

DOMESTIC RULE 8. Magistrate hearings

Magistrates shall be appointed in accordance with Civil Rule 53, and shall have all powers conferred by said Rule. Magistrates hear the following matters:

A. PRE-DECREE MOTIONS

- (1) In actions for divorce, annulment, or legal separation, Magistrates shall hear all pre-decree motions for allowance of spousal support, child support, and custody pendente lite filed pursuant to Civil Rule 75(N).
- (2) In actions for divorce, annulment, or legal separation, and dissolution magistrates may hear all pre-decree motions except: Motions to determine indigence; motions to impound child support or spousal support; motions to join parties; motions for leave to amend the complaint; motions to extend time to answer or plead; motions to withdraw as counsel; motions to transfer to a private judge; motions to convert an action from a divorce to a dissolution or from a dissolution to a divorce; motions for summary judgment; and motions to issue, modify or vacate temporary restraining orders unless no judge is available.

B. FINAL HEARINGS

Magistrates shall conduct final hearings in actions for divorce, annulment, legal separation, or dissolution, or a bifurcated portion of said hearing, upon order of reference from the judge assigned to the case.

C. POST-DECREE MOTIONS

Magistrates may hear all post-decree motions in actions for divorce, annulment, legal separation, or dissolution, whether the action originated in this court or was transferred to the Juvenile Branch of this court by a court of another state or county, **except:** motions to reinstate dismissed complaints or motions; motions to impound child support or spousal support; motions to withdraw as counsel; and motions to issue, modify or vacate a temporary restraining order or motions to determine indigence, unless no judge is available. Motions filed pursuant to Civil Rule 59 or 60 shall be heard by the Judge or Magistrate who heard the matter originally or their successor.

D. CONTEMPT AND DISCOVERY MOTIONS

Contempt and discovery motions may be scheduled before a Judge or Magistrate.

E. CSEA HEARINGS

All CSEA hearings required under chapters 3111, 3113, 3115, 3119, 3121 or 3123 of the Ohio Revised Code, and motions for relief from a judgment which was journalized by the Court without hearing following a FCCSEA administrative hearing.

F. MATTERS FROM THE JUVENILE BRANCH

All complaints for custody filed in the Juvenile Branch of this court, including post-decree motions to modify the allocation of parental rights and responsibilities, and motions to allocate parental rights following determination of parentage.

G. OTHER MATTERS

All other matters referred by a judge.

H. MOTIONS TO REINSTATE DISMISSED COMPLAINTS / MOTIONS

Parties may file a motion requesting reinstatement of a complaint/motion dismissed for failure to submit an entry. Parties requesting reinstatement must present an agreed entry resolving the dismissed motion/complaint to the assigned judge simultaneously with the entry to reinstate the case/motion. The assigned judge, or his/her designated staff, will review the proposed entries, and if the entries are correct, the judge will sign both the entry reinstating the case/motion and the agreed entry. Both entries will be filed and the case/motion will be tied off once it is reinstated. If the agreed entry is not correct, it will be returned to the party requesting reinstatement along with the unsigned entry reinstating the case. Once corrected, both entries shall be returned to the assigned judge for review, and if correct, signature and filing.

(Amended, eff 1/1/87, eff. 7/1/95, 7/1/99; 8/1/04; 12/14/09)

RULE 17. Financial disclosure affidavit required at time of filing

Upon the filing of an action for dissolution, divorce, legal separation, or an answer or counterclaim thereto, each spouse so filing, in addition to any other affidavits, shall file an affidavit listing all income, the identity and value of assets and liabilities of the parties, whether jointly or separately held, together with any other relevant information concerning such listing that is within their knowledge.

Such affidavits may be supplemented by further affidavits any time up to 15 days prior to the date set for hearing.

All information contained in the financial affidavit must be accurate. Any information that is estimated must be clearly identified. Blank spaces or “N/A” are unacceptable responses.

The affidavits filed pursuant to this Rule shall be on the Form authorized by the Court, or in a format consistent therewith.

(Effective 1/1/86; amended, eff 1/15/89; 7/1/99; 8/1/04; 12/14/09)

**IN THE COMMON PLEAS COURT OF FRANKLIN COUNTY, OHIO
DIVISION OF DOMESTIC RELATIONS**

CASE NO. _____

SOCIAL SECURITY # _____

ASSETS & LIABILITIES AS OF _____
(Date)

SOCIAL SECURITY # _____

PLAINTIFF / PETITIONER

VS.

DEFENDANT / PETITIONER

Instructions: You must disclose all information requested herein pursuant to Court Rule 17 of the Franklin County Common Pleas Court, Division of Domestic Relations. List all assets, liabilities, income sources and retirement accounts separately. Also list the value of all assets and whether the assets or liabilities are jointly or individually held. This may be supplemented with additional information on attached sheets.

