent for the purpose of communicating with the other parent. Each parent must also provide a home address to the other parent at all times, and must guarantee the child receives all letters, cards, emails, voicemails, gifts, etc. that are sent or forwarded as soon as they are received.

Note that due to ongoing, rapid changes in technology, not every conceivable situation can be anticipated or addressed. However, the Court strongly recommends parents consider the age and maturity of their child(ren) and cooperate to make joint decisions regarding the purchasing and use of cell phones and any other technology which may affect communication between a parent and a child. Any likely areas of dispute should be discussed in advance and written into the Court order. Regarding discipline, a parent may rescind the use of a child's cell phone or other technology as a form of discipline without violating a Court order. However, this shall not interfere with the child's regular communication with the other parent.

m. Discipline and Changes in Child's Behavior

It is presumed that parents use methods of discipline consistent with the law and consistent with each other as much as possible, and that each will communicate with the other parent if the child is having a discipline problem. Parents need to discuss behavior problems and solutions with each other as the need arises. Parents who have major disagreements over appropriate discipline or solutions should seek the assistance of the Court counselor or mental health

professional. Examples of time for concern are a decline of a child's grades, serious or chronic school problems, dramatic changes in behavior, and delinquency, to name a few.

n. Child's Records

(1) Both parents are entitled by law to equal access to their children's daycare, school, and medical records unless limited by Court order.

(2) The residential parent is responsible for taking all necessary action for all recordkeeping purposes to use the birth or adopted name only.

(3) School Records: The residential parent must list the non-residential parent as a parent of the child, and must authorize the school to release to the non-residential parent any and all information concerning the child. The residential parent also must provide the non-residential parent with any and all passwords necessary to access the child's academic and extracurricular information online. If the non-residential parent is unable to access the information directly, the residential parent is responsible to personally provide copies of every grade card within five (5) days of receipt, and must personally inform the non-residential parent of all school notices or special activities (i.e., parent-teacher conferences, honors programs, athletic events, school pictures, graduation events, or any other activity in which the child is involved) as soon as she/he receives notice. The child should not be used to deliver the information.

(4) Medical Records/Consultation: The residential parent shall, upon request by the non-residential parent, immediately comply with whatever action is required, including the signing of a full release, to provide access to any medical, dental, hospital, surgical, optometric, or mental health records of the minor child. Both parents are entitled to equal access to their child(ren)'s records, unless limited by Court order.

o. Address and Telephone Numbers

Each parent must, unless the Court orders otherwise, keep the other informed of his or her current address and telephone number, and an alternate telephone number in the event of an emergency.

p. Moving

Either parent must notify the other in writing, and the residential parent must also notify the Court, at least thirty (30) days in advance of their intent to change their residence, and provide a new address and telephone number within ten (10) days of establishing a new residence. If the parents are less than 150 miles apart after the move, the local schedule applies. If the parents are more than 150 miles apart after the move, the long distance schedule applies. The Ohio Department of Jobs and Family Services must also be notified pursuant to the Court's Additional Order and Notice to Parties.

q. Traditions and Family

This schedule is in no way meant to interfere with family traditions. Each parent is encouraged to respect each other's family traditions and to adjust the parenting time schedule accordingly. Each parent should expect new family traditions will develop. It is expected that the child(ren) will continue contact with grandparents, aunts, uncles, cousins and any other family members during such times as they are with their parents.

r. Step-parent's Name

A parent should not, nor permit any other person to, suggest, encourage, or require a child to refer to any person other than the child's parents as "mom" or "dad", etc.

s. Non-compliance with Court Order

Any of the responsibilities or rights outlined in this schedule may be enforced by the Court after the filing of the appropriate motion by either party. Note that a parent may not withhold parenting time because the other parent does not pay child support or refuse to pay child support because the other parent denies parenting time.

Penalties for the Parent Who Willfully Fails to Comply With This Schedule:

A parent who willfully fails to comply with this schedule may be found guilty of contempt of Court. The first penalty is a fine not to exceed $250 and a jail sentence not to exceed thirty (30) days, the second penalty is a fine not to exceed $500 and a jail sentence not to exceed sixty (60) days, the third penalty is a fine not to exceed $1,000 and a jail sentence not to exceed ninety (90) days. The Court may also assess attorney fees and Court costs. Other remedies available may include an order for make-up parenting time, an order for the reimbursement of transportation costs, an order for the appointment of (and payment for) a Guardian ad Litem for the minor child, etc.

t. Modifying this Order

The Court reserves the right to modify this schedule after a motion by either party.

JUDGE DAVID LEWANDOWSKI **JUDGE LISA D. McGOWAN**

13.07 Mandatory Language Medical Schedule

(A) The original judgment entry shall contain the following language:

"The parties shall comply with the Court's medical schedule as set forth in Local Rule 13.07(D) and the Plaintiff and Defendant shall be responsible for payment of medical expenses pursuant to said schedule."

(B) Any deviations from the schedule shall be specifically delineated in the judgment entry.

(C) A copy of the medical schedule shall be attached to two (2) copies (not the original) of the judgment entry.

(D) Court medical schedule.

MEDICAL SCHEDULE
LUCAS COUNTY COMMON PLEAS COURT
DOMESTIC RELATIONS DIVISION

1. Unless specifically set forth in another order of this Court, each party shall be responsible for maintaining health insurance coverage for the minor children of the parties if such health insurance is available to the party at a reasonable cost. The responsibility to maintain health insurance coverage shall continue until further order of the Court or until the emancipation of the minor child.

2. It is the responsibility of each party, after securing health insurance coverage, to provide to the other party a copy of the insurance cards, a copy of any benefits information, a list of healthcare providers if required under the policy, and any other necessary information or forms required by the insurance provider. Each party shall promptly notify the other of any changes in the health insurance policy.

3. Each calendar year, it shall be the responsibility of the residential parent to pay the first $100.00 per child of all ordinary medical expenses incurred. Ordinary medical expenses are defined to be necessary, routine healthcare services, including, but not limited to, medical examinations, inoculations, prescriptions, routine dental and optical examinations and treatments.

4. After payment of the first $100.00, per child, it is the responsibility of the residential parent to notify and to provide written proof to the non-residential parent that the financial threshold has been met. Thereafter, each party shall be responsible for payment of necessary, treatment in the percentage amount set forth in

their child support obligation. (Example, if the residential parent has an obligation of 60% of the total child support; the residential parent would be responsible for 60% of the medical expenses). If there is no child support order, the medical expenses shall be borne equally by the parties.

5. Extraordinary medical expenses are defined as all non-routine medical, surgical, orthodontic, hospital, prescription, psychological, or psychiatric care incurred on behalf of the child. Extraordinary medical expenses shall be prorated according to the percentage of the child support obligation set forth on the child support worksheet.

