

FRANKLIN COUNTY
RULES OF PRACTICE OF THE COURT OF
COMMON PLEAS
Domestic Relations Division
Effective July 1, 1984
unless otherwise noted

DOMESTIC RULES

Rule

1. Duty Judge
2. Security for costs
3. Case Management
4. Assignment of cases for trial
5. Hearing
6. Witnesses ; Use of depositions in court proceedings
7. Investigations
8. Magistrate hearings
9. Objections to decisions of Magistrate
10. Petitions for dissolution
11. Pleadings
12. Entries
13. Motions
14. Broadcasting, televising, recording and photographing by news media
15. Guardian ad Litem
16. Termination of inactive cases
17. Financial disclosure affidavit required at time of filing
18. Required language
19. Photographic Identification
20. Support payments through Ohio Child Support Payment Central;
Application for IV-D Services
21. Child support worksheets
22. Mediation
23. Child support and spousal support modifications
24. Health insurance disclosure affidavit
25. Assignment of cases
26. Seminar for separating parents
27. Model parenting time schedule
28. Service of process in divorce, annulment, or legal separation
29. Court Records Management and Retention
30. Work Release Program
31. Forms
32. Court Security
33. Service Members' Civil Relief Act
34. Appeals From Magistrate Orders
35. Admission of Out-Of-State Attorneys
36. Registration of Orders from Another State; Certification to Juvenile Court

RULE 1. Duty Judge

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

In addition to a regular docket, the "Duty Judge" shall be responsible for civil protection orders, bond hearings, other unclassified business of the Court, and shall act for any other Judge who is not available.

(Amended, eff 7/1/85, eff 7/1/93, eff 7/1/99)

RULE 2. Security for costs

To Institute Action

In all actions for dissolution, divorce, legal separation, or annulment, with or without minor children, the party instituting the action shall deposit with the Clerk the sum of \$175.00 as security for costs.

Counter-Claims

In all counter-claims for divorce, annulment or legal separation the party instituting the counter-claim shall deposit with the Clerk the sum of \$28.00 as security for costs.

Post Judgment Motions

In all post judgment motions requesting modification, vacation or enforcement of the existing judgment, decree or order, including motions for lump-sum judgment, the party instituting such motion shall deposit with the Clerk the sum of \$150.00 as security for costs. No additional deposit shall be required for the custody investigation, and no deposit for security for costs shall be required for motions to enforce a suspended jail sentence.

Publication

A party requesting service by publication shall deposit with the Clerk an amount equal to the current minimum rate for publication in addition to the other regular costs.

Personal Service

A party requesting personal service within Franklin County shall deposit with the Clerk the sum of \$30.00; if the personal service is outside of Franklin County, the sum of \$75.00 in addition to the other regular costs.

Witness Fees

The party subpoenaing witnesses shall post with the Clerk the sum of \$6.00 per witness within Franklin County; for each witness outside Franklin County, a deposit of \$12.00 per witness plus mileage and a deposit of \$75.00 for the foreign Sheriff's service.

Court Reporter Costs

In all matters in which a Court Reporter is present to make a record of the proceedings a deposit of \$25.00 shall be posted prior to the commencement of such proceedings by the party so requesting the presence of the Court Reporter or by such other party as the Court may so direct, and an additional \$25.00 shall be posted prior to each subsequent day of the proceeding. This deposit may be waived only by the consent of the Judge or Magistrate presiding in such proceedings.

Inability Affidavits

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.

Fees for Computer Research and Services

(A) Pursuant to the authority of R.C.2301.031(A) it is determined that, for the efficient operation of the Domestic Relations Division and Juvenile Branch of this Court 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 this Court in procuring and maintaining computerized legal research services.

(B) Pursuant to the authority of R.C.2301.201(B)(1) it is determined that, for the efficient operation of the Domestic Relations Division of this Court, 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 Court of Common Pleas and subject to appropriation by the Board of County Commissioners, in an amount no greater than the actual cost of the court of procuring and maintaining computer systems for the office of the Clerk of Court of Common Pleas.

(Amended, eff. 1/1/85; 4/15/85; 7/1/85; 1/15/86; 1/1/87; 7/1/90; 1/25/93; 6/10/96; 2/10/97; 2/9/98; 7/1/99; 8/1/04)

RULE 3 CASE MANAGEMENT

(A) PURPOSE

Pursuant to Rule 5(B)(1) of the Rules of Superintendence for the Courts of Ohio, this rule is promulgated to establish a domestic relations case management system which will provide for the prompt, fair, and timely disposal of all cases and motions before the court.

