

**FRANKLIN COUNTY  
COURT OF COMMON PLEAS  
Division of Domestic Relations  
Juvenile Branch  
Effective February 1, 1990  
unless otherwise noted**

**JUVENILE RULES**

**Rule**

1. Court records; Management and Retention
2. Continuances and advancements
3. Duty magistrate
4. Appointed counsel
5. Custody and /or Visitation Actions
6. Parentage cases
7. Detention/shelter care hearings
8. Objections to Decisions of Magistrates / Motions to Set Aside Magistrate's Orders
9. Broadcasting, televising, recording and photographing by news media
10. Support orders
11. Motions
12. Transcripts/recording of proceedings
13. Warrants
14. Filing fees and costs
15. Traffic offenders/misdemeanor citations; Use of electronically produced tickets
16. Expungements
17. Mediation
18. Publication Service
19. Informal intake conferences
20. Magistrate hearings
21. Assignment of cases
22. Model parenting time schedule
23. Case Management Rule
24. Work Release Program
25. Duty Judge
26. Juries, Jurors
27. Guardian Ad Litem when allocating parental rights and responsibilities
28. Entries
29. Forms
30. Photographic Identification
31. Service Members' Civil Relief Act
32. Registration of Orders from another State; Certification pursuant to R.C.3109.06
33. Child Support, Cash Medical Support and Health Insurance

**RULE 1. Court records; Management and Retention**

(A) Reports and records of the Probation and Family Assessment Departments shall be considered confidential information and shall not be made public. The inspection of Court Records by attorneys and other interested parties shall be governed by Rule 32(C) of the Ohio Rules of Juvenile Procedure. Any probation, social, physical or mental examination prepared at the direction of the Court shall not be copied by counsel without leave of the Court. The Court may limit or deny inspection for good cause shown pursuant to aforementioned Rule 32(C).

Traffic Records are confidential and shall not be made public. Inspection by attorneys or any interested parties may be allowed by leave of the Court.

Family History files shall be considered confidential information and shall not be made public. Inspection by attorneys or interested parties may be allowed by leave of the Court.

Record checks by counsel, law enforcement and other agencies shall be directed to the Clerk of Courts which shall provide reasonable access to public records.

(B) Management and Retention

Pursuant to Rule 26(G) of the Rules of Superintendence for the Courts of Ohio, this court has adopted a records retention schedule. A copy of the records retention schedule is on file in the administrative offices of the court and also at the Franklin County Records Commission, 373 South High Street, 26<sup>th</sup> Floor, Columbus, Ohio, and may be reviewed at either location. The Franklin County Clerk of Courts shall dispose of case files in accordance with the Court's records retention schedule, and may extend the time for case file disposal beyond the period specified in said records retention schedule.

(Amended, effective 7/1/93; 4/1/04; 7/1/04)

**RULE 2. Continuances and advancements**

Requests for continuances will be made in accordance with Supreme Court of Ohio Superintendence Rule 41 and Ohio Rules of Juvenile Procedure 19 and 23 or, where applicable, the Ohio Rules of Civil Procedure.

All applications for continuances or advancements shall be made as far in advance of hearing dates as practicable except as herein provided. All requests shall be in writing on forms provided by the Juvenile Case Management Office with a proposed new date included. Requests shall be granted only after notice to all other counsel and/or parties involved. No case will be continued on the day of hearing except for good cause shown. Unless otherwise directed, it will be the responsibility of the attorney obtaining the continuance to notify all other counsel and parties of the new hearing date. Attorneys shall make reasonable efforts to have a contested request for continuance heard prior to the hearing date.

Ruling on a continuance request may be reserved until the scheduled hearing date where continuances on the record are necessary to preserve service or notice on parties.

Amended Effective 1/1/00; 10/1/04

**RULE 3. Duty Magistrate**

The Administrative Magistrate shall designate one Magistrate each day the Court is in session who shall be known as the Duty Magistrate. In addition to his or her regular docket, the Duty Magistrate shall be responsible for the authorization of continuances, review of requests for emergency orders and other additional duties the Administrative Magistrate or Administrative Judge may assign.

## **JUVENILE RULE 4. Appointed counsel and Guardians ad Litem**

### **(A) Right to Counsel**

Every party shall have the right to be represented by counsel, and as provided in R.C.2151.352, the right to appointed counsel, if indigent. Appointments may be made to the Franklin County Public Defender, Court Appointed Special Advocates, Legal Clinics and attorneys in private practice. The court shall maintain a list of private attorneys willing to accept appointments for Juvenile Court cases. The following lists shall comprise the court appointment list for private attorneys:

- List 1. Attorneys who will serve in a dual capacity as attorney and guardian ad litem, or if a conflict exists between those roles solely as guardian ad litem for children in delinquency, unruly, abuse, neglect and dependency cases, and for adults, or solely as attorney for children in abuse, neglect and dependency cases.
- List 2. Attorneys who will represent children in delinquency and unruly cases, juvenile respondents in proceedings for a juvenile civil protection order under R.C. 2151.34, and adults in criminal matters and contempt actions other than those specified in List 4.
- List 3. Attorneys who will serve as counsel for parties in abuse, neglect and dependency cases.
- List 4. Attorneys who will represent parties in parentage cases initiated by the state, and contempt actions related to custody, child support or visitation.
- List 5. Attorneys who will represent children charged with delinquency offenses when: A) the offense is a category one or category two offense, as defined in R.C.2152.02; B) relinquishment of jurisdiction for purposes of prosecution as an adult is requested; or C) the child is charged as a serious youthful offender.
- List 6. Attorneys who will serve in a dual capacity as attorney and guardian ad litem, or if a conflict exists between those roles solely as attorney or guardian ad litem, for children who file a complaint pursuant to O.R.C. 2151.85.

### **(B) Application and List Requirements**

- (1) In order to be approved and maintain placement on any of the court's list of attorneys or guardians ad litem, an attorney must meet the following standards:
  - (a) Licensed Ohio attorney in good standing;
  - (b) Inform the court of any prior disciplinary complaints against the attorney which resulted in sanctions;
  - (c) Maintain a working telephone with a local telephone number or toll free long distance number, with a secretary and/or working answering machine/service to be able to respond to calls from the court or client;
  - (d) Either maintain professional liability (malpractice) insurance in an amount equal to the minimum coverage required by the Code of Professional Responsibility, or comply with DR1-104 at the time of the appointment.

(e) Attorneys are under an ongoing duty to notify the court of changes in their status, address, or telephone number.

(2) Attorneys desiring to be placed on the appointment list shall apply in writing on a form promulgated by the court, to the Administrative Magistrate, specifying the list(s) from which (s)he is willing to accept appointments. The application shall be accompanied by a resume stating the applicant's training, experience and expertise demonstrating the applicant's ability to successfully perform the duties and responsibilities of an attorney or guardian ad litem, a copy of the applicant's criminal background check, and the applicant's background disclosure statement.

(3) Prior to being placed on the appointment list attorneys shall attend an orientation session. Orientation sessions will be conducted, and applications processed, quarterly. In addition to the orientation session, attorneys must fulfill the following requirements:

(a) **Guardians ad Litem - Lists 1 and 6**

In order to serve as a guardian ad litem, an applicant shall have, at a minimum, the following training:

(1) Successful completion of a pre-service training course to qualify for appointment and thereafter, successful completion of continuing education training in each succeeding calendar year to qualify for continued appointment.

(2) The pre-service training course must be the six hour guardian ad litem pre-service course provided by the Supreme Court of Ohio, the Ohio CASA/GAL Association's pre-service training program, or with prior approval of a majority of the judges, be a course at least six hours in length that covers the topic areas in Ohio Rule of Superintendence 48(E)(3).

(3) An attorney who is serving as a guardian ad litem on March 1, 2009, shall by February 28, 2010, complete the required six hour pre-service training in order to avoid removal from the court's list of approved guardians ad litem.

(b) **Attorneys - Lists 2, 3 and 4**

Case Observation: Applicants to be placed on lists 2, 3 or 4 must observe two (2) cases from preliminary hearing through dismissal or disposition, for each list from which (s)he requests appointments with a court appointed attorney, public defender, or other approved attorney. The observation requirements, or a portion thereof, may be waived upon application and approval of the assistant court director.

(c) **Attorneys - List 5**

Applicants wishing to receive List 5 appointments must have served as lead counsel or co-counsel on three cases involving offenses which currently constitute category 1 or 2 offenses, as defined in R.C.2152.02, and which culminated in a trial, whether in juvenile or adult court, including probable cause hearings in Juvenile Court proceedings to relinquish jurisdiction for prosecution as an adult.

Counsel must submit an affidavit listing the case names and numbers of the three cases which meet this requirement to the assistant court director.

### **(C) Appointments**

(1) Private attorneys who are qualified to receive appointments may, during an enrollment period determined by the court, volunteer to be present for preliminary hearing dockets to receive available appointments. Attorneys volunteering to be present will receive confirmation of the date(s) the attorney is assigned to be present for preliminary hearings. Absent an emergency, attorneys who fail to appear for an assigned preliminary hearing docket will not be eligible to volunteer to be present for preliminary hearings during the subsequent enrollment period. Appearing for a preliminary hearing docket does not guarantee that an attorney will receive an appointment.

(2) To maximize efficiency of the appointed counsel clerk and equalize appointments among attorneys on the various appointment lists, all appointments to attorneys on lists 1 through 4 which are not assigned at preliminary hearing will be assigned on a rotating basis. Excluded from the rotating appointments are companion cases, cases that are dismissed and refiled, multiple cases involving the same client, appointments made from the bench, appointments made at preliminary hearing, and reappointment of an attorney for a probation violation. Attorneys who will be unavailable for designated periods of time may notify the appointment clerk of the dates of their unavailability. Once such notification is received, the attorney will not be appointed to any cases during the specified period of unavailability.

The appointed counsel clerk will notify the appointed attorney of the availability of an appointment by telephone, speaking with the attorney personally, or by leaving a message with the attorney's staff or on the attorney's answering machine/voice mail. The appointed attorney shall contact the appointed counsel clerk within 48 hours to confirm that he/she will accept the appointment. If the appointed attorney fails to contact the appointed attorney clerk within the 48 hour period, the appointment will be offered to the next attorney on the list.

(3) The appointment entry will be signed by the judge or magistrate and filed with the Clerk of Courts. A copy of the appointment entry will be placed in the mailbox of the appointed attorney as soon as practicable. Once appointed, counsel must either continue the hearing if the case is scheduled on a date or time the attorney is unavailable, or withdraw from the case if he/she is unable to fulfill the appointment.

### **(D) Duties and Responsibilities of Appointed Counsel and Guardians Ad Litem**

Attorneys accepting appointments to serve as guardian ad litem, court appointed counsel, or in the dual capacity of both attorney and guardian ad litem, shall initiate and maintain reasonable contact with their client, which should be no less than once per month. The attorney/guardian ad litem shall advise his / her client / ward of the client's / ward's rights and the possible consequences of the pending action. Attorneys shall personally represent the client for which (s)he was appointed, and shall not, absent an emergency, allow substitute counsel to represent the client. Repeated failure to personally represent the client will result in removal from the

guardian ad litem/appointed counsel list(s).

The court shall maintain an individual file for each appointed counsel for the purpose of providing appointments, notices and other matters as may be necessary. It will be the responsibility of appointed counsel to inspect said file not less than weekly.

(1) Upon appointment the attorney, guardian ad litem, or attorney appointed in the dual capacity of both attorney and guardian ad litem, shall make reasonable efforts to become informed about the facts of the case and to contact all relevant persons. The attorney, guardian ad litem, or attorney appointed in the dual capacity of both attorney and guardian ad litem shall, at a minimum, perform certain basic duties, as warranted by the facts of the case, unless impracticable or inadvisable because of the age of the child or the specific circumstances of a particular case.

(a) When the child is of sufficient age to have communicative ability, meet with and interview the child(ren) and ascertain the child's wishes. Observe the child with each parent, foster parent, guardian or physical custodian and conduct at least one interview with the child where none of these individuals is present. Be aware of the interaction between the parent and child, and the appropriateness of discipline, conversations, and activities. Interview both parents if permitted by their counsel. If only one parent is known, attempt to ascertain the identity and whereabouts of the other parent.

(b) Review pleadings and other relevant court documents, and consult with each attorney as to position and issues. File pleadings, motions and other documents as appropriate under the applicable rules of procedure. Review the court file, and request discovery.

(c) Meet with and interview all significant individuals who may have relevant knowledge regarding the issues of the case.

(d) Determine the physical and mental health of the child. Interview medical and mental health providers, and obtain copies of relevant records, including medical and hospital records.

(e) Interview school personnel. Obtain information regarding the child's behavior in school and interaction with parents. Review and obtain copies of the child's school records.

(f) Perform home visits (this may be combined with the interview process). Observe the living conditions of each parent and the child's sleeping arrangements.

(g) Evaluate the necessity, if any, of psychological evaluations or counseling, mental health and / or substance abuse assessments, or other evaluations or tests of the parties and file a motion requesting the same.

(h) Communicate with the Court Family Assessment caseworker or probation officer. Obtain the case history. If the worker has the family file, schedule a time to review it.

(i) Communicate with the Franklin County Children Services worker, and other direct service providers. Obtain the case history. Confirm whether the child has been removed from home and the

child's adjustment to his/her current placement. Confirm the names, addresses, and telephone numbers of parents and care providers. Determine what services are being provided the parents.

(j) Call the FCCS Regional Records Room and schedule a time to view their file. Identify the pages you need copied and request FCCS send the copies to your office.

(k) Ask the care providers for their perceptions of the child's adjustment. Assess the child's developmental level. If the child relates a new allegation of abuse or neglect, immediately call FCCS intake, the caseworker, and the Family Assessment caseworker.

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

(m) Be cognizant that the duty of an attorney to his/her client and the duty of a guardian ad litem to his/her ward are not always identical and, in fact, may conflict. The role of the guardian ad litem is to investigate the ward's situation and then to ask the court to do what the guardian ad litem feels is in the ward's best interest. The role of the attorney is to zealously represent his/her client within the bounds of the law. The first and highest duty of an attorney appointed in a dual capacity is to zealously represent his client within the bounds of the law and to champion his client's cause.

(1) When appointed in the dual capacity of attorney and guardian ad litem for the child, the attorney shall advocate for the child's best interest and the child's wishes in accord with the Rules of Professional Conduct. Attorneys who are to serve as both guardian ad litem and attorney should be aware of Rule 3.7 of the Rules of Professional Conduct and act accordingly. The attorney appointed in the dual capacity shall notify the court and counsel if the child's wishes are in opposition to the guardian ad litem's recommendation and request leave to withdraw as guardian ad litem. Once granted, the appointed attorney is relieved of his/her role as guardian ad litem and remains solely as attorney for the child. A new guardian ad litem will be appointed.

(2) A guardian ad litem shall represent the best interest of the child for whom the guardian is appointed. Representation of best interest may be inconsistent with the wishes of the child whose interest the guardian ad litem represents. When appointed solely as guardian ad litem for the child, at the earliest practical time notify the court and counsel if the child's wishes are in opposition to the guardian ad litem's recommendation and request in writing that the court appoint an attorney to represent the child or promptly resolve the conflict by entering appropriate orders.

(3) Appointed attorneys and guardians ad litem shall avoid any actual or apparent conflict of interest arising from any relationship or activity including, but not limited to, those of employment or business or from professional or personal contacts with parties or others involved in the case. Attorneys and guardians ad litem shall avoid self-dealing or associations from which the attorney / guardian ad litem might benefit, directly or indirectly, except from compensation for services as attorney or guardian ad litem.

(4) Upon becoming aware of any actual or apparent conflict of interest, an attorney or guardian ad litem shall immediately take action to resolve the conflict, shall advise the court and the parties of the action taken and may resign from the matter with leave of court, or seek

court direction as necessary. Because a conflict of interest may arise at any time, an attorney / guardian ad litem has an ongoing duty to comply with this division.

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

(o) Perform any other investigation necessary and appear and participate in any hearing for which the duties of the attorney or guardian ad litem or any issues substantially within an attorney's or guardian ad litem's duties and scope of appointment are to be addressed.

(p) Maintain independence, objectivity and fairness as well as the appearance of fairness in dealings with parties and professionals, both in and out of the courtroom and have no ex parte communications with the court regarding the merits of the case.

(q) Perform all duties and responsibilities in a prompt and timely manner, and, if necessary, request timely court reviews and judicial intervention in writing with notice to parties or affected agencies.

