

ROSS COUNTY, OHIO  
COURT OF COMMON PLEAS  
GENERAL DIVISION

ROSS COUNTY COURTHOUSE  
2 NORTH PAINT STREET  
CHILLICOTHE, OH 45601

RULES OF COURT

MICHAEL M. ATER, JUDGE  
MATTHEW S. SCHMIDT, JUDGE

**IN THE COURT OF COMMON PLEAS  
ROSS COUNTY, OHIO  
GENERAL DIVISION**

2021 DEC 30 PM 12:01


FILED  
ROSS COUNTY COMMON PLEAS  
CLERK OF COURTS  
TY D. HINTON

**IN THE MATTER OF THE  
ADOPTION OF RULES OF COURT**

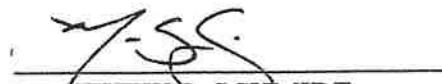
**JOURNAL ENTRY**

The Supreme Court of Ohio, pursuant to Article 4, Section 5, of the Ohio Constitution, prescribes certain Rules of Practice and Procedure. The Court finds that it is necessary to adopt these Rules not inconsistent with the rules promulgated by the Supreme Court for local practice.

NOW THEREFORE, the following Rules shall be adopted, and all other prior Rules replaced effective December 30, 2021.



MICHAEL M. ATER  
Judge, Court of Common Pleas  
General Division  
Ross County, Ohio



MATTHEW S. SCHMIDT  
Judge, Court of Common Pleas  
General Division  
Ross County, Ohio

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**RULES OF PRACTICE  
OF THE  
COURT OF COMMON PLEAS, GENERAL DIVISION,  
ROSS COUNTY, OHIO**

**GENERAL PROVISIONS**

The Court of Common Pleas, Ross County, Ohio, shall be divided into three divisions, the General Division, the Probate Division and the Juvenile Division. The Rules herein shall apply only to the General Division except as otherwise specifically provided.

**RULE 1  
EFFECTIVE DATE**

- 1.01** The effective date of these revised Rules is December 30, 2021.
- 1.02** Notice boxes in the Office of the Ross County Clerk of Court are provided for local counsel for making and receiving service.
- Service on counsel shall be considered complete on the day following placement therein. This rule applies only to the operation of Court No. 1 and 2, Ross County Common Pleas Court General Division.

**RULE 2  
TERM OF COURT**

- 2.01** There shall be one (1) term of Court - - namely the January term, and the Court shall be in continuous operation for the transaction of judicial business. The term shall be divided into the following three sessions each consisting of approximately seventeen (17) weeks:
1. The winter session beginning in January;
  2. The summer session beginning in May; and
  3. The fall session beginning in September.

**RULE 3  
CLERK OF COURT**

- 3.01** The Clerk shall file together and carefully preserve papers delivered to the Clerk's Office for that purpose, in every action or proceeding. The Clerk shall refuse to accept and file any soiled or contaminated papers.
- 3.02** In cases pending in which the parties or their counsel shall deem it necessary to have copies of pleadings, the Clerk shall, on request, furnish copies in accordance with the usual fee charged by the Clerk's Office for making copies. Copies of all other papers except bills of exceptions, depositions, transcripts, and sealed and/or confidential information, belonging to the files of the



Court, shall, on demand, be furnished by the Clerk upon payment of the usual fee therefore. .The Clerk shall have up to three (3) business days to make requested copies.

### 3.03 FILING OF FACSIMILE COPY

1. The following documents will not be accepted by the Clerk of Courts for fax filing:
  - a. Filings commencing an action;
  - b. Filings that require a cost deposit or fee;
  - c. Filings that exceed 10 pages, including exhibits;
  - d. Service copies;
  - e. Any Court of Appeals filings; and
  - f. Any document that is larger than 8 ½ x 11.
2. A document filed by fax shall be accepted as the effective original filing. The person making a fax filing need not file any source document with the Clerk of Courts, but must maintain in his or her records, and have available for production on request by the court, the source document filed by fax with original signatures as otherwise required under the applicable rules and the source copy of the facsimile cover sheet used for the filing.
3. The source document filed by fax shall be maintained by the person making the filing until the case is closed and all opportunities for post judgment relief are exhausted.
4. **Definitions:** As used in these rules, unless the context requires otherwise:
  - a. A “facsimile transmission” means the transmission of a source document by a facsimile machine that encodes a document into optical or electrical signals, transmits and reconstructs the signals to print a duplicate of the source document at the receiving end.
  - b. A “facsimile machine” means a machine that can send and receive a facsimile transmission.
  - c. “Fax” is an abbreviation for “facsimile” and refers, as indicated by the context, to facsimile transmission or to a document so transmitted.
  - d. **Cover Page:** The person filing a document by fax shall also provide cover page containing the following information:
    1. Name, address, telephone number, fax number, Ohio Supreme Court registration number for attorney, if applicable, and email address of the person filing the fax document;
    2. Date and time of facsimile initiation;
    3. Number of pages in the transmission, including the cover page;
    4. Name of the court;

5. Case number and caption of the case;
  6. Name of assigned judge, or if one has not been assigned, indicate this on the cover sheet;
  7. Title of the document being filed.
5. If a document is sent by fax to the Clerk of Courts without the cover page information listed above, or if the transmission contains a filing that is not acceptable under 3.03(1) of these rules, the Clerk is authorized to reject the filing.
  6. The Clerk of Courts is not required to send any form of notice to the sending party of a failed fax filing. However, if practicable, the Clerk of Courts may inform the sending party of a failed fax filing.
  7. **Signature:**
    - a. A party who wishes to file a signed source document by fax shall either:
      1. Fax the signed source document; or
      2. Fax the document without the signature but with the notation “/s/” followed by the name of the signing person where the signature appears in the signed source document.
    - b. A party who files a signed document by fax represents that the physically signed source document is in his/her possession or control.
  8. Each exhibit to a facsimile produced document that cannot be accurately transmitted via facsimile transmission for any reason must be replaced by an insert page describing the exhibit and why it is missing. Unless the court otherwise orders, the missing exhibit shall be filed with the court, as a separate document, not later than 5 (five) court days following the filing of the facsimile document. Failure to file the missing exhibits as required by this paragraph may result in the court striking the document and/or exhibit.
  9. Any exhibit filed in this manner shall be attached to a cover sheet containing the caption of the case which sets forth the name of the court, title of the case, the case number, name of the judge and the title of the exhibit being filed, and shall be signed and served in conformance with the rules governing the signing and service of pleadings in this court.
  10. **Time of Filing.** Subject to the provisions of these rules, all documents sent by fax and accepted by the Clerk shall be considered filed with the Clerk of Courts as of the date and time the Clerk time-stamps the document received, as opposed to the date and time of the fax transmission.
  11. Fax filings may NOT be sent directly to the court for filing but may only be transmitted directly through the facsimile equipment operated by the Clerk of Courts.

12. The Clerk of Court may, but need not, acknowledge receipt of a facsimile transmission.
13. The risks of transmitting a document by fax to the Clerk of Courts shall be borne entirely by the sending party. Anyone using facsimile filing is urged to verify receipt of such filing by the Clerk of Court through whatever technological means are available.
14. **Fees:** The per page fee for submitting by fax a document for filing shall be in accordance with the Filing Fee and Cost Schedule maintained by the Clerk of Courts and added to the case.

### **3.04 ELECTRONIC FILING OF COURT DOCUMENTS**

1. The Administrative Order Regarding Electronic Filing of Court Documents, as amended from time to time, governs practice and procedures to be followed regarding the filing of court documents in civil, including domestic, cases in the General Division of this Court.
2. All documents filed electronically shall conform substantially to the requirements of these Local Rules and the most current version of the Court's Administrative Order Regarding Electronic Filing of Court Documents. The filing party or, if represented, counsel, shall be responsible for determining the most current version of the Administrative Order and complying with it.
3. Electronic filings exceeding fifty (50) pages, including exhibits, shall not be accepted by the Clerk of Courts. This limitation shall apply to all pleadings, motions and responses thereto.
4. Electronic filings exceeding 20 (twenty) pages, including exhibits, shall be accompanied by a content summary of not more than two (2) pages, which shall be included in the count of total pages.
5. No depositions shall be submitted for electronic filing.

## **RULE 4 COURT COSTS**

- 4.01 Filing fees and costs in the Court of Common Pleas shall be as set forth in the Filing Fee and Cost Schedule maintained by the Clerk of Courts. Fifty dollars (\$50) of deposits for instituting suits shall be placed in the Ross County Mediation Fund. There will be an additional ten-dollar (\$10) charge with a restraining order. If costs are not paid at the termination of the litigation, any deposit for costs shall be applied by the Clerk to the unpaid costs.
- 4.02 If it is brought to the attention of the Trial Judge that any deposit is insufficient, the Trial Judge may require the said deposit to be increased from time to time.

- 4.03 All deposits set forth in the **Filing Fee and Cost Schedule** maintained by the Clerk of Courts shall be paid at the time of filing, including filings of counter, cross or third party claims, except when the litigant is indigent, as provided in Section 2323.311 of the Revised Code.
- 4.04 **Waiver of Court Costs for Indigent Party:** Where any party required by this Rule to deposit or secure costs by affidavit shows inability to pay for secured costs and requests to be determined an indigent litigant by filing a Financial Disclosure/Fee Waiver Affidavit as found in the Appendix of Forms of the Ohio Rules of Civil Procedure and available from the Clerk of Courts, the Clerk shall receive and file the complaint, counter, cross or third party claim without such deposit or security. However, the Clerk may request the Judge of the Court to which the case is assigned to review any such matter offered for filing. If the Court denies the request, the requesting party shall have thirty (30) days to make the required deposit or personal security prior to dismissal or other action on the filing of the civil action or proceeding or the defendant's responsive action.
- 4.05 **Other Waiver of Court Costs:** Any advanced deposit as security for costs normally required prior to filing a suit in this Court, as provided for by Rule 4.01, shall be waived when an action is commenced for and on behalf of Ross County, a municipality within Ross County, or South Central Ohio Job and Family Services.
- 4.06 **Witness Fees:** A Party requesting the issuance of subpoenas for a witness shall deposit at the time of filing the Request for Subpoena the appropriate amount under the Witness Fees Statutes or Rules of Civil Practice.
- 4.07 **Appraisal Fee:** An advance deposit for the payment of appraisal fees shall be required upon the filing with the clerk of all Judgment Entries of Foreclosure. The appraisal fee shall be in the amount set forth in the **Filing Fee and Cost Schedule** maintained by the Clerk of Courts. In the event the appraisal is canceled, this fee shall be promptly returned.
- 4.08 **Special Projects Fee:** For the efficient operation of the Court, a fee of thirty-five (\$35.00) is assessed, in addition to all other Court Costs, on the filing of each criminal cause, civil action or proceeding, or judgment by confession, to acquire and pay for special projects of the Court.
- 4.09 **Court Computerization & Legal Research Fee:** For the efficient operation of the Court, the Clerk shall charge one additional fee of \$6.00 on the filing of each cause of action or appeal under divisions (A), (Q), and (U) of Section 2303.20 of the Revised Code to computerize the Court and to make available legal research services.
- 4.10 **Clerk Computerization Fee:** For the efficient operation of the Court, the Clerk shall charge an additional fee of \$20.00 on the filing of each cause of action or appeal, on the filing, docketing

and indexing of each aid in execution or petition to vacate, revive, or modify a judgment under divisions (A), (P), (Q), (T), and (U) of Section 2303.20 of the Revised Code and an additional fee of \$1.00 each for the services described in divisions (B), (C), (D), (F), (H), and (L) of Section 2303.20 of the Revised Code.