(B) MAGISTRATE STATUS CONFERENCE

Upon request of either party or the magistrate, the assigned magistrate may conduct a status conference in actions for divorce, legal separation, and annulment. The status conference shall be scheduled as directed by the magistrate, and the requesting party shall give notice of the status conference to the opposing party. At the status conference the parties shall attempt to reach an amicable settlement of all issues in controversy, and in the event settlement is not possible, to expedite proceedings in the action. At the status conference attorneys and parties shall be prepared to:

1. Narrow the legal issues in controversy;
2. Agree to a voluntary partial or complete discovery schedule;
3. Select court appointed experts and/or Guardian ad Litem;
4. Advise the Court of the time needed to submit affidavits in support of temporary orders;
5. Determine whether a referral to Family Assessment or Mediation Services is necessary for mediation or a home investigation.

After the status conference the magistrate may issue a status conference order or other scheduling order.

(C) PRE-TRIAL CONFERENCES

In all actions for divorce, annulment or legal separation either party, on the filing of a written request, shall have the right to have a pre-trial. Upon the filing of an answer, a Judge, in his/her discretion, may cause a pre-trial to be scheduled.

The time and date for the pre-trial shall be determined by the Assignment Commissioner who shall give notice of the pre-trial conference to counsel and pro se parties.

No later than seven days prior to each pre-trial, each party shall file and serve upon opposing counsel or pro se party, a completed, updated pretrial statement affidavit as promulgated by the Court. Failure to file and serve a completed statement/affidavit may result in sanctions which shall be within the discretion of the Judge.

At the pre-trial, the Judge may issue pre-trial orders and may schedule the case for another pre-trial, a final status conference, or trial. If either counsel or pro se party believes pre-trial orders

are necessary they shall prepare and submit a pre-trial order to the judge at the time of the pre-trial conference.

(D) ATTENDANCE AT STATUS OR PRE-TRIAL CONFERENCES

All counsel of record, including the Guardian ad Litem, and all parties except minor children, if within the jurisdiction of the Court, shall be present at any status or pre-trial conference, unless excused in advance by the Judge or Magistrate presiding over said conference. If a party is not within the jurisdiction of the court or has been excused by the court, that party shall provide his/her attorney with the telephone number at which (s)he may be reached during the conference.

Counsel attending a conference must have complete authority to discuss and settle, if possible, all issues involved in the case, and to enter into stipulations regarding unresolved issues.

Failure of an attorney to be prepared for a status or pre-trial conference, and failure of a party or attorney to appear, or to cooperate in good faith in the conduct of the conference, may result in dismissal of the pleadings of the defaulting party and may subject said attorney or party to any sanctions provided in Ohio Rule of Civil Procedure 37(D), including an award of expenses and/or attorney fees to any party prejudiced by such conduct.

Any agreement reached shall be immediately reduced to writing, signed by both parties and their counsel and shall be filed with the Court and shall be binding on all parties in any subsequent hearing on the case.

(E) FINAL STATUS CONFERENCE

The final status conference shall be scheduled no less than seven days in advance of the trial. The time and date for the final status conference shall be determined by the Assignment Commissioner who shall give notice of the final status conference to counsel and pro se parties.

All attorneys of record including the Guardian ad Litem, and all parties except minor children, shall be present for the final status conference. At the final status conference attorneys and parties shall prepare written stipulations regarding all issues not in controversy and exchange trial notebooks. Each counsel shall submit a trial notebook to the court which shall be bound and contain:

1. Copies of all exhibits that party intends to introduce at court, complete with an index;
2. Copies of all joint exhibits the parties intend to introduce;
3. Copies of reports from all experts that party intends to call as a witness, including but not limited to valuations, appraisals, medical and psychological reports, and vocational evaluations;
4. A list of all witnesses that party intends to call to testify;
5. A spreadsheet identifying separate and marital assets and liabilities accompanied by a proposed distribution of said assets and liabilities; and
6. Proposed child support guideline worksheets, withholding orders and instructions for service;

At the final status conference all original exhibits shall be marked for trial but retained by counsel. Plaintiff's exhibits shall be marked with numbers and Defendant's exhibits shall be marked with letters.

