COURT OF COMMON PLEAS
RICHLAND COUNTY, OHIO
DIVISION OF DOMESTIC RELATIONS

RULES OF COURT

HEATHER M. COCKLEY, Judge

Effective January 1, 2020
as amended

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1.00	Application for Waiver of Advance Deposit of Court Costs
2.00	Request for Appointment of Counsel
3.00	Judgment Entry of Injunctions
4.00	Request for Temporary Orders
5.00	Financial Affidavit
6.00	Parenting Proceeding Affidavit
7.00	Contempt Notice
8.00	Request for Home Investigation
9.00	Medical Child Support Order
10.00	Health Care Expense Worksheet
11.00	Notice of Intent to Relocate
11.10	Waiver of Service and Hearing on Notice
11.20	Judgment Entry Permitting Service of Notice
11.30	Judgment Entry Prohibiting Service of Notice
12.00	Order for Paternity Testing
13.00	Waiver of Paternity Testing
14.00	Paternity Testing Information Form
15.00	Mandatory Language for Child Support – No Deviation
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17.00	Mediation Order
18.00	Richland County Children Services Board Certification of Formal Inquiry
19.00	Certification of Counsel
20.00	Personal Identifiers

*****A Title IV-D Application may be obtained by contacting the Richland County Child Support Enforcement Agency (419-774-5700).*****

Rule 1: JURISDICTION OF THE COURT

Pursuant to Ohio Revised Code Section 2301.03, the Judge of the Richland County Court of Common Pleas, Division of Domestic Relations shall be assigned and hear all divorce, dissolution of marriage, legal separation, and annulment cases, all domestic violence cases arising under Section 3113.31 of the Revised Code, and all post-decree proceedings arising from any case pertaining to any of those matters. The Division of Domestic Relations has concurrent jurisdiction with the Juvenile Division of the Court of Common Pleas of Richland County to determine the care, custody, or control of any child not a ward of another court of this State, and to hear and determine a request for an order for the support of any child if the request is not ancillary to an action for divorce, dissolution of marriage, annulment, or legal separation, a criminal or civil action involving an allegation of domestic violence, or an action for support brought under Chapter 3115 of the Revised Code. Except in cases that are subject to the exclusive original jurisdiction of the Juvenile Court, the Judge of the Division of Domestic Relations shall be assigned and hear all cases pertaining to paternity or parentage, the care, custody, or control of children, parenting time or visitation, child support, or the allocation of parental rights and responsibilities for the care of children, all proceedings arising under Chapter 3111 of the Revised Code, all proceedings arising under the uniform interstate family support act contained in Chapter 3115 of the Revised Code, and all post-decree proceedings arising from any case pertaining to any of those matters.

Rule 2: COURT COSTS AND DEPOSITS

A. **COST DEPOSIT:** Any party filing an action or claim in this Court shall deposit court costs at the time the pleadings are filed, unless the filing party is not required by law or court order to make such deposit. The Richland County Clerk of Courts shall publish a schedule of court costs, and all deposits shall be made in the amount specified in that schedule. The Clerk of Courts may refuse to file a party's pleadings if a cost deposit in the proper amount is not tendered with the pleadings.

B. **ADDITIONAL DEPOSITS:** The Court, in its discretion, may require additional deposits toward court costs.

C. **AFFIDAVIT OF INDIGENCY FOR COURT COSTS:** The Richland County Clerk of Courts shall accept any pleadings filed without a court cost deposit upon the filing of an Application for Waiver of Advance Deposit of Court Costs (Form 1.00), Financial Affidavit (Form 5.00), and an appropriate Affidavit of Indigency. **The filing of the same does not relieve a party from liability for court costs.** Nothing herein shall be construed to prevent the Court from requiring any other party to the action to make a sufficient deposit for costs, or from assessing costs to any party.

Rule 3: COMPLIANCE WITH THE RULES OF CIVIL PROCEDURE AND OHIO LAW

Unless otherwise provided under these Rules of Court, all documents filed with the Court shall comply, in form and content, with these Rules of Court, the Ohio Rules of Civil Procedure and Ohio law. If there is a conflict between these Rules and the Ohio Rules of Civil Procedure, the Ohio Rules of Civil Procedure shall control. Regardless of any reference to a statute of the State of Ohio in these Rules, all documents filed with the Court shall comply with the existing Ohio law.

Rule 4: REQUIREMENTS FOR COUNSEL OF RECORD AND *PRO SE* LITIGANTS

A. REGISTRATION: All Ohio attorneys practicing before this Court shall be registered with the Ohio Supreme Court and licensed in good standing.

B. OUT-OF-STATE ATTORNEYS: Any attorney who is admitted to the practice of law in another state, but not in Ohio, is not permitted to enter an appearance in any case before the Court unless first granted leave to do so by the Court.

C. WRITTEN APPEARANCE OF COUNSEL: Any qualified attorney retained in any case in this Court shall promptly enter a written appearance in the case as counsel of record. No attorney shall appear at a hearing, on behalf of a party, unless that attorney has first entered his or her written appearance as counsel of record for that party, or unless otherwise authorized by the Court.

D. WITHDRAWAL OF COUNSEL OF RECORD: Any attorney seeking to withdraw as counsel of record from a case shall file a written motion and submit a proposed judgment entry to the Court. The motion and proposed judgment entry shall state with particularity the reason(s) for the requested withdrawal of counsel. No attorney will be permitted to withdraw as counsel of record in the case unless any one of the following three (3) requirements is met:

1. **By Motion:** The motion contains an acknowledgment signed by the client that states as follows:

   a. the client understands the case will proceed according to the time schedule previously established by the Court, whether or not the client retains a new attorney;

   b. the client consents to the withdrawal of the attorney; and

   c. the address and telephone number where the client may be personally contacted by the Court.

2. **Substitution of New Counsel of Record:** There is substitution of new counsel for the client, served upon the counsel seeking to withdraw.

3. **At Hearing:** The Court conducts a hearing at which the client and the attorney seeking to withdraw are present, and the Court finds that there is good cause for the withdrawal.

E. PRO SE LITIGANTS: Nothing in these Rules shall be construed to prevent any party from representing himself or herself in any action before the Court. As used in these rules, "counsel" means the attorney of record for a particular party. Any reference to "counsel" shall fully apply to a party appearing *pro se* before the Court, unless clearly inapplicable. Any pleading, motion or other filing which is filed by a party appearing *pro se* shall contain the party's name, address and telephone number and be signed by that party pursuant to Ohio Civil Rule 11.

All litigants, whether *pro se* or represented by counsel, shall comply with these Rules of Court, the Ohio Rules of Civil Procedure, and Ohio law. In particular, all litigants shall provide instructions for service and complete service of process as required by law. The Court shall disregard any pleading that is filed without appropriate instructions for service or certification of service until such defect has been remedied.

Rule 5: COURT APPOINTMENTS

A. RIGHT TO COUNSEL: A party may be entitled to court appointed counsel in defending contempt actions and motions to impose.

Any party claiming to be indigent and desiring court appointed counsel shall file a Request for Appointment of Counsel with the Court within three (3) days of his or her receipt of the pleadings. The Request shall be accompanied by an accurate and fully completed Financial Affidavit, unless the party has already filed a Financial Affidavit with the Court within the preceding sixty (60) days. The Request and Financial Affidavit shall be filed on Form 2.00 and Form 5.00.

Upon receipt of the Request for Appointment of Counsel and the Financial Affidavit, the Court shall approve or deny the request. The Court reserves jurisdiction to order the party to pay the legal fees of court appointed counsel, if it is later discovered that the party was not eligible for appointed counsel.

B. COURT APPOINTED COUNSEL AND GUARDIANS AD LITEM: To qualify for appointment, an attorney must have a phone number where that attorney can be phoned by the Richland County client without a toll call, and an office where that attorney can meet locally with the client. Appointed counsel will not be reimbursed for travel time to and from another office to Richland County.

Court appointed counsel and guardians ad litem shall be selected from a list maintained by the Court of persons qualified to serve in the capacity designated by the Court. The appointments will be equitably distributed among all persons on the appointment list on a rotating basis. The Court may consider the skill and expertise of the appointee in the designated area of the appointment and the management by the appointee of his or her current caseload.

The Court maintains separate lists for court appointed counsel and court appointed guardians ad litem. All appointments made by the Court are reviewed periodically to ensure the equitable distribution of appointments among qualified persons on each list maintained by the Court.

Court appointed counsel shall make all requests for payment by completing the prescribed Ohio Public Defender Forms and submitting them to the Court within 30 days of the filing of the last entry of the case for which reimbursement is requested. The rate of compensation shall be that set by the Richland County Board of Commissioners.

Court appointed guardians ad litem shall make all requests for payment by submitting an appropriate motion and proposed judgment entry to the Court.

A current fee schedule can be obtained by contacting the Court.

Rule 6: PLEADINGS - GENERAL REQUIREMENTS

A. PAPER SIZE: All documents filed with the Court (including the Financial Affidavit) shall be typewritten or computer-generated on letter-size paper (approximately 8 ½" x 11"), and shall be securely stapled at the top left-hand corner and unfolded. All pages shall be numbered in the following format: "Page _____ of _____." The Court may grant exceptions to this rule for good cause shown.

B. MARGINS: All pleadings shall have a minimum 1½" margin at the top, a minimum ½" margin on the right edge, and a minimum 1" margin at all other edges, except as specifically permitted by these Rules.

C. CAPTIONS OF PLEADINGS:

1. **Initial Pleadings:** The caption at the top of the Complaint and any initial pleading in a post-decree action, in addition to stating the name of the Court and the County and State, shall state the following regarding each party:

   a. Name;

   b. Residence address of each party (unless otherwise permitted by the Court); and

   c. Date of birth.

2. **Subsequent Pleadings:** Pleadings filed subsequent to any initial pleading shall state the case number, the names, and party status (i.e., Plaintiff, etc.) of each party.

3. **Retention of Caption:** Once a case is filed with the Clerk of Courts, the case shall retain that caption. Any subsequent pleadings shall continue to be captioned as in the original complaint. If a party's name changes from that contained in the original complaint, that party's original name and new name (listed as "nka") shall be listed in the caption.

4. **Judge's Name:** All pleadings shall contain the Judge's name in the caption.

D. SPACE FOR TIME-STAMP: Every pleading filed with the Court shall contain sufficient space in the caption for the time-stamp.

E. ATTORNEY/PARTY INFORMATION: All pleadings shall contain the name, address, telephone number and registration number of the attorney filing the pleading. If the party is appearing *pro se* in the action, the pleading shall contain the party's name, address and telephone number.

F. PLEADING REQUIREMENTS: When these Rules specify that certain pleadings or forms are to be simultaneously filed, all of those pleadings or forms must be filed together or the Court may refuse to permit the documents to be filed. All documents must be accurately and fully completed, in typewritten or computer-generated form, or the Court may refuse to permit the documents to be filed. Financial Affidavits must be accurate and fully complete, have all required documentation attached, and be checked for mathematical accuracy prior to filing. All pleadings which require a notarized signature shall be notarized prior to filing. Documents which do not comply with this Rule will be noted by the Court, in which case the Court will notify counsel that the papers must be corrected.

G. DELIVERY OF PLEADINGS FOR FILING: Pursuant to Civil Rule 5(E), all pleadings shall be filed with the Clerk of Courts. A time-stamped date shall be placed thereon by the Clerk of Courts.

H. **COPIES OF PLEADINGS:**

1. **Number of Copies:** The party responsible for providing pleadings or documents to the Court shall make sufficient copies of all pleadings, which shall (at a minimum) include sufficient copies for service of process and a copy for CSEA in any support-related proceeding. Copies to be mailed shall be accompanied with an envelope addressed to each person to receive a copy of the pleading or document. It shall be sufficient service or delivery by the Court or its Clerk to any attorney who maintains a law office within the City of Mansfield, Ohio, for any employee or official of this Court or of the Clerk of this Court to place a copy of the document or other paper in the attorney's mailbox maintained in the office of the Clerk of the Richland County Common Pleas Court. Any such service or delivery shall be deemed effective two (2) business days after the date the document or other paper is placed in that mailbox. Business days are all days other than Saturdays, Sundays, or legal holidays observed by the State of Ohio.

2. **Grouping Copies:** When multiple pleadings or documents are transmitted to the Court at the same time, the original and all copies of each pleading shall be grouped together. For example, when transmitting a motion and judgment entry together, the original and all copies of the motion shall be grouped together, and the original and all copies of the judgment entry shall be grouped together.

3. **Signatures on Copies:** On any copy where the Judge/Magistrate is asked to sign the original, such signature shall be typed "/s/" with the signer's name.

4. **Instructions for Service:** All pleadings to be served shall be accompanied with "Instructions for Service," so labeled, and shall designate each party and each attorney to whom a copy of the pleading is to be served by the Clerk of Court and by what method as authorized by the Ohio Civil Rules.

   All litigants shall provide instructions for service and complete service of process as required by law. The Court shall disregard any pleading that is filed without appropriate instructions for service or certification of service until such defect has been remedied.

I. **PERSONAL IDENTIFIERS:** No pleading shall contain personal identifiers (e.g., SSN; financial account numbers; credit card numbers; a juvenile's name in an abuse, neglect or dependency case).

Personal identifiers, as provided herein, shall be filed on a separate document. (Form 20.00)

Rule 7: POSTING OF NOTICES FOR SERVICE BY PUBLICATION

Whenever a plaintiff proceeding *in forma pauperis* in a divorce, annulment or legal separation action requests service by publication, via posting and mailing as provided in Ohio Civil Rule 4.4(A)(2), the plaintiff shall file an affidavit regarding lack of knowledge of the defendant's current address as provided in that rule. Pursuant to Ohio Civil Rule 4.4(A)(2), the Court designates the Clerk of Courts as the person responsible for accomplishing posting of notices for service by publication. Notices shall be posted in a conspicuous location near the main entrance to the following buildings:

Richland County Administration Building and Courthouse;
Mansfield City Administration Building; and
Richland County Department of Human Services.

The notice that is posted shall contain the same information required in a newspaper publication pursuant to Division (A)(1) of Ohio Civil Rule 4.4. The notice shall be posted in the required locations for six (6) consecutive weeks. The Clerk of Courts shall comply with all other requirements of Civil Rule 4.4(A)(2) with regard to mailing the complaint and summons to the defendant's last known address, and shall properly note service of process upon the docket of this Court.

Rule 8: MAGISTRATES

A. MAGISTRATE'S AUTHORITY: All Magistrates appointed by this Court shall have full authority pursuant to the provisions of Rules 53 and 75 of the Ohio Rules of Civil Procedure in any action pending before this Court, subject to the Court's General Order of Reference.

B. MAGISTRATE'S HEARINGS AND DECISIONS: The Magistrate shall hear all issues of fact and law in any assigned case, issue an order or decision, and file the same pursuant to Rule 53 of the Ohio Rules of Civil Procedure. The Magistrate shall exercise the power to regulate all proceedings in every hearing as if by the Court and do all acts and take all measures necessary or proper for the efficient performance of the Magistrate's duties under this Rule.