- 4.11 Jury Deposit Fee/Jury View:** A jury deposit is required at the time of the initial filings in all cases in which a jury is demanded. The Court may modify this amount depending upon the number of days that the parties reasonably expect the trial to continue. An additional cost deposit payable to the Clerk of Courts is required at the time of the initial filings, if a jury view is requested in a civil case. The jury deposit and jury view fee amounts are set forth in the **Filing Fee and Cost Schedule** maintained by the Clerk of Courts.

#### **RULE 5 BAIL OR SURETY**

- 5.01** No attorney or officer of the Court will be received as bail or surety.
- 5.02** In all criminal cases where the defendant posts a property bond, his attorney or an attorney for the surety whose property is being used to secure the bond must provide the Clerk of Courts with a title search certifying the following:
1. A short description of the property, which must be located in Ross County, Ohio;
  2. The names that appear on the deed;
  3. The true value of the property, which must be twice the amount of the bond, as shown on the records in the county Auditor's Office; and
  4. Whether there are any liens on file against the property, as no liens may exist; and
  5. Whether the taxes on the property are paid up to date, as certified by the Ross County Treasurer.

#### **RULE 6 PLEADINGS AND MOTIONS**

- 6.01** Every pleading, motion and memorandum filed shall:
1. Have typed or printed thereon the name, address, telephone number, and Supreme Court registration number of counsel filing the same and when the counsel is a firm of attorneys, a particular attorney within the firm having primary responsibility for the case.
  2. Be on paper not exceeding 8 ½ by 11 inches in size.
  3. Have double-spaced type with the exception of legal descriptions and quotations, which shall be single-spaced.

4. Include a prepared entry granting the relief sought for any motions filed.
- 6.02** No complaint for a new MORTGAGE FORECLOSURE case shall be accepted for filing unless counsel submits to the Clerk, along with the initial filings, a completed Property Description Approval Form reviewed and verified by the Ross County Engineer's Tax Map Office that the legal description of the real estate is accurate and recordable. The Property Description Approval Form is available from the Ross County Sheriff's Office.
- 6.03** When a new party plaintiff or defendant is added to a case after the commencement of an action, the caption of the first pleading thereafter shall contain the name of the new party, together with the new party's address followed by a specific designation of "New Party Plaintiff" or "New Party Defendant" as is applicable. This option is not currently available through e-filing, but all other filings must comply.
- 6.04** Counsel or parties appearing *IN PROPRIA PERSONA* shall file with the Clerk of Courts and the Assignment Commissioner-Bailiff written notice of any change of address.

**RULE 7  
RULE DAYS**

- 7.01** By agreement of counsel, any party may be permitted two (2) leaves to move or plead provided the total extension of time does not exceed thirty (30) days. Such consent shall be evidenced by Consent to Plead signed by all counsel and filed with the Clerk. Neither these forms nor entries shall be submitted to the Court for approval where consent to plead is proper and is obtained.
- 7.02** Where an additional extension of time beyond that provided herein is needed or where the parties cannot agree upon an extension of time, the party desiring the extension shall file a written motion supported by an affidavit stating facts indicating the practical impossibility of pleading within the rule and demonstrating good cause for further extension. The motion and affidavit shall be served upon opposing counsel and the matter shall be heard at a time to be fixed by the Judge to whom the case is assigned.
- 7.03** In all cases where the time for filing of pleadings or amended pleadings is not fixed by law or another rule, the pleading or amended pleading shall be filed on or before the fourteenth (14<sup>th</sup>) day after the date of entry requiring or granting leave for the filing of such pleading or amended pleading unless otherwise specified in the Entry. The opposing party shall move or plead to the pleadings or amended pleadings so filed on or before the fourteenth (14<sup>th</sup>) day after such pleadings or amended pleading is filed.
- 7.04** No pleading or motion shall be amended by interlineations or obliteration except upon express leave of the assigned Judge first obtained.

**RULE 8  
TRIAL ATTORNEY**

- 8.01** Unless otherwise ordered, and in all actions filed, transferred or removed to this Court, all parties not appearing *IN PROPRIA PERSONA* shall be represented of record by a “trial attorney”. Unless such designation is changed, the trial attorney shall attend all hearings, conferences, and the trial itself unless otherwise excused. All pleadings filed on behalf of one or more parties represented by counsel shall be signed by one attorney in his individual name as trial attorney, followed by the designation “trial attorney”. Firm names and the name of co-counsel may appear on the pleadings for information.
- 8.02** Counsel are directed to explore all available settlement proposals and exhaust all settlement efforts prior to any scheduled pre-trial conference or hearing or trial on the merits of any cause pending before this Court. Counsel shall be prepared to disclose to the Court or the Judge to whom the case has been assigned, all efforts undertaken towards a resolution of the legal and the factual issues and disputes involved. Failure to comply with this Rule may result in the imposition of sanctions including a continuance of the case.

**RULE 9  
WITHDRAWAL OF TRIAL ATTORNEY**

- 9.01** Unless otherwise ordered, the substitution or withdrawal of a trial attorney shall be permitted only:
1. Upon filing with the Court and service on all other parties of a notice of a substitution of trial attorney signed by the withdrawing attorney, the client and a substitute trial attorney; or
  2. Upon written application for substitution or withdrawal served upon the client and showing of good cause and upon such terms as the Court shall impose. Unless otherwise ordered, a trial attorney shall not be permitted to withdraw at any time later than twenty (20) days in advance of trial or the setting of a hearing on any motion, and unless otherwise ordered, the substitution of a trial attorney shall not serve as the basis for postponement of the trial or any hearing.

**RULE 10  
HEARINGS AND SUBMISSION OF MOTIONS**

- 10.01** All motions not otherwise provided for herein or addressed by specific Court Order shall be accompanied by a brief stating the grounds therefore and citing the authorities relied upon for the motion.

- 10.02 Motion Responses and Movants' Replies:** Responses to a written motion, other than motions for summary judgment, may be served within fourteen (14) days after service of the motion. Responses for motions for summary judgment may be served within twenty-eight (28) days after service of the motion. A movant's reply to a response to any written motion may be served within seven (7) days after service of the response to the motion.
- 10.03 Motions Prior to Hearing or Trial:** Unless a different period is fixed under Ohio law or by Court Order, a written motion for purposes of a hearing that is not a trial shall be served no later than fourteen (14) days prior to the hearing, and a written motion for purposes of a trial shall be served no later than twenty-eight (28) days prior to the start of trial. Responses to such motions may be served as provided in Local Rule 10.02; however, a movant's reply to the response is not permitted.
- 10.04 Modification for Good Cause:** Upon motion of a party in an action, and for good cause, the Court may reduce or enlarge the period of time provided in Local Rules 10.02 and 10.03.
- 10.05** After conclusion of the time provided herein, the motion shall be deemed submitted to the Judge to whom the case is assigned, unless a different schedule is ordered by the Court. Oral arguments will not be allowed except upon leave of the Trial Judge upon written request by a party prior to submission and the time of hearing and length of such argument shall be fixed by said Judge. This rule shall apply to all motions, including motions for new trial and motions for judgment notwithstanding the verdict, except as otherwise provided herein.
- 10.06** Motions, which in the opinion of the Court or under Ohio law, require evidentiary hearings shall be set for such evidentiary hearings at the convenience of the Court.
- 10.07** No motion shall be filed in any case after it has been set for pre-trial without leave of the Trial Judge first obtained, who may establish the time for the filing of briefs and submission of the motion.

## **RULE 11 PRE-TRIAL PROCEDURE**

- 11.01** Upon order by the Judge to whom the case is assigned, pre-trials shall be held at such time as the Court shall direct.

## **RULE 12 DUTIES OF COUNSEL AT PRE-TRIAL CONFERENCE**

- 12.01** It shall be the duty of counsel to comply with the terms and conditions of the Court's Order setting a cause for pre-trial conference, and to comply with Local Rule 8.02, Settlement Responsibilities. Failure to comply with this rule, in the absence of good cause shown, may result in the imposition of sanctions, including, but not limited to dismissal for want of prosecution,



default judgment, assessment of attorneys' fees and expenses against any party not in compliance, prohibition against the production of certain evidence or testimony, or any other sanction provided for by law.

**RULE 13  
TRIAL EXHIBITS**

**13.01** Not less than seven (7) days prior to trial, trial counsel shall cause to be marked as exhibits all documentary exhibits to be proposed as evidence at trial, shall provide copies of same to all trial counsel and to the Court, and shall provide a list of all exhibits so marked to all trial counsel and to the Court. Failure to comply with this rule may result in appropriate sanctions, including, but not limited to, exclusion of evidence.

**RULE 14  
CRIMINAL CASES**

- 14.01** The rules of practice for civil cases apply to all criminal procedures except where clearly inapplicable.
- 14.02** Any attorney appointed to provide legal representation for indigent defendants shall be compensated pursuant to Sections 120.33 et seq., Revised Code of Ohio, and any other applicable Ohio Law. Such attorneys shall be reimbursed for expenses reasonably incurred not to exceed one hundred dollars (\$100.00) without prior Court approval. Necessary expenses in excess of one hundred dollars (\$100.00) may be allowed only if approved by the Trial Judge in advance of incurring the expense and if the amount thereof is determined to be reasonable by the Trial Judge. No attorney shall be appointed to represent an indigent defendant if that attorney has received compensation or has been promised compensation from any source for representing that defendant in the case at bar.
- 14.03** Additional payment shall be made for extraordinary cases and then only upon application under oath by the attorney showing extraordinary services, and after approval by the Trial Judge.
- 14.04** The attorney's certificate for legal services and affidavit of indigency shall be submitted within thirty (30) days of the termination of legal services and shall set forth an itemization of time and expenses involved. Said certificate shall also include the date of termination of services.
- 14.05** Any person prosecuted by the State or the City of Chillicothe, Ohio, determined to be indigent, shall be entitled to legal representation by the Ohio Public Defender, Ross County Branch.
- 14.06** The extent of the obligations, duties and services provided by the public defender in all representation of indigent persons shall be governed by the conditions and limitations imposed by the Ohio Public Defender agreement.