6. After the residential parent has met the $100.00 financial threshold for ordinary expenses, or if the medical expense is an extraordinary expense, the residential parent shall notify the non-residential parent in writing that future expenses are to be prorated. Thereafter, the residential parent shall provide to the non-residential parent within thirty (30) days of the service or receipt of the billing for the expense, a copy of the bill. The non-residential parent may elect to pay the provider directly or to reimburse the residential parent. Payment shall be made to the provider or the residential parent within twenty (20) days of the receipt of the bill. All notifications and exchange of medical bills or payment to the other parent shall be by certified mail or electronic transmittal.

7. Unless otherwise set forth in another Court order, the residential parent shall be responsible for scheduling all ordinary, necessary, routine treatment. When it is determined that the child will require extraordinary, non-emergency treatment, the residential parent shall notify the non-residential parent in writing of the proposed course of treatment and the cost. The non-residential parent may schedule an independent evaluation within ten (10) days of the written notice. Failure to promptly notify the non-residential parent of extraordinary treatment may result in the Court allocating the medical expense to the residential parent.

8. The Court reserves jurisdiction to apportion all medical expenses as it may determine is in the best interest of the minor child.

9. The parties shall cooperate in the preparation of all insurance forms to obtain reimbursement or payment of expenses. The parties shall comply with the Court's Additional Order and Notice to Parties.

Judge David Lewandowski	**Judge Lisa D. McGowan**

13.08 Shared Parenting Plans.

(A) Requirements for Filing of Plan.

(1) The original shared parenting plan and one copy, both with child support worksheets attached, shall be submitted by the attorney to the Court Counseling Department.

(2) Original shared parenting plans should include the names, addresses and telephone numbers of both attorneys and both parties.

(B) Approval of Plan as to Form.

(1) If the shared parenting plan is <u>incomplete</u>, a copy of the checklist and the original shared parenting plan will be sent to the attorney; the checklist and copy of the plan will be stapled together and retained in the family file.

(2) If the shared parenting plan is <u>complete</u>:

The original plan will be initialed by the Court Counselor on the front page, bottom right corner. The Court Counselor's copy of the shared parenting plan and shared parenting checklist will be stapled together and retained in the family file. A notice will be sent to the attorney that the plan was found to be complete and is available for pickup from the Court

Counseling Department. The original plan with checklist attached will be held at the Reception desk.

(C) Filing of Approved Plan.

The attorney shall take the original initialed shared parenting plan, the shared parenting checklist, and the shared parenting judgment entry and submit it to the Clerk of Courts for routing for signatures, or upon leave of Court submit it to the judicial officer at hearing.

(D) No divorce, legal separation or dissolution of marriage case involving shared parenting shall proceed to final hearing prior to the approval of a shared parenting plan, except under extra-ordinary circumstances.

RULE 14
GUARDIAN AD LITEM AND LEGAL COUNSEL

14.01 Appointment.

(A) The Court may, on its own motion, appoint a guardian ad litem for a minor child under the following circumstances:

(1) Upon the recommendation of the court counselor;

(2) At a hearing or pre-trial conference when it appears necessary to the interest of the child.

(B) The Court may appoint a guardian ad litem upon the written motion of a party stating with particularity the grounds for the motion. The motion must be accompanied by a deposit of $1,250 with the Clerk of Court's as and for initial fees unless for good cause shown.

(C) Except by leave of the trial judge and for good cause shown, no motion for the appointment of a guardian ad litem shall be granted once the matter has been set for hearing with a firm trial date.

(D) The guardian ad litem shall serve as guardian and as the attorney for the child. No party or counsel shall attempt to obtain other legal counsel for the child. The court may appoint separate legal counsel for the child when there is a conflict between the recommendation of the guardian ad litem and the wishes of the child.

(E) The appointment of a guardian ad litem for an adult litigant shall be made through the Lucas County Probate Court.

(F) Motions for appointment of a guardian ad litem heard by a Magistrate shall be decided in accordance with Civ.R. 53(C).

14.02 Qualifications.

(A) The Court shall set standards for the qualification of any attorney as guardian ad litem, legal counsel for a minor child, including, but limited to the following:

(1) 2 years of practice in the area of family law;

(2) Malpractice insurance;

(3) C.L.E. or Court-approved training as required by Rule 48 of the Ohio Rules of Superintendence. The Court will accept as completion of the three (3) hour annual training requirement, attendance at a seminar conducted by another Court in the Sixth Appellate District.

(4) Annually certify that there is no circumstance which would disqualify the individual from service.

(B) The attorney shall make written application and the appointment of an attorney to be a guardian ad litem is within the sole discretion of the assigned judge.

14.03 Appointment Procedures.

(A) Upon the motion of either party or at the discretion of the Court, the Court may order a guardian ad litem and/or legal counsel at any time when it deems it essential to protect the interests of a minor child of the parties or to represent an incompetent person. No motion for appointment of guardian ad litem shall be granted, except by leave of Court, once the matter has been set for trial.

(B) Unless otherwise provided, it is the responsibility of each party involved in the litigation to timely contact the guardian ad litem, and to provide the guardian with information relating to the minor child.

The parties shall cooperate with the guardian ad litem during the investigation. The guardian shall be authorized to communicate with the parties and any other agencies, persons, medical providers, or schools as a part of the investigation.

(C) The Court shall, unless it otherwise directs counsel, prepare the judgment entry appointing the guardian ad litem and/or legal counsel. Counsel, if directed to prepare the judgment entry, shall submit the judgment entry within five (5) days.

(D) The minor child shall be added as a party defendant, and shall be served pursuant to the Ohio Rules of Civil Procedure.

(E) The Court may initially order either or both parties to deposit with the Clerk of Courts partial fees for the guardian ad litem. The Court may, at the time of appointment, set the hourly rate permitted to be charged by the guardian ad litem for services rendered, and may award fees through the completion of his or her employment. The Court at its discretion may order the payment of fees by income withholding.

(F) The Court shall maintain a list of all qualified guardians ad litem and shall periodically review the appointment procedure to assure the equitable distribution of cases.

(G) The guardian ad litem shall be reappointed for a specific child in any subsequent case concerning the best interest of the child.

14.04 Responsibilities of a Guardian ad Litem.

In order to provide the court with relevant information and an informed recommendation regarding the child's best interest, a guardian ad litem shall perform, at a minimum, the responsibilities stated in this division, unless impracticable or inadvisable to do so.

(A) A guardian ad litem shall represent the best interest of the child for whom the guardian is appointed. Representation of best interest may be inconsistent with the wishes of the child whose interest the guardian ad litem represents.

(B) A guardian ad litem shall maintain independence, objectivity and fairness, as well as, the appearance of fairness in dealings with parties and professionals, both in and out of the courtroom and shall have no ex-parte communications with the court regarding the merits of the case.

(C) A guardian ad litem is an officer of the court and shall act with respect and courtesy to the parties at all times.

(D) A guardian ad litem shall appear and participate in any hearing for which the duties of a guardian ad litem or any issues substantially within a guardian ad litem's duties and scope of appointment are to be addressed.

(E) A non-attorney guardian ad litem must avoid engaging in conduct that constitutes the unauthorized practice of law, be vigilant in performing the guardian ad litem's duties and request that the court appoint legal counsel, or otherwise, employ the services of an attorney, to undertake appropriate legal actions on behalf of the guardian ad litem in the case.

