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KNOX COUNTY
COURT OF COMMON PLEAS

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CLERK OF COURTS

RULES OF COURT

Knox County Common Pleas Court Domestic Relations

Mt. Vernon, Ohio

Effective: January 13, 2021

JUDGE RICHARD D. WETZEL

Magistrate Natasha A. Plumly

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RULE 1.0

PLEADINGS: FORMAT AND PROCEDURE

- 1.1 All pleadings, motions and other filings shall comply in form and content with the Ohio Rules of Civil Procedure and the General Rules of Knox County Court of Common Pleas.
- 1.2 **Caption Requirements.** In every pleading or initial post-decree motion filed on behalf of a party or parties, there shall be set forth in the caption the names of all parties with their most recent complete address, if known, and, if the party is a natural party, the date of birth if known. For any motion or document filed after the pleadings or initial post-decree motion [except an entry or order (see Rule 21.0)], the caption may contain only names of the first party on each side of the case with the applicable "*et al*" designating multiple parties.
- 1.3 **Change of Address.** An attorney or self-represented party whose mailing address, telephone number, fax number, or e-mail address changes while an action is pending must serve on all parties and file a written notice of the change. The Clerk of Court shall not accept a change of address via telephone, email or fax.
- 1.4 **Affidavits.**
- A. All actions for divorce, dissolution, or legal separation, and in all actions or motions asking to establish or modify spousal support or child support, the parties shall file the Confidential Disclosure of Personal Identifiers form found in Item 1 of the Appendix (which shall be kept in the Confidential File by the Clerk of Court) and Supreme Court of Ohio approved financial affidavits which fully and accurately disclose income, expenses, property, and debts. The financial affidavits shall be in the same format and include the same information as required for temporary support orders and must adhere to Local Rule 8.0 requirements.
- B. All actions for divorce, dissolution, or legal separation, and in all actions or motions asking to establish or modify child support, the parties shall file a IV-D Application for Child Support Services. If a Complaint for divorce, dissolution, legal separation, action, or motion asking to establish or modify child support is filed without the IV-D Application, the Court shall order the filing party to correct the omission within fourteen (14) days. The IV-D Application may be found in the child support section of the Ohio Department of Job & Family Services website.

The Confidential Disclosure of Personal Identifiers form, financial affidavits, and IV-D Application for Child Support Services shall be filed at the same time the action is commenced or with the responsive pleading.

C. If a Confidential Disclosure of Personal Identifiers form, financial affidavit, or IV-D Application for Child Support Services form is used by a party that varies from the forms prescribed by the Court, then it must contain all of the information required to be disclosed by the Court.

D. Failure to include all necessary information as required by the Court may result in the denial of the request for support.

1.5 **Interlineation/obliterations.** After a pleading or motion has been filed, there shall be no amendments by interlineation or obliteration except by prior approval of the Court.

1.6 **Replacements.** No document in any case file may be removed or replaced; however, an amended document may be filed with Court approval.

1.7 **Duplication.** Before a divorce complaint is filed, counsel shall use reasonable diligence to avoid filing a duplicative divorce complaint, i.e. where the opposing party has already filed a divorce complaint. Failure to use reasonable diligence to ascertain the existence of an earlier filed divorce complaint may result in a Court order for the second complaint to be dismissed irrespective of which party had first received service of summons.

1.8 **Non-Compliance.** If any pleading or initial post decree motion fails to meet the format requirements of this rule, it may be returned to the originator for revision or it may be subject to a *sua sponte* dismissal by the Court.

1.9 **Public File and Confidential File.** In accordance with Rule 44(C)(2)(h) of the Ohio Rules of Superintendence, the Clerk of Courts shall maintain a public file and a confidential file for each case as set forth herein.

A. "Case document" means a document submitted to the Court or filed with the Clerk of Courts in a judicial action or proceeding, including exhibits (subject to the limitation as set forth below), pleadings, motions, orders, judgments, and exhibits attached thereto, and any documentation prepared by the Court or Clerk of

Courts in the judicial action or proceeding, such as journals, dockets, and indices. Exhibits attached to any case document which are physical exhibits that are not on paper, such as but not limited to a cd or USB shall only be filed by the Clerk if the Clerk receives a copy of the physical exhibit to serve on the opposing party, or if the party certifies in a certificate of service that the physical exhibit has been served on the opposing party. The party should print out any documents from the cd or USB that can be printed and filed on paper and shall summarize in a filing any recording. Case documents shall be filed and maintained by the Clerk of Courts in a public file.

B. The term “case document” does not include the following:

1. Health care documents, including but not limited to physical health, psychological health, psychiatric health, mental health, and counseling documents.
2. Health Insurance Affidavit;
3. Drug and alcohol use assessments, pre-disposition treatment facility reports and drug test reports;
4. Guardian ad Litem reports, including collateral source documents attached to or filed with the reports;
5. Home investigation reports, including collateral source documents attached to or filed with the reports;
6. Child custody evaluations and reports, including collateral source documents attached to or filed with the reports;
7. Pictures of minor children;
8. Domestic violence risk assessments;
9. Supervised parenting time or companionship or visitation records and reports, including exchange records and reports;
10. Financial disclosure statements regarding property, debt, taxes, income, and expenses, including collateral source documents attached to or filed with records and statements;
11. Affidavit of property;

12. Affidavit of income and expenses;

13. Asset appraisal and evaluations;

14. IV-D Applications;

15. Confidential Disclosure of Personal Identifiers Form

16. Affidavits in support of Motions which include specific references to information contained in the confidential documents set forth herein; and

17. In matters transferred from Knox County Juvenile Court, the Judgment Entry ordering the transfer to the Court of Common Pleas, the final Judgment Entry awarding custody and the Judgment Entry setting an ongoing child support order at the conclusion of the Juvenile Court case shall be case documents. All other documents transferred from Juvenile Court shall not be considered case documents.

18. Adoption Entries from any County.

C. The documents submitted to the Court or filed with the Clerk of Courts excluded from the definition of “case document” as listed in section (B) shall be kept in a separate file, known as the “confidential file,” to be maintained by the Clerk of Courts in accordance with these local rules of Court. Counsel are responsible for filling out the below form, when filing such confidential documents, to inform the Clerk of Court of the filing of a confidential document.

D. Upon motion of any party or upon the Court’s own motion, other documents containing sensitive personal information may be ordered to be kept in the confidential file. If there are documents which are to be filed in the public file containing a social security number or any other individual identifying information, the filing party shall omit or redact the personal identifiers on those documents prior to submitting them for filing in the public file.

E. Contents of the confidential file shall be available for inspection and review by Court personnel and Guardians ad Litem in the performance of their required duties, or as the Court may direct. Contents of the confidential file may be copied, inspected and reviewed by the parties, an attorney of record in the case,

representatives of the Knox County Child Support Services, and representatives of Child Protective Services.

F. Upon written motion, for good cause shown, the Court may enter an order permitting a person who is not permitted access to a Court file under section (E) of this rule to copy documents in a confidential file. Such motion shall set forth specific reasons which demonstrate why the interests of justice necessitate the copying of a document in the confidential file, and shall specify the particular documents to be copied and the arrangements under which the copying shall take place.

G. The provisions of this rule restricting public access to certain documents shall apply only to those relevant documents filed on or after January 1, 2016.

IN THE KNOX COUNTY COURT OF COMMON PLEAS

Does this filing contain any of the following confidential information? If so, check which box applies. This will alert the Clerk of Courts to place the filing in the confidential side of the file. Failure to do so may result in a filing being placed in the public file.

- ☐ Health care records
- ☐ Health Insurance Affidavit
- ☐ Drug and alcohol reports
- ☐ Guardian ad Litem reports/GAL interim reports
- ☐ Home investigation reports
- ☐ Custody evaluations
- ☐ Pictures of minor children
- ☐ Domestic violence assessments, not including petitions for civil protection orders or criminal charges in another Court
- ☐ Financial records and disclosure statements
- ☐ Affidavit of property
- ☐ Affidavit of income and expenses (If a social is submitted on the affidavit, please provide a redacted copy as well for the file)
- ☐ Asset appraisals and evaluations
- ☐ IV-D Application
- ☐ Confidential Disclosure of Personal Identifiers Form
- ☐ Adoption Entry
- ☐ Other (Please specify): _____

Please remember to redact any personal identifiers PRIOR to filing.

RULE 2.0

SPECIAL FILING REQUIREMENTS

2.1 **Procedure.** The Clerk's office files a large number of documents that fall outside the category of pleadings, motions, entries or orders. Certain documents do not require the Court's attention while other documents require disposition by the Court.

In order to ensure that documents in the latter category are given prompt attention, it shall be counsel's/self-represented litigant's responsibility to immediately provide the Court a file stamped copy of the following documents:

- A. All requests for Findings of Facts and Conclusions of Law
- B. All proposed Findings of Facts and Conclusions of Law
- C. All requests for statements of evidence
- D. All proposed statements of evidence
- E. All motions that have non-oral hearing dates
- F. All objections to a magistrate's decision
- G. All responses to objections to a magistrate's decision
- H. All documents, affidavits or supplemental information ordered or requested by the Court
- I. All motions for reconsideration of temporary orders
- J. All motions to set aside a settlement memorandum
- K. All requests for transcripts
- L. All voluntary dismissals

2.2 **Non-Compliance.** Parties and/or counsel who fail to comply with this rule may be subjected to sanctions including dismissal of the motion and/or an assessment of attorney fees and Court costs.

2.3 **Actions involving trusts.** In all cases where any asset of the parties is in a trust, the parties shall file a copy of the trust or a memorandum of trust with any amendments thereto within 30 days of the commencement of the action or proceeding. When necessary for a complete adjudication of any interest of the parties, or upon the Court's own motion pursuant to Civil Rule 75, the trustee and any beneficiaries of the trust shall be joined as necessary parties to the proceeding within 30 days of the filing of the trust instrument.

RULE 3.0

COUNSEL OF RECORD

- 3.1 **Entering an appearance.** All entries of appearance of counsel shall be in writing. An entry of appearance of counsel may be effected by signature of counsel on a pleading, motion or letter to the Court.

Until an entry of appearance properly made and signed by counsel has been filed, counsel shall not be entitled to appear at any proceeding in the action, unless waived by the Court.

- 3.2 **Withdrawing.** It is contemplated that counsel who have entered an appearance in the case shall remain on the case until it has concluded. All requests for withdrawal as counsel of record must include a memorandum in support indicating the general reasons for the request. Withdrawals as counsel of record within seven days of the hearing, which cause a continuance, may be denied or may cause sanctions by the Court. In considering a request to withdraw the Court may require the party to appear before the Court prior to the counsel of record being permitted to withdraw so that the Court may advise the party what course of action will be expected to avoid any delays in the proceedings. An immediate substitution of counsel will negate the necessity for an appearance before the Court.

The provisions of Rule 1.16 and Rule 6.2 of the Ohio Rules of Professional Conduct are incorporated herein.

Failure to appear by any counsel of record may subject counsel to Court sanctions.

Once counsel has filed a notice of withdrawal or has been otherwise permitted to withdraw, counsel may not re-enter the case without prior written approval of the Court.

RULE 4.0

TIME REQUIREMENTS

- 4.1 **Filing Times.** In all cases where a response or a reply is required and the time for filing is not fixed by a specific local rule, statute or the Ohio Rules of Civil Procedure, the filing must be made on or before the 14th calendar day after the filing date of the opposing party's document; a decision by the Court or Magistrate; or any order or entry; unless otherwise specified in a decision, order or entry.
- 4.2 **Extensions.** Any requests for extensions of time for filing must be submitted by motion to the Court. The party **must** include the following information in the motion:
- A. If the motion is being filed within or outside the allocated time for the original filing.
 - B. The reasons needed for the extension.
 - C. If the opposing party objects to or approves of the extension.
 - D. If there have been any prior extensions.

Upon submission of the motion, the Court, within its own discretion, may immediately approve or deny the motion; or, the Court may request the opposing party to file, within five days, specific objections for any extensions.

RULE 5.0

SERVICE

- 5.1 **Residence Known.** Service shall be pursuant to Civil Rule 4.
- 5.2 **Residence Unknown.** In divorce, annulment and legal separation actions, service may be perfected by one of two ways.
- 5.2.1 **In forma pauperis actions.** In divorce, annulment and legal separation actions, in actions pertaining to the care, custody, and control of children whose parents are not married, in all post-decree proceedings, and in civil protection order proceedings pursuant to Civ. R. 65.1, the party or counsel shall file an affidavit in the Clerk of Court's office and submit a proposed entry to the Court pursuant to Civil Rule 4.4(A)(2).
- The Clerk shall post the notice in the following designated conspicuous places:
- 1) On the bulletin board located on the ground floor of the Knox County Courthouse;
 - 2) On the bulletin board located on the ground floor of the Knox County Service Center; and
 - 3) The lobby wall of the Knox County Sheriff's Department.
- 5.2.2 **All other actions.** In all other actions within the jurisdiction of the Domestic Relations Court, where the residence of the defendant or respondent is unknown, the service shall be pursuant to Civil Rule 4.4(A)(1) and the party or counsel shall:
- A. File with the necessary affidavit, a copy of the prepared publication. (Note: It will be the responsibility of the party or counsel to include the answer date in the publication).
 - B. It will be the responsibility of the party or counsel to transmit the publication to the newspaper of general circulation in the county and make payment directly to the newspaper.
 - C. The proof of publication shall be filed with the Clerk's office.
- 5.3 **Process: Waiving Service.** Should a party to any action other than a dissolution choose to use waiver of service as the means to obtain service, then to ensure that the person waiving the service of summons is indeed the actual person to whom service would otherwise be issued, all waivers of service of summons

shall be notarized. The Waiver of Service of Summons in Item 2 of the Appendix can be used to comply with Civil Rule 4.7 and this Local Rule.

- 5.4 **Failure of Service - Complaints.** Strict compliance with Civil Rule 4(E) will be maintained.
- 5.5 **Failure of Service - Post-decree Motions.** Post-decree motions requiring service of process under Civil Rule 4 through 4.6 will be monitored for proof of service. Where the moving party has failed to obtain service on the opposing party within 45 days after the filing date of the motion, the party or counsel will be notified that the motion will be subject to dismissal without prejudice unless good cause is shown to permit it to remain an active case.
- 5.6 **Notification of Failure of Service.** The Clerk shall notify the Court of any failure of service of any pleading or motion that has an oral hearing date. Once the Clerk has reported the notice of failure of service, counsel must notify the Court within seven days that instructions for alternate service have been filed, or the hearing date will be canceled.

RULE 6.0

CIVIL PROTECTION ORDERS

- 6.1 **Hearing Requirements.** No civil protection order will be granted without a hearing. The first stage hearing may be *ex parte* and may be oral or non-oral. A second hearing shall be conducted within the guidelines of Revised Code Section 3113.31 unless waived by the parties. Any Petition for an *ex parte* Domestic Violence Civil Protection Order filed on or after 3:00 p.m. shall not be considered by the Court until the next business day that the Court is in session.
- 6.2 **Service.** All *ex parte* Civil Protection Orders shall be personally served on the respondent. Upon failure of personal service, or in addition to personal service, service may be made in accordance with any applicable provision of Civil Rule 4 through Civil Rule 4.6. Permanent Civil Protection Orders may be served pursuant to Civil Rule 5(B). Should a Petitioner wish to file with the Clerk of Court a cd, USB, or other physical exhibit which is not on paper, the Petitioner shall supply to the Clerk of Court two (2) copies of the cd, USB, or other physical exhibit which is not on paper. Should the Petitioner only have one such copy of the item, the Petitioner may keep the exhibit to be introduced at the final hearing, after the Respondent has had a chance to review the exhibit. The Clerk of Court shall not file any cd, USB, or other physical exhibit which is not on paper and which has not been duplicated to serve upon the Respondent. The party should print out any documents from the cd or USB that can be printed and filed on paper and shall summarize in a filing any recording.
- 6.3 **Failure of Service.** Failure to serve respondent before the second hearing may result in either a continuance or a dismissal of the petition and the termination of the temporary protective order.
- 6.4 **Children.** Where children are involved and supervised parenting time or suspension of parenting time is requested, petitions for Civil Protection Orders should include proposed parenting time for the respondent and/or propositions why the parenting time should be supervised or temporarily denied.
- 6.5 **Effective Time of Order.** Any order issued after the full hearing shall be effective for five full years unless specified otherwise in the order. Any provisions in the order pertaining to custody, visitation or support shall terminate at the earliest of either 120 days after the filing of an action for divorce, dissolution, or legal separation;

or after temporary orders, a decree of dissolution, or legal separation are issued, unless another time is specified in the order.

6.6 **Caption.** Every Civil Protection Order shall contain a caption which clearly identifies it is a “CIVIL PROTECTION ORDER”.

6.7 **Dismissals.** All dismissals of Civil Protection Orders shall include instructions to the Clerk to provide a copy of the dismissal entry to all law enforcement agencies originally notified of the Civil Protection Order. The Motion to Dismiss can be found at the end of this Rule.

6.8 **Determining Existence of Conflicting Order.** The Court, in issuing a protection order pursuant to section 3113.31 of the Revised Code, shall make a reasonable effort to determine the existence and terms of any domestic violence civil protection orders, domestic violence temporary protection orders, and orders allocating parental rights and responsibilities issued by this Court, or any other Court, involving the same parties. In doing so, the Court may utilize the Ohio Courts Network, examine publicly available Court records involving the same parties from this Court or another Court, or use any other reasonable mechanism suitable for communicating and sharing public information.

The Court may or may not make a record of any communication between it and another Court for the purpose of determining the existence and terms of other domestic violence civil protection orders, domestic violence temporary protection orders, or orders allocating parental rights and responsibilities.

If this Court issues a protection order pursuant to Revised Code 3113.31, or an order allocating parental rights and responsibilities, and the Court becomes aware another Court has issued a conflicting order, this Court may consider, if appropriate, revising its order to avoid conflict between the orders.

This rule shall not be construed as a modification to the procedures for modifying or terminating a domestic violence civil protection order pursuant to division (E)(8) of Section 3113.31 of the Revised Code.

IN THE COURT OF COMMON PLEAS
KNOX COUNTY, OHIO

_____	:	Case No. _____
Petitioner	:	
	:	Judge Richard D. Wetzel
	:	
V.	:	Magistrate Natasha Plumly
	:	
_____	:	MOTION TO DISMISS
Respondent	:	

Now comes the Petitioner, who motions the Court to dismiss the

- ☐ Petition for Domestic Violence Civil Protection Order (R.C. 3113.31)
☐ Petition for Civil Stalking Protection Order (R.C. 2903.214)

filed on _____.

Signature of Petitioner

JURAT CERTIFICATE

State of Ohio, County of _____

Sworn to or affirmed and subscribed before me by _____ (name of person making
oath/affirmation) on this date of _____ (date).