C. FINAL DECREE FOLLOWING MAGISTRATE'S DECISION: A final decree of divorce, annulment or legal separation, following a Magistrate's Decision, shall be prepared and delivered to the Court by the party designated by the Magistrate, within fourteen (14) days of the expiration of the objection period or within fourteen (14) days after the Court has ruled upon any objections. The final decree of divorce, annulment or legal separation shall contain complete findings and orders of the Court, without reference to the Magistrate's Decision. It is not acceptable to incorporate the Magistrate's Decision into the final decree of divorce.

D. APPROVAL SIGNATURE LINE FOR MAGISTRATE: Any judgment entry submitted by counsel, following issuance of a Magistrate's Decision, shall contain an approval signature line for the Magistrate, in addition to a signature line for the Judge.

E. OBJECTION TO MAGISTRATE'S DECISION AND MOTION TO SET ASIDE MAGISTRATE'S ORDER:

1. **Filing:** A party filing a Motion to Set Aside a Magistrate's Order or an Objection to a Magistrate's Decision shall file a written pleading in compliance with Civil Rule 53. The Motion or Objection shall be specific and shall state with particularity the grounds for the Motion or Objection. A copy of the Motion or Objection shall be served on opposing counsel or the opposing party, if unrepresented, in accordance with the Ohio Rules of Civil Procedure.

2. **Transcripts:** Any party requesting preparation of a transcript of any hearing before a Magistrate, or any relevant portion(s) thereof, for use by the Court, must file an appropriate motion for transfer of the audio recording to a qualified transcriptionist. The motion must include the name of the transcriptionist and the transcriptionist's contact information. The party requesting the transcript shall cause the transcriptionist to contact the Court's official court reporter, who shall prepare the requested audio recording and deliver the same directly to the transcriptionist. The party requesting the transcript is responsible for all costs of the preparation of the transcript, including the cost of the transfer of the audio recording to the transcriptionist (if any).

Any party requesting preparation of a transcript shall file the motion within 14 days of the filing of a Motion to Set Aside a Magistrate's Order or an Objection to the Magistrate's Decision. Failure to do so constitutes a waiver by that party of any request for a transcript, in which case the Court may proceed immediately to rule on the Motion or Objection as though no request for transcript had been made.

F. FINDINGS OF FACT AND CONCLUSIONS OF LAW:

1. **Filing:** With regard to a Magistrate's Decision (as defined by Civil Rule 53), any party may request Findings of Fact and Conclusions of Law pursuant to Civil Rules 52 and 53. The Court will not order or require preparation of Findings of Fact and Conclusions of Law with regard to any Magistrate's Order (as defined by Civil Rule 53).

2. **Timeliness:** The request for Findings of Fact and Conclusions of Law must be timely filed pursuant to Civil Rules 52 and 53.

3. **By Magistrate's Order:** A Magistrate may, in his or her sole discretion, require the parties to file proposed Findings of Fact and Conclusions of Law at the close of the presentation of evidence in any case.

Rule 9: GENERAL HEARING REQUIREMENTS

A. WITNESS LISTS: All parties shall exchange witness lists, including the name, address and phone number of each witness at least 7 days prior to hearing. Failure to do so may result in the exclusion of the testimony of any witness that has not been disclosed.

B. EXHIBITS: All exhibits shall be marked in advance of any hearing. The Plaintiff/First Petitioner shall use numbers and the Defendant/Second Petitioner shall use letters. No later than the start of any hearing or trial, the parties shall exchange copies of all exhibits, and shall inform the Court as to which exhibits will be admitted by stipulation and which exhibits will be contested.

C. TRIAL DOCUMENTS: At least 4 days prior to trial, the parties shall, together or independently, create and file a complete spreadsheet of each item of property, tangible and intangible, that the parties own and expect the Court to divide. Unless separately disposed of by the parties, household goods and furnishings shall be separately listed. Each spreadsheet shall contain (1) a designation of the item by description sufficient for the Court to separately identify similar items from each other; (2) a designation as to whether the party or parties believe the item to be a separate asset or marital asset; (3) a value of the item; and (4) an indication as to whether the party would like the item to be awarded to him or her.

The completed spreadsheet shall be compared to make sure each party has all of the items listed by the other party on his or her spreadsheet with his or her designation of separate or marital asset, value, and whether the party would like the item to be awarded to him or her.

At least 4 days prior to trial, the parties shall also create and file a complete spreadsheet of each and every debt, with a designation as to marital or separate debt, the name of the creditor, the party's name (or joint names) in which the debt was incurred, the current amount of the debt, whether the debt is secured by an asset of the parties, and to whom the debt is to be allocated.

In all cases, each party shall also file with the Court and each opposing party a copy of all documentary trial exhibits, numbered in accordance with these Rules.

In addition, at least 4 days prior to trial, counsel shall file trial briefs setting forth the facts, the issues and the applicable law.

D. **DRESS CODE:** All attorneys, parties and witnesses, when attending Court, shall dress in a manner which reflects respect for the Court and for the decorum of formal legal proceedings. No individual shall appear in the courtroom dressed inappropriately, as determined by the Court. It shall be the duty of counsel to advise the parties and witnesses of this rule prior to their appearance in Court.

Rule 10: CASE PROCEDURES FOR INITIAL ACTIONS

A. **DIVORCE, ANNULMENT, AND LEGAL SEPARATION ACTIONS:**

1. **Initial Pleadings:** A divorce, annulment or legal separation case shall be commenced by filing the following mandatory documents with the Court:

   a. Complaint;

   b. Affidavit of Plaintiff to the Complaint;

   c. Instructions for Service of the Complaint and other pleadings;

   d. Financial Affidavit (Form 5.00) with proof of income (e.g., pay stubs and/or tax returns);

   e. Parenting Proceeding Affidavit (Form 6.00), if the parties have children;

   f. Child Support Computation Worksheet, if the parties have children;

   g. Judgment Entry of Injunctions (Form 3.00);

   h. Request for Temporary Orders (Form 4.00), if the Plaintiff desires Temporary Orders;

   i. Completed Title IV-D Application, if the case involves minor children or child support; and

   j. Personal Identifiers (Form 20.00).

2. **Defendant's Request for Temporary Orders:** Unless the Court grants an extension of time to respond, the Defendant shall have fourteen (14) days after the date of service of the Plaintiff's Request for Temporary Orders to file Defendant's Request for Temporary Orders. Any response by Defendant shall include the following:

   a. Defendant's Request for Temporary Orders (Form 4.00);

   b. Financial Affidavit (Form 5.00) with proof of income (e.g., pay stubs and/or tax returns);

   c. Parenting Proceeding Affidavit (Form 6.00), if the parties have children; and

d. Child Support Computation Worksheet, if the parties have children (failure to submit a Worksheet may be deemed an agreement with Plaintiff's submitted Worksheet).

3. **Defendant's Answer and/or Counterclaim:** Within twenty-eight (28) days after the date of service of the Complaint upon the Defendant, the Defendant may file an Answer and/or Counterclaim.

4. **Temporary Orders:** After fourteen (14) days from the date of service of the Plaintiff's Request for Temporary Orders upon the Defendant, the Court will review all documents filed and issue Temporary Orders.

5. **Interim Attorney Fees:** Interim attorney fees will be awarded in the Court's discretion when equity requires. A request for interim attorney fees may be made as part of the Request for Temporary Orders or by separate Motion and shall include supporting documentation (See Rule 32(B)(1)(b)).

6. **Oral Hearing on Temporary Orders:** If a party contests a Temporary Order, or desires the Court to take evidence with regard to Temporary Orders, that party may file a written Request for Oral Hearing. The Request must be filed within fourteen (14) days after the date the Temporary Order is journalized. The Request must specify what issue(s) the party desires the Court to hear. Any untimely request for a temporary order hearing shall be treated as a motion to modify temporary orders, absent good cause shown.

7. **Motions to Modify Temporary Orders:** The Court shall not grant any Motion to Modify Temporary Orders, except upon a showing of a change of circumstances or for other good cause.

8. **Case Management/Pretrial Conferences:** The Court and parties shall follow the Case Management/Pretrial Conference procedures set forth in Local Rule 17, except as set forth herein.

9. **Uncontested Final Hearings:** Counsel for the Plaintiff shall notify the Court if a divorce, annulment or legal separation is proceeding as an uncontested case. Counsel for the Plaintiff shall secure a final uncontested hearing date from the Court, and shall prepare an appropriate hearing notice and file the same with the Clerk of Courts more than seven (7) days prior to the final hearing date. The Clerk of Courts shall thereafter mail the notice to the Defendant at least seven (7) days prior to the commencement of the final hearing date.

10. **Contested Final Hearings:** Contested cases shall be set for final hearing by the Court, and notice of the hearing shall be served by the Clerk of Courts.

11. **Divorce Following Decree of Legal Separation:** A divorce action following a Decree of Legal Separation shall be initiated by filing a new divorce action.

B. **DISSOLUTION OF MARRIAGE ACTIONS:**

1. **Required Documents:** A dissolution of marriage action shall be commenced by the filing of a Petition for Dissolution of Marriage, with a Separation Agreement attached thereto, and the following documents:

a. Financial Affidavits for both parties (Form 5.00) with proof of income (e.g., pay stubs and/or tax returns);

b. Waiver of Service of Summons/Process by both parties;

c. Waiver of Attorney by the unrepresented party (if only one attorney);

d. Parenting Proceeding Affidavit(s) (Form 6.00) executed by both parties, if the parties have children;

e. Child Support Computation Worksheet executed by both parties, if the parties have children;

f. Order/Notice to Withhold Income for Child Support, if applicable;

g. Medical Child Support Order (Form 9.00), if applicable;

h. Completed Title IV-D Application, if the case involves minor children or child support; and

i. Personal Identifiers (Form 20.00).

2. **Final Dissolution Hearing:** Upon the filing of the Petition for dissolution of marriage, the attorney filing the case shall obtain a date for final hearing from the Assignment Clerk. The final hearing will be scheduled on a date following the 30-day waiting period required by statute. The attorney shall then be responsible for notifying both parties of the date and time of the final dissolution hearing.

3. **Conversion to Divorce:** Any motion to convert a dissolution action to a divorce action must be filed within ninety (90) days after the date the petition for dissolution was filed. Any motion filed after the ninety (90) day time period has expired will be summarily dismissed.

C. DOMESTIC VIOLENCE AND DATING VIOLENCE CIVIL PROTECTION ORDER PROCEEDINGS:

1. **Required Pleadings:** A civil domestic violence or dating violence action shall be commenced by filing a petition for a domestic violence or dating violence civil protection order on the form mandated by the Ohio Supreme Court, or by filing a pleading in substantial compliance with that form. Forms for domestic violence or dating violence civil protection orders are available upon request from the Court. The petition shall be accompanied by instructions for service. If the petitioner requests parenting orders, the Petition shall also be accompanied by a parenting proceeding affidavit.

2. **No Filing Fee:** The Clerk of Courts shall not charge a filing fee deposit to file a petition for a domestic violence or dating violence civil protection order.

3. **Modification of Civil Protection Order:** The Court reserves jurisdiction to modify a final Civil Protection Order, upon written motion of either party. A form motion to modify a final Civil Protection Order is available upon request from the Court.

D. SUPPORT ACTIONS BEFORE ACKNOWLEDGMENT IS FINAL PURSUANT TO O.R.C. SECTION 2151.232: Either parent who signed an acknowledgment of paternity may bring an action for

support of the child, before the acknowledgment becomes final. Any complaint for child support pursuant to this statute shall be accompanied by the following documents:

1. A copy of the executed acknowledgment form;

2. Documentation that the acknowledgment has been filed and entered in the birth registry pursuant to O.R.C. Section 3111.24;

3. Financial Affidavit (Form 5.00) with proof of income (e.g., pay stubs and/or tax returns);

4. Instructions for Service of Process;

5. Notice of Hearing;

6. Completed Title IV-D Application; and

7. Personal Identifiers (Form 20.00).

E. SUPPORT-ONLY ACTIONS PURSUANT TO O.R.C. SECTION 2151.231: A parent, guardian or custodian of a child, or a child support enforcement agency may file an action for support of a child, without regard to the marital status of the child's parents. Any complaint for support filed pursuant to this statute shall be accompanied by the following documents:

1. Any court or administrative order, acknowledgment (including birth registry entry) or other document establishing parentage;

2. Financial Affidavit (Form 5.00) with proof of income (e.g., pay stubs and/or tax returns);

3. Instructions for Service of Process;

4. Notice of Hearing;

5. Completed Title IV-D Application; and

6. Personal Identifiers (Form 20.00).

F. COMPLAINT FOR ALLOCATION OF PARENTAL RIGHTS AND RESPONSIBILITIES OR FOR PARENTING TIME/VISITATION/COMPANIONSHIP PURSUANT TO O.R.C. SECTIONS 3111.13(C), 3109.04, 3109.051, 3109.11 AND/OR 3109.12: Any Complaint for Allocation of Parental Rights and Responsibilities or Parenting Time/Visitation/Companionship shall contain or be accompanied by:

1. Any court or administrative order, acknowledgment (including birth registry entry) or other document establishing parentage;

2. Parenting Proceeding Affidavit (Form 6.00);

3. Mediation Order (Form 17.00), if mediation is requested;

4. Instructions for Service of Process;

5. Notice of Case Management/Pretrial Conference;

6. Financial Affidavit (Form 5.00) with proof of income (e.g., pay stubs and/or tax returns), if the action will require computation of child support;

7. Completed Title IV-D Application; and

8. Personal Identifiers (Form 20.00).

G. COMPLAINT TO DETERMINE PARENT-CHILD RELATIONSHIP PURSUANT TO O.R.C. SECTIONS 3111.01 to 3111.28: Any person filing a Complaint to Determine a Parent-Child Relationship shall:

1. Attach to the Complaint a copy of any administrative parentage order issued by the Child Support Enforcement Agency or acknowledgment of paternity;

2. Set forth specific allegations to support a finding of fraud, duress or material mistake of fact, if the Complaint is filed to effect a rescission of an acknowledgment of paternity on those grounds;

3. Attach a completed Title IV-D Application; and

4. Attach Personal Identifiers (Form 20.00).

H. THIRD PARTY CUSTODY COMPLAINTS/MOTIONS PURSUANT TO O.R.C. SECTION 2151.23(A)(2): A Third Party Complaint/Motion shall be commenced by the moving party by filing the following documents:

1. Complaint/Motion, including a Richland County Children Services Certification of Formal Inquiry (Form 18.00) in cases initiated by the Kinship Program;

2. Financial Affidavit (Form 5.00) - proof of income is not required;

3. Parenting Proceeding Affidavit (Form 6.00);

4. Mediation Order (Form 17.00), if mediation is requested;

5. Instructions for Service;

6. Notice of Case Management/Pretrial Conference;

7. Copy of the most recent court order pertaining to the child(ren), if the order arises out of a court other than the Richland County Domestic Relations Court;

8. Completed Title IV-D Application; and

9. Personal Identifiers (Form 20.00).

Rule 11: CONTEMPT AND POST-DECREE MOTIONS

A. CONTEMPT MOTIONS:

1. **Required Pleadings:** A Motion for Contempt shall be commenced by filing the following documents:

   a. Motion, including all parties' names and current addresses in the caption;

   b. Supporting affidavit(s);

   c. Mediation Order (Form 17.00), if mediation is requested;

   d. A Summons and Order to Appear (Form 7.00), which includes instructions to the Clerk for service of process upon the alleged contemnor;

   e. Completed Title IV-D Application, if case now involves, or has involved, minor children or child support; and

   f. Personal Identifiers (Form 20.00).