(F) A guardian ad litem who is an attorney may file pleadings, motions and other documents as appropriate under the applicable rules of procedure.

(G) When a court appoints an attorney to serve as both the guardian ad litem and attorney for the child, the attorney shall advocate for the child's best interest and the child's wishes in accord with the Rules of Professional Conduct. Attorneys who are to serve as both guardian ad litem and attorney should be award of Professional Conduct Rule 37 and act accordingly.

(H) When a guardian ad litem determines that a conflict exists between the child's best interest and the child's wishes, the guardian ad litem shall, at the earliest practical time, request in writing that the court promptly resolve the conflict by entering appropriate orders.

(I) A guardian ad litem shall avoid any actual or apparent conflict of interest arising from any relationship or activity including, but not limited to, those of employment or business or from professional or personal contacts with parties or other involved in the case. A guardian ad litem shall avoid self-dealing or associations from which the guardian ad litem might benefit, directly or indirectly, except from compensation for services as a guardian ad litem.

(J) Upon becoming aware of any actual or apparent conflict of interest, a guardian ad litem shall immediately take action to resolve the conflict, shall advise the court and the parties of the action taken and may resign from the matter with the leave of court, or seek court direction as necessary. Because a conflict of interest may arise at any time, a guardian ad litem has an ongoing duty to comply with the division.

(K) Unless excepted by statute, by court rule consistent with this rule, or by order of court pursuant to this rule, a guardian ad litem shall meet the qualifications and satisfy all training and continuing education requirements under this rule and under any local court rules governing guardians' ad litem. A guardian ad litem shall meet the qualifications for guardians' ad litem for each county where the guardian ad litem serves and shall promptly advise each court of any grounds for disqualification or unavailability to serve.

(L) A guardian ad litem shall be responsible for providing the court or its designee with a statement indicating compliance with all initial and continuing educational and training requirements pursuant to Local Rule 14.02. The compliance statement shall include information detailing the date, location, contents and credit hours received for any relevant training course.

(M) A guardian ad litem shall make reasonable efforts to become informed about the facts of the case and to contact all parties. In order to provide the court with relevant information and an informed recommendation as to the child's best interest, a guardian ad litem shall, at a minimum, do the following, unless impracticable or inadvisable because of the age of the child or the specific circumstances of a particular case:

(1) Meet with an interview the child and observe the child with each parent, foster parent, guardian or physical custodian and conduct at least one interview with the child where none of these individuals is present;

(2) Visit the child at his or her residence in accordance with any standards established by the court in which the guardian ad litem is appointed;

(3) Ascertain the wishes of the child;

(4) Meet with and interview the parties, foster parents and other significant individuals who may have relevant knowledge regarding the issues of the case;

(5) Review pleadings and other relevant court documents in the case in which the guardian ad litem is appointed;

(6) Review criminal, civil, educational and administrative records pertaining to the child and, if appropriate, to the child's family or the other parties in the case;

(7) Interview school personnel, medical and mental health providers, child protective services workers and relevant court personnel and obtain copies of relevant records;

(8) Recommend that the court order psychological evaluations, mental health and/or substance abuse assessments, or other evaluations or tests of the parties as the guardian ad litem deems necessary or helpful to the court; and

(9) Perform any other investigation necessary to make an informed recommendation regarding the best interest of the child.

(N) A guardian ad litem shall immediately identify himself or herself as a guardian ad litem when contacting individuals in the course of a particular case and shall inform these individuals about the guardian ad litem's role and that documents and information obtained may become part of court proceedings.

(O) As an officer of the court, a guardian ad litem shall make no disclosures about the case or the investigation except in reports to the court or as necessary to perform the duties of a guardian ad litem. A guardian ad litem shall maintain the confidential nature of personal identifiers, as defined in Sup.R. 48, or addresses where there are allegations of domestic violence or risk to a party's or child's safety. A guardian ad litem may recommend that the court restrict access to the report or a portion of the report, after trial, to preserve the privacy, confidentiality, or safety of the parties or the person for whom the guardian ad litem was appointed in accordance with Sup.R. 45. The court may, upon application, and under such conditions as may be necessary to protect the witnesses from potential harm, order disclosure of or access to the information that addresses the need to challenge the truth of the information received from the confidential source.

(P) A guardian ad litem shall perform responsibilities in a prompt and timely manner, and, if necessary, an attorney guardian ad litem may request timely court reviews and judicial intervention in writing with notice to parties or affected agencies.

(Q) A guardian ad litem who is to be paid by the court or a party, shall keep accurate records of the time spent, services rendered, and expenses incurred in each case and file an itemized statement and accounting with the court and provide a copy to each party or other entity responsible for payment.

14.05 Report of the Guardian ad Litem.

The final report shall be filed with the court and made available to the parties for inspection no less than seven days before the final hearing unless the due date is extended by the court. Written reports may be accessed in person or by phone by the parties or their legal representatives. A copy of the final report shall be provided to the court at the hearing.

14.06 Conflict of Interest.

If the guardian ad litem is also appointed as legal counsel and finds that there is a conflict of interest in the appointments, he or she shall file an appropriate motion.

14.07 Discharge.

Unless otherwise directed, counsel or the parties shall include in the final judgment entry a provision for the discharge of the guardian ad litem at the conclusion of the pendency of the matter on which the guardian ad litem was appointed.

14.08 Court Oversight.

(A) The court shall accept and consider any written comments and complaints concerning the performance of a guardian ad litem. A copy shall be submitted to the guardian ad litem. A written record of the Court's disposition of the comment shall be kept in the guardian ad litem's file and notification of the disposition shall be given to the person making the comment or complaint and the subject guardian ad litem.

(B) The court shall annually conduct a review of all guardians ad litem to determine that they are in compliance with the training and education requirements of Rule 48 of the Ohio Rules of Superintendence and the local rules.

RULE 15
INVESTIGATION PRIOR TO ADJUDICATION

15.01 When Required.

Investigation will be required in all divorce or legal separation cases involving children sixteen (16) years and younger as to the character, family relations, past conduct, earning ability, and financial worth of the parties to the action. The parties shall comply with R.C. §3127.23 by affidavit.

15.02 Reports of Court Counselor.

(A) The report of the investigation shall be made available to either party or his counsel of record upon written request not less than seven (7) days before trial.

(B) Such report shall be signed by the investigator and the investigator shall be subject to cross-examination by either party concerning the report.

15.03 Dismissal.

Failure of the plaintiff or defendant (who has filed a counter-claim) to keep an appointment for a mandatory investigation within thirty (30) days of filing the complaint, counter-claim or dissolution shall result in automatic dismissal. (Note: It is the duty of plaintiff's or defendant's attorney to report changes of address to the investigator.)

15.04 Other Investigation.

(A) In a contested matter involving allocation of parental rights and responsibilities or parenting time, either party or the Court may request psychological evaluations of the parties, the children, or any interested third party. Upon the motion of either party, the Court shall determine the necessity for such evaluation, the psychologist, psychiatrist, or agency which conduct the evaluation, and the assessment of cost. No motion for any evaluation shall be granted, except by leave of Court, once the matter has been set for trial.