(r) Appointed attorneys and guardians ad litem are officers of the court and shall act with respect and courtesy to the parties at all times. As an officer of the court, a guardian ad litem shall make no disclosures about the case or the investigation except in reports to the court or as necessary to perform his or her duties. An attorney or guardian ad litem shall maintain the confidential nature of personal identifiers, as defined in Ohio Rule of Superintendence 44, or addresses where there are allegations of domestic violence or risk to a party's or child's safety. An attorney or guardian ad litem may recommend that the court restrict access to the report or a portion of the report, after trial, to preserve the privacy, confidentiality, or safety of the parties or the person for whom the attorney or guardian ad litem was appointed in accordance with Ohio Rule of Superintendence 45. The court may, upon application, and under such conditions as may be necessary to protect the witnesses from potential harm, order disclosure of or access to the information that addresses the need to challenge the truth of the information received from the confidential source.

(s) Maintain a log documenting all work performed, all contact with the child, parties, witnesses, etc., and all telephone calls. Keep accurate records of the time spent, services rendered, and expenses incurred in each case and file an itemized statement and accounting with the court.

(2) **Powers:** The powers of the attorney/guardian ad litem shall be wide ranging, including but not limited to, the right to file motions and to review all confidential records involving their client(s) by request, through deposition, and by subpoena. The attorney / guardian ad litem shall have reasonable access to the child at school or in placement.

Appointed attorneys and guardians ad litem shall be given notice of all hearings and proceedings and shall be provided a copy of all pleadings, motions, notices and other documents filed in the case.

(3) **Reports and Court Appearances:** A guardian ad litem shall be present at all hearings pertaining

to the child(ren), and shall prepare a written final report, including recommendations to the court, within the times set forth in this division. The report shall detail the activities performed, hearings attended, persons interviewed, documents reviewed, experts consulted and all other relevant information considered by the guardian ad litem in reaching the guardian ad litem's recommendations and in accomplishing the duties required by statute, by court rule, and in the court's Order of Appointment. In addition, the following provisions shall apply to guardian ad litem reports:

(a) In juvenile abuse, neglect, and dependency cases and actions to terminate parental rights:

(1) All reports, written or oral, shall be used by the court to ensure that the guardian ad litem has performed those responsibilities required by Ohio Revised Code 2151.281.

(2) Oral and written reports may address the substantive allegations before the court, but shall not be considered as conclusive on the issues.

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

(4) A guardian ad litem shall be available to testify at the dispositional hearing and may orally supplement the final report at the conclusion of the hearing.

(5) A guardian ad litem also may file an interim report, written or oral, any time prior to the dispositional hearing and prior to hearings on actions to terminate parental rights. Written reports may be accessed in person or by phone by the parties or their legal representatives.

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

The attorney/guardian ad litem may subpoena and examine independent witnesses. The lay guardian ad litem may be represented by counsel who may subpoena and examine independent witnesses presented by other parties.

**(4) Duration of Appointment:** Guardians ad litem shall continue to serve until the guardian ad litem's duties terminate in accordance with R.C.2151.281(G), or until discharged by order of the court. Whenever feasible, the same guardian ad litem shall be reappointed for a specific child in any subsequent case in any court relating to the best interest of the child.

Attorneys representing parents whose children have been removed from their custody shall continue to serve until the complaint is dismissed, all dispositional orders relative to the child have terminated, legal custody of the child is granted to a relative or another person, parental rights are terminated, or the attorney withdraws or is removed by the court. Court appointed counsel and

guardians ad litem shall advise their clients of the client's right to objection and appeal. The appointment of counsel continues through objections and shall terminate upon the filing of an entry disposing of all pending matters, or counsel filing a notice of appeal, whichever is later. It is the duty of appointed counsel to consult with his or her client regarding the possibility of appeal and to file the notice of appeal, if any, in accordance with section (5) below.

(5) **Notice of Appeal:** When filing a notice of appeal, appointed counsel shall file a motion with the Clerk of this court requesting preparation of the transcript at state expense. Counsel shall present a time stamped copy of the motion and a proposed journal entry granting the motion to the judge assigned to the case. Following journalization of the entry by the clerk, counsel shall deliver a copy of the entry to the court reporter or stenographer. Thereafter, appointed counsel shall file a motion with the Clerk of the Court of Appeals seeking either leave to withdraw and appointment of new counsel or an appointment to prosecute the appeal.

(6) **Fees and Costs:** All filing fees and court costs are waived as to court appointed attorneys and guardians ad litem.

(7) **Application:** Local Juvenile Rule 4 shall not apply to actions to determine the allocation of parental rights and responsibilities, where counsel/guardian ad litem has been appointed pursuant to Local Juvenile Rule 27.

**(E) Requirements to Remain on Guardian ad Litem or Court Appointed Counsel List(s):**

Attorneys wishing to remain on the guardian ad litem or court appointed counsel list shall complete the following requirements:

1. Attend six (6) hours of qualifying continuing legal education per Supreme Court reporting period. Excess hours, not to exceed six (6) hours, may be carried over and applied to the following reporting period. To qualify for credit pursuant to this rule, continuing legal education courses must be related to the appointments the attorney accepts. Continuing legal education courses regarding the death penalty, ethics, substance abuse or professionalism will not qualify for credit pursuant to this rule unless specifically related to appointments in juvenile court. Pre-service guardian ad litem training cannot be used to both obtain eligibility to receive guardian ad litem appointments and to satisfy the requirement to remain on the court appointed list.

2. Attend six (6) meetings of the C. B. A. Juvenile Law Committee and/or the Central Ohio Association of Juvenile Lawyers per Supreme Court reporting period. If an attorney accepts appointments from list 4, attendance at six (6) C. B. A. Family Law Committee meetings may be substituted for C.B.A. Juvenile Law Committee/C.O.A.J.L. meetings. Membership in the Columbus Bar Association, the C.B.A. Juvenile Law Committee, the C.B.A. Family Law Committee, and C.O.A.J.L. is encouraged but not required. One hour of continuing legal education related to his/her Juvenile Court appointments may be substituted for attendance at one meeting of the C.B.A. Juvenile Law Committee or Family Law Committee, or C.O.A.J.L., up to a maximum of six hours. Said six hours of CLE shall be in addition to the six seminar hours required in section 1 above.

3. No later than January 31 of the applicable reporting year established for the attorney pursuant to Rule X of the Supreme Court Rules for the Government of the Bar, complete an eligibility report certifying compliance

with the requirements of Local Rule 4, on a form provided by the Court. If an attorney does not complete and return the annual report certifying compliance timely, (s)he will be removed from eligibility.

Attorneys added to the appointment list during the attorney's biennial reporting period, including attorneys newly admitted to the practice of law, shall not be exempt from the educational and meeting requirements of sections (E)(1) and (2) of this rule, and said requirements shall not be prorated, except if the attorney is added to the appointment list on or after July 1 of the second year of the attorney's reporting period, the attorney shall be exempt for that biennial reporting period.

4. To remain eligible to receive guardian ad litem appointments, each calendar year attorneys accepting guardians ad litem appointments must successfully complete a continuing education training which must be at least three hours in length and be provided by the Supreme Court of Ohio or by the Ohio CASA/GAL Association, or with prior approval of a majority of the judges, be a training that complies with Ohio Rule of Superintendence 48(E)(5).

If a guardian ad litem fails to complete a three hour continuing education course within any calendar year, that person shall not be eligible to serve as a guardian ad litem until this continuing education requirement is satisfied. If the person's gap in continuing education is three calendar years or less, the person shall qualify to serve after completing a three hour continuing education course. If the gap in continuing education is more than three calendar years that person must complete a six hour pre-service education course to qualify to serve. Additionally, section (F) of this rule shall apply to guardians ad litem losing eligibility.

5. Attorneys and guardians ad litem shall promptly advise the court of any grounds for disqualification or unavailability to serve, and shall certify annually they are unaware of any circumstances that would disqualify them from serving and to report the training they have attended to comply with division (E)(4) of this rule.

6. An individual who is serving as an appointed attorney or guardian ad litem on March 1, 2009, shall by February 28, 2010, submit an application to remain on the appointment list to the assistant court director for legal services, specifying the list(s) from which (s)he is willing to accept appointments. The application shall be accompanied by a resume stating the applicant's training, experience and expertise demonstrating the applicant's ability to successfully perform the duties and responsibilities of an attorney or guardian ad litem, a copy of the applicant's criminal background check, the applicant's background disclosure statement, and if the individual wishes to be appointed as a guardian ad litem, a certificate of completion on the required six hour pre-service training.

#### **(F) Removal and Reinstatement**

Attorneys / guardians ad litem may be removed from the court appointment list(s) with the approval of a majority of the judges of the Domestic Relations Court. Attorneys / guardians ad litem failing to comply with the requirements of this rule will be removed from the court appointment list. After losing eligibility for any reason, an attorney / guardian ad litem may not seek reinstatement of eligibility for six months and thereafter must submit a new application requesting reinstatement. Attorneys / guardians ad litem losing eligibility may also be required to complete the orientation, continuing education training, and meeting requirements.

#### **(G) Annual Review and Evaluation**

At least annually, the court shall conduct a review of its list to determine that all individuals are in compliance with the training and education requirements of this rule, that they have performed satisfactorily on all assigned cases during the preceding calendar year and are otherwise qualified to serve.

#### **(H) Written Complaints**

The assistant court director for legal services or his designee shall accept and consider written comments and complaints regarding the performance of attorneys and guardians ad litem practicing before that court. A copy of comments and complaints submitted to the court shall be provided to the attorney or guardian ad litem who is the subject of the complaint or comment. The assistant court director may forward any comments and complaints to the administrative judge of the court for consideration and appropriate action. Dispositions by the court shall be made promptly. The court shall maintain a written record in the attorney's / guardian ad litem's file regarding the nature and disposition of any comment or complaint and shall notify the person making the comment or complaint and the subject attorney / guardian ad litem of the disposition.

#### **(I) Compensation and Expenses**

Rules governing billing procedures are set forth on the court's website and hard copies are available upon request. By accepting court appointments, attorneys agree to be bound by said rules.

The court shall determine the amount of compensation an appointed attorney will receive based upon the rates of compensation as determined from time to time by the Franklin County Board of Commissioners.

#### **(1) Prescribed Forms**

Appointed attorneys and guardians ad litem seeking to be paid for fees and/or expenses shall correctly complete the forms prescribed in the Ohio Public Defender's STANDARDS AND GUIDELINES FOR APPOINTED COUNSEL REIMBURSEMENT, current edition. Appointed counsel shall use the software program provided by the Ohio Public Defender when submitting fee applications. Appointed counsel shall submit the original fee application, a time stamped entry appointing the attorney, a time stamped copy of the dispositional entry, and the financial disclosure affidavit.

Appointed attorneys and guardians ad litem shall obtain the signature of the indigent client, or parent / guardian / custodian when applicable, on the financial disclosure / affidavit of indigency form required by the Ohio Public Defender. If the indigent client or parent / guardian / custodian is unavailable to sign the form, the appointed counsel / guardian ad litem shall obtain the signature from the assigned judge or magistrate, certifying the indigency of the defendant.

#### **(2) Expenses**

Necessary and reasonable expenses may be allowed for such items as expert witness fees, polygraph costs, long distance phone calls and photocopying. Attorneys seeking reimbursement for expenses must provide receipts for all expenses in excess of one dollar. Court approval is not required for expenses up to

\$100.00. However, attorneys may not fractionalize expenses to circumvent the \$100.00 cap. Prior approval by the Assigned Judge is required before incurring expenses exceeding \$100.00. When determining whether to grant expenses the Assigned Judge shall consider the value added to the proper representation at trial, and whether there is another available alternative which would fulfill the same function at a lesser cost.

### **(3) Non-reimbursable expenses**

Attorneys and guardians ad litem will not be reimbursed for the following expenses:

- mileage and parking incurred between the attorney's home and office, the attorney's home and court, or the attorney's office and court.
- any fixed office overhead expenses.
- Court transcripts or depositions, except as provided by law.
- lodging, meals, mileage, and travel by common carrier for the client, the client's family, the client's friends, or for the attorney's employees.

### **(J) Extraordinary Fees**

Requests for extraordinary fees must be made by written motion submitted with supporting information, including all regular billing documents, within 30 days of the date of the journal entry disposing of the complaint or motion, or date of the journal entry approving the case plan, whichever is later. Requests for extraordinary fees will not be considered prior to disposition. If the court receives requests for extraordinary fees late, payment to the attorney will be reduced by the reimbursement rate currently being used by the Ohio Public Defender. All requests for extraordinary fees shall be submitted within sixty days of the date of the journal entry disposing of the complaint or motion, or date of the journal entry approving the case plan, whichever is later. Applications submitted beyond sixty days will not be paid.

An award for extraordinary fees will be made only with the approval of a majority of all the Judges of the Domestic Relations Court. Extraordinary fees will be granted only in complex cases involving multiple counts dealing with multiple separate incidents which require an extraordinary amount of trial preparation time, cases that involve unique legal issues, cases that require multiple types of hearings (e.g., motion to relinquish jurisdiction denied and SYO subsequently filed), or cases requiring extended days of trial. Motions for extraordinary fees must be accompanied by an itemized time log clearly reflecting the date of service, nature of services rendered and hours worked.

**(K) Mentors:** Experienced juvenile attorneys will be available to mentor new applicants. All communications between an attorney mentor and his client in the presence of an attorney applicant participating in the orientation shall be deemed confidential and the attorney/client privilege shall apply.

(Amended Effective 7/1/95; 2/10/97; 2/9/98; 1/1/00; 8/1/00; 10/1/04; 4/1/06; 3/23/09; 10/25/2010)

## **RULE 5. Custody and/or Visitation Actions**

(A) All actions seeking the allocation of parental rights, including custody, visitation or companionship with a child shall be initiated by sworn complaint, or in preexisting cases by motion, and pursuant to Ohio Revised Code Section 3127.23 shall be accompanied by a Parenting Proceeding Affidavit as designated in this rule. The opposing party or parties shall also file the required affidavit with any responsive pleading or motions or, if no such pleading or motion is filed, no later than fourteen (14) days prior to the first assigned hearing date.

In the event a person files the Parenting Proceeding Affidavit as approved by the Supreme Court and the filer requests to have the address of the filer, the child(ren) or both be confidential and to have the information sealed pursuant to R.C. 3127.23(D), the person shall also file a narrative affidavit detailing specific reasons how and why the disclosure of identifying information would jeopardize the health, safety or liberty of the party or the child(ren). Upon the filing of such a narrative affidavit, the clerk shall seal the affidavits required by this rule pursuant to R.C. 3127.23(D) until further order of the court.

All pleadings filed with the Court must contain the name of the Court, proper style of the case and number, the Judge and Magistrate to whom the case is assigned, and the name, Ohio Supreme Court registration number, address, and telephone number of the attorney filing the pleading. Further, all pleadings filed with the Court must be on letter size paper, approximately 8 ½" x 11", and if typed, in no less than 12 point font.

(B) A social investigation concerning the best interests of any child or children may be conducted by the Family Assessment Department in abuse, neglect and dependency cases.

(C) Pursuant to Juvenile Rule 32(D) the court may order a social investigation following the filing of a complaint requesting the allocation of parental rights and responsibilities or a writ of habeas corpus, or the filing of a motion to modify the allocation of parental rights and responsibilities. Prior to ordering a social investigation the court may refer the parties to mediation.

(D) The Judge or Magistrate may require motions for temporary orders to be submitted and determined without oral hearing upon affidavits in support or opposition.

(E) In actions for custody / visitation, discovery shall be conducted in accordance with Ohio Rule of Juvenile Procedure 24, except that the parties are granted leave of court to take and use depositions as provided in Ohio Civil Rules 27 through 32, and to require the production of documents as provided in Ohio Civil Rule 34.

(F) Orders allocating parental rights, including shared parenting decrees, shall include the following notices:

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

IF THE RESIDENTIAL PARENT INTENDS TO MOVE TO A RESIDENCE OTHER THAN THE RESIDENCE SPECIFIED IN THE PARENTING TIME ORDER OR DECREE OF THE COURT, THE RESIDENTIAL PARENT SHALL FILE A NOTICE OF INTENT TO RELOCATE WITH THIS COURT, ADDRESSED TO THE ATTENTION OF THE RELOCATION OFFICER. UNLESS OTHERWISE ORDERED PURSUANT TO O.R.C. SECTIONS 3109.051(G)(2), (3), AND (4), A COPY OF SUCH NOTICE SHALL BE MAILED BY THE COURT TO THE PARENT WHO IS NOT THE RESIDENTIAL PARENT. UPON RECEIPT OF THE NOTICE, THE COURT, ON ITS OWN MOTION OR THE MOTION OF EITHER PARTY, MAY SCHEDULE A HEARING WITH NOTICE TO BOTH PARTIES TO DETERMINE WHETHER IT IS IN THE BEST INTEREST OF THE CHILD TO REVISE THE PARENTING TIME SCHEDULE.

