

OHIO SECOND DISTRICT COURT OF APPEALS

The Court issues case summaries of the week for the convenience of the public, the bench and the bar. They are a brief statement of the holding of the court in the matter noted and are not to be considered headnotes or syllabi. Readers may obtain copies of an opinion from the particular county's clerk of courts. Full text of each opinion below.

[>Ohio Supreme Court Website](#)

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Position: Assistant Public Defender

The Montgomery County Public Defender Office is now accepting applications for the position of Assistant Public Defender. We are an office of 43 attorneys and 20 support staff. We handle every aspect of indigent criminal defense from juvenile delinquency to murder. The ideal candidate should have a demonstrated dedication to indigent defense, strong and zealous litigation skills, the ability to work independently managing an active caseload while simultaneously working with a team of dedicated Public Defenders focused on client-centered representation. Our office is committed to seeking and sustaining a culturally and ethnically diverse working environment. We firmly believe that continuing to build a diverse staff with expertise and interest in serving our indigent clientele who come to us with diverse needs, backgrounds and ethnicities and abilities will yield better results for our clients and our office.

The Office is seeking a self-motivated individual to perform legal defense work in criminal, juvenile and appellate cases. The Montgomery County Public Defender Office provides quality legal services for indigent defendants charged with criminal offenses. The Montgomery County Public Defender Office is located at 117 South Main Street, 4th Floor, Dayton, Ohio 45422. This is a full-time position, work hours are 8:30 – 4:30, Monday – Friday. Occasional evening and weekend hours may be required when needed.

Duties include but are not limited to the following: perform legal research, interview clients and witnesses, view crime scenes and perform any other necessary tasks in preparation for trial, gather evidence for cases to formulate defenses and mitigation, subpoena witnesses, represent clients in court, interpret laws, rulings and regulations, confer with colleagues to establish and verify the basis of legal proceedings and help other Assistant Public Defenders by participating in training sessions, offering advice, co-counseling cases and covering cases.

Minimum Qualifications: Be in good standing to practice law in the State of Ohio and maintain ongoing compliance with active registration and CLE requirements as defined and determined by the Ohio Supreme Court, the ability to perform the essential duties listed above. Additional qualifications include experience using Microsoft Office products and Internet research tools. A qualified candidate will have the ability to develop and maintain skills in time management and organization as well as work independently and dependently in a team driven environment. The ability to communicate effectively both orally and in writing is also required. An ideal candidate will exercise sound judgment and decision-making and have the ability to handle sensitive information and inquiries from contacts with officials and the general public. Regular travel between the office, courts, jails and crime scenes and occasional travel to other courts and prisons is required. A successful candidate is subject to a drug screen and fingerprint based criminal background check. Starting salary is \$52,852 or higher depending on experience.

Interested candidates need to submit a cover letter, resume and employment references to:

Montgomery County Public Defender Office
ATTN: Kelli R Howard, Deputy Director
117 South Main Street, 4th Floor
Dayton, OH 45422

CLERK OF COUNCIL

City of Trotwood

The City of Trotwood is seeking an individual to work as Clerk of Council.

This is a full-time, exempt position reporting to the members of City Council.

The Clerk of Council is required to coordinate all materials for two evening Council meetings per month, work sessions and special meetings. Work involves the preparation/maintenance of legislation, correspondence, resolutions, proclamations, cemetery records, meeting minutes and performing other duties as assigned. Excellent written and oral communication skills are required with demonstrated proficiency in the use of Microsoft Office software programs.

High school diploma, GED or equivalent is required supplemented by college-level coursework in business or administrative/secretarial science; considerable relevant experience or any equivalent combination of training and experience is preferred. Certification as a municipal clerk and current licensure as a Notary Public desired. College degree preferred.

Position provides a comprehensive benefit package; please provide salary requirements with application and cover letter.

Employment applications are available online at: <https://trotwood.org/human-resources/employment/>

Application deadline: end of business day Wednesday, March 4, 2020. EOE/ADA

GREENE COUNTY DOMESTIC RELATIONS COURT

The Honorable Steven L. Hurley

LOCAL RULES

Greene County Domestic Relations Court



As Amended and Effective July 1, 2019.

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*Throughout the Rules, responsibilities are alternately assigned between parties and attorneys. It should be noted that if a party is represented by an attorney, all responsibilities fall on the attorney. If a party is self-represented, all responsibilities fall on the party.

**LOCAL RULES
GREENE COUNTY COURT OF COMMON PLEAS
DIVISION OF DOMESTIC RELATIONS**

**PART ONE
Pleadings and General Provisions**

1.1 Compliance with the Ohio Rules of Civil Procedure, Statutory Requirements, and Local Rules

It is hereby Ordered that the following Local Rules are adopted for the conduct, governance, and management of the business operations, proceedings, and other functions of the Greene County Court of Common Pleas, Domestic Relations Division. The Court may amend these rules from time to time as needed, or as required by law.

These Rules shall apply in all cases unless inconsistent with the Ohio Constitution, Ohio Rules of Civil Procedure, and/or Rules of Superintendence promulgated by the Supreme Court of Ohio.

Should there be any conflict between the Local Rules and the Ohio Rules of Civil Procedure, the Ohio Rules of Civil Procedure shall govern at all times. Matters not specifically addressed herein shall be governed by the Greene County Court of Common Pleas, General Division Rules.