(B) In a contested matter involving allocation of parental rights, parenting time, or parentage proceedings, either party or the Court may request the appointment of a guardian ad litem to represent the interests of the minor children involved.

15.05 Interview of the Child by Court.

(A) All interviews of children conducted pursuant to statutory requirements or leave of Court will be conducted with all parties excluded. The Judge or Magistrate may permit counsel or the guardian ad litem to be present at the Court's discretion. The transcript or tape of the child's interview shall be sealed and neither party nor attorney will be permitted to obtain a copy without a Court order

for good cause shown. No motion to interview the child shall be granted, except by leave of Court, after the case has been set for trial.

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

15.06 Costs.

The Court may tax as costs all or any part of the expenses for such investigations. The Court may determine the apportionment of expenses related to any investigation ordered by the Court.

RULE 16
DIVORCE EDUCATION FOR PARENTS

16.01 When Required.

(A) After the filing of a Complaint for Divorce or Legal Separation involving minor children, every party seeking the allocation of parental rights and responsibilities for the care of minor children shall attend one (1) session of divorce education for parents sponsored by the Common Pleas Court of Lucas County, Ohio, Division of Domestic Relations.

(B) Both parties filing a Petition for Dissolution of Marriage involving the allocation of parental rights and responsibilities for the care of minor children shall attend one (1) session of divorce education for parents.

(C) After the filing of a Motion to Modify the Allocation of Parental Rights and Responsibilities, including parenting time, every party seeking the allocation of parental rights and responsibilities may be required to attend a session of divorce education for parents.

(D) No person shall be designated residential parent and legal custodian of any minor child without attending a session of divorce education for parents except under extraordinary circumstances. No shared parenting plan will be approved unless both parties have attended divorce education for parents. Attendance may be required for anyone seeking parenting time.

16.02 Certificate of Attendance.

Upon the completion of a session of divorce education for parents, a Certificate of Attendance will be issued for each participant.

16.03 Dismissal.

Failure of any party required to attend divorce education for parents within ninety (90) days after the filing of the complaint, petition or motion shall result in automatic dismissal.

16.04 Notice.

Each counsel filing original pleadings shall advise his or her client of the program and the requirements of this rule.

16.05 Costs.

The court may tax as costs all or any part of the expense for divorce education for parents.

16.06 Comprehensive Divorce Education for Parents.

Upon written recommendation of the Court Counseling Department, the Court may order parents to attend a more comprehensive divorce education program than described above. Parents involved in a

pending divorce, dissolution, or post-divorce case are eligible for placement in the comprehensive divorce program. Cost of participation in the program shall be the responsibility of the parents.

RULE 17
RECONCILIATION COUNSELING

Pursuant to R.C. §3117.01, the Court of Common Pleas of Lucas County, Division of Domestic Relations has determined that the creation of a separate Conciliation Court is not necessary to the conciliation of marital controversies.

17.01 Time Limitations.

In no case shall an Order for Reconciliation Assessment or Reconciliation Counseling extend beyond ninety (90) days without leave of the assigned Judge.

RULE 18
MEDIATION

18.01 Procedure.

(A) It is the policy of the Court that mediation be attempted in all pending divorce cases where there are contested issues concerning the allocation of parental rights and responsibilities. Any judge, magistrate or court counselor may refer parties to mediation of any issue concerning parental rights at any time during the proceedings. In any case where there has been a finding of domestic violence, the Court will determine whether mediation is appropriate, and if so, under what terms and conditions. If the mediation is conducted by the Court Counseling Department, there will be a fee of Fifty Dollars ($50.00) which shall be divided equally between the parties unless otherwise directed by the Court.

If the parties to a mediation so desire, they may have their attorneys and/or other designated individuals accompany them and participate in mediation. All attending parties will be required to sign the Court's agreement to mediate. The mediator may refer parties to seek legal advice or other support services as needed.

(B) The mediator shall do the following:

(1) Keep confidential all communication whether verbal or written;

(2) Provide to the parents and their attorneys a summary of any agreement reached or a statement that the mediation has been terminated without an agreement.

(3) Notify the Court for purposes of scheduling that mediation has been concluded.

(C) Any case referred to the Court Counseling Department for mediation will be screened for domestic violence prior to beginning the mediation and throughout the mediation as necessary. In any case where there has been a finding of domestic violence, the Court will determine whether mediation is appropriate, and if so, under what terms and conditions. In cases where a party has been convicted of stalking, domestic violence, or child abuse, the Judge or Magistrate referring a case for mediation will provide specific findings of fact that both parties wish to participate in mediation and that the mediation would be in the parties' best interest, pursuant to R.C. §3109.052.

When domestic violence or fear of domestic violence is alleged, suspected, or present, mediation will only take place under the following conditions:

(1) The mediator has at least 14 hours of specialized training in domestic abuse and mediation through a training program approved by the Ohio Supreme Court Advisory Committee on Dispute Resolution.

(2) The alleged victim is fully informed about the mediation process, his or right to decline participation in mediation, and his or her right to have a support person present.

(3) The Court and the mediator determine that the parties have the capacity to mediate without fear of coercion or control.

(4) Appropriate security measures are in place to provide for the safety of all parties involved in the mediation.

(5) The mediator will terminate mediation if he or she believes there is a continued threat of domestic violence or coercion between the parties.

Mediation shall not be used as an alternative to adjudication of domestic violence, to determine whether to grant, modify, or terminate a protection order, to determine the conditions of a protection order, or to determine the penalty for violation of a protection order.

18.02 Agreements.

Mediation Agreements become an Order of the Court after review and approval of each party's attorney, if applicable, and journalization by the Court.

18.03 Confidentiality.

All disclosures made by parents or information received from any source or person during mediation shall be deemed confidential and the mediator shall not be required to disclose any statements or discussions which occurred during mediation. The foregoing confidentiality requirements shall not, however, be construed to exempt any person from the statutory duty to report child abuse pursuant to R.C. §2151.421, statements that a felony has been or is being committed, violent acts that occur during mediation, and threats of harm to other people.

18.04 Qualifications.

Any mediator employed by the Court, or with whom the Court makes referrals, shall have the following minimum qualifications:

(A) A bachelor's degree or equivalent education experience and at least two (2) years of professional experience with families. "Professional experience with families" includes mediation, counseling, casework, legal representation in family law matters, or equivalent experience that is satisfactory to the Court.

(B) Completion of at least twelve (12) hours of basic mediation training or equivalent experience and at least forty (40) hours of specialized family or divorce mediation training conducted in a program approved by the Commission of Continuing Legal Education in accordance with the administrative guidelines established by the Committee on Dispute Resolution of the Ohio Supreme Court.

(C) Completion of at least fourteen (14) hours of specialized training in domestic abuse and mediation through a training program approved by the Dispute Resolution Section in accordance with standards established by the Supreme Court Advisory Committee on Dispute Resolution. A mediator who has not competed this specialized training may mediate these cases only if he/she co-mediates with a mediator who has completed the specialized training.