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

EXCEPTING AS SPECIFICALLY MODIFIED OR OTHERWISE LIMITED BY COURT ORDER, AND SUBJECT TO O.R.C. SECTIONS 3125.16 AND 3319.321(F), THE PARENT WHO IS NOT THE RESIDENTIAL PARENT, IS ENTITLED TO ACCESS TO ANY RECORD THAT IS RELATED TO THE CHILD, UNDER THE SAME TERMS AND CONDITIONS AS THE RESIDENTIAL PARENT, AND TO WHICH SAID RESIDENTIAL PARENT IS LEGALLY PROVIDED ACCESS. ANY KEEPER OF A RECORD WHO KNOWINGLY FAILS TO COMPLY WITH THIS ORDER IS IN CONTEMPT OF COURT.

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

EXCEPTING AS SPECIFICALLY MODIFIED OR OTHERWISE LIMITED BY COURT ORDER, AND IN ACCORDANCE WITH O.R.C. SECTION 5104.011, THE PARENT WHO IS NOT THE RESIDENTIAL PARENT, IS ENTITLED TO ACCESS TO ANY DAY CARE CENTER THAT IS OR WILL BE ATTENDED BY THE CHILD WITH WHOM PARENTING TIME IS GRANTED, TO THE SAME EXTENT THAT THE RESIDENTIAL PARENT, IS GRANTED ACCESS TO THE CENTER.

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

EXCEPTING AS SPECIFICALLY MODIFIED OR OTHERWISE LIMITED BY COURT ORDER, AND SUBJECT TO O.R.C. SECTION 3319.321(F), THE PARENT WHO IS NOT THE RESIDENTIAL PARENT, IS ENTITLED TO ACCESS, UNDER THE SAME TERMS AND CONDITIONS AS THE RESIDENTIAL PARENT, TO ANY STUDENT ACTIVITY THAT IS RELATED TO THE CHILD AND TO WHICH THE RESIDENTIAL

PARENT OF THE CHILD LEGALLY IS PROVIDED ACCESS. ANY SCHOOL EMPLOYEE OR OFFICIAL WHO KNOWINGLY FAILS TO COMPLY WITH THIS ORDER IS IN CONTEMPT OF COURT.

(Amended effective July 1, 1990; 1/1/00; 10/1/04; 10/25/2010)

**IN THE FRANKLIN COUNTY COURT OF COMMON PLEAS**

**DIVISION OF DOMESTIC RELATIONS AND JUVENILE BRANCH**

Plaintiff/Petitioner	Case No. _____	
v./and	Judge _____	
Defendant/Petitioner/Respondent	Magistrate _____	

**Instructions:** This affidavit is required to be filed and served with the first pleading or motion filed by each party in every domestic and juvenile parenting (custody/visitation) proceeding in this Court, including Dissolutions, Divorces and Domestic Violence Petitions pursuant to Local Domestic Rule 38, Local Juvenile Rule 5 and the Ohio Revised Code . Each party has a continuing duty while this case is pending to inform the Court of any parenting proceeding concerning the child(ren) in any other court in this or any other state. **If more space is needed, add additional pages.**

**PARENTING PROCEEDING AFFIDAVIT (R.C. 3127.23(A))**  
**Affidavit of** \_\_\_\_\_  
(Print Your Name)

There is/are \_\_\_\_ minor child(ren) subject to this case as follows:

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

<b>a.</b>	<b>Child's Name:</b> _____	<b>Place of Birth:</b> _____	
	<b>Date of Birth:</b> _____	<b>Sex:</b> <input type="checkbox"/> Male <input type="checkbox"/> Female	
	<u>Period of Residence</u>	<u>Person(s) With Whom Child Lived</u> <small>(name &amp; address)</small>	<u>Relationship</u>
	to present	_____	_____
	_____ to _____	_____	_____
	_____ to _____	_____	_____
	_____ to _____	_____	_____

**b. Child's Name:** \_\_\_\_\_ **Place of Birth:** \_\_\_\_\_

**Date of Birth:** \_\_\_\_\_ **Sex:**  Male  Female

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

<u>Period of Residence</u>	<u>Person(s) With Whom Child Lived</u> (name & address)	<u>Relationship</u>
_____ to present	_____	_____
_____ to _____	_____	_____
_____ to _____	_____	_____
_____ to _____	_____	_____

**c. Child's Name:** \_\_\_\_\_ **Place of Birth:** \_\_\_\_\_

**Date of Birth:** \_\_\_\_\_ **Sex:**  Male  Female

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

<u>Period of Residence</u>	<u>Person(s) With Whom Child Lived</u> (name & address)	<u>Relationship</u>
_____ To present	_____	_____
_____ To _____	_____	_____
_____ To _____	_____	_____
_____ To _____	_____	_____

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

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

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

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

a. Name of each child: \_\_\_\_\_

b. Type of case: \_\_\_\_\_

c. Court and State: \_\_\_\_\_

d. Date and court order or judgment (if any): \_\_\_\_\_

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

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

I **HAVE NO INFORMATION** about any other civil cases that could affect the current case, including any cases relating to custody, domestic violence or protection orders, dependency, neglect or abuse allegations or adoptions concerning any child subject to this case.

I **HAVE THE FOLLOWING INFORMATION** concerning other civil cases that could affect the current case, including any cases relating to custody, domestic violence or protection orders, dependency, neglect or abuse allegations or adoptions concerning a child subject to this case. Do not repeat cases already listed in Paragraph 3. Explain:

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

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

5. **Information about criminal case(s):**

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

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

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

6. **Persons not a party to this case who has physical custody or claims to have custody or visitation**

**rights to children subject to this case: (Check only one box.)**

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

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

- a. Name/Address of Person \_\_\_\_\_
- Has physical custody       Claims custody rights       Claims visitation rights

Name of each child: \_\_\_\_\_

b. Name/Address of Person

Has physical custody

Claims custody rights

Claims visitation rights

Name of each child:

\_\_\_\_\_

c. Name/Address of Person

Has physical custody

Claims custody rights

Claims visitation rights

Name of each child:

\_\_\_\_\_

**OATH**

(Do Not Sign Until Notary is Present)

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

\_\_\_\_\_  
Your Signature

Sworn before me and signed in my presence this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Notary Public

My Commission Expires:

\_\_\_\_\_

## **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

**RULE 7. Detention/shelter care hearings**

All juveniles received into detention or shelter care before 7:30 a.m. shall be brought before a Magistrate for a Detention/Shelter Care Hearing on that same day. All juveniles received into detention after 7:30 a.m. shall be brought before a Magistrate for a Detention/Shelter Care Hearing on the next Court day.

Requests for Detention/Shelter Care Hearings based upon new information shall be in writing and will be heard on the next Preliminary Hearing docket.

(Amended Effective 7/1/95; 1/1/00; 10/1/04)

## **RULE 8. Objections to Magistrate's Decisions / Motions to Set Aside Magistrate's Order**

### **Objections to Magistrate's Decision**

A decision of a Magistrate may be reviewed by the assigned Judge of this Court by filing an Objection in accordance with Rule 40 of the Ohio Rules of Juvenile Procedure / Rule 53 of the Ohio Rules of Civil Procedure.

The Objection should be accompanied by a supporting memorandum. The supporting memorandum shall be on 8 1/2 x 11 plain white paper, preferably typed, and if typed, in 12 point type or larger, double-spaced, with margins not less than one inch wide, and shall not exceed 25 pages, excluding exhibits. Upon motion of the objecting party, the assigned judge may waive all or part of this requirement. Supporting memoranda that do not meet the requirements of this rule may not be considered by the court in ruling on objections. If a finding of fact or weight of the evidence is part or all of the basis for the Objection, a transcript of the testimony is necessary to support the Objection to the Magistrate's decision and must be filed with the Court. Partial transcripts may be permitted upon leave of the Court.

Failure to file a transcript when one is required by this Rule is a basis for dismissal of the Objections.

The request and deposit for said transcript shall be submitted to the supervising stenographer within three (3) days after the filing of said objections. The cost of same shall be as the Court shall from time to time determine at a per page amount. At the time of ordering of a transcript, the ordering counsel or party shall post a deposit in an amount equal to the estimated cost of the transcript with the supervising stenographer. Upon completion of the transcript, any unpaid balance shall be paid by the ordering counsel or party prior to delivery of a copy or the filing of an original with the Court.

All Objections shall be set for oral hearing by the moving party and shall be scheduled with the assignment office at the time of filing. The moving party shall give notice of the hearing to all other parties, including the Guardian ad Litem. Oral hearings may be waived by agreement of all parties and the Judge scheduled to hear the Objections.

Memoranda Contra Objections may be filed by any party within ten (10) days of the filing of said Objections. Memoranda contra shall be on 8 1/2 x 11 plain white paper, preferably typed, and if typed, in 12 point type or larger, double-spaced, with margins not less than one inch wide, and shall not exceed 25 pages, excluding exhibits. Upon motion of the party filing the memorandum contra, the assigned judge may waive all or part of this requirement. Memoranda contra that do not meet the requirements of this rule may not be considered by the court in ruling on objections.

### **Motions to Set Aside Magistrate's Orders**

Magistrates may issue orders as provided by Ohio Civil Rule 53 and Juvenile Rule 40. Parties may file a motion to set aside the order, which shall be heard by a Judge. The motion shall be filed no later than ten days after the magistrate's order is entered.

The motion shall be accompanied by a memorandum stating the party's position with particularity. The memorandum shall be on 8 1/2 x 11 plain white paper, preferably typed, and if typed, in 12 point type or larger, double-spaced, with margins not less than one inch wide, and shall not exceed 25 pages, excluding exhibits. Upon motion of the filing party, the assigned judge may waive all or part of this requirement. Memoranda contra that do not meet the requirements of this rule may not be considered by the court in ruling on the motion to set aside. If a finding of fact or weight of the evidence is part or all of the basis for the motion, a transcript of the proceeding before the magistrate must be filed with the Court. Partial transcripts may be permitted upon leave of Court. Failure to file a transcript when one is required by this rule is a basis for dismissal of the motion.

Memoranda contra a motion to set aside a magistrate's order may be filed by any party within ten (10) days of

the filing of said motion. Memoranda contra shall be on 8 1/2 x 11 plain white paper, preferably typed, and if typed, in 12 point type or larger, double-spaced, with margins not less than one inch wide, and shall not exceed 25 pages, excluding exhibits. Upon motion of the party filing the memorandum contra, the assigned judge may waive all or part of this requirement. Memoranda contra that do not meet the requirements of this rule may not be considered by the court in ruling on the motion to set aside.

The moving party shall schedule the motion to set aside the magistrate's order with the assignment office at the time of filing, and shall give notice of the hearing to all other parties, including the Guardian ad Litem.

(Amended effective 7/1/93; 7/1/95; 1/1/00; 8/1/04; 10/25/2010)

## **RULE 9 Broadcasting, televising, recording and photographing by news media**

Broadcasting, televising, recording, and photographing by news media during courtroom sessions, including recesses between sessions, shall not be permitted unless authorized by the Court. Court authorizations shall be governed by Canon 3 of the Code of Judicial Conduct, Superintendence Rule 12 and Ohio Revised Code Section 2151.35.

### **Administration**

(1) Requests for permission to broadcast, televise, record or photograph in the courtroom shall be in writing to the Trial Judge or Duty Judge as far in advance as reasonably practical. Request forms may be obtained from the Trial Judge's Bailiff.

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

(3) In the event the Trial Judge approves the media request, (s)he shall prepare and sign a Journal Entry setting forth the conditions of media broadcasting, televising, recording, or photographing. This entry shall be made a part of the record of the case.

### **Pooling**

(4) 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.

### **Equipment and Personnel**

(5) Not more than one portable camera (television, video-tape or movie), operated by not more than one person, shall be permitted without authorization of the Trial Judge.

(6) Not more than one still photographer, utilizing not more than two still cameras of professional quality with not more than two lenses for each camera, shall be permitted without authorization of the Trial Judge.

(7) Not more than one audio system for radio broadcast purposes shall be permitted without authorization of the Trial Judge.

(8) If audio arrangements cannot be reasonably made in advance, the Trial Judge may permit one audio portable tape recorder at the bench which will be activated prior to commencement of the courtroom session.

(9) Visible audio portable tape recorders may not be used by the news media without prior permission of the Trial Judge.

### **Light and Sound Criteria**

(10) Only professional quality telephonic, 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.

(11) 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 becoming obtrusive, the Trial Judge may permit modification.

(12) Audio pickup by microphone for all media purposes shall be accomplished from existing audio systems present in the courtroom. If no technically suitable audio system exists in the courtroom, media microphones and related wiring essential for all media purposes shall be unobtrusively located in places designated by the Trial Judge or Magistrate, in advance of any session.

### **Location of Equipment and Personnel**

(13) The 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 not to call attention to themselves through further movement. Sudden moves, pans, tilts or zooms by television or still camera operators are prohibited. Operators shall not be permitted to move about in order to obtain photographs or broadcasts of courtroom sessions, except to leave or enter the courtroom.

(14) 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 tape cassettes shall be changed within a courtroom except during recess.

### **Miscellaneous**

(15) Proper courtroom decorum shall be maintained by all media pool participants, including proper attire, in a manner that reflects positively upon the journalistic profession.

### **Limitations**

(16) There shall be no audio pickup or broadcast of conferences conducted in a courtroom between counsel and clients, co-counsel, or the Trial Judge and counsel.

(17) The Trial Judge shall prohibit photographing or televising by any means victims of sexual assaults or undercover police officers. The Trial Judge shall retain discretion to limit or prohibit photographing or televising of any juror, victim, witness or counsel or his/her work product, upon objection.

### **Revocation of Permission**

(18) 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 the permission to broadcast, photograph or record the trial or hearing.

Effective July 1, 1984; Amended eff. 7/1/99; 7/1/04

## **RULE 10. Support orders**

(A) Completed child support worksheets, as prescribed by R.C.3119.022 and 3119.023, shall be presented to the Court at or prior to hearing on a motion or complaint for child support. If the parties are unable to agree on the proper completion of the worksheets, each shall present a proposed worksheet prior to the hearing. Proposed agreed entries for child support shall be accompanied by completed support worksheets and all appropriate orders required by Ohio Revised Code Section 3121.03. If the child support provided in the agreement deviates from the child support guidelines, the proposed judgment entry shall contain findings of fact sufficient to substantiate the deviation. General recitals that the deviation is fair or equitable, or words of similar import, shall not be sufficient to substantiate the deviation. This Court has promulgated forms to meet the other requirements of Section 3121.03. Complainants and/or movants for child support orders shall submit completed withholding notices as required by Section 3121.03 prior to adjournment of a hearing wherein an order for support is entered.

(B) A motion requesting modification of an existing child support order shall state with particularity the grounds therefor and shall be supported by a memorandum or the affidavit of the moving party. If the responding party files a memorandum contra or affidavit, it shall be served on the opposing party or his counsel not less than fourteen days prior to hearing.

(C) All persons required to pay child support pursuant to a decree or order of the Juvenile Court shall make those payments, plus processing charge through Ohio Child Support Payment Central, P.O. Box 182372, Columbus, Ohio 43218-2373.