2. **Hearing:** The moving party shall also secure a hearing date from the Assignment Clerk before filing the contempt documents with the Clerk, and such hearing date shall be contained in the Order to Show Cause.

3. **Appearance of Counsel:** Any attorney retained to defend a contempt motion shall promptly enter an appearance in the case, whether or not his or her client is filing a responsive pleading.

4. **Opposing Response/Brief:** Any party may file a written response/brief opposing the motion, together with supporting affidavits.

5. **Medical Bill Contempt:** The moving party shall use a completed Form 10.00 in prosecuting his/her Motion, and shall provide the Court with all relevant "explanation of benefits" forms from the insurance provider(s).

B. POST-DECREE MOTIONS:

1. **Required Pleadings:** Any post-decree proceeding shall be commenced by the filing of the following pleadings:

   a. Motion, including all parties' names and current addresses in the caption;

   b. Supporting affidavit(s);

   c. Financial Affidavit (Form 5.00) with proof of income (e.g., pay stubs and/or tax returns), if financial issues are in question;

d. Parenting Proceeding Affidavit (Form 6.00), if parental rights and responsibilities, custody, or parenting time/visitation/companionship are in question;

e. Mediation Order (Form 17.00), if mediation is requested;

f. Notice of Hearing or Order to Appear;

g. Instructions for Service;

h. Completed Title IV-D Application if case now involves, or has involved, minor children or child support; and

i. Personal Identifiers (Form 20.00).

2. **Contents of Notice of Hearing or Order to Appear:** The moving party shall include space for the date and time in the Notice of Hearing or Order to Appear. Any Notice of Hearing or Order to Appear on a motion concerning parenting or support issues shall also contain the following advisement:

TO THE PERSON SERVED WITH THIS DOCUMENT: You are required to file a Financial Affidavit and/or Parenting Proceeding Affidavit with the Court at least seven (7) days prior to the hearing/conference scheduled herein. You may contact the Court at 419-774-5573 to obtain the forms, if needed.

3. **Service of Process:** The moving party shall serve the opposing party with process as provided in the Ohio Rules of Civil Procedure. Civil Rule 75 requires that all post-decree motions be served in accordance with Civil Rules 4 to 4.6. This means that all post-decree motions must be served on the opposing party, unless that party waives service. Additionally, when accomplishing service of process by publication, the movant must comply with the provisions of Civil Rule 4.4 and the notice must be published or posted for six (6) consecutive weeks prior to any scheduled hearing on the motion.

4. **Appearance of Counsel:** Any attorney retained in a post-decree proceeding shall promptly enter his or her appearance as counsel of record in the case, whether or not his or her client is filing a responsive pleading.

5. **Opposing Response/Brief:** Any party may file a written response/brief opposing the motion, together with supporting affidavits.

Rule 12: ORDERS OF ANOTHER STATE

A. **SUPPORT ORDERS OF ANOTHER STATE:**

1. **Registration for Enforcement:** A party may register a support order or income withholding order of another state by filing all of the following documents with the Clerk of Courts:

a. A petition or letter of transmittal requesting registration and enforcement;

b. Two copies, including one certified copy, of all orders to be registered, including any modification of the order;

c. A sworn statement by the party requesting registration or a certified statement by the custodian of the records showing the amount of any arrearage;

d. The name of the obligor and, if known, all of the following:

(1) The obligor's address and social security number;

(2) The name and address of the obligor's employer or other payor and any other source of income of the obligor;

(3) A description and the location of property of the obligor in this State not exempt from execution.

e. The name and address of the obligee and, if applicable, the agency or person to whom support payments are to be remitted;

f. A notice of registration that complies with Revised Code Section 3115.605;

g. Instructions for Service of Process;

h. Completed Title IV-D Application if case now involves, or has involved, minor children or child support; and

i. Personal Identifiers (Form 20.00).

If the non-registering party fails to contest the validity or enforcement of the registered support order in a timely manner, the party seeking registration shall prepare and submit a judgment entry confirming the order. If the non-registering party files a written pleading with the Court contesting the validity or enforcement of the registered support order, the Court shall schedule the matter for hearing and give notice to all parties.

2. **Registration for Modification:** A registered child support order of another state may be modified only if the requirements of Sections 3115.611 or 3115.613 of the Revised Code have been met.

B. CHILD CUSTODY DETERMINATIONS OF ANOTHER STATE – REGISTRATION:

1. **Registration:** Any party may register a child custody determination issued by a court of another state, with or without a simultaneous request for enforcement, on receipt of all of the following:

a. A petition or other document requesting that the child custody determination be registered;

b. Two copies, including one certified copy, of the determination sought to be registered, and a statement under penalty of perjury that, to the best of the knowledge and belief of the person seeking registration, the order has not been modified;

c. Except as otherwise provided in Section 3127.23 of the Revised Code, the name and address of the person seeking registration and any parent who is designated the residential parent and legal

custodian of the child or to have parenting time with respect to the child or any person acting as a parent who has been awarded custody or visitation in the child custody determination sought to be registered; and

d. Personal Identifiers (Form 20.00).

2. **Notice of Hearing:** The Petitioner shall submit a notice of hearing that states all of the following:

a. That the registered child custody determination is enforceable as of the date of the registration in the same manner as a child custody determination issued by a court of this State;

b. That a hearing to contest the validity of the registered determination must be requested within thirty days after service of notice;

c. That failure to contest the registration shall result in confirmation of the child custody determination and preclude further contest of that determination with respect to any matter that could have been asserted.

3. **Service of Pleadings:** The Petitioner shall file Instructions for Service with the Petition requesting the Clerk of Courts to serve a copy of the Petition, the Notice of Hearing and any other accompanying documents on the Respondent.

4. **Hearing:** A person seeking to contest the validity of a registered order shall request a hearing within thirty days after service of the notice. At that hearing, the Court shall confirm the registered order unless the person contesting registration establishes one of the following circumstances:

a. The issuing court did not have jurisdiction under Sections 3127.15 to 3127.24 of the Revised Code or a similar statute of another state;

b. The child custody determination sought to be registered has been vacated, stayed, or modified by a court having jurisdiction to do so under Sections 3127.15 to 3127.24 of the Revised Code or a similar statute of another state;

c. The person contesting registration was entitled to notice of the child custody proceeding for which registration is sought, but notice was not given in accordance with the standards of Section 3127.07 of the Revised Code or a similar statute of another state.

5. **Confirmation of Registration:** If a timely request for a hearing to contest the validity of the registration is not made, the party requesting registration shall prepare and submit a judgment entry confirming the order. If the non-registering party files a written pleading with the Court contesting the validity of the registration, the Court shall schedule the matter for hearing and give notice to all parties.

C. **CHILD CUSTODY DETERMINATIONS OF ANOTHER STATE – ENFORCEMENT:**

1. **Petition:** A petition for enforcement of a child custody determination shall state all of the following:

a. Whether the court that issued the child custody determination identified the jurisdictional basis it

relied upon in exercising jurisdiction and, if so, what the basis was;

b. Whether the determination for which enforcement is sought has been vacated, stayed, or modified by a court whose decision must be enforced under O.R.C. Chapter 3127 and, if so, identify the court, the case number, and the nature of the proceeding;

c. Whether any proceeding has been commenced that could affect the current proceeding, including proceedings for enforcement of child custody determinations, proceedings relating to domestic violence or protection orders, proceedings to adjudicate the child as an abused, neglected, or dependent child, proceedings seeking termination of parental rights, and adoptions, and, if so, the court, the case number, and the nature of the proceedings;

d. The present physical address of the child and the respondent, if known;

e. Whether relief in addition to the immediate physical custody of the child and attorney's fees is sought, including a request for assistance from law enforcement officials and, if so, the relief sought;

f. If the child custody determination has been registered and confirmed under Section 3127.35 of the Revised Code, the date and place of registration; and

g. Personal Identifiers (Form 20.00).

2. **Notice of Hearing:** The petitioner shall submit a notice of hearing that states all of the following:

At the hearing the Court will order that the petitioner may take immediate physical custody of the child and that the respondent pay fees, costs, and expenses under Section 3127.42 of the Revised Code and may schedule a hearing to determine whether further relief is appropriate, unless the respondent appears and establishes either of the following:

a. That the child custody determination has not been registered and confirmed under Section 3127.35 of the Revised Code and that one of the following circumstances applies:

(1) The issuing court did not have jurisdiction under Sections 3127.15 to 3127.24 of the Revised Code or a similar statute of another state.

(2) The child custody determination for which enforcement is sought has been vacated, stayed, or modified by a court having jurisdiction to do so under Sections 3127.15 to 3127.24 of the Revised Code or a similar statute of another state.

(3) The respondent was entitled to notice of the child custody proceeding for which enforcement is sought, but notice was not given in accordance with the standards of Section 3127.07 of the Revised Code or a similar statute of another state.

b. That the child custody determination for which enforcement is sought was registered and confirmed under Section 3127.35 of the Revised Code but has been vacated, stayed, or modified by a court of a state having jurisdiction to do so under Sections 3127.15 to 3127.24 of the Revised Code or a similar statute of another state.

3. **Service of Pleadings:** The Petitioner shall file Instructions for Service with the Petition requesting the Clerk of Courts to serve a copy of the Petition, the Notice of Hearing and any other accompanying documents on the Respondent.

Rule 13: SOLE OR SPLIT ALLOCATION OF PARENTAL RIGHTS AND RESPONSIBILITIES BY AGREEMENT

A. **MANDATORY PLEADINGS:** In order to obtain an agreed Court Order reallocating sole or split parental rights and responsibilities for a child in a domestic relations or parentage case, the parties shall file the following documents:

1. Written motion (joint or by one party) for modification of allocation of parental rights;

2. A waiver signed by both parties (at a minimum, the waiver shall contain a waiver of service of process; waiver of notice of hearing; waiver of hearing on the motion; and a statement that each party is personally submitting to the jurisdiction of the Court);

3. Financial Affidavits for both parents (Form 5.00) with proof of income (e.g., pay stubs and/or tax returns);

4. Parenting Proceeding Affidavit(s) signed by both parents (Form 6.00);

5. Child Support Worksheet signed by both parties;

6. Medical Child Support Order (Form 9.00);

7. Order/Notice to Withhold Income for Child Support, if appropriate;

8. A proposed Judgment Entry (signed by both parties/counsel);

9. Completed Title IV-D Application; and

10. Personal Identifiers (Form 20.00).

[NOTE: To the extent any of these documents were previously filed by the parties in the pending action, they do not need to be re-filed with the motion.]

B. **MANDATORY LANGUAGE IN JUDGMENT ENTRY:** The proposed agreed Judgment Entry reallocating parental rights and responsibilities must include appropriate O.R.C. Section 3109.04(E)(1)(a) language as to the legal conclusions made by the Court.

C. **HEARING ON MOTION TO REALLOCATE PARENTAL RIGHTS AND RESPONSIBILITIES:** Generally, the Court will not require a hearing upon any Motion to Reallocate Parental Rights and Responsibilities when both parties have agreed to the reallocation. However, in its discretion, the Court may schedule a hearing prior to approving any proposed Judgment Entry submitted with

the Motion. In the event the Court schedules a hearing, both parties shall appear at the hearing. The failure of either party to appear at the scheduled hearing may result in dismissal of the Motion.

Rule 14: SHARED PARENTING PLANS AND DECREES

A. JOINT MOTION FOR SHARED PARENTING OR REALLOCATION OF PRIOR SOLE/SPLIT ALLOCATION OF PARENTAL RIGHTS AND RESPONSIBILITIES TO SHARED PARENTING: In order to obtain an agreed Court Order for Shared Parenting, or which reallocates a prior sole or split allocation of parental rights and responsibilities to shared parenting, the parties shall file the following documents with the Court:

1. A joint written motion requesting shared parenting (if there is no prior order allocating parental rights and responsibilities), or a joint motion requesting termination of a prior sole or split allocation of parental rights and responsibilities and adoption of a shared parenting plan;

2. A waiver signed by both parties (at a minimum, the waiver shall contain a waiver of service of process, waiver of notice of hearing, waiver of hearing on the motion, and a statement that each party is personally submitting to the jurisdiction of the Court);

3. Financial Affidavits for both parents (Form 5.00) with proof of income (e.g., pay stubs and/or tax returns);

4. Parenting Proceeding Affidavit signed by both parents (Form 6.00);

5. Child Support Worksheet signed by both parents;

6. Medical Child Support Order (Form 9.00);

7. Order/Notice to Withhold Income for Child Support, if appropriate;

8. Shared Parenting Plan signed by both parents;

9. A proposed Shared Parenting Decree, approving and adopting the Shared Parenting Plan, and signed by both parents/counsel;

10. Completed Title IV-D Application; and

11. Personal Identifiers (Form 20.00).

[NOTE: To the extent any of these documents were previously filed by the parties in the pending action, they do not need to be re-filed.]

B. JOINT MOTION FOR MODIFICATION OF PRIOR SHARED PARENTING PLAN AND DECREE: In order to obtain an agreed modification of an existing Shared Parenting Plan and Decree, the parties shall file the following documents with the Court:

1. A joint written motion;

2. A waiver signed by both parties (at a minimum, the waiver shall contain a waiver of service of process, waiver of notice of hearing, waiver of hearing on the motion, and a statement that each party is personally submitting to the jurisdiction of the Court);

3. An Amended Shared Parenting Plan signed by both parents;

4. Parenting Proceeding Affidavit, signed by both parents (Form 6.00);

5. Financial Affidavits for both parents (Form 5.00) with proof of income (e.g., pay stubs and/or tax returns);

6. Child Support Worksheet signed by both parents;

7. Medical Child Support Order (Form 9.00);

8. Order/Notice to Withhold Income for Child Support, if appropriate;

9. A proposed Shared Parenting Decree approving and adopting the Amended Shared Parenting Plan signed by both parents/counsel;

10. Completed Title IV-D Application; and

11. Personal Identifiers (Form 20.00).

[NOTE: To the extent any of these documents were previously filed by the parties in the pending action, they do not need to be re-filed.]