1.2 Style of Pleadings

- A. All pleadings and forms required by the Court shall be typewritten or printed legibly in blue or black ink.
- B. All pleadings shall be on 8 ½" x11" paper and typed or printed on one side. Double-sided pleadings will not be accepted.
- C. All filings with the Clerk of Courts must contain a top margin of at least two (2") inches and a bottom margin of at least one and one-half (1 ½") inches. Documents attached to pleadings or separately offered as exhibits are exempted from this requirement.
- D. All pleadings and other documents submitted shall comply with OH Civ. R. 10(A). Specifically, these documents shall contain a caption with the following identifying information: parties' names, addresses, dates of birth, and party designation. The caption shall also contain the name of the Court and title of the pleading. Case numbers shall be provided in cases where the number has already been assigned.
- E. Counsel shall include his or her Ohio Supreme Court Registration Number within pleadings.

- F. Exhibits that will be used at trial shall be submitted at trial and not attached to any pleadings filed with the Court without special permission.
- G. No responsive pleading or motion will be considered by the Court unless proof of service is endorsed thereon. The proof of service shall state the manner in which service was accomplished, as well as the date it was submitted, and must be signed in accordance with OH Civ. R. 11.

1.3 Citation

The Local Rules of the Greene County Domestic Relations Court shall be cited in the following manner: D.R. Rule ____, according to its number in the Table of Contents.

1.4 Attorney Requirements

No action in the Greene County Court of Common Pleas, Domestic Relations Division, shall be filed or tried by any attorney not admitted to practice law in the State of Ohio. Effective January 1, 2011, Gov. Bar R. XII is amended to allow an out of state attorney to practice in Ohio *pro hac vice admission*.

1.5 Court Costs

The Greene County Clerk of Courts shall not accept a domestic relations action for filing unless it is accompanied by either a filing fee as established by the Clerk of Courts or a Court Order waiving the filing fee based upon motion and affidavit of an indigent party. If the Court learns that a party who filed a poverty affidavit is able to pay the costs, the Court may order that party to pay the Court costs within a reasonable period of time. Upon final judgment, the Clerk of Courts is directed to apply the deposits for court costs in the case regardless of which party has been assessed costs. The Clerk shall assess the costs against the proper party, and reimburse deposits upon receipt when appropriate.

The Clerk of Courts will receive a two percent (2%) administrative fee from the advance deposit for Family Studies and Mediation conducted by the Greene County Family and Children First Department.

For a list of current filing fees, visit:

<https://www.co.greene.oh.us/DocumentCenter/View/377/Deposit-Schedule-fees---Effective-2222017-PDF>

The costs listed therein are, at all times, subject to change without specific amendment of these rules.

1.6 Pre-Approval

- A. Attorney Filings

Decrees resolving issues with minor children and support may be submitted to the Compliance Officer for pre-approval prior to the final hearing. One original and no copies shall be submitted. If edits are needed, the attorney preparing the Decree shall provide the revised Decree within fourteen (14) days of being notified of the edits.

B. *Pro Se* Filings (Filings by Persons Unrepresented by Counsel)

Prior to filing with the Clerk of Courts, all *pro se* pleadings and motions shall first be submitted to the DR Compliance Officer for review. The purpose of review by the Compliance Officer is to assist the public by assuring the quality of the documents processed by the Court and to increase the efficiency of the Court's operation. After approval, all pleadings will be sent to the Clerk of Courts for filing. *Submission of documents to the DR Office for compliance review is not a filing of a legal action.*

1.7 Attendance Policy

Parties have a right to attend any conferences or hearings. If a party wishes to attend a conference that is scheduled to be held in chambers, that party shall communicate that fact to his or her attorney and the conference will be held in a Courtroom. All conferences or hearings with a *pro se* party shall be held in the Courtroom.

1.8 Documents Required for Divorce, Dissolution, Legal Separation and Motions

A. Documents Required for Filing

See Appendix A.

B. Numbers of Copies

See Appendix A.

1.9 Email Service

Email service of documents is permitted unless specifically prohibited as follows: The following documents may not be served by email:

- a. Any document which requires the Clerk of Courts to collect a filing fee deposit against costs;
- b. Any document which requires the Clerk of Courts to effectuate service and summons;
- c. Any entry; and
- d. Any pleading which is required to be submitted to the Compliance Officer.

1.10 Fax Filings

A. The following documents may not be filed by fax:

- a. Any document which requires the Clerk of Courts to collect a filing fee deposit against costs;
- b. Any document which requires the Clerk of Courts to effectuate service and summons;
- c. Any entry; and
- d. Any pleading which is required to be submitted to the Compliance Officer.

B. Source Documents

The source document shall be maintained by the attorney making the filing until the case is closed and all opportunities for post-judgment relief have been exhausted. An attorney who files a signed document by fax represents that the physically signed source document is in his/her possession or control.

C. Failed Fax Filings

The Clerk of Courts shall not be required to acknowledge receipt of fax transmissions.

D. Length of Document

Fax filings shall not exceed 20 pages in length. The filing party shall not transmit service copies by fax.

1.11 Process Servers

A. One-time Appointment

If a party desires personal service to be made by a special process server pursuant to OH Civil Rule 4.1, the party or counsel shall submit a motion and a proposed entry appointing a special process server. The following shall be stated in the motion and entry:

1. the name of the person (not an agency or company) to be appointed as process server;
2. that the person to be appointed as process server is eighteen (18) years of age or older; and
3. that the person to be appointed as process server is not a party to the action.