(Notary Seal)

Signature of Notary Public- State of Ohio

My commission expires: _____ (date)

RULE 7.0

MOTIONS

- 7.1 **Contents.** All motions, except motions for *pendente lite* or temporary support orders, shall be accompanied by a brief or memorandum stating the grounds including citations of any case authority. In the absence of a brief or memorandum, a motion may be denied without a hearing.
- 7.2 **Notice of Hearing.** Each motion except motions for *pendente lite* or *ex parte* orders shall include either separately, or in a **distinct manner**, a notice of hearing unless waived by the Court or these rules. All hearing times and dates shall be obtained from the Court. Where opposing counsel has made an appearance in the matter, no motion, notice of hearing or order to appear should be filed by any party unless every effort has been made to have the oral hearing time and date coincide with opposing counsel's availability. The failure to contact counsel of record may cause the hearing date to be continued or canceled.
- 7.3 **Filing Requirements.** In order to properly maintain its motion docket, the Court directs that no motion except motions for temporary orders, *pendente lite* orders or *ex parte* orders shall be accepted by the Clerk's office for filing without an oral hearing date, unless it has been authorized to be filed by the Judge, Magistrate, or the Domestic Relations Docket Administrator.
- 7.4 **Non-oral Motions.** All motions and responses to motions, that do not require an oral hearing, unless otherwise specified in these rules, shall comply with the Ohio Civil Rules for all matters including timing of responses and replies.
- 7.5 **Types of Non-oral Motions.** No oral hearing dates will be given for objections to magistrate's decisions, motions under Civil Rule 60(B), 75(I) or 75(N), motions to strike, motions to reconsider, motions to dismiss or motions for summary judgment unless a hearing date is ordered by the Court.
- 7.6 **Temporary Orders.** If an oral hearing is not required, then, pursuant to Civil Rule 75(N), any party who files a request for a non-oral hearing on temporary orders must file any affidavits and/or evidence, that they wish to be admitted, with the original request/motion for the non-oral hearing. Within 14 days of the moving party's motion for non-oral hearing being filed, the responding party shall file any counter-motions/affidavits,

evidence that they wish to be admitted, and objections to any evidence presented in the original motion/affidavits. Within 7 days of the counter-motion/affidavits for non-oral hearing being filed, the moving party shall file any objections to any evidence presented in the counter-motion/affidavits. Any motion or counter-motion submitted without an affidavit of the party affirming such request for relief shall be denied. Should no objections be filed, then all evidence submitted with the motion/counter-motion shall be deemed admitted without objection for consideration in the non-oral hearing only.

7.7 **Service.** The motion and/or order containing the oral hearing date, if oral hearing requested, shall be served upon all opposing parties or their counsel by the moving party. In accordance with Rule 6(D) of the Ohio Rules of Civil Procedure, the oral hearing may be set no earlier than seven days after the date of service of the motion, unless:

- A. The Court in an order explicitly suspends the operation of this rule and allows an earlier hearing, or;
- B. The parties or counsel agree with Court approval to an earlier hearing.

7.8 **Motions with entries.** If the approval of all opposing parties or their counsel of record is obtained, a party may submit a motion and entry together to the Court for its consideration without a hearing. The entry shall contain an approval line for each party or their counsel of record and shall affirmatively indicate that all of the parties or their counsel have approved it. However, the Court retains the discretion to approve or reject the entry. All such entries submitted shall also be submitted in Word Format via e-mail or e-filing as an attachment when applicable.

7.9 **Post-Decree Motions.** Multi-branch motions in post-decree matters are not permitted. Each motion must be filed separately, for example: a motion to reallocate parental rights and responsibilities and a motion for contempt shall be filed as two separate motions.

7.10 **Motions for *ex parte* order.** While *ex parte* orders are discouraged, there are certain circumstances when the Court will grant motions for *ex parte* orders and issue orders without an oral or non-oral hearing date.

7.10.1 ***Ex parte* Orders Affecting Children.** The Court will issue *ex parte* orders affecting children where it is shown that irreparable harm will occur unless immediate action is taken.

Motions requesting relief of this nature must have support affidavits which clearly delineate the expectant harm and all of the following:

- A. Whether the other party was provided prior notice of the filing party's intent to request an *ex parte* order, and if prior notice was not provided, the reason(s) for not providing notice. If the filing party knows, or has reason to believe, that the opposing party is represented by counsel, or has been represented by counsel within 30 days immediately preceding the filing of the case, then notice of the filing party's intent to seek an *ex parte* order shall be provided to that attorney in writing; and,
- B. If the filing party does not believe visitation would be appropriate, or that an order for supervised visitation would be appropriate, then the affidavit shall include sufficient facts to support a no-visitation, or supervised visitation order. The Court may not consider a proposed *ex parte* order that does not address the issue of visitation; and
- C. If the children are school age and if the filing party is unable to maintain the current school placement for the children they shall explain the reason(s) why in the affidavit.

In new matters, the *ex parte* Motion shall be accompanied by a Complaint for Divorce or Legal Separation which shall be filed contemporaneously with the *ex parte* Motion.

In Post-Decree matters the *ex parte* Motion shall be accompanied by a Motion to Reallocate Parental Rights and Responsibilities or a Motion to Modify/Terminate Parenting Time which shall be filed contemporaneously with the *ex parte* Motion.

- 7.10.1(a) **Service.** The motions, affidavits and *ex parte* orders shall be served by personal service.
- 7.10.1(b) **Immediate Hearing Request Form.** All motions, affidavits and *ex parte* orders filed under this section of the Local Rule shall be accompanied by an immediate hearing request form. (see page 21).
- 7.10.1(c) **Immediate Hearing.** A party whose parental rights and responsibilities has been adversely affected by an *ex parte* order of custody and/or visitation, may request, no later than 30 days

after service of the *ex parte* order, an immediate hearing on the *ex parte* order by filing the attached immediate hearing request form. (see page 21).

If an immediate hearing is requested, the Court shall schedule an oral hearing to occur no later than fourteen business days after the request is filed. A request for an immediate emergency hearing filed more than 30 days after service of the *ex parte* order shall not be scheduled for an immediate hearing without leave of Court.

The party receiving the *ex parte* order should be prepared to be available for an immediate hearing. If the party who received the *ex parte* order of custody and/or visitation is either not available for the scheduled hearing, or does not appear for the scheduled hearing, then the *ex parte* order shall be immediately vacated unless the party can demonstrate extenuating circumstances existed at the time the hearing was scheduled to occur.

The primary purpose of an immediate hearing is to determine whether the allegations in the supporting affidavit or verified memorandum are substantially true and accurate, and are not misleading to the Court. Relevant evidence at an immediate hearing may also include any alleged omissions of material facts – facts that should have been made known to the Court at the time the *ex parte* order was sought.

At the immediate hearing, the party who requested the hearing shall present his/her case-in-chief first.

The Court may sustain the *ex parte* order in its entirety; sustain the *ex parte* order, but with modifications that are deemed to serve the children's best interest based on evidence offered at the hearing; or vacate the *ex parte* order in its entirety.

7.10.1(d)

Post-Decree Motions for *ex parte* Orders Modifying Custody/Visitation: Extreme Emergency/Exigent Circumstances.

The Court will consider post-decree motions for *ex parte* orders that modify custody or visitation only in situations of extreme emergency. All *ex parte* motions shall be supported by affidavit(s) that set forth such facts as would be admissible as evidence and that contain

sufficient facts to support the claim for relief and establish that an extreme emergency exists.

The Court, in its discretion, may conduct an *ex parte* hearing with the filing party.

The Court considers the following to constitute situations of extreme emergency:

- A. Attempting to cause, or recklessly causing, bodily injury to the child;
- B. Committing any act with respect to the child that would result in the child being an abused child (RC 2151.031) or a neglected child;
- C. Engaging in conduct which causes, or is likely to cause, significant emotional and/or mental stress to the child;
- D. Engaging in conduct which creates, or is likely to create, an environment which significantly endangers the child's physical health, or mental, moral, or emotional development;
- E. The residential parent is unavailable due to hospitalization, incarceration, or other emergency;
- F. The residential parent is about to move out of their county of residence.

The above list is not an exhaustive list. The Court has discretion in determining what constitutes an "extreme emergency". Further, third party, independent corroboration of irreparable harm or an extreme emergency is preferable. Such information would include statements from police or a children services agency.

The Court may not consider a proposed *ex parte* order that modifies custody and/or visitation unless all of the following points are addressed in the affidavit(s) in support of the *ex parte* order:

1. Whether the other party was provided prior notice of the filing party's intent to request an *ex parte* order, and if prior notice was not provided, the reason(s) for not providing notice. If the filing party knows, or has reason to believe, that the opposing party is represented by counsel, or has been represented by counsel within

30 days immediately preceding the filing of the post-decree motion, then notice of the filing party's intent to seek an *ex parte* order shall be provided to that attorney in writing; and,

2. If the filing party does not believe visitation would be appropriate, or that an order for supervised visitation would be appropriate, then the affidavit shall include sufficient facts to support a no-visitation, or supervised visitation order. The Court will not consider a proposed *ex parte* order that does not address the issue of visitation; and,

3. If the children are school age, and if the filing party resides in a school district other than the opposing party's school district, then the affidavit shall recite that fact. If the filing party is unable to maintain the current school placement for the children, they shall explain the reason(s) why in the affidavit.

All motions, affidavits, and *ex parte* orders shall be accompanied by a form for the opposing party to request an immediate emergency hearing. The form shall substantially conform with the format as shown on the following page.

Any person obtaining an *ex parte* order of temporary custody shall obtain possession of the children in the least confrontational manner possible and shall minimize any stress to the children.

7.10.1(e)

Sanctions. If, after an immediate hearing has been conducted on an *ex parte* order, the Court determines that the filing party's statements were untrue or inaccurate so as to mislead the Court, that party may be subject to sanctions, including, but not limited to, a dismissal of their action, and/or an award of attorney fees and expenses to the opposing party, and/or a contempt citation.

NOTICE!!!!

The attached order for temporary custody/visitation has been issued by the Court based upon facts contained in a supporting affidavit.

If you believe the affidavit in support of the temporary order contains inaccurate statements, or false or misleading statements, you may request, within 30 days of receiving the attached order, an immediate Court hearing by filing this form with the Clerk of Courts at 117 East High Street Rm 201, Mt. Vernon, Ohio 43050. A hearing will be set as soon as possible but no later than fourteen business days from the day this form is filed with the Clerk's office. YOU MUST INCLUDE A PHONE NUMBER BELOW FOR THE COURT TO NOTIFY YOU OF THE SPECIFIC DATE AND TIME OF HEARING.

REQUEST FOR AN IMMEDIATE HEARING

I, _____, disagree with the information provided by the other party and / or I have additional information which will warrant the Court to set aside the temporary custody / visitation order served upon me. I request an emergency hearing (to be set within fourteen (14) business days) to offer this information to the Court.

_____ CASE NUMBER

Street Address/P.O. Box

City/State/Zip

Phone Number

I disagree with the following information that was filed in support of the temporary order. (Attach additional pages if necessary):

A failure to file this request for an immediate hearing DOES NOT bar you from requesting temporary or permanent custody / visitation in the future.

- 7.10.2 **Orders affecting property.** *Ex parte* orders may be obtained if it is clearly shown that the action requested is necessary to preserve the *status quo* of the parties until a hearing is held. Affidavits shall be filed with the motion to support the request of all *ex parte* orders affecting the disposition of property.
- 7.10.3 **Orders affecting discovery.** It is recognized that contested issues require less in-Court time where discovery has been fully conducted. Motions to compel discovery will; therefore, be most often granted *ex parte* where the memorandum in support of the motion indicates, reasonable efforts to obtain discovery have been ignored or neglected by the opposing party. Any requests to compel answers to interrogatories should include a copy of the interrogatories. Similarly, motions for protective orders will most often be denied *ex parte* unless the memorandum in support clearly shows a basis for relief.
- 7.10.4 **Orders affecting intervention.** The Court will generally grant motions to intervene and issue *ex parte* orders of intervention by interested parties. Motions should include the basis for and interests of the intervening party.

RULE 8.0

TEMPORARY OR *PENDENTE LITE* ORDERS

- 8.1 **General.** Temporary orders in any divorce, annulment, or legal separation action are issued by affidavit only. At the discretion of the Court, an oral hearing may be conducted prior to the issuance of temporary orders.
- 8.2 **Parties residing together.** If the parties are residing together, the Court will not allocate debts, temporary allocation of parental rights and parenting time, or child and spousal support. Unless more specific temporary orders are requested, the Court will order the parties to maintain their normal practice of paying bills, supporting one another and the children. In addition, the Court will automatically designate both parties as residential parents of the minor children.
- 8.3 **Temporary Support.** All motions or requests for temporary spousal or child support, or any modification thereof, shall include accurate financial affidavits. Child support requests should have a completed work sheet as described by statute.
- Included in the affidavit should be a statement of living expenses and monthly debt obligations of the parties and their gross and net monthly earnings. The affidavits of parties applying for, or opposing, spousal or child support should be submitted fully completed on forms prescribed by the Court. If an affidavit is submitted on a form other than prescribed by the Court, it shall contain all the information required by the Court. Either party may file other affidavits in support of, or opposing, requests for temporary support. The request and affidavit of the party applying for temporary spousal or child support shall be served upon the opposing party or their counsel, if represented, pursuant to the Ohio Rules of Civil Procedure.
- 8.4 **Accuracy of Information.** All information contained in a financial affidavit must be accurate. Any information that is estimated must be identified as estimated. Omitted or incomplete vital information may result in the Court refusing to enter any temporary orders of support. Similarly, inaccurate, understated, or exaggerated financial information may result in sanctions against the offending party including an immediate termination of any order based upon the information with retroactive application.

- 8.5 **Payments.** An order for payment of temporary spousal or child support shall be payable through the Knox County Child Support Services. A processing fee shall be added to the ordered payments. Such payments shall be made by means designated by the Knox County Child Support Services. Where employer information is available, the payments shall be by a wage withholding statement; however, initial payments should be made no later than 10 days after receipt of the order.
- 8.6 **No Responsive Affidavits.** After a temporary support order has been filed, a party may not object to the amount of income attributed to that party where the party has failed to file a responsive affidavit pursuant to Civil Rule 75 unless good cause is shown for such failure.
- 8.7 **Custody and Parenting Time Proceedings.** All requests for temporary custody should include either provisions for parenting time with the non-custodial parent or a basis for a denial of parenting time. See also Local Rule 7.10.1.
- 8.8 **Motion to Vacate the Premises/Motion for Exclusive Use.** A motion to vacate the premises/motion for exclusive use shall state with particularity the reasons for the motion and shall be supported by an affidavit of the moving party or **verified** in the complaint setting forth the facts on which the motion is based. No motion to vacate the premises will be granted *ex parte* unless it is shown to the satisfaction of the Court that:
- A. Acts of physical violence have occurred or are highly probable; or
 - B. Threats of imminent serious physical harm have occurred; or
 - C. Abuse has been committed toward any child; or
 - D. The opposing party has already vacated the premises.
- 8.9 **Standard Temporary Restraining Orders.** Upon the filing of any complaint for divorce, legal separation, or annulment, the Clerk of this Court shall, in every case, issue a reciprocal Standard Temporary Restraining Order in the format approved by the Court and signed by a Judge. A copy of the Standard Temporary Restraining Order is set forth on page 26.

8.10 **Relief from Standard Temporary Restraining Order.**

- A. Any party who believes that a standard temporary restraining order filed in accordance with this rule is inappropriate may file a motion for relief. The filing party shall obtain a hearing date and the motion shall contain a notice of hearing. The motion and notice of hearing shall be served on the other party or that party's counsel of record in accordance with the Ohio Rules of Civil Procedure.
- B. Motions for relief from standard temporary restraining orders shall be given priority on the Court's docket. In the event a standard temporary restraining order is found to be inappropriate, any modification may be made to the order.

IN THE COMMON PLEAS COURT, KNOX COUNTY, OHIO

Plaintiff,

vs.

Case No. _____

TEMPORARY RESTRAINING ORDER

Defendant.

- (A) Plaintiff and Defendant are hereby restrained from striking, abusing, harassing, stalking, threatening, or injuring the other party to this action.
- (B) Plaintiff and Defendant are hereby restrained from removing the minor child(ren) from the State of Ohio permanently, or for a period exceeding fourteen days. The Plaintiff and Defendant are further restrained from changing a child's school placement.
- (C) Plaintiff and Defendant are hereby restrained from damaging, moving, selling, giving away, transferring, withdrawing, disposing of, or encumbering any interest which either party may have in real property, personal property, funds, accounts, business interests, investments, or any other asset, except for existing businesses in the ordinary course of business. The Plaintiff and Defendant are permitted to use a checking account for ordinary living expenses.
- (D) Plaintiff and Defendant are hereby restrained from interfering with the other party's use of the vehicle currently used primarily by the other party to this action.
- (E) Plaintiff and Defendant are hereby restrained from incurring any debt or making any credit card purchases on any account which is either in the other party's individual name or in the joint names of the parties to this action.
- (F) If either the Plaintiff or Defendant has been voluntarily absent from the marital residence for a period of at least thirty (30) consecutive days, the absent party is hereby restrained from re-entering the marital residence.
- (G) Plaintiff and Defendant are hereby restrained from interfering with the other party's use of his/her residence by, including, but not limited to, canceling/altering utilities (e.g., gas, propane, electric, water, sewer, cable/internet, etc.) or insurance, interrupting telephone service (landline and cell) or mail delivery.
- (H) Plaintiff and Defendant are hereby restrained from terminating, modifying, or changing the beneficiaries on any policy of life, health, automobile, or other insurance which covers a party or a minor child of the parties.

IT IS SO ORDERED.

JUDGE

RULE 9.0

PRETRIAL CONFERENCES

- 9.1 **Objective.** Unless waived by the Court, all contested domestic relations cases (i.e. where an answer has been filed) shall have a pretrial conference. Such pretrial conferences shall be held with the intention of accomplishing the objectives set forth in Rule 16 of the Ohio Rules of Civil Procedure. The pretrial conferences shall be either a case management conference and/or, if applicable, a pretrial hearing and shall be held at such times as the Court shall direct.
- 9.2 **Scheduling Order.** The scheduling order shall be issued within 30 days after the Defendant has been served with the complaint.
- 9.3 **Pretrial Conference.** A pretrial conference shall be held within 10 weeks of the filing date of the answer. Its purpose is to establish procedures and instructions to prepare the case for final hearing or an effective final pretrial conference. At any pretrial conference, the Court shall consider and take appropriate action on the following matters:
- A. The possibility of settlement of the action;
 - B. The simplification of the issues;
 - C. Itemizations of expenses and special damages;
 - D. The necessity of amendments to the pleadings;
 - E. The exchange of medical reports and hospital records (The production by any party of medical reports, medical records, hospital records does not constitute a waiver of the privilege granted under section 2317.02 of the Revised Code.);
 - F. The number of expert witnesses;
 - G. The preservation of electronically stored information and other information held by the parties or third parties;
 - H. The timing, methods of search and production, and the limitations, if any, to be applied to the discovery of documents and electronically stored information;

I. Disclosure and the exchange of documents obtained through public records requests; (j) Any agreements or decisions on the sharing or shifting of costs pursuant to Civil Rule 26(C)(2);

J. The adoption of any agreements by the parties for asserting claims of privilege or for protecting designated materials after production;

K. The imposition of sanctions as authorized by Civil Rule 37;

L. The possibility of obtaining:

1. Admissions of fact;

2. Agreements on admissibility of documents and other evidence to avoid unnecessary testimony or other proof during the hearing.