C. **MANDATORY REQUIREMENTS FOR SHARED PARENTING PLANS:** All Shared Parenting Plans (including Amended Shared Parenting Plans) shall contain all of the following provisions:

1. A statement indicating the names of the parents and the child(ren) and the child(ren)'s date(s) of birth;

2. A statement that: (1) each parent believes the other parent to be a fit parent, and recognizes the unique contributions that each has to offer the child(ren); (2) the parents wish to share legal responsibility for the child(ren), as set forth in the Shared Parenting Plan; (3) the parents' primary concern is the best interest of the minor child(ren); and (4) shared parenting is in the best interest of the minor child(ren);

3. Provisions covering all required statutory factors relevant to the care of the child(ren), including physical living arrangements, child support obligations, child(ren)'s health care, income tax exemptions for the child(ren), and school placement (even in cases where the child(ren) are not yet in school). The plan may also include optional provisions concerning the child(ren)'s education, religious upbringing, child care, removal of the child(ren) from the state, the specific authority of each parent, dispute resolution procedure, and any other matter related to the best interest of the child(ren);

4. A statement immediately preceding each party's signature on the Shared Parenting Plan, which provides that each party has thoroughly reviewed and understands the Plan, that he or she has voluntarily signed the Plan, and that each party requests that the Court adopt the Plan as the Judgment and Order of the Court.

D. MANDATORY LANGUAGE IN SHARED PARENTING DECREE: A Shared Parenting Decree shall contain appropriate legal conclusions pursuant to O.R.C. Section 3109.04, contain all mandatory child support language required by Local Rule 30, and shall designate that both parents are residential parents and legal custodians of the child(ren).

E. HEARING REGARDING SHARED PARENTING: Generally, the Court will not require a hearing prior to approving a Shared Parenting Plan and Decree. However, in its discretion, the Court may schedule a hearing prior to approving any proposed Shared Parenting Plan. In the event that the Court schedules a hearing, both parties shall appear at the hearing. The failure of either party to appear at the scheduled hearing may result in denial of the Shared Parenting Decree.

Rule 15: AGREED POST-DECREE MODIFICATIONS OF PROPERTY DIVISIONS OR DISTRIBUTIVE AWARDS

In the event the parties agree to a modification of a property division or distributive award previously entered by the Court, the parties shall file a joint motion requesting the modification. The motion shall be filed pursuant to Civil Rule 60(B) and/or O.R.C. Section 3105.171(I), and shall state the specific provision applicable to the motion and the specific reason why the modification is sought. The motion shall be signed by both parties, and the parties shall waive service, notice of hearing, hearing, and any findings of fact and conclusions of law with regard to the modification. The parties shall also state that the modification is equitable pursuant to O.R.C. Section 3105.171. An agreed Judgment Entry shall be submitted with the motion, and the Judgment Entry shall be approved by both parties and their legal counsel. The agreed Judgment Entry modifying the property division pursuant to Civil Rule 60(B) shall contain the following language:

> *IT IS FURTHER ORDERED, ADJUDGED AND DECREED that, pursuant to Ohio Civil Rule 60(B)____, the divorce/dissolution decree of _____ is hereby vacated or otherwise reopened for the limited purpose, and to the limited extent, of including the above agreement in the final decree. Accordingly, the Court hereby approves and adopts the above agreement of the parties as the judgment and order of the Court. In so doing, the Court incorporates the same into the final decree dissolving the marriage of the parties, originally filed on _____, and hereby reaffirms and re-adopts all aspects of said final decree as the judgment and order of the Court, as modified above.*

The specific subsection of Civil Rule 60 must be cited in the Judgment Entry. The above clause should be placed at the end of the agreed Judgment Entry.

Rule 16: TRANSFERS OF PROPERTY BY JUDGMENT ENTRY

Situations arise in domestic relations cases where, for whatever reason, a party fails to execute the proper instruments to effectuate a transfer of title to property allocated under a decree of divorce, dissolution, or legal separation. The following language is acceptable to the Court to effectuate transfers of such property under Civil Rule 70:

> *WHEREFORE, PURSUANT TO OHIO CIVIL RULE 70, IT IS ORDERED, ADJUDGED, AND DECREED AS FOLLOWS:*

1. _____ is hereby divested of all right, title, and interest in the following described motor vehicles, and the same are hereby vested in_____, free and clear of any/all claims of _____: (state year, make, model, and VIN number of each vehicle). The Richland County Clerk of Courts is hereby authorized and directed to accept a certified copy of the within Judgment Entry as effectuating conveyance of said property in due form of law.

2. _____ is hereby divested of all right, title, and interest in the following-described real estate, and the same is hereby vested in _____, free and clear of all claims of _____: (state full and accurate legal description of property; including permanent parcel number, property street address, and prior instrument recording reference). The Richland County Recorder is hereby authorized and directed, for recording purposes, to accept a certified copy of the within Judgment Entry as effectuating conveyance of said property in due form of law.

3. Any and all costs associated with the foregoing transfers of property and/or recording of the same shall be paid by _____.

4. The Clerk of Courts is hereby directed to forward by regular U.S. mail a copy of this Judgment Entry to _____ at _____. A copy of the same shall also be provided to _____ (last attorney of record, if any).

The purpose of the within Judgment Entry is to effectuate transfer of title to the above property, in accordance with the decree of [divorce, dissolution of marriage, legal separation] entered by this Court on _____.

The proposed Judgment Entry should include historical prefatory language explaining why the Order is needed. The Judgment Entry shall be submitted to any opposing counsel/party for approval, prior to submission to the Court, absent good cause shown.

Rule 17: CASE MANAGEMENT AND PRETRIAL CONFERENCES

A. WHEN HELD: Case Management and/or Pretrial Conference(s) shall be held in all contested divorce, annulment, legal separation, custody, parenting time, and visitation cases, prior to any final hearing. Case Management or Pretrial Conference(s) may also be held in any other type of action, at the discretion of the Court.

B. PURPOSE: The purpose of Case Management and Pretrial Conferences is to achieve an amicable settlement of the case and, in the event settlement is not achieved, to expedite trial of the action.

C. CASE MANAGEMENT CONFERENCE: A Case Management Conference will be scheduled by the Court. At the time of the Case Management Conference, counsel shall:

1. Explore the possibility of spousal conciliation or the need for any family counseling;

2. Identify disputed and undisputed issues;

3. Discuss mediation, home investigation, psychological examinations or appointment of a Guardian Ad Litem, if there are disputed parenting issues in the case;

4. Verify that a complete disclosure of all assets and debts has been made by the parties;

5. Discuss discovery issues and the need for appraisals or expert evaluations;

6. Discuss the time required for a final hearing in the case; and

7. Establish a schedule for **mandatory** discovery, which shall include, but not be limited to, the exchange of the following:

   a. Appraisals of any real estate and personal property;

   b. An accounting for monies expended by the parties during the pendency of the case, if it is relevant to the case issues;

   c. Copies of the last three (3) years of federal income tax returns, unless already in the possession of the other party;

   d. Balances due on all liabilities of either or both of the parties as of "the ending date of the marriage";

   e. Documentary proof of income from all sources, including a breakdown of overtime earnings during each of the preceding three (3) years;

   f. Copies of the most recent statements on all bank accounts, IRAs, CDs, stocks or other assets for which the parties receive a statement;

   g. Retirement, pension, deferred compensation, profit-sharing and all other information from each party's employer, sufficient to determine present value of the same, including the most recent plan summary;

   h. Health insurance information, including the cost of COBRA coverage; and

   i. Copies of all deeds and vehicle titles, unless already in the possession of the other party.

ALL MANDATORY DISCOVERY MUST BE COMPLETED PRIOR TO THE FINAL PRETRIAL CONFERENCE IN THE CASE.

The parties are not required to file any additional pleadings prior to the Case Management Conference. However, if a party discovers that his or her original Financial Affidavit is not accurate for any reason, that party shall file an Amended Financial Affidavit prior to the next-scheduled Case Management or Pretrial Conference in the case.

D. **PRETRIAL CONFERENCE:** At the Pretrial Conference, counsel shall:

1. Discuss and narrow the issues in controversy;

2. Attempt to stipulate as to the authenticity of documents to be introduced at trial so as to eliminate the need for testimony from a records custodian;

3. Exchange any medical reports, psychological reports, hospital records or other health related documents;

4. Exchange any reports of expert witnesses expected to be called at trial, and discuss the potential stipulation of any such reports without the need for expert testimony;

5. Address issues of asset valuation and liability amounts, and attempt to stipulate valuation and liability amounts;

6. Identify any issues relating to the division of household goods and furnishings, and attempt to limit the trial to only items which are disputed; and

7. Discuss and narrow any parenting issues.

E. COUNSEL: Counsel of record shall attend Case Management and Pretrial Conferences. Parties shall be present to assist counsel with information and/or settlement negotiations. If counsel or a party cannot be present for some reason, counsel or the party (if unrepresented) may seek approval from the Court to participate by telephone.

F. STIPULATIONS: Any stipulations or agreements entered into at a Case Management or Pretrial Conference shall be immediately reduced to writing, signed by both parties and their counsel, and filed with the Court.

G. DISCOVERY ISSUES: No motion to compel discovery, motion for protective order, or similar discovery motion shall be filed with the Court until the problem has been thoroughly discussed with opposing counsel and a diligent effort has been made to solve the problem informally. Any motion to compel discovery filed with the Court shall be accompanied by a statement of counsel describing in detail the efforts which have been made to resolve the discovery problem.

H. SANCTIONS: Failure to comply with the mandatory discovery provision set forth above, failure of counsel to be prepared for a Case Management or Pretrial Conference, or failure of a party or counsel to appear or cooperate in good faith in the conduct of any Case Management or Pretrial Conference may subject the attorney or party to an award of reasonable expenses, including attorney fees or costs to any party prejudiced by such conduct.

Rule 18: CONTINUANCES

Rule 41 of the Ohio Rules of Superintendence for the Courts of Ohio establishes strict guidelines pertaining to continuances of court proceedings. Pursuant to that Rule, no continuances shall be granted by this Court except for good cause shown. Any motion or request for continuance shall be made in writing and filed prior to the scheduled hearing, unless otherwise authorized by the Court.

A. MOTION FOR CONTINUANCE: The Motion shall contain all of the following:

1. The reason for the requested continuance;

2. A statement that the moving party is aware that the motion for continuance is being made, and consents to the continuance;

3. Documentation supporting the reason for the requested continuance, e.g., a copy of the notice of hearing from the conflicting Court; and

4. The endorsement of the moving party (i.e., client's approval signature), as well as the signature of counsel for that party, pursuant to Sup. R. 41. An approval by telephone so indicated upon the pleading is sufficient.

B. PROPOSED JUDGMENT ENTRY: Any request for continuance shall be accompanied by a proposed Judgment Entry which contains all of the following:

1. Approval signature of opposing counsel or party (if unrepresented), or a statement why the moving party did not obtain such approval of the continuance;

2. A statement of:

   a. The type of hearing continued;

   b. The date of the original scheduled hearing; and

   c. Space for the Court to insert the date and time of the rescheduled hearing.

C. FAILURE TO COMPLY: Failure to comply with paragraphs A and B above may result in the denial of the request for continuance.

Rule 19: JOURNALIZATION OF ENTRIES

A. CASES SETTLED PRIOR TO HEARING: If a matter that is set for hearing is settled by the parties before the hearing, counsel shall reduce the agreement to a Judgment Entry. Except for good cause shown, the parties and counsel shall be required to appear for the scheduled hearing, unless the Judgment Entry is filed prior to the hearing.

B. CASES SETTLED AT HEARING: If a case is settled during the course of a hearing, counsel shall reduce the settlement agreement to writing. The parties' in-court agreement may be handwritten, but any handwritten agreement shall be detailed and legible. The agreement shall be submitted to and filed with the Court. Counsel shall prepare a Judgment Entry which reflects with the parties' handwritten agreement, and shall file the same with the Court.

C. SIGNATURES REQUIRED: All Judgment Entries shall be signed by all parties and counsel of record, or shall indicate any person's refusal to sign the Judgment Entry. A party does not need to sign a Judgment Entry if:

1. The party waived signature in writing or on the record;

2. The party previously signed an agreement reflecting the terms contained in the Judgment Entry; or

3. The party has filed no responsive pleading or otherwise appeared in the case.

D. COUNSEL RESPONSIBLE FOR PREPARING A JUDGMENT ENTRY: Counsel for the moving party shall prepare the final Judgment Entry unless otherwise specified by agreement of the parties or order of the Court.

E. TIME FOR PREPARATION/TRANSMITTAL OF JUDGMENT ENTRY: Counsel responsible for preparation of the Judgment Entry shall submit it to the opposing counsel/party within fourteen (14) days of:

1. The hearing relevant to the Judgment Entry;

2. Expiration of the objection period to a Magistrate's Decision; or

3. Any ruling upon objections to a Magistrate's Decision.

F. TIME FOR APPROVAL BY OPPOSING COUNSEL: Within fourteen (14) days of receipt of the proposed Judgment Entry, opposing counsel shall approve or reject the proposed Judgment Entry. If approved, opposing counsel shall file the Judgment Entry with the Court immediately. If rejected by opposing counsel, counsel shall attempt to resolve any disputes regarding the proposed Judgment Entry. If a dispute cannot be resolved, opposing counsel shall transmit the original proposed Judgment Entry to the Court with a written statement of the opposing counsel's objections to the proposed Judgment Entry. The Court shall thereafter resolve any disputes regarding the proposed Judgment Entry.

In the event the parties encounter unforeseen difficulties with the timely preparation and submission of the Judgment Entry, the parties shall promptly notify the Court in writing of that fact, and shall seek an extension of time in which to timely file the Judgment Entry.

G. FAILURE TO COMPLY WITH THIS RULE:

1. **Submission of Judgment Entry:** If either counsel fails to prepare and submit a Judgment Entry in a timely manner, the case shall be set for a Hearing on Overdue Entry. All parties and counsel are required to appear at the Hearing. If the Judgment Entry is still not timely filed, counsel may be sanctioned.

2. **Opposing Counsel:** If opposing counsel fails to present the proposed Judgment Entry to the Court in a timely fashion, the attorney who prepared the Judgment Entry may unilaterally present the Judgment Entry for signature by the Judge with the following certification:

   a. That submission to opposing counsel was made according to the rule;

   b. The date on which the Judgment Entry was submitted to opposing counsel;

   c. That opposing counsel has failed to approve or reject the entry in a timely fashion; and

d. Any other information which would assist the Court.

Any Judgment Entry unilaterally submitted to the Court for approval by reason of the failure of opposing counsel to approve the Entry shall be accompanied by a copy of the prior handwritten agreement of the parties.

H. MAGISTRATE'S ORDERS: All of the above provisions fully apply to preparation and submission of Magistrate's Orders.

Rule 20: PATERNITY TESTING AND ACKNOWLEDGMENT

A. WHEN TESTING IS REQUIRED: Paternity testing shall be completed for a child, before any final decree will be entered by the Court in the following circumstance: (1) one or both parties allege that husband is not the biological father of a child born during the marriage; and (2) a child is born prior to the marriage and paternity has not been established. If wife is pregnant during the pendency of a divorce, dissolution, legal separation or annulment case, the case shall be placed on inactive status until the birth of the child, since testing cannot be completed until the child is born. In all other cases, paternity testing may be requested on a case-by-case basis.

B. ACKNOWLEDGMENT OF PATERNITY: In all divorce, dissolution, legal separation, or annulment cases involving any child born prior to the date of the marriage, when paternity is **not disputed**, both parties shall expressly acknowledge paternity and waive all rights to paternity testing in writing (Form 13.00). **Such waiver shall be filed with each party's Request for Temporary Orders.** In the absence of waivers from both parties, the Court may order paternity testing for any child born prior to the marriage.