(D) All orders which contain an order of support for children, or an order of support for children and a spouse, shall contain the following notice which shall be in boldface type and in all capital letters:

**EACH PARTY TO THIS SUPPORT ORDER MUST NOTIFY THE CHILD SUPPORT ENFORCEMENT AGENCY IN WRITING OF HIS OR HER CURRENT MAILING ADDRESS, CURRENT RESIDENCE ADDRESS, CURRENT RESIDENCE TELEPHONE NUMBER, CURRENT DRIVER'S LICENSE NUMBER, AND OF ANY CHANGES IN THAT INFORMATION. EACH PARTY MUST NOTIFY THE AGENCY OF ALL CHANGES UNTIL FURTHER NOTICE FROM THE COURT OR AGENCY, WHICHEVER ISSUED THE SUPPORT ORDER. IF YOU ARE THE OBLIGOR UNDER A CHILD SUPPORT ORDER AND YOU FAIL TO MAKE THE REQUIRED NOTIFICATIONS, YOU MAY BE FINED UP TO \$50 FOR A FIRST OFFENSE, \$100 FOR A SECOND OFFENSE, AND \$500 FOR EACH SUBSEQUENT OFFENSE. IF YOU ARE AN OBLIGOR OR OBLIGEE UNDER ANY SUPPORT ORDER ISSUED BY A COURT AND YOU WILLFULLY FAIL TO GIVE THE REQUIRED NOTICES, YOU MAY BE FOUND IN CONTEMPT OF COURT AND BE SUBJECTED TO FINES UP TO \$1000 AND IMPRISONMENT FOR NOT MORE THAN 90 DAYS.**

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

(E) All orders for support shall include the following provisions:

Pursuant to R.C.3119.30(A), the obligor and obligee are liable for the health care of the children who are not covered by private health insurance or cash medical support as calculated in accordance with section 3119.022 or 3119.023 of the Revised Code, as applicable.

If the obligor is ordered to pay cash medical support under this support order, the obligor shall begin payment of any cash medical support on the first day of the month immediately following the month in which private health insurance coverage is unavailable or terminates and shall cease payment on the last day of the month immediately preceding the month in which private health insurance coverage begins or resumes. During the period when cash medical support is required to be paid, the obligor or obligee must immediately inform the child support enforcement agency that health insurance coverage for the children has become available.

The amount of cash medical support paid by the obligor shall be paid during any period after the court or child support enforcement agency issues or modifies the order in which the children are not covered by private health insurance.

Any cash medical support paid pursuant to R.C. 3119.30 (C) shall be paid by the obligor to either the obligee if the children are not Medicaid recipients, or to the office of child support to defray the cost of Medicaid expenditures if the children are Medicaid recipients. The child support enforcement agency administering the court or administrative order shall amend the amount of monthly child support obligation to reflect the amount paid when private health insurance is not provided, as calculated in the current order pursuant to section 3119.022 or 3119.023 of the Revised Code, as applicable.

The child support enforcement agency shall give the obligor notice in accordance with Chapter 3121. of the Revised Code and provide the obligor an opportunity to be heard if the obligor believes there is a mistake of fact regarding the availability of private health insurance at a reasonable cost as determined under division (B) of this section.

The residential parent or the person who otherwise has custody of a child for whom a support order is issued is also ordered to immediately notify, and the obligor under a support order may notify, the Franklin County Child Support Enforcement Agency of any reason for which the support order should terminate, including but not limited to, the child's attainment of the age of majority if the child no longer attends an accredited high school on a full-time basis and the child support order requires support to continue past the age of majority only if the child continuously attends such a high school after attaining that age; the child ceasing to attend an accredited high school on a full-time basis after attaining the age of majority, if the child support order requires support to continue past the age of majority only if the child continuously attends such a high school after attaining that age; or the death, marriage, emancipation, enlistment in the armed services, deportation, or change of legal custody of the child.

All support under this order shall be withheld or deducted from the income or assets of the obligor pursuant to a withholding or deduction notice or appropriate order issued in accordance with chapters 3119., 3121., 3123., and 3125. of the Revised Code or a withdrawal directive issued pursuant to sections 3123.24 to 3123.38 of the Revised Code and shall be forwarded to the obligee in accordance with chapters 3119., 3121., 3123., and 3125. of the Revised Code.

Regardless of the frequency or amount of support payments to be made under the order, the Franklin County Child Support Enforcement Agency shall administer it on a monthly basis in accordance with sections 3121.51 to 3121.54 of the Revised Code.

Payments under the order are to be made in a manner ordered by the court or agency, and if the payments are to be made other than on a monthly basis, the required monthly administration by the agency does not affect the frequency or the amount of the support payments to be made under the order.

All such decrees and orders shall also contain language requiring that notices required by this rule to be sent to the Child Support Enforcement Agency, 80 East Fulton, Columbus, Ohio 43215. Attn: Notice Officer.

(F) All orders which contain an order for support of a spouse that is to be paid directly to the recipient spouse shall contain the following language: Spousal support shall be paid directly to the recipient spouse and shall be made by check, money order, or in another form that establishes a clear record of payment.

(G) All matters pertaining to the establishment or modification of an order for support shall be prosecuted and assigned for hearing in accordance with the guidelines set forth in Section 3125.58.

(H) In any complaint for custody, support, paternity, or motion for modification of support or motion for health insurance coverage, the pleading or motion and any responsive pleadings or motions shall be accompanied by a completed Health Insurance Affidavit on a form designated by the court in this rule.

(I) Whenever a support order is issued or modified the obligee shall complete and file with the Court, prior to the adjournment of the hearing, an Application for IV-D Services.

(J) Whenever a support order is issued or modified a copy of the entry shall be provided by counsel to the Clerk of Courts Office at the time of filing to be forwarded to the Franklin County Child Support Enforcement Agency.

(Amended effective 7/1/93, 6/16/94, 7/1/95; 2/9/98; 1/1/00; 10/1/04; 1/1/09; 10/25/2010)

\_\_\_\_\_  
Plaintiff/Petitioner

v./and

\_\_\_\_\_  
Defendant/Petitioner

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

Judge \_\_\_\_\_

Magistrate \_\_\_\_\_

**Instructions: This affidavit is required to be filed in all actions for dissolution, divorce or legal separation involving minor children, any complaint for custody, support, paternity or answer or counterclaim thereto, and with all motions to establish or modify child support or health insurance coverage, pursuant to Local Domestic Rule 24 and Local Juvenile Rule 10. This affidavit is used to disclose health insurance coverage that is available for children. It is also used to determine child support. It must be filed if there are minor children of the relationship. If more space is needed, add additional pages.**

**HEALTH INSURANCE AFFIDAVIT**

Affidavit of \_\_\_\_\_  
(Print Your Name)

Mother

Father

Are your child(ren) currently enrolled in a low-income government-assisted health care program (Healthy Start/Medicaid)?

Yes  No

Yes  No

Are you enrolled in an individual (non-group or COBRA) health insurance plan?

Yes  No

Yes  No

Are you enrolled in a health insurance plan through a group (employer or other organization)?

Yes  No

Yes  No

If you are not enrolled, do you have health insurance available through a group (employer or other organization)?

Yes  No

Yes  No

Does the available insurance cover primary care services within 30 miles of the child(ren)'s home?

Yes  No

Yes  No

Mother

Father

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

\$ \_\_\_\_\_

\$ \_\_\_\_\_

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

\$ \_\_\_\_\_

\$ \_\_\_\_\_

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

Yourself?

Yes  No

Yes  No

Your spouse?

Yes  No

Yes  No

Minor child(ren) of this relationship?

Yes  No

Yes  No

Number \_\_\_\_\_

Number \_\_\_\_\_

Other individuals?

Yes  No

Yes  No

Number \_\_\_\_\_

Number \_\_\_\_\_

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

\_\_\_\_\_

\_\_\_\_\_

Address

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Phone number

\_\_\_\_\_

\_\_\_\_\_

**OATH**

(Do not sign until notary is present.)

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

\_\_\_\_\_  
Your Signature

Sworn before me and signed in my presence this \_\_\_\_\_

\_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Notary Public

My Commission Expires:

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## **RULE 11. Motions**

All Motions shall be made in writing in accordance with Rules 19 and 22 of the Ohio Rules of Juvenile Procedure unless otherwise permitted by the Court. The Motion shall be supported by a memorandum containing citations of authority and may also be supported by an affidavit. Except as provided in Local Rules 5(D) and 6(G), all pretrial Motions shall be set for an oral hearing by the moving party and shall be scheduled with the assignment office at the time of filing. Except as provided in Chapter 2152 of the Ohio Revised Code, the moving party shall give notice of hearing to all other parties, including the Guardian ad Litem. Oral hearings may be waived by agreement of all parties and the Trial Magistrate or Judge.

Motions for contempt may contain additional requests for attorney fees and to reduce the arrearage to a judgment. All other motions shall contain a single request for relief and shall not contain multiple branches or alternative requests for relief, except that in addition to the single request for relief a motion may contain a request for appointment of a process server and/or attorney fees.

Due to technological changes in the Court's computerized docket management system, all motions, memoranda contra, and replies shall be titled in the following manner:

### MOTION

MOTION OF (Plaintiff/Defendant) (Party Name)  
(to/for) (type of motion)

### MEMORANDUM CONTRA

MEMORANDUM CONTRA OF (Plaintiff/Defendant) (Party Name)  
To (Plaintiff/Defendant) (Party Name)'s  
MOTION (to/for) (type of motion) FILED (date of motion)

### REPLY

REPLY MEMORANDUM OF (Plaintiff/Defendant) (Party Name)

(Amended effective 7/1/93, 3/11/94, 7/1/95, 1/1/00; 10/1/04)

## **RULE 12. Transcripts/recording of proceedings**

Pursuant to Rule 37 of the Ohio Rules of Juvenile Procedure a complete record of all testimony or other oral proceedings shall be taken in shorthand, stenotype, or by any other adequate mechanical or electronic recording device as prescribed by the Court.

No public use shall be made by any person, including a party, of any record or transcript thereof, except in the course of the proceedings or appeal or as authorized by the Court.

Within three (3) days after the filing of objections, the request for said transcript shall be filed with the Clerk of Courts with a copy to be delivered to the Stenographer's Office. The cost of same shall be as the Court shall from time to time determine at a per page amount. At the time of ordering a transcript, the ordering counsel or party shall arrange for payment to the official Transcriptionist, through his or her supervisor. An advance deposit approximating the transcript cost shall be posted by the ordering counsel or party with the balance due prior to delivery of a copy or filing of an original with the Court.

All original transcripts shall be filed by the official Transcriptionist with the Clerk of Courts and shall thereby become part of the official record of the case. A copy will be provided to the ordering party, upon request, at a cost which shall be determined by the court.

Requests for transcripts for the benefit of indigent parties other than those represented by the office of the Public Defender, shall be submitted to the Court and supported by an order of the Court directing that the transcript be prepared at public expense. This order shall serve in lieu of the deposit otherwise required by this Rule.

Every deposition intended to be presented as evidence must be filed with the Clerk of Courts at least one day before the day of trial or hearing unless for good cause shown the court permits a later filing. If the deposition testimony is recorded by other than stenographic means, a transcript of the deposition shall accompany the filing of the deposition. A log of objections shall accompany all depositions presented as evidence.

Amended effective 1/1/00; 8/1/04

**RULE 13. Warrants**

Warrants for the arrest of juveniles will be issued only upon authorization of a Judge or Magistrate.

At the conclusion of the time period specified in R.C. 2901.13, the Clerk of Courts shall return any unexecuted warrant to the Judge or Magistrate who authorized issuance of the warrant. The Judge or Magistrate shall then determine whether the warrant shall be cancelled.

(Amended effective 7/1/95; 10/1/04)

## **RULE 14. Filing fees and costs**

In all actions to establish the existence or nonexistence of the parent and child relationship, the party instituting the action shall deposit with the Clerk the sum of \$75.00 as security for costs. A party instituting an answer and counterclaim requesting the allocation of parental rights and responsibilities shall deposit with the Clerk the sum of \$100.00 as security for costs.

In all actions for Custody or Visitation, and Habeas Corpus proceedings, the moving party shall deposit with the clerk the sum of \$100.00 as security for costs.

In all actions requesting both the establishment of the existence or nonexistence of the parent and child relationship and the allocation of parental rights and responsibilities, the party instituting the action shall deposit with the Clerk the sum of \$175.00 as security for costs.

Except in delinquency, unruly, abuse, neglect or dependency actions, any person requesting by motion the establishment, enforcement or modification of the allocation of parental rights and responsibilities, custody, child support, or parenting time / visitation, shall deposit with the Clerk the sum of \$100.00 as security for costs. The Clerk shall not require the \$100.00 deposit as security for costs for motions for temporary orders, motions related to discovery, or other pre-adjudication motions which are ancillary to the original complaint.

Any person seeking to file pleadings without posting a deposit or security for costs, shall complete a financial disclosure / affidavit of indigency. All affidavits filed pursuant to this Rule shall be on the form authorized by the Court, which is appended hereto and incorporated herein, or in a format consistent therewith. Upon approval of the court, the deposit shall be deferred and the Clerk shall receive and file the documents without deposit or security.

Costs for juvenile traffic offenders include the costs mandated by O.R.C.2743.70, O.R.C.2949.091, 2303.20, 2303.201, 2151.541 and O.R.C.2949.094.

Costs for delinquency cases shall include the costs mandated by O.R.C.2743.70 and O.R.C.2949.091. At the discretion of the Court, costs in delinquency, unruly and traffic proceedings may be waived when the court determines the offender is indigent.

### **Fees for Computer Research and Services**

(A) Pursuant to the authority of R.C.2151.541(A)(1)(b), the Franklin County, Ohio, Common Pleas Court, Division of Domestic Relations and Juvenile Branch, has determined that, for the efficient operation of the Juvenile Branch, additional funds are required to obtain computerized legal research services.

The Clerk of this Court is directed and hereby authorized to charge and collect a fee of three dollars (\$3.00) upon the filing of each cause or appeal under R.C.2303.20(A), (Q), and (U). The fee is included in the appropriate security for costs sections listed above.

All funds collected pursuant to this rule shall be paid to the County Treasurer to be maintained by the County Auditor in a separate account for utilization of the Franklin County, Ohio, Common Pleas Court, Division of Domestic Relations and Juvenile Branch in procuring and maintaining computerized legal research services.

(B) Pursuant to the authority of R.C.2303.201(B)(1), the Franklin County, Ohio, Common Pleas Court, Division of Domestic Relations and Juvenile Branch, has determined that for the efficient operation of the Juvenile Branch, additional funds are required to computerize the office of the Clerk of Court of Common Pleas.

The Clerk of this Court is directed and hereby authorized to charge an additional fee of ten dollars (\$10.00) upon the filing of each cause of action, appeal, certificate of judgment, or the docketing and indexing of each aid in execution or petition to vacate, revive, or modify a judgment under R.C.2303.20(A), (P), (Q), (T) and (U). The fee is included in the

appropriate security for costs sections listed above.

All funds collected pursuant to this rule shall be paid to the County Treasurer to be disbursed, upon an order of the Franklin County, Ohio, Common Pleas Court, Division of Domestic Relations and Juvenile Branch, and subject to appropriation by the Board of County Commissioners, in an amount no greater than the actual cost to the court of procuring and maintaining computer systems for the office of the Clerk of Court of Common Pleas.

### **Special Project Fee**

Pursuant to Ohio Revised Code Section 2303.201 (E) (1), the Franklin County, Ohio, Common Pleas Court, Division of Domestic Relations and Juvenile Branch, has determined that for the efficient operation of the court, additional funds are necessary to acquire and pay for special projects of the court.

All fees collected shall be used for special projects consistent with Ohio Revised Code 2303.201 (E) (1). All fees collected shall be paid to the Franklin County Treasurer. The Treasurer shall place the funds from the fees in a separate general project fund to be disbursed upon an order of the Franklin County, Ohio, Common Pleas Court, Division of Domestic Relations and Juvenile Branch.

The Clerk of this Court is directed and hereby authorized to charge and collect a fee of \$42.00 per juvenile case and \$20.00 per juvenile traffic case. These fees are included in the appropriate security for costs sections listed above.