- 14.07** In any case where an ethical conflict or caseload restrictions precludes representation, appropriate counsel shall be appointed by the Court.
- 14.08** In any contempt action, if the alleged contemnor is determined indigent, he/she shall be provided legal representation by the Public Defender's Office or should a conflict arise, other appointed counsel.
- 14.09** A defendant must be physically present at every stage of the criminal proceeding and trial, unless excused by order of the Court.

**RULE 15**  
**INACTIVE CRIMINAL CASES**

- 15.01** Criminal cases in which further proceedings are not presently possible shall be placed in a suspended file by the Clerk and considered closed for statistical purposes either upon motion of the prosecuting attorney or the Court's own motion and shall not be subject to dismissal for want of prosecution. A case shall be removed from such list when the defendant is available and proceedings resumed or when the case is dismissed. Cases to which this Rule is applicable shall include those in which the defendant is not competent to stand trial, or is confined in a penal institution in another state, has been served and cannot be found or those cases from which an appeal has been taken and is pending. In those cases, if appropriate, bail shall be forfeited and judgment entered thereon.

**RULE 16**  
**GENERAL ENTRIES**

- 16.01** Unless the Trial Judge otherwise directs, counsel for the party in whose favor an order, decree or judgment is rendered shall, within five (5) days thereafter, prepare the proper journal Entry and submit it to the counsel for the adverse party who shall approve or reject the same within five (5) days after the receipt thereof. Name of counsel and of the Trial Judge shall be typed or printed upon the Entry. When the Entry is approved by counsel, it shall be so endorsed and presented to the Judge to whom the case is assigned for approval and if signed by him shall then be filed with the Clerk. If counsel are unable to agree upon the Entry, it shall be submitted to the Trial Judge, who will direct what Entry shall be made.
- 16.02** If counsel fails to present an Entry within fourteen (14) days after the order, decree or judgment is rendered, the Trial Judge may cause the proper entry to be prepared and filed without submission or notice to counsel or take such other action as may be appropriate under the circumstances.
- 16.03** Counsel shall promptly submit an Entry of Dismissal to the Trial Judge following settlement of any case. If counsel fail to present such Entry to the Trial Judge within fourteen (14) days after

representations to the Court that a case has been settled, or within thirty (30) days upon written application to the Court for such an extension and for good cause shown, the Trial Judge may order the case dismissed as for want of prosecution.

- 16.04** In all Entries of Confirmation following foreclosure actions, counsel shall describe in detail the release of any liens and mortgages, including the volume and page number of any such release.
- 16.05** Counsel directed by the Court to prepare and submit a journal Entry of a final, appealable order reflecting the findings and rulings of the Court shall provide for the Clerk of Courts a list of all persons entitled to notice, including the names and mailing addresses of all attorneys of record and names and addresses of all unrepresented parties not in default. Counsel shall also provide sufficient copies of said journal entry to the Clerk so that the Clerk may serve notice of the entry by mail upon each party listed.
- 16.06** All entries in civil and domestic cases shall make provisions for payment of Court costs and shall specifically provide for allocation of any Court costs incurred over and above the cost deposit. The Clerk shall not accept for filing any entry that fails to comply with this rule.
- 16.07** All proposed Nunc Pro Tunc entries shall be accompanied by a motion specifying the proposed revisions.

**RULE 17  
APPEALS**

- 17.01** Where the time for filing bills of exceptions, assignments of error and briefs are fixed by statute or by Rule of the Supreme Court, they shall be filed within such time or extension thereof as may be granted in writing by the Judge to whom the case is assigned after notice to opposing counsel or party. Upon the expiration of such time as extended, the case will be considered as submitted on the briefs unless oral argument or evidentiary hearing is requested in writing and granted by the Judge. When granted such oral argument shall not exceed fifteen (15) minutes per side unless extended by the Judge.
- 17.02** Where the time for filing is not fixed by statute or Rule of the Supreme Court, the appellant shall file a brief within twenty (20) days after the filing of the transcript of the record; the appellee shall file his brief within ten (10) days after the filing of the brief of appellant and any reply briefs shall be filed within five (5) days after the filing of appellee's brief. Extensions of time may be granted by Entry by the Judge to whom the case is assigned for good cause shown after notice to all parties.
- 17.03** In all cases in which demand or request to the agency by the appellant is a prerequisite to the preparation or the filing of the transcript of the record by the agency, such demand or request

shall be filed by the appellant with the agency at the time of filing the notice of appeal, unless otherwise provided by Rule of the Supreme Court or by law.

- 17.04** Upon expiration of the time for filing the last brief, the case will be considered as submitted upon the briefs unless oral argument or evidentiary hearing is requested in writing and granted by the Judge to whom the case is assigned or is required by law. Such argument shall not exceed fifteen (15) minutes per side unless extended by such Judge.
- 17.05** The procedure as herein above set forth as may be applicable shall apply to all appeals including those under Chapter 2506 of the Ohio Revised Code and Chapter 119 of the Ohio Revised Code.
- 17.06** Failure of Appellant to file a bill of exceptions, assignments of error, a brief or demand for a transcript of the record within the time required shall be cause for dismissal of the appeal for want of prosecution or other disposition of the case at the direction of the Judge to whom the case is assigned.

#### **RULE 18 MAGISTRATES**

- 18.01** Magistrates may be appointed by the Court and serve full or part-time as provided by Ohio Civil Rule 53.
- 18.02** All referenced proceedings shall conform to the requirements of Ohio Civil Rule 53.

#### **RULE 19 TRANSCRIPTS**

- 19.01** The Court Reporter shall have full authority to require a deposit in such amount as is deemed necessary to cover the cost of preparation, unless otherwise ordered by the Court.

#### **RULE 20 DOMESTIC RELATIONS PRACTICE**

##### **20.01 FILING COSTS**

1. Filing fees and costs for all domestic relations matters shall be as set forth in the **Filing Fee and Cost Schedule** maintained by the Clerk of Courts.
2. Where a party by affidavit shows inability to pay or secure costs, the Clerk shall receive and file the documents without deposit or security as provided in Sections 4.03 and 4.04 of these local rules.
3. Fifty dollars (\$50.00) of all costs deposited pursuant to this Rule, except for an investigation, shall be deposited in the Ross County Mediation Fund.

**20.02 PRE-TRIAL CONFERENCES**

1. The Court, on its own motion, or on request of a party, may order a pre-trial hearing. If so ordered, the parties shall complete, exchange and file with the Court at least ten (10) days prior to the pre-trial conference a pre-trial statement pursuant to the following order scheduling the case for pre-trial conference:

\* \* \* \* \*

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

\_\_\_\_\_  
**Plaintiff**

Case No. \_\_\_\_\_

\_\_\_\_\_  
**Defendant**

**PRE-TRIAL ORDER**

It is Ordered that this cause is set for pre-trial conference on \_\_\_\_\_,  
 20\_\_\_\_ at \_\_\_\_\_ A.M./P.M. in Common Pleas Courtroom # \_\_\_\_\_.

It is the Order of the Court that each of the parties herein serve upon opposing counsel and file with the Clerk of Courts not less than ten (10) days prior to pre-trial conference a pre-trial statement containing all the following information:

1. Itemized list of all assets of the parties together with appraisal value that will be supported by respective party's evidence;
2. Statement of total gross income indicating source, amount and nature thereof;
3. Statement of all deductions from gross income which, together with information provided in No. 2 above, will provide an accurate and fair representation of the party's net disposable income before living expenses and debts;

4. Itemized list of all debts of the parties indicating creditor, principal balance, periodic payment, anticipated rate of payoff, purpose, security, if any, and liability of respective parties thereon;
5. Statement of living expenses (without minor children) that will be supported by respective party's evidence; and
6. Other relevant information as contained in Ohio Revised Code Sections 3105.18 and 3109.05.

Each party shall also prepare a proposal, which he/she states is fair and reasonable, for division of assets, payment of debts, payment of periodic spousal support, and payment of child support (including medical expenses, etc.). The proposal shall be accompanied by a memorandum in justification of said proposal together with citations of legal authority supporting said proposal.

If upon final hearing it appears that a party has not fully, fairly and accurately disclosed all relevant information as herein Ordered, the Court shall take such failure into consideration in its final order. The Court may limit evidence submitted at trial to information provided pursuant to this order.

IT IS ORDERED that counsel exert all reasonable effort to resolve and settle the issues presented herein prior to pre-trial and be prepared to report to the Court the results of such settlement discussions.

The Clerk is directed to mail a copy of this Order to counsel of record.

\_\_\_\_\_  
JUDGE, COMMON PLEAS COURT

\* \* \* \* \*

**20.03 ASSIGNMENT OF CASES FOR TRIAL**

1. All uncontested actions for divorce, spousal support or annulment shall be assigned for trial by the assignment commissioner/bailiff on the Court's own motion or upon the request of the party or the attorney for the party

#### **20.04 WITNESSES**

1. Only one corroborating witness, who has personal knowledge of the facts, shall be required.
2. In any domestic relations proceeding where a representative from Ross County Children's Services is subpoenaed to appear to provide and identify records compiled by that agency:
  - a. Children's Services shall deliver a copy of the records to the assigned Judge or Magistrate no later than one business day prior to hearing.
  - b. The Judge or Magistrate shall review the records to determine their materiality and relevancy.
  - c. These records shall be accompanied by a certification that the records are true and exact copies of the originals.
  - d. With such certification, the subpoenaed representative will not be required to appear at hearing for purposes of authenticating such records.

#### **20.05 INVESTIGATIONS**

1. An investigation may be made in all actions for divorce, annulment or legal separation where one or more children under the age of eighteen (18) is involved.
2. An investigation may be required for an agreed change of allocation of parental rights and responsibilities or an election by a minor to change allocation of parental rights and responsibilities.

#### **20.06 MAGISTRATE HEARINGS**

1. In all actions for divorce, annulment or legal separation, the Court may refer any motion, temporary or final hearing to a domestic relations Magistrate for hearing and recommendations.

#### **20.07 PLEADINGS**

1. All pleadings filed in the Court must contain:
  - a. The name of the Court;
  - b. Proper style of the case;
  - c. Number of the case;
  - d. The name, address and phone number of the trial counsel, and
  - e. Include a completed **Confidential Disclosure of Personal Identifiers Form** containing the full legal names, dates of birth, social security numbers and addresses for the party and any minor children involved in the action. The **Confidential Disclosure of Personal**

**Identifiers Form** is available from the Ross County Clerk of Court. Once filed, The Confidential Disclosure of Personal Identifiers Form shall be sealed in an envelope designated as “Confidential” by the Clerk.

2. All pleadings filed with the Court must be on paper not exceeding 8 ½ x 11 inches and double-spaced with the exception of legal descriptions and quotations which shall be single-spaced.
3. All separation agreements filed with the Court must be on a separate paper and styled as a separation agreement.