ASSETS:

Cash: _____
Government Bonds: _____
Checking Accounts: _____
Accounts / Notes: _____
Receivable: _____
Stocks, Bonds, Securities: _____
Life Insurance Cash Values: _____
Real Estate: _____
Automobiles: _____
Other Assets (itemize): _____

CONTINGENT LIABILITIES:

Notes / Accounts Payable: _____
Guarantor: _____
Other Contingent Liabilities: _____

LIABILITIES:

Notes Payable: _____
Accounts Payable: _____
Loans on Life Insurance: _____
Taxes: _____
Mortgages: _____

Debts:

Individual Name: _____

Income:

Gross Income from Employment: _____
 weekly monthly annually

Joint Names: _____

Other Income (itemize): _____

Retirement Accounts, Pensions, 401K Accounts, etc:

Husband: Type of Account: _____ Amount: _____ Vested: yes no
 Type of Account: _____ Amount: _____ Vested: yes no

Wife: Type of Account: _____ Amount: _____ Vested: yes no
 Type of Account: _____ Amount: _____ Vested: yes no

Plaintiff / Defendant / Petitioner

Sworn to and subscribed by the Plaintiff / Defendant / Petitioner before me this _____ day
of _____, 20_____.

Notary Public

JUVENILE RULE 6. Parentage cases

(A) Except as provided in R.C.3111.381, no person may bring an action to establish the parent and child relationship before requesting an administrative determination of the existence or nonexistence of a parent and child relationship from the Child Support Enforcement Agency. The person filing a complaint to establish the parent and child relationship shall allege in the complaint that he/she has requested an administrative determination of the existence or nonexistence of the parent and child relationship from the Child Support Enforcement Agency, and that the administrative process is complete. The person filing a complaint to establish the parent and child relationship shall attach to the complaint a copy of the administrative order or notice issued by the Child Support Enforcement Agency. All complaints to establish the parent and child relationship shall be filed in duplicate.

(B) Upon the completion of the administrative process to determine the existence or nonexistence of a parent and child relationship by the Child Support Enforcement Agency, including the entry of an administrative child support order, either parent may file a complaint requesting the court to issue a child support order for the minor child. At the time of filing the moving party shall attach to the complaint a copy of the following: the administrative order for payment of child support; the additional order and notice to the parties; the administrative withholding notice to the employer; the child support guideline worksheet prepared by the Child Support Enforcement Agency calculating the amount of the child support order. All pleadings must be served on the Child Support Enforcement Agency.

(C) All complaints filed pursuant to R.C.3111 shall be governed by the Ohio Civil Rules. When at least twenty-eight (28) days have elapsed since proof of service of the complaint has been filed, the Assignment Commissioner shall schedule the case for default hearing and notices shall be mailed to the parties and the plaintiff's counsel.

(D) When an Answer is filed, upon the request of any party or their attorney notices of a pre-trial hearing shall be mailed to the parties and counsel by the Assignment Commissioner.

(E) If no request for hearing is made within three months of the date of filing or the case is deemed inactive by the Assignment Commissioner then the case shall be scheduled for a drop list hearing and notices shall be mailed to the parties and the plaintiff's counsel by the Assignment Commissioner.

(F) At the pretrial hearing the Court may set the case for further pretrial or trial.

(G) After parentage is established, the Magistrate may require motions for temporary orders to be submitted and determined without oral hearing upon affidavits in support or opposition.

Amended effective 7/23/92; 7/1/95; 1/1/00; 8/1/04; 12/14/09

JUVENILE RULE 20. Magistrate hearings

Magistrates shall conduct arraignments in adult criminal proceedings under Criminal Rules 10 and 19, and shall conduct hearings in complaints initiated in the Juvenile Branch for custody, delinquency, unruliness, parentage, juvenile traffic offenses, and for abuse, neglect and dependency.

In addition to the above duties, Magistrates shall hear the following matters:

(A) All motions, except motions to reinstate dismissed motions or complaints, probable cause and amenability hearings conducted in proceedings to transfer jurisdiction for purposes of criminal prosecution pursuant to Juvenile Rule 30 and R.C.2152.10 and 2152.12, and motions / complaints requesting a serious youthful offender disposition. However, magistrates may conduct arraignments when a child is charged as a serious youthful offender.

(B) Contempt citations, unless assigned before a Judge.

(C) Motions requesting a new trial or relief from judgment pursuant to Civil Rule 59 or 60. Such motions should be heard by the Judge or Magistrate who heard the matter originally.

(D) All hearings required under chapters 3111, 3113, 3115, 3119, 3121 or 3123 of the Ohio Revised Code, including all objections to CSEA administrative determinations.

(E) Motions for relief from judgment which were journalized by the Court without hearing following a FCCSEA administrative hearing.

(F) MOTIONS TO REINSTATE DISMISSED COMPLAINTS / MOTIONS

Parties may file a motion requesting reinstatement of a complaint/motion dismissed for failure to submit an entry. Parties requesting reinstatement must present an agreed entry resolving the dismissed motion/complaint to the assigned judge simultaneously with the entry to reinstate the case/motion. The assigned judge, or his/her designated staff, will review the proposed entries, and if the entries are correct, the judge will sign both the entry reinstating the case/motion and the agreed entry. Both entries will be filed and the case/motion will be tied off once it is reinstated. If the agreed entry is not correct, it will be returned to the party requesting reinstatement along with the unsigned entry reinstating the case. Once corrected, both entries shall be returned to the assigned judge for review, and if correct, signature and filing.

(Amended effective 7/1/90; 7/1/95; 1/1/00; 11/1/04; 12/14/09)