B. Continuing Appointment (“Standing Special Process Server”)

- a. A person may apply to be designated as a Standing Special Process Server for cases filed in this Court by filing an application supported by affidavit setting forth the following information:
 - 1. The name, address and telephone number of the applicant;
 - 2. That the applicant is eighteen (18) years of age or older;
 - 3. That the applicant agrees not to attempt service of process in any case in which the applicant is a party; and
 - 4. That the applicant agrees to follow the requirements of Civil Rules 4 through 6, and any applicable Local Rules and special instructions for service of process as ordered by the Court in individual cases.
- b. The applicant requesting designation shall also submit an entry captioned “In re The Appointment of (name of applicant) as Standing Special Process Server” and stating “applicant has complied with the provisions of Local Rule 1.11; (name of applicant) is hereby designated as a Standing Special Process Server authorized to make service of process in all cases filed in this Court, to serve until further order of the Court.”

1.12 Service by Publication

In compliance with OH Civ. R. 4.4(A)(1) and R. 65.1, service by publication may be used only if the address of the party to be served is unknown. *All service attempts must be made in the usual manner before service by publication can be considered.*

1.13 Posting of Notice Where Party’s Address is Unknown for Indigent Cases

In compliance with Civil Rule 4.4(A)(2) and Rule 65.1, the Court hereby designates the Xenia Municipal Court and the Greene County Common Pleas Court as places for the posting of notice for IN FORMA PAUPERIS service by publication where the residence of the party is unknown.

1.14 Behavior and Conduct

A. Proper Attire

All individuals using the Court, including, but not limited to Court employees, attorneys, parties, media, witnesses, or observers must be properly attired. Any attire or activity deemed to be disruptive to the decorum of the Court is strictly prohibited. Any Court employee may exclude a Court patron not properly attired.

B. Electronic Devices

Individuals entering the Courtroom shall turn electronic devices such as cell phones, PDAs, tablets, or portable computers to silent mode or off. No cell phone calls shall be initiated or received in the Courtroom while Court is in session unless initiated by the Court. No electronic monitoring or use of social media of any type shall be permitted while Court is in session. This includes, but is not limited to, cell phones, recording devices, Facetime, etc. Failure to comply with the behavior and conduct rules may result in contempt of court or other sanctions.

C. Ex Parte Communications

Except in emergency situations, or as otherwise provided by law, no attorney or *pro se* party shall communicate or cause another to communicate, as to the merits of any litigation with either the Judge or any Magistrate of the Court until after final disposition without adequate notice to opposing counsel and/or unrepresented adverse parties. Written communications to the Court concerning any pending case shall be promptly returned to the sending party if known.

PART TWO
Temporary Orders and Discovery Orders
Divorce/Legal Separation Proceedings

2.1 Temporary Orders

A. Review Timeline

No more than fifteen (15) days after the response period has run or an answer/counterclaim has been filed, the Court will review new cases for temporary orders requests.

B. Trial Setting

The Court will set forth the pre-trial conference date (or non-contested final hearing date if there is a default of appearance) in the temporary order. The pre-trial conference will not be scheduled prior to forty-two (42) days after the service of process unless otherwise agreed by the parties. The trial date shall not be set until after the pre-trial process.

C. Requests for Temporary Orders

All requests for temporary orders pursuant to OH Civ. R. 75(N) must be made on the Affidavit of Financial Disclosure (available on the Domestic Relations website) completed by the litigant when a new case is opened. Once a temporary order is issued, a hearing may be requested by either party pursuant to OH Civ. R. 75(N)(2).

D. Existing Orders.

At the time of filing, if there are any orders from another Court that may affect the issuance of temporary orders in this Court, the orders should be referenced on the Affidavit of Financial Disclosure and Parenting Proceeding Affidavit (if applicable), and a copy shall be attached (i.e. juvenile, probate, domestic violence orders, etc.).

E. Parties in the Same Household

The Court will not grant temporary spousal support, child support, or allocate parental rights and responsibilities when the parties reside in the same household. The Court may, however, allocate payment of household expenses.

F. Exclusive Use of the Marital Residence

If a party has been absent from the marital residence for 30 days or more, the Court may, upon motion and affidavit, issue an *ex parte* order awarding the other party exclusive use of the marital residence.

If both parties are residing in the marital residence, a motion for exclusive use may be granted after a hearing if the party requesting exclusive use establishes that the other party:

- a. Attempted to cause or recklessly caused bodily injury;
- b. Placed the party requesting exclusive use, by threat of force, in fear of imminent serious physical harm;
- c. Committed any act with respect to a child that would result in the child being an abused child as defined in O.R.C. 2151.031; or
- d. Engaged in conduct that creates an environment which causes or is likely to cause emotional and/or mental stress to the party requesting exclusive occupancy and/or to the minor child(ren) of the parties.

2.2 Mandatory Preliminary Disclosure

Within thirty (30) days of the issuance of the Temporary Order, each party has the affirmative duty to disclose to the other party the following information and documents:

- a. All pension and profit-sharing plans including the most recent plan summary;
- b. All COBRA benefits to which the other party may be entitled;
- c. Copies of all real estate deeds, vehicle titles and registration, unless already in the possession of the other party;
- d. A working estimate of all real estate, personal property, or business property value in which the party holds an interest (formal appraisals may be conducted as part of the normal discovery process);
- e. Copies of the last three (3) years individual tax returns, unless already in the possession of the other party;
- f. Documentary proof of current income from all sources; and
- g. Copies of most recent statements on all bank accounts, IRAs, stock accounts, mortgages, credit cards, and other debts.