#### **20.08 PRELIMINARY ORDERS AND PROCEDURE**

1. When requested in the complaint, answer or counter-claim, or by motion, upon satisfactory proof by affidavit duly filed with the Clerk of this Court, the Court or Magistrate without oral hearing and for good cause shown may grant spousal support *pendente lite* to either of the parties for his or her sustenance and expenses during suit and may make temporary orders regarding allocation of parental rights and responsibilities, support, maintenance and care of the minor children of the marriage, whether biological or by adoption, during the pendency of the action for divorce, annulment or legal separation, as provided for in Ohio Civil Rule 75 (N).
2. Counter affidavits may be filed by the opposing party within fourteen (14) days from the service of the complaint, answer, counter-claim or motion, and all affidavits shall be used by the Court or Magistrate, together with the divorce investigator’s report, in making a temporary spousal support, allocation of parental rights and responsibilities, support and care order; and upon request in writing, after any temporary spousal support or allocation of parental rights and responsibilities and support order is journalized, the Court shall grant the party so requesting an oral hearing to modify such temporary order. A request for oral hearing shall not suspend or delay the commencement of spousal support or support payment previously ordered or change the allocation of parental rights and responsibilities of children until the order is modified by journal entry after the oral hearing.
3. In the alternative to Subsection 1 and 2 herein, a party filing any pleading or motion where child support is to be ordered, shall also submit to the Court at the time of filing a completed worksheet with that party’s calculation of the child support under the Guidelines. The responding party shall submit to the Court, within fourteen (14) days of the service of the original pleading or motion, a completed worksheet with the responding party’s calculation of child support under the Guidelines. All worksheets so filed shall be made on the oath or



affirmation of the party submitting same. Also to be included in any pleadings is a completed financial affidavit, the form of which has been approved by the Court. All contempt filings for failure to comply with Court ordered support and/or spousal support shall be accompanied by a computerized statement of the status of the obligor's support and/or spousal support account certified by the Job and Family Services. The Clerk shall refuse any such filings not so complied with.

4. Until such time as the Court or Magistrate has made a temporary order as to allocation of parental rights and responsibilities and support of any minor child or children of the parties, any minor children of the parties shall remain in the custody and control of the party who had physical custody and control of the minor children at the time of the filing of the complaint for divorce, annulment, legal separation or motion.
5. Upon the filing of any matter in which an investigation is required for the placement or allocation of parental rights and responsibilities of minor children, a complete street address for the parties or persons having or seeking allocation of parental rights and responsibilities of minor children shall be included in any papers filed with the Clerk of this Court.
6. In all actions for divorce, dissolution and legal separation, or an answer or counterclaim thereto, a financial affidavit itemizing the parties' gross income from all sources, assets, living expenses, debts and liabilities shall be filed therewith.
7. The following notice shall be included in a conspicuous manner, in any complete, answer, counter-claim or motion requesting temporary relief pending judgment.

**NOTICE: YOU HAVE FOURTEEN (14) DAYS FROM THE DATE OF SERVICE  
WITHIN WHICH TO FILE ANY COUNTER AFFIDAVITS,  
INCLUDING, IF APPROPRIATE, SWORN SUPPORT  
WORKSHEETS.**

#### **20.09 SOUTH CENTRAL OHIO JOB AND FAMILY SERVICES**

1. All periodic payments of spousal support and support, whether by temporary order or final decree, shall be paid through South Central Ohio Job and Family Services.
2. All orders effecting the periodic payment of spousal support or support, whether temporary orders or final decrees, shall be filed with the Clerk of this Court with a copy to South Central Ohio Job and Family Services. Counsel preparing such order shall provide an additional copy to be filed with the Job and Family Services.
- 3.

- a. When the Court issues or modifies a support order, South Central Ohio Job and Family Services shall collect the appropriate processing charge pursuant to Section 3119.27 of the Ohio Revised Code
  - b. Any payments made directly to the obligee or the child will not be allowed as credit for payments ordered paid through South Central Ohio Job and Family Services.
4. A fully completed South Central Ohio Job and Family Services information memo, a copy of which is attached below, must accompany any final divorce decree and any post-decree journal entry, which orders, modifies or terminates child or spousal support. Further, counsel shall submit a copy of any such decree or journal entry for the Job and Family Services. The Clerk of this Court shall refuse for filing any such decree or journal entry not accompanied by a copy for Job and Family Services and a fully completed Job and Family Services memo.

After receipt of the fully completed Job and Family Services memo and Job and Family Services copy of the decree or journal entry, the Clerk shall then forward these documents to South Central Ohio Job and Family Services by placing them in the CSEA box at the office of the Clerk of Courts.

## Memo to SCOJFS (Ross County) CSEA

Support Order: \_\_\_ Initial \_\_\_ Modification \_\_\_ Temporary \_\_\_ Contempt

Order Number: \_\_\_\_\_

**Obligee Name:** \_\_\_\_\_

Address: \_\_\_\_\_

SSN: \_\_\_\_\_ DOB: \_\_\_\_\_

Phone #: \_\_\_\_\_ (Plaintiff/Defendant/Petitioner)

Obligee's Employer: \_\_\_\_\_ Insurance? \_\_\_ Yes \_\_\_ No

Address: \_\_\_\_\_

**Obligor Name:** \_\_\_\_\_

Address: \_\_\_\_\_

SSN: \_\_\_\_\_ DOB: \_\_\_\_\_

Phone #: \_\_\_\_\_ (Plaintiff/Defendant/Petitioner)

Obligor's Employer: \_\_\_\_\_ Insurance? \_\_\_ Yes \_\_\_ No

Address: \_\_\_\_\_

### Children:

Name: \_\_\_\_\_ SSN: \_\_\_\_\_ DOB: \_\_\_\_\_

Name: \_\_\_\_\_ SSN: \_\_\_\_\_ DOB: \_\_\_\_\_

Name: \_\_\_\_\_ SSN: \_\_\_\_\_ DOB: \_\_\_\_\_

Name: \_\_\_\_\_ SSN: \_\_\_\_\_ DOB: \_\_\_\_\_

Name: \_\_\_\_\_ SSN: \_\_\_\_\_ DOB: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

## 20.10 COMPANIONSHIP SCHEDULE

Companionship is a time for children to do things with the parent they do not live with. Activities you can do with them or skills you can teach them help the time be rewarding. Helping the children find friends in your neighborhood also helps make it like home for them.

Liberal companionship arrangements are encouraged, as contact with both parents is important to the children. Specific items in the Journal Entry take precedence over this schedule. Changes or modifications can be made by the Court if need for such is shown. This schedule does not affect support payments.

### **COMPANIONSHIP BETWEEN THE CHILDREN AND NON-RESIDENTIAL PARENT SHALL TAKE PLACE AT SUCH TIMES AND PLACES AS THE PARTIES MAY AGREE, BUT WILL NOT NORMALLY BE LESS THAN:**

1. **Weekends:** Alternate weekends from Friday at 6:00 p.m. until Sunday at 6:00 p.m. This alternating weekend schedule shall not change, even if interrupted by holiday and birthday, summer and/or vacation companionship.
2. **Weekdays:** (One or Two) weekday evenings per week from 6:00 p.m. to 9:00 p.m.
3. **Extracurricular Activities:** Regardless of where the children are living, their continued participation in extracurricular activities, school related or otherwise, shall continue uninterrupted. It shall be the responsibility of the parent with whom they are residing at the time of the activity to provide the physical and economic cost of transportation to these activities. The residential parent shall provide the non-residential parent with:

Notice of all extracurricular activities school related or otherwise, in which the children participate;

Schedules or all extracurricular activities (handwritten by the residential parent if no formal schedule is provided by the activity); and

The name of the activity leader (including address and telephone number if reasonably available to the residential parent).

4. **Holidays and Birthdays:**

In odd-numbered years, Mother has:

New Year's Day;

Spring Break;

Memorial Day,

Labor Day,

Christmas Eve; and

The first half of Christmas Break.

In odd-numbered years, Father has:

Martin Luther King's Day;

Easter;

Fourth of July;

Thanksgiving;

Christmas Day; and

The second half of Christmas Break.

In the even-numbered years, the schedules are reversed.

- a. The alternating weekend companionship shall not be interrupted as a consequence of the holiday schedule. But for any holiday falling on a Thursday or Friday, if the weekend immediately preceding or following the holiday and the holiday companionship are spent with the same parent, there is no need for that parent to return the child to the other parent that evening and then pick them up the next morning, rather a holiday falling on a Friday, companionship commences Friday a.m. to Sunday evening or a holiday falling on a Monday commences Friday evening to Monday evening.
- b. Mother's Day and Father's Day and, the parents' birthdays only when they fall on a Saturday or Sunday, to be spent with the appropriate parent. These are as agreed or 10:00 a.m. to 7:00 p.m. These do not have to be made up.
- c. Other days of special meaning, such as religious holidays, etc., should be decided together, written into the Court Order, and alternated as above. These do not have to be made up.
- d. Hours for parents who cannot agree are as follows:
  - New Year's Day (9:00 a.m. to 7:00 p.m.);
  - Martin Luther King's Day (9:00 a.m. to 7:00 p.m.);
  - Spring Break (6:00 p.m. the Friday school is out to 7:00 p.m. the day before school recommences, to be coincidental with the days of the school vacation and not to interfere with school);
  - Easter (8:00 a.m. to 7:00 p.m.);
  - Memorial Day (9:00 a.m. to 9:00 a.m. the next day, not to interfere with school);
  - July 4<sup>th</sup> (9:00 a.m. to 9:00 a.m. the next day);
  - Labor Day (9:00 a.m. to 9:00 a.m. the next day, not to interfere with school);

Thanksgiving (9:00 a.m. to 9:00 a.m. the next day);  
Christmas Eve (9:00 p.m. December 23 to 9:00 p.m. December 24);  
Christmas Day (9:00 p.m. December 24 to 9:00 p.m. December 25);  
Christmas Break

First half commences at 8:00 a.m. the day Christmas Break begins, continuously, unless interrupted by Christmas Eve and Christmas Day, through half of the vacation break, which may be at noon if the number of days in Christmas vacation are an odd number or 9:00 p.m. if the school vacation has an even number of days;

Second half commences at noon of the middle day of the break if the break has an odd number of days or 9:00 p.m. the last day of the first half of the break if the break has an even number of days to 9:00 a.m. New Year's Day.

Christmas Eve, Christmas Day and New Year's Day are to be exercised independently from the Christmas Break companionship and shall be spent with the designated parent.

To calculate the Christmas Break, the parties shall add all days of the Christmas Break, excluding the day the children are out of school and the day they return to school but including all weekdays and weekend days that fall during the break, the children are off school (again excluding Christmas Eve Day, Christmas Day and New Year's Day) and divide the total in half.

