

DOMESTIC RULE 22. MEDIATION

(A) Actions for divorce, annulment or legal separation

After service of summons in an action for divorce, annulment or legal separation involving the allocation of parental rights and responsibilities, 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.

(B) Post-decree motions to reallocate parental rights and responsibilities

Upon the filing of a motion to modify the allocation of parental rights and responsibilities, 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.

The court may waive participation in mediation screening if the parties have previously mediated the matters at issue.

(C) 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 the allocation of parental rights and responsibilities. However, parties may agree to mediate issues other than, or in addition to, the allocation of parental rights and responsibilities, with the approval of their respective counsel or pursuant to court order. 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.

Upon the conclusion of the mediation, the mediator shall notify Mediation Services if the parties reached an agreement on all or some issues. Agreements reached in mediation shall not be binding upon the parties until reviewed and approved by their counsel and the Court. Statements made during mediation are confidential and shall be considered compromise negotiations and not admissible as evidence pursuant to Evidence Rule 408. Mediators are not permitted to testify regarding the substance of the mediation negotiations, including but not limited to, cooperation or non-cooperation by the parties.

(D) Mediators

To be a court approved mediator for divorce, annulment, legal separation, post-decree and other cases involving the allocation of parental rights and responsibilities, a mediator should possess the following qualifications:

- 1) Completion of at least 12 hours of basic mediation training, 40 hours of specialized family and divorce mediation training and 12 hours of specialized domestic violence training for mediators.
- 2) Adherence to the Model Standards of Practice for Family and Divorce Mediation.
- 3) An undergraduate degree* and at least two years of professional experience with families. "Professional experience with families" includes counseling, casework, mediation, legal representation in family law matters, or equivalent experience as is satisfactory to the court.

*The undergraduate degree requirement may be waived by the court upon consideration of well-documented equivalent educational experience.

- 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.

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

DOMESTIC RULE 34. APPEALS FROM MAGISTRATE'S ORDERS

Magistrates may issue orders as provided by Ohio Civil Rule 53. Parties may appeal a magistrate's order by filing a motion to set aside the order, which shall be heard by a Judge. Parties shall not file a motion to set aside temporary orders issued pursuant to Ohio Civil Rule 75(N) prior to the Magistrate conducting an oral hearing pursuant to Ohio Civil Rule 75(N)(2).

Amended, eff. 11/1/04

DOMESTIC RULE 36 REGISTRATION OF ORDERS FROM ANOTHER STATE; CERTIFICATION TO JUVENILE COURT

(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 to Juvenile Court

Pursuant to R.C.3109.06, this court, when exercising jurisdiction regarding the allocation of parental rights and responsibilities for a minor child, or regarding support of a minor child, may, on its own motion or the motion of any party, and with the consent of the juvenile court, certify the record in the case to the juvenile court for further proceedings. However, in cases in which this court finds the parents unsuitable to have parental rights and responsibilities, and unsuitable to provide the place of residence and to be the legal custodian of a child, the consent of the juvenile court is not required. Upon certification, the juvenile court shall have exclusive jurisdiction.

Effective November 1, 2004