M. Disposing of pending motions;

N. Determination of the applicable deadline for disposition of the case pursuant to Rule of Superintendence 39 and 42, and a timetable for:

1. initial disclosures of known and reasonably available nonprivileged, non-work product documents and things that support or contradict the specifically pleaded claims and defenses;

2. joining parties;

3. amending the pleadings;

4. mediation or other alternative dispute resolution requested by parties;

5. exchanging lists of lay witnesses, expert witnesses and reports, and exhibits for the hearing;

6. completing discovery;

7. filing of motions, responses, replies and decisions;

8. further case management conferences; and

9. a hearing date, preferably one agreed-upon by the parties.

O. Facilitating in other ways, the just, speedy, and inexpensive disposition of the action.

A represented party must authorize at least one of its attorneys to make stipulations and admissions about all matters that can reasonably be anticipated for discussion at a pretrial conference. If appropriate, the Court may require that a party or its representative be present or reasonably available by other means to consider possible settlement.

Counsel attending must have authority to confirm discovery deadlines, exchange information and confirm future hearing dates.

Pretrial conferences may be continued with concurrence of all counsel but must be reset as soon as possible. Failure to obtain approvals will result in the conference being held as originally scheduled and any orders issued by the Court will be binding on all parties and counsel.

The Court, in its discretion, may schedule more than one pretrial conference in any case, and it may suspend the requirement for the filing of a pretrial statement pertaining to any pretrial conference.

After any conference under this rule, the Court shall issue an order reciting the action taken. This order controls the course of the action unless the Court modifies it.

9.4 **Final Pretrial Conference.** The Court shall hold a final pretrial conference to formulate a hearing plan, including a plan to facilitate the admission of evidence. The conference shall be held 15 days prior to the start of the final hearing and must be attended by at least one attorney who will conduct the trial for each party and by any unrepresented party. The Court may modify the order issued after a final pretrial conference only to prevent manifest injustice. Pretrial statements shall be prepared and submitted to the Court at least seven (7) days prior to the final pretrial conference and shall include an **updated** and **accurate** itemization of the party's income and expenses with a full and accurate description of the nature and value of the assets and liabilities of the parties. It shall also list names and addresses of all witnesses. No witness, except for rebuttal, shall be permitted to testify, if not on the list, unless for good cause shown.

Parties shall be present at the final pretrial conference. If not, the party must be accessible by phone.

The Court may also direct counsel to submit any written stipulations three days prior to, or on the day of, the final pretrial conference.

RULE 10.0

DISCOVERY

10.1 **General.** Except as otherwise laid out in these Local Rules or Civil Rule 65.1, all parties must comply with Civil Rule 26 as it pertains to discovery.

10.2 **Initial Disclosure by a Party**

A. Without awaiting a discovery request, a party must provide to the other parties, except as exempted by Civil Rule 26(B)(3)(b) or as otherwise stipulated, or ordered by the Court:

1. the name and, if known, the address and telephone number of each individual likely to have discoverable information - along with the subjects of that information - that the disclosing party may use to support its claims or defenses, unless the use would be solely for impeachment;
2. a copy - or a description by category and location - of all documents, electronically stored information, and tangible things that the disclosing party has in its possession, custody, or control and may use to support its claims or defenses, unless the use would be solely for impeachment;
3. a computation of each category of damages claimed by the disclosing party – who must also make available for inspection and copying as under Civil Rule 34 the documents or other evidentiary material, unless privileged or protected from disclosure, on which each computation is based, including materials bearing on the nature and extent of injuries suffered; and
4. for inspection and copying as under Civil Rule 34, any insurance agreement under which an insurance business may be liable to satisfy all or part of a possible judgment in the action or to indemnify or reimburse for payments made to satisfy the judgment.

B. A party must make the initial disclosures no later than the parties' first pretrial or case management conference, unless a different time is set by stipulation or Court order, or unless a party objects. In ruling

on the objection, the Court must determine what disclosures, if any, are to be made and must set the time for disclosure.

C. A party that is first served or otherwise joined after the first pretrial or case management conference must make the initial disclosures within 30 days after being served or joined, unless a different time is set by stipulation or Court order.

D. A party must make its initial disclosures based on the information then reasonably available to it. A party is not excused from making its disclosures because it has not fully investigated the case or because it challenges the sufficiency of another party's disclosures or because another party has not made its disclosures.

10.3 Disclosure of Expert Testimony.

A. Within 90 days before the final hearing, a party must disclose to the other parties the identity of any witness it may use at the final hearing to present evidence under Ohio Rule of Evidence 702, 703, or 705.

B. The reports of expert witnesses expected to be called by each party shall be exchanged with all other parties. The parties shall submit expert reports and curricula vitae in accordance with the time schedule established by the Court. The party with the burden of proof as to a particular issue shall be required to first submit expert reports as to that issue. Thereafter, the responding party shall submit opposing expert reports within the schedule established by the Court.

C. Other than under subsection D, a party may not call an expert witness to testify unless a written report has been procured from the witness and provided to opposing counsel. The report of an expert must disclose a complete statement of all opinions and the basis and reasons for them as to each matter on which the expert will testify. It must also state the compensation for the expert's study or testimony. Unless good cause is shown, all reports and, if applicable, supplemental reports must be supplied no later than thirty (30) days prior to the final hearing. An expert will not be permitted to testify or provide opinions on matters not disclosed in his or her report.

D. Healthcare Providers. A witness who has provided medical, dental, optometric, chiropractic, or mental health care may testify as an expert and offer opinions as to matters addressed in the healthcare provider's records. Healthcare providers' records relevant to the case shall be provided to opposing counsel in lieu of an expert report in accordance with the time schedule established by the Court.

E. A party may take a discovery deposition of their opponent's expert witness only after the mutual exchange of reports has occurred unless the expert is a healthcare provider permitted to testify as an expert under subsection D. Upon good cause shown, additional time after submission of both sides' expert reports will be provided for these discovery depositions if requested by a party. If a party chooses not to hire an expert in opposition to an issue, that party will be permitted to take the discovery deposition of the proponent's expert.

F. Drafts of any report provided by any expert, regardless of the form in which the draft is recorded, are protected by Civil Rule 26(B)(4).

G. Communications between a party's attorney and any witness identified as an expert witness under Civil Rule 26(B)(7) regardless of the form of the communications, are protected by Civil Rule 26(B)(4) except to the extent that the communications:

1. relate to compensation for the expert's study or testimony;
2. identify facts or data that the party's attorney provided and that the expert considered in forming the opinions to be expressed; or
3. identify assumptions that the party's attorney provided and that the expert relied on in forming the opinions to be expressed.

H. Expert Employed Only for Hearing Preparation. Ordinarily, a party may not, by interrogatories or deposition, discover facts known or opinions held by an expert who has been retained or specially employed by another party in anticipation of litigation or to prepare for the hearing and who is not expected to be called as a witness at the hearing. But a party may do so only:

1. as provided in Civil Rule 35(b); or

2. on showing exceptional circumstances under which, it is impracticable for the party to obtain facts or opinions on the same subject by other means.

3. The party seeking discovery under Civil Rule 26 (B)(7) shall pay the expert a reasonable fee for time spent in deposition.

10.4 **Supplementation of responses.** All discovery shall be seasonably supplemented. Should discovery not be seasonably supplemented, said party may be prohibited from using and admitting the information into evidence during the hearing.

10.5 **Conference of the Parties; Planning for Discovery.**

A. Conference Timing. Unless the case is subject to Civil Rule 65.1, is uncontested, or both parties are waiving their right to discovery, which shall only be done pursuant to a Stipulation signed by both parties, the attorneys and/or unrepresented parties shall have a conference of the parties pertaining to discovery planning within 30 days after the due date of the filing of the answer. The Stipulation of Waiving the Right to Discovery can be found in the Appendix as Item 3. Should the parties be unable to reach an agreed upon date for the Conference of the Parties, the Conference of the Parties shall take place by telephone on the 30th day after the due date of the filing of the answer at 1:00 p.m. Should the 30th day after the filing of the answer fall on a legal holiday or on a weekend, then the Conference of the Parties shall take place the last business day immediately prior to the 30th day after the filing of the answer. The location of the Conference of the Parties can be by telephone. The parties and/or their attorneys shall provide each other with their telephone numbers. Should any party or their attorney, if represented, fail to attend the Conference of the Parties, then that party shall be deemed to have waived discovery, unless the party or party's attorney files a request with the Court for additional time to hold the Conference of the Parties with a proposed date, time, and location for the Conference of the Parties. All such requests shall state efforts made to come to an agreement on the date, time, and location of the Conference of the Parties,

B. Conference Content; Parties' Responsibilities. In conferring, the parties must consider the nature and basis of their claims and defenses and the possibilities for promptly settling or resolving the case; make or

arrange for the disclosures required by Civil Rule 26(A)(1); discuss any issues about preserving discoverable information; and develop a proposed discovery plan. The attorneys of record and all unrepresented parties that have appeared in the case are jointly responsible for arranging the conference, for attempting in good faith to agree on the proposed discovery plan, and for filing with the Court within 14 days after the conference a written report outlining the plan. Should the parties fail to file the proposed discovery plan, then the parties shall be deemed to have waived discovery, unless the parties or the parties' attorneys file a request with the Court for additional time to file the discovery plan, with a proposed date of the filing of the plan. The Court may order the parties or attorneys to attend the conference in person.

C. Discovery Plan. A discovery plan shall state the parties' views and proposals on:

1. what changes should be made in the timing, form, or requirement for disclosures under Civil Rule 26(B), including a statement of when initial disclosures were made or will be made;
2. agreed-upon deadlines for discovery, with all discovery to be completed no later than 60 days prior to the final hearing, and other items that may be included in a case schedule to be issued under Civil Rule 16, any proposed modifications to a schedule already issued under Civil Rule 16, and compliance with Ohio Rules of Superintendence 39 and 42;
3. the subjects on which discovery may be needed, when discovery should be completed, and whether discovery should be conducted in phases or be limited to or focused on particular issues;
4. any issues about disclosure, discovery, or preservation of electronically stored information, including the form or forms in which it should be produced;
5. disclosure and the exchange of documents obtained through public records requests;
6. any issues about claims of privilege or of protection as hearing-preparation materials;
7. what changes should be made in the limitations on discovery imposed under these rules or by local rule, and what other limitations should be imposed;

8. any other orders that the Court should issue under Civil Rule 26(C) or under Civil Rule 16(B) and (C); and any modifications required or to be requested under any scheduling order issued under Civil Rule 16.

RULE 11.0

MEDIATION

- 11.1 **Definitions.** All provisions of Ohio Rules of Superintendence 16.21 through 16.43 and the provisions in the “Uniform Mediation Act” (UMA) Revise Code Section 2710.01 et seq. are adopted by this Court through this local rule including, but not limited to the following:
- A. “Mediation” means any process in which a mediator facilitates communication and negotiation between parties to assist them in reaching a voluntary agreement regarding their dispute.
 - B. “Mediator” means an individual who conducts a mediation.
 - C. “Mediation Communication” means a statement, whether oral, in a record, verbal or nonverbal, that occurs during a mediation or is made for the purposes of considering, conducting, participating in, initiating, continuing, or reconvening a mediation or retaining a mediator.
 - D. “Proceeding” means either of the following:
 - 1. A Judicial administrative, arbitral or other adjudicative process, including related pre-hearing and post-hearing motions conferences and discovery;
 - 2. A Legislative hearing or similar process.
 - E. “Non-party participant” means a person other than a party or mediator that participates in a mediation.
- 11.2 **Assessment.** At any time after service of summons in divorces, annulments, legal separations or parentage actions when it appears that the allocation of parental rights and responsibilities or visitation are at issue, or at any time after filing of a post-decree motion to modify the allocation of parental rights and responsibilities or visitation, the Court may order both parties to participate in a mediation assessment. If it is determined that the case qualifies for mediation, the Court may require both parties to participate in mediation.
- 11.3 **Mediation Issues.** Any issue before the Court, or any issue the parties wish to mediate, may be mediated. Provided, however, the following shall be prohibited: the use of mediation as an alternative to the prosecution or adjudication of domestic violence; in determining whether to grant, modify, or terminate a protection order; in determining the terms and conditions of a protection order; and in determining the penalty for violation of

a protection order. Nothing in this division shall prohibit the use of mediation in a subsequent divorce or custody case, even though the case may result in the termination of the provisions of a protection order pursuant to Revised Code Section 3113.31.

- 11.4 **Procedure.** Mediation shall begin as soon as possible. The mediator shall notify the Court, in writing, upon the conclusion of mediation. Any agreement reached during mediation shall not be binding upon the parties until reviewed and approved by their counsel and the Court. Mediation shall not be permitted when domestic abuse or domestic violence is alleged, suspected, or present unless all of the following conditions are satisfied:
- A. Screening is conducted, both before and during mediation, for domestic abuse and domestic violence and for the capacity of the parties to mediate;
 - B. The person who is or may be the victim of domestic abuse or domestic violence is fully informed about the mediation process, right to decline participation in the mediation process, and of the option to have a support person, in addition to an attorney, present at the mediation sessions;
 - C. The parties have the capacity to mediate without fear of coercion or control;
 - D. The Court has taken reasonable precautions to create a safe mediation environment for the parties and all other persons involved in the mediation process;
 - E. The mediator may terminate a mediation session if there is a threat of domestic abuse, domestic violence, or coercion between the parties;
 - F. Written findings of fact shall be prepared to refer certain cases involving domestic violence to mediation, as required by Revised Code Section 3109.052.

- 11.5 **Confidentiality.** Statements made during the mediation assessment or mediation sessions shall be considered compromise negotiations and not admissible as evidence pursuant to Evidence Rule 408. This does not require exclusion of any evidence which is otherwise discoverable merely because it is presented during mediation assessment or mediation sessions. Further this rule shall not preclude the mediator from testifying as to a crime committed in their presence or from adhering to any law requiring the report of child abuse.

11.6 **Court approved agreements.** All mediation agreements signed by the parties, counsel and approved by the Court shall be processed pursuant to Local Rule 20.2.

11.7 **Mediator Qualifications and Approval.** Final approval of mediator eligibility and appointment to receive referrals from the Court is in the sole discretion of the Court, and the mediator may be removed and their services may be terminated at any time with or without cause in the Court's discretion. A mediator employed by the Court, or to whom the Court makes referrals for mediation of domestic relations cases, the allocation of parental rights and responsibilities, the care of, or visitation with, minor children, shall satisfy the following requirements:

A. If the mediator is an attorney, they shall be required to remain in good standing with the Ohio Supreme Court, and maintain compliance with all continuing legal education requirements. Prior to accepting a referral from a Court for disputes involving the termination of marriage, the allocation of parental rights and responsibilities, or the care of or visitation with minor children, a mediator shall meet all of the following qualifications:

1. Possess a bachelor's degree, or equivalent educational experience as is satisfactory to the Court, and at least two years of professional experience with families, including counseling, casework, legal representation in family law matters, or such other equivalent experience satisfactory to the Court;
2. Complete "Fundamentals of Mediation Training" approved by the Supreme Court Dispute Resolution Section in accordance with standards established by the Commission on Dispute Resolution, in compliance with the requirements of division (A) of Ohio Rule of Superintendence 16.23;
3. Complete "Specialized Family or Divorce Mediation Training" approved by the Supreme Court Dispute Resolution Section in accordance with standards established by the Commission on Dispute Resolution;
4. Complete "Specialized Domestic Abuse Issues and Mediation Training" approved by the Supreme Court Dispute Resolution Section in accordance with standards established by the

Commission on Dispute Resolution;

5. Maintenance of appropriate liability insurance specifically covering the activities of the individual as a mediator;
6. Adherence to the ethical standards of the mediator's profession;
7. Awareness of the factors affecting the propriety of mediation in particular cases;
8. Completion of continuing mediation education, including specialized training in the allocation of parental rights and responsibilities, the care of, or visitation with, minor children, and domestic abuse and mediation through a training approved by the Dispute Resolution Section of the Supreme Court;
9. Successful demonstration of skills through an observational evaluation of an actual mediation;
10. Demonstration of good character, reputation, and good judgment within his or her profession and the community.

11.8 **Stay of Proceedings.** When the parties enter mediation, all matters subject to the mediation process shall be stayed except temporary child support matters. Any previously scheduled hearings, except temporary child support matters, shall be canceled during the mediation stay and shall not be rescheduled until the completion of mediation. It is the responsibility of counsel/parties to file a Motion to place the case back on the active docket.

RULE 12.0

SEMINAR FOR SEPARATING PARENTS

- 12.1 **General application.** All parents in divorce, legal separation or dissolution actions in which there are any minor children who will be the subject of a custodial and/or visitation order shall attend a Court-authorized educational seminar for separating parents. The attendance shall be within 45 days after the filing of the action or service of process.
- 12.2 **Compliance.** No action shall proceed to final hearing until there has been compliance with this rule unless the parties receive leave of Court, or in situations where the noncomplying parent has entered no appearance and does not contest the action. However, the Court may direct that the final decree include an order for the non-complying parent to attend the seminar. Proof of completing the seminar must be presented to the Court on or before the final hearing. Seminar attendance may be waived by the Court for good cause; however, any requests for waivers should be presented to the Court no later than thirty days before the final hearing.
- 12.3 **Procedure.** It will not be required that both parents attend at the same time.
- 12.4 **Post decree motions.** Seminar attendance may also be required by order of the Court in matters relating to (1) post-decree relief concerning custody or visitation with minor children, (2) domestic violence actions filed under Revised Code Section 3113.31, (3) or actions brought pursuant to the Uniform Child Custody Jurisdiction Act.

RULE 13.0

HEARING ASSIGNMENTS

- 13.1 **Assignments.** All assignments of cases for a hearing shall be made by the Court Administrator or Docket Administrator. Where counsel requests a hearing date, it will be presumed that
- A. Opposing counsel has been notified and has approved the hearing date; and,
 - B. Counsel has requested a reasonable amount of time for the hearing to determine the issues.
- Failure to notify opposing counsel, or dilatory tactics by opposing counsel, may result in sanctions including an award of attorney fees to the aggrieved party. Notice of the hearing date shall be mailed or delivered forthwith to all interested counsel.
- 13.2 **Objections to Decisions.** No hearing dates will be assigned for a review of any objections to a Magistrate's Decision, unless the Court directs otherwise. All objections to Magistrate's Decisions must conform to Civil Rule 53.
- 13.3 **Uncontested Matters.** A divorce, annulment or legal separation case shall be deemed to be uncontested unless an answer, motion or stipulation for leave to plead is filed within 28 days after completion of service.
- 13.4 **Final Hearings.** A final hearing may be delayed where the parties have insufficient security deposits to cover the Court costs or have failed to make any approved arrangements for the deferred payment of costs, unless the parties have been determined to be indigent pursuant to Local Rule 26.

RULE 14.0

APPEARANCE/DISMISSALS

- 14.1 **Non-Appearance.** If a party seeking relief fails to appear on the scheduled hearing date, either in person or by counsel, the Court may enter an order dismissing the action for want of prosecution. If the other party failed to appear, either in person or by counsel, and the party seeking relief does appear, the Court may allow the case to proceed and determine all matters.
- 14.2 **Capias.** Where a party or a witness has failed to appear, the Court will not, unless provided sufficient cause, issue a *capias* or bench warrant where the record reflects the party or witness was not **personally** served to appear.
- 14.3 **Not Ready for Hearing.** A party and/or counsel shall be presumed ready for hearing on the scheduled hearing date. If a party and/or counsel appears but is not ready for the hearing and fails to show good cause for not being ready, the Court may enter an order dismissing the action for want of prosecution or proceed with the case and determine all matters.
- 14.4 **Dismissals.** Last minute requests for dismissals may subject the movant to sanctions including attorney fees.