(F) ASSIGNMENT AND SCHEDULING OF TRIALS AND MOTIONS

(1) Cases will be assigned and scheduled in accordance with Local Rules 4, 19, and 25. It is the intent of the Court that cases are to be resolved within the time guidelines set forth by the Supreme Court of Ohio, which are as follows:

One Month	Domestic Violence
Nine Months	Modification of Parental Rights and Responsibilities Visitation Enforcement / Modification
Twelve Months	Terminations of Marriage Without Children Support Enforcement / Modification
Eighteen Months	Terminations of Marriage With Children

Unless otherwise determined by pre-trial order, discovery shall be completed no later than forty weeks after the filing of the complaint in cases involving termination of marriage.

To comply with 3125.58 of the Ohio Revised Code all actions for support for a child or spouse shall be docketed and heard so that the time limits set forth in 3125.58 of the Ohio Revised Code can be met and priority shall be given to such cases for this purpose.

(2) Uncontested Hearings: Pursuant to Ohio Rule of Civil Procedure 75(K), no action for divorce, legal separation or annulment may be heard and decided until the expiration of 42 days after service of process. In all proceedings which are uncontested due to the Defendant's failure to file an answer, Plaintiff shall submit a proposed judgment entry together with findings of fact if statutorily required to the Court at the time of trial.

(3) Dissolutions: Pursuant to O.R.C.3105.64, petitions for dissolution of marriage shall be scheduled for hearing not less than thirty days nor more than ninety days after the filing of the petition for dissolution of marriage.

(4) Motions: Motions for temporary orders shall proceed in accordance with Local Rule 13(A) and (B). All other motions shall proceed in accordance with Local Rule 13(C) and (D).

(5) Mediation: Mediation shall proceed as provided in Local Rule 22.

(G) CONTINUANCES OR ADVANCEMENT

All motions for continuance or advancement must be on a form promulgated by the court and must:

1. State the reason for the request, and if the request is being made due to a conflict with another case, contain the name, case number, type of case (civil or criminal), name of the Judge and

county where the case is scheduled, and the date and time the case is assigned for trial. A copy of the scheduling notice should be attached to the request;

2. Contain the filing date of the case or pending motion;
3. State the number of times the case or motion has been continued;
4. Reflect the approval of opposing counsel or pro se party unless otherwise excused by the judge or magistrate. If the opposing counsel or pro se party does not consent to the continuance a conference shall be scheduled with the assigned judge or magistrate to resolve the continuance motion. **No case may be continued by agreement of counsel or the parties without permission of the assigned judge or magistrate.**

(H) FINDINGS OF FACT AND CONCLUSIONS OF LAW

A party requesting findings of fact and conclusions of law pursuant to Ohio Civil Rule 52, Ohio Civil Rule 53(E)(2) or Ohio Juvenile Rule 40(E)(2) shall serve a copy of the request on the opposing party and deliver a copy of the request to the judge or magistrate to whom the request is directed. If findings of fact and conclusions of law are requested by a party, the judge or magistrate to whom the request is directed may order the parties to submit proposed findings of fact and conclusions of law within a reasonable time after the conclusion of the proceedings. Upon being so ordered, if a party who requested findings of fact and conclusions of law fails to submit proposed findings of fact and conclusions of law as ordered, the judge or magistrate may deem the request for findings of fact and conclusions of law to be waived and enter a decision and entry accordingly, as if no request for findings of fact and conclusions of law was made.

(I) WITHDRAWAL OF TRIAL ATTORNEY

An attorney requesting to withdraw from representation of a client shall file a motion to withdraw stating the reasons for withdrawal. The motion shall include the last current address of the client and certification that the following have occurred:

- a. notice has been given to the client advising the client of all orders and all upcoming assignment dates affecting the client;
- b. notice has been given to all counsel, or if unrepresented, to the parties.

The attorney shall serve the motion to withdraw from representation on the client and all parties or their counsel.

No attorney shall be permitted to withdraw from a case later than 20 days prior to hearing except for extraordinary circumstances. If a case is scheduled for hearing before a magistrate, the request to withdraw should be approved by the assigned magistrate prior to being submitted to the assigned judge.

(Amended, eff 7/1/85, eff 8/2/90, eff 7/1/93, 7/1/99; 8/1/04)

RULE 4. Assignment of cases for trial

The Assignment Commissioner shall schedule the initial trial assignment in contested actions for divorce, legal separation or annulment in numerical order. Such cases shall not be assigned for trial in advance of their numerical order.

All uncontested actions for divorce, legal separation or annulment shall be assigned for trial by the Assignment Commissioner upon the request of the party or attorney for the party, but shall not be assigned for trial prior to the time specified in Ohio Civil Rule 75(K).