(D) Adherence to the ethical standards of the mediators profession, the Model Standards of Practice for Family and Divorce Mediation (adopted by the American Bar Association, Association of Family and Conciliation Courts, and the Association for Conflict Resolution) and the Special Policy Considerations for State Regulation of Family Mediators and Court Affiliated Programs.

(E) Maintenance of appropriate liability insurance specifically covering the activities of the individual as a mediator.

RULE 19
ARBITRATION

The Court may, at the request of all parties, refer a case or designated issue to arbitration.

19.01 The parties shall propose an arbitrator to the Court and identify all issues to be resolved by the arbitrator. The arbitrator shall consent to serve and shall have no interest in the determination of the case or relationship with the parties or their counsel that would interfere with the impartial consideration of the case. An arbitrator selected by the parties and approved by the Court need not be an attorney.

19.02 The request for arbitration submitted by the parties shall provide for the manner of payment of the arbitrator.

19.03 Report.

The arbitrator shall file a report and award to the Court within thirty (30) days of the hearing. The report shall be filed with the Clerk of Court and copies shall be forwarded to the parties or to their attorneys. The report and award, unless appealed, shall be final and entered as a judgment of the Court.

19.04 Appeals.

Any party may appeal the award of the arbitrator to the Court if, within thirty (30) days after the filing of the award with Clerk of Court, the party does both of the following:

(A) Files a notice of appeal with the Clerk of Court and serves a copy on the adverse party accompanied by an affidavit that the appeal is not taken to delay;

(B) Pays all fees owed by that party to the arbitrator.

19.05 All appeals are *de novo* proceedings. The arbitrator shall not be called as a witness.

19.06 Exceptions to the decision of the arbitrator based upon either misconduct or corruption may be filed by a party within thirty (30) days after the filing of the report, and, if sustained, the report shall be vacated.

RULE 20
PARENTING COORDINATOR / COORDINATION

20.01 Definitions

(A) "Parenting coordinator" means an individual appointed by the Court to conduct parenting coordination.

(B) "Parenting coordination" means a child focused dispute resolution process ordered by the Court to assist parties in implementing parental rights and responsibilities or companionship time orders using assessment, education, case management, conflict management, coaching, or decision-making. "Parenting coordination" is not mediation subject to R.C. §2710, R.C. §3109.052 or Supp.R. 16 nor arbitration subject to R.C. §2711 or Supp.R. 15.

(C) "Domestic abuse" means a pattern of abuse and controlling behavior that may include physical violence; coercion; threats; intimidation; isolation; or emotional, sexual, or economic abuse.

(D) "Domestic violence" has the same meaning as in R.C. §3113.31(A)(1).

20.02 Criteria used to Determine the Appointment of a Parenting Coordinator

(A) One or both parents have great difficulty accepting legal advice or multiple attorneys have been retained;

(B) The parents have exhibited extreme difficulties in settling issues pertaining to the allocation of parental rights and responsibilities;

(C) One or both parents are alleging parental alienation, substance abuse, domestic violence, sexual abuse, or neglectful parenting traits;

(D) The allegations made by one parent against the other "mirror" those made by the other parent;

(E) There is a restraining order in effect between the parents;

(F) The parents have exhibited an extremely derogatory attitude and behavior toward each other;

(G) The parents are merging their own needs and feelings with those of the minor children.

20.03 Screening and Disclosure for Domestic Abuse and Domestic Violence

(A) All cases shall be screened for domestic abuse and domestic violence by the Court Counseling Department before the commencement of the parenting coordination process.

(B) All parties and counsel shall immediately advise the assigned judge of any domestic violence convictions and/or allegations known to them or which become known to them during the parenting coordination process.

(C) If domestic abuse or domestic violence is alleged, suspected, or present, the parenting coordinator, before proceeding with the process, shall:

(1) Fully inform the person who is or may be the victim of domestic abuse or domestic violence about the parenting coordination process and the option to have a support person present at parenting coordination sessions;

(2) Have procedures in place to provide for the safety of all persons involved in the parenting coordination process;

(3) Have procedures in place to terminate the parenting coordination session/process if there is a continued threat of domestic abuse, domestic violence, or coercion between the parties.

20.04 Appointment of Parenting Coordinator

(A) By the Court on its own motion.

(B) At the request of either party through the filing of a motion.

(C) Upon request of a Guardian ad Litem through the filing of a motion.

(D) Upon written recommendation of the assigned Court Counselor with substantiation of the reasons for the recommendation.

(E) The appointment order shall set forth the following:

(1) Name of Parenting Coordinator and pertinent contact information;

(2) The specific powers and duties of the parenting coordinator which includes, but is not limited to:

(a) Dates, time and method of pickup and delivery;

(b) Minor or occasional adjustment in vacations or holiday schedules;

(c) Transportation to and from parenting time;

(d) Participation in childcare/daycare and babysitting;

(e) School attendance and homework;

(f) Bedtime;

(g) Diet;

(h) Clothing, sports, lessons, and recreation;

(i) Enrichment activities and summer camp;

(j) Discipline;

(k) Parent participation in routine at-home health care and hygiene;

(l) Occasional schedule adjustments which do not substantially alter the basic time share agreement;

(m) Participation in parenting time by significant others, relatives, etc.;

(n) Communication between parents and between parents and children;

(o) Require the parties to execute all releases deemed necessary by the parenting coordinator;

(p) Interview the parties, attorneys, or child(ren) in any combination, and to exclude any party or attorney from such interview;

(q) Have reasonable access to the child(ren) with adequate notice;

(r) Have access to any therapist of any of the parties or child(ren), and access to school or medical records;

(s) Obtain releases for any evaluation, psychological testing, or test results performed on any child(ren) or any parent or custodian or guardian of the child(ren), including releases needed to speak directly with relevant professionals;

(t) Have access to the educators of the child(ren);

(u) Obtain copies of past and future pleadings relating to custody and parenting issues within seven (7) calendar days of filing;

(v) Obtain all relevant records, documentation, and information deemed necessary by the parenting coordinator;

(w) Solve problems that generate conflict between the parents and keep the child(ren) out of the middle of the conflict;

(x) Help develop/fine tune the parenting plan and monitor its implementation;

(y) Assess the needs of the family (analyze the situation and prioritize the problems), intervene, and educate;

(z) Communicate with all who impact on the clients and their conflict; i.e., therapist, family members, etc.; and,

(aa) Provide information regarding appropriate referrals to resources including legal counsel, counseling, parenting courses/education, and other support services for all parties, including, but not limited to, victims and suspected victims of domestic abuse and domestic violence.

(3) The term of the appointment;

(4) The scope of confidentiality;

(5) The parties responsibility for fees and expenses for services rendered by the parenting coordinator; and,

(6) Parenting coordination terms and conditions.

(F) The Parenting Coordinator who meets the qualifications shall be selected as follows:

(1) Random selection from the Court's roster of parenting coordinators;

(2) Specific appointments based on the type of case and the qualifications and caseload of the parenting coordinator; or,

(3) Parties select a parenting coordinator from the Court roster to be approved by the Court.