RULE 15.0

CONTINUANCES

- 15.1 **Form.** Except in cases of emergency or by order of the Court on its own motion, a motion for a continuance of a cause after it has been set for hearing must be in writing.
- 15.2 **Contents of Motion.** Each motion shall set forth the following:
- A. The **specific** reasons for a continuance (vague terms such as “counsel is unavailable for the hearing” are not acceptable);
 - B. If a conflict with another Court hearing, a copy of the other Court’s notice must be attached;
 - C. The number of prior continuances (Note: if there has been more than one prior request(s) for continuances, the motion must also be signed and authorized by the client);
 - D. An averment that counsel has contacted opposing counsel and has obtained either approval or disapproval of the continuance;
 - E. The date of existing hearing.
- 15.3 **Automatic Denial.** Where counsel fails to contact opposing counsel, the continuance may be denied irrespective of the basis for the request. Opposing counsel in this instance includes counsel where minimal effort or knowledge would have identified the attorney representing the opposing party. Where there is no counsel of record and one cannot be readily ascertained, then the opposing party should be served with a copy of the requested continuance.
- 15.4 **Unavailability of Witness.** A continuance of a cause may be granted on the ground of inability to produce the testimony of an absent witness when it is made clear that due diligence was used to procure such testimony. In order to obtain a continuance on this ground, the party making the application must support the same by affidavit stating therein what is expected to be proven by the appearance of such witness. If the Court finds the testimony so set forth to be immaterial or if both parties consent to the reading of an affidavit into evidence, the application will not be sustained and the cause will proceed to hearing.

15.5 **Hearing Conflicts.** Where a continuance of a cause is requested on the grounds that counsel of record in the case is already engaged on the date set for hearing in another Court of record or a governmental bureau, proof of such prior assignment shall be attached to the motion for continuance which shall be filed forthwith following notification of the assignment of the case in this Court.

An attorney who accepts a case wherein an immediate hearing or second stage Civil Protection Order hearing has been set shall ensure he or she will be available on the date of hearing. Requests to continue an immediate hearing and/or a second stage Civil Protection Order hearing may not be granted based solely on a scheduling conflict with the newly retained counsel when he or she accepted the case with prior knowledge of the scheduling conflict.

15.6 **Attached Entries/Orders.** All motions for a continuance shall be accompanied by a proposed journal entry ordering the reassignment of said case to a date certain. In the event a continuance is granted, the Court may, at its discretion, assess costs and expenses against the moving party.

15.7 **Continuance Within Three Days of Hearing Date.** Unless extraordinary circumstances are shown to exist, motions for continuances submitted within three days of the hearing date may automatically be denied.

RULE 16.0

KNOX COUNTY PARENTING SCHEDULE

PREFACE: There is no specific schedule of parenting time that can address the changing needs of children and parents. It is important for parents to remain flexible based upon the changing needs of their children. As children mature and become involved in activities outside the home, they often have less time to spend with parents. The Court encourages parents to resolve parenting issues amicably as they occur.

The schedule for parenting time set forth is, in most cases, the **MINIMUM** amount of parenting time for the non-residential parent. Parents are encouraged to create their own parenting schedules, which may include more or less parenting time as the parties agree.

When relationships end, parents may experience a difficult time dealing with one another. Times when children are physically transferred between the parents is NOT an opportunity to direct hostility toward the other parent, including demeaning language or behavior. **IT IS THE ABSOLUTE DUTY OF EACH PARENT TO MAKE CERTAIN THAT THE CHILD IS READY FOR PARENTING TIME WITH THE OTHER PARENT AND IS TRANSFERRED TO THE OTHER PARENT IN A TIMELY FASHION AT THE COMMENCEMENT AND AT THE TIME PARENTING ENDS.**

GENERAL RULES REGARDING PARENTING TIMES: These rules apply to all parenting times.

16.1 Conflicting Schedules; Order of Priority:

Unless the Court orders otherwise, in the event of conflicts in parenting time schedules under this Rule, the following is the order of priority, with number one having the first priority:

1. Holidays and days of Special Meaning as set forth in Local Rule except the child's birthday.
2. Child's birthday.
3. Vacation periods or extended parenting times, including President's Day and Martin Luther King Day weekends.
4. Weekends and mid-week parenting times. The alternate weekend rotation is not changed due to parenting time schedule conflicts.

16.2 Illness.

Parenting time shall be provided to the non-residential parent even if the child is ill, unless the child is hospitalized or a physician has recommended that the child not be removed from the residential parent's home, in which event immediate notice shall be given to the non-residential parent. Any weekend parenting time that is missed under this provision shall be made up the next weekend available to the non-residential parent.

16.3 Medications

In all instances in which it is necessary for a child to take **prescribed** medications, the residential parent shall provide the non-residential parent with an adequate supply of such medications to care for the child's needs during parenting time.

The residential parent shall also provide the non-residential parent with copies of the explanatory materials issued by the pharmacy or, in lieu of this information, a typed or legibly written document setting forth the times of administration of medications, an explanation of whether food should be taken with the medications, a list of any potential side effects known to the residential parent and the name, address, and telephone number of the child's pediatrician and pharmacist. The residential parent shall provide this information to the non-residential parent at the time the child is exchanged for parenting time.

All medications shall be administered to the child by the non-residential parent as prescribed. If the non-residential parent is not physically present to administer medications, then it shall be the responsibility of such parent to designate an adult of suitable maturity and judgment to administer the medications as prescribed.

16.4 Communications

Unless the Court orders otherwise, each parent must keep the other informed of his/her current address and telephone numbers and an alternate telephone number in case of emergencies.

IT IS THE RESPONSIBILITY OF THE PARENTS, NOT THE CHILDREN, TO MAKE ALL PARENTING TIME ARRANGEMENTS. Both parents shall refrain from criticizing the other or arguing with the other parent in the children's presence.

Either parent may have reasonable telephone contact with the children not to exceed twice a week for a period of between 5 to 10 minutes during the hours of 7:00 a.m. to 8:00 p.m. If the children are not available, the children should return the telephone call within 24 hours of the time the parent made the unsuccessful call to the children.

Children are permitted unlimited telephone/and or e-mail contact with the parent with whom they are not spending parenting time.

Both parents shall encourage free communications between the children and the other parent.

Neither parent shall do anything to impede or restrict reasonable communications by telephone, cell phone (including but not limited to text messaging, Facetime), mail, or computer (including but not limited to e-mail, instant messaging, or Skype) with the child and the other parent regardless of who initiated the communication. Neither parent shall monitor or listen in on the children's telephone calls with the other parent.

16.5 Clothing and Supplies for Children older than 3 years of age

The residential parent shall send the child with sufficient clothing and outerwear appropriate for the season and for any known or planned activities. The non-residential parent shall return all items that are sent at the end of parenting time.

16.6 Clothing and Supplies for Children under 3 years of age

In cases with infants and young children 3 years and younger, each parent shall maintain at their home a crib or infant bed (as applicable), a car seat, formula, bottles, appropriate clothing and outerwear, and a sufficient supply of diapers and related items in their home for the child.

16.7 Children's Activities

Scheduled periods of parenting time shall not be delayed or denied because a child has other activities. It is the responsibility of the parents to discuss extra-curricular activities of the children in advance, including time, dates, and transportation needs. A parent receiving activity schedules shall provide a copy to the other parent. The parent who has the children during the time of the scheduled activity is responsible for the transportation, attendance and/or other arrangements. Both parents are permitted to attend all their children's activities, regardless of the parenting schedule.

The residential parent shall not unreasonably schedule activities or appointments with the minor children when the child would otherwise be with the non-residential parent.

16.8 Schoolwork

A parent must provide time for any child to study, complete homework assignments, papers, or other school assigned projects, even if the completion of this work interferes with the parent's plans with the children. If schoolwork is assigned by the school prior to the scheduled parent's time, the other parent must inform the scheduled parent of the work to be done, and it is the scheduled parent's responsibility to see that it is completed.

16.9 Grace period

The parent transporting the children for parenting time shall have a grace period of 15 minutes for pick-up and delivery if both parties live within 30 miles of one another. If the one-way distance to be traveled is more than 30 miles, the grace period shall be 30 minutes. In the event the non-residential parent exceeds the grace period, that particular parenting time is forfeited unless prior notification and arrangements have been made. This rule shall be subject to the exception that in the event the non-residential parent experiences an unavoidable accident, emergency, or traffic delay en route and promptly notifies the other parent of the delay the parenting time is not forfeited.

PROMPTNESS AND FLEXIBILITY ARE TO BE THE GOALS OF THE PARENTS CONCERNING TRANSPORTATION OF THE CHILDREN FOR PARENTING TIME

16.10 Transportation

Parents or a designated third party are responsible for providing transportation to and from parenting time. Unless the parties otherwise agree, the parent who is exercising parenting time shall pick up the child from the residential parent (or designated person, if applicable) at the child's residence, unless otherwise designated, and at the end of parenting time the other parent (or designated person, if applicable) shall be responsible for picking up the child from parenting time.

If circumstances prevent a parent from personally delivering the children to or from parenting time, another responsible adult known to both parents and the children may provide transportation with advance notice to the other parent, unless otherwise ordered by the Court.

In all instances in which a child is required by Ohio law to be transported in a child safety seat or booster seat, each parent shall use a properly installed child safety seat or booster seat. In all other instances, the parent transporting the child shall be responsible for using a properly functioning seat belt. Only a driver with a current, valid license may transport the children.

16.11 Air Travel

The non-residential parent exercising parenting time with a child, under 10 years of age, choosing air travel, must accompany that child to and from parenting time. The cost of the parent's travel is that parent's responsibility.

For children who are over 10 years of age and can travel as unaccompanied minors, the non-residential parent must make travel arrangements with the airline. Most airlines will require a fee to provide this service, which will be the responsibility of the non-residential parent. The non-residential parent shall provide written notice to the residential parent of the itinerary and the provisions for the child to fly as an unaccompanied minor.

16.12 Alterations in the Child's Physical Appearance

The non-residential parent shall not alter the physical appearance of the child by hair coloring, unconventional hair cuts, ear or other body part piercings, permanent tattooing, or any other drastic act that appreciably alters the physical appearance of the child without the consent of the residential parent.

16.13 Serious Family Illness/Death

Both parents shall accommodate parenting time requested by the other parent in circumstances in which there exists a dire family illness and/or death of a grandparent, stepparent, stepsibling, half-siblings, aunts and uncles.

16.14 Definitions

Unless otherwise specified, the term week is defined as seven consecutive days.

16.15 Clarification

The Court strongly encourages parties to direct questions regarding the application of Local Rule 15.0 to their attorneys.

16.16 Application of Rule for Same Gender Parents

For same gender parents, and absent an agreement of the parties, the nouns "Mother" and "Father" shall be read and applied as "Plaintiff" and "Defendant", "First Petitioner" and "Second Petitioner", or "Petitioner and Respondent", as the case may be.

**THE PARENTING SCHEDULE IS DIVIDED FOR PARENTING TIME THAT IS LOCAL,
SEMI-LOCAL, AND NON- LOCAL PARENTING TIME**

**LOCAL PARENTING TIME
DESIGNED FOR PARENTS WHO RESIDE
WITHIN 15 MILES OF ONE ANOTHER
AND HAVE ONE CHILD UNDER
THE AGE OF 2 YEARS**

Children from birth to 2 years of age benefit from a schedule that recognizes the needs of their age group. The following schedule is designed to accommodate the needs of such children. **THIS SCHEDULE ONLY APPLIES WHEN THERE IS ONE CHILD IN THE FAMILY UNDER 2 YEARS OF AGE.** If there are older children in the family the child follows the same parenting time as the older children.

The non-residential parent shall have parenting time with the child 3 days during the week from 6:00 p.m. until 7:30 p.m., unless a parent's work schedule requires the parenting time to be during the morning hours. In that instance, parenting time shall be 3 days per week from 9:00 a.m. to 10:30 a.m.

For those who can not agree, the days shall be Monday, Wednesday, and Friday.

The non-residential parent shall have the child on alternate weekends from Saturday at 4:00 p.m. until Sunday at 10:00 a.m., or as the parties otherwise agree to accommodate work schedules.

For families that have other children, this rule does not apply unless the parties agree that this schedule is in the best interest of all the children in the family.

HOLIDAYS

Mother's Day and Father's Day – Children are with parents from 9:00 a.m. to 6:00 p.m.

Children's birthdays – In even numbered years, mother has the child, and in odd numbered years, father has the child. If the parents can not agree, parenting time shall be from 10:00 a.m. to 6:00 p.m. if the birthday falls on a non-school day and the parent is not working on that day. If a school day and workday, the parenting time shall be from 5:00 p.m. until 8:30 p.m.

ODD YEARS – Mother has Martin Luther King Day, Easter, July 4th and Labor Day. Father has President's Day, Memorial Day, Beggar's Night, Thanksgiving Day, Christmas Day, and New Year's Day.

EVEN YEARS – Father has Martin Luther King Day, Easter, July 4th and Labor Day. Mother has President's Day, Memorial Day, Beggar's Night, Thanksgiving Day, Christmas Day and New Year's Day.

All holidays begin at 9:00 a.m. and continue until the following morning at 9:00 a.m.

LOCAL PARENTING TIME
DESIGNED FOR PARENTS WHO RESIDE
WITHIN 30 MILES OF ONE ANOTHER
AND HAVE ONE CHILD UNDER
THE AGE OF 2 YEARS

Children from birth to 2 years of age benefit from a schedule that recognizes the needs of their age group. The following schedule is designed with the needs of such children. **THIS SCHEDULE ONLY APPLIES WHEN THERE IS ONE CHILD IN THE FAMILY UNDER 2 YEARS OF AGE.** If there are older children in the family the child follows the same parenting time as the older children.

The non-residential parent shall have parenting time with the child 1 day during the week from 5:00 p.m. until 7:30 p.m., unless a parent's work schedule requires the parenting time to be during the morning hours. In that instance, parenting time shall be 1 day per week from 9:00 a.m. to 11:30 a.m.

The non-residential parent shall have the child on alternate weekends from Saturday at noon until Sunday at 10:00 a.m., or as the parties otherwise agree to accommodate work schedules. In other words, if the non-residential parent works on Saturday, the parenting time shall shift to Friday noon until Saturday at 10:00 a.m. or Sunday noon until Monday at 10:00 a.m.

For families that have other children, this rule does not apply unless the parties agree that this schedule is in the best interest of all the children in the family.

HOLIDAYS

Mother's Day and Father's Day – Children are with parents from 9:00 a.m. to 6:00 p.m.

Children's birthdays – In even numbered years, mother has the child, and in odd numbered years, father has the child. If the parents can not agree, parenting time shall be from 10:00 a.m. to 6:00 p.m. if the birthday falls on a non-school day and the parent is not working on that day. If a school day and workday, the parenting time shall be from 5:00 p.m. until 8:30 p.m.

ODD YEARS – Mother has Martin Luther King Day, Easter, Fourth of July, Labor Day, and Christmas Day

Father has President's Day, Memorial Day, Beggar's Night, and Thanksgiving Day

EVEN YEARS – Father has Martin Luther King Day, Easter, Fourth of July, Labor Day, and Christmas Day

Mother has President's Day, Memorial Day, Beggar's Night, and Thanksgiving Day

All holidays begin at 9:00 a.m. and continue until the following morning at 9:00 a.m.

IF THE PARENTS LIVE MORE THAN 30 MILES APART THE COURT WILL DETERMINE PARENTING TIME ON A CASE BY CASE BASIS.

LOCAL PARENTING TIME
DESIGNED FOR PARENTS WHO RESIDE
WITHIN 30 MILES OF ONE ANOTHER
DURING THE SCHOOL YEAR

OPTION ONE – LOCAL

TWO WEEK ROTATION

	Monday	Tuesday	Wednesday	Thursday	Friday	Sat.	Sun.
WEEK ONE	R	R	R/NR	NR/R	R/NR	NR	NR
WEEK TWO	NR/R	R	R/NR	NR/R	R	R	R

WEEKENDS – The non-residential parent shall have parenting time on alternate weekends:

Beginning Friday at 6:00 p.m. and ending Monday morning when the child is returned to school, daycare or the residential parent by 9:00 a.m.

WEEKDAYS – The non-residential parent shall have parenting time on Wednesday beginning at 6:00 p.m. until Thursday morning when the child is returned to school, daycare or the residential parent by 9:00 a.m.

OPTION TWO – LOCAL

WEEKENDS – The non-residential parent shall have parenting time on alternate weekends:

Beginning Thursday night at 6:00 p.m. and ending Sunday at 6:00 p.m. when the child is returned to the residential parent. The non-residential parent is responsible for delivering the child to school on a timely basis on Friday. If the child does not have school on the Friday the child shall remain with the non-residential parent.

WEEKDAYS – The non-residential parent shall have midweek visitation on Tuesdays at 6:00 p.m. and ending Wednesday morning when the child shall be returned to school, daycare, or the residential parent.

SEMI – LOCAL PARENTING TIME
DESIGNED FOR PARENTS WHO RESIDE
WITHIN **90 MILES** OF ONE ANOTHER
DURING THE SCHOOL YEAR

WEEKENDS – The non-residential parent shall have parenting time on alternate weekends:

Beginning Friday at 6:00 p.m. and ending Sunday at 7:00 p.m., unless the following Monday is a school holiday, in that event the non-residential parent will return the child Monday at 6:00 p.m.

HOLIDAYS AND SPECIAL DAYS OF MEANING FOR BOTH LOCAL AND SEMI OPTIONS:

ODD YEARS

EVEN YEARS

<u>MOTHER'S SCHEDULE FOR ODD YEARS</u>	<u>FATHER'S SCHEDULE FOR EVEN YEARS</u>
EASTER: Sat 6:00 p.m. to Sun 6:00 p.m.	EASTER: Sat 6:00 p.m. to Sun 6:00 p.m.
*SPRING BREAK: 9:00 a.m. the day AFTER school recesses to 6:00 p.m. the day BEFORE school resumes	*SPRING BREAK: 9:00 a.m. the day AFTER school recesses to 6:00 p.m. the day BEFORE school resumes
LABOR DAY: Sun 6:00 p.m. to Mon 6:00 p.m.	LABOR DAY: Sun 6:00 p.m. to Mon 6:00 p.m.
CHRISTMAS: December 24 at 9:00 p.m. to January 1 at 6:00 p.m.	CHRISTMAS: December 24 at 9:00 p.m. to January 1 at 6:00 p.m.
<u>FATHER'S SCHEDULE FOR ODD YEARS</u>	<u>MOTHER'S SCHEDULE FOR EVEN YEARS</u>
PRESIDENT'S DAY: Sun 6:00 p.m. to Mon 6:00 p.m.	PRESIDENT'S DAY: Sun 6:00 p.m. to Mon 6:00 p.m.
MARTIN LUTHER KING DAY: Sun 6:00 p.m. to Mon 6:00 p.m.	MARTIN LUTHER KING DAY: Sun 6:00 p.m. to Mon 6:00 p.m.
MEMORIAL DAY: Sun 6:00 p.m. to Mon 6:00 p.m.	MEMORIAL DAY: Sun 6:00 p.m. to Mon 6:00 p.m.
BEGGAR'S NIGHT: (where father resides) 4:30 p.m. to 8:00 p.m.	BEGGAR'S NIGHT: (where mother resides) 4:30 p.m. to 8:00 p.m.
THANKSGIVING: Wed 6:00 p.m. to Thu 6:00 p.m. unless Father's regular weekend visit follows then the visit ends Monday morning (school, daycare or 9:00 a.m.)	THANKSGIVING: Wed 6:00 p.m. to Thu 6:00 p.m. unless Mother's regular weekend visit follows then the visit ends Monday morning (school, daycare or 9:00 a.m.)
CHRISTMAS: December 21 OR last day of school, whichever occurs first, from 6:00 p.m. to December 24, 9:00 p.m.	CHRISTMAS: December 21 OR last day of school, whichever occurs first, from 6:00 p.m. to December 24, 9:00 p.m.