The Christmas break companionship shall be consecutive days, except as interrupted by Christmas Eve, Christmas Day.

- e. **Forty-eight (48) hour notice** should be given by the parent with whom the holiday is being spent for any arrangements for out of town travel on the holidays or of a change in pick-up/return times.
  - f. **The children's birthdays** should be alternated per child, between the parents and on an annual basis. Hours for parents who cannot agree are 4:00 p.m. to 8:00 p.m. Brothers and sisters attend the birthday event. These do not have to be made up.
5. **Waiting:** The children and residential parent have no duty to await the visiting parent for more than thirty (30) minutes of the companionship time. A parent who is late forfeits companionship for that period.
  6. **Cancellation:** The non-residential parent should give twenty-four (24) hour notice to cancel. The time canceled by the non-residential parent is forfeited.

7. **Illness:** If a child is ill, the residential parent should give twenty-four (24) hour notice, if possible, so appropriate plans can be made. However, if more than one day of any companionship, weekend, holiday/birthday, or vacation is missed due to non-emergency and/or non-critical illness, then any missed companionship shall be made up as soon as practicable.
8. **Summer:** The non-residential parent shall have companionship with the children for the last half of the summer each year. The summer school vacation is defined as the entire summer school vacation, commencing the day after the children are out of school and continuing until seven (7) days before school begins. The number of intervening weeks (full and/or partial) shall be divided by two, and the non-residential parent shall have the last half of the summer as companionship with the children.

During the summer companionship, the residential parent receives weekday companionship as afforded the non-residential parent the rest of the year. The alternating weekends continue during the non-residential parent's summer companionship, without interruption.
9. **Vacation:** Each parent may arrange an uninterrupted vacation of not more than two weeks with the children. The non-residential parent shall schedule this during his/her one-half (1/2) summer companionship period, and the residential parent shall schedule this at a time other than the non-residential parent's one-half (1/2) summer companionship. A general itinerary of the vacation shall be provided for the other parent, including dates, locations, addresses, and telephone numbers. Holiday and birthday celebrations with either parent shall not be missed, requiring scheduling of the vacation around these events or that the missed occasion be made up. Alternate weekends are missed during vacation, and are therefore not required to be made up.
10. Upon either parent learning or determining, whichever first occurs, that he/she will be moving, he/she shall immediately notify the other parent except in those circumstances wherein notice is not required by R.C. 3109.051(G) and provide the other parent with the moving date, new residence address and telephone number, and such other pertinent information necessary to effectuate a smooth move for the children. The parents shall attempt, in good faith, to renegotiate an appropriate and beneficial new companionship schedule. But if they are unable to do so, the non-residential parent shall, at a minimum enjoy the existing companionship schedule for distances under three hours or the long distance companionship for the distances longer than three hours, including the sharing of physical

and monetary costs of transportation and telephone expenses until a Court Order modifying companionship is entered.

11. **Access to Records:** Both parents shall have access to all medical, dental, optometric, psychiatric and psychological records of the minor children and may consult with any treating physician, dentist or other health care provider to the children. Both parents shall retain the authority to consent to any necessary emergency medical treatment for the children. Each parent shall notify each other of any health problems of the children. Both parents shall have access to the children's school records. Both parents shall have the right to participate in parent-teacher conferences, school trips, school programs and other school events in which parents are invited to participate. The parent receiving the grade card shall give a copy to the other parent within three (3) days of receipt.

Both parents shall have access to babysitting, day care, nursery school and/or latch key records of the children. Either parent shall execute any authorizations or releases necessary to release the records to the other. Both parents shall have access to all religious records of the children. Both parents shall have the right to participate and attend all religious activities of the children.

12. **Telephone Access:** The children must be allowed to communicate by telephone, one time per week, with both parents, regardless of with whom the child is currently residing. Both parents shall permit no less than one-half hour conversations. The party with whom the children are residing at the time of the call shall bear the expense unless the children are permitted to telephone the other parent collect. The children may call either parent, collect, with the agreement of the parent being called, at any and all reasonable times as he or she wishes.

13. **Make-up Companionship:** Any make-up companionship required by this schedule shall occur the first weekend of the other parent immediately following the missed companionship and shall continue during the other parent's weekends until made-up in full, including partial weekends.

14. **Current Address and Telephone Number:** Each parent must keep the other informed of his/her current address and telephone number at all times.

15. **Car Seat:** For any and all children required by law to ride in a car seat, the parents shall transfer the car seat with the child as companionship exchanges occur.

16. **Clothing:** The residential parent is responsible for providing sufficient appropriate clean clothing for every companionship period, based on the lifestyle of the residential parent and



child. If the planned companionship 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 companionship 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 returned immediately after the companionship period. The non-residential parent is not required to return the clothing washed and cleaned, unless the residential parent has companionship with the children for a period in excess of four (4) days. Additionally, any clothing purchased by the non-residential parent and which the children are wearing upon their return to the residential parent after companionship, shall be returned by the residential parent to the non-residential parent at the next companionship period. If the next companionship period is longer than seven (7) days, then the clothing returned to the non-residential parent must be washed and cleaned.

#### **20.11 COMPANIONSHIP SCHEDULE**

##### **(For Long Distance Travel – Over 150 Miles One-Way)**

Companionship is a time for children to do things with the parent they do not live with. Activities you can do with them or skills you can teach them help the time be rewarding. Helping the children find friends in your neighborhood also helps make it like home for them. Liberal companionship arrangements are encouraged, as contact with both parents is important to the children. Specific items in the Journal Entry take precedence over this schedule. Changes or modifications can be made by the Court if need for such is shown.

**COMPANIONSHIP SHALL BE AT SUCH TIMES AND PLACES AS THE PARTIES MAY AGREE. HOWEVER, WHENEVER “REASONABLE COMPANIONSHIP” FOR A NON-RESIDENTIAL PARENT APPEARS IN AN ENTRY IT SHALL NOT NORMALLY BE LESS THAN:**

1. **Christmas:** Christmas vacation, excluding Christmas Eve and Christmas Day, will be divided in half and alternated annually, by half, between the parents. Additionally, Christmas Eve and Christmas Day shall be alternated annually between the parents.
2. **Spring Break:** School vacation (the Friday school is out to the day before school recommences, to be coincidental with the days of the school vacation and not to interfere with school) in odd-numbered years or the Saturday before Easter to the Saturday after Easter for preschoolers with no school-aged siblings.

3. **Alternative Holiday Plan:** Those who wish more frequent contact, and who develop a plan to pay for the transportation, can have:

Half of Easter vacation;  
Half the summer;  
Alternate-year Thanksgiving; and  
Half of the Christmas vacation each year.

The holidays themselves must be alternated, as the parties agree, or Easter and Thanksgiving in the odd-numbered years and Christmas in the even-numbered years for the non-residential parent.

4. **Summer:** One-half (1/2) of the school summer vacation. Summer school necessary to the child(ren) to pass to the next grade must be attended. The residential parent shall notify the non-residential parent by March 15 of when the summer vacation begins and ends. The non-residential parent must notify the residential parent as to their intentions by April 15.

- a. If the parties cannot agree which half of the summer they prefer, in the even-numbered years, the first half of the summer shall be spent at the non-residential home, and in the odd-numbered years, the second half.
- b. The children must be allowed to communicate, by telephone, one time per week with both parents, regardless of with whom the child is currently residing. Both parents shall permit no less than one-half (1/2) hour conversations. The calling party shall bear the expense. The children may call either parent, collect, at any and all reasonable times as he or she wishes.
- c. A general itinerary should be provided either parent if more than two (2) days will be spent away from either home when the children are in that parent's care.

5. **Vacations:** Each parent may arrange an uninterrupted vacation of not more than two weeks with the children. A general itinerary of the vacation shall be provided for the other parent, including dates, locations, addresses and telephone numbers.

- a. Vacation is defined as a trip away from the parents' home. It does not include a parents' vacation time off from work where that parent spends time at home.
- b. Summer school necessary for the child to pass to the next grade must be attended.

6. **Additional Companionship:**

- a. **Weekend:** A once-a-month, weekend visit to the non-residential home will be permitted if the child's traveling time does not exceed three hours one way. The residential parent must be notified at least one week in advance.

- b. **Father's Day and Mother's Day** can always be spent with the appropriate parent.
  - c. The non-residential parent shall notify the residential parent at least two days in advance of any time the non-residential parent will be in the area and wants a companionship period. Absent extraordinary circumstances, this companionship shall occur.
  - d. The residential parent must notify then non-residential parent at least two days in advance when the residential parent and child(ren) will be in the area of the non-residential parent, and companionship must be allowed.
7. **Transportation:** Responsibility for transportation costs should be decided in advance and a plan written into an Order of the Court. The costs of transportation, in the appropriate case, may be a basis for deviation from the child support schedule.
8. **Moving:** Upon either parent learning or determining, whichever first occurs, that he/she will be moving, he/she shall immediately notify the other parent and provide the other parent with the moving date, new residence address and telephone number, and such other pertinent information necessary to effectuate a smooth move for the children. The parents shall attempt, in good faith, to renegotiate an appropriate and beneficial new companionship schedule. But if they are unable to do so, the non-residential parent shall, at a minimum, enjoy the existing companionship schedule for distances under three hours or the distance companionship for distances longer than three hours, including the sharing of physical and monetary costs of transportation and telephone expenses until a Court Order modifying companionship is entered.
9. **Access to Records:** The non-residential parent shall have access to all medical, dental, optometric, psychiatric and psychological records of the minor children and may consult with any treating physician, dentist or other health care provider to the children. The residential parent shall execute any authorizations or releases necessary to release these records and documents to the non-residential parent. Each parent shall notify each other of any health problems of the children. The non-residential parent shall have the same access as the residential parent of the children's school records. The non-residential parent shall have the right to participate in parent-teacher conferences, school trips, school programs, and other school events in which parents are invited to participate. The parent receiving the grade card shall give a copy to the other parent within three (3) days of receipt.
10. **Current Address and Telephone Number:** Each parent must keep the other informed of his/her current address and telephone number at all times.

11. **Modification:** This schedule can be changed or modified by the Court if need for such is shown.
12. **Car Seat:** For any and all children required by law to ride in a car seat, the parents shall transfer the car seat with the child as companionship exchanges occur.
13. **Clothing:** The residential parent is responsible for providing sufficient appropriate clean clothing for every companionship period, based on the lifestyle of the residential parent and child. If the planned companionship 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 companionship 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 returned immediately after the companionship period. The non-residential parent is not required to return the clothing washed and cleaned, unless the residential parent has companionship with the children for a period in excess of four (4) days. Additionally, any clothing purchased by the non-residential parent and which the children are wearing upon their return to the residential parent after companionship, shall be returned by the residential parent to the non-residential parent at the next companionship period. If the next companionship period is longer than seven (7) days, then the clothing returned to the non-residential parent must be washed and cleaned.