(Amended effective 7/1/93; 2/10/97;2/9/98; 1/1/00; 11/1/04;7/1/06; 7/1/07; 9/23/08; 2/23/09; 10/16/09)

PLAINTIFF \_\_\_\_\_

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

DEFENDANT \_\_\_\_\_

**FINANCIAL DISCLOSURE / AFFIDAVIT OF INDIGENCY**

NAME \_\_\_\_\_ SS# \_\_\_\_\_ DOB / / \_\_\_\_\_  
ADDRESS \_\_\_\_\_ CITY \_\_\_\_\_ STATE \_\_\_\_\_ PHONE \_\_\_\_\_

**OTHER PERSONS LIVING IN HOUSEHOLD**

1) NAME	AGE	RELATIONSHIP
2) NAME	AGE	RELATIONSHIP
3) NAME	AGE	RELATIONSHIP
4) NAME	AGE	RELATIONSHIP

**MONTHLY INCOME / EMPLOYMENT INFORMATION**

Income Source	Self	Spouse	Household Members	Total
Employment				
Unemployment				
Workers' Comp				
Pension				
Social Sec.				
Child Support				
ADC				
Disability				
Food Stamps				
Other				
Total				

**MONTHLY EXPENSES / LIABILITIES**

Expense/Liability	Amount Debtor (Self/Household Member)	Expense/Liability	Amount Debtor (Self/Household Member)
Child Support Paid		Child Care (Only if Working)	
Work Transportation		Medical / Dental Uninsured	
Medical Insurance		Costs of Caring for Infirm Family Member	
Rent / Mortgage		Food	
Electric		Gas	
Telephone		Cable TV	
Water/Sewer/Trash		Credit Cards (Specify)	
Loans (Specify)		Taxes	
Other (Specify)		Other (Specify)	
Other (Specify)		Other (Specify)	
TOTAL		TOTAL	

**ASSET INFORMATION**

Type of Asset	Describe Length of Ownership/ Make, Model, Year (where applicable)	Estimated Value
Real Estate / Home		
Stocks / Bonds / CD's		
Automobiles		
Trucks/Boats/Motorcycles		
Other Valuable Property		
Cash On Hand		
Money Owed to Defendant		
Checking Acct. (Bank/Acct.#)		
Savings Acct. (Bank/Acct.#)		
Credit Union (Name/Acct.#)		
TOTAL		

**AFFIDAVIT OF INDIGENCY**

STATE OF OHIO,  
COUNTY OF FRANKLIN, SS:

\_\_\_\_\_, being first sworn, deposes and says that (s)he is a party in the above entitled cause; that said cause is brought in the Domestic Relations Division of the Common Pleas Court of Franklin County, Ohio, requesting \_\_\_\_\_; that (s)he is:

\_\_\_\_\_ employed \_\_\_\_\_ unemployed \_\_\_\_\_ a recipient of ADC/SSI/SSD and is without sufficient financial means to prepay or give security for the costs of said action. Affiant further says that (s)he has no money with which to pay the costs of said action; that (s)he has no available real property or personal property with which to secure the payment of said costs that may accrue; nor is (s)he able to give bond or any other security to cover said costs as provided by law.

I understand that if the security for costs is waived, and it is later determined that I was not entitled to such a waiver, I will be required to pay the costs associated with this action. I further understand that I am subject to criminal prosecution for providing false financial information in connection with this indigency affidavit.

This affidavit is made in accordance with O.R.C.2323.31 and in conformity with an order of the Domestic Relations Division of the Common Pleas Court of Franklin County, Ohio. I hereby certify that the information provided herein is true to the best of my knowledge.

\_\_\_\_\_  
Affiant

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

\_\_\_\_\_  
Notary Public

Approved for filing: \_\_\_\_\_  
Judge / Magistrate Initials

**RULE 15. Traffic offenses/misdemeanor citations; Use of electronically produced tickets**

(A) Traffic matters will generally be heard Monday through Friday by a Magistrate of this Court.

(B) The following offenses require an appearance before the Court for adjudication:

- (1) Minor Misdemeanors filed on Citations
- (2) Second or Subsequent Moving Violation
- (3) Reckless Operation of a Motor Vehicle
- (4) Leaving the Scene of an Accident
- (5) Fleeing a Police Officer
- (6) Operating a Vehicle While Under the Influence of Alcohol and/or Drugs
- (7) Passing a Loading or Unloading School Bus
- (8) Operating a Vehicle without a Valid Operator's License
- (9) Operating a Vehicle while the Operator's License is under Suspension or Revocation
- (10) Offenses involving Injury or Property Damage
- (11) Speeding in Excess of 20 m.p.h. over the Posted Speed Limit
- (12) Drag Racing

(C) Upon determination by the Clerk's Office that a mandatory appearance is not required, a Juvenile Traffic Offender may elect to proceed without a Court appearance upon the following conditions:

A parent, guardian, or an attorney must be present with the offender. A waiver will be executed. Said waiver shall constitute an admission to the facts as alleged in the complaint and to the traffic violation. It shall further constitute a waiver of the right to trial, the right to present witnesses and to cross-examine witnesses against the offender, the right to silence and right to counsel. Upon said admission and waiver, a fine shall be assessed by the Court in accordance with schedules established by the Court.

(D) No continuances of a traffic appearance shall be granted by phone.

(E) Forms are available in the Intake Office which may be used by an attorney or parent to enter a denial on behalf of a youth who has been cited. The matter will then be set for trial on the contested docket before a Magistrate.

(F) All requests for driving privileges or other form of post-adjudicatory relief are to be made in writing and will be set for hearing on the afternoon Traffic Docket. The moving party shall give notice of the hearing to the Prosecutor's Office.

(G) Traffic tickets produced by computer or other electronic means may be filed in lieu of the Ohio Uniform Traffic Ticket, provided that the computer generated or electronic ticket conforms in all substantive respects, including layout and content to the Ohio Uniform Traffic Ticket. The provisions of Ohio Traffic Rule 3(B) relative to the color, weight of paper, and method of binding shall not be applicable to a ticket that is produced by computer or other electronic means.

If a traffic ticket produced by computer or other electronic means is issued at the scene of the alleged offense, the issuing officer shall provide the defendant with a paper copy of the ticket as required by Ohio Traffic Rules 3(E). A law enforcement officer who files a ticket electronically shall be considered to have certified the ticket and shall have the same rights, responsibilities, and liabilities as with all other traffic tickets issued pursuant to the Ohio Traffic Rules.

(Amended effective 7/1/93; 2/10/97; 1/1/00; 7/1/04)

## **RULE 16. Expungements**

Any person seeking sealing or expungement of a juvenile record, as provided in section 2151.358 of the Ohio Revised Code, shall make a written request through the Court's Intake Department. The Intake Department shall provide said person with the appropriate written form. After notice to the Prosecutor's Office, the Court shall conduct a hearing to determine whether the person's record should be sealed or expunged. Upon journalization of the order to seal or expunge the person's record, the Intake Department shall notify all appropriate court departments and law enforcement agencies.

Amended eff. 11/1/04

## **RULE 17. MEDIATION**

The Court incorporates by reference herein, R.C. 2710 “Uniform Mediation Act” (UMA), R.C. 3109.052 Mediation of Differences as to Allocation of Parental Rights and Responsibilities, and Rule 16 of the Supreme Court of Ohio Rules of Superintendence.

### **(A) Definitions**

All definitions found in the “Uniform Mediation Act” (UMA) R.C. 2710.01 are adopted by this court through this local rule.

### **(B) Actions for Custody or Parenting Time**

At any time any action under the jurisdiction of this court may be referred to mediation. After service of summons in an action requesting custody, parenting time, or other child-related matters, the court may order the parties to participate in mediation screening. Parties may also participate in mediation prior to or after the filing of a contempt motion for denial of parenting time. Mediation Services will also provide voluntary mediation screenings to parties wishing to mediate without litigation pending.

### **(C) Post-decree motions to modify custody or parenting time**

Upon the filing of a motion to modify custody or parenting time, the court shall order the parties to participate in mediation screening and mediation. If Mediation Services determines that mediation is appropriate for the parties, the parties shall participate in mediation.

### **(D) Exemption from mediation**

The following actions may be exempted from mediation upon request of any party:

- (1) Cases in which a party does not have the capacity to mediate due to mental illness or domestic violence;
- (2) In emergency circumstances requiring an immediate hearing;
- (3) Cases in which the parties have achieved an executed Agreed Judgment Entry; or
- (4) If the parties have previously mediated the matters at issue.

### **(E) Mediation**

If Mediation Services determines that mediation is appropriate for the parties and the parties agree to or are ordered to mediate, then the parties shall participate in mediation with a court approved mediator. Mediation sessions may be convened from time to time until all issues are resolved in a manner mutually acceptable to the parties or until the mediator determines continued efforts would not be productive. Unless ordered to participate in mediation, the parties may agree to terminate mediation. The Court may order parties to participate in or return to mediation at any time. At the request of the parties or counsel, or upon the court’s own motion, the court may stay the proceedings for mediation for a period of time not to exceed ninety (90) days.

Parties are generally referred to mediation to mediate issues related to custody, parenting time and other child-related matters. However, parties may agree to mediate issues other than, or in addition to, custody, parenting time and other child-related matters, with the approval of their respective counsel or pursuant to court order.

All parties and counsel shall advise the assigned judge or magistrate of any domestic violence allegations known to them to exist or to have existed in the past, or which become known to them following entry of the referral to mediation order but before conclusion of all mediation proceedings, which allegations involve any two or more persons whose attendance is required by the referral order.

Statements made by mediators shall not be construed as giving legal advice.

**(F) Delinquency and Unruly Cases**

Delinquency and unruly cases may be referred for participation in the Juvenile Mediation Program.

**(G) Abuse / Neglect / Dependency Cases**

If mediation is ordered in abuse/neglect/dependency cases, all parties and their counsel shall appear and participate in mediation. The minor children who are the subjects of the action shall not participate in mediation unless requested by their Guardian ad Litem and ordered by the Court. Abuse/neglect/dependency cases shall not be stayed during mediation.

Mediation in child abuse, neglect, or dependency cases shall proceed only if the mediator has specialized training, as set forth herein, and utilizes procedures established by the court that will:

- (1) Ensure that parties who are not represented by counsel attend mediation only if they have waived the right to counsel in open court, and that parties represented by counsel attend mediation without counsel only where the right to have counsel present at the mediation has been specifically waived. Waivers can be rescinded at any time.
- (2) Provide for the selection and referral of a case to mediation at any point after the case is filed.
- (3) Notify the parties and nonparty participants of the mediation.

**(H) Confidentiality / Privilege**

Pursuant and subject to the provisions of the UMA, O.R.C. 2710.01 to 2710.10, O.R.C.3109.052, the Rules of Evidence, and any other pertinent judicial rule, all communications related to the mediation or made during the mediation process shall be governed by the privileges as set forth in the UMA, Rules of Evidence and other pertinent judicial rules.

Upon the conclusion of the mediation, the mediator shall notify Mediation Services whether the mediation occurred or was terminated, the parties reached an agreement on all or some issues, and the attendance of the parties. No other information shall be communicated by the mediator to Mediation Services unless all who hold a mediation privilege, including the mediator, have consented to such disclosure. Agreements reached in mediation shall not be binding upon the parties until reviewed and approved by their counsel and the Court.

**(I) Participation**

Any mediator providing services for the court shall utilize procedures that will:

- (1) Ensure that parties are allowed to participate in mediation, and if the parties wish, that their attorneys and other individuals they designate are allowed to accompany them and participate in mediation.
- (2) Screen for domestic violence both before and during mediation.
- (3) Encourage appropriate referrals to legal counsel and other support services for all parties, including victims of and suspected victims of domestic violence.
- (4) Prohibit the use of mediation in any of 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.

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

Further, any mediator providing services for the court shall only conduct a mediation session where violence or fear of violence is alleged, suspected, or present, when the mediator has completed the specialized training specified herein and ensures that all of the following conditions are satisfied:

- (1) The person who is or may be the victim of domestic violence is fully informed, both orally and in writing, about the mediation process, his or her right to decline participation in the mediation process, and his or her option to have a support person present at mediation sessions.
- (2) The parties have the capacity to mediate without fear of coercion or control.
- (3) Appropriate procedures are in place to provide for the safety of the person who is or may be the victim of domestic violence and all other persons present at the mediation.
- (4) Procedures are in place for the mediator to terminate mediation if he or she believes there is continued threat of domestic violence or coercion between the parties.
- (5) Procedures are in place for issuing written findings of fact, as required by R.C. 3109.052, to refer certain cases involving domestic violence to mediation.

#### **(J) Party/Non-Party Participation**

Parties who are ordered into mediation in formal cases shall attend scheduled mediation sessions. All parties may have their attorney and / or other support persons attend the mediation. The judge, magistrate and / or mediator may require the attendance of the parties' attorneys and / or the Guardian ad Litem at the mediation sessions if the mediator deems it necessary and appropriate.

If counsel of any party to the mediation becomes aware of the identity of a person or entity whose consent is required to resolve the dispute, but has not yet been joined as a party in the pleadings, they shall promptly inform the mediator as well as the assigned judge or magistrate. By participating in mediation a nonparty participant, as defined by R.C. 2710.01(D), agrees to be bound by this rule and submits to the court's jurisdiction to the extent necessary for enforcement of this rule. Any nonparty participant shall have the rights and duties under this rule attributed to parties except as provided by R.C. 2710.03(B) (3) and 2710.04(A) (2).

If the opposing parties to any case are 1) related by blood, adoption, or marriage; 2) have resided in a common residence, or 3) have known or alleged domestic violence at any time prior to or during the mediation, then the parties and their counsel have a duty to disclose such information to the mediator and have duty to participate in any screening required by the court.

#### **(K) Qualifications**

To be a court approved mediator for custody, parenting time, and other child related issues, a mediator shall possess the following qualifications:

- (1) General Qualifications and Training.

A mediator employed by the court or to whom the court makes referrals for mediation shall satisfy all of the following:

- a. Possess a bachelor's degree, or equivalent education or experience as is satisfactory to the court, and at least two years of professional experience with families. "Professional experience with families" includes mediation, counseling, casework, legal representation in family law matters, or such other equivalent experience satisfactory to the court.
- b. Complete at least twelve hours of basic mediation training or equivalent experience as a mediator that is satisfactory to the court.
- c. After completing the above training, complete at least forty hours of specialized family or divorce mediation training which has been approved by the Dispute Resolution Section of the Supreme Court.

(2) Specific Qualifications and Training: Domestic Abuse

A mediator employed by the court or to whom the court makes referrals for mediation of any case shall complete at least fourteen hours of specialized training in domestic abuse and mediation through a training program approved by the Ohio Supreme Court Dispute Resolution Section. A mediator who has not completed this specialized training may mediate these cases only if he/she co-mediate with a mediator who has completed the specialized training.

(3) Adherence to the Model Standards of Practice for Family and Divorce Mediation.

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

(5) Adherence to the ethical standards of any other profession that the mediator practices or in which the mediator is licensed.

(6) A commitment to continuing education.

(7) Awareness of the factors affecting the propriety of mediation in particular cases.

(8) Substantial divorce and family mediation experience, or successful completion of a supervised domestic and family mediation apprenticeship.

(9) Specific Qualifications and Training; Abuse, Neglect, and Dependency cases.

In addition to satisfying the requirements above, a mediator employed by the court or to whom the court makes referrals for mediation of abuse, neglect, or dependency cases shall satisfy both of the following:

- a. Possess significant experience in mediating family disputes;
- b. Complete at least thirty-two hours of specialized child protection mediation training through either a formal training session or through a mentoring program approved by the Dispute Resolution Section of the Supreme Court.

**(L) List of Court Approved Mediators**

The Court maintains a list of approved Mediators which shall be maintained by Mediation Services.

All those on the list of approved mediators shall submit to Mediation Services a regularly updated Curriculum Vitae (including a list of training related to the field of dispute resolution and professional or association memberships) which Curriculum Vitae shall be provided by Mediation Services to those requesting information on an assigned Mediator's qualifications to mediate a dispute pursuant the requirements set forth in R.C. 2710.08(C).

The Court will review applications of persons seeking to be added to the list of approved Mediators in

accordance with the procedures adopted by the Judges of the Court.

**(M) Fees and Costs**

The parties shall equally divide the cost of mediation unless the parties agree upon or the court orders a different division of the fee. Mediation is available at a reduced cost to low income parties or no cost to indigent parties.

**(N) Sanctions**

If any individual fails to attend mediation as ordered by the court, 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.

(Effective 9/1/89; Amended eff. 7/1/95; 7/1/99; 11/1/04; 1/22/07)

## **RULE 18. Publication Service**

In accordance with Ohio Rule of Juvenile Procedure 16(A), publication service may be perfected by posting and mailing or by newspaper publication. When publication service is perfected by posting and mailing, the Clerk shall cause notices to be posted in a conspicuous place in the main lobby of the Franklin County Courthouse, the Franklin County Hall of Justice, all Auto Title Department Branch Offices, and in the civil, criminal, domestic relations, juvenile and juvenile traffic divisions of the Clerk of Courts.

Effective July 1, 2004

## **RULE 19. Informal intake conference**

Rule 9 of the Ohio Rules of Juvenile Procedure speaks to the desirability, in appropriate cases, of avoiding formal actions.

### **Juvenile Rule 9**

(A) Court action to be avoided

In all appropriate cases formal court action should be avoided and other community resources utilized to ameliorate situations brought to the attention of the Court.