2.3 Discovery

A. Applicable Rules

The Ohio Rules of Civil Procedure 26-37 apply to any action within this Court, including any post-decree motions pursuant to OH Civ. R. 75(I).

B. Service

No discovery pleading shall be considered by this Court unless proof of service is endorsed or demonstrated separately. The proof of service shall state the manner in which service was perfected, as well as the date it was submitted, and must be signed in accordance with OH Civ. R. 11.

C. Filings

Discovery requests and responses, other than as specifically required by the Civil Rules, shall not be filed with the Court. Attorney or Party may file a notice of service of discovery requests of responses.

2.4 Appointment of Valuation Experts, Receivers, Commissioners, and Special Masters

- A. Whenever the value of an asset or the amount of liability is in dispute, the Court may, either *sua sponte* or by motion of either party, appoint an expert for the sole purpose of determining the value of the disputed asset or liability.
- B. The Order of Appointment shall state the following:
 - a. The property to be valued (with specificity);
 - b. The name of the appointed expert; and
 - c. The amount of money to be deposited with the Clerk of Courts for payment of such expert's services.
- C. The Court also reserves the authority to appoint, either *sua sponte* or upon motion of either party, the following: Receivers, Commissioners, and Special Masters.
- D. The ultimate determination as to allocation for such expert services rests within the discretion of the Court.

PART THREE

Case Management and Procedure

3.1 Magistrates

Pursuant to Civil Rule 53, the Court may refer matters to a Magistrate.

3.2 Scheduling of Non-contested Cases

A. Dissolutions.

In all dissolutions, the final hearing shall be scheduled by the Assignment Commissioner upon filing of the case.

B. Non-Contested Divorces and Non-Contested Actions for Legal Separation.

In all non-contested divorces and non-contested actions for legal separation, if a timely answer is not filed by the defendant, a final hearing shall be scheduled by the Assignment Commissioner after temporary orders review has been completed.

In the event the defendant files an answer out of time after being granted leave of court, the final hearing shall be converted to a pre-trial conference or scheduling conference.

3.3 Scheduling of Contested Divorces and Contested Legal Separations

A. Preliminary Conferences.

1. When an answer to a complaint is filed, the Court will set the case for a preliminary conference with counsel. The purpose of the preliminary conference is to identify the issues in controversy and make referrals to appropriate services.

B. Mediation

1. After the preliminary conference is conducted, all appropriate cases will be referred to the Court's in-house mediator, unless the parties have reached a total agreement on all issues.

C. Pre-trial Conferences

1. Purpose

- a. The purpose of the pre-trial conference is to determine the status of the case after mediation, determine whether a parental investigation or property valuation is necessary, and expedite trial of the action if trial is necessary. Counsel for both parties should be prepared to:

- i. Narrow the legal issues in controversy and admit facts not in dispute;

- ii. Stipulate to the genuineness of evidence to be introduced at trial, if necessary;
- iii. Exchange all applicable documents, reports, and other exhibits;
- iv. Advise the Court as to any additional time necessary to complete discovery;
- v. Set a deadline for discovery and memoranda; and
- vi. Establish a date for final hearing.

2. Timing

- a. All cases shall be set for a pre-trial conference within sixty (60) days of the preliminary conference absent unusual circumstances.

3. Pre-trial Statements

- a. Each party shall submit a pre-trial statement to the Court at least seven (7) days prior to the pre-trial conference.
- b. The pretrial statement shall contain a written statement, under oath, of the following information:
 - i. A list of all property believed to be the separate property of each spouse;
 - ii. A list of all property believed to be marital in nature, the value of that property, the valuation date used in determining the value, and an account of all debts owing upon each item of property;
 - iii. A list of all other debts of the marriage;
 - iv. A statement of the contested issues of fact and law;
 - v. A list of all witnesses;
 - vi. A list of all exhibits;
 - vii. A written proposal for settlement.
- c. If a pre-trial statement is not submitted in accordance with this rule, the Court may dismiss the action, continue the pre-trial in progress, and/or

entertain a motion for attorney fees, travel expenses, and lost wages incurred by the other party in an amount to be determined by the Court.

4. Attendance at the Pre-trial Conference

- a. Unless excused by the Court, counsel of record must attend the pre-trial conference. In the event a party cannot be present at the conference, that party will provide counsel with a telephone number at which the party may be contacted at any time during the conference, if necessary. In the event counsel fails to appear at such conference, or fails to cooperate in good faith, such counsel may be subject to sanctions as deemed appropriate by the Court. Such sanctions may include an award of expenses

D. Emergency Hearings

If a substantial emergency exists which requires prompt Court intervention, counsel may request an emergency hearing. A motion for an emergency hearing, accompanied by an affidavit setting out the nature of the emergency and the relief sought, shall be presented to the Domestic Relations Office. The Judge will approve or reject the request for an emergency hearing. If approved, the Assignment Commissioner will set the motion for the first available hearing date, at least seven (7) days after service.

3.4 Motion Practice

A. Scheduling of Hearings

1. All motions shall contain a notice of hearing with Court's required language regarding failure to appear.
2. All post-decree matters shall be referred to mediation.
3. A pre-trial conference shall be conducted within sixty (60) days of the filing of the post-decree motion.
4. Any responsive motion shall be filed at least seven (7) days prior to the scheduled pre-trial conference.

B. Content of Motions

1. All pleadings shall be in conformity with 1.2 of these Local Rules.
2. All motions to modify prior orders of the Court shall contain a statement of the order sought to be modified, the date of such order, the nature of the modification sought, and the specific change in circumstances which justifies modification.
3. An entry of appearance should be filed by counsel, if new to the case, to ensure that Court mailings are sent to the appropriate counsel and address.