#### **20.12 MANDATORY PARENT EDUCATION CLASS**

1. In any divorce or dissolution in which minor children are involved, any motion for change of custody, or modification of companionship filed on or after March 1, 1995, both parents, or, if ordered by the Court, any legal guardian or custodian of any minor child involved in such filing shall attend the Ross County Divorce/Parenting Education classes provided by Adena Regional Medical Center through the Ross County Child Protection Center, Mares Cares Counseling, LLC. , or other in-person or online parent education course acceptable to the Court. The Court may also order attendance of the program in any other type of domestic case involving minor children.
2. Attendance shall not be required if the person seeking excuse from attendance has attended the class within two years from the filing of the divorce, dissolution, motion for change of custody or to modify companionship; or if the person seeking excuse from attendance resides outside of Ross County and furnishes proof in a manner satisfactory to the Court, including, but not limited to, a certificate of completion of an equivalent parent class, if attendance at

that class is approved by the Court prior to the completion of the class by the person seeking to be excused from attendance, or by motion for good cause shown.

3. Both parents or any other party ordered to attend the class shall attend within sixty (60) days of the filing of the divorce, dissolution, change of custody, or modification of companionship. The parties or their counsel shall make arrangements with the program. Notice of the attendance requirement, a telephone number for the party to contact in order to set up the scheduled class attendance, and a listing of the reasons for which attendance may be excused shall be provided by the Clerk and served with summons or the motion. In dissolutions, where one party is represented by counsel, counsel shall be responsible for furnishing this required notice to the other party. In pro se dissolutions, the Clerk shall furnish the information to the party or parties filing the dissolution.
4. Attendance of the class shall be evidenced to the Court by furnishing the Court with a certificate of completion in that party's name. Failure to attend in the time frame set forth without excuse shall result in no final hearing being conducted until attendance is completed or in a citation for contempt of Court or in such other sanction as the Court may deem appropriate.

### 20.13 GUARDIAN AD LITEM

1. **Appointment:** A Guardian Ad Litem may, and where required by statute shall, be appointed by the Court to represent the best interest of a minor or incompetent person in a legal proceeding before this Court. The legal proceeding may be, but is not limited to a divorce, the allocation of parental rights and responsibilities or a companionship action.
2. **Qualifications:** A Guardian Ad Litem appointed by the Court shall be any qualified and certified individual pursuant to the Ohio Rules of Superintendence. The Court may appoint an attorney to act as a Guardian Ad Litem for the minor or incompetent person.
3. **Deposit for fees:** Unless otherwise directed by the Court, when a Guardian Ad Litem is appointed, the moving party shall deposit with the Clerk of Courts the fee for the Guardian Ad Litem as determined by the Court in the appointment entry, by the date specified. When protracted litigation is anticipated, the Guardian Ad Litem may submit to the Court a motion requesting additional deposit and allocation.
4. **Payment of Fees:** Prior to any final adjudication of the matter on which the Guardian Ad Litem has been appointed, the Guardian Ad Litem shall submit an affidavit of fees to the Court for approval. If approved by the Court, said fees shall be paid prior to the final hearing.

**20.14** A petition or pleading filed pursuant to Ohio Revised Code Section 3113.31 shall contain the following information concerning the respondent:

1. Name;
2. Address;
3. Social Security Number;
4. Date of Birth;
5. Height;
6. Weight;
7. Hair;
8. Eyes;
9. Race;
10. Sex; and
11. Vehicle license number.

The Clerk shall not refuse to accept a petition or pleading for filing on the grounds that it fails to contain all of the above-stated information except that the Clerk shall not accept a petition which does not contain the name and address of the respondent.

**20.15 PUBLICATION**

The Clerk of this Court shall cause service of notice in all divorce, annulment or legal separation actions in which the plaintiff is proceeding *In Forma Pauperis* pursuant to Rule 4.4, Ohio Rules of Civil Procedure, to be made by posting one copy of such notice in the office of the Clerk of Courts of Common Pleas, Ross County, Ohio, one copy to be posted in the first floor of the Chillicothe Municipal Court Building, 95 East Main Street, Chillicothe, Ohio, and one copy to be posted in the first floor of the Ross County Annex, 475 Western Avenue, Chillicothe, Ohio, for six (6) consecutive weeks

**20.16 APPOINTMENT OF COUNSEL**

The appointment of counsel under ORC 2705.031 shall be equitably distributed among those members of the local bar in good standing willing to accept representation. However, if no more than one attorney is willing to serve as appointed counsel for said cases, the Court may enter into a contract for appointed services with a designated attorney.

**RULE 21  
MEDIA**

**21.01 BROADCASTING, TELEVISIONING, RECORDING AND PHOTOGRAPHING BY THE NEWS MEDIA**

1. Effective January 1, 1987, broadcasting, televising, recording and photographing by news media during courtroom sessions, including recesses between sessions, shall be permitted under the following conditions:

**21.02 ADMINISTRATION**

1. Requests for permission to broadcast, televise, record, or photograph in the courtroom shall be in writing to the Judge of the Court of Common Pleas to whom the case is assigned as far in advance as reasonably practical, but in no event later than twenty-four (24) hours prior to the courtroom session to be broadcast or photographed unless otherwise permitted by the Trial Judge.
2. The Trial Judge shall grant the request in writing consistent with Canon 3 Section A (7) (c), Code of Judicial Conduct, Superintendence Rule 11, and this local Rule. Written permission shall be made a part of the record of the proceeding.

**21.03 POOLING**

1. Arrangements shall be made between or among media for “pooling” equipment and personnel authorized by this Rule to cover the Court sessions. Such arrangements are to be made outside the courtroom and without imposing on the Trial Judge or Court personnel to mediate any dispute as to the appropriate media “pool” representative or equipment authorized to cover a particular session.

**21.04 EQUIPMENT AND PERSONNEL**

1. Not more than one (1) portable camera (television, videotape or movie) operated by not more than one (1) in-Court camera person shall be permitted without authorization of the Trial Judge.
2. Not more than one (1) still photographer, utilizing not more than two (2) still cameras of professional quality with not more than two (2) lenses for each camera, shall be permitted without authorization of the Trial Judge.
3. Not more than one (1) audio system for radio broadcast purposes shall be permitted without authorization of the Trial Judge.

4. If audio arrangements cannot be reasonably made in advance, the Trial Judge may permit one (1) audio portable tape recorder at the bench which will be activated prior to commencement of the courtroom session.
5. Visible audio portable tape recorders may not be used by the new media without prior permission of the Trial Judge.

#### **21.05 LIGHT AND SOUND CRITERIA**

1. Only professional quality photographic and audio equipment which does not produce distracting sound or light shall be employed to cover courtroom sessions. No motor driven still cameras shall be permitted. No cellular telephones, smart watches or other communication devices shall be permitted.
2. No artificial lighting device other than that normally used in the courtroom shall be employed. However, if the normal lighting in the courtroom can be improved without being obtrusive, the Trial Judge may permit modification.
3. Audio pickup by microphone for all media purposes shall be accomplished from existing audio systems present in the courtroom. Microphones shall be located only at the Trial Judge's bench, witness stand and jury rail. Microphones shall be visible, secured, but unobtrusive. If no technically suitable audio system exists in the courtroom, microphones and related wiring essential for all media purposes shall be unobtrusive and located in the places designated by this Rule, or the Trial Judge, in advance of any session.
4. One television camera shall be positioned on a tripod adjacent to the side conference room door in each courtroom, and shall remain fixed in that position. This designated area shall provide reasonable access to coverage. Videotape recording equipment or other technical equipment which is not a component part of an in-Court television or broadcasting unit shall be located in a room adjacent to or outside of the courtroom.
5. Television, broadcast, and still camera operators shall position themselves in a location in the courtroom, either standing or sitting, and shall assume a fixed position within that area. Having established themselves in a shooting position, they shall act so as to not call attention to themselves through further movement.
6. Television cameras, microphones and taping equipment shall not be placed in, moved during or removed from the courtroom except prior to commencement or after adjournment of the session, or during a recess. Neither television film magazines, rolls or lenses, still camera film, nor audio portable table cassettes shall be changed within a courtroom except during a recess.



## **21.06 LIMITATIONS**

1. There shall be no audio pickup or broadcast of conferences conducted in a courtroom between counsel and clients, co-counsel, Trial Judge and counsel.
2. The Trial Judge shall prohibit photographing or televising by any means victims of sexual assaults, jurors and undercover police officers. The Trial Judge shall not permit the photographing or televising of any witness or victim who objects thereto. The Trial Judge shall retain discretion to limit or prohibit photographing or televising of any counsel or his work product, upon objection.

## **21.07 REVOCATION OF PERMISSION**

1. Upon the failure of any media representative to comply with the conditions prescribed by the Trial Judge, the Rules of Superintendence of the Supreme Court, or this Rule, the Trial Judge may revoke permission to broadcast, photograph or record the trial or hearing.

### **RULE 22**

#### **ATTORNEY'S FEES FOR SUITS IN PARTITION OF REAL ESTATE**

**22.01** Pursuant and subject to Ohio Revised Code Section 53.07.25, counsel fees in partition actions are fixed as follows:

For the first five thousand dollars (\$5,000.00) of the value, as determined in said action, of said real estate, at the rate of eight percent (8%);

All above that sum, and not exceeding ten thousand dollars (\$10,000.00) at the rate of six percent (6%);

All above that sum, and not exceeding fifteen thousand dollars (\$15,000.00) at the rate of four percent (4%); and

All above fifteen thousand dollars (\$15,000.00) at the rate of two percent (2%) with a minimum allowance of fifty dollars (\$50.00).

1. Compensation for extraordinary services and for expenses may be awarded upon application to and approval of the Trial Judge and only upon notice to opposing parties or their counsel. Such extraordinary fees and expenses shall be limited to those found to be reasonable and necessary in the sound discretion of the Trial Judge.

### **RULE 23**

#### **CASE MANAGEMENT**

**23.01** Within sixty (60) to ninety (90) days of answer day in any domestic or civil case or

within thirty (30) days of arraignment in a criminal case, the Court shall cause a pre-trial hearing to be scheduled at which hearing all issues relevant to the case shall be discussed, all available alternate dispute resolutions shall be explored, and the case shall be scheduled for trial and any further hearings as determined to be necessary by the Court.

#### **RULE 24 COURT SECURITY**

- 24.01** The Court shall direct the Ross County Sheriff's Department or other appropriate law enforcement officers to act as Court security for Court facilities when deemed appropriate in the Court's discretion.
- 24.02** No firearms and/or weapons shall be permitted within Court facilities except by personnel engaged in Court security or other law enforcement officers conducting official business.
- 24.03** All prisoners shall be transported to and from Court facilities handcuffed behind the back, and when appropriate, secured by leg restraints.