Amended eff. 8/1/04

RULE 5. Hearing

No action for dissolution, divorce, annulment or legal separation may be heard until the parties have resided separate and apart for at least thirty days. In actions for divorce, legal separation or annulment, in the discretion of the Judge to whom such case has been assigned, this period of time may be waived.

Amended, eff. 8/1/04

RULE 6. Witnesses; Use of depositions in court proceedings

In actions for divorce, annulment or legal separation, only one corroborating witness, who may be a party and who has personal knowledge of the facts that constitute grounds for the action, shall be required.

Pursuant to Ohio Civil Rule 32, 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, eff. 8/1/04

RULE 7. Investigations

Any party may request a social investigation concerning the best interests of any child or children in contested actions for dissolution, divorce, annulment or legal separation in which the parties have been approved for mediation pursuant to Rule 22 and the parties either elect not to attempt mediation or mediation is completed without resolution of the custody or visitation dispute. If ordered, the social investigation will be conducted by the Family Assessment Department.

(Amended, eff 1/14/94; 8/1/04)

RULE 8. Magistrate hearings

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

A. PRE-DECREE MOTIONS

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

B. FINAL HEARINGS

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

C. POST-DECREE MOTIONS

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

D. CONTEMPT AND DISCOVERY MOTIONS

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

E. CSEA HEARINGS

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

F. MATTERS FROM THE JUVENILE BRANCH

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

G. OTHER MATTERS

All other matters referred by a judge.

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

RULE 9. Objections to decisions of magistrate

Unless otherwise provided by law, a complete record of all testimony or other oral proceedings before a magistrate shall be taken in shorthand, stenotype, or by any other adequate mechanical or electronic recording device as prescribed by the Court.

A decision of a Domestic Magistrate may be reviewed by the assigned Judge of this Court by filing an objection in accordance with Rule 53 of the Ohio Rules of Civil Procedure with the Clerk and giving notice to the opposing party or his attorney of the date on which the matter is to be heard or submitted for decision.

The objection should be accompanied by supporting memorandum. If a finding of fact or weight of the evidence is part or all of the basis for objection, a transcript of the testimony is necessary to support the objection to the Magistrate's decision and must be filed with the Court.

The request and deposit for said transcript shall be submitted to the proper court reporter 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 arrange for payment to the proper official Court Reporter. An advance deposit shall be posted with the Court Reporter by the ordering counsel or party, with the balance due prior to delivery of a copy or the filing of an original with the Court.

All original transcripts shall be filed by the Official Court Reporter 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 shall be submitted to the Court and supported by affidavit for authorization by the Court prior to the Court Reporter's commencement of the transcribing.

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

Memoranda contra objections may be filed by any party within ten (10) days of the filing of said objections.

The reviewing Judge shall be the Judge assigned to the case or motion. The objecting party, upon filing the objections, shall obtain the information as to the assigned Judge, set the matter for hearing before that Judge and notify the other side of the hearing date.

(Amended, eff 3/1/88; 7/1/90; 7/1/93; 7/1/95; 7/1/99; 8/1/04)

RULE 10. Petitions for dissolution

All petitions for dissolution shall be filed in triplicate if there are minor children born during the marriage or if the petition requests establishment of the father and child relationship; and in duplicate if there are no minor children born during the marriage and the petition does not request establishment of the father and child relationship.

Amended, eff. 8/1/04

RULE 11. PLEADINGS

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 typed on letter size paper, approximately 8 ½" x 11", in no less than 12 point font.

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)

Further, all Separation Agreements filed with the Court must be on a separate paper (not included in the body of the pleadings) and styled as Separation Agreement.

Upon the filing of an action for divorce, dissolution, legal separation, annulment, or any post-decree motion, except motions for continuance, the party so filing shall file a certificate stating whether the action has or has not been previously filed and dismissed or withdrawn. If the action was previously filed and dismissed or withdrawn, the party shall state the Judge or Magistrate to whom the case was assigned, and the case number of the previous case. If another motion is currently pending, the party shall state the Judge or Magistrate to whom the motion is assigned.

The Clerk of this Court may refuse to receive for filing any pleadings which do not conform to this rule.

(Amended, eff 1/1/90; 7/1/93; 7/1/95; 7/1/99; 8/1/04)

RULE 12. ENTRIES

Unless subject to the Uniform Judgment Entry form(s) promulgated by the 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.

(Amended, eff 8/1/87; 3/1/88; 7/1/95; 7/1/99; 7/1/04)

RULE 13. MOTIONS

(A) Motions for temporary orders based on affidavits may contain multiple requests for relief. Motions for contempt may contain additional requests for attorney fees and reducing 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.