4. Exhibits that will be used at trial shall be submitted at trial and not attached to any pleadings filed with the Court without special permission from the DR Court.
5. Tax returns, credit card statements, phone bills, medical bills and similar personal financial information shall not be attached to any motions filed with the Court without special permission from the DR Court.
6. If case law is cited within a motion or memorandum, a complete copy of the cited case(s) must be attached.

C. Motions Regarding Health Care Expenses

1. Documentation

Any motion seeking reimbursement for health care expenses shall contain a statement that the movant has previously forwarded the medical bills and a calculation of the amount due to the respondent, and that timely payment has not been made. Absent unusual circumstances or Court order to the contrary, a request for reimbursement of health care expenses should be made within thirty (30) days of the date when payment is made or due. Reimbursement should be made within thirty (30) days of the request.

2. Timeline

Motions seeking reimbursement for health care expenses shall be brought within two (2) years of the date the expense was incurred. Failure to bring a timely motion for reimbursement may result in the Court dismissing the motion.

D. Motions Regarding Support Administered Through CSEA

1. CSEA Representative

At the hearing on a motion for modification, termination, or contempt of a support order, a CSEA representative must be presented by the moving party. An audit may be submitted, if available, but is not required.

E. Motions Regarding Personal Property

Motions seeking the return of personal property shall be brought within six (6) months of the date of filing of the Final Judgment and & Decree awarding such property. Failure to bring a timely motion for return of the property may result in the Court dismissing the motion.

F. Motions for Contempt

1. Content

All motions requesting a contempt finding shall state with specificity each provision (including the page number) of each Court Order that has allegedly been violated, as well as the date of such Order, and the facts which are alleged to demonstrate non-compliance.

2. Attorney Fees

Upon a finding of contempt, the Court may award a standard attorney fee of up to \$750.00. If a higher award is sought, the attorney must request fees as a part of the motion and comply with Local Rule 3.8.

G. Settlement of Contested Matters.

Whenever the parties or counsel inform the Court that an agreement has been reached on an issue previously in controversy, they must submit written proof of the agreement (by fax, email, mail or hand delivery) in order to avoid appearing at the hearing. If no written agreement is submitted, counsel must appear with the parties to read the agreement into the record. If the submitted written agreement is not in a form suitable for filing or if an agreement is read into the record, the attorneys must thereafter submit an agreed entry in accordance with Local Rule 6.2.

G. Summary Judgment

All motions for summary judgment will be decided in accordance with OH Civ. R. 56, as may be amended.

H. Failure to Comply

The Court may dismiss any motion that does not comply with the requirements of these Local Rules.

3.5 Exhibits

A. Exhibits for Trial

Before a hearing begins, each party shall provide the Court with the following:

1. An index of exhibits; and
2. An original and three sets of photocopies of all exhibits, premarked, with the plaintiff identifying exhibits by number and the defendant identifying exhibits by letter.

B. Format of Exhibits

1. Exhibits exceeding 10 pages in length must be numbered in the bottom, right corner (i.e. bates-stamping).
2. Exhibits may be bound in a two-ring or three-ring binder. Bindings that do not allow for easy removal of exhibits are not permitted.
3. Bound exhibits must be separated by tabbed dividers that allow the Court to easily locate exhibits within the binder.

C. Retention/Destruction of Exhibits

Exhibits shall be held and shall be subject to destruction in accordance with Rule 26 of the Rules of Superintendence for the Courts of Ohio. Parties desiring return of exhibits should make application to the Court following completion of the case and all applicable appeal time periods.

3.6 Expert Witnesses

A party may not call an expert witness to testify (other than for attorney fees) unless a written report has been procured from the expert and forwarded to opposing counsel. It is counsel's responsibility to take reasonable measures, including the procurement of supplemental reports, to insure that each report adequately sets forth the expert's opinion. Unless good cause is shown, all reports must be supplied to opposing counsel no later than thirty (30) days prior to trial. The report of an expert must reflect his or her opinions as to each issue on which the expert will testify. An expert will not be permitted to testify or provide opinions on issues not raised in his or her report.

Absent extraordinary circumstances, all experts must submit reports. If a party is unable to obtain a written report from an expert, counsel for the party must demonstrate that a good faith effort was made to obtain the report and must advise the Court and opposing counsel of the name and address of the expert, the subject of the expert's expertise, together with his or her qualifications, and a detailed summary of his or her testimony. The Court shall have the power to nonetheless exclude testimony of the expert if good cause is not determined for the absence of a report.

3.7 Exchange of Exhibits and Witness Lists

Both parties shall exchange all exhibits expected to be used at trial and a list of all witnesses to be called to testify at trial at least seven (7) days prior to trial, unless otherwise ordered.

3.8 Attorney Fees

At the time of the final hearing of any motion seeking attorney fees, the attorney seeking such fees shall present (by their own testimony or the testimony of an additional expert witness):

1. An itemized statement describing the services rendered, the time for such services, and the requested hourly rate. Such itemized statement must have been provided to opposing counsel at least three (3) days prior to trial;
2. Testimony as to whether the case was complicated by any or all of the following;
 - a. New or unique issues of law;
 - b. Difficulty in ascertaining or valuing the parties' assets;
 - c. Problems with completing discovery;
 - d. Any other factor necessitating extra time being spent on the case.
3. Testimony regarding the attorney's years in practice and experience in domestic relations cases.
4. Evidence of the parties' respective income and expenses, if not otherwise disclosed during the proceedings.
5. Failure to comply with the provisions of this rule shall result in the denial of a request for attorney fees, unless jurisdiction to determine the issue of fees is expressly reserved in any order resulting from the hearing.