(G) The Court shall not appoint a parenting coordinator who does not have the qualifications of this rule or who has served or is serving in a role that creates a professional conflict, including, but not limited to, a child's attorney or child advocate; guardian ad litem; custody evaluator; therapist; consultant; coach, or other mental health role to any family member, or attorney for either party. Parties may **not** waive this conflict.

(H) With written consent of the parties, the Court may appoint a mediator to serve as the parenting coordinator with the same family.

(I) Upon motion of a party, for good cause shown, or *sua sponte*, the Court may terminate or modify the parenting coordinator appointment.

20.05 Scope

(A) At any point after a parental rights and responsibilities or companionship time order is filed, the Court may order parenting coordination **except** to determine the following:

(1) Whether to grant, modify, or terminate a protection order;

(2) The terms and conditions of a protection order;

(3) The penalty for violation of a protection order;

(4) Changes in the designation of the primary residential parent or legal custodian;

(5) Changes in the primary placement of a child; and,

(6) Changes that materially alter the existing time sharing arrangement.

20.06 Qualifications of a Parenting Coordinator

(A) The parenting coordinator must have the following:

(1) A Master's degree or higher, a law degree, or education and experience satisfactory to the Court;

(2) At least two years of professional experience with situations involving children, which includes parenting coordination, counseling, casework, legal representation in family law matters, serving as a guardian ad litem or mediator, knowledge of child development, conflict resolution, arbitration, and anger management, or such other equivalent experience satisfactory to the Court;

(3) Training that has been approved by the Dispute Resolution Section of the Supreme Court, in the following order:

(a) At least twelve (12) hours of basic mediation training;

(b) At least forty (40) hours of specialized family or divorce mediation training;

(c) At least fourteen (14) hours of specialized training in domestic abuse and dispute resolution;

(d) At least twelve (12) hours of specialized training in parenting coordination.

(B) To maintain eligibility for appointment, a parenting coordinator shall complete at least three (3) hours per calendar year of continuing education relating to children approved by the Dispute Resolution Section of the Supreme Court.

20.07 Attendance and Participation

(A) Parties shall attend parenting coordination sessions. Request to reschedule parenting coordination sessions shall be approved by the parenting coordinator.

(B) A parenting coordinator shall allow attendance and participation of the parties' attorneys and/or any other individuals designated by the parties.

20.08 Parenting Coordination Agreements, Reports, Decisions, and Objections

(A) Parties shall sign and abide by agreements reached during a parenting coordination session which shall be maintained in the parenting coordination file. The parenting coordinator shall provide a copy to each party and their attorneys, if any.

(B) Upon request by the Court, the parenting coordinator shall prepare a written report including, but not limited to, the following:

(1) Dates of parenting coordination session(s);

(2) Whether the parenting coordination session(s) occurred or was terminated;

(3) Requests to reschedule a parenting coordination session including the name of the requestor and whether the request was approved;

(4) Whether an agreement was reached on some, all, or none of the issues;

(5) Who was in attendance at each session; and,

(6) The date and time of a future parenting coordination session(s).

(C) The parenting coordinator shall first attempt to assist the parties in reaching an agreement that resolves the dispute(s). If the parties are unable to reach an agreement, the parenting coordinator shall issue a written decision that is EFFECTIVE IMMEDIATELY AND REMAINS EFFECTIVE UNLESS ORDERED OTHERWISE BY THE COURT OR EFFECTIVE UPON APPROVAL OF THE COURT. The parenting coordinator shall provide copies to the parties and

their attorneys, if any. The decision shall be immediately filed with the Court and include all of the following:

(1) Case captions, including the case number;

(2) Date of the decision;

(3) Facts;

(4) Reasons supporting the decision; the manner in which the decision was provided to the parties; and,

(5) Any other necessary information.

(D) A party may file written objection(s) to a parenting coordinator's decision with the Court and serve all other parties to the action within fourteen (14) days of the filing date of the decision. If any party timely files objections, any other party may also file objection(s) with the Court and serve all other parties to the action not later than ten (10) days after the first objection(s) are filed. A hearing may be scheduled upon request and at the discretion of the Court. A judge or magistrate shall issue a ruling on the objection(s) within thirty (30) days from the date of the last objection filed.

(E) In the event legal action becomes necessary to enforce any decision of the parenting coordinator, the non-prevailing party shall be responsible for the cost, including reasonable attorney fees of the other party.

(F) The parenting coordinator shall have the status of a Guardian ad Litem with all rights and privileges.

20.09 Responsibilities and Conduct of Parenting Coordinator

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

(B) A parenting coordinator shall comply with the requirements of and act in accordance with the appointment order issued by the Court;

(C) A parenting coordinator shall maintain independence; objectivity; and impartiality, including avoiding the appearance of partiality, in dealings with parties and professionals, both in and out of the courtroom;

(D) A parenting coordinator shall avoid any clear conflicts of interest arising from any relationship activity, including, but not limited to, those of employment or business or from professional or personal contacts with parties or others involved in the case. A parenting coordinator shall avoid self-dealing or associations from which the parenting coordinator may benefit, directly or indirectly, except from services as a parenting coordinator. Upon becoming aware of a clear conflict of interest, a parenting coordinator shall advise the Court and the parties of the action taken to resolve the conflict and, if unable to do so, seek the direction of the Court;

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

(F) A parenting coordinator shall not offer legal advice;

(G) A parenting coordinator shall submit a resume to the Court documenting compliance with this rule, provide an updated resume to the Court in the event of any substantive changes; and notify the Court of any changes to name, address, telephone number, and, if available, electronic mail address.

(H) On or before January 1 of each year, a parenting coordinator shall report to the Court a list of all continuing education training completed during the previous year, including the sponsor, title, date, and location of each training. A parenting coordinator shall not be eligible for appointment until the requirement is satisfied. The parenting coordinator shall complete three (3) hours of continuing education for each calendar year of deficiency.

(I) A parenting coordinator shall inform the parties that the parenting coordinator shall report any suspected child abuse or neglect and any apparent serious risk of harm to a family member's self, another family member, or a third party, to child protective services, law enforcement, or other appropriate authority. A parenting coordinator shall report child abuse or neglect pursuant to the procedures set forth in R.C. §2151.421.

20.10 Confidentiality, Privilege and Public Access

(A) Except as provided by law, communications made as part of parenting coordination, including communications between the parties and their children and the parenting coordinator, communications between the parenting coordinator and other relevant parties, and communications with the Court, shall not be confidential. Except as provided by law, parenting coordination shall not be privileged.

(B) The files maintained by a parenting coordinator, but not filed with a clerk or submitted to a Court, shall not be available for public access pursuant to Rules 44 through 47 of the Rules of Superintendence for the Courts of Ohio.

20.11 Parenting Coordinator Evaluations and Complaints

(A) A parenting coordinator shall provide participants with the Parenting Coordinator Evaluation form, provided by the Court, prior to the first parenting coordination session and at the end of the term of the appointment.

(B) The Court shall complete a review of the parenting coordinator(s) on the Court's roster in January of each year.