C. ORDER FOR TESTING: Any order for paternity testing shall substantially comport with Form 12.00.

D. REQUIRED FORMS TO OBTAIN TESTING: Any time paternity testing will be completed by CSEA, the residential parent shall:

1. Complete a Paternity Testing Information Form (Form 14.00) and attach that form to the Judgment Entry/Order for Paternity Testing; and

2. Complete a IV-D Application and provide that application to CSEA on or before the date upon which testing is scheduled.

Rule 21: APPRAISERS AND VALUATION OF PROPERTY

A. APPRAISERS:

1. **Real Estate Appraisers:** Real estate appraisals shall be made by licensed real estate agents, brokers, auctioneers, credentialed real estate appraisers, or such other persons who by experience and training are qualified to make real estate appraisals.

2. **Personal Property Appraisers:** Personal property appraisals shall be made by an auctioneer or by persons who by experience and training are qualified to make personal property appraisals.

B. **VALUATION OF ASSETS AND DETERMINATION OF LIABILITIES:**

1. **Required Evidence:** Under Ohio law, the Court is required to make findings of fact concerning the value of assets and the balance due on liabilities when making a decision dividing property in a domestic relations action. Accordingly, whenever property issues are contested in a divorce, annulment or legal separation action, the parties shall present sufficient evidence to enable the Court to make the required findings in its decision. In the event the parties fail to present sufficient evidence, the Court may order the presentation of additional evidence in the case.

2. **Readily Ascertainable Values:** Either party may present the following types of evidence concerning valuation in any domestic relations case. The Court will not consider the evidence to be conclusive or presumptive evidence of valuation and the other party may present any other relevant evidence concerning valuation to the Court.

   a. **Real Estate:** In lieu of an appraisal of real estate, either party may submit a certified copy of the County Auditor's appraisal card showing the market value of the real estate.

   b. **Motor Vehicles:** In lieu of an appraisal of a motor vehicle, either party may submit a current accurate copy of the page of the N.A.D.A. Official Used Car Guide showing the average retail value of a certain model of a motor vehicle.

Rule 22: *EX PARTE* ORDERS

A. **JUDGMENT ENTRY OF INJUNCTIONS:** Either party may submit an *ex parte* restraining order entitled Judgment Entry of Injunctions (Form 3.00) in a divorce, annulment or legal separation case.

1. It is not necessary for a party to file a separate motion for issuance of the Judgment Entry of Injunctions.

2. The Judge or Magistrate shall sign the Judgment Entry of Injunctions and the Judgment Entry shall be served on the opposing party with the Summons and Complaint.

B. ***EX PARTE* ORDER FOR EXCLUSIVE USE OF MARITAL RESIDENCE:**

1. **Grounds for Motion:** The Court may grant an *ex parte* order for exclusive use of the marital residence if the moving party files a motion and supporting affidavit(s) establishing good cause or that the opposing party:

   a. Attempted to cause or recklessly caused bodily injury by acts of physical violence;

   b. Placed a party, by threat of force, in fear of imminent serious physical harm;

   c. Committed any act with respect to a child that would result in the child being an abused child as defined in O.R.C. Section 2151.031;

d. Engaged in conduct which causes or is likely to cause significant emotional and/or mental stress to the spouse and/or minor child(ren) of the parties;

e. Engaged in conduct which creates or is likely to create an environment which significantly endangers the spouse's and/or minor child(ren)'s physical health or mental, moral or emotional development; or

f. Engaged in conduct abusive to the spouse and/or minor child(ren), either physically or verbally.

2. **Required Information in Motion:** Requests for exclusive use of the marital residence during the pendency of a divorce or legal separation case shall include **ALL** of the following:

a. Independent supporting affidavits (which comply with Division (D)(5) below) or documentation verifying the reason(s) exclusive use should be granted;

b. A statement of alternate living arrangements available to each of the parties, including those available through social agencies; and

c. Information identifying who is the owner and/or lessee of the residence.

C. *EX PARTE* ORDER FOR PARENTAL RIGHTS AND RESPONSIBILITIES/CUSTODY: An *ex parte* order allocating or reallocating parental rights and responsibilities or granting custody may be granted only upon affidavit(s) which comply with Division (D)(5) below and which establish that exigent circumstances exist for such an order. The affidavit(s) shall also establish that an *ex parte* order is in the best interest of the child(ren). In the event the Court overrules the motion on an *ex parte* basis, the Court may consider allocating or reallocating parental rights and responsibilities or custody on a temporary basis after the opposing party has been given notice and an opportunity to be heard.

D. GENERAL REQUIREMENTS FOR ALL *EX PARTE* MOTIONS:

1. **Statement Regarding Counsel:** All *ex parte* motions shall include a statement as to whether the nonmoving party is presently represented by counsel, even if that that attorney has not entered an appearance in the case. If the nonmoving party is represented, the motion shall be served on the nonmoving party's attorney.

2. **Certification of Counsel**: All *ex parte* motions shall include a Certification of Counsel (Form 19.00).

3. **Disclosure of Other Orders:** All *ex parte* motions shall disclose any other orders issued by this Court, or by any other Court, which are currently in effect and relevant to the relief requested in the motion. A time-stamped copy of any relevant and current order shall be attached to the *ex parte* motion.

4. **Efforts to Give Notice:** All *ex parte* motions shall disclose the efforts which have been made to give notice to the opposing party of the issues being raised, or the reasons that notice has not been given.

5. **Affidavits:** All *ex parte* motions shall be supported by one of more affidavits. A supporting affidavit shall be made on personal knowledge, shall set forth such facts as would be admissible as evidence, and shall show affirmatively that the affiant is competent to testify to the matters stated in the affidavit.

Affidavits must contain specific facts and information to support the claim for relief and establish that exigent circumstances exist.

6. **Notice of Right to Hearing:** Any proposed Order granting *ex parte* relief shall contain the following language notifying the nonmoving party of his or her right to request a hearing on the motion:

NOTICE: Any party to this action may request that the Court set a hearing on the ex parte motion and order. All requests for hearing shall be made in writing and shall be filed with the Court within fourteen (14) days after service of this Order.

7. **Hearings on *Ex Parte* Motions:** In the event a party requests a hearing on an *ex parte* motion, the Court shall set a hearing on an expedited basis. The moving party shall bear the burden of proof at an *ex parte* hearing, and shall present sufficient, competent evidence to establish that continuation of the ex parte order is warranted. Evidence at the hearing shall be confined and limited to the issues raised in the *ex parte* motion, except as otherwise permitted by the Court.

Rule 23: MEDIATION

A. UNIFORM MEDIATION ACT AND DEFINITIONS:

O.R.C. Chapter 2710 "Uniform Mediation Act," including all definitions found in O.R.C. Section 2710.01, are incorporated by reference and adopted by this Court through this local rule.

1. "Mediation" means any process in which a mediator facilitates communication and negotiation between the parties to assist them in reaching a voluntary agreement regarding their dispute.

2. "Mediator" means an individual who conducts a mediation.

3. "Mediation communication" means a statement, whether oral, in a record, verbal or non-verbal, that occurs during a mediation or is made for purposes of considering, conducting, participating in, initiating, continuing, or reconvening a mediation or retaining a mediator.

4. "Nonparty participant" means a person other than a party or mediator that participates in a mediation.

B. CASES ELIGIBLE FOR MEDIATION:

1. General: The Court has discretion to order parties to use mediation in any civil action filed in this Court. A case may be submitted to mediation as provided in this rule. The Court may issue an order on its own motion, upon the motion of counsel, upon the request of a party or upon referral by the mediator.

2. Exceptions: Mediation is prohibited:

   a. As an alternative to the prosecution or adjudication of domestic violence;

   b. In determining whether to grant, modify or terminate a protection order;

   c. In determining the terms and conditions of a protection order; and

d. In determining the penalty for violation of a protection order.

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

C. CONFIDENTIALITY:

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

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

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

a. Parties may share all mediation communications with their attorneys;

b. Certain threats of abuse or neglect of a child or an adult;

c. Statements made during the mediation process to plan or hide an ongoing crime;

d. Statements made during the mediation process that reveal a felony.

D. REFERRAL TO RESOURCES:

The Domestic Relations Court Mediator shall maintain resources for mediation parties (including victims and suspected victims of domestic violence) in order to make appropriate referrals to legal counsel and other support services such as Children Services, domestic violence prevention, counseling, substance abuse and mental health.

E. MEDIATOR TRAINING AND EDUCATION:

A mediator shall meet the qualifications of, and comply with, all training requirements set forth in Sup.R. 16.23.

F. PROCEDURES:

A mediator may meet with the parties individually prior to bringing the parties together for any reason including, but not limited to, further screening. A mediator may schedule multiple mediation sessions, if necessary for the resolution of the issues in part or in their entirety.

If the assigned mediator determines that further mediation efforts would be of no benefit to the parties, he or she shall inform all interested parties and the Court that the mediation is terminated.

G. PARTY/NONPARTY PARTICIPATION:

Parties to informal cases such as pre-filing may voluntarily attend mediation.

Parties who are ordered to mediation in formal cases shall attend scheduled mediation sessions. The Court may order parties to return to mediation at any time in formal cases.

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

By participating in mediation, a nonparty participant, as defined by O.R.C. Section 2710.01(D), agrees to be bound by this rule and submits to the Court's jurisdiction to the extent necessary for enforcement of this rule. Any nonparty participant shall have the rights and duties under this rule attributed to parties except as provided by O.R.C. Sections 2710.03(B)(3) and 2710.04(A)(2).

H. CONTINUANCES:

Continuances of scheduled mediations shall be granted only for good cause shown. Except as authorized by the Court, the existence of pending motions shall not be good cause for a continuance and no continuance will be granted unless the mediation can be rescheduled prior to the next scheduled pretrial/hearing.

I. ATTENDANCE; SANCTIONS:

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

J. EVALUATION, COMMENTS AND COMPLAINTS:

It is the policy of the Court to use mediation to assist parties in reaching a resolution, to provide a process that is timely and flexible, and to maintain the trust and confidence of all participants. Any mediation participant may submit written comments, complaints or feedback regarding the performance of mediators (receiving referrals from this Court) to the Court administrator.

Rule 24: STANDARD PARENTING TIME ORDER

Both Local Rule 24A and Local Rule 24B shall apply in each case in which Local Rule 24 is expressly included by reference in the Court order. Parenting time under Rule 24A shall apply at any time the parties live within 150 miles of each other. Parenting time under Rule 24B shall apply at any time the parties live more than 150 miles from each other. In the event that either party moves into or out of the 150 mile radius, no motion to modify parenting time is necessary in order to change from a Rule 24A to a Rule 24B schedule or from a Rule 24B to a Rule 24A schedule.

When parents separate because of family problems, there is often a period of several months to years during which families are under great stress because of loss, conflict and changes. Most studies show, and psychologists uniformly agree, that the children who "do best" following divorce are from families which maintain a low level of conflict. The absence of conflict can be even more critical than the amount of time either parent spends with the children. For these reasons, the Court encourages parents to discuss all matters pertaining to their child, and attempt to resolve those matters amicably. Parents experiencing difficulty resolving issues relating to the child, should seek the assistance of the Court Mediation Office or other professional to attempt to reach an agreement on matters relating to the child.

Children need the continuing and regular involvement of both parents in order to feel loved. In order to enhance and foster each parent's relationship with the child, neither parent should suggest, encourage or require a child to refer to any person other than the child's parents as "mom" or "dad," nor permit any other person to do so.

No specific schedule will satisfy the changing needs of both children and parents over the years. Critical to the success of any schedule is that each parent be flexible, based upon the changing needs of a child as the child grows older and becomes involved in different activities. It is the Court's view that a specific parenting time order is in the best interest of children, in most cases. The Court has adopted a "Standard Schedule for Parenting Time" which provides for the minimum amount of parenting time which the Court considers reasonable, in most cases. However, this schedule may or may not be appropriate in any given case. It is recognized that each situation and each child is different, and it is preferred that parents attempt to tailor the parenting schedule to meet the specific needs of their children. Parties may agree to, and the Court may approve, more or less parenting time than that provided for in this standard schedule. However, any agreement regarding parenting time must contain specific times and dates for parenting time.

When exercising parenting time, a child may exhibit a strong emotional reaction when saying goodbye to either parent. Child mental health professionals concur that this emotional response is generally quite normal, especially with young children, and does not mean that the child does not love the other parent or does not want to spend time with the other parent. Both parents need to calmly reassure the child that the child will see the other parent soon. The length of the adjustment will vary. If a child indicates strong opposition to being with the other parent, it is the responsibility of each parent to appropriately deal with the situation. Parents should comfort and calmly talk with the child, and provide reassurance. Confrontation and unpleasant scenes are to be avoided. If the matter is not settled, either parent should seek the immediate assistance of a mental health professional or Court mediator, or file a motion with the Court. As uncomfortable as this issue may be for a parent, this issue should not remain unresolved. IT IS THE DUTY OF THE RESIDENTIAL PARENT TO TAKE ALL REASONABLE MEASURES TO MAKE SURE THAT THE CHILD GOES FOR THE PARENTING TIME PERIOD.

RULE 24 A: PARENTING TIME FOR SHORT DISTANCE TRAVEL (150 MILES OR LESS, ONE WAY)

A. **SCHEDULE FOR PARENTING TIME:** Parenting time SHALL TAKE PLACE AT SUCH TIMES AND PLACES AS THE PARTIES AGREE. Unless modified in advance, by mutual agreement of both parties, parenting time normally shall not be less than the following:

1. **Weekend Parenting Time:** Beginning on a specific date, every other weekend from Thursday night at 6:00 p.m. to Sunday night at 6:00 p.m. Specific parenting time for a holiday, day of special meaning or a vacation overrides weekend parenting time, but the alternating weekend schedule shall not

change, even if interrupted and overridden by a holiday, day of special meaning, or vacation parenting time. Weekend time that is lost due to a holiday, day of special meaning, or vacation parenting time does not have to be made up.

2. **Mid-week Parenting Time:** In addition, an overnight parenting time period from 6:00 p.m. on Thursday to 6:00 p.m. on Friday (or on such other day or time that the parties agree) during each week that the nonresidential parent does not have parenting time.

The above weekend and mid-week schedule is summarized on the table below, which shows which **nights** the child will spend with the residential parent (RP) and nonresidential parent (NRP).