ANY OR ALL PARTS OF THIS SCHEDULE CAN BE CHANGED IF BOTH PARTIES AGREE.

LONG DISTANCE – SCHOOL YEAR

For parents residing more than 90 miles apart during the school year:

WEEKENDS – one weekend per month from Friday after school until Sunday at 6:00 p.m.

The non-residential parent shall have weekend parenting time the first weekend in September to include Labor Day, the second weekend in January to include Martin Luther King Day, the second week in February to include President's Day, and the last weekend in May to include Memorial Day.

The non-residential parent's parenting time shall be from Friday after school through the holiday until 6:00 p.m. (If these holidays fall on Mondays).

The parties shall agree upon the weekend parenting time for the remaining months of the school year, October, November, March, and April. In the event the parties can not agree on the parenting weekend during these months the non-residential parent shall be entitled to any 3-day weekend that occurs or the weekend shall be the second weekend of those months.

HOLIDAYS—LONG DISTANCE

The EXTENDED holiday schedule for parents living more than 90 miles apart shall be as follows:

Thanksgiving: In even number years, mother has from the time school recesses until Sunday at 6:00 p.m. In odd numbered years, father has from time school recesses until Sunday at 6:00 p.m.

Winterbreak: The Christmas holiday shall alternate between parents so that in even numbered years the father has from the end of school before the Christmas break begins until the day after Christmas at 6:00 p.m.

Mother shall have from the day after Christmas at 6:00 p.m. until 5:00 p.m. the day before school resumes.

The schedule shall be reversed in odd-numbered years.

Spring Break: 9:00 a.m. the day after school recesses to 5:00 p.m. the day before school resumes. Even numbered years, mother shall have spring break, and in odd numbered years, father will have spring break.

Additional Parenting Time: If the nonresidential parent elects to travel to the area where the children normally reside, the non-residential parent may exercise weekend parenting pursuant to Local Option one or two for parents 30 miles apart. When the non-residential parent elects to do so, the non-residential parent shall provide the residential parent with at least thirty days advanced notice.

SUMMER PARENTING TIME

General Guidelines

1. If summer school is necessary for a child in order to pass into the next grade, then regardless of which option the parties have chosen, each parent is responsible for getting the child to school during their summer parenting time.
2. Regardless of the schedule chosen during the summer break, each parent is responsible for obtaining their own work-related child care provider unless the parties otherwise agree in writing.
3. In the event of multiple children with different length summer breaks, the shortest summer break dictates the schedule.
4. Home schooled children shall follow the schedule of the residential parent's school district.
5. On the July 4th holiday, the child(ren) shall remain with the parent exercising parenting time on that date.

OPTION ONE - SUMMER

One week rotating schedule

During the summer break from school, the parents shall exercise parenting time on an alternating week schedule that begins and ends at 6:00 p.m. on Fridays. In even years, the non-residential parent shall exercise the first week of summer parenting time beginning at 6:00 p.m. on Friday after school recesses for the summer, followed by the residential parent exercising the next week. This alternating pattern shall continue during the summer recess. The summer parenting schedule ends at 6:00 p.m. on the last Friday before school resumes. Each parent may exercise a mid-week visit with the child(ren) on _____. Any regular weekend parenting time shall be suspended during the summer. In odd years, the residential parent shall exercise the first one week block and begin the rotation.

Each parent may exercise a one week uninterrupted vacation during one of their blocks of time. The parent intending to exercise a vacation shall provide a 30 day notice to the other parent. As soon as available, but prior to leaving, the vacationing parent shall provide a travel itinerary, which includes the destination, times of arrival and departure, methods of travel, and contact information to use during the vacation.

Each parent may delegate a portion of their vacation time to a close relative.

OPTION TWO-SUMMER

Two week rotating schedule

During the summer break from school, the parents shall exercise parenting time in alternating two-week periods (beginning and ending at 6:00 p.m. Fridays). In even years, the non-residential parent shall exercise a two week block of summer parenting time beginning at 6:00 p.m. on the first Friday after school recesses, followed by the residential parent exercising a two week block of parenting time. The alternating pattern shall continue during the remainder of the summer. The summer parenting time schedule shall end at 6:00 p.m. on the last Friday before school resumes. Each parent shall exercise a mid-week parenting time with the children

on _____. Any regular weekend parenting time shall be suspended during the summer. In odd years, the schedule is reversed with the residential parent beginning the two week rotation.

Each parent may exercise two weeks uninterrupted vacation during one of their blocks of time. The parent intending to exercise a vacation shall provide a 30 day notice to the other parent. As soon as available, but prior to leaving, the vacationing parent shall provide a travel itinerary, which includes the destination, times of arrival and departure, methods of travel, and contact information to use during the vacation.

Each parent may delegate a portion of their vacation time to a close relative.

OPTION THREE-SUMMER

Summer divided at mid-date

SUMMER IS DIVIDED AT MIDBREAK – THIS IS THE DEFAULT OPTION FOR LONG DISTANCE PARENTING (WHERE PARENTS LIVE MORE THAN 90 MILES APART). This schedule supersedes days of special meaning and birthdays that occur during the summer.

In even numbered years, the residential parent shall exercise parenting time beginning at 6:00 p.m. the day after school is over until 6:00 p.m. at the midpoint of the break. The non-residential parent shall commence parenting time at 6:00 p.m. at the mid-point break until 6:00 p.m. on the last Friday prior to the commencement of school.

For parties living within 90 miles of one another, the alternating weekend parenting time, as set forth in Semi- Local schedule may be exercised by the parent who is not exercising his or her half of the summer schedule.

Each parent may exercise two weeks uninterrupted vacation during one of their blocks of time. The parent intending to exercise a vacation shall provide a 30 day notice to the other parent. As soon as available, but prior to leaving, the vacationing parent shall provide a travel itinerary, which includes the destination, times of arrival and departure, methods of travel, and contact information to use during the vacation.

Each parent may delegate a portion of their vacation time to a close relative.

OPTION FOUR-SUMMER

Maintain the school year schedule (Only for those parents exercising Local Rule parenting time).

During the summer break from school, the parties shall continue to operate under their existing parenting schedule.

Each parent may exercise two weeks uninterrupted vacation during one of their blocks of time. The parent intending to exercise a vacation shall provide a 30 day notice to the other parent. As soon as available, but prior to leaving, the vacationing parent shall provide a travel itinerary, which includes the destination, times of arrival and departure, methods of travel, and contact information to use during the vacation. Each parent may delegate a portion of their vacation time to a close relative.

RULE 17.0

HEARINGS

- 17.1 **With a Pretrial Conference.** In all hearings before the Court where a pretrial conference has been conducted, the following matters shall be accomplished **prior to and without delaying the hearing.**
- A. All exhibits shall be marked and reviewed by both counsel. In addition, a list of exhibits to be offered by each party shall be submitted to the Court and opposing counsel.
 - B. All stipulations are to be in writing, approved by the parties or their counsel, and filed with the Court, unless waived by the Court.
 - C. If a trial brief has been requested by the Court, counsel shall serve it upon opposing counsel. The trial brief shall contain at least the following material:
 - 1. A clear statement of the issues involved;
 - 2. A summary of the factual situation in regard to each claim or defense;
 - 3. Citations of law affective each issue; and
 - 4. A proposed resolution of issue.
- 17.2 **Without a Pretrial Conference.** In all hearings before the Court where a pretrial conference has not been held, counsel for all parties are expected to comply with Rule 17.1 as reasonably as can be anticipated.
- 17.3 **Conduct.** Counsel and their parties shall be present in the Courtroom promptly on the date and time of the hearing. Counsel will advise their clients and witnesses of the importance of speaking clearly and for that reason to remove anything from their mouth, which would impair or muffle their testimony.
- 17.4 **Time of Hearing.** The hearing shall begin promptly on the date and time set, and no delay shall be permitted for additional negotiations between the parties, unless prior approval is received from the Court. Failure to comply with this rule will result in a continuance of the hearing with sanctions against the counsel and/or the parties.
- 17.5 **Examination of Witnesses.** Except by permission of the Court, only one counsel for each party will be permitted to speak on any issue, or upon any question arising during the hearing of a cause or a proceeding,

and only one counsel for each party will be permitted to examine the same witness in any hearing or proceeding before the Court.

- 17.6 **Argument Limitations.** In any argument to the Court upon the hearing of a cause, only two counsel for each party will be heard unless for special reasons the Court permits otherwise. The Court may limit the time for argument as it may deem reasonable.

In contested divorce, annulment or legal separation matters, the Court may require counsel for each party to submit a proposed decree incorporating their respective views of the evidence. Such submission shall also include an e-mailed Word Formatted version. The Court may request proposed decrees in lieu of closing arguments.

- 17.7 **Request for Attorney Fees.** The Court may allow for attorney fees to be requested on a case by case basis in order for a party to obtain counsel to represent them in the case. All awards of attorney fees made during the pendency of the case remain subject to a reasonableness hearing. In post decree contempt and child support contempt (where no divorce is pending), the hearing on the attorney fees shall be scheduled after the Court has found the party in contempt. If there is no finding of contempt, then no fees shall be awarded. In divorce cases, the reasonableness hearing shall be a bifurcated portion of the final divorce hearing. No final divorce decision shall be issued until the reasonableness hearing has occurred and an order has been issued. All attorney fees issued in a divorce after the reasonableness hearing shall then be offset from any final division of the assets and debts of the parties. Any attorney wishing to obtain attorney fees in a case, in which fees are still outstanding, shall request a hearing on the fees prior to or during the final divorce hearing, which shall be scheduled for a date after the final divorce hearing. If fees have been granted during the pendency of the case and the parties have not agreed to the resolution of the fee issue at the end of the case, then the Court shall set a hearing on any remaining fee disputes after the final divorce hearing, upon request of counsel prior to or during the final divorce hearing. In any reasonableness hearing, in order to obtain attorney fees, the attorney must present expert testimony as to the reasonableness of the rate and time billed in the case.

RULE 18.0

MAGISTRATE

- 18.1 **Appointment.** The Court may appoint one or more persons to the position of Magistrate as provided by Rule 53 of the Ohio Rule of Civil Procedure.
- The position or positions shall be administered by the Judge of the Knox County, Court of Common Pleas.
- 18.2 **Powers and Duties.** The Magistrate(s) shall conduct their office fully in accordance with Civil Rule 53 of the Ohio Rules of Civil Procedure.
- 18.3 **Decisions.** Magistrates shall prepare a decision upon the matters submitted before them. The Magistrate shall cause the decisions to be filed with the Clerk of Court and the Clerk shall provide file stamped copies to each party or their counsel.
- 18.4 **Magistrate Orders.** The Magistrate shall have authority to issue orders on matters outlined in Civil Rule 53.
- 18.5 **Compensation.** The compensation for Magistrate services shall be fixed by the Judge of the Knox County, Court of Common Pleas.

RULE 19.0

OBJECTIONS TO DECISIONS

19.1 **Objections.** Any objections filed by a party pursuant to Civil Rule 53 shall be specific and state with particularity the grounds therefore. If there are Findings of Fact and Conclusions of Law, the party shall specify which finding of fact and/or conclusion of law is objectionable. A transcript is not necessary if objections are only to conclusions of law. However, if any objection disputes any testimony or exhibit received at the hearing, or any Finding of Fact made by the Magistrate, then pursuant to Civil Rule 53(D)(3)(b)(iii), a transcript or affidavit is mandatory.

19.2 **Service.** In addition to serving a copy of the objections upon opposing counsel or parties, counsel must verify that a copy of the objections has been provided to the Court.

19.3 **Transcripts.** If a party believes a transcript is required to support their objections, the party shall request, by written motion, an extension of time in which to have the transcript prepared.

If there is a delay caused by the preparation of a transcript, the Court may make such temporary orders as is deemed necessary and just including the requirement that the party requesting the extension post bond to cover any damages the opposing party may suffer because of the delay.

A ruling on the objections shall be made by the Court without a hearing unless the Court deems a hearing is necessary.

19.4 **Payment of Transcript.** Where a party requests the preparation of a complete or partial transcript, the request must be made in writing and filed at the Clerk of Courts. Said request must also fully comply with Local Rule 29.0.

19.5 **Filing Requirements and Times.** As provided in the Ohio Rules of Civil Procedure, a party may file objections to a Magistrate's decision within fourteen days of the filing of the decision. This time limitation will not be extended by Civil Rule 6.

Within 10 days of the filing of the initial objections, responding parties may file their objections to the decision and/or a response or memorandum contra to the objections. If the responding party files objections, the

opposing party may, within 10 days, file a response or memorandum contra. **No other filings** will be permitted, and such filings will be subject to a motion to strike and/or the Court shall ignore any information contained in the extraneous filings.

- 19.6 **Effective Dates of Orders.** While objections to the Magistrate's decision may toll the execution of any recommended orders, it will not change the effective date of the recommendations unless the Court indicates otherwise in a subsequent order.

RULE 20.0

SETTLEMENT MEMORANDUM

20.1 **Procedure - Scheduled Hearings.** Where any issue has been set for an oral hearing, it is expected that both counsel and parties are prepared to go forward with the presentation of their evidence.

The commencement of a hearing may be delayed where negotiations between the parties will be meaningful and result in stipulations or settlement of contested issues.

Where parties and counsel have appeared on the day of the hearing and have negotiated a settlement of the contested issues, a written settlement memorandum/memorandum of agreement/divorce settlement shall be prepared.

Both parties and counsel shall sign the settlement memorandum/memorandum of agreement/divorce settlement and appear in open Court to submit the memorandum to the Court for approval. However, the Court may waive the appearance in open Court of one or all parties.

The Court shall designate its approval by signing the memorandum. Once signed by the Court, the settlement memorandum shall be filed with the clerk's office and placed in the case file. A settlement memorandum/memorandum of agreement/divorce settlement signed by the parties shall be considered a binding entry.

20.2 **Procedure - Mediation.** Where the parties have reached an agreement through mediation, the written agreement must be signed by the parties and counsel (if applicable) and submitted to the Court. The Court may require the parties to appear in open Court to review the written agreement. If the Court approves the agreement, it shall be filed with the clerk's office and placed in the case file.

20.3 **Entry Requirements.** Within a time period designated by the Court (usually 14 days), counsel or non-represented parties shall prepare and submit to the Court an entry incorporating the terms of the settlement memorandum or mediation agreement. No additions, changes or modifications will be permitted unless approved by both parties and/or counsel, but the Court may reject the additions, changes or modifications.

- 20.4 **Failure to Submit Entry.** If counsel and/or parties fail to submit an entry within the required time period, the Court may dismiss the matter or cause an entry to be prepared consistent with the terms of the settlement memorandum or mediation agreement. The entry will then be filed without prior approvals of either or both counsel and/or the parties. If the Court must prepare an entry due to the parties' failure to submit an entry within the required time period, sanctions may be taken against the parties and their attorneys.
- 20.5 **Request to Disregard Settlement Agreements.** Before an entry has been submitted, either party may request that the settlement agreement be set aside and the matter reset for hearing. The request must be in writing in the form of a motion.
- 20.5.1 **Basis.** The party making the request must present clear and convincing reasons for the Court to set aside the settlement agreement. It will be at the sole discretion of the Court to determine if a settlement agreement should be set aside.
- 20.5.2 **Sanctions.** Where a settlement agreement is set aside for good cause, the Court may impose sanctions against one or both parties. Similarly, where a request to set aside a settlement memorandum is found to be without merit, the Court may impose sanctions.

RULE 21.0

ENTRIES/ORDERS

- 21.1 **Preparation.** When counsel is directed by the Court to prepare the proper entry and submit it together with approvals of opposing counsel to the Court for signature, the following time limitations and procedures shall apply:

The entry shall be submitted to the Court within 14 days unless directed otherwise by the Court.

If the entry has not been filed after 14 days, the Court shall contact the responsible attorney to determine the cause for delay. If the delay is due to opposing counsel refusing to approve it, counsel shall submit it to the Court without said approval with the notation "submitted but not approved". Opposing counsel may, instead of approving the entry, forthwith submit objections to the proposed entry. The Court may sign the entry as submitted or modify it and thereafter have it filed with the Clerk.

If the delay is due to the failure of opposing counsel or party to respond, the preparer shall submit the entry to the Court with the notation "submitted but not returned."

If no entry is submitted within seven days after notification from the Court, all counsel and/or parties may be ordered to appear for a "show cause" hearing. At the hearing, sanctions against one or both counsel may be imposed or the case may be dismissed.

The entry shall also be submitted in Word Format via e-mail.

- 21.2 **Signing of Entries.** Entries and applications for special orders may be presented by counsel or an agent for signing at the opening of a session or in chambers at the convenience of the Court.

Once an entry or order has been signed by the Court, absolutely no interlineation, deletions or additions are to be made without prior approval of the Court.

- 21.3 **Entry Contents.** All final entries or any entries ordering or modifying spousal support or child support, custody, parenting time or the payment of any expenses relating to the parties' children shall not be accepted for filing by the Clerk of Courts without the current address and date of birth of each party unless specifically

waived by the Court, Magistrate or Court Administrator. The Court may require an affidavit from the filing party indicating that such information is unavailable.

Where orders or entries require payments for any type of support to be made through the Knox County Child Support Services and there's no mention of processing fee, it shall be presumed that the designated amounts do not include processing fee and the Knox County Child Support Services shall be permitted to assess the applicable processing fee by adding the processing fee to the designated figure even if the order neglects to include it.

- 21.4 **Decrees.** All decrees for divorce, legal separation, annulment, and dissolution must contain current addresses of the parties and each party must have a different address. The Court will not accept a final decree where the parties have the same address.

Each dissolution of marriage decree must have a separation agreement attached to it even if it is the same agreement filed with the petition. Failure to attach a separation agreement to the decree may cause the matter to be continued or a delay in the Court signing the decree.

Orders or entries resulting from hearings conducted by the Magistrate shall contain an approval line for the Magistrate.

- 21.4.1 **Decrees involving children.** The Court may not sign a decree where there is a failure to comply with Local Rule 12.0. All decrees involving children must state the number of overnight parenting time days each parent has.

- 21.4.2 **Shared Parenting Decrees.** All shared parenting plans must have a separate decree from any other decree, unless the parties are using the Decrees approved by the Supreme Court of Ohio, and shall state the number of overnight parenting time days each parent has. Shared parenting plans are not to be incorporated in any separation agreement. Everything relating or pertaining to the children must be included in the shared parenting plan. Each shared parenting decree must have a shared parenting plan attached to it even if it is the same plan previously filed.