(B) Screening: referral

Information that a child is within the court's jurisdiction may be informally screened prior to the filing of a complaint to determine whether the filing of a complaint is in the best interest of the child and the public.

As part of the Court's overall effort to conform with the above provisions, informal intake conferences and referral to court diversion programs may occur in lieu of formal actions for certain delinquency and unruly cases.

Generally, informal conferences will be available only for first time misdemeanor charges and status offenses. Although no formal finding or record shall result, to be eligible for an informal conference a youth must be willing to admit to the operative facts to the action.

(Amended effective 7/1/93; 1/1/00; 7/1/04)

## **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)

**RULE 21. Assignment of cases**

Upon the original filing of a case, the case shall be assigned by lot to a specific Judge and Magistrate of this Court. A case that is reactivated by motion shall be assigned to the original Judge and Magistrate unless the Administrative Judge determines that cases must be reassigned to balance caseloads between judges / magistrates, or if the original action was filed prior to January 1, 1991, the case shall be assigned in the same manner as an original filing. In the event the same parties each file separate cases, the first case filed shall be assigned by lot to a specific judge. The second case filed shall be assigned to the same judge.

In any instance where a previously filed and dismissed case is refiled, that case shall be reassigned to the Judge and Magistrate originally assigned by lot to hear it, unless for good cause shown, that Judge or Magistrate is precluded from hearing the case. When a Judge or Magistrate leaves the Court his or her cases will be assigned to his or her successor. To allow for other responsibilities, assignments to the Administrative Judge shall be reduced by fifteen percent.

Once assigned a case, the assigned Judge becomes primarily responsible for the determination of every issue and proceeding in the case. All preliminary matters, including requests for continuances, must be submitted for disposition to the Judge or Magistrate to whom the case or motion is assigned, or if he or she is unavailable, to the Duty Judge or Duty Magistrate.

None of the above language shall be construed to limit the reference of cases to Magistrates pursuant to Juvenile Rule 40, Civil Rule 53 or Local Juvenile Rule 20. Notwithstanding those rules the following matters shall be docketed for and heard only by the assigned Judge, or another Judge willing to hear the matter, except with permission of the Administrative Judge of this Court, a Judge may refer specific cases to a Magistrate if the case cannot be heard due to unavailability of docket time:

a) Juvenile cases involving:

Murder, Aggravated Murder, Vehicular Homicide, Aggravated Vehicular Homicide, Negligent Homicide, Consent to Marry, Abortion Notification, Habeas Corpus, Permanent Surrender for Adoption, Bindover for Trial as an Adult, Manslaughter, Voluntary Manslaughter, Involuntary Manslaughter, Offenses against Human Corpse.

b) All criminal charges against adults in which a demand for a jury trial has not been filed.

(Effective January 1, 1991; Amended effective 7/1/93; 11/1/04)

**RULE 22.**

**MODEL PARENTING TIME SCHEDULE**  
**FRANKLIN COUNTY COMMON PLEAS COURT**  
**DOMESTIC AND JUVENILE DIVISIONS**

**FOR PARENTS TRAVELING UNDER 90 MILES ONE WAY:**

**This schedule is merely a guideline for parenting time. It is the parties' responsibility to tailor this schedule as necessary to meet the best interests of their children and their situation before the schedule becomes a court order.**

Liberal parenting time 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.

Activities you engage in with your children, skills you teach them, or friends you help them make will make their time with you more rewarding. Additionally, regardless of how much time each parent spends with the children, there are many opportunities to be involved in their lives, such as participation and attendance at their school, sporting and extracurricular activities.

PARENTING TIME BETWEEN THE CHILDREN AND THE NON-RESIDENTIAL PARENT SHALL TAKE PLACE AT SUCH TIMES AND PLACES AS THE PARTIES MAY AGREE, BUT WILL NOT 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 when interrupted by holiday and birthday, summer and/or vacation parenting time. (See Section 5a below)
  2. Weekdays: One weekday evening per week from 5:00 p.m. to 8:00 p.m. which shall be Wednesday unless otherwise agreed and designated herein as
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3. Extracurricular Activities: Regardless of where the children are living, their participation in existing and renewed extracurricular activities, school related or otherwise, shall continue uninterrupted. The parent with whom they are residing at the time of the activity shall provide the transportation to these activities. Notice of all extracurricular activities, school related, or otherwise, in which the children participate, schedules of all extracurricular activities (handwritten, if no formal schedule is provided by the activity) and the name of the activity leader (including address and telephone number if reasonably available) shall be exchanged between the parents.
  4. Pre-School Age: Unless otherwise agreed, pre-school age children follow the same schedule of school age children in the school district where they live regardless of whether or not other school age children live in the family. Frequent contact with both parents each week is recommended for very young children.
  5. Holidays (includes birthdays): In odd-numbered years, Mother has Spring Break, Memorial Day, Labor Day, and the first half of Winter Break. In odd-numbered years, Father has Martin Luther King's Day, Fourth of July, Thanksgiving, and the second half of Winter Break. In the even-numbered years, the schedules are reversed.
    - a. In the event of a conflict between regular parenting time and holiday parenting time, holiday parenting time prevails. The alternating weekend parenting time schedule continues, however, as if the holiday had not intervened. This means that one parent may have the children three weekends in a row. This

process equalizes itself over the course of time for each parent.

For any holiday falling on a Monday or Friday, if the weekend immediately preceding or following the holiday parenting time is spent with the same parent, there is no need for that parent to return the children that evening and then pick them up the next morning. For a holiday falling on a Friday, parenting time commences Friday a.m. and continues to Sunday evening; or for a holiday falling on a Monday, parenting time commences Friday evening and continues to Monday evening.

- b. Mother's Day and Father's Day and, the parent's birthdays only when they fall on a Saturday, Sunday, or holiday, are 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., (i.e., New Year's Eve and Day, Kwanzaa, Passover, Easter, Rosh Hashanah, Christmas Eve, Christmas Day) should be decided together, as follows:

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- d. Hours for parents who can not agree are as follows: Martin Luther King Day (9:00 a.m. to 7:00 p.m.); Spring Break (6:00 p.m. on the day school is out to 7:00 p.m. the day before school recommences); Memorial Day and Labor Day (6:00 p.m. Friday to 6:00 p.m. Monday); July 4th (9:00 a.m. to 9:00 a.m. the next day); Thanksgiving (6:00 p.m. Wednesday to 6:00 p.m. Sunday); Winter Break (first half commences at 6:00 p.m. the last day of school before Winter Break begins, until December 25 at 1:00 p.m.; second half commences at 1:00 p.m. December 25 until 6:00 p.m. the day before school recommences).
  - e. 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. In the event of conflict, birthday parenting time shall prevail over holiday parenting time. If the parents are unable to agree, Mother shall have the children on their birthdays in odd numbered years, and Father shall have the children on their birthdays in even numbered years. 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.
6. Summer: In odd numbered years, Mother shall have parenting time with the children the first half of the summer, and Father shall have parenting time with the children the second half of summer. This schedule reverses in even numbered years. The summer school vacation commences the day after the children are out of school and continues until seven (7) days before school begins. Each parent's time is calculated by taking the number of intervening weeks (full and/or partial) and dividing in half.

Weekday and alternating weekend parenting time shall be exercised by the parent who is not exercising his/her half of the summer.

- 7. Vacations: Each parent may arrange an uninterrupted vacation of not more than two (2) weeks with the children. Each parent shall schedule this vacation during his/her half of the summer. 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 weekend parenting time with the other parent is missed during vacation, and there is no requirement that it be made up.

8. Telephone Access:
  - a. Children can call either parent as often as they wish, at reasonable times, so long as the call is collect, if it is a long distance call.
  - b. In addition, the non-possessory parent shall be entitled to telephone communication with the children not less than three times per week for not less than 15 minutes per call.
  - c. Possessory parent shall not interfere with or stop the telephone communication.
9. Transportation: The parties shall divide the transportation equally. The parent who is exercising parenting time shall pick up the children. Unless otherwise ordered by the court or agreed by the parents, drop off/pick up shall be at the parents' respective homes.
10. Moving: Upon either parent learning 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 parenting time schedule.
11. Waiting: Neither parent shall be more than 30 minutes late picking up the children. If the non-residential parent has not arrived to pick up the children within the 30 minute period, parenting time is forfeited and shall not be made up.
12. Cancellation: The non-residential parent should give 24 hour notice to cancel. The time canceled by the non-residential parent is forfeited.
13. Illness: If a child is ill, the residential parent should give 24 hour notice, if possible, so appropriate plans can be made. However, if any parenting time, weekend, holiday/birthday, or vacation is missed due to non-emergency and/or critical illness, then any missed parenting time shall be made up as provided in paragraph 14.
14. Make-Up Parenting time: Any make-up parenting time required by this schedule shall occur the first weekend of the other parent immediately following the missed parenting time and shall continue during the other parent's weekends until made up in full, including partial weekends.
15. Current Address and Telephone Number: Except as provided in the court order, each parent shall keep the other informed of his/her current address and telephone number at all times.

Emergency Contact: Both parents shall at all times, regardless of whether the children are with him/her, provide the other parent with a telephone number for contact in the event of an emergency.
16. 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 parenting time exchanges occur.
17. Clothing: The parents shall cooperate in the exchange of the children's clothing prior to and following parenting time.

## FOR PARENTS TRAVELING OVER 90 MILES ONE WAY

**This schedule is merely a guideline for parenting time. It is the parties' responsibility to tailor this schedule as necessary to meet the best interests of their children and their situation before the schedule becomes a court order.**

Liberal parenting time 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.

Activities you engage in with your children, skills you teach them, or friends you help them make will make their time with you more rewarding. Additionally, regardless of how much time each parent spends with the children, there are many opportunities to be involved in their lives, such as participation and attendance at their school, sporting and extracurricular activities.

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

1. Pre-School Age: Unless otherwise agreed, pre-School age children shall follow the same schedule as school age children in the school district where they live, whether or not a school age child resides in the family. Frequent contact with both parents is recommended for very young children.
2. Winter Break: Winter Break will be divided in half and alternated annually, by half, between the parents.
3. Spring Break: The non-residential parent shall be entitled to the entire school vacation (the day school is out to the day before school recommences) in odd-numbered years.
4. Summer: Each parent shall be entitled to one half of the school summer vacation. Summer school necessary for 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 home of the non-residential parent, and in the odd-numbered years, the second half.
  - b. A general itinerary should be provided either parent if more than 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. If this includes a trip away from home a general itinerary of the vacation shall be provided for the other parent, including dates, locations, addresses, and telephone numbers.
6. Additional Parenting time:
  - a. Weekend: A once-a-month, weekend visit to the non-residential parent's home shall be permitted if the child's traveling time does not exceed THREE AND ONE HALF HOURS, one way. The residential parent must be notified at least one week in advance. THE NONRESIDENTIAL PARENT SHALL PROVIDE THE TRANSPORTATION FOR WEEKEND PARENTING TIME.

b. Father's Day and Mother's Day should always be spent with the appropriate parent.

c. The non-residential parent shall notify the residential parent as least two days in advance of any time the non-residential parent will be in the area and wants parenting time. Absent extraordinary circumstances, this parenting time shall occur.

d. The residential parent shall notify the 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 parenting time must be allowed.

7. Telephone Access:

a. Children can call either parent as often as they wish, at reasonable times, so long as the call is collect if it is a long distance call.

b. In addition, the non-possessory parent shall be entitled to telephone communication with the children not less than three times per week for not less than 15 minutes per call.

c. Possessory parent shall not interfere with or stop telephone communication.

8. 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. Parties shall also decide and provide in the plan where the child(ren) shall be picked up and dropped off.

9. Moving: Upon either parent learning or determining, whichever first occurs, that he/she will be moving, he/she will 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 parenting time schedule.

10. Current Address and Telephone Number: Except as provided in the court order, each parent shall keep the other informed of his/her current address and telephone number at all times.

Emergency Contact: Both parents shall at all times, regardless of whether the children are with him/her, provide the other parent with a telephone number for contact in the event of an emergency.

11. 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 parenting time exchanges occur.

12. Clothing: The parents shall cooperate in the exchange of the children's clothing prior to and following parenting time.

(Effective July 1, 1991; Amended eff. 7/1/93; 7/1/99; 7/1/04)

**RULE 23. Case Management**

All cases other than delinquent youth who are held in the Detention Center and traffics shall be assigned to the appropriate case track as set forth below. The timeframes are meant to be outside limits and the parties or the Court may accelerate the schedule as necessary.

- (A) Delinquency, except SYO -Track II
- Serious Youthful Offender - Track I
- Unruly -Track I
- Adult Cases -Track I
- U.I.F.S.A. -Track I
- Abuse, Neglect, Dependency -Track I
- Parentage -Track IV
- Motion for Permanent Custody -Track III
- Custody, Change of Custody, Visitation -Track IV
- Support Enforcement/Modification -Track IV
- All other cases -Track II

- (B) Track I Schedule (3 months)

<u>Event</u>	<u>Latest date of occurrence</u> <u>(in weeks)</u>
Case filed	0
Initial Hearing	6
Disclosure of Witnesses	8
Trial Confirmation Date	10
Discovery Cutoff	10
Final Pretrial Conference	10
Trial Completion	12

- (C) Track II Schedule (6 months)

<u>Event</u>	<u>Latest date of occurrence</u> <u>(in weeks)</u>
Case filed	0
Initial Hearing	6
Disclosure of Witnesses	12
Trial Confirmation Date	16
Discovery Cutoff	16
Final Pretrial Conference	16
Trial Completion	24

- (D) Track III Schedule (9 months)

<b><u>Event</u></b>	<b><u>Latest date of occurrence</u></b> <b><u>(in weeks)</u></b>
Case filed	0
Initial Hearing	8
Disclosure of Witnesses	12
Trial Confirmation Date	24
Discovery Cutoff	24
Final Pretrial Conference	24
Trial Completion	36

(E) Track IV Schedule (12 months)

<b><u>Event</u></b>	<b><u>Latest date of occurrence</u></b> <b><u>(in weeks)</u></b>
Case filed	0
Initial Hearing	12
Disclosure of Witnesses	40
Trial Confirmation Date	25
Discovery Cutoff	40
Final Pretrial Conference	25
Trial Completion	52

The first hearing date given by the Assignment Office shall be considered the Case Management Conference. Attorneys for parties and any pro se parties served shall be given notice of the Case Management Conference. All shall appear with full authority to settle. Continuances shall be made by written motion and only be granted upon a showing of good cause. Disclosure of Witnesses and Discovery Cutoff events shall not require a Case Management Conference.

Amended Effective 1/1/00; 11/1/04

**RULE 24. WORK RELEASE PROGRAM**

The Franklin County Juvenile Court will participate in the Franklin County Work Release Program as administered and operated by the Franklin County Court of Common Pleas, General Division. Local Rule 87 of the Franklin County Court of Common Pleas, General Division, governing juries and jurors, is adopted and incorporated by reference herein.

Amended eff. 10/1/04

**RULE 25. DUTY JUDGE**

The administrative judge shall appoint one judge each week who shall be known as a "Duty Judge."

In addition to his or her regular docket, the "Duty Judge" shall be responsible for consents to marry and other unclassified business of the Court, and to act for any other Judge who is not available.

Amended Effective 1/1/00

**RULE 26 JURIES, JURORS**

The Franklin County Domestic Relations Court, Juvenile Branch will participate in the jury system established, administered and operated by the Franklin County Court of Common Pleas, General Division. Local Rule 27 of the Franklin County Court of Common Pleas, General Division, governing juries and jurors, is adopted and incorporated by reference herein.

Amended eff. 11/1/04

## **JUVENILE RULE 27: GUARDIAN AD LITEM WHEN ALLOCATING PARENTAL RIGHTS AND RESPONSIBILITIES**

### **(A) Applicability**

This rule shall apply in all domestic relations and juvenile cases where the court appoints a guardian ad litem to protect and act in the best interest of a child in matters regarding the allocation of parental rights and responsibilities, not arising out of abuse, neglect or dependency filings.

### **(B) Definitions**

For purposes of this rule:

(1) “Guardian ad litem” means an individual appointed to assist a court in its determination of a child’s best interest.

(2) “Child” means:

(a) A person under eighteen years of age, or

(b) A person who is older than eighteen years of age who is deemed a child until the person attains twenty-one years of age under section 2151.011(B)(5) or section 2152.02(C) of the Revised Code.