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
RP	RP	RP	**NRP**	**NRP**	**NRP**	RP
RP	RP	RP	**NRP**	RP	RP	RP
RP	RP	RP	**NRP**	**NRP**	**NRP**	RP
RP	RP	RP	**NRP**	RP	RP	RP

3. **Parenting Time on Days of Special Meaning:**

   a. **Mother's and Father's Day:** Mother's Day shall always be spent with the mother and Father's Day shall always be spent with the father, regardless of which parent is entitled to the weekend. If the parties cannot agree on times, the times are 9:00 a.m. to 7:30 p.m. The child shall spend the remainder of the Mother's or Father's Day weekend with the parent who has regularly scheduled parenting time for that weekend.

   b. **Child's Birthday:** A child's birthday shall always be spent with the mother in the even-numbered years, and shall always be spent with the father in the odd-numbered years. If the parties cannot agree, the time is 9:00 a.m. to 8:00 p.m., if the child does not have school on the birthday, and 5:00 p.m. to 8:00 p.m. if the child's birthday falls on a school day. Birthday parenting time takes priority over weekend, mid-week, or vacation parenting time. In the event of a conflict between the child's birthday and holiday parenting time, the parent having holiday time with the child shall also have parenting time on the child's birthday. The designated parent is entitled to have all of the parties' children during this parenting time.

4. **Holiday Parenting Time:** Parents may wish to change, by agreement, a holiday to observe family or religious traditions. Unless changed by agreement, holiday parenting times are as follows:

Holiday	**Even Years**	**Odd Years**	**Times unless otherwise agreed:**
Martin Luther King Day	Mother	Father	Sun. 6:00 p.m. - Mon. 6:00 p.m.
Spring Break	Father	Mother	9:00 a.m. on the day after school is released for Spring Break until 6:00 p.m. of the day before school resumes

Easter	Father	Mother	Sun. 9:00 a.m. - Sun. 6:00 p.m.
Memorial Day Weekend	Mother	Father	Fri. 6:00 p.m. - Mon. 6:00 p.m.
July 4th	Father	Mother	7/3 at 6:00 p.m. - 7/5 at 6:00 p.m.
Labor Day Weekend	Mother	Father	Fri. 6:00 p.m. - Mon. 6:00 p.m.
Halloween	Father	Mother	5:00 p.m. - 8:00 p.m. of the night Trick-or-Treat is scheduled in that parent's neighborhood
Thanksgiving	Mother	Father	Wed. 6:00 p.m. - Sun. 6:00 p.m.
1st Half of Winter Vacation, **including** Christmas Eve	Mother	Father	6:00 p.m. on the day that school is out for Christmas vacation to 9:00 p.m. on Christmas Eve
2nd Half of Winter Vacation, **including** Christmas Day & New Year's Eve/Day	Father	Mother	9:00 p.m. on Christmas Eve until 6:00 p.m. on the day before school is scheduled to restart after the school break

All references to "school" in the holiday section above, refer to the schedule of the school where the child attends. If the child is not yet attending school, the public school schedule for the district where the child resides shall apply.

5. **Vacation Parenting Time:**

a. **Length:** The nonresidential parent shall have twenty-eight days of vacation parenting time each year. Vacation parenting time shall be exercised in a block of not less than one (1) week (seven days), and the nonresidential parent has the right to determine the duration of the block of vacation parenting time. In no event shall the nonresidential parent utilize more than two (2) of the residential parent's weekends when scheduling vacation parenting time.

b. **When Exercised:** With regard to any child of school age, the nonresidential parent's vacation parenting time shall be exercised between the last day of the school year and the seventh day before the commencement of the child's new school year, unless otherwise agreed by the parties or ordered by the Court. With regard to a child who is not of school age, vacation parenting time may be exercised any time of the year, except during holiday time or days of special meaning allocated to the residential parent.

c. **Residential Parent Notification:** So as to facilitate scheduling and minimize conflicts, the residential parent shall deliver to the nonresidential parent, in writing, and no later than March 1st of each year, all information (including schedules, if available) concerning potential summer activities for the parties' minor child. Scheduling of summer activities shall be discussed by the parties, which discussions shall consider the desires of the child, family traditions, work schedules of the parents and the child, etc.

d. **Nonresidential Parent Notification:** The nonresidential parent shall, no later than April 1st of each year (or 60 days prior to the start of the vacation parenting time if the child is not in school), deliver to the residential parent, in writing, the dates he/she wishes to exercise vacation parenting time. If the nonresidential parent does not give notice as set forth above, he/she does not forfeit vacation parenting time. His/her vacation parenting time simply loses priority over the residential parent's vacation parenting time to the extent that the residential parent delivers written notice to the nonresidential parent of the dates he/she wishes to exercise vacation parenting time prior to the time that the nonresidential parent delivers such notice to the residential parent. This notice, and the notice of potential summer activities, shall be delivered by one party directly to the other, and shall not be sent through the child.

e. **Priority of Parent's Schedules:** The nonresidential parent's choice of vacation parenting time has priority over the residential parent's choice, unless the residential parent's vacation is an annual mandatory shut-down of their place of employment, or unless the residential parent is required by an employer to give more than 60 days notice of intent to take a vacation and the nonresidential parent has no similar requirement.

f. **Summer School:** Required summer school of a child does not bar or otherwise alter the parenting time schedule set forth herein. If the child must attend summer school during the nonresidential parent's parenting time, the nonresidential parent shall make sure that the child meets all attendance requirements for summer school.

g. **Contact Information:** If either parent takes the child outside the county in which that parent resides, for a period of 24 hours or more, that parent must provide the other parent with the destination(s), time(s) of arrival and departure, method(s) of travel, and telephone number(s) where the child can be reached in case of emergency.

h. **Residential Parent's Interim Parenting Time:** In the event that the vacation parenting time of the nonresidential parent lasts 28 consecutive days or more, the residential parent shall be entitled to spend two (2) consecutive days (forty-eight hours), with the child at the approximate midpoint of the vacation parenting time. The nonresidential parent's vacation parenting time shall be extended accordingly, to constitute the full twenty-eight days of vacation parenting time. The interruption of the nonresidential parent's vacation parenting time shall not apply if it interferes with his or her vacation travel plans, or if the parents reside more than 150 miles from each other.

i. **Residential Parent's Out-of-Town Vacation:** The residential parent shall be entitled to take two (2) weeks of out-of-town vacation per year which is uninterrupted by midweek or weekend parenting time. This vacation may be exercised in minimum increments of one (1) week. The residential parent shall not be required to make-up any missed weekend or midweek parenting time associated with his or her out-of-town vacation. The residential parent shall give thirty (30) days advance notice of any out-of-town vacation time exercised under this provision. If the residential parent does not give notice as set forth above, he/she does not forfeit vacation parenting time. His/her vacation parenting time simply loses priority over the nonresidential parent's vacation parenting time to the extent that the nonresidential parent delivers written notice to the residential parent of the dates he/she wishes to exercise vacation parenting time prior to the time that the residential parent delivers such notice to the nonresidential parent. This notice, and the notice of potential summer activities, shall be delivered by one party directly to the other, and shall not be sent through the child.

j. **Resumption of Weekend Schedule:** The alternating of weekends shall not be affected by intervening vacation parenting time periods of either parent, and the rotation shall continue as initially established, unless the parties agree otherwise.

k. **Priority of Other Parenting Time Periods:** Neither party shall schedule vacation with the child during the other parent's designated time for a holiday or day of special meaning.

B. MISCELLANEOUS PARENTING TIME ISSUES:

1. **Priority of Parenting Time Periods:** In the event of any conflict between parenting time allocated to each parent under this Rule, the following order of priority shall govern, with (a) being the highest priority and (d) being the lowest priority:

   a. Holidays and Days of Special Meaning;

   b. Vacation Time;

   c. Weekends;

   d. Midweek parenting time.

2. **Cancellation of Parenting Time by Nonresidential Parent:** Except in the event of an emergency, the nonresidential parent shall give the residential parent 24-hours advance notice of any cancellation of parenting time. A parent who does not give timely notice of cancellation of parenting time forfeits that period of parenting time. Nothing in this provision prevents a nonresidential parent from scheduling make-up parenting time, when parenting time must be canceled by the nonresidential parent because of an emergency or other unforeseen circumstance.

3. **Keeping the Children Together:** All brothers and sisters subject to the same parenting time order shall participate in parenting time together, unless otherwise agreed by the parties, or unless one child is too ill to leave home for parenting time.

4. **Ending Parenting Time Early:** The nonresidential parent shall not return the child, prior to the end of the parenting time period, unless the parties agree in advance. The residential parent shall not attempt to terminate parenting time prematurely, without agreement, by arriving early to pick up the child.

5. **Transportation:** The nonresidential parent shall transport the child at the start of the parenting time period. The residential parent shall transport the child at the end of the parenting time period. This means that the parents, unless otherwise agreed to by both parents or unless ordered by the Court, shall share the transportation of the child equally. A parent, if unavailable for the pick-up of the child, shall have a responsible adult, well-known to the child, provide substitute transportation for the child. All child restraint laws must be complied with by any person driving with the child. No person transporting the child may be under the influence of drugs or alcohol. Only licensed drivers may transport the child. Unless otherwise ordered by the Court or agreed to by the parties, the child shall be dropped off/picked up at the parents' homes. If the child is to be picked up from a daycare or school

facility which requires written consent for the pick up, the residential parent shall sign such written consent prior to the commencement of any parenting time period.

6. **Promptness:** Each parent shall be prompt for pick-up of the child. Neither parent shall be more than thirty (30) minutes late to pick up the child. A nonresidential parent who is more than thirty (30) minutes late loses that particular parenting time period, unless the tardiness is for good cause, and the nonresidential parent gives notice of the tardiness and a reasonable estimated time of arrival. In order to avoid forfeiture of that parenting time period, the notice of tardiness must be given no later than 30 minutes after the scheduled start of parenting time.

7. **Make-up Parenting Time:** The nonresidential parent shall be entitled to make-up parenting time if, due to an emergency or other unforeseen circumstance, the nonresidential parent is not available at the scheduled time for parenting time and has given required notice of that fact to the residential parent. The nonresidential parent shall also be entitled to make-up parenting time if the residential parent denies parenting time without just cause. All make-up parenting time shall be rescheduled by the nonresidential parent and exercised within sixty (60) days of the missed parenting time, or it is forfeited. The residential parent shall make the child available for all make-up parenting time.

8. **Clothing and the Child's Appearance:** The residential parent is responsible for providing sufficient appropriate clean clothing for every parenting time period. If the planned parenting time activities require special or unusual clothing needs, the nonresidential parent must notify the residential parent in advance. If the child does not own the type of clothing requested, the residential parent is under no obligation to comply with the request. All clothing sent by the residential parent MUST be returned immediately after the parenting time period, in good condition, reasonable wear and tear excepted.

   Absent an agreement by both parents, the child's physical appearance shall not be altered during parenting time periods. Examples of this include, but are not limited to, cutting/coloring of hair, tattoos and body piercings.

9. **Schoolwork:** A parent must provide time for any child to study and complete homework assignments, papers or other school assigned projects, even if the completion of this work interferes with a parent's plans with the child. If schoolwork is assigned by the school prior to the parenting time, the residential parent must inform the nonresidential parent of the school work to be done, so that it may be timely completed.

10. **Address and Telephone Numbers:** Unless the Court orders otherwise, each parent shall keep the other parent informed of his/her current address and telephone/cell phone number, and an alternate telephone number in the event of an emergency. Absent an order of the Court, no parent shall put a block on his/her phone prohibiting the other parent from calling/texting/communicating. Answering machines/voicemail for both parents are encouraged, in order to facilitate communication.

    If either parent takes the child outside the county in which that parent resides, for a period of 24 hours or more, that parent must provide the other parent with sufficient information so as to allow the other parent to know the general whereabouts of the child at all reasonable times. This information includes, but is not limited to: the dates, name and address of any hotel where the child will be staying; the dates and address of any other location where the child will be staying overnight; the method of travel; the airline, flight numbers, times of departure and times of arrival; and a telephone number where the child can be reached in an emergency.

If the parent is traveling within his or her state of residence, he or she shall give the other parent notice at least 12 hours prior to traveling (absent an emergency). If the parent is traveling outside of his or her state of residence, he or she shall give the other parent notice at least 72 hours prior to traveling (absent an emergency).

11. **Illness or Injury of a Child:** Each parent shall notify the other parent of an illness or injury of the child which has necessitated health care, within 24 hours of the illness or injury.

If a child is too ill to leave home for parenting time, the residential parent shall give the nonresidential parent notice of that fact at the earliest available time. The nonresidential parent shall be entitled to make-up parenting time with the child under the provisions in Paragraph 7 above.

The residential parent shall keep the nonresidential parent informed of any health condition of the child which necessitates medication or treatment. The residential parent shall provide the nonresidential parent with any necessary prescription medication or treatment instructions prior to the start of the parenting time period.

12. **Communication between Parents:** Parents, whenever possible, shall communicate directly with one another concerning parenting time issues. In the event parents cannot communicate effectively with one another, the parents shall utilize alternative methods for communication such as: (1) communicating in writing only; (2) engaging a third party to assist in their communications; or (3) seeking professional assistance, including but not limited to the Court's mediation services.

13. **Child's Activities:** Regardless of where the child is living, the child's participation in extracurricular activities, whether school-related or otherwise, shall not be interrupted because of parenting time. The parent with whom the child is residing at the time of an activity shall transport the child to the activity, unless otherwise agreed by the parties, in advance of the parenting time period. Each parent shall fully inform the other parent of any organized activities of the child, in advance, complete with a schedule and the name and contact information for any activity leader, if available.

14. **Child's Records and Activities:**

a. **Name:** The residential parent shall use the child's birth or adopted name only, on the child's records.

b. **Records:** The residential parent must list the nonresidential parent as the mother or father of the child on all formal records of the child. The residential parent must also authorize the school to release to the nonresidential parent any and all information concerning the child, if such release is required for the nonresidential parent to obtain information concerning the child.

c. **Access:** The nonresidential parent shall have the same access to the same records, same school activities and any daycare center attended by the child, on the same basis as said records or access is legally permitted to the residential parent, unless a restrictive order has been journalized by the Court.

15. **Telephone Calls:** Unless otherwise ordered by the Court, each parent shall be permitted regular telephone contact with the child. At a minimum, each parent has the right to talk with the child no less

than twice a week for no more than one-half (½) hour during each contact. Phone calls should be made during the child's normal waking hours. If the child is unavailable for conversation, each parent shall require the child to timely return the call.

In addition to any telephone calls received from a parent, a child is permitted and shall be encouraged to call a parent no less than twice a week. However, the decision to call shall ultimately be left to the child. The child's telephone privileges are not to be used by either parent to convey messages to the other parent. Parents shall not discipline a child by restricting telephone contact with the other parent.

16. **Noncompliance with Court Order:** The duties and rights of parents outlined in this schedule may be enforced by the Court upon the filing of an appropriate motion by either party. Under Ohio law, a parent may not withhold parenting time because the other parent does not obey another Court order (for instance, to pay support, medical bills, etc.). A parent may seek enforcement of a periodic child support order by contacting the Richland County Child Support Enforcement Agency. The failure of any party to obey a Court Order may subject the violating parent to Court-imposed sanctions or penalties, including fines, jail, payment of attorney fees and costs, and other appropriate relief.