(B) Either party may submit financial and narrative affidavits in support of a motion for temporary orders. Narrative affidavits regarding the allocation of parental rights and responsibilities shall not exceed an aggregate of twenty-five pages, excluding exhibits. Affidavits may not be submitted as exhibits.

All information contained in a financial affidavit must be accurate. Any information that is estimated must be clearly identified. Omitted, incomplete or inaccurate financial information may result in the court refusing to enter temporary support orders, or retroactive modification/termination of temporary orders issued based upon such information.

Once the court has issued temporary orders based upon the affidavits of the parties, either party may request an oral hearing pursuant to Ohio Civil Rule 75(N)(2). At the oral hearing to determine the temporary allocation of parental rights and responsibilities, the magistrate may limit the number and presentation of witnesses with the approval of the assigned judge.

(C) All requests for relief from judgment pursuant to Ohio Civil Rule 60(B), shall be made by motion and shall comply with Ohio Civil Rule 7(B). The motion shall be supported by relevant materials which demonstrate:

- (1) The party has a meritorious defense or claim to present if relief is granted;
- (2) The party is entitled to relief under one of the grounds stated in Civil Rule 60(B)(1) through (5); and
- (3) The timeliness of the motion.

The moving party shall file a memorandum of fact and law and may include affidavits, transcripts, depositions, answers to interrogatories, exhibits, and other relevant documentary materials. A copy of the motion and all materials filed in support of the motion for relief from judgment shall be served on the opposing party and a copy delivered to the Court's Bailiff.

The opposing party may file a brief or memorandum and supporting materials within twenty-one days after service of the motion. The opposing party shall serve a copy of the brief or memorandum and supporting materials on the moving party and shall deliver a copy to the Court's Bailiff.

Motions requesting relief from judgment which are based on lack of service or lack of jurisdiction, shall be scheduled for hearing. Motions requesting relief from judgment which do not involve lack of service or lack of jurisdiction will be reviewed by the court and scheduled for hearing if the materials submitted allege operative facts which, if proven, would warrant relief from judgment. All other motions for relief from judgment will be determined without oral argument.

(D) Except for motions for relief from judgment filed pursuant to Civil Rule 60(B) which shall be scheduled for hearing by the court as provided in Local Rule 13(C), the attorney shall request a hearing date at the time of filing all motions, whether to be heard orally, on affidavit or memorandum only. A Judge or Magistrate may waive this Rule for good cause shown.

(E) Post-decree motions requesting ex parte orders that affect children are discouraged. However, the court will issue such orders only where it is shown that irreparable harm will occur to the child unless immediate action is taken, and the moving party has also filed and scheduled for hearing a motion requesting the reallocation of parental rights and responsibilities. Such motions for ex parte orders shall have supporting affidavits that clearly delineate the expected harm. Any ex parte order for a change in the residential parent status shall include a provision for immediate notice of the ex parte order to the legal custodian or the residential parent.

(Amended eff. 1/15/89, 3/11/94, 7/1/95; 2/9/98; 8/1/04)

RULE 14. 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 and Superintendence Rule 12.

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 15. GUARDIAN AD LITEM

(A) Eligibility

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 be eligible, attorneys shall attend a three-hour training program concentrating solely on the duties of a Guardian ad Litem. Attending an Ohio approved Continuing Legal Education course on the subject of Guardians ad Litem or viewing a video of such shall automatically qualify for eligibility. Other equivalent training may be approved by the Domestic Administrative Magistrate. Upon completion, a letter verifying completion and requesting placement on the list shall be sent to the Domestic Administrative Magistrate. In sending this letter 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.

(B) 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.

Counsel for the party requesting the Guardian ad Litem shall be required to notify the assignment commissioner of said appointment. The Assignment Commissioner and all counsel shall notify the Guardian ad Litem of all proceedings. 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 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.

(C) 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. 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.

Additional sums may be ordered and apportioned to the respective parties upon the Court's

own motion or motion of the Guardian ad Litem, who may submit to the Court a request for an additional deposit, or a monthly affidavit of fees for approval and an order regarding payment of said deposit/fees. Said request shall be served on the parties, or their counsel if they are represented, and if there is no objection, an order regarding payments of said deposit/fees may be issued after seven days.

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 may require additional deposits, and 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.

(D) Duties of the Guardian ad Litem

Upon appointment, the Attorney/Guardian ad Litem in every case should perform certain basic duties, identified below. The feasibility of some of the duties will depend upon the age(s) of the children and the specific circumstances of each case. Therefore, it is within the discretion of the Guardian ad Litem to tailor each to the facts of the individual case.