- 21.5 **QDRO's.** In all final decrees that require Qualified Domestic Relations Orders for retirement plans of both or either party, the decree shall be worded to place responsibility for the preparation and submission of the Qualified Domestic Relations Order upon the primary participant in the plan. The decree shall also include a requirement that the Qualified Domestic Relations Order be submitted to the retirement plan administrator no later than 30 days after the final decree has been filed. Counsel for the primary participant in the plan shall be responsible for the finalization and filing of the Qualified Domestic Relations Order.
- 21.6 **Hearing Dates.** Where the parties are able to reach an agreement before the scheduled hearing date, the agreed entry **must** contain a statement that any pending hearing date is to be canceled unless other issues remain to be resolved.
- 21.7 **Nunc Pro Tunc Entries.** The first paragraph of every Nunc Pro Tunc entry shall contain the basis for the entry, i.e. what error is being corrected.

RULE 22.0

FINDINGS OF FACT AND CONCLUSIONS OF LAW

- 22.1 **Procedure.** A request for findings of fact and conclusions of law must comply with Civil Rule 52.
- 22.2 **Proposed Findings of Fact and Conclusions of Law.** When a request for findings of fact and conclusions of law is made, the Court or Magistrate may direct each counsel to submit proposed findings of fact and conclusions of law, with a copy in Word Format via e-mail. Each counsel shall submit their respective proposed findings of fact and conclusions of law within seven days unless otherwise directed by the Court or Magistrate. A copy of all requests for, and proposed, findings of fact and conclusions of law must be submitted to the Court. Failure to submit the proposed findings of fact and conclusions of law within the required time will constitute a waiver of the party's right to request findings of fact and conclusions of law. However, only the findings of fact and conclusions of law issued by the Court or Magistrate shall form part of the record.
- 22.3 **Contents.** Succinctly, proposed findings of fact must contain findings of fact and proposed conclusions of law must contain conclusions of law. Reiterating or summarizing the testimony of witnesses does not comply with a request for proposed findings of fact. Any proposed findings of fact and conclusions of law submitted by counsel that are poorly drafted or that contain arguments, opinions of counsel or facts obtained after the hearing will be rejected, and the Court or Magistrate may return the proposed findings of fact and conclusions of law to counsel to be redone, or the Court may reject the proposed findings of fact and conclusions of law and deem the request for findings of fact and conclusions of law to be waived.

RULE 23.0

STATEMENTS OF EVIDENCE

- 23.1 **Procedure.** Where no record has been made of the proceedings, or a transcript is unavailable, counsel may supplement the record with a statement of evidence prepared pursuant to Appellate Rule 9(C).

A file-stamped copy of the statement of evidence must be submitted to the Court Administrator. It is the responsibility of counsel to insure that the file-stamped copy is immediately provided to the Court Administrator.

- 23.2 **Resolution of objections.** Where there are objections or proposed amendments to the statement, the Court shall resolve the conflict or objection by submitting a “Trial Court’s statement of the evidence.” **A file stamped copy of all objections or proposed amendments must be immediately provided to the Court Administrator.** Failure to provide the Court Administrator a copy may result in an incomplete record.

RULE 24.0

CASE MANAGEMENT

- 24.1 **Purpose.** The Court has created certain rules herein for the express purpose of a prompt and just disposition of each case coming before the Court.
- 24.2 **Active Cases.** All active cases shall be indexed by case number on the Court's computer system. Each active case shall also be indexed under a calendar date for periodic review.
- The periodic review shall include review of deadline dates established by time limitations taken from statutory law, all Ohio Rules of Court and local rules; for proof or failure of service, pretrial hearings, motion responses, hearing dates, objections to Magistrate's Decisions, all responses, preparation of entries, filing of entries, and case inactivity.
- 24.3 **Post Decree Motions.** Counsel of record or moving party will be notified of any inactivity after forty-five days from the filing of a post decree motion. Unless for good cause shown, the matter will be set for a final hearing or a dismissal hearing within thirty days.
- 24.4 **Inactive Cases.** All cases placed on inactive status shall be reviewed periodically to determine if the basis for the inactivity still exists. If the Court finds the basis no longer exists or if the basis cannot be determined, the Court will notify the counsel of record, and a notice of hearing or a case management conference will be set to determine its status.

RULE 25.0

GUARDIAN AD LITEM

In accordance with Rules 48 through 48.07 of the Ohio Rules of Superintendence, which contains rules regarding the appointment of Guardians ad Litem to protect and act in the best interests of children and which is effective as of January 1, 2021, the Court hereby adopts the following Local Rule 25.0:

- 25.1 **Definitions.** For purposes of Local Rule 25.0, the terms “allocation of parental rights and responsibilities,” “attorney for the child,” “Guardian ad Litem,” and “child” shall be defined as set forth in Superintendence Rule 48.01.
- 25.2 **Order of Appointment.** Pursuant to Superintendence Rule 48.02, all orders appointing Guardians ad Litem shall substantially comply with the Order set forth in Item 4 of the Appendix to this Rule.
- 25.3 **Responsibilities of Court.** Pursuant to Superintendence Rule 48.07, the Court Administrator or, with Court approval, the Court Administrator’s designee, is authorized and directed to do the following:
- A. Maintain and update a public list of Court-approved Guardians ad Litem and indigent Guardians ad Litem, while maintaining their privacy under Rules 44 through 47 of the Rules of Superintendence.
 - B. Coordinate and maintain the application process for individuals wishing to serve as Guardians ad Litem.
 - C. Keep the files and records as required by Superintendence Rules 48 through 48.07.
 - D. Provide information regarding training opportunities for approved and prospective Guardians ad Litem.
 - E. Receive and maintain written comments regarding the performance of Guardians ad Litem.
 - F. Maintain files for all applicants and individuals who are approved to serve as Guardians ad Litem. The files shall contain all records and information required by Superintendence Rules 40 through 48.07 and by these Local Rules.
 - G. Review a criminal and civil background check and investigation of information relevant to the individual’s fitness to serve as Guardian ad Litem.

- H. Conduct or cause to be conducted at least annually a review of the Guardian ad Litem and indigent Guardians ad Litem list to determine that all listed individuals are in compliance with the training and education requirements of this Local Rule, that all listed individuals have performed in a satisfactory manner on all assigned cases during the preceding year, and that all individuals are otherwise qualified under this Local Rule and Rules 48 through 48.07 of the Rules of Superintendence to serve. Written evidence of this review shall be maintained in each individual's file.
- I. Require each individual on the lists to certify annually that they are unaware of any circumstances that would disqualify them from serving and to report training they have attended. Each individual shall submit certificates or other proof of completion of the training requirements pursuant to Superintendence Rules 48.04 and 48.05 to the Court Administrator to be kept with each individual's file. The Court Administrator shall complete the "Guardian ad Litem Annual Review Form", which is Item 5 contained in the appendix to these Rules.
- J. Serve as the person designated by the Court to accept and consider comments regarding the performance of Guardians ad Litem appointed by the Court. A copy of the comment shall be provided to the Guardian ad Litem in question and shall be forwarded to the administrative Judge. Dispositions of comments shall be made promptly. A written record of the nature and disposition of any comment shall be kept in the Guardian ad Litem's file. The person making the comment or complaint and the Guardian ad Litem shall be notified in writing of the disposition of such complaint or comment. Persons desiring to make comments or complaints concerning a Guardian ad Litem shall use the "Guardian ad Litem Comment Form", Item 6, which is contained in the appendix to these Rules.

25.4 **Application Form.** All persons desiring to be appointed to serve as a Guardian ad Litem shall complete an "Application to Serve as Guardian ad Litem for the Knox County Domestic Relations Court" using the form designated as Item 7 contained in the appendix to these Rules.

25.5 **Background Disclosure Form.** All persons desiring to be appointed to serve as a Guardian ad Litem shall complete a “Background Disclosure Statement” using the form designated as Item 8 in the appendix to these Rules.

25.6 **Initial Qualifications.** In order for an applicant to be qualified to be initially included on the Court’s List of Guardians ad Litem and Indigent Guardians ad Litem, the applicant shall meet the following criteria:

- A. The applicant must be a natural person who is an adult resident of the State of Ohio.
- B. If the applicant is an attorney licensed to practice law in the State of Ohio, the applicant must be in good standing to practice law pursuant to the applicable rules of the Ohio Supreme Court.
- C. If the applicant is not an attorney licensed to practice law in the State of Ohio, the applicant must be working or practicing in a field or profession concerning the health, welfare, education, training or care of children and must be in good standing in such field or profession according to the applicable licensing or regulating authority.
- D. The applicant must maintain adequate professional liability insurance covering services as a Guardian ad Litem and present the Court with satisfactory evidence of such coverage.
- E. The applicant must not have been convicted of any felony; any alcohol or drug-related offense; any sex offense; any offense in which a child was found to be abused, neglected, dependent, unruly or delinquent; or any offense of violence in which a family or household member or minor child was the victim.
- F. The applicant must have attended and successfully completed a twelve-hour pre-service training program provided by the Supreme Court of Ohio or the Ohio Court Appointed Special Advocates (CASA) Guardian ad Litem Association, of which six hours shall be obtained via a live education program where the Guardian ad Litem is physically present..
- G. The applicant shall agree to attend and shall attend an annual six-hour continuing education course on Guardian ad Litem practice as required by Superintendence Rule 48.05, of which three hours shall be obtained via a live education program where the Guardian ad Litem is physically present.

H. All preservice and annual education must comply with Superintendence Rules 48.04 and 48.05. Certificates or other proof of completion of the required trainings must be provided to the Court Administrator or the Court Administrator's Designee upon completion.

I. The applicant shall complete the Application Form and Background Disclosure Statement Form prescribed by this Rule.

25.7 **Manner of Appointment.** The Court will assign Guardians ad Litem from among the individuals whose names are contained on its list of Guardians ad Litem and list of indigent Guardians ad Litem on a rotating basis. In instances in which the parties stipulate in a proposed agreed entry or order to a specified individual serving as Guardian ad Litem, the Court may approve such proposed entry or order or modify it as it determines to be appropriate.

25.8 **Duties in General.** In performing their duties, Guardians ad Litem shall comply with the requirements of Rule 48.03 of the Rules of Superintendence.

25.9 **Reports: Requirements.** All persons appointed to serve as Guardians ad Litem shall comply with the requirements of Rule 48.06 of the Ohio Rules of Superintendence with respect to preparing and filing reports.

25.10 **Reports: Filing; Service; Use of Report.** The Guardian ad Litem shall file the report with the Clerk of Court, who shall maintain the report in a confidential, family file in compliance with Rule 44 (C)(2)(h) of the Ohio Rules of Superintendence. The Guardian ad Litem shall serve upon counsel of record and self-represented parties a copy of the report, with service in accordance with Rule 5 of the Ohio Rules of Civil Procedure. No person shall duplicate or otherwise disseminate the report in any manner. The report may be received into evidence during the hearing for which it was prepared. The Court will cause the report to be sealed upon its being admitted into evidence. The report may be unsealed only pursuant to the order of the Court and upon a showing of good cause.

25.11 **Training Requirements.** All persons appointed to serve as Guardians ad Litem shall comply with the training requirements contained in Rules 48.03(C), 48.04, and 48.05 of the Rules of Superintendence.

25.12 **Fees.** Unless otherwise ordered, Guardians ad Litem shall charge a reasonable and customary fee for work performed in their profession in the Knox County, Ohio area.

25.13 **Initial Deposit; Failure to Pay; Vacating Appointment.** The Court shall require the parties to post a deposit in the amount of \$1,000.00 as a deposit to be applied toward the Guardian ad Litem's fees and expenses, unless the Court finds the parties to be eligible for the Indigent Guardian ad Litem Fund. The Court will apportion this initial deposit between or among the parties or may defer payment of the deposit. In indigency cases, the Court may order the Guardian ad Litem to be paid a reduced fee, or, with the consent of the Guardian ad Litem, it may order the deposit and/or fees to be waived, or it may find the parties eligible to use the Indigent Guardian ad Litem Fund.

If neither party has paid their portion of the deposit within 14 days of the filing of the judgment entry appointing the Guardian ad Litem, and the neither party has filed a motion to defer payment or to pay a reduced deposit amount, then the Guardian ad Litem shall notify the Court of the same, and the Court shall file a judgment entry vacating the appointment, unless the Guardian ad Litem was appointed sua sponte by the Court.

25.14 **Periodic Fee Statement.** The Guardian ad Litem shall comply with all requirements of Superintendence Rule 48.03(H) when submitting periodic fee statements to the Court and the parties. In addition to the requirements of Superintendence Rule 48.03, a fee statement shall be submitted for each increment of \$1,500.00 in fees and expenses as they are incurred. Failure to submit periodic fee statements pursuant to Superintendence Rule 48.03 and this Local Rule may result in suspension or removal from the Lists, loss of fees, or both.

25.15 **Fees: Approval Necessary.** Once the Guardian ad Litem fees charged in a case reach \$3,000.00, the Guardian ad Litem shall request that the Court approve any fees in excess of this amount before any such fees may be charged or billed. The Court may approve such a request upon a showing of good cause and subject to such conditions it determines to be appropriate.

- 25.16 **Fees: Filing Final Statement.** Prior to filing a final judgment entry or as otherwise directed by the Court, the Guardian ad Litem shall submit a final detailed statement of services performed, expenses incurred and fees charged to the parties and to the Court for its approval. If any party objects to the final statement within 14 days from the date the final statement is filed, the Court will conduct a non-oral or oral hearing and will promptly resolve the objection. The payment of Court-approved Guardian ad Litem fees will be incorporated into the final entry and will be paid as ordered in the entry.
- 25.17 **Fees: Judgment.** The Court shall have the discretion to enter a judgment against a party or parties in favor of the Guardian ad Litem for fees due and owing at the time that the final entry is filed.
- 25.18 **Fees: Additional Deposit.** In cases involving protracted litigation, the Guardian ad Litem may request that the Court order the parties to deposit additional funds for the payment of the Guardian ad Litem's fees and expenses.
- 25.19 **Fees: When Attorney Appointed.** When the Court determines that a conflict exists between the views and opinions of the Guardian ad Litem and the child or children, the Court may appoint an attorney to represent the child or children. The fees and the expenses of the attorney shall be apportioned between or among the parties as the Court determines to be appropriate. When an attorney is appointed to represent the child or children, the payment of fees and expenses shall follow the same procedure established for the allowance and payment of fees and expenses for the Guardian ad Litem.
- 25.20 **Handling of Comments and Complaints.** Pursuant to Rule 48.07(j), the Court establishes the following process for considering comments and complaints made regarding the performance of Guardians ad Litem practicing before the Court.
- The Presiding Judge shall appoint, on an annual basis, a Guardian ad Litem Hearing Panel. The Panel shall consist of a magistrate of the Court and two members of the local Bar. In the event of a conflict involving any member of the Panel, the Presiding Judge shall appoint an alternate member of the Panel from among other available magistrates or members of the Bar. The Panel shall promptly meet, review each complaint or comment, determine whether the complaint or comment warrants a hearing, if appropriate, conduct a

hearing and recommend a disposition of the complaint or comment to the Presiding Judge. Complaints or comments made in cases that have not been adjudicated will be stayed until the case has been adjudicated. The Panel may request a written response to the complaint or comment from the Guardian ad Litem. If this is done, the Guardian ad Litem must provide a written response to the Panel within 14 days, unless the Panel allows additional time. If the Guardian ad Litem fails or refuses to provide the Panel with a written response, the individual shall immediately be removed from the Court's Guardian ad Litem lists. If the Panel determines that it is appropriate to conduct a hearing, it will schedule the hearing and provide at least seven days' notice to the Guardian ad Litem. The Panel will consider the complaint or comment and any evidence presented by the Guardian ad Litem at the hearing. The Guardian ad Litem may be represented by an attorney at the hearing. A digital audio record will be made of the hearing and will be maintained by the Official Court Recorder. At the conclusion of the hearing, the Panel shall promptly deliberate and enter a written decision. The Panel may resolve the complaint or comment along any of the following lines:

- A. It may take no action.
- B. Require the Guardian ad Litem to engage in specific continuing legal education.
- C. Assign a mentor to the Guardian ad Litem for a specified period of time.
- D. Suspend the Guardian ad Litem from the Court's list(s) for a specified period of time.
- E. Permanently remove the Guardian ad Litem from the Court's list(s).
- F. Place the Guardian ad Litem on probation for a specified period of time and impose appropriate conditions.
- G. It may make other determinations that are just and appropriate under the particular facts and circumstances of the case.

The Panel's decision shall be implemented immediately. In the event of an unfavorable decision, the Guardian ad Litem may, within three days, request the Panel to stay its decision and may, within 14 days from receipt of the decision, appeal the decision to the Presiding Judge. If the Panel does not grant a stay, the Guardian ad Litem may ask the Presiding Judge for a stay. The Presiding Judge may then grant a stay

under such conditions as he or she finds to be appropriate. The Presiding Judge will then promptly consider and decide the Guardian ad Litem's appeal in a written decision. The Presiding Judge's decision shall be final. The decisions entered in this process shall be included in the individual Guardian ad Litem's file. Copies of the decisions entered in this process shall be provided to the Guardian ad Litem and the person making the complaint or comment.

The Court may, in its discretion, order reasonable compensation for the non-magistrate members of the Panel for their services.

25.21 **Service of Papers.** Guardians ad Litem shall file and serve all pleadings and papers in cases to which they have been appointed in conformity to Civil Rule 5 of the Ohio Rules of Civil Procedure.

25.22 **Apportionment of Costs.** In all cases in which the Court appoints a Guardian ad Litem, including cases using the Indigent Guardian ad Litem Fund, the Court shall apportion the costs of the Guardian ad Litem to the parties based on the parties income shares under child support guidelines and other factors under Rule of Superintendence 48.02(H)(3). This share may change throughout the case and can be modified by the Court as it changes. As such, in all cases in which a Guardian ad Litem has been requested, the parties shall submit Affidavits of Income and Expenses.

25.23 **Indigent Guardian ad Litem Fund.** The Knox County Court of Common Pleas General Division and Domestic Relations Division has determined that it is necessary to create an Indigent Guardian ad Litem Fund. The Indigent Guardian ad Litem Fund has been created to ensure that indigent parties, in domestic relations actions where allocation of parental rights and/or parenting time is at issue, for whom the Court believes it is necessary to appoint a Guardian ad Litem pursuant to Superintendence Rule 48.02(F), are entitled to the same services as non-indigent parties, and to ensure that the Guardians ad Litem serving on indigent parties' cases can be and are paid for their services.

In order for a case to qualify for funds under the Indigent Guardian ad Litem Fund, the Court must find that both parties in the case have income, calculated based on the definition of gross income used in R.C. 3119.01(C)(12), that is at or below 100% of the Federal Poverty Level for a single person household, and

the parties do not have assets that can be easily liquidated to pay the fees. The Court, in its discretion, may determine a case eligible for the Indigent Guardian ad Litem Funds outside of these parameters on a case by case basis, but shall in no case use funds from the Indigent Guardian ad Litem Fund where one party exceeds the guidelines for that party being deemed to be an indigent party pursuant to Revised Code sections 2323.31, 2323.311, 2323.33, and 2746.10.