17. **Relocation:**

a. **Notice of Intent to Relocate:** The residential parent must notify the nonresidential parent, in writing, any time he or she changes his or her residence from that of the county in which he or she resides. Said notice must be given in writing, at least forty-five (45) days in advance of the relocation. This Court has designed forms to be used by the residential parent to make the relocation notification (Forms 6.00 and 13.00 through 13.30). The procedure for making the notification and the forms are available from the Court upon request.

b. **Reallocation of Parental Rights and Responsibilities:** If the proposed relocation makes the existing allocation of parental rights and responsibilities or parenting time order impracticable, the parents shall attempt, in good faith, to reach an agreement on any modification of the allocation of parental rights and responsibilities or parenting time order. Any agreed modification shall be reduced to a Judgment Entry, and shall be submitted to the Court for approval and filing. If the parties cannot reach an agreement, either party may file a motion to reallocate parental rights and responsibilities or to modify parenting time with the Court. In addition, the non-residential parent may file a motion to enjoin the residential parent from relocating.

18. **Implementation of New Schedule:** Rule 24, as set forth above, constitutes the standard schedule of parenting time of the Court. The Court reserves the right to modify the parenting time schedule upon the filing of a motion by either party. The current version is intended to be prospective in application only. However, the Court, in addressing any motion for modification of parenting time, would generally adopt this schedule of parenting time, upon the request of either party, unless any party proves by a preponderance of the evidence that another schedule would serve the best interest of a child. If adoption of this schedule of parenting time expands the nonresidential parent's parenting time, a modification of parenting time standing alone shall not constitute sufficient evidence for a deviation of the nonresidential parent's child support obligation. Evidence of a specific monetary amount associated with the expanded parenting time is required for a deviation from child support computed pursuant to O.R.C. Chapter 3119.

19. **Attachment of Rule to Judgment Entries:** Any time a Judgment Entry orders parenting time in accordance with this Rule, a copy of this Rule shall be attached to and incorporated into the Judgment Entry.

RULE 24 B: PARENTING TIME FOR LONG DISTANCE TRAVEL (OVER 150 MILES, ONE WAY)

A. **SCHEDULE FOR PARENTING TIME:** Parenting time SHALL TAKE PLACE AT SUCH TIMES AND PLACES AS THE PARTIES AGREE. Unless modified in advance, by mutual agreement of the parties, parenting time normally shall not be less than the following:

1. The first half of winter vacation, including Christmas Eve, shall be spent with the Mother in even years and the Father in odd years. The first half of winter vacation is defined as 6:00 p.m. on the day that school is out for Christmas vacation to 9:00 p.m. on Christmas Eve.

2. The second half of winter vacation, including Christmas Day and New Year's Eve/Day, shall be spent with the Father in even years and the Mother in odd years. The second half of winter vacation is defined as 9:00 p.m. on Christmas Eve until 6:00 p.m. on the day before school is scheduled to begin after the school break.

3. Spring break shall be spent with the Father in even years, and the mother in odd years. Spring break is defined as 9:00 a.m. on the day after school is released for Spring Break until 6:00 p.m. of the day before school resumes.

4. One-half of the school summer vacation. The first half of the school summer vacation shall be spent with the Father in odd years, and with Mother in even years. The second half of the school summer vacation shall be spent with Father in even years, and with Mother in odd years. The residential parent shall notify the nonresidential parent by March 15th of when the summer vacation begins and ends. The parties shall decide and provide in the plan the time and place where the child shall be picked up and dropped off for school summer vacation.

   If summer school is necessary for the child to pass to the next grade, it must be attended. If the summer school schedule interferes with summer parenting time, the parties must adjust summer parenting time, if possible, so as to ensure that the nonresidential parent has at least six weeks of the school summer vacation.

   Each parent shall deliver to the other, in writing, and no later than May 1st of each year, all information (including schedules, if available) concerning potential summer activities for the parties' minor child.

5. A once-a-month weekend visit to the nonresidential 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.

6. All references to "school" in paragraphs 1, 2, 3 and 4 above, refer to the schedule of the school where the child attends. If the child is not yet attending school, the public school schedule for the district where the child resides shall apply.

7. The nonresidential parent shall notify the residential parent at least two days in advance of any time the nonresidential parent will be in the area and wants to exercise parenting time. Absent extraordinary circumstances, this parenting time shall occur.

The residential parent must notify the nonresidential parent at least two days in advance when the residential parent and child will be in the area of the nonresidential parent. Absent extraordinary circumstances, parenting time shall occur.

8. If either parent takes the child outside the county in which that parent resides, for a period of 24 hours or more, that parent must provide the other parent with the destination(s), time(s) of arrival and departure, method(s) of travel, and telephone number(s) where the child can be reached in case of an emergency.

B. **MISCELLANEOUS PARENTING TIME ISSUES:**

1. **Keeping the Children Together:** All brothers and sisters subject to the same parenting time order shall participate in parenting time together, unless otherwise agreed by the parties, or unless one child is too ill to leave home for parenting time.

2. **Transportation:** The relocating party shall be responsible for the costs of transportation. The costs of transportation may be a basis for deviation from the child support schedule.

Parties shall decide and provide in the plan where the child(ren) shall be picked up and dropped off for parenting time. A parent, if unavailable to transport the child, shall have a responsible adult, well known to the child, provide substitute transportation for the child. All child restraint laws must be complied with by any person driving with the child. No person transporting the child may be under the influence of drugs or alcohol. Only licensed drivers may transport the child.

3. **Clothing and the Child's Appearance:** The residential parent is responsible for providing sufficient appropriate clean clothing for every parenting time period. If the planned parenting time activities require special or unusual clothing needs, the nonresidential parent must notify the residential parent in advance. If the child does not own the type of clothing requested, the residential parent is under no obligation to comply with the request. All clothing sent by the residential parent MUST be returned immediately after the parenting time period, in good condition, reasonable wear and tear excepted.

Absent an agreement by both parents, the child's physical appearance shall not be altered during parenting time periods. Examples of this include, but are not limited to, cutting/coloring of hair, tattoos and body piercings.

4. **Schoolwork:** A parent must provide time for any child to study and complete homework assignments, papers or other school assigned projects, even if the completion of this work interferes with a parent's plans with the child. If schoolwork is assigned by the school prior to the parenting time period, the residential parent must inform the nonresidential parent of the school work to be done, so that it may be timely completed.

5. **Address and Telephone Numbers:** Unless the Court orders otherwise, each parent shall keep the other parent informed of his/her current address and telephone/cell phone number, and an alternate

telephone number in the event of an emergency. Absent an order of the Court, no parent shall put a block on his/her phone prohibiting the other parent from calling/texting/communicating. Answering machines/voicemail for both parents are encouraged, in order to facilitate communication.

If either parent takes the child outside the county in which that parent resides, for a period of 24 hours or more, that parent must provide the other parent with sufficient information so as to allow the other parent to know the general whereabouts of the child at all reasonable times. This information includes, but is not limited to: the dates, name and address of any hotel where the child will be staying; the dates and address of any other location where the child will be staying overnight; the method of travel; the airline, flight numbers, times of departure and times of arrival; and a telephone number where the child can be reached in an emergency.

If the parent is traveling within his or her state of residence, he or she shall give the other parent notice at least 12 hours prior to traveling (absent an emergency). If the parent is traveling outside of his or her state of residence, he or she shall give the other parent notice at least 72 hours prior to traveling (absent an emergency).

6. **Illness or Injury of a Child:** Each parent shall notify the other parent of an illness or injury of the child which has necessitated health care, within 24 hours of the illness or injury.

If a child is too ill to leave home for parenting time, the residential parent shall give the nonresidential parent notice of that fact at the earliest available time, and the nonresidential parent shall be entitled to make-up parenting time with the child. All make-up parenting time shall be rescheduled by the nonresidential parent and exercised within six (6) months of the missed parenting time, or it is forfeited. The residential parent shall make the child available for all make-up parenting time.

The residential parent shall keep the nonresidential parent informed of any health condition of the child which necessitates medication or treatment. The residential parent shall provide the nonresidential parent with any necessary prescription medication or treatment instructions prior to the start of the parenting time period.

7. **Communication between Parents:** Parents, whenever possible, shall communicate directly with one another concerning parenting time issues. In the event parents cannot communicate effectively with one another, the parents shall utilize alternative methods for communication such as: (1) communicating in writing only; (2) engaging a third party to assist in their communications; or (3) seeking professional assistance including, but not limited to, the Court's mediation services.

8. **Children's Activities:** Each party shall fully inform the other parent of any organized activities of the child, in advance, complete with a schedule and the name and contact information for any activity leader, if available.

9. **Child's Records and Access to Child's Activities:**

   a. **Name:** The residential parent shall use the child's birth or adopted name only, on the child's records.

   b. **Records:** The residential parent must list the nonresidential parent as the mother or father of the child on all formal records of the child. The residential parent must also authorize the school to

release to the nonresidential parent any and all information concerning the child, if such release is required for the nonresidential parent to obtain information concerning the child.

c. **Access:** The nonresidential parent shall have the same access to the same records, same school activities and any daycare center attended by the child, on the same basis as said records or access is legally permitted to the residential parent, unless a restrictive order has been journalized by the Court.

d. **Child care providers:** Each parent shall provide the name, address and phone number of all child care providers to the other parent.

10. **Telephone Calls:** Unless otherwise ordered by the Court, each parent shall be permitted regular telephone contact with the child. At a minimum, each parent has the right to talk with the child no less than twice a week for no more than one-half (½) hour during each contact. Phone calls should be made during the child's normal waking hours. If the child is unavailable for conversation, each parent shall require the child to timely return the call.

In addition to any telephone calls received from a parent, a child is permitted and shall be encouraged to call a parent no less than twice a week. However, the decision to call shall ultimately be left to the child. The child's telephone privileges are not to be used by either parent to convey messages to the other parent. Parents shall not discipline a child by restricting telephone contact with the other parent.

The calling party shall bear the expense of phone calls.

11. **Noncompliance with Court Order:** The duties and rights of parents outlined in this schedule may be enforced by the Court upon the filing of the appropriate motion by either party. Under Ohio law, a parent may not withhold parenting time because the other parent does not obey another Court order (for instance, to pay support, medical bills, etc.). A parent may seek enforcement of a periodic child support order by contacting the Richland County Child Support Enforcement Agency. The failure of any party to obey a Court Order may subject the violating parent to Court-imposed sanctions or penalties, including fines, jail, payment of attorney fees and costs, and other appropriate relief.

12. **Relocation:**

a. **Notice of Intent to Relocate:** The residential parent must notify the nonresidential parent, in writing, any time he or she changes his or her residence from that of the county in which he or she resides. Said notice must be given in writing, at least forty-five (45) days in advance of the relocation. This Court has designed forms to be used by the residential parent to make the relocation notification (Forms 6.00 and 11.00 through 11.30). The procedure for making the notification and the forms are available from the Court upon request.

b. **Reallocation of Parental Rights and Responsibilities:** If the proposed relocation makes the existing allocation of parental rights and responsibilities or parenting time order impracticable, the parents shall attempt, in good faith, to reach an agreement on any modification of the allocation of parental rights and responsibilities or parenting time order. Any agreed modification shall be reduced to a Judgment Entry, and shall be submitted to the Court for approval and filing. If the parties cannot reach an agreement, either party may file a motion to reallocate parental rights and

responsibilities or to modify parenting time with the Court. In addition, the non-residential parent may file a motion to enjoin the residential parent from relocating.

13. **Implementation of New Schedule:** Rule 24, as set forth above, constitutes the standard schedule of parenting time of the Court. The Court reserves the right to modify the parenting time schedule upon the filing of a motion by either party. The current version is intended to be prospective in application only. However, the Court, in addressing any motion for modification of parenting time, would generally adopt this schedule of parenting time, upon the request of either party, unless any party proves by a preponderance of the evidence that another schedule would serve the best interest of a child. If adoption of this schedule of parenting time expands the nonresidential parent's parenting time, a modification of parenting time standing alone shall not constitute sufficient evidence for a deviation of the nonresidential parent's child support obligation. Evidence of a specific monetary amount associated with the expanded parenting time is required for a deviation from Guidelines child support pursuant to O.R.C. Chapter 3119.

14. **Attachment of Rule to Judgment Entries:** Any time a Judgment Entry orders parenting time in accordance with this Rule, a copy of this Rule shall be attached to and incorporated into the Judgment Entry.

Rule 25: HOME INVESTIGATIONS/EVALUATIONS

A. **POLICY OF THE COURT:** After Rule 23 has been complied with, either party may request or the Court may order a home investigation concerning the best interest of any child(ren) in contested parenting proceedings. The home investigation shall be completed by a person appointed by the Court.

B. **REQUEST FOR HOME INVESTIGATION:** A home investigation shall be initiated by presenting a completed Request for Home Investigation (Form 8.00) to the Home Investigation Coordinator.

C. **COSTS OF AND PAYMENT FOR HOME INVESTIGATION:** The Court shall allocate the costs of the home investigation between the parties as the Court determines to be fair, equitable and in the best interest of the child(ren). Each party shall deposit his or her portion of the cost of the home investigation, including travel expenses, with his or her attorney, or such other person designated by the Court, within fourteen (14) days of the filing of the Home Investigation Judgment Entry.

Any party living outside of Richland County shall be responsible for depositing sufficient funds to cover the home investigator's travel expenses. The Court will order the payment of travel expenses when it orders payment of the home investigation fee.

Upon completion of the home investigation report, the home investigator shall bill the appropriate party's attorney for the home investigation cost and any unpaid travel expenses. The party's attorney shall pay that sum directly to the home investigator immediately upon receipt of the billing, but no later than seven (7) days after receipt of the billing. A current schedule of costs for home investigations and travel expenses shall be approved by the Judge and kept on file with the Court.

D. **REPORT OF HOME INVESTIGATOR:** No later than seven (7) days prior to the Post-Home Investigation Pretrial Conference, the Home Investigator shall submit a written report to the Court which contains his or her recommendations. Upon receipt of the report, the Home Investigation Coordinator shall contact the attorneys and unrepresented parties, and advise them that the report is available for their review.

The report is confidential, and shall be available at the Court for review by the attorneys and any unrepresented parties. Upon review of the same, the attorneys and parties are expressly prohibited from making or disseminating any copies of the home investigation report to any other person.

E. TESTIMONY OF HOME INVESTIGATOR: In the event a party desires the home investigator to testify at any hearing in the case, that party shall contact the Court's Home Investigation Coordinator no later than ten (10) days prior to trial. Failure to timely secure the appearance of the home investigator by contacting the Court may result in the unavailability of the home investigator at trial, except through the issuance of a subpoena.

F. EVALUATION OF MEDICAL PROVIDER, PSYCHOLOGIST OR PSYCHIATRIST: A request for a medical, psychological or psychiatric evaluation shall be made by written motion. The Court shall allocate the cost of such evaluation as the Court determines to be fair, equitable and in the best interest of the child(ren). Upon receipt of the report, the Court Administrator shall contact the attorneys and unrepresented parties, and advise them that the report is available for their review. The evaluations are confidential, and shall be available at the Court for review by the attorneys and any unrepresented parties. Upon review of the same, the attorneys and parties are expressly prohibited from making or disseminating any copies of the evaluation to any other person.