3.9 Continuances

A. Policy

No case in which a date has been set for a hearing shall be continued without the written authorization of the assigned Judge or Magistrate. Requests for continuances shall be granted only in compliance with Rule 41 of the Rules of Superintendence for the Courts of Ohio.

B. Contents of Motion

Requests for continuances must be made by written motion and accompanied by a proposed order. The motion and proposed order may be faxed to (937) 562-6233 and must contain:

1. Filing date of the original motion;
2. Subject matter of the motion;
3. The scheduled hearing date;
4. Number of previous continuances granted and at whose request;

5. Reason for the continuance;
6. Copy of conflicting trial assignment notice attached, if appropriate; and
7. Statement as to whether or not opposing counsel/party agrees to the continuance.

If opposing counsel/party does not agree to a continuance, the motion for continuance may be set for telephone conference or for a hearing.

C. Contents of Order

The proposed order shall include a blank for the new hearing date and time, and the Court's required failure to appear language.

3.10 Bankruptcy

If a bankruptcy petition is filed by either or both parties, the party or parties shall file a Notice of Filing of Bankruptcy in the domestic relations case including a copy of the first page of the Bankruptcy Court filing. If relief from stay is granted or at the conclusion of the bankruptcy case, the party or parties shall file a Motion to Reactivate Case in this Court, with a copy of the relief order attached, and shall schedule the matter for further hearing with the Assignment Commissioner.

3.11 Objections to Magistrate's Decision

A. Procedure

Persons filing an Objection to a Magistrate's Decision or Order shall file such Objection with the Clerk of Courts within the applicable time frame. Objections must be accompanied by a Memorandum of Support.

No oral hearing will be held except on motion filed by a party and granted by the Court or upon the Court's own order. Any motion requesting an oral hearing shall provide specific reasons for the necessity of an oral hearing. Any such motion shall be accompanied with a proposed entry granting the oral hearing.

The opposing party may file a reply to such Objections within ten (10) days of receipt of the filing of the Objections, or filing of supplemental Objections if applicable. Continuing responses will be allowed at the Court's discretion. Any additional briefing will require leave of court.

B. Transcripts

If a party intends to object to a Magistrate's decision pursuant to Civil Rule 53 on the basis that a finding or conclusion is unsupported by the evidence or is contrary to the evidence,

that party shall provide a transcript of all evidence relevant to such findings or conclusions. See Local Rule 3.12, Transcripts.

C. Case Law

If case law is cited within an Objection or response, a complete copy of the cited case(s) must be attached.

3.12 Transcripts

A. Ordering Transcripts

If a finding of fact or the weight of the evidence is the basis for such Objection, the party shall also file a praecipe for transcript with the Clerk of Courts, requesting a transcript. In order to file the transcript with the Domestic Relations Court, the transcript must be prepared by a transcriptionist assigned by the Court. The party filing the praecipe shall also mail a copy of the praecipe to the opposing party and submit a copy to the Domestic Relations Office. The Court will deliver the praecipe to the appropriate transcriptionist who will contact the requesting party with information about transcript preparation. The requesting party shall comply with response and payment deadlines, and payment arrangements set by the transcriptionist.

B. Filing of Transcript

- a. If a transcript is ordered due to an Objection being filed, the transcriptionist shall file the completed transcript with the Clerk of Courts within thirty (30) days of the filing of the Objection. In cases where the transcript of the proceedings before the Magistrate exceeds fifty (50) pages in length, the parties shall, by the submission date, file written memoranda with references to the transcript and record that support their respective positions. Failure to file transcript references shall be considered a waiver to objections to findings of fact.
- b. If a transcript is ordered due to any reason other than Objection to a Magistrate's Decision, the transcriptionist shall file the transcript upon completion and upon payment of any outstanding balance.
- c. Transcripts will not be filed until all costs of preparation are paid in full.

C. Cost

For a list of current costs for transcript preparation, visit:

<http://co.greene.oh.us/DocumentCenter/View/21685/Transcript-Fee-Schedule---Web>

3.13 Withdrawal of Counsel

A. Filing Requirements

Counsel may withdraw as counsel of record upon a showing of good cause. Good cause may be demonstrated by non-payment of attorney fees.

An attorney seeking to withdraw as counsel in a pending case shall present a motion and proposed entry to the assigned Judge or Magistrate. The motion shall contain the following:

1. Date and time of any scheduled hearings;
2. Reasons for withdrawal; and
3. Statement that the client has been notified or reason why notice to client was not possible.

B. Time Limitations

In the absence of extraordinary circumstances, the Court will not grant an attorney permission to withdraw less than thirty (30) days prior to a scheduled hearing. Attorneys may not withdraw prior to completion of any assigned entries.

C. Substitution of Counsel

As an alternative to the foregoing procedure, counsel may file a Notice of Substitution of Counsel.

3.14 Failure to Appear at Trial / Failure to be Fully Prepared at Trial

If a party seeking relief fails to appear at the scheduled trial or hearing, either in person or by counsel, or appears but is not fully prepared to go forward, the Court, in its discretion, may enter an order dismissing the action for want of prosecution. If however, the responding party fails to appear, either in person or by counsel, while the moving party does appear, the Court may, in its discretion, hear and dispose of all pending issues.