#### **RULE 25 MEDIATION**

**25.01 UNIFORM MEDIATION ACT AND DEFINITIONS**

O.R.C. 2710 "Uniform Mediation Act" (UMA), including all definitions found in O.R.C. 2710.01, are incorporated by reference and adopted by this court through this local rule. Frequently used definitions include:

1. "Mediation" means any process in which a mediator facilitates communication and negotiation between the parties to assist them in reaching a voluntary agreement regarding their dispute.
2. "Mediator" means an individual who conducts a mediation.
3. "Mediation Communication" means a statement, whether oral, in a record, verbal or non-verbal, that occurs during a mediation or is made for purposes of considering, conducting, participating in, initiating, continuing, or reconvening a mediation or retaining a mediator.
4. "Nonparty participant" means a person other than a party or mediator that participates in a mediation.

## 25.02 CASES ELIGIBLE FOR MEDIATION

1. **General:** The court has discretion to encourage parties to use mediation in any civil action filed in this court. A case may be submitted to mediation as provided in this rule. The court may issue an order on its own motion, upon the motion of counsel, upon the request of a party, or upon referral by the mediator.
2. **Exceptions:** Mediation is prohibited in the following:
  - a. As an alternative to the prosecution or adjudication of domestic violence;
  - b. In determining whether to grant, modify, or terminate a protection order;
  - c. In determining the terms and conditions of a protection order; and
  - d. In determining the penalty for violation of a protection order.
3. Nothing in this provision shall prohibit the use of mediation in a subsequent divorce or custody case, even though that case may result in the termination of the provisions of a protection order.
4. When the proceeding involves differences as to allocating parental rights and responsibilities, mediation shall be ordered as permitted under O.R.C. Section 3109.052.

## 25.03. CONFIDENTIALITY

1. **General:** All mediation communications related to or made during the mediation process are subject to and governed by the Uniform Mediation Act. Mediation communications are confidential, and no one shall disclose any of these communications unless all parties and the mediator consent to disclosure. This court may impose penalties for any improper disclosures made in violation of this rule. Disputes regarding confidentiality should first be addressed with the mediator or mediation department where possible.

By participating in mediation, a nonparty participant, as defined by R.C. 2710.01(D), submits to the court's jurisdiction to the extent necessary for enforcement of this rule. Any nonparty participant shall have the same rights and duties under this rule as are attributed to parties, except that no evidence privilege shall be expanded.

2. **Exceptions:** All mediation communications are confidential with the following exceptions:

- a. Parties may share all mediation communications with their attorneys;
- b. Certain threats of abuse or neglect of a child or an adult;
- c. Statements made during the mediation process to plan or hide an ongoing crime; and
- d. Statements made during the mediation process that reveal the commission of a felony.

#### **25.04. REFERRAL TO RESOURCES**

The court administrator shall maintain resources for mediation parties, including victims and suspected victims of domestic violence, and encourage appropriate referrals to legal counsel and other support services, such as children's services, domestic violence prevention, counseling, substance abuse and mental health services.

#### **25.05 MEDIATOR TRAINING AND EDUCATION**

A mediator shall meet the qualifications of and comply with all training requirements of Sup.R. 16.23 and adopted pursuant to Sup.R. 16.22 governing mediators and mediation.

#### **25.06 MEDIATOR SELECTION AND ASSIGNMENT**

The following methods shall be used to select a mediator for the case:

1. The court may assign a court mediator to mediate;
2. In the event of a conflict of interest, the court may select a qualified mediator other than a court mediator;
3. Parties may request leave to select a mediator without guidance from the court. The court shall not be responsible for the quality of the mediator selected by the parties without guidance from the court and who does not meet the qualifications, education, and training requirements set forth in section 26.05 above.

#### **25.07 PROCEDURES**

1. In accordance with all applicable provisions of this rule, if a case is deemed appropriate by the court for mediation, mediation may be scheduled.
2. A mediator may direct the parties and/or their attorneys to attend a mediation conference in person. Such a conference shall be conducted by the mediator to consider the possibility of settlement, the simplification of issues or any other matters, which the mediator and the parties and/or their attorneys determine may aid in the handling or the disposition of the proceedings

3. A mediator may meet with the parties individually prior to bringing the parties together for any reason including, but not limited to, further screening. A mediator may schedule multiple mediation sessions, if necessary and mutually acceptable for the resolution of the issues in part or in their entirety.
4. A party opposed to either the referral or the appointed mediator must file a written objection with the court within ten (10) days of entry of the referral and explain the reasons for any opposition.
5. The mediator shall notify the court promptly when a case is not accepted for mediation. Following each mediation session, the mediator shall submit an outcome report to the court. At the conclusion of cases accepted for mediation, the mediator will also report the fact that the mediation process has ended.
6. If a case is settled during mediation, the attorney for one of the parties shall prepare and submit to the Court an entry reflecting the fact of settlement as in any other case. If both parties are unrepresented, one of the parties shall present the mediation agreement to the court.
7. If some, but not all, of the issues in a case are settled during mediation, or if agreements are reached to limit discovery or on any other matter, the parties shall submit a joint statement to the court enumerating the issues that have been resolved and the issues that remain for trial. This statement shall be submitted within twenty-one (21) days of the termination of mediation.
8. In cases involving the allocation of parental rights and responsibilities, the court shall consider but shall not be bound any mediation report or agreement.

#### **25.08 STAY OF PROCEEDINGS**

All court orders shall continue in effect during the mediation process. No order is stayed or suspended during the mediation process except by written court order. Mediation shall not stay discovery, which may continue through the mediation process in accordance with applicable rules, unless agreed upon by the parties and approved by the judge or magistrate assigned to the case.

## **25.09 FEES AND COSTS**

1. All cases referred to a court assigned/selected mediator shall be covered at a minimum base rate established by the Court. The parties shall be financially responsible to the court assigned/selected mediator for all costs above this base rate covered by the court.
2. Unless otherwise agreed by the parties, all costs of mediation shall be shared equally by the parties.
3. The Court may waive fees and costs for an indigent party. Mediation shall not be ordered if a party is indigent, unless the mediation is available at no cost to the indigent party.

## **25.10 ATTENDANCE; SANCTIONS**

If any individual ordered by the court to attend mediation fails to attend mediation without good cause, the court may impose sanctions, which may include, but are not limited to, the award of attorney's fees and other costs, contempt or other appropriate sanctions at the discretion of the assigned judge or magistrate.

## **25.11 EVALUATION, COMMENTS AND COMPLAINTS**

It is the policy of the court to use mediation to benefit the parties, to assist in reaching a resolution, and to provide a process that is timely, flexible, and maintains the trust and confidence of the people. Any mediation participant may submit written comments, complaints, or feedback to the court regarding the performance of mediators receiving referrals from the court.

# **RULE 26 CERTIFICATE OF QUALIFICATION FOR EMPLOYMENT**

## **26.01 PURPOSE**

The purpose of this local rule is to define the specific local court requirements and processes that support a Petitioner's application for a Certificate of Qualification for Employment (CQE) as set forth in Revised Code 2953.25 and Administrative Rule 5120-15-01 established by the Department of Rehabilitation and Corrections (DRC).

## **26.02 FILING REQUIREMENTS**

1. In order to request a CQE, the Petitioner shall file the approved Cover Sheet provided herein below with the Clerk of Courts for the Common Pleas Court where the Petitioner resides. The Petitioner shall include the DRC Electronic Petition Number on the Cover Sheet and

attach a copy of the fully completed Department of Rehabilitation and Corrections (DRC) Electronic Petition.

2. All Petitions submitted through the DRC shall include electronic access to the Department of Rehabilitation and Corrections CQE Summary.
3. Before any action is required to be taken on the Petition, the Petitioner must pay a deposit in the amount set forth in the **Filing Fee and Cost Schedule** maintained by the Clerk of Courts. Payment of this deposit may be made in any form otherwise accepted in the court of filing.

### **26.03 PROCESSING AND REVIEW**

1. All social security numbers and other information that must be excluded from public record shall be redacted in accordance with the rules of this court and the Rules of Superintendence. Records or information received by a court to assist the court with making its decision under Section 2953.25 of the Revised Code, including information included on a petition, shall retain their character as public or non-public records, as otherwise provided in law.
2. Upon receipt of the Cover Sheet, DRC Electronic Petition, and the required deposit, the Clerk of Courts shall assign the Petition a miscellaneous civil case number. If the conviction originates from Ross County, the case shall be assigned to the Judge or successor Judge who was previously assigned to a criminal case involving the Petitioner. If the conviction originates from a county other than Ross County, the case shall be randomly assigned to a Judge.
3. The Court shall obtain a criminal history for the Petitioner, either through the investigation ordered in support of the Petition or otherwise.
4. The Court shall attempt to determine all other courts in the state in which the Petitioner has been convicted of or plead guilty to an offense through review of the Petitioner's criminal history or other investigation and shall provide the list to the Clerk. The Clerk of Courts shall send appropriate notice and response forms to each court identified. Such Notice shall be sent via ordinary US mail, facsimile or e-mail.
5. The Clerk of Courts shall also send appropriate notice and response forms to the Ross County Prosecuting Attorney.
6. The Judge shall review the Petition, criminal history, all filings submitted by the prosecutor or victim in accordance with the rules adopted by the division of parole and community services, and all other relevant evidence.

7. The Judge may order any report, investigation or disclosure by the Petitioner that it believes is necessary to reach a decision.
8. Once all information requested has been received, a Judge shall decide whether to Grant or Deny the Petition within sixty days, unless Petitioner requests and is granted an extension of time.

**26.04 NOTICE OF DECISION**

1. The Court shall provide a written notice to the Petitioner of the Court's Decision and Judgment Entry. If denied, the notice shall include conditions, if any, placed on subsequently filings and language that a final appealable order has been filed. The Court shall also notify the DRC of the disposition of the petition as required under the Administrative Rules, and if granted order the DRC to issue the CQE to Petitioner.

\*\*\*\*\*

IN THE COURT OF COMMON PLEAS, ROSS COUNTY, OHIO

IN RE: \_\_\_\_\_

CASE NO. \_\_\_\_\_

DRC ELECTRONIC PETITION NO.: \_\_\_\_\_

**PETITION FOR  
CERTIFICATE FOR EMPLOYMENT (RC 2953.25)**

The undersigned hereby petitions for a Certificate of Qualification for Employment with the Court of Common Pleas where the Petitioner resides. Petitioner's completed Electronic DRC Petition is attached. Petitioner claims to have suffered a collateral sanction that is related to employment or occupational licensing as a result of one or more convictions or pleas of guilty to an offense. If filing is made directly with the Court, Petitioner also asserts no time has been served on a term in a state correctional institution or in a department-funded program.