In cases in which the Court determines that all parties qualify for the Indigent Guardian ad Litem Fund, no deposit shall be required. The Court shall appoint a Guardian ad Litem in such cases, if appropriate, after considering the factors in Superintendence Rule 48.02(F). Compensation for Guardians ad Litem paid through the Indigent Guardian ad Litem Fund shall be at a rate of \$50.00 per hour for out-of-Court services and \$60.00 per hour for in-Court services, plus expenses, subject to the rates and maximums prescribed by the State Maximum Fee Schedule for Appointed Counsel Reimbursement as adopted by Resolution of the Knox County Board of Commissioners for Juvenile Proceedings. Compensation for additional fees may be approved at the Court's discretion for cases involving additional litigation.

RULE 26.0

OTHER COURT APPOINTEES

- 26.1 **Psychologists.** Where the Court is required to appoint a psychologist to assist the Court in assessments or evaluations, the Court may direct the parties to pay the appointee directly or cause the parties to deposit a bond with the clerk to secure payment of the appointee.
- 26.1.1 **Travel Expenses.** Where a party is required to travel to a location outside of the county in which the party is residing in order to participate in the assessment or evaluation, the Court may require the requesting party to pay the travel expenses and the evaluation costs.
- 26.2 **Other Court Appointees.** From time to time, the Court may be required to make special appointments concerning the supervision of parenting times, or the appraisal and/or sale of business, real, or personal property.
- 26.3 **Trustees.** The Court may appoint individuals to act as trustees to marshal assets. Where assets are subject to rapid depreciation, the trustee's responsibility shall include recommendations of immediate Court action necessary to minimize loss in value to the parties. Trustees shall be compensated as directed by the Court.
- 26.4 **Appraisers.** The Court may be required to appoint appraisers to evaluate business, real, or personal property. The Court may direct the parties to post a bond with the clerk to secure the costs of any appraisal.
- 26.5 **Sales Agents.** The Court may be required to appoint individuals to list or sell certain business, real, or personal property. Compensation for their services may be assessed as percentages of the sales price where found appropriate in normal sale circumstances, or the parties may be directed to pay the individual directly or post a bond with the clerk to secure their payment.
- 26.6 **Supervised Parenting Time.** The Court may be required to appoint individuals to supervise parenting time between children and their parent or parents. The Court may require the parties to pay the individual directly or require a bond to be posted with the clerk to secure payment.

Individuals serving as supervisors in supervised parenting time situations shall be considered as special Court advocates. During the time of supervision and for its exclusive purpose, the individual given the supervisory powers shall have exclusive command as to the physical placement or location of the child or children regardless of the presence of the residential parent, legal custodian, guardian, non-residential parent, or other relative of the child or children. Therefore any threats to, belligerence toward, or failure to follow the directions of the supervisor shall constitute contemptuous conduct subject to fine and incarceration by the Court.

26.7 **Other Court Appointees.** Where the Court may be required to make any other appointments, their responsibility, and compensation shall be clearly defined before the appointment is accepted. Methods of payments shall be on a case-by-case basis as directed by the Court.

RULE 27.0

DEPOSITS/COSTS

27.1 **Payment of Court Costs.** From the initial filing of any complaint, petition, or post decree motion, the Clerk of Courts shall closely monitor the costs of each case. Where a security deposit fails to cover the costs as they accrue, and the party has not been determined to be indigent pursuant to Local Rule 27.2, the Clerk may notify the party and/or counsel that an additional deposit must be posted within five days. If the additional requested funds are not deposited within five days, the Clerk shall promptly notify the Court. The Court will immediately schedule a hearing on the issue of costs to ascertain the basis for noncompliance. No other hearings will be held in the case until the costs hearing has been completed. The hearing may be avoided should the parties submit a proposal of payment to the Court Administrator and the Court Administrator approves the proposal.

27.2 **Financial Disclosure/Fee Waiver Affidavit.** In order to make the Court accessible to individuals with low or fixed incomes, a party may submit a Financial Disclosure/Fee Waiver Affidavit. The Court will review the Financial Disclosure/Fee Waiver Affidavit to determine the affiant's indigency pursuant to R.C. 2323.3111. The Financial Disclosure/Fee Waiver Affidavit can be found in Item 9 of the Appendix.

Upon the filing of the civil action or proceeding and the Financial Disclosure/Fee Waiver Affidavit, the Clerk of Court shall accept the action or proceeding for filing.

The Court shall review the affidavit of indigency and approve or deny the application to qualify as an indigent litigant.

- A. If the application is approved, the Clerk of Courts shall waive the advance deposit or security and the Court shall proceed with the civil action or proceeding.

An indigency finding shall excuse the indigent litigant from the obligation to prepay any subsequent fee or cost arising in the civil action or proceeding, unless the Court addresses the payment specifically in a Court order.

- B. If the application is denied, the Clerk of Courts shall retain the filing of the action or proceeding and the Court shall issue an order granting the litigant at least thirty (30) days to make the required

advance deposit or security. Failure to pay the required advanced deposit or security may result in the dismissal of the civil action or proceeding.

C. The Court may, at any time while the action or proceeding is pending, conduct a hearing to inquire into the applicant's status as an indigent litigant.

D. If the party avers at the final hearing that their financial status has not changed, the Court may enter an order directing the Clerk to waive payment of any costs assessed to that party.

27.3 **Unpaid Costs.** The Clerk shall keep a list of all unpaid or accrued costs in all proceedings where costs have been taxed, and shall send statements to all persons against whom costs have been taxed in all proceedings that have become final at a time interval convenient to the Clerk. The Clerk may issue a certificate of judgment for the amount of such costs without further order at any time after the final entry has been filed.

27.4 **Computerization costs.** Pursuant to the authority of Revised Code 2303.201(A) it is determined that, for the efficient operation of the Domestic Relations Division of the Knox County Common Pleas Court, additional funds are required to obtain computerized legal research services.

The Clerk of this Court is directed and hereby authorized to charge and collect an additional fee of six dollars (\$6.00) upon the filing of each cause of action or appeal under Revised Code 2303.20(A) and (U).

All funds collected pursuant to this rule shall be paid to the County Treasurer to be maintained by the County Auditor in a separate account for utilization of this Court in procuring and maintaining computerized legal research services.

Pursuant to the authority of Revised Code 2303.201(B) it is determined that, for efficient operation of this Court, additional funds are required to computerize the office of the Clerk of the Court of Common Pleas.

The Clerk of this Court is directed and hereby authorized to charge an additional fee of twenty dollars (\$20.00) upon the filing of each cause of action, appeal, certificate of judgment, or the docketing and indexing of each aid in execution or petition to vacate, revive, or modify a judgment under Revised Code 2303.20(A), (P), (Q), (T), and (U).

In order for the Clerk of Courts to efficiently and effectively administer this rule, all post decree motions to modify or vacate a judgment must be properly designated by proper identification within the caption of the case just under the case number. **FAILURE TO PROPERLY IDENTIFY A POST DECREE MOTION WILL RESULT IN A DISMISSAL OF THE MOTION**, unless just cause is shown for the failure to properly identify the motion.

All funds collected pursuant to this rule shall be paid to the County Treasurer to be disbursed, upon an order of the Court of Common Pleas and subject to appropriation by the Board of County Commissioners in an amount no greater than the actual cost to the Court of procuring and maintaining computer systems.

27.5 **Filing Deposits.** The Clerk shall not accept for filing any of the above-mentioned pleadings or motions without payment of the prescribed security deposits unless:

- A. The party has been determined to be indigent pursuant to Local Rule 27;
- B. The party is exempt by law.

RULE 28.0

CUSTODY OF FILES AND EXHIBITS

- 28.1 **Removal.** Attorneys are not permitted to withdraw files of this Court, but may review them at the Court.
- 28.2 **Copies.** Counsel or a party may obtain photocopies of any open records at a cost determined by the Clerk of this Court or otherwise determined by the Court.
- 28.3 **Security.** Papers or files in the Courtroom during the time a cause is on hearing shall be considered in the custody of the Court. Either the Court or the Clerk shall be required to keep files of pending cases in a place secure from unauthorized handling or inspection and shall be maintained by persons so authorized by the Clerk and/or Court.
- 28.4 **Custody of Exhibits and Documents Used in Hearings.** Exhibits admitted into evidence during any hearing shall be maintained and/or stored in a locked room accessible to Court authorized personnel only. Exhibits shall not be removed without written order of the Court, except for the specific purpose as part of the record for appellate purposes.
- 28.5 **Disposal of Exhibits and Hearing Documents.** Due to space limitations it is necessary for the Court to periodically dispose of exhibits and documents used in, or associated with, the presentation of evidence at hearings before the Court.
- 28.6 **Disposition Time Schedules.** The Court establishes the following time schedules:
All exhibits/hearing documents shall be disposed of pursuant to Ohio Public Records Law or Rule.

RULE 29.0

RECORDS OF HEARINGS & TRANSCRIPTS

29.1 **Record requests.** Unless otherwise ordered by the Court, all matters of record shall be preserved by electronic recording. No record request is necessary for any hearing.

29.2 **Ordering of Transcripts.** Any party objecting to a factual determination in a decision or order of the Magistrate shall order a transcript of said hearing from which the objections are raised. All transcripts of proceedings must be transcribed by a certified Court reporter designated by the Court. The party or attorney requesting a transcript can contact the Assignment Commissioner for the Court to obtain a list of certified Court reporters. A party may move to appoint a particular transcriber or the Court may appoint a transcriber sua sponte; in either case the selection of the transcriber is within the sound discretion of the Court, so long as the Court has a reasonable basis for determining that the transcriber has the necessary qualifications and training to produce a reliable transcript.

A request for a transcript shall be filed in writing and a copy delivered to a certified Court reporter PRIOR to the expiration of the 14 days after the issuance of the Magistrate's Decision. The requesting party shall be responsible for contacting the certified Court reporter and making arrangements for the costs of said transcript to be paid directly to the Court reporter.

The transcript is considered only after a signed request for transcript is filed with the Clerk of Courts and the required deposit is made to the Court Reporter. The Court Reporter shall use due diligence in preparing the transcript in a timely manner.

29.3 **Transcript Deposits and Payments.** The Court Reporter reserves the right to require a deposit for the preparation of all transcripts; that deposit to be based on a reasonable estimate of the number of pages requested. The amount of the deposit shall be the total estimated cost of the transcript, unless otherwise specified by the Court Reporter. Failure to provide the payment of the deposit will void the request and the request for a transcript will be deemed waived.

All completed transcripts must be paid in full within seven days of notice from the Court Reporter. The party or attorney requesting the transcript shall immediately file the transcript with the Clerk of Court upon the transcript being prepared. The objecting party shall file the transcript or affidavit with the Court within thirty days after filing objections unless the Court extends the time in writing for preparation of the transcript or other good cause. If a party files timely objections prior to the date on which a transcript is prepared, the party may seek leave of Court to supplement the objections. The Court will proceed to rule on the objections without the benefit of a transcript if a transcript is not timely filed and no good cause is shown to extend the time to prepare the transcript; however the final payment will still be due and owing to the Court Reporter.

Transcript deposits are refundable provided a withdrawal of transcript request is filed with the Clerk and served upon the Court prior to preparation of the transcript. In the event a transcript has been started but not completed, the partial transcript will be filed with the Clerk and any refund of deposit or additional amount due will be prorated.

29.4 Transcripts requested for purposes of filing objections should be for the complete transcript. The submission of a partial transcript with any objections pursuant to Civil Rule 53 will constitute a waiver of objections to any finding of fact contained in the Magistrate's Decision.

29.5 **Copies.** A copy of a hearing on CD/USB drive may be requested. In order to obtain a copy of the hearing, the party or party's attorney shall file a request in the case for a copy of the hearing to be obtained. There is no charge for "burning" the CD/USB copy.

29.6 **Requesting Copy of Filed Transcript.** A party may request a copy of a transcript that has been filed. The request must be in writing and filed with the Clerk of Court, with a copy provided to the Court. Payment in the exact amount, made payable to the Official Transcriber who prepared the transcript, must accompany the request. Payment in the form of a money order, cashier's check, or check drawn on an attorney / law firm account shall be accepted. Cash payments and personal checks shall not be accepted.

- 29.7 **Costs.** The Clerk shall assess as costs the entire statutory amount per diem for each hearing in which a record is required. Costs for the preparation and copying of transcripts shall be periodically established by an entry in the Court's journal.
- 29.8 **Appeals / Availability of Transcript for Copying.** Transcripts that have been transmitted to the Court of Appeals by the Clerk are not available for copying by the Official Transcriber. Requests for copies should be directed to the Court of Appeals and arrangements may be made to accommodate the requests.

RULE 30.0

SUBPOENAS

- 30.1 **Requests.** All *praecipes* or requests for subpoenas shall be filed no later than three days before the hearing unless provisions are included for special process servers. Failure of service of a subpoena prepared three days or less before the hearing may preclude a continuance of the matter.
- 30.2 **Service.** Where the attorney has requested a special process server, the attorney shall verify that the process server has promptly completed and returned the proof of service to the Clerk.
- 30.3 **Blank Subpoenas.** The Clerk shall not issue any blank subpoenas pursuant to Civil Rule 45 without prior Court approval.
- 30.4 **Attorney-Issued Subpoenas.** Pursuant to Civil Rule 45(A)(2), an attorney may issue a subpoena as an officer of the Court and without the endorsement and seal of the Clerk of Court. The subpoena shall contain all required information as set forth in Civil Rule 45(A)(1). Further, the witness' copy of the subpoena shall include a recitation of parts C and D of Civil Rule 45. If the pre-printed subpoena form is used, the Clerk of Court and Seal information in the lower right-hand portion of the subpoena shall be obliterated, and the Deputy Clerk title under the signature line shall be replaced with the attorney's name and party the attorney is representing (e.g., John Q. Public, Attorney for Plaintiff). The return of service shall clearly indicate in the lower left-hand portion of the subpoena the type of service perfected (Personal or Residential), and the signature lines for "Sheriff" and "Deputy" shall be replaced with one signature line for the attorney serving the subpoena.

The only service fee charged to a case as a Court cost is the fee for in-county service by the Knox County Sheriff. Therefore, the Clerk shall not charge as a Court cost to a case any fees for service of a subpoena by an attorney, and the return of service shall not include any fees for service, mileage, or copies. An attorney may seek reimbursement of costs and fees in a case either in the prayer for relief in the complaint/motion, or by separate motion prior to the final hearing of the matter.

RULE 31.0

CHILD SUPPORT

- 31.1 Withholding Orders.** In all actions in which spousal support or child support is ordered, the Knox County Child Support Services shall prepare and file the appropriate notice(s) to obligor, employer and notice to payer to withhold obligor's income.
- 31.2 Child Support Worksheet.** In all actions in which child support is ordered, a signed Child Support Worksheet shall be attached to the entry or decree. Entries or decrees submitted without a worksheet will not be approved by the Court.

RULE 32.0

PRECEDENCE

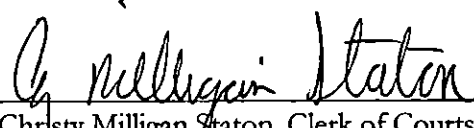
- 32.1 **Subordination.** The rules set forth herein are promulgated pursuant to Rule 83 of the Ohio Rules of Civil Procedure and Rule 5 of the Rules of Superintendence for the Court of Common Pleas. In case of conflict, these rules shall be subordinate to the Ohio Rules of Civil Procedure and the Rules of Superintendence.
- 32.2 **Precedence.** These rules supersede any and all local rules issued by the Court prior to the date of filing with the Clerk of Court.

These rules adopted for the Common Pleas Court of Knox County, Ohio, on this 12th day of January, 2024.



Judge Richard D. Wetzel

I hereby certify that a copy of the foregoing rules was filed with the Supreme Court of Ohio on the 13th day of January, 2024.



Christy Milligan Staton, Clerk of Courts
Knox County, Ohio

IN THE COURT OF COMMON PLEAS, KNOX COUNTY

Case No. _____

Plaintiff/Petitioner 1,

JUDGE

v.

MAGISTRATE

Defendant/Petitioner 2.

CONFIDENTIAL DISCLOSURE OF PERSONAL IDENTIFIERS
(RULE 45(D) OF THE RULES OF SUPERINTENCE FOR THE COURTS OF OHIO)

REFERENCE LIST

	COMPLETE PERSONAL IDENTIFIER Use this column to list the personal identifiers that have been redacted from the document that is to be placed in this case file.	CORRESPONDING REFERENCE Use this column to list the reference or abbreviation that will refer to the corresponding complete personal identifier.	LOCATION Use this column to identify the document or documents where the reference appears in place of the personal identifier.
1. Birth date of Plaintiff/Petitioner 1			
2. Birth date of Defendant/Petitioner 2			
3. Social Security number of Plaintiff/ Petitioner 1			
4. Social Security number of Defendant/Petitioner 2			
5.			
6.			

_____ check if additional pages are attached

Signature of person submitting the information

IN THE COURT OF COMMON PLEAS, KNOX COUNTY, OHIO

Plaintiff/Petitioner 1, : Case No.
vs. : Judge

 : Magistrate
Defendant/Petitioner 2. :

RULE 4.7 WAIVER OF THE SERVICE OF SUMMONS.

To (name the plaintiff's attorney or the unrepresented plaintiff):

I have received your request to waive service of a summons in this action along with a copy of the complaint, two copies of this waiver form, and a prepaid means of returning one signed copy of the form to you.

I, or the entity I represent, agree to save the expense of serving a summons and complaint in this case.

I understand that I, or the entity I represent, will keep all defenses or objections to the lawsuit, the Court's jurisdiction, and the venue of the action, but that I waive any objections to the absence of a summons or of service.

I also understand that I, or the entity I represent, must file and serve an answer or a motion under Rule 12 within 60 days from _____, the date when this request was sent (or 90 days if it was sent outside the United States). If I fail to do so, a default judgment could be entered against me or the entity I represent.

I, _____ (printed name), hereby certify that I waive service of summons and that I understand my rights as described above.

Signature of the attorney or unrepresented party Date: _____

Address

E-mail address Telephone number

JURAT CERTIFICATE

State of Ohio, County of _____

Sworn to or affirmed and subscribed before me by _____ (name of person making
oath/affirmation) on this date of _____ (date).

(Notary Seal)

Signature of
Notary Public – State of Ohio My commission expires:

(date)

IN THE COURT OF COMMON PLEAS, KNOX COUNTY

Case No. _____

Plaintiff/Petitioner 1,

JUDGE _____

V.

MAGISTRATE _____

**STIPULATION AS TO
WAIVER OF DISCOVERY**

Defendant/Petitioner 2.

_____ (Plaintiff) and _____ (Defendant) hereby

stipulate as to the waiver of discovery.

Agreed to by:

Agreed to by:

Plaintiff/Petitioner 1

Defendant/Petitioner 2

IN THE COURT OF COMMON PLEAS, KNOX COUNTY

Case No. _____

Plaintiff/Petitioner 1,

JUDGE _____

MAGISTRATE _____

Defendant/Petitioner 2.

ORDER APPOINTING GUARDIAN AD LITEM

The Court finds that the best interest of _____ (DOB: _____) minor(s), would be best served and protected by appointing a Guardian ad Litem.