- a. Interview the children and observe each parent with the child(ren);
- b. Review pleadings and consult with each attorney as to position and issues;
- c. Investigate all significant persons and interview independently;
- d. Obtain records e.g., school, criminal, medical, psychological, child protective agency;
- e. Perform home visits (this may be combined with the interview process);
- f. Evaluate the necessity, if any, of psychological evaluations or counseling; and file a motion requesting the same;
- g. Communicate with the Family Assessment worker;
- h. Attend all depositions concerning the best interest of the child(ren)/incompetent.
- i. 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.

(E) 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.

(F) Reports and Court Appearances

The Guardian ad Litem may prepare and file written reports detailing observations and recommendations on both an interim basis and at the conclusion of hearing, 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's recommendation.

(G) Filing Fees and Court Costs

All filing fees and court costs are waived as to Guardians ad Litem.

(H) 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 litigation, the Attorney/Guardian ad Litem shall prepare an entry withdrawing as the Guardian ad Litem and dismissing the child(ren) as parties.

Motions to remove a Guardian ad Litem shall be scheduled for hearing before the assigned judge or magistrate.

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

**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:

- (DR RULE 15) making (him, her, them) party(ies) defendant in this action and appointing a Guardian ad Litem
- (JU RULE 27) appointing an attorney in the dual capacity of Guardian ad Litem and attorney.

It is therefore ORDERED and ADJUDGED that _____ be appointed:

- (DR RULE 15) Guardian ad Litem for _____, who is/are designated party(ies) defendant to this action.
- (JU RULE 27) 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.

Additional sums may be ordered and apportioned to the respective parties upon the Court's own motion or motion of the Guardian ad Litem, who may submit to the Court a request for an additional deposit, or a monthly affidavit of fees for approval and an order regarding payment of said deposit/fees. Said request shall be served on the parties, or their counsel if they are represented, and if there is no objection, an order regarding payments of said deposit/fees may be issued after seven days.

The Court retains jurisdiction to reallocate the above costs along with all costs of the proceedings, 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 and shall appear at all hearings or proceedings scheduled in this cause and assure proper representation of the child(ren)'s best interest at said hearing.
5. The Guardian ad Litem fees are in the nature of child support for the purposes of dischargeability in bankruptcy.
6. 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.

JUDGE / MAGISTRATE

cc:

Counsel for Plaintiff/attorney code

Counsel for Defendant/attorney code

Guardian ad Litem/attorney code

Judge's assignment commissioner

RULE 16. Termination of inactive cases

An inactive case is a case which has been on the docket for six months and which (1) has not been tried, (2) is not awaiting trial assignment, and (3) is not stayed by order of the Judge to whom the case is assigned. Inactive cases shall be set for hearing to be tried or dismissed after written notice to counsel of record for failure to proceed, unless good cause is shown to the contrary.

RULE 17. Financial disclosure affidavit required at time of filing

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

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

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

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

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

RULE 18. Required language

(A) All Divorce Decrees, Dissolution Decrees, Legal Separation Decrees and any other order which contains an order of support for children or an order for support of the children and a spouse shall contain the following notice which shall be in boldfaced 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.

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

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 the notices required by this rule to be sent to the Franklin County Child Support Enforcement Agency, 80 East Fulton, Columbus, Ohio 43215.

(C) All Divorce Decrees, Dissolution Decrees, Legal Separation Decrees and any other order which contains 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.

(D) All Divorce Decrees, Dissolution Decrees, Legal Separation Decrees, Shared Parenting Decrees, and any other order allocating parental rights 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.

(E) This Court has promulgated forms to meet the requirements of the Ohio Revised Code and United States Code regarding entries and notices which must accompany any order for support. Complainants and/or movants for child support orders shall complete and submit proposed worksheets, child support orders, notices and instructions for service as required by Section 3121.03 prior to adjournment of the hearing wherein an order for support is entered.

(Effective 1/1/87; amended, eff 8/1/87; 3/1/88; 7/1/90; 7/1/93; 2/9/98; 7/1/99; 8/1/04)

RULE 19. PHOTOGRAPHIC IDENTIFICATION

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

Effective October 1, 2004

RULE 20. Support payments through Ohio Child Support Payment Central; Application for IV-D Services

To comply with the mandates of the Ohio Revised Code all child support orders issued after the effective date of these Rules shall be made through the Ohio Child Support Payment Central, P.O. Box 182372, Columbus, Ohio 43218-2373 and this Rule shall act as a Court Order if such language is not specifically in any decree or judgment entry of this Court.