G. TESTIMONY OF COURT-ORDERED MEDICAL PROVIDER, PSYCHOLOGIST OR PSYCHIATRIST: Any court-ordered medical, psychological or psychiatric evaluation shall be admitted into evidence. Any party desiring to cross-examine the medical provider, psychologist or psychiatrist on the contents of the evaluation shall be responsible for the costs of securing the attendance of that person. The Court shall retain jurisdiction to reallocate the costs upon the conclusion of the case.

Rule 26: GUARDIANS AD LITEM

A. POLICY OF THE COURT: In order to determine the best interest of a minor child in any case involving the allocation of parental rights and responsibilities, custody, parenting time, visitation and/or companionship, the Court may appoint a guardian ad litem upon its own motion or upon the motion of either party. The guardian ad litem will be appointed from a list of attorneys who have requested to be appointed and who meet the requirements of the Rules of Superintendence of the Courts of Ohio. The Court will appoint a qualified individual to serve as guardian ad litem.

B. NOTICES TO GUARDIAN AD LITEM: Upon appointment, counsel for both parties and the Assignment Clerk shall notify the guardian ad litem of all proceedings. It shall be the responsibility of counsel to serve the guardian ad litem with copies of all pleadings filed after the appointment.

C. DEPOSIT FOR AND PAYMENT OF FEES: The Order Appointing Guardian Ad Litem shall specify any deposit which must be made in advance for fees and who shall pay said deposit. All payments for the services of the guardian ad litem shall be payable through the IOLTA account of the guardian ad litem. The Court shall allocate the deposits between the parties as the Court determines to be fair, equitable and in the best interest of the child(ren).

D. REPORTS OF GUARDIAN AD LITEM: A guardian ad litem shall prepare a final written report, including recommendations to the Court. The report shall detail the activities performed, hearings attended, persons interviewed, documents reviewed, experts consulted and all other relevant information considered by

the guardian ad litem in reaching the guardian ad litem's recommendations and in accomplishing the duties required by statute, by court rule, and in the Court's order of appointment.

The final report shall be filed with the Court and made available to the parties for inspection no less than 7 days before the final hearing unless the due date is extended by the Court.

The guardian ad litem shall serve a notice of submission of his or her report upon all counsel of record and unrepresented parties. The report is confidential, and shall be available at the Court for review by the attorneys and any unrepresented parties. Upon review of the same, the attorneys and parties are expressly prohibited from making or disseminating any copies of the report to any other person.

The Court shall consider the recommendation of the guardian ad litem in determining the best interest of the child only when the report or a portion of the report has been admitted as an exhibit.

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

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

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

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

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

5. A non-attorney guardian ad litem must avoid engaging in conduct that constitutes the unauthorized practice of law, be vigilant in performing the guardian ad litem's duties and request that the court appoint legal counsel, or otherwise employ the services of an attorney, to undertake appropriate legal actions on behalf of the guardian ad litem in the case.

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

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

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

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

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

11. Unless excepted by statute, by court rule consistent with this rule, or by order of court pursuant to this rule, a guardian ad litem shall meet the qualifications and satisfy all training and continuing education requirements under this rule and under any local court rules governing guardians ad litem. A guardian ad litem shall meet the qualifications for guardians ad litem for each county where the guardian ad litem serves and shall promptly advise each court of any grounds for disqualification or unavailability to serve.

12. A guardian ad litem shall be responsible for providing the Court or its designee with a statement indicating compliance with all initial and continuing educational and training requirements. The compliance statement shall include information detailing the date, location, contents and credit hours received for any relevant training course.

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

    a. Meet with and interview the child and observe the child with each parent, foster parent, guardian or physical custodian and conduct at least one interview with the child where none of these individuals is present;

    b. Visit the child at his or her residence in accordance with any standards established by the Court in which the guardian ad litem is appointed;

    c. Ascertain the wishes of the child;

    d. Meet with and interview the parties, foster parents and other significant individuals who may have relevant knowledge regarding the issues of the case;

    e. Review pleadings and other relevant court documents in the case in which the guardian ad litem is appointed;

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

g. Interview school personnel, medical and mental health providers, child protective services workers and relevant court personnel and obtain copies of relevant records;

h. Recommend that the Court order psychological evaluations, mental health and/or substance abuse assessments, or other evaluations or tests of the parties as the guardian ad litem deems necessary or helpful to the Court; and

i. Perform any other investigation necessary to make an informed recommendation regarding the best interest of the child.

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

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

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

17. A guardian ad litem who is to be paid by the Court or a party, shall keep accurate records of the time spent, services rendered, and expenses incurred in each case and file an itemized statement and accounting with the Court and provide a copy to each party or other entity responsible for payment.

The Guardian Ad Litem shall not act as counsel for the child unless specifically appointed in that capacity by the Court.

Rule 27: PARENTING SEMINAR

A. **WHEN REQUIRED:** Both parents shall complete the Court-sponsored Parenting Seminar within the time limits set forth below:

1. **Divorce, Dissolution, Legal Separation or Annulment with Children:** Within forty-five (45) days after completion of service of process in any divorce, legal separation or annulment with children, or

within forty-five (45) days after the filing of a dissolution of marriage action, but no later than the date of the first scheduled mediation session or the final hearing, whichever occurs first.

2. **Parentage and Post-Decree Actions:** Within the discretion of the Court, the Court may order the parties to attend the Parenting Seminar.

B. **EXEMPTION FROM ATTENDANCE:** Any parent who has attended the Court-sponsored Parenting Seminar within one (1) year prior to the filing of any action specified above shall be exempt from the attendance requirements set forth above. A parent may also be excused from attendance by the Court, upon a showing of good cause.

C. **PROCEDURE FOR SEMINAR REGISTRATION:**

1. **Divorce, Legal Separation and Annulment Cases:** Following the issuance of temporary orders, the Court's Assignment Clerk shall schedule each parent's parenting seminar and notify counsel for each party or the parties (if unrepresented by counsel) of the date and time of the Parenting Seminar.

2. **Dissolutions:** Upon the filing of the action, counsel filing the action shall secure dates for each parent's parenting seminar from the Assignment Clerk, and counsel shall thereafter notify each party of the date and time of the parenting seminar. In the event neither party is represented by counsel, the Court's Assignment Clerk shall schedule and notify each parent of the date and time of his or her parenting seminar.

3. **Parentage and Post-Decree Actions:** In the event the Court orders the parties to attend the Parenting Seminar, the Court's Assignment Clerk shall schedule each parent's parenting seminar and shall notify counsel for each party or the parties (if unrepresented by counsel) of the date and time of the parenting seminar.

D. **FAILURE TO ATTEND:** A final Judgment shall not be entered in the case, until both parties have attended the Court-sponsored Parenting Seminar, or the Court has excused the attendance of one or both parties, for good cause shown. Failure to attend may result in sanctions, including dismissal of the action before Court.

E. **PROOF OF ATTENDANCE:** Upon completion of the seminar, each parent shall receive a certificate evidencing attendance at the seminar.

Rule 28: CHILDREN'S CLASS

A. **DIVORCE, DISSOLUTION, LEGAL SEPARATION OR ANNULMENT:** All school-aged children (kindergarten through twelfth grade) shall complete the Court-sponsored Education on Divorce Class for children and adolescents.

B. **EXEMPTION FROM ATTENDANCE:** A child may be excused from attendance, by the Court, upon a showing of good cause.

C. **PROCEDURE FOR REGISTRATION:**

1. **Divorce, Legal Separation and Annulment Cases:** Following the issuance of temporary orders, the Court shall schedule each child's class(es) and issue a judgment entry notifying counsel for each party or the parties (if unrepresented by counsel) of the date and time of the class(es).

2. **Dissolutions:** Upon the filing of the action, the Court shall schedule each child's class(es) and issue a judgment entry notifying counsel for each party or the parties (if unrepresented by counsel) of the date and time of the class(es).

D. **FAILURE TO ATTEND:** A final Judgment shall not be entered in the case, until all school-aged children have attended the children's class, or the Court has excused the attendance of one or more of the children, for good cause shown. Failure to attend may result in sanctions, including dismissal of the action before Court.

Rule 29: HEALTH EXPENSE AND INSURANCE ORDERS

A. **MEDICAL CHILD SUPPORT ORDER:**

1. **When Filed:** Whenever the Court enters a new or modified child support order, a Medical Child Support Order shall be filed in the case, contemporaneously with the child support order, whether or not either party has health insurance for the minor child(ren).

2. **Form:** The order shall be on Form 9.00.

3. **Responsibility for Preparing:** Unless otherwise ordered by the Court, the order shall be prepared by counsel for the party ordered to carry insurance, or by counsel who initiated the proceeding in the event the party ordered to carry insurance does not have counsel of record. In the event the proceeding was initiated by the Richland County Child Support Enforcement Agency (CSEA), a staff attorney for CSEA shall prepare and file the order, unless the party ordered to carry insurance has counsel of record; in that event, counsel for the party ordered to carry insurance shall prepare and file the order.

B. **COMPUTATION OF HEALTH CARE BILLS:** A form for computation of each parent's portion of a child's health care bill is contained in the appendix to these rules (Form 10.00). That form shall not be filed with the court, but may be used by the parents when transmitting bills to each other for payment and shall be used in presenting a motion for contempt for failure to pay the uninsured medical expenses of a child.

Rule 30: SUPPORT ORDERS

A. **MANDATORY SUPPORT LANGUAGE IN JUDGMENT ENTRIES:** Any Judgment Entry which contains a child support or spousal support order shall contain language which comports with O.R.C. Chapters 3119, 3121, 3123 and 3125 (or as subsequently amended). The Court suggests use of the language contained on Form 15.00, which shall be modified as appropriate, depending upon whether the Judgment Entry includes a child support and/or spousal support order.

B. **CHILD SUPPORT COMPUTATION WORKSHEET:** Any child support order shall have a copy of the Child Support Computation Worksheet which was used to calculate the child support obligation,

attached to the Judgment Entry as an exhibit. The attached Computation Worksheet shall be fully completed, accurately calculated, consistent with the amount ordered on the Judgment Entry, and signed.

C. **DEVIATION FROM GUIDELINE COMPUTATION WORKSHEET:** Any proposed Judgment Entry containing a deviation from the attached Computation Worksheet shall contain the deviation language (or substantially similar language) contained on Form 16.00.

D. **SUPPORT OBLIGATIONS FOR SHARED PARENTING PLANS AND DECREES:** Any proposed Shared Parenting Plan and Decree in which the parents agree to a deviation from the Child Support Computation Worksheet amount shall contain a provision which addresses how the expenses of the minor child(ren), beyond food and shelter, will be paid.

E. **WITHHOLDING OR DEDUCTION NOTICE:**

1. **Responsibility for Preparation:** Unless otherwise ordered by the Court, counsel for the obligee shall prepare any withholding or deduction notice which is required to effectuate a Court support order. In the event the obligee is not represented by counsel and the Richland County Child Support Enforcement Agency (CSEA) is a participant in the proceedings, the CSEA shall prepare any necessary withholding or deduction notice.

2. **Filing and Service Instructions:** Unless otherwise permitted by the Court, all withholding or deduction notices for child or spousal support shall be filed with the Court, and shall be accompanied by written instructions directing the Clerk of Courts to serve the notice on the obligor, obligee and payor of income subject to withholding or deduction for support purposes.

Rule 31: *IN CAMERA* INTERVIEWS OF MINOR CHILDREN

A. **REQUEST FOR INTERVIEW:** Any party may request that the Court conduct an *in camera* interview of a minor child in any action concerning the allocation of parental rights and responsibilities, custody, parenting time, companionship or visitation, by filing a written request prior to the final hearing. **UNDER NO CIRCUMSTANCES SHALL THE PARTIES BRING A MINOR CHILD TO THE COURT FOR AN *IN CAMERA* INTERVIEW, OTHER THAN AT THE TIME SCHEDULED BY THE COURT FOR AN *IN CAMERA* INTERVIEW.**

B. **PERSONS PRESENT DURING INTERVIEW:** No person, other than the child, the child's attorney, the child's guardian ad litem, the Judge or Magistrate, any necessary court personnel, and any other person specified by the Judge or Magistrate, shall be present during the *in camera* interview of a minor child, pursuant to O.R.C. Section 3109.04.

C. **RECORD OF THE INTERVIEW:** A record of all *in camera* interviews shall be made by stenographic means or by digital recording. Upon completion, the record of the interview shall be deemed sealed and shall not be disclosed, except upon specific Court order. This Rule is in furtherance of the legislative purpose and intent of O.R.C. Section 3109.04.

Rule 32: ATTORNEY FEES

A. CHILD SUPPORT AND PARENTING TIME CONTEMPT ACTIONS:

1. **Ordinary Fees:** An award of attorney fees is mandatory in child support, spousal support, and parenting time contempt actions pursuant to O.R.C. Sections 3109.05, 3109.051 and 3105.18. Counsel need not make a written motion requesting an award of attorney fees in those types of actions. Generally, the Court considers attorney fees not in excess of $500.00 to be a reasonable attorney fee award in these types of contempt actions. The Court generally will not require evidence to support an award of attorney fees not in excess of $500.00 in those cases. The Court may require evidence, however, if it deems such evidence necessary in the case.

2. **Extraordinary Fees:** The Court shall retain discretion to consider and award attorney fees in excess of $500.00 in these types of contempt actions. In order to obtain an award of fees in excess of $500.00, counsel must present evidence and testimony as described in the Division (B)(2) of this rule.

B. AWARD OF ATTORNEY FEES IN OTHER ACTIONS:

1. **Motion for Attorney Fees:**

   a. Upon final hearing: In the event either party seeks an award of attorney fees upon final hearing in a divorce, annulment or legal separation case, counsel shall provide an attorney fee statement to the other party prior to the final hearing. The statement shall be itemized and shall describe the services rendered, the time expended for such services, and the hourly rate charged by the attorney (unless a flat fee has been charged, in which case the amount of the flat fee shall be disclosed).

   b. Interim Fee Awards and Fee Awards in Post-Decree Actions: Any motion for attorney fees shall state with specificity the reason why fees are being requested and the amount of attorney fees being sought. The party from whom attorney fees are being sought may file a memorandum in opposition to the motion for attorney fees.

2. **Evidence Supporting the Motion:** The following evidence shall be presented at any hearing regarding attorney fees:

   a. An affidavit signed by counsel verifying the method by which the fees requested were calculated, including the services rendered, the time expended for such services and the hourly rates for in-court and out-of-court time (unless a flat fee has been charged, in which case the amount of the flat fee shall be disclosed);

   b. Testimony from the client as to whether the services billed were actually rendered;

   c. If the fees are sought because of any complex legal or factual issues, testimony concerning the existence of those issues; and

   d. Evidence of the parties' respective incomes and expenses, if such evidence is not otherwise disclosed during the course of the hearing.

3. **Expert testimony:** Unless specifically required by the Court, expert testimony shall not be required to prove the reasonableness of the fees, although it may be required to prove other aspects of the motion for fees. Either party may elect to present expert testimony in support of or in opposition to a motion for attorney fees.

4. **Failure to Comply:** Failure to comply with the provisions of this rule may result in a denial of the motion for attorney fees.