It is therefore **ORDERED and ADJUDGED** that _____ (name) _____ (phone), be appointed Guardian ad Litem for _____ (DOB: _____). _____, Guardian ad Litem, is appointed solely as the Guardian ad Litem in this case. Guardian ad Litem _____ is appointed to address _____ issue(s) in this case. The Guardian ad Litem is relieved of the duties set forth in Sup. R. 48.03(D) that are not applicable to the specific issue or issues to which the Guardian ad Litem is appointed.

It is further **ORDERED and ADJUDGED** that:

The rate or amount of compensation for the guardian ad litem in this case shall be \$ _____ per hour.

The Court has determined that _____ has an ability to pay/not pay the deposit for the fees and expenses to the guardian ad litem. In making this determination, the Court has considered all of the factors of Sup. Rule 48.02(H)(1) and (3).

The Court has determined that _____ has an ability to pay/not pay the deposit for the fees and expenses to the guardian ad litem. In making this determination, the Court has considered all of the factors of Sup. Rule 48.02(H)(1) and (3).

Plaintiff shall deposit the sum of \$ _____ and Defendant shall deposit the sum of \$ _____ into the trust account of the Guardian ad Litem no later than _____ (date). Said total deposit shall be at least \$1,000.00 unless agreed upon otherwise by the Guardian ad Litem.

Thereafter, unless and until further order of the Court, Plaintiff shall pay _____ percent and Defendant shall pay _____ percent of the Guardian's ad Litem fees. The Guardian ad Litem shall submit periodic invoices to the parties, and the parties shall remit payment to the Guardian ad Litem within 14 days.

Failure to pay the Guardian's ad Litem fees as ordered herein may result in a finding of contempt of Court, the issuance of a lump sum judgment, or other manners of enforcing the order as authorized by law.

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

It is further **ORDERED** and **ADJUDGED** that:

1. Upon presentation of a copy of this Court order, issued in compliance with 45 C.F.R. 164.512, to any agency, hospital, organization, school, person, or office including but not limited to the Clerk of Court, human services agencies, public children services agencies, private child placing agencies, pediatricians, psychiatrists, other physicians, psychologists, counselors, or law enforcement agencies, the Guardian ad Litem shall be permitted to inspect and copy any records, including treatment for physical and mental illness, and/or drug abuse, and/or AIDS (Acquired Immunodeficiency Syndrome), and/or the results of an HIV test or the fact that an HIV test was performed, relating to the child(ren) without the consent of the child(ren) or the child's parent(s) or legal guardian(s); and to discuss with the person providing the treatment or tests in issue to all matters pertinent to treatment and findings related to the child(ren). At the conclusion of the case, the Guardian ad Litem shall maintain the confidentiality of records received pursuant to this order.
2. The Guardian ad Litem assigned to this cause shall maintain any information received from any such source as confidential and will not disclose the same except to the parties and their legal counsel, in reports to the Court, or as necessary to perform the duties of a guardian ad litem, including as a mandated reporter.
3. The Guardian ad Litem shall have reasonable access to the child at school or in placement without obtaining the consent of the child's parent, guardian or custodian.
4. The Guardian ad Litem shall be given notice of all hearings and proceedings and shall be provided a copy of all pleadings, motions, notices and other documents filed in the case. The Guardian ad Litem shall appear and participate in any hearing or deposition for which the duties of a Guardian ad Litem or any issues substantially within a Guardian ad Litem's duties and scope of appointment are to be addressed.
5. The Guardian ad Litem report shall include the following language **"The guardian ad litem report shall be provided to the Court, unrepresented parties and legal counsel. Any other disclosure of the report must be approved in advance by the Court. Unauthorized disclosure of the report may be subject to Court action, including the penalties for contempt, which include fine and/or incarceration."**
6. This appointment shall remain in effect until discharged by order of the Court. At the conclusion of the proceedings for which this appointment was made, the Guardian ad Litem shall submit a motion and entry for withdrawal, and to dismiss the child(ren) as party(ies), to the assigned judge.

MAGISTRATE

JUDGE

cc:

KNOX COUNTY COMMON PLEAS COURT
GUARDIAN AD LITEM ANNUAL REVIEW FORM

Guardian ad litem _____

Annual Review date: _____

Reviewed by: _____

Please check the documents that have been submitted pursuant to the GAL Rule. If a document is missing please notify the GAL and make detailed notes.

_____	Application
_____	Background Disclosure Affidavit
_____	Criminal background check
_____	Resume
_____	Certificate of Training for the current year original 12-hour training; thereafter a 6-hour continuing education provided by The Supreme Court.
_____	Proof of insurance

Notes: _____

Guardian Complaint Form

Your Name: _____ Phone Number: _____

Address: _____
Street City State Zip Code

E-mail: _____ Secondary Phone Number: _____
(If applicable)

Guardian ad Litem Name: _____ Phone Number: _____

Type of Case (check one): ☐ Parental Rights and Responsibilities ☐ Divorce

Name of attorney if you have one: _____

Name(s) of the child(ren) the Guardian ad Litem was appointed to represent:

What (if any) is your relationship to the child(ren) the Guardian ad Litem was appointed to represent?

Is this case currently pending before the Court? ☐ Yes ☐ No

Have you filed a motion with the Judicial Officer who is conducting the hearings in this matter about this issue? ☐ Yes ☐ No

Have you spoken to the Guardian ad Litem about your complaint? ☐ Yes ☐ No

What is the nature of this complaint against the Guardian ad Litem? (Check more than one as appropriate.)

☐ Did not meet with the child(ren) consistent with the appointment order.

☐ Did not meet with and observe the child(ren)'s interaction with caregiver at home and/or placement.

☐ Did not ascertain the wishes of the child(ren).

☐ Did not interview the parties, foster parents, guardians, physical custodian, and other significant individuals, who may have relevant knowledge.

☐ Did not interview relevant school personnel, medical and mental health providers, child protective services worker, and Court personnel and obtain copies of relevant records.

☐ Did not review pleadings and other relevant Court documents in the case.

☐ Did not obtain and review relevant criminal, civil, educational, mental health, medical, and administrative records pertaining to the child(ren) and, if appropriate, the family of the child(ren) or other parties in the case.

☐ Did not request that the Court order psychological evaluations, mental health or substance abuse assessments, or other evaluations or tests of the parties as the Guardian ad Litem deems necessary or helpful to the Court.

☐ Did not review any necessary information and interview other persons as necessary to make an informed recommendation regarding the best interest of the child(ren).

☐ Did not timely file Guardian ad Litem report.

☐ Disclosed confidential information.

☐ Showed bias or prejudice based upon race, color, sex, religion, national origin, disability, age, sexual orientation, or socioeconomic status.

☐ Dispute regarding fees for services or billing practices.

Describe in detail the nature of your complaint against this Guardian ad Litem. Please include the times and dates of events where appropriate:

Have you filed a complaint or action against the Guardian ad Litem elsewhere? ☐ Yes ☐ No

If yes, please explain where that complaint is filed and the complaint status:

Your signature: _____ Date: _____

Name: _____

IN THE COURT OF COMMON PLEAS OF KNOX COUNTY, OHIO
APPLICATION FOR THE
GUARDIAN AD LITEM APPOINTMENT LIST

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

Name: _____ Telephone: _____

Supreme Court No. _____ Cell Phone: _____

Office Address: _____ FAX: _____

_____ Email: _____

Hourly rate: \$ _____ per hour. The initial deposit upon appointment is at least \$1,000.00, unless you agree to be on the Indigent Guardian ad Litem list. If you are willing to accept a lesser amount or will require an additional deposit, please enter the amount: \$ _____

This application must be accompanied by:

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

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

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

Signature

Date: _____

Submit the completed application and accompanying documentation to:

David Lashley
Bailiff
Knox County Court of Common Pleas
111 East High Street
Mount Vernon, Ohio 43050

BACKGROUND DISCLOSURE FORM

Name: _____
First Middle Last

Date of Birth _____

Current Street Address: _____

City

County

State

Zip Code

Valid Ohio Driver's License Number: _____

BACKGROUND DISCLOSURE STATEMENT

DRIVING HISTORY

- | | NO | YES |
|-----------------------------------------------------------------------------------------|--------------------------|--------------------------|
| 1. Have you been cited for any moving traffic violation in the past 10 years? | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. Have you been convicted of any moving traffic violation in the past 10 years? | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. Have you had any traffic violations involving alcohol or drugs in the past 10 years? | <input type="checkbox"/> | <input type="checkbox"/> |

BACKGROUND

- | | | |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|
| 4. Have you ever been convicted of a violation of law? | <input type="checkbox"/> | <input type="checkbox"/> |
| 5. Have you ever been charged with a crime involving a minor? | <input type="checkbox"/> | <input type="checkbox"/> |
| 6. Have you ever committed an act that resulted in a child being adjudicated abused or neglected? | <input type="checkbox"/> | <input type="checkbox"/> |
| 7. Do you have any condition or impairment (including but not limited to substance abuse, alcohol abuse, or a mental, emotional or nervous condition) which currently affects, or if untreated could affect, your ability to competently practice law? | <input type="checkbox"/> | <input type="checkbox"/> |
| a. If so, is your condition or impairment reduced or ameliorated because you receive ongoing treatment, with or without medication, or participate in a monitoring program? | <input type="checkbox"/> | <input type="checkbox"/> |

CREDIT

- | | | |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|
| 8. Have you ever declared bankruptcy? | <input type="checkbox"/> | <input type="checkbox"/> |
| 9. Have you had any debts, credit cards, loans, or other lines of credit that have been more than 90 days past due within the last 3 years? | <input type="checkbox"/> | <input type="checkbox"/> |
| 10. Have you been in default on any debt in the past 10 years? | <input type="checkbox"/> | <input type="checkbox"/> |
| 11. Have you had any lines of credit (credit cards, charge accounts, and loans) that have been cancelled by the lender for non-payment in the past 10 years? | <input type="checkbox"/> | <input type="checkbox"/> |
| 12. Have you been ordered to pay child support or spousal support? | <input type="checkbox"/> | <input type="checkbox"/> |
| a. If so, are your payments current? | <input type="checkbox"/> | <input type="checkbox"/> |
| 13. Do you currently have any monetary judgments against you? | <input type="checkbox"/> | <input type="checkbox"/> |

CONDUCT**No Yes**

14. Have you ever been suspended, censured, or otherwise reprimanded or disqualified as a member of the legal profession or another profession, or as a holder of public office? ☐ No ☐ Yes
15. Have you ever been the subject of any charges, complaints, or grievances concerning your conduct as a member of the legal profession or another profession, or as a holder of public office, including any now pending? ☐ No ☐ Yes
16. Has any surety on any bond on which you were the principal been required to pay any money on your behalf in the past 10 years? ☐ No ☐ Yes
17. Have sanctions been entered against you, or have you been disqualified from participating in any case in the past 10 years? ☐ No ☐ Yes
18. Have you been disbarred, suspended, censured, or otherwise reprimanded or disqualified as an attorney in the past 10 years? ☐ No ☐ Yes
19. Have you been terminated, suspended, disciplined, or permitted to resign in lieu of termination from any job in the past 10 years? ☐ No ☐ Yes
20. Have you had any complaints filed against you with any Bar Association in the past 10 years? ☐ No ☐ Yes
- a. If so, are all complaints resolved? ☐ No ☐ Yes
21. Have you been denied a license for business, trade, or profession in the past 10 years? ☐ No ☐ Yes

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

22. Have you had a complaint or action initiated against you in any administrative forum in the past 10 years? ☐ No ☐ Yes

If so, please complete the box below.

Plaintiff:	Case Number:
Defendant:	Jurisdiction:
File Date:	Case Type:
Disposition Date:	Disposition:
Brief description of case:	

23. Have you been a party to any civil litigation in the past 10 years? ☐ No ☐ Yes

If so, please complete the box below.

Plaintiff:	Case Number:
Defendant:	Jurisdiction:
File Date:	Case Type:
Disposition Date:	Disposition:
Brief description of case:	

FORM 20. CIVIL FEE WAIVER AFFIDAVIT AND ORDER

IN _____

)	CASE NO.
)	
Plaintiff,)	JUDGE
)	
vs.)	
)	<u>FINANCIAL DISCLOSURE / FEE-</u>
)	<u>WAIVER AFFIDAVIT</u>
Defendant.)	<u>AND ORDER</u>

Pursuant to R.C. 2323.311, the below-named Applicant requests that the Court determine that the Applicant is an indigent litigant and be granted a waiver of the prepayment of costs or fees in the above captioned matter. The Applicant submits the following information in support of said request.

Personal Information			
Applicant's First Name		Applicant's Last Name	
Applicant's Date of Birth		Last 4 Digits of Applicant's SSN	
Applicant's Address			
Other Persons Living in Your Household			
First Name	Last Name	Is this person a child under 18?	Relationship (Spouse or Child)
		<input type="checkbox"/> Yes <input type="checkbox"/> No	
		<input type="checkbox"/> Yes <input type="checkbox"/> No	
		<input type="checkbox"/> Yes <input type="checkbox"/> No	
Public Benefits			
I receive the following public benefits and my gross income, including the cash benefits marked below, does not exceed 187.5% of the federal poverty guidelines.			
Place an "X" next to any benefits you receive.			
Ohio Works First ¹ : ____ SSI ² : ____ Medicaid ³ : ____ Veterans Pension Benefit ⁴ : ____ SNAP / Food Stamps ⁵ : ____			
Monthly Income			
I am NOT able to access my spouse's income <input type="checkbox"/>			
	Applicant	Spouse (If Living in Household)	Total Monthly Income

Gross Monthly Employment Income, including Self-Employment Income (Before Taxes)	\$	\$	\$
Unemployment, Worker's Compensation, Spousal Support (If Receiving)	\$	\$	\$
TOTAL MONTHLY INCOME			\$
Liquid Assets			
Type of Asset	Estimated Value		
Cash on Hand	\$		
Available Cash in Checking, Savings, Money Market Accounts	\$		
Stocks, Bonds, CDs	\$		
Other Liquid Assets	\$		
Total Liquid Assets	\$		
Monthly Expenses			
Column A		Column B	
Type of Expense	Amount	Type of Expense	Amount
Rent / Mortgage / Property Tax / Insurance	\$	Insurance (Medical, Dental, Auto, etc.)	\$
Food / Paper Products/Cleaning Products/Toiletries	\$	Child or Spousal Support that You Pay	\$
Utilities (Heat, Gas, Electric, Water / Sewer, Trash)	\$	Medical / Dental Expenses or Associated Costs of Caring for a Sick or Disabled Family Member	\$
Transportation / Gas	\$	Credit Card, Other Loans	\$
Phone	\$	Taxes Withheld or Owed	\$
Child Care	\$	Other (e.g. garnishments)	\$
Total Column A Expenses	\$	Total Column B Expenses	\$
TOTAL MONTHLY EXPENSES (Column A + Column B)			

I, _____, hereby certify that the information I have provided on
 (Print Name)
 this financial disclosure form is true to the best of my knowledge and that I am unable to prepay the costs or fees in this case.

 Signature

NOTARY PUBLIC:

Sworn to before me and signed in my presence this _____ day of _____, 20____,
 in _____ County, Ohio.

 Notary Public (Signature)

 Notary Public (Printed)
 My Commission expires:_____

If available, an individual duly authorized to administer this oath at the Clerk of Court's Office will do so at no cost to the Applicant.

ORDER

- ☐ Upon the request of the Applicant and the Court's review, the Court finds that the Applicant IS an indigent litigant and **GRANTS** a waiver of the prepayment of costs or fees in this matter. Pursuant to R.C. 2323.311(B)(3), upon the filing of a civil action or proceeding and the affidavit of indigency under division (B)(1) of this section, the clerk of the court shall accept the action, motion, or proceeding for filing.
- ☐ Upon the request of the Applicant and the Court's review, the Court finds that the Applicant is NOT an indigent litigant and **DENIES** a waiver of the prepayment of costs or fees in this matter. Applicant is granted thirty (30) days from the issuance of this Order to make the required advance deposit or security. Failure to do so within the time allotted may result in dismissal of the applicant's filing.

IT IS SO ORDERED

Judge / Magistrate

Date

[Effective: April 15, 2020; amended effective April 15, 2022.]

APPENDIX

2022 FEDERAL POVERTY LIMIT (FPL)

Persons in family/household	100% Poverty	100% Poverty Monthly Gross Income	187.5% Poverty	187.5% Poverty Monthly Gross Income
1	\$13,590	\$1,132.50	\$25,481.25	\$2,123.44
2	\$18,310	\$1,525.83	\$34,331.25	\$2,860.94
3	\$23,030	\$1,919.17	\$43,181.25	\$3,598.44
4	\$27,750	\$2,312.50	\$52,031.25	\$4,335.94
5	\$32,470	\$2,705.83	\$60,881.25	\$5,073.44
6	\$37,190	\$3,099.17	\$69,731.25	\$5,810.94
7	\$41,910	\$3,492.50	\$78,581.25	\$6,548.44
8	\$ 46,630	\$3,885.83	\$87,431.25	\$7,285.94

R.C. 2323.311(B)

(4) A judge or magistrate of the court shall review the affidavit of indigency as filed pursuant to division (B)(2) of this section and shall approve or deny the applicant's application to qualify as an indigent litigant. The judge or magistrate shall approve the application if the applicant's gross income does not exceed one hundred eighty-seven and five-tenths per cent of the federal poverty guidelines as determined by the United States department of health and human services for the state of Ohio and the applicant's monthly expenses are equal to or in excess of the applicant's liquid assets as specified in division (C)(2) of section 120-1-03 of the Administrative Code, as amended, or a substantially similar provision. If the application is approved, the clerk shall waive the advance deposit or security and the court shall proceed with the civil action or proceeding. If the application is denied, the clerk shall retain the filing of the action or proceeding, and the court shall issue an order granting the applicant whose application is denied thirty days to make the required advance deposit or security, prior to any dismissal or other action on the filing of the civil action or proceeding.

(6) Nothing in this section shall prevent a court from approving or affirming an application to qualify as an indigent litigant for an applicant whose gross income exceeds one hundred eighty-seven and five-tenths per cent of the federal poverty guidelines as determined by the United States department of health and human services for the state of Ohio, or whose liquid assets equal or exceed the applicant's monthly expenses as specified in division (C)(2) of section 120-1-03 of the Administrative Code, as amended, or a substantially similar provision.

¹Ohio Works First Income Limit: 50% FPL (R.C. 5107.10(D)(1)(a))

²SSI Income Limit: cannot have countable income that exceeds the Federal Benefit Rate (FBR). 2019 FBR: \$771 monthly for single disabled individual; \$1157 monthly for disabled couple (20 CFR 416.1100)

³Medicaid Income Limit:

Modified Adjusted Gross Income (MAGI):138% FPL (OAC 5160:1-4-01; 42 USC 1396a(a)(10)(A)(i)(VIII))

Aged, Blind or Disabled: \$791 for single person; \$1177 for disabled couple

⁴Veterans Pension Benefit Income Limit: \$13,535 annually / \$1,127 monthly for a single person; \$17,724 annually / \$1,477 monthly for a veteran with one dependent

⁵Supplemental Nutrition Assistance Program (SNAP) Income Limit: 130% FPL for assistance groups with nondisabled/nonelderly member; 165% FPL for elderly and disabled assistance groups (OAC 5101:4-4-11; Food Assistance Change Transmittal No. 61)