

RULE 9 TEMPORARY ORDERS BY ORAL HEARING

9.01 By motion.

Any requests for temporary orders, other than those provided in Civil Rule 75(I), shall be made by proper motion and determined after oral hearing as provided in Local Rule 9.02. The moving party shall give the responding party at least seven days' notice of hearing, pursuant to Civil Rule 6(D).

9.02 Oral hearings.

Each party shall exchange an Affidavit of Income and Expenses as well as an Affidavit of Property at the temporary hearing if the affidavits have not been previously filed pursuant to Rule 2.02.

(A) **Statements of counsel.** As a general rule, oral temporary hearings are conducted on statements of counsel and submission of documents. One hour is allocated for this hearing with thirty minutes allotted for each party.

Each party shall submit documents relevant to pending issues, including but not limited to, evidence of parental incomes and deductions from gross income as required by statute (R.C. 3119.01 et seq.), child care expenses, medical insurance expenses, and any other relevant exhibits.

(B) **Evidentiary hearing.** If an evidentiary hearing is necessary, the moving party shall file a written motion and proposed order requesting an evidentiary hearing specifying the time needed for hearing. This motion and order shall be hand delivered to the magistrate of record. If the motion is granted, the magistrate shall then set the evidentiary hearing.

9.03 Failure to appear.

If either party or counsel fails to appear at the appointed time of the scheduled hearing, the magistrate may hear the evidence of the party who is present and rely on the sworn Affidavits of the parties and may, upon review of same, issue an order concerning the relief requested by the motion(s).