PART FOUR

Parenting Provisions

4.1 Parenting Time

The Court adopts the Greene County Standard Order Parenting Time Schedule set forth in Appendix B. This is a guideline only, and is subject to deviation after consideration of the best interest factors enumerated in O.R.C. 3109.051. It is the Court's policy to encourage liberal parenting time and interaction between parents and their minor children. However, the Court recognizes that individual circumstances must always be taken into consideration.

4.2 Notice of Intent to Relocate

A. Filing of Notice

If a parent of a minor child or children intends to relocate, that party must file a Notice of Intent to Relocate with the Clerk of Courts, in addition to notifying the CSEA. Copies of the Notice of Intent to Relocate are available in the Domestic Relations Office and available on the Domestic Relations Court website. Notice must be sent within the following timeframes:

1. If relocating within Greene County – at least thirty (30) days in advance of the move;
2. If relocating outside Greene County – at least sixty (60) days in advance of the move.

B. The Court shall send a copy of the Notice to other parent UNLESS the parent has:

1. Previously been convicted or plead guilty to a violation of O.R.C. 2919.25 involving a victim who, at the time of the offense, was a member of the family or household that is subject of the current proceeding;
2. Has been convicted of an offense involving a victim who, at the time of the offense was a member of the family or household that is the subject of the current proceeding and caused physical harm to the victim in the commission of the offense;
3. Acted in a manner resulting in an adjudication that a child has been abused or neglected; or
4. The moving party has requested that their address be kept confidential pursuant to O.R.C. 3127.23(D), and the request was granted by the Court.

C. Motions

If either party seeks a change in parenting orders as a result of relocation, that party shall file a motion with the Court and schedule a hearing.

4.3 Children at the Courthouse

A. A party may bring a minor child to the courthouse if:

- (1) Prior authorization has been obtained by the judicial officer hearing the case;
- (2) The child is testifying in the case; or
- (3) The Court is conducting an in camera interview.

B. Failure to comply with this Rule may result in your case being continued.

4.4 Seminar for Separating Parents

All parents in divorce, legal separation, or dissolution actions in which there are any minor children shall register for an educational seminar for separating parents sponsored by the Court. No action may proceed to final hearing until the custodial parent has attended the seminar. No dissolution may proceed to final hearing unless both parties have attended the seminar. However, non-compliance by a parent who enters no appearance and does not contest the action shall not delay the final hearing. This requirement may be waived by the Court for good cause shown.

Failure of a non-residential parent to attend the educational seminar by the final hearing date may result in suspension of parenting time.

In the event a party resides more than fifty (50) miles from Greene County and seeks to attend another parenting class, such party must obtain pre-approval by contacting the Compliance Officer.

4.5 Interview of Child by Court

All interviews of children will be scheduled at the discretion of the Court and conducted in accordance with Ohio Revised Code §3109.04(B)(2). The interviews will be recorded and shall remain confidential.

4.6 Parental Investigation by the Court

A. Family Studies

a. Family Study Report

The report of such investigation shall be made available to either parent or his/her counsel of record not less than five (5) days before trial. The report shall be signed by the investigator, and the investigator shall be subject to cross-examination by either parent concerning the contents of such report.

During the course of such investigation, the Court contemplates that the assigned investigator shall include within any report a factual summary of information regarding: their observations of each parent's home; all official records involving each parent and family, or household, member including police, medical, and psychiatric records; a summary of the investigator's conversations and interactions with each minor child; and the investigator's concerns regarding parenting issues. This list constitutes the minimum content of any report and is not intended to be exclusive or exhaustive. Such reports shall not be filed with the Clerk of Courts but rather submitted directly to the Domestic Relations Court.

b. Costs

The cost of the examination will be allocated between the parties at the time the examination is Ordered, subject to reallocation at the final hearing.

B. Medical/Psychological/Psychiatric Evaluations

a. Appointment.

The Court may appoint a psychologist or psychiatrist to conduct an evaluation on the issues of custody and/or parenting time in order to assist the Court in allocating parental rights. The psychologist or psychiatrist will be the Court's witness. Absent written Court approval, neither attorney shall provide any documents to such person, other than a trial notice, or communicate, or cause any third party to communicate, with the psychologist or psychiatrist.

b. Report.

The psychologist or psychiatrist will provide the Court with the original written report and recommendations (including case name and number, the date of hearing and the name of the assigned Judge or Magistrate) no less than thirty (30) days prior to the hearing unless otherwise ordered, with copies mailed to counsel for each party, or to a party if unrepresented. The report shall be accepted into evidence as the psychologist's or psychiatrist's direct testimony, and he or she may be subject to cross examination by either party. A party desiring to cross examine shall arrange for the psychologist's or psychiatrist's appearance at the hearing and is responsible for paying the fee for that appearance.

c. Costs

The cost of the examination will be allocated between the parties at the time the examination is Ordered, subject to reallocation at the final hearing.

C. Drug Testing

For good cause shown, either or both parties may be subject to drug testing in accordance with policies and procedures established by the Court.

4.7 Appointment of Guardian Ad Litem (GAL)

A. Appointment

In any case in which the allocation of parental rights and responsibilities is to be determined, the Court in its discretion may, and upon motion of either party shall, appoint a guardian ad litem for the child or children. The guardian ad litem shall be selected from the list maintained by the Court of guardians ad litem who are in compliance with the OH Rules of Superintendence. The GAL shall serve until the Court enters a final order in the case.