(C) A party to a case appointed to parenting coordination may file a complaint regarding the parenting coordinator within one year from the termination of the appointment. The complaint shall be submitted to the administrative judge and include all of the following:

(1) Case caption, including case number;

(2) The name of the parenting coordinator;

(3) The name and contact information for the person making the complaint;

(4) The nature of any alleged misconduct or violation; and,

(5) The date(s) the alleged misconduct or violation occurred.

(D) The administrative judge shall provide a copy of the complaint to the parenting coordinator.

(E) The parenting coordinator has fourteen (14) days from the date of the receipt of the complaint to respond in writing to the administrative judge.

(F) The administrative judge shall conduct an investigation into the allegations and shall issue a response within thirty (30) days from the date the complaint was received.

20.12 Fees

(A) A parenting coordinator shall be paid the parenting coordinator's customary hourly rate unless otherwise ordered by the Court. The hourly rate shall be stated in the appointment order.

20.13 Stay of Proceedings

(A) Unless otherwise provided by Court order, referral of a case to parenting coordination stays a case until further notice. The Clerk of Court shall not accept for filing any documents while a case is in parenting coordination with the following exceptions:

(1) An objection to a parenting coordinator's decision;

(2) A motion to lift the stay;

(3) A response to a motion to lift the stay;

(4) An application to dismiss the case;

(5) A notice related to counsel;

(6) A motion for changes in the designation of the primary residential parent or legal guardian;

(7) A motion for changes in the primary placement of a child.

20.14 Court Reporting Requirements

(A) On or before February 1 of each year, the Court shall file with the Dispute Resolution Section of the Supreme Court all of the following:

(1) A copy of this local rule;

(2) A copy of the current roster of parenting coordinators;

(3) A copy of each new or updated resume received by the Court from a parenting coordinator during the previous year;

(4) A copy of each list of continuing education training received by the Court from each parenting coordinator.

20.15 Sanctions

(A) The Court may impose sanctions for any violation of this rule which may include, but is not limited to, attorney's fees and other costs, contempt or other appropriate sanctions at the discretion of the Court.

20.16 Model Standards

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

RULE 21
APPOINTMENT OF COUNSEL

21.01 Except in cases where one party has requested a finding of contempt and incarceration, the Court will not appoint counsel to indigent parties. In those cases in which the Court deems that the party shall be appointed an attorney for representation, The Court shall appoint counsel from a list of attorneys

prepared by the Court. Attorneys shall be placed upon the appointment list if the following qualifications are met:

(A) The attorney is in good standing;

(B) Has experience in the area of family law;

(C) Has made application for appointment;

(D) Provides proof of liability insurance.

21.02 At the conclusion of the case, the appointed attorney shall submit a Motion for Payment form, the Order appointing him/her as attorney of record and the Affidavit of Indigency. In accepting the appointment, the attorney shall agree to accept no compensation in addition to that awarded by the Court.

21.03 The Court shall periodically review the appointment list to assure the equitable distribution of appointments.

RULE 22
CONCURRENT JURISDICTION WITH OTHER COURTS

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

RULE 23
CASES CERTIFIED TO JUVENILE COURT

23.01 In any case previously certified to the Juvenile Court of Lucas County, Ohio by the Lucas County Domestic Relations Court relative to minor children (excluding U.R.E.S.A. matters):

(A) If no action was taken in Juvenile Court, the moving party shall first obtain an order from the Juvenile court declining jurisdiction;

(B) If the matter was docketed in the Juvenile Court, the moving party shall file their motion in the Juvenile Court and request that the matter be assigned for hearing in the Domestic Relations Court. All pleadings shall be captioned in Juvenile Court and shall contain both the Juvenile Court and Domestic Relations docket numbers. An Order of Reference shall be obtained from the Juvenile Court.

RULE 24
QUALIFIED DOMESTIC RELATIONS COURT ORDER

This Rule applies to Division of Property Orders (DOPO).

24.01 Preparation.

(A) Unless otherwise agreed, counsel for the alternate payee entitled to the pension or retirement plan shall prepare the Qualified Domestic Relations Court Order (QDRO) for submission to the Court.

(B) Whenever the parties agree to divide a pension or retirement program by a QDRO, they, or 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.

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

(D) The QDRO shall be prepared as soon as possible for submission to the Court.

24.02 Assumptions.

(A) Unless otherwise agreed, a QDRO for a defined benefit plan shall contain the following provisions or shall be governed by the following assumptions:

(1) The QDRO will be a separate interest QDRO, meaning the alternate payee's benefits shall be independent of those of the participant.

(2) The division of benefits shall be based on the language of the case of *Hoyt v. Hoyt*, (1990) 53 Ohio St.3d 177 and its progeny.

(3) 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.

(4) 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.

(5) The division of the benefits will be the date of the final hearing of the case.

(B) Unless otherwise agreed, a QDRO for a defined contribution plan shall contain the following provisions or be governed by these assumptions:

(1) The division of benefits will be the date of the final hearing of the case.

(2) The alternate payee share of the benefits shall be credited with investment earnings and/or losses from the date of division until Distribution.

(3) The QDRO will allow an immediate lump sum distribution of the alternate payee's benefits.

(4) Any loans from the Plan shall be charged to the participant's benefits and will remain the obligation of the participant.

(5) The alternate payee's share of the benefits will not 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.

24.03 Mandatory Language.

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

(A) "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 order."

(B) "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."

RULE 25
SPECIAL PROCESS SERVER

25.01 Application.

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

(A) The name, address, and telephone number of the applicant;

(B) That the applicant is eighteen years of age or older;

(C) That the applicant agrees not to accept service of process on any case in which the applicant is a party or counsel for a party;

(D) That applicant agrees to follow the requirements of Civil Rules 4 through 4.6, any applicable local rules, and specific instruction for service as ordered by the Court in individual cases.

25.02 Order.

The applicant requesting the designation shall submit an order captioned "In Re the Appointment of (name of applicant) As Standing Special Process Server" and stating the following:

"It appearing to the Court that the following applicant has complied with Local Rule 24, (name of applicant) is hereby designated a Standing Special Process Server authorized to make service of process in all cases filed with the Court, and to serve one year from the filing of this Order."

25.03 Filing.

The Order shall be signed by the Administrative Judge of the Domestic Relations Court and shall be filed with the Clerk of Court who shall record the entry upon the Court's Special Docket and thereafter the Clerk shall accept a file-stamped copy of such order as satisfying the requirements of Civil Rule 4.1 for the designation by the Court as a person authorized to make service of process. The cost of the filing of this application is $30.00.

RULE 26
PHOTOGRAPHING, RECORDING AND BROADCASTING OF COURT PROCEEDINGS

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

(A) Request for permission to broadcast, televise, record, or photograph in the Courtroom shall be made in writing to the Domestic Relations Court Administrator as far in advance as reasonably practicable but in no event later than twenty-four hours prior to the Court room session to be broadcast, recorded or photographed unless otherwise permitted by the Judge for good cause shown. Request forms may be obtained from the Court Administrator's office.