Respectfully Submitted,

\_\_\_\_\_  
Signature



\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Street

\_\_\_\_\_  
City, State, Zip Code

\_\_\_\_\_  
Phone Number

\_\_\_\_\_  
Email Address

\*\*\*\*\*

(Cover Sheet for CQE Petition)

**RULE 27  
PARENTING COORDINATION**

**27.01 DEFINITIONS**

As used in this rule:

1. "Domestic abuse" means a pattern of abusive and controlling behavior that may include physical violence; coercion; threats; intimidation; isolation; or emotional, sexual, or economic abuse.
2. "Domestic violence" has the same meaning as in R.C. 3113.31(A)(1).
3. "Parenting coordination" means a child-focused dispute resolution process ordered by the Court to assist parties in implementing a parental rights and responsibilities or companionship time order using assessment, education, case management, conflict management, coaching, or decision-making. "Parenting coordination" is not mediation subject to R.C. Chapter 2710, R.C. 3109.052, or Sup.R. 16 nor arbitration subject to R.C. Chapter 2711 or Sup.R. 15.
4. "Parenting coordinator" means an individual appointed by the Court to conduct parenting coordination.

**27.02 PURPOSE**

This rule allows for the earliest possible resolution of disputes related to parental rights and responsibilities or companionship time orders.

### 27.03 SCOPE

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 guardian;
5. Changes in the primary placement of a child.

### 27.04 APPOINTMENT

1. **Reasons for Ordering Parenting Coordination:** The Court may order parenting coordination, sua sponte or upon written or oral motion by one or both parties, when one or more of the following factors are present:
  - a. The parties have ongoing disagreements about the implementation of a parental rights and responsibilities or companionship time order and need ongoing assistance;
  - b. There is a history of extreme or ongoing parental conflict that has been unresolved by previous litigation or other interventions and from which a child of the parties is adversely affected;
  - c. The parties have a child whose parenting time schedule requires frequent adjustments, specified in an order of the Court, to maintain age-appropriate contact with both parties, and the parties have been previously unable to reach agreements on their parenting time schedule without intervention by the Court;
  - d. The parties have a child with a medical or psychological condition or disability that requires frequent decisions regarding treatment or frequent adjustments in the parenting time schedule, specified in an order of the Court, and the parties have been previously unable to reach agreements on their parenting time schedule without intervention by the Court;
  - e. One or both parties suffer from a medical or psychological condition or disability that results in an inability to reach agreements on or make adjustments in their parenting time schedule without assistance, even when minor in nature;
  - f. Any other factor as determined by the Court.

2. **Parenting Coordinator Qualifications:** The Court may appoint an individual as a parenting coordinator who meets all of the following qualifications:
  - a. A master's degree or higher, a law degree, or education and experience satisfactory to the Court;
  - b. 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, or such other equivalent experience satisfactory to the Court;
  - c. Has completed the following training approved by the Dispute Resolution Section of the Supreme Court:
    - (1) At least twelve hours of basic mediation training;
    - (2) At least forty hours of specialized family or divorce mediation training;
    - (3) At least fourteen hours of specialized training in domestic abuse and dispute resolution: and
    - (4) At least twelve hours of specialized training in parenting coordination.
3. **Parenting Coordinator Qualifications in Abuse, Neglect and Dependency Cases:** In addition to the qualifications under 29.04(B) of this rule, the Court may appoint a parenting coordinator to an abuse, neglect, or dependency case, provided the parenting coordinator meets both of the following qualifications:
  - a. Significant experience working with family disputes;
  - b. At least thirty-two hours of specialized child protection training that has been approved by the Dispute Resolution Section of the Supreme Court.
4. **Parenting Coordinator Continuing Education:** To maintain eligibility for appointment, a parenting coordinator shall complete at least three hours per calendar year of continuing education relating to children that has been approved by the Dispute Resolution Section of the Supreme Court.
5. **Parenting Coordinator Appointment Order:** The Court's appointment order shall set forth all of the following:
  - a. The name of the parenting coordinator and any contact information the Court may choose to include;
  - b. The specific powers and duties of the parenting coordinator;
  - c. The term of the appointment;
  - d. The scope of confidentiality;

- e. The parties' responsibility for fees and expenses for services rendered by the parenting coordinator; and
  - f. Parenting coordination terms and conditions.
6. **Selection of Parenting Coordinator For Appointment:** The parenting coordinator who meets the qualifications in division 29.04(B) of this rule and, if applicable division 29.04(C), shall be selected using one of the following:
- a. Use of a Court employee;
  - b. Random selection by the Court from the Court's roster of parenting coordinators;
  - c. Specific appointment based on the type of case and the qualifications and caseload of the parenting coordinator;
  - d. Parties select a parenting coordinator from the Court's roster of parenting coordinators;
7. **Prohibited Parenting Coordinator Appointments:** The Court shall not appoint a parenting coordinator who does not possess the qualifications in division 29.04(B) of this rule and, if applicable division 29.04(C), 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 prohibition.
8. **Appointment of Mediator as Parenting Coordinator:** With written consent of the parties, the Court may appoint a mediator to serve as the parenting coordinator with the same family.
9. **Termination or Modification of Parenting Coordinator Appointment:** Upon motion of a party, for good cause shown, or sua sponte, the Court may terminate or modify the parenting coordinator appointment.

#### 27.05 PARENTING COORDINATOR RESPONSIBILITIES

- 1. **Ability to perform duties:** A parenting coordinator shall report to the Court any activity, criminal or otherwise, that would adversely affect the parenting coordinator's ability to perform the functions of a parenting coordinator.
- 2. **Compliance with appointment order:** A parenting coordinator shall comply with the requirements of and act in accordance with the appointment order issued by the Court.
- 3. **Independence, objectivity, and impartiality:** A parenting coordinator shall maintain independence, objectivity, and impartiality, including avoiding the appearance of partiality, in dealings with parties and professionals, both in and out of the courtroom.
- 4. **Conflicts of interest:**

- a. 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.
  - b. 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.
5. **Ex parte communications:** A parenting coordinator shall not have ex parte communications with the Court regarding substantive matters or issues on the merits of the case.
6. **Legal advice:** A parenting coordinator shall not offer legal advice.
7. **Reporting:**
- a. A parenting coordinator shall submit a resume to the Court documenting compliance with division 29.04(B) and, if applicable, division 29.04(C); 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 contained in the resume.
  - b. On or before January 1st of each year, a parenting coordinator shall report to the Court a list of all continuing education training completed during the previous year pursuant to division 29.04(D), including the sponsor, title, date, and location of each training. A parenting coordinator shall not be eligible for appointment until this requirement is satisfied. The parenting coordinator shall complete three hours of continuing education for each calendar year of deficiency.

## 27.06 PARENTING COORDINATOR PROCEDURES

### 1. **Screening for and disclosure of domestic abuse and domestic violence:**

- a. All cases shall be screened for domestic abuse and domestic violence by the parenting coordinator before the commencement of the parenting coordination process and by the parenting coordinator during the parenting coordination process.
- b. All parties and counsel shall immediately advise the parenting coordinator of any domestic violence convictions and/or allegations known to them or which become known to them during the parenting coordination process.

- c. When domestic abuse or domestic violence is alleged, suspected, or present, before proceeding, a parenting coordinator shall do each of the following:
  - (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.
2. **Disclosure of abuse, neglect, and harm:** 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.
3. **Attendance and participation:**
  - a. Parties shall attend parenting coordination sessions. Requests to reschedule parenting coordination sessions shall be approved by the parenting coordinator.
  - b. A parenting coordinator shall allow attendance and participation of the parties and, if the parties wish, their attorneys and any other individuals designated by the parties.
4. **Referrals to support services:** A parenting coordinator shall provide information regarding appropriate referrals to resources including legal counsel, counseling, parenting courses or education, and other support services for all parties, including, but not limited to, victims and suspected victims of domestic abuse and domestic violence.
5. **Parenting coordination agreements, reports, and decisions:**
  - 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, all of 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(s), including the name of the requestor and the 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(s);
  - (6) The date and time of a future parenting coordination session(s);
  - (7) Whether any decisions were written and if so, the date(s);
- c. The parenting coordinator shall first attempt to assist the parties in reaching an agreement that resolves the dispute. If the parties are unable to reach an agreement, the parenting coordinator shall issue a written decision that is effective immediately. 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 caption, including the case number;
  - (2) Date of the decision;
  - (3) The decision of the parenting coordinator;
  - (4) Facts of the dispute and facts upon which the decision is based;
  - (5) Reasons supporting the decision;
  - (6) The manner in which the decision was provided to the parties;
  - (7) Any other necessary information.
- d. A party may file written objections to a parenting coordinator's decision with the Court and serve all other parties to the action within fourteen days of the filing date of the decision. If any party timely files objections, any other party may also file objections with the Court and serve all other parties to the action, not later than ten days after the first objections are filed. A hearing may be scheduled, upon request, at the discretion of the Court. A judge or magistrate shall issue a ruling on the objections within thirty days from the date of the last objection filed.

**6. 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 coordinators 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 Court Administrator, and include all of the following:
    - (1) The case caption and 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;
    - (5) The date the alleged misconduct or violation occurred;
  - d. The Court Administrator shall provide a copy of the complaint to the parenting coordinator;
  - e. The parenting coordinator has fourteen days from the date of the receipt of the complaint to respond in writing to Court Administrator.
  - f. The Court Administrator shall conduct an investigation into the allegations and shall issue a response within thirty days from the date the complaint was received.
7. **Fees:** A parenting coordinator shall be paid \$60/hour, unless otherwise ordered by the Court. All fees shall be determined by the Court and included in the appointment order.
8. **No Stay of Proceedings:** Unless otherwise provided by court order, referral of a case to parenting coordination does not stay a case.

#### **27.07 CONFIDENTIALITY AND PRIVILEGE**

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.

#### **27.08 PUBLIC ACCESS**

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

#### **27.09 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 rule, this rule shall control.

#### **27.10 COURT REPORTING REQUIREMENTS**

On or before February 1st 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 rule;
2. A copy of the Court’s 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.

#### **27.11 SANCTIONS**

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.

### **RULE 28 ATTIRE AND CONDUCT IN COURT**

#### **28.01 PROPER ATTIRE REQUIRED**

All persons must dress in proper attire when entering a courtroom. No attorney, party, juror, media, witness, observer or other individual shall be permitted to appear in a courtroom or offer testimony while dressed in shorts, tank tops, swimwear, or clothing promoting alcohol/drugs or reflecting obscene language/gestures. It shall be the duty of counsel to advise parties and witnesses of this rule prior to their appearance in court.

#### **28.02 PROPER DECORUM REQUIRED**

Proper decorum must be observed by all individuals in a courtroom. It is the duty of every person in the courtroom to give respectful attention to the Court at all times when in session.

#### **28.03 CELL PHONE, PHOTOGRAPHS & RECORDING PROHIBITED**

All cellular phones, pagers and other communication devices must be turned off while in the court. No photographs shall be taken in the courtroom(s) or electronic recordings made without the express permission of the presiding judge.