Whenever a child 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.

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.

(Effective 1/1/87; amended eff. 3/1/88; 7/1/90; 7/1/93; 6/16/94; 7/1/99; 8/1/04)

RULE 21. Child support worksheets

A. Dissolution of marriage and Uncontested divorces

Child support worksheets, as prescribed by the Ohio Revised Code, shall be filed with any petition for dissolution of marriage or any request for assignment of an uncontested divorce hearing in which there are minor or otherwise unemancipated children who are issue of the marriage. If the child support provided for in the separation agreement filed with the petition for dissolution or the proposed judgment entry decree of divorce deviates from the child support guidelines, the proposed judgment entry or decree of dissolution shall contain or have attached, 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.

B. Contested divorces

Child support worksheets, as prescribed by the Ohio Revised Code, shall be filed jointly by the parties on or before the date of pretrial of any contested divorce, if assigned for pretrial, or on or before the date of hearing, in any case in which there are minor or otherwise unemancipated children who are issue of the marriage. If the parties are unable to agree on the proper completion of the worksheets, each shall file a proposed worksheet at the time set forth in this rule.

C. Temporary Child Support, Motions to Modify Child Support and All Other Actions in Which Child Support is an Issue

Proposed child support worksheets shall be filed by each party at or prior to the hearing before the magistrate of motions for temporary child support along with other affidavits, memoranda or documents in support of or in opposition to the motions. For post decree motions, and in all other actions in which child support is an issue, whether in the Domestic or Juvenile Branches, the worksheets and other verification shall be filed on or before the date of the hearing before the magistrate.

(Effective 10/1/87; Amended, eff 7/1/90; 7/1/99; 8/1/04)

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)

RULE 23. CHILD SUPPORT AND SPOUSAL SUPPORT MODIFICATIONS

Upon the filing of a motion requesting modification of an existing child support or spousal support order based upon a change of financial circumstances, each party shall file an affidavit setting forth their current and past income and personal earnings. If either party seeks modification of a spousal support order or deviation from the amount of child support calculated pursuant to the basic child support schedule and applicable worksheet, each party shall include in their affidavit a list of their current and past itemized expenses, and if that party has remarried his / her spouse's current income. All information contained in the affidavit must be accurate. Any information that is estimated must be clearly identified. Blank spaces or "N/A" are unacceptable responses. Failure to timely submit an accurate affidavit may result in dismissal of the motion to modify.

If a party seeks to modify an alimony order entered in a divorce or dissolution on or after May 2, 1986, or a spousal support order entered in a divorce or dissolution on or after January 1, 1991, that party shall aver in his / her affidavit that the divorce decree or separation agreement incorporated into the divorce or dissolution decree, contains a provision specifically authorizing the court to modify the amount or terms of alimony or spousal support.

The affidavit of the moving party shall accompany the motion when filed. The affidavit of the responding party shall be filed and served on the opposing party or counsel not less than fourteen days prior to hearing. The affidavits filed pursuant to this rule shall be on the form authorized by the Court or in a format consistent therewith.

(Effective 1/1/90, Amended eff 7/1/95; 10/1/04)

RULE 24. Health Insurance Disclosure Affidavit

In any petition for Dissolution of a Marriage or complaint for Divorce or Legal Separation involving minor children, any complaint for custody, support, paternity, or motion for the establishment or modification of support or motion for health insurance coverage, or answer or counterclaim thereto, the pleading shall be accompanied by a completed Child Support Enforcement Agency Health Insurance Disclosure Affidavit, on a form prescribed by the Court. In any petition for custody and support in a domestic violence case, a completed Child Support Enforcement Agency Health Insurance Disclosure Affidavit, on a form prescribed by the Court, shall be completed and filed by petitioner as soon as possible after service on respondent, but in any event no later than final hearing on the petition.

(Effective 7/1/90; Amended eff. 7/1/99; 10/1/04)

RULE 25. 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 and magistrate. The second case filed shall be assigned to the same judge and magistrate.

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 to a case, the assigned Judge becomes primarily responsible for the determination of every issue and proceeding in the case until its termination. All preliminary matters, including requests for continuances, must be submitted for disposition to the Judge or Magistrate to whom the case 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 Civil Rule 53 or Local Rule 8. 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) Final hearings for divorce and dissolution, and motions directly related to such final hearings on the merits.
- b) Motions for a new trial or to vacate and set aside any matter heard and decided by a Judge.
- c) Final domestic violence hearings.