(c) A child under R.C. 3109.04 or a disabled child under R.C.3119.86 who falls under the jurisdiction of a domestic relations court or of a juvenile court with a paternity docket.

### **(C) Eligibility and Training Requirements**

The Court, through its Administrative Domestic Magistrate, will maintain a list of attorneys who have completed the required training and are eligible to serve as guardian ad litem. The Franklin County CASA Program may also serve as guardian ad litem.

In order to serve as a guardian ad litem, an applicant shall have, at a minimum, the following training:

(1) Successful completion of a pre-service training course to qualify for appointment and thereafter, successful completion of continuing education training in each succeeding calendar year to qualify for continued appointment.

(2) The pre-service training course must be the six hour guardian ad litem pre-service course provided by the Supreme Court of Ohio, the Ohio CASA/GAL Association’s pre-service training program, or with prior approval of a majority of the judges of this court, be a course at least six hours in length that covers the topic areas in division (3), below.

(3) To meet the requirements of this rule, the pre-service course shall include training on all the following topics:

(a) Human needs and child development including, but not limited to, stages of child development;

(b) Communication and diversity including, but not limited to, communication skills with children and adults, interviewing skills, methods of critical questioning, use of open-ended questions, understanding the perspective of the child, sensitivity, building trust, multicultural awareness, and confidentiality;

(c) Preventing child abuse and neglect including, but not limited to, assessing risk and safety;

(d) Family and child issues including, but not limited to, family dynamics, substance abuse and its effects, basic psychopathology for adults and children, domestic violence and its effects;

(e) Legal framework including, but not limited to, records checks, accessing, assessing and appropriate protocol, a guardian ad litem's role in court, local resources and service practice, report content, mediation and other types of dispute resolution.

(4) Additionally, a guardian ad litem shall annually complete a three hour continuing education course provided by the Supreme Court of Ohio or by the Ohio CASA/GAL Association, or with prior approval of a majority of the judges of this court, be a training that complies with division (C)(5) of this rule.

(5) To meet the requirements of this rule, the three hour continuing education course shall:

(a) Be specifically designed for continuing education of guardians ad litem and not pre-service education; and

(b) Consist of advanced education related to topics identified in division (C)(3)(a) through (e) of this rule.

(6) Guardians ad litem may be removed from the court appointment list with the approval of a majority of the judges of the Domestic Relations Court. After losing eligibility for any reason, a guardian ad litem may not seek reinstatement of eligibility for six months and thereafter must submit a new application requesting reinstatement. If a guardian ad litem fails to complete a three hour continuing education course within any calendar year, that person shall not be eligible to serve as a guardian ad litem until this continuing education requirement is satisfied. If the person's gap in continuing education is three calendar years or less, the person shall qualify to serve after completing a three hour continuing education course offered under this rule. If the gap in continuing education is more than three calendar years that person must complete a six hour pre-service education course to qualify to serve.

(7) An individual who is currently serving as a guardian ad litem on March 1, 2009, shall have one year from March 1, 2009, to obtain the required six hour pre-service training in order to avoid removal from the court's list of approved guardians ad litem.

(8) Attendance at an Ohio Guardian ad Litem Training Program approved by the Supreme Court of Ohio or at an Ohio CASA/Guardian Association pre-service training program at any time prior to March 1, 2009, shall be deemed compliance with the pre-service training requirement.

## **(D) Application**

Upon completion of the required pre-service training, an attorney seeking to serve as a guardian ad litem shall submit an application to the administrative domestic magistrate. The application shall be on the form prescribed by this rule, which is attached hereto and incorporated herein. The application shall be accompanied by a resume stating the applicant's training, experience and expertise demonstrating the applicant's ability to successfully perform the duties and responsibilities of the guardian ad litem, a copy of the applicant's criminal background check, and the applicant's background disclosure statement.

An individual who is serving as a guardian ad litem on March 1, 2009, shall no later than February 28, 2010, submit an application to remain on the guardian ad litem list to the administrative domestic magistrate. The application shall be accompanied by a certificate of completion of the required six hour pre-service training, a resume stating the applicant's training, experience and expertise demonstrating the applicant's ability to successfully perform the duties and responsibilities of the guardian ad litem, a copy of the applicant's criminal background check, and the applicant's background disclosure statement.

In sending this application and supporting documents requesting placement on the list of eligible attorneys, the attorney is indicating a commitment to the acceptance of an appointment on a pro bono basis at least once a year.

Eligible attorneys shall notify the court of changes in their status, address or telephone number.

### **(E) Appointment**

In order to superintend the best interest of minor children/incompetents in any action over which this court has jurisdiction, the court may appoint a guardian ad litem upon its own motion or the motion of either party. When necessary, the court may also appoint an attorney to represent the child, or may appoint an attorney in the dual capacity of attorney and guardian ad litem for the child, so long as those roles do not conflict. Said appointment shall be made by the required entry attached hereto and incorporated herein.

It shall be the responsibility of counsel in the case to copy the guardian ad litem with all pleadings, notices of hearings and depositions, entries and any other necessary documents. Any additional expense incurred by the guardian ad litem as a result of counsel's failure to notify, including the costs of transcripts, shall be charged to the party (ies) responsible for such failure.

### **(F) Fees / Deposit to Secure Fees**

When an attorney/guardian ad litem requires fee arrangements inconsistent with those set forth in the required entry, he/she shall so notify the court prior to accepting an appointment.

The court shall require the parties to post a deposit to secure the fees of the guardian ad litem and shall apportion additional fees incurred for the services of the guardian ad litem between the respective parties. The total deposit shall be at least \$800.00 unless otherwise agreed upon by the guardian ad litem. If any party has filed an affidavit of indigency, the court may, in its discretion, not require that party to pay an initial deposit. The court shall retain jurisdiction to reallocate the guardian ad litem's fees along with all costs of the proceedings, upon motion and / or at the conclusion of the case.

No later than seven (7) days after final hearing in the matter on which the guardian ad litem has been appointed, the attorney/guardian ad litem shall submit an affidavit of fees to the court. If approved by the court, said fees shall be made a part of the final entry. Nothing herein shall delay the filing of said entries, and they shall be filed in accordance with the Rules of the Supreme Court as to Civil Procedure and Superintendence. In order to protect the fee for the services of the attorney/guardian ad litem, the court shall have the discretion to issue a lump sum judgment against the party or parties for the attorney fees due and owing at the time of the final adjudication.

### **(G) Responsibilities and Duties of the Guardian ad Litem**

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

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

The guardian ad litem shall be cognizant that the duty of an attorney to his/her client and the duty of a guardian ad litem to his/her ward are not always identical and, in fact, may conflict. The role of the guardian ad litem is to investigate the ward's situation and then to ask the court to do what the guardian ad litem feels is in the ward's best interest. The role of the attorney is to zealously represent his/her client within the bounds of the

law. The first and highest duty of an attorney appointed in a dual capacity is to zealously represent his client within the bounds of the law and to champion his client's cause. When appointed in the dual capacity of attorney and guardian ad litem for the child or solely as guardian ad litem for the child, notify the court and counsel when a conflict arises.

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

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

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

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

(6) When a court appoints an attorney to serve as both the guardian ad litem and attorney for a child, the attorney shall advocate for the child's best interest and the child's wishes in accord with the Rules of Professional Conduct. Attorneys who are to serve as both guardian ad litem and attorney should be aware of Rule 3.7 of the Rules of Professional Conduct and act accordingly.

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

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

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

(10) Unless excepted by statute, a guardian ad litem shall meet the qualifications and satisfy all training and continuing education requirements under this rule. A guardian ad litem shall meet the qualifications for guardians ad litem and shall promptly advise the court of any grounds for disqualification or unavailability to serve.

(11) A guardian ad litem shall be responsible for providing the administrative domestic magistrate with a statement indicating compliance with all initial and continuing educational and training requirements. The compliance statement shall include information detailing the date, location, contents and credit hours received for any relevant training course.

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

- (a) Meet with and interview the child and observe the child with each parent, foster parent, guardian or physical custodian and conduct at least one interview with the child where none of these individuals is present;
- (b) Visit the child at his or her residence in accordance with any standards established by the court;
- (c) Ascertain the wishes of the child;
- (d) Meet with and interview the parties, foster parents and other significant individuals who may have relevant knowledge regarding the issues of the case;
- (e) Review pleadings and other relevant court documents in the case in which the guardian ad litem is appointed;
- (f) Review criminal, civil, educational and administrative records pertaining to the child and, if appropriate, to the child's family or to other parties in the case;
- (g) Interview school personnel, medical and mental health providers, child protective services workers and relevant court personnel and obtain copies of relevant records;
- (h) Recommend that the court order psychological evaluations, mental health and/or substance abuse assessments, or other evaluations or tests of the parties as the guardian ad litem deems necessary or helpful to the court;
- (i) Perform any other investigation necessary to make an informed recommendation regarding the best interest of the child;
- (j) Communicate with the Family Assessment worker; and
- (k) Attend all depositions concerning the best interest of the child(ren)/incompetent.

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

(14) As an officer of the court, a guardian ad litem shall make no disclosures about the case or the investigation except in reports to the court or as necessary to perform the duties of a guardian ad litem. A guardian ad litem shall maintain the confidential nature of personal identifiers, as defined in Ohio Rule of Superintendence 44, or addresses where there are allegations of domestic violence or risk to a party's or child's safety. A guardian ad litem may recommend that the court restrict access to the report or a portion of the report, after trial, to preserve the privacy, confidentiality, or safety of the parties or the person for whom the guardian ad litem was appointed in accordance with Ohio Rule of Superintendence 45. The court may, upon application, and under such conditions as may be necessary to protect the witnesses from potential harm, order disclosure or access of the information that addresses the need to challenge the truth of the information received from the confidential source.

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

(16) A guardian ad litem who is to be paid by the court or a party, shall keep accurate records of the time

spent, services rendered, and expenses incurred in each case and file an itemized statement and accounting with the court and provide a copy to each party or other entity responsible for payment.

**(H) Powers**

The powers of the attorney/guardian ad litem shall be wide-ranging, including but not limited to, the right to file motions and to review all confidential records involving the child(ren) by request, through deposition, and by subpoena.

**(I) Reports and Court Appearances**

The guardian ad litem may prepare and file written interim reports detailing observations and recommendations, but in all cases shall be present at all hearings pertaining to the children. The attorney/guardian ad litem may subpoena and examine independent witnesses.

The guardian ad litem has a duty to notify the court and counsel if the child's wishes are in opposition to the guardian ad litem's recommendation.

A guardian ad litem shall prepare a written final report, including recommendations to the court, within the times set forth in this division. The report shall detail the activities performed, hearings attended, persons interviewed, documents reviewed, experts consulted and all other relevant information considered by the guardian ad litem in reaching the guardian ad litem's recommendations and in accomplishing the duties required by statute, by court rule, and in the court's Order of Appointment. In addition, the following shall apply to guardian ad litem reports:

(1) In domestic relations and juvenile proceedings involving the allocation of parental rights and responsibilities, the final report shall be filed with the court and made available to the parties for inspection no less than seven days before the final hearing unless the due date is extended by the court. Written reports may be accessed in person or by phone by the parties or their legal representatives. A copy of the final report shall be provided to the court at the hearing. The court shall consider the recommendation of the guardian ad litem in determining the best interest of the child only when the report or a portion of the report has been admitted as an exhibit.

**(J) Filing Fees and Court Costs**

All filing fees and court costs are waived as to guardians ad litem.

**(K) Termination of Appointment**

The guardian ad litem shall represent the best interest of the minor child(ren) until discharged by the court. At the conclusion of the proceedings for which the appointment was made, the guardian ad litem shall submit a motion and entry for withdrawal as the guardian ad litem, and dismissing the child(ren) as party(ies) to the case, to the assigned judge.

However, whenever feasible, the same guardian ad litem shall be appointed for a specific child in any subsequent case relating to the best interest of the child.

**(L) Complaints Regarding Guardians ad Litem; Motions To Remove Guardian ad Litem**

(1) Comments or complaints regarding the performance of a guardian ad litem appointed pursuant to this rule shall be in writing and shall be directed to the administrative domestic magistrate, Franklin County Common Pleas Court, Division of Domestic Relations and Juvenile Branch.

A copy of comments and complaints submitted to the court shall be provided to the guardian ad litem who is the subject of the complaint or comment. The administrative domestic magistrate may forward any comments and complaints to the administrative judge of the court for consideration and appropriate action. The administrative domestic magistrate shall maintain a written record in the guardian ad litem's file regarding the nature and disposition of any comment or complaint and shall notify the person making the comment or complaint and the subject guardian ad litem of the disposition.

(2) Motions to remove a guardian ad litem shall be scheduled for hearing before the judge or magistrate assigned to adjudicate the allocation of parental rights and responsibilities.

**(M) Annual Certification**

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

All individuals on the guardian ad litem list shall certify annually they are unaware of any circumstances that would disqualify them from serving, and shall report the training they have attended to comply with division (C) of this rule.

Effective July 1, 1995; Amended eff. 12/1/04; 3/23/09

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

\_\_\_\_\_  
**PLAINTIFF/PETITIONER**

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

v.

**JUDGE** \_\_\_\_\_

\_\_\_\_\_  
**DEFENDANT/PETITIONER**

**MAGISTRATE** \_\_\_\_\_

**ENTRY / MAGISTRATE'S ORDER APPOINTING GUARDIAN AD LITEM / AND ATTORNEY**

Pursuant to Rule 15 of the Franklin County Rules of the Court of Common Pleas, Domestic Relations Division / Rule 27 of the Juvenile Branch, it appearing to the Court that the best interest of \_\_\_minor(s) and/or incompetent(s) would be served and protected by:

- making (him, her, them) party(ies) defendant in this action and appointing a Guardian ad Litem
- appointing an attorney in the dual capacity of Guardian ad Litem and attorney.

It is therefore ORDERED and ADJUDGED that \_\_\_\_\_ be appointed:

- Guardian ad Litem for \_\_\_\_\_, who is/are designated party(ies) defendant to this action.
- in the dual capacity of attorney and Guardian ad Litem, hereinafter referred to as the Guardian ad Litem, for \_\_\_\_\_.

It is further ORDERED and ADJUDGED that:

- Plaintiff shall deposit the sum of \_\_\_\_\_ and/or Defendant shall deposit the sum of \_\_\_\_\_ into the trust account of the Guardian ad Litem no later than \_\_\_\_\_. Said total deposit shall be at least \$800.00 unless agreed upon otherwise by the Guardian ad Litem.

Thereafter, Plaintiff shall pay \_\_\_\_\_ percent and Defendant shall pay \_\_\_\_\_ percent of the Guardian ad Litem's fees. The Guardian ad Litem shall submit periodic invoices to the parties, and the parties shall remit payment to the Guardian ad Litem within 14 days.

**Failure to pay the Guardian ad Litem's fees as ordered herein may result in a finding of contempt of court, the limitation of evidence, the dismissal of claims for relief or other sanctions allowed by law.**

The Court retains jurisdiction to reallocate the above costs along with all costs of the proceedings, upon motion and / or at the conclusion of the case.

- The Guardian ad Litem position is filled by an attorney on the Court list on a pro bono basis, both parties being indigent, and having filed proper affidavits.

Should either party no longer qualify for indigency status during the pendency of the matter, fees may be requested by the Guardian ad Litem and assessed at the discretion of the Court.

It is further ORDERED and ADJUDGED that:

1. Upon presentation of a copy of this court order, issued in compliance with 45 C.F.R. 164.512, to any agency, hospital, organization, school, person, or office including but not limited to the Clerk of Court, human services agencies, public children services agencies, private child placing agencies, pediatricians, psychiatrists, other physicians, psychologists, counselors, or law enforcement agencies, the Guardian ad Litem shall be permitted to inspect and copy any records, including treatment for physical and mental illness, and/or drug abuse, and/or AIDS (Acquired Immunodeficiency Syndrome), and/or the results of an HIV test or the fact that an HIV test was performed, relating to the child(ren) without the consent of the child(ren) or the child's parent(s) or legal guardian(s); and to discuss with the person providing the treatment or tests in issue all matters pertinent to treatment and findings related to the child(ren). At the conclusion of the case, the Guardian ad Litem shall maintain the confidentiality of records received pursuant to this order.
2. The Guardian ad Litem assigned to this cause shall maintain any information received from any such source as confidential and will not disclose the same except to report to the Court or as the law permits.
3. The Guardian ad Litem shall have reasonable access to the child at school or in placement without obtaining the consent of the child's parent, guardian or custodian.
4. The Guardian ad Litem shall be given notice of all hearings and proceedings and shall be provided a copy of all pleadings, motions, notices and other documents filed in the case. The Guardian ad Litem shall appear and participate in any hearing or deposition for which the duties of a Guardian ad Litem or any issues substantially within a Guardian ad Litem's duties and scope of appointment are to be addressed.
5. This appointment shall remain in effect until discharged by order of the court. At the conclusion of the proceedings for which this appointment was made, the Guardian ad Litem shall submit a motion and entry for withdrawal, and to dismiss the child(ren) as party(ies), to the assigned judge.
6. The Guardian ad Litem fees are in the nature of child support for the purposes of dischargeability in bankruptcy.
7. The next hearing date is scheduled/continued to \_\_\_\_\_.