(B) The Court Administrator shall immediately inform the Judge assigned to the case of written media request. The Court administrator shall also immediately inform the attorneys for all the parties in the case of the media request. If time does not permit notification by mail then telephonic means or notification in person must be attempted. The intent of this Rule is to allow attorneys for all parties an opportunity to be heard prior to the Judge deciding the media request.

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

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

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

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

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

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

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

(J) Sup.Ct.R. 12 is incorporated herein by reference and adopted into this Rule.

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

(L) No personal recording devises shall be permitted in the Courtroom.

RULE 27
COURT SECURITY

In order to maintain appropriate security for the public and Court personnel, the Court may require that all persons entering the Courthouse shall submit to a search of their person or property.

27.01 No weapons or other instruments which may cause bodily harm may be permitted in the Courthouse.

27.02 It shall be the duty of the Court Administrator to supervise and maintain all security in the Courthouse.

27.03 Court Security Plan.

The Court hereby adopts the Court's Security Plan as required by Sup.Ct.R. 9.

RULE 28
CASE MANAGEMENT

The purpose of this rule is to establish, pursuant to the Rules of Superintendence for Courts of Common Pleas, an automated system for case management which will achieve the prompt and fair disposition of all cases, provide the Court with an efficient means of controlling the flow of civil cases and save time by providing the bar with the information and case management facilities.

28.01 Filing of Complaint.

Upon the filing of a Complaint, the Clerk of Court will attempt service upon the defendant by certified mail. Once proof of service has been obtained, the Clerk will notify the Assignment Commissioner of the date of the service. The Assignment Commissioner shall classify the action as Uncontested Divorce, Contested Divorce, Dissolution with children, or dissolution without children. All divorces shall be initially

classified as uncontested until such time as the Clerk of Court notifies the Assignment Commissioner that an Answer has been filed. Upon receipt of this notice, the matter shall be classified as a Contested Divorce. Once the action has been classified, the matter shall be set upon the appropriate docket of the assigned Judge.

(A) Uncontested Divorce

An action classified as an Uncontested Divorce shall be scheduled for initial hearing not earlier than six (6) weeks no later than fifteen (15) weeks after the complaint for divorce has been filed. An Uncontested Divorce with children shall be scheduled no later than seventy-two (72) weeks after the complaint has been filed. An Uncontested Divorce without children shall be concluded no later than fifty-two (52) weeks after the complaint has been filed.

(B) Contested Divorce

An action classified as a Contested Divorce shall be scheduled for initial hearing (pre-trial) not earlier than eight (8) weeks nor later than seventeen (17) weeks after the complaint for divorce has been filed. A Contested Divorce with children shall be concluded no later than seventy-two (72) weeks after the complaint has been filed unless the issue or issues are unduly complicated. A Contested Divorce without children shall be concluded no later than fifty-two (52) weeks after the complaint has been filed.

(C) Dissolution with Children

An action classified as a dissolution with children shall be scheduled for hearing not earlier than sixty (60) days nor later than seventy-five (75) days after the petition for dissolution has been filed. A Dissolution with children shall be concluded no later than ninety (90) days after the petition for dissolution has been filed unless the issue or issues are unduly complicated.

(D) Case Management Conference

The first hearing (pre-trial) date given by the Assignment Commissioner shall be considered the case management conference. Attorneys for parties and any pro se parties served shall be given notice of the Case Management Conference. Attorneys and parties, if required, shall appear with full authority to settle. Whether the parties are required to attend the Case Management Conference is subject to the policy of the assigned Judge.

(E) Trials

The procedure regarding matters that are set for trial is subject to the policy of the assigned judge. In any event, attorneys and parties shall attend a settlement conference no later than the day before the trial or at an earlier date designated by the assigned Judge. The purpose of the settlement conference is to resolve all matters in dispute thus alleviating the necessity of a trial.

(F) Continuances

Continuances of matters placed upon the docket of the assigned Judge shall only be granted upon the approval of the assigned Judge. Continuances shall be made by written motion and only granted upon a showing of good cause.

(G) Motions

(1) Affidavits

Each Monday requests for temporary orders filed pursuant to Civil Rule 75(N) shall be considered by a Magistrate. All affidavits shall be scheduled for hearing no sooner than eighteen (18) days after the request has been filed on the next available affidavit docket.

(2) Pending Motions

All pending motions filed with the Court shall be placed upon the docket of a Magistrate unless otherwise directed by the assigned Judge. Pending motions shall be set for the hearing no later than five (5) weeks after the motion has been filed. All pending motions shall be concluded no later than twenty-four (24) weeks after the motion has been filed.

(3) Post-decree Motions

All motions filed after a decree of divorce or dissolution has been entered shall be placed upon the docket of a Magistrate unless otherwise directed by the assigned Judge. Post-decree motions shall be set no later than five (5) weeks after service has been obtained. Motions for modifications of the allocation of parental rights shall be concluded no later than fifty-two (52) weeks after service has been obtained. Motions for visitation and support shall be concluded no later than thirty-six (36) weeks after service has been obtained. All other post-decree motions shall be concluded no later than seventeen (17) weeks after service.

28.02 Alternative Dispute Resolution.

The Court may, at any time during the pendency of an action, require that the parties participate in alternative dispute resolution.

28.03 Privacy Provisions.

(A) A Complaint for Divorce, Legal Separation, Petition for Dissolution, Answer or Counter-claim must be filed with a completed Schedule I, which shall be required to include the social security numbers of both parties. Counsel for either party may request that the schedules and any other pleadings which contain personal identifiers of the parties be placed in a privacy envelop maintained by the Clerk of Court.

(B) Upon the entry of the social security numbers of the parties upon the record, the Clerk of Court shall redact the social security numbers from the pleadings. All subsequent motions or pleadings shall contain only the last four digits of the social security number.

(C) It is the sole responsibility of the counsel of record or party to the action to assure the omission of personal identifiers from any document filed with the court. Any request to restrict public access to information containing personal identifiers must be by written motion. The court may schedule a hearing upon the filing of a motion to restrict public access.

(D) Any request for access to restricted information shall be by written motion and shall set forth the reason for the request. The court may schedule a hearing to determine whether to permit public access to the case document or information.

28.04 Interpreters.

At the request of counsel or an unrepresented party, the Court shall provide a language or sign language interpreter at no cost to the party. The Court Administrator shall provide a Request for Interpreter form to be completed and returned to the Court Administrator not less than twenty (20) days prior to the scheduled hearing dates or court counseling appointments. It shall be the responsibility of counsel or the unrepresented party to notify the Court Administrator of any change in hearing dates. Failure to comply with this Rule may result in counsel or the unrepresented party reimbursing the Court for related fees.

RULE 29
ELECTRONIC DEVICES

29.01 The Court may require that any or all electronic devices, including but not limited to, cell phones, laptops, notebooks, be turned off in any area of the Courthouse.

29.02 Failure to comply with the requirement to turn off any electronic device may result in a finding of contempt, confiscation of the device, fines or expulsion from the Courthouse.

Revised **12/31/2015**
Effective **01/01/2016**