(Effective February 25, 1993; 10/1/04)

RULE 26. Seminar for Separating Parents

All parents in divorce, legal separation, or dissolution actions in which there are any minor children shall attend an educational seminar for separating parents sponsored by the court within 45 days before or after the filing of the action or service of process. No action shall proceed to final hearing until there has been compliance with this rule; provided, however, that non-compliance by a parent who enters no appearance and does not contest the action shall not delay the final hearing. This requirement may be waived by the court for good cause shown.

Each parent shall be responsible for registering at least one week prior to the seminar to be attended.

An informational brochure shall be included by the Clerk of Courts with service of process in each action for divorce or legal separation in which there are any minor children, and a copy shall be provided to counsel for delivery to the plaintiff. Counsel shall prepare and file an appropriate precipe with the Clerk of Courts. Counsel filing dissolution of marriage actions shall provide a copy of the brochure to both parents to the action.

Seminar attendance may also be required by order of the court in connection with motions for post-decree relief concerning the allocation of parental rights and responsibilities.

(Effective May 13, 1991; amended, effective 7/1/93)

RULE 27.

**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
-
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:

- 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.

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

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 28. Service of Process in a divorce, annulment, or legal separation.

In a divorce, annulment, or legal separation action, where publication service is perfected in accordance with Ohio Rule of Civil Procedure 4.4 (A) (2), the Clerk shall cause notices to be posted in a conspicuous place in the Franklin County Hall of Justice, all branches of the Auto Title Department, and the main lobby of the Franklin County Courthouse.

(Effective July 1, 1991; Amended eff. 10/1/04)

RULE 29. Court Records 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, 26th 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.

Effective July 1, 2004

Rule 30. Work Release Program

The Franklin County Domestic Relations 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 the work release program, is adopted and incorporated by reference herein.

(Amended effective 7/1/93; 10/1/04)

RULE 31. FORMS

The court shall from time to time promulgate standard forms for use in domestic 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 32 SECURITY

Pursuant to the Rule 9 of the Rules of Superintendence for Ohio Courts, the Court has implemented a local Security Policy and Procedure Plan which addresses the Ohio Court Security Standards adopted by the Supreme Court of Ohio on October 17, 1994.

All persons entering the Court shall pass through a magnetometer and have all packages large enough to conceal a weapon or dangerous ordnance pass through an x-ray machine. No weapons or other instrument, ordnance or device which may cause bodily harm will be permitted into Court, except that law enforcement officers acting within the scope of their employment as a witness or on official business shall be allowed to carry their official side arm. Law enforcement officers appearing for their own case will not be allowed to carry a weapon or dangerous ordnance into Court.

The Court has appointed a Local Court Security Advisory Committee consisting of: A Domestic Relations Court Judge, the Court Director, the Assistant Court Director for Legal Services, the Court Constable/Facility Manager, the Deputy Director for Detention Services, the County Administrator (or designee), the Director of Public Facilities Management (or designee), and the Sheriff's Chief Deputy for Court Services.

Effective July 1, 1995; Amended Eff. 7/1/99; 8/1/04

RULE 33. 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 10/1/04

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

RULE 35 ADMISSION OF OUT-OF-STATE ATTORNEYS

An attorney not licensed to practice law in the state of Ohio, but who is duly licensed to practice law in any other state or the District of Columbia, may, in the discretion of the Trial Judge, be permitted to represent a party or parties in any litigation pending or to be filed in this county after completion of all of the following conditions:

(A) File a written oath substantially in compliance with Rule I, Section 8A of the Rules for the Government of the Bar;

(B) Certify in writing that he or she has familiarized himself or herself with local Court rules and will familiarize himself or herself with the appropriate Civil, Juvenile, or Criminal Rules, the Rules of Evidence, and the Code of Professional Responsibility;

(C) Be sponsored in writing by an attorney licensed to practice law in the state of Ohio. The motion made by the licensed attorney shall certify such out-of-state counsel's compliance with this rule and the Rules for the Government of the Bar;

(D) The sponsoring attorney shall submit with the motion and certification an entry authorizing the approval of the motion; and

(E) The sponsoring attorney, or any other attorney licensed to practice law in the state of Ohio, shall be co-counsel with the attorney admitted pro hac vice.

The continuance of any scheduled trial or hearing date shall not be permitted solely because of the unavailability or inconvenience of the out-of-state counsel.

Effective 2/9/98; Amended Eff. 10/1/04

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