**Pursuant to Civil Rule 41(B)(1) the parties are hereby given notice that failure to pay the Guardian ad Litem fees as ordered herein, or otherwise comply with this order, may result in the dismissal of their action or claim for relief.**

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JUDGE / MAGISTRATE

cc:

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Plaintiff/Counsel for Plaintiff/Sup. Ct. Code

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Defendant/Counsel for Defendant/Sup.Ct.Code



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

**APPLICATION FOR THE  
GUARDIAN AD LITEM APPOINTMENT LIST**

Pursuant to Domestic Local Rule 15 and Juvenile Local Rule 27, I hereby apply to be eligible for appointment as a guardian ad litem for minor children in domestic relations and juvenile cases involving the allocation of parental rights, custody, visitation and related issues.

Name: _____	Telephone: _____
Supreme Court No. _____	Cell Phone: _____
Office Address: _____	FAX: _____
_____	Email: _____
_____	

Hourly rate: \$ \_\_\_\_\_ per hour. Under the local rules, the initial deposit upon appointment is \$800.00. If you are willing to accept a lesser amount or will require an additional deposit, please enter the amount: \$ \_\_\_\_\_

This application must be accompanied by:

- (1) a resume stating the applicant's training, experience and expertise demonstrating the applicant's ability to successfully perform the duties and responsibilities of the guardian ad litem. You may also include any other training or experience, including foreign language proficiency, that would be helpful in the role of a guardian ad litem;
- (2) a copy of the applicant's certificate for completing the required pre-service training;
- (3) a copy of the applicant's criminal background check;
- (4) the applicant's original background disclosure statement.

Incomplete applications will not be accepted and will be returned to you for completion.

I certify that the information herein is true and accurate to the best of my knowledge and belief and that I have read and understand the duties and obligations of a guardian ad litem as set forth in the Local Rules of the Court.

\_\_\_\_\_  
Signature

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

Submit the completed application and accompanying documentation to:

Charles Jones  
Administrative Domestic Magistrate  
Domestic Relations and Juvenile Court  
373 South High St. Third Floor  
Columbus, OH 43215

Name: \_\_\_\_\_  
                    First  Middle  Last

Current Business Address: \_\_\_\_\_  
  \_\_\_\_\_  
  City  County  State  Zip Code

**BACKGROUND DISCLOSURE STATEMENT**

**DRIVING HISTORY**

- |   |                          | <b>YES</b>               | <b>NO</b>                |
|---|--------------------------|--------------------------|--------------------------|
| 1. Do you have a valid Ohio driver's license?   |                          | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. Have you been convicted of any moving traffic violation in the past 10 years?        | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. Have you had any traffic violations involving alcohol or drugs in the past 10 years? |                          | <input type="checkbox"/> | <input type="checkbox"/> |

**BACKGROUND**

- |  |                          |                          |                          |
|--|--------------------------|--------------------------|--------------------------|
| 4. Have you ever been convicted of a violation of law? Do not disclose expunged or sealed offenses.          |                          | <input type="checkbox"/> | <input type="checkbox"/> |
| 5. Have you ever been charged with a crime involving a minor?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 6. Have you ever committed an act that resulted in a child being adjudicated abused or neglected?            |                          | <input type="checkbox"/> | <input type="checkbox"/> |
| 7. Do you have any condition or impairment which currently affects your ability to competently practice law? |                          | <input type="checkbox"/> | <input type="checkbox"/> |
| 8. Have you been ordered to pay child support or spousal support?  |                          | <input type="checkbox"/> | <input type="checkbox"/> |
| a. If so, are your payments current?   |                          | <input type="checkbox"/> | <input type="checkbox"/> |

**CONDUCT**

- |   |                          |                          |                          |
|---|--------------------------|--------------------------|--------------------------|
| 9. Have you ever been disbarred, suspended, censured, sanctioned, or otherwise reprimanded or disqualified as a member of the legal profession or another profession, or as a holder of public office?          |                          | <input type="checkbox"/> | <input type="checkbox"/> |
| 10. Have you ever been the subject of any written charges, complaints, or grievances to a court or administrative agency concerning your conduct as a Guardian ad Litem or attorney, including any now pending? |                          | <input type="checkbox"/> | <input type="checkbox"/> |
| 11. Has any surety on any bond on which you were the principal been required to pay any money on your behalf in the past 10 years?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 12. Have you been denied a license for business, trade, or profession in the past 10 years?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

**If you answered yes to any of the questions above, furnish a thorough explanation.**

I, the undersigned applicant, have read the foregoing background disclosure statement and have answered all questions truthfully and completely. I understand that failure to answer any question completely and honestly will result in denial or loss of eligibility to serve as a guardian ad litem in the Franklin County Common Pleas Court, Division of Domestic Relations and Juvenile Branch, and may result in a referral to the City Attorney, County Prosecutor or the Columbus Bar Association for appropriate action. I further understand that I have the ongoing duty to supplement my answers to the questions herein.

STATE OF OHIO }  
 }  
COUNTY OF \_\_\_\_\_ } ss.

\_\_\_\_\_  
Signature of Applicant

Subscribed and sworn to or affirmed before me this \_\_\_\_\_ day  
of \_\_\_\_\_, \_\_\_\_\_.  
month year

\_\_\_\_\_  
Notary Public

My commission expires \_\_\_\_\_

## **RULE 28 Entries**

Unless subject to the Uniform Judgment Entry form(s) promulgated by the Ohio Supreme Court, or 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 three (3) days after the receipt thereof. Name of the counsel, counsel's Ohio Supreme Court registration number, and 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 who made the decision for approval and if signed by him or her shall then be filed with the Clerk. If counsel are unable to agree upon the entry, each counsel shall prepare his/her version. Counsel who prepared the initial entry shall forthwith notify the other counsel of when (s)he intends to submit the entry to the Trial Judge, which entry shall be submitted within fourteen (14) days after the decision is rendered. The Trial Judge shall direct which entry shall be filed.

Effective 7/1/95; Amended effective 1/1/00; 7/1/04

## **RULE 29. Forms**

The court shall from time to time promulgate standard forms for use in juvenile court actions. When parties are required by local court rule to use forms authorized by the court, they may submit a form which is identical in content, but not appearance, to the form promulgated by the court, and shall include therein a certificate verifying the content of such form.

Effective 7/1/95

## **RULE 30. PHOTOGRAPHIC IDENTIFICATION**

All parties and persons seeking relief from this Court may be required to exhibit a picture identification or other acceptable identification, and proof of a current address.

Effective October 1, 2004

## **RULE 31. SERVICE MEMBERS' CIVIL RELIEF ACT**

In any action commenced in this court against an unrepresented party who is a member of the military service, the court may appoint an attorney to represent that party pursuant to the Service Members' Civil Relief Act, and may assess and allocate the cost of said counsel as costs in the case. The court may stay the proceeding until such time as the party in the military service is available for trial. During the pendency, the party will be ordered to cooperate in all discovery procedures and to notify the court upon his / her return.

Effective 11/1/04

## **RULE 32 REGISTRATION OF ORDERS FROM ANOTHER STATE; CERTIFICATION PURSUANT**

## **TO R.C.3109.06.**

### **(A) Registration of Parenting Decree of Another State**

A parenting decree of another state may be registered pursuant to the Uniform Child Custody Jurisdiction Act, R.C.3109.21 through 3109.37. The registration of a parenting decree does not vest this court with jurisdiction to act with regard to child support, spousal support or property division.

Pursuant to 3109.32, a certified copy of a parenting decree of another state may be filed in the office of the Clerk of Courts. Upon filing, the decree shall be treated in the same manner as a parenting decree of a court of this state.

### **(B) Enforcement and / or Modification of a Parenting Decree of Another State**

At the time the parenting decree of another state is registered, or subsequent thereto, any party seeking to enforce and / or modify that parenting decree may file a motion setting forth the relief requested and specifying the reasons this court should assume jurisdiction. All parties to the proceeding, in his / her first pleading or in an affidavit attached thereto, shall provide the information required by R.C. 3109.27.

Prior to issuing any orders, this court must determine that it has jurisdiction to issue parenting orders pursuant to R.C.3109.22. This court will not exercise jurisdiction if, at the time of the filing of the action, a parenting proceeding is pending in another state exercising jurisdiction substantially in conformity with R.C.3109.21 to R.C.3109.37, unless the court in the other state has declined to exercise jurisdiction because this court is the more appropriate forum.

### **(C) Registration of a Support Order of Another State**

Support order, as defined in R.C.3115.01(W), includes an order for spousal support.

State, as defined in R.C.3115.01(U), includes Indian tribes and foreign jurisdictions that have enacted a law or established procedures for issuance and enforcement of support orders that are substantially similar to the procedures under R.C.3115.01 to 3115.59.

A party seeking to register a support order of another state for the purpose of enforcement or modification, shall file the documents and information required by R.C.3115.39 in the office of the Clerk of Courts. Upon filing, the Clerk of Courts shall send notice of the registration to the nonregistering party, as required by R.C.3115.42. Pursuant to R.C. 3115.43, the nonregistering party may contest the validity or enforcement of the registered order by filing a motion and requesting a hearing no later than twenty days after the date of mailing or personal service of the notice of registration. If the nonregistering party fails to file a timely motion and request for hearing, the order is confirmed by operation of law.

If the nonregistering party files a timely motion and request for hearing, the court will conduct a hearing to determine whether the registered order should be confirmed. The party contesting the validity or enforcement of a registered order, or seeking to vacate the registration, has the burden of proving one or more of the defenses listed in R.C.3115.44.

Registration of a support order of another state does not vest this court with jurisdiction to enforce or modify parenting orders.

### **(D) Modification of a support order of another state**

A motion to modify a support order of another state may be filed at the same time as, or subsequent to, a request for registration. The motion must specify the grounds for modification.

Pursuant to R.C.3115.50, this court may modify a child support order if all individuals reside in this state and the child does not reside in the issuing state. Further, the court may modify a child support order of another state if the requisites of R.C.3115.48 are met.

**(E) Certification pursuant to R.C.3109.06**

Pursuant to R.C.3109.06, this court will accept certification from another court, other than a juvenile court, exercising jurisdiction regarding the allocation of parental rights and responsibilities for a minor child, or support of a minor child, when the child and the residential parent, or the child and either parent under a shared parenting plan, reside in Franklin County, and the allocation of parental rights and responsibilities is in controversy in the court currently exercising jurisdiction.

Effective November 1, 2004

## **RULE 33 CHILD SUPPORT, CASH MEDICAL SUPPORT AND HEALTH INSURANCE**

(A) In all cases involving the establishment or modification of an order for support of minor children, the order shall include provisions for all of the following:

(1) Which parent or party has accessible private health insurance available for the minor child(ren) at a reasonable cost, if any.

(2) For any period of time that private health insurance is in effect, the amount of monthly child support to be paid by the obligor and the allocation of uninsured extraordinary health care expenses.

(3) For any period of time that private health insurance is not in effect, the amount of monthly child support to be paid by the obligor, the amount of cash medical support to be paid by the obligor, and the allocation of uninsured extraordinary health care expenses in excess of amount paid for cash medical support.

(4) The effective date of the order.

(B) In the event the order includes a deviation from the child support guidelines and/or cash medical support, either by court order or by agreement of the parties, there shall be separate Findings of Fact and Conclusions of Law stating the following:

(1) The amount of child support and cash medical support calculated pursuant to the applicable child support worksheet;

(2) The specific reasons or circumstances justifying the deviation;

(3) A finding that the amount of child support and/or cash medical support calculated pursuant to the guideline worksheet is unjust or inappropriate and not in the best interests of the child(ren), or, in the case of shared parenting, is also not in the best interest of one or both the parents;

(4) The amount of child support and/or cash medical support, if any, to be paid by the obligor to the obligee.

(C) No support order may contain a deviation, waiver, agreement or other provision for either party not to pay cash medical support during any period of time that cash medical support would be payable to the Office of Child Support because any child subject to the order is a Medicaid recipient unless the Ohio Department of Job and Family Services is joined as party to the action and expressly agrees to such a provision.

(D) Suggested Provisions

The following language will be applicable in most cases. It should be used as a template and may be modified to suit the circumstances of the particular case.

### **Health Care**

Mother  Father  Both Parents  Neither Parent  Legal Custodian  Other: \_\_\_\_\_  
\_\_\_\_\_ (check applicable person) has/have accessible private health insurance available to him/her/them at a reasonable cost.

Mother  Father  Both Parents  Neither Parent  Legal Custodian  Other: \_\_\_\_\_  
\_\_\_\_\_ (check applicable person) shall provide private health insurance for the benefit of the child(ren) for so long as the duty to support is in effect or until further order of the court.

**Monthly Child Support/Cash Medical Support**

The effective date of the support order is: \_\_\_\_\_ .

During any time on or after the effective date of this order that private health insurance is in effect, the following orders shall apply:

1. \_\_\_\_\_ shall pay child support of \$ \_\_\_\_\_ , per month, per child, for a total of \$ \_\_\_\_\_ per month, plus processing charge, pursuant to the child support worksheet.

2. \_\_\_\_\_ shall pay \_\_\_\_\_ % and \_\_\_\_\_ shall pay \_\_\_\_\_% of all extraordinary medical and other health care expenses for the child(ren), which are defined as uncovered medical and other health care expenses exceeding \$100.00 per child per calendar year.

During any time on or after the effective date of this order that private health insurance is not in effect, the following orders shall apply:

1. \_\_\_\_\_ shall pay child support of \$ \_\_\_\_\_ per month, per child, for a total of \$ \_\_\_\_\_ , per month, plus processing charge, and \$ \_\_\_\_\_ per month, per child, for a total of \$ \_\_\_\_\_ per month, in cash medical support, plus processing charge, pursuant to the child support worksheet.

2. \_\_\_\_\_ shall pay \_\_\_\_\_ % and \_\_\_\_\_ shall pay \_\_\_\_\_ % of all extraordinary medical and other health care expenses for the child(ren), which are defined as all medical and other health care expenses exceeding the amount paid by the obligor for cash medical support per calendar year.

**Deviations – Findings of Fact and Conclusions of Law**

Pursuant to the child support guidelines, \_\_\_\_\_ would have an obligation to pay child support of \$ \_\_\_\_\_ per month, per child, for a total of \$ \_\_\_\_\_ per month, and, if private health insurance were not in effect, cash medical support of \$ \_\_\_\_\_ per month, per child, for a total of \$ \_\_\_\_\_ per month.

However, the parties agree and the court so finds that the guideline amount of child support is unjust or inappropriate and not in the best interest of the child or, in the case of shared parenting, is also not in the best interest of the parties, for the following reasons: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Therefore, (Check applicable provision)

neither party shall pay child support to the other until further order of the court.

\_\_\_\_\_ shall pay child support of \$ \_\_\_\_\_ per month, per child, for a total of \$ \_\_\_\_\_ per month, plus processing charge.

The parties further agree and the court so finds that in the event that cash medical support becomes payable to the obligee under the child support guidelines, as determined by the court or the Child Support Enforcement Agency, the guideline amount of cash medical support shall not be paid, but cash medical support shall be ordered as follows:

not be paid to the obligee for the following reasons: \_\_\_\_\_

be paid to the obligee in the amount of \$ \_\_\_\_\_ per month, per child, for a total of \$ \_\_\_\_\_ per month, plus processing charge, for the following reasons: \_\_\_\_\_

In the event that cash medical support is payable to the Office of Child Support pursuant to R.C. 3119.30(D), \_\_\_\_\_ shall pay cash medical support of \$ \_\_\_\_\_ per month, per child, for a total of \$ \_\_\_\_\_ per month, plus processing charge.

Effective 1/1/09