B. Scope

The guardian ad litem shall perform any functions necessary to protect the best interests of the child or children, including those duties set forth in the Order Appointing Guardian Ad Litem.

C. Procedure

A party requesting appointment of a GAL must file a motion, set the matter for hearing, and serve the other party pursuant to the Ohio Rules of Civil Procedure. The Court may also appoint a GAL sua sponte.

D. Fees

1. If the Court appoints a GAL sua sponte or as a result of a party's motion, the entry appointing the GAL may order a party or parties to deposit funds with the GAL. The Court shall have discretion concerning the amount of the initial deposit.

Failure of a party to pay their portion of the fees may result in the investigation proceeding without that party's participation.

2. Additional deposits may be Ordered by the Court during or upon completion of the GAL's duties if the GAL determines that the work required will exceed the fee deposit, and the appropriate Motion has been filed by the GAL.

3. Upon completion of the GAL's duties, the GAL shall submit a Motion, a final accounting of fees, and a proposed Order permitting the GAL to release the funds from the GAL's trust account. The Court shall apportion unpaid fees in the final Order.

E. Reports

Guardian ad litem reports shall be submitted directly to the Domestic Relations Court and provided at least seven (7) days prior to trial. **Reports should not be filed with the Clerk of Courts.** The GAL report shall be accepted into evidence as the GAL's direct testimony, and he or she may be subject to cross examination by either party.

F. Comments/Complaints

Any comments or complaints regarding the performance of a guardian ad litem appointed pursuant to this rule shall be in writing and shall be directed to the Court Administrator.

A copy of comments or complaints submitted to the Court shall be provided to the guardian ad litem who is the subject of the complaint or comment. The Court Administrator may forward any comments or complaints to the Domestic Relations Judge for consideration and appropriate action. The Court Administrator shall maintain a written record in the guardian ad litem's file regarding the nature and disposition of any comment or complaint and shall notify the person making the comment or complaint and the subject guardian ad litem of the disposition.

Motions to remove a guardian ad litem shall be scheduled for hearing before the Judge or Magistrate assigned to adjudicate the allocation of parental rights and responsibilities.

G. Qualifications

a. Requirements

Guardians ad litem shall be approved by the Court upon request. GALs must comply with all state-mandated training requirements (see Ohio Rule of Superintendence 48). All prospective GALs must submit an application, a background disclosure statement, submit to a background check (civil and criminal), and annually provide proof of compliance with Rule 48.

b. Annual Certification

The Court shall annually conduct a review of its GAL list to determine that all individuals are in compliance with the training and education requirements of Rule 48, that they have performed satisfactorily on all assigned cases during the preceding calendar year and are otherwise qualified to serve.

c. All individuals on the guardian ad litem list shall certify annually that they are unaware of any circumstances that would disqualify them from serving, and shall report in writing the training they have attended to comply with Rule 48.

d. Court Appearances

GALs shall be available for all pre-trial conferences and final hearings unless otherwise ordered by the Court.

PART FIVE

Dispute Resolution

5.1 Conciliation

- A. Upon receipt of a petition for conciliation, the matter will be referred for conciliation to the Family Relations Services Division of Family & Children First Department, and proceedings shall be conducted as described in O.R.C. 3117.06 and 3117.08.
- B. During the conciliation period, beginning upon filing of the petition and continuing until further Court Order, further proceedings in the pending action shall be stayed. In the event that conciliation is unsuccessful, the Court shall be notified in writing, and the pending action shall be scheduled for further proceedings as determined by the Court.

5.2 Mediation

A. Mediation Order

At any time after service of summons in any action for divorce, legal separation or annulment, or at any time after the filing of a post-decree motion, the Court may order both parties into mediation in accordance with O.R.C. 3109.052. Mediation may be provided by a Court employed mediator or an independent mediator contracted by the Court. If Court-connected mediation is unavailable to a litigant, the Court may Order mediation with a private mediator, and may designate costs of mediation to litigants after considering the parties' respective incomes.

B. Scope

The Court may order mediation of any pending issues pursuant to O.R.C. 2710, O.R.C. 3109.052, or OH R. Sup. 16.

C. Criteria

- 1. In considering whether to order a case to mediation or whether to continue with mediation once it is ordered, the Court and/or mediator will consider relevant factors, including the following:
 - a. Whether either party has been convicted of or pled guilty to a violation of O.R.C. 2919.25, or whether either party has committed an act resulting in a child being adjudicated to have been abused; in either case, mediation will be ordered only if the Court determines that it is in the best interests of the parties for mediation to proceed and supports that determination with specific written findings of fact;
 - b. Whether one party is genuinely in fear of the other where domestic violence is alleged, regardless of whether there is a conviction;

- c. Whether one or both parties are alleged to have a significant drug and/or alcohol dependency;
 - d. Whether one of the parties is mentally ill or has significant psychological problems that might interfere with mediation; and
 - e. Whether the physical distance between the parties is so great that it is not feasible for them to maintain a consistent mediation schedule.
2. Mediation will not be used:
- a. As an alternative to the prosecution or adjudication of domestic violence;
 - b. In determining whether to grant, modify or terminate a protection order;
 - c. In determining the terms and conditions of a protection order; and
 - d. In determining the penalty for violation of a protection order.

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

3. When violence and/or fear of violence is alleged, suspected or present, mediation may only occur if the mediator has specialized training as set forth in the Ohio Rule of Superintendence 16(C)(2) and all of the conditions contained in Ohio Rule of Superintendence 16(B)(2) are met.

D. Procedure

1. When the Court orders mediation, a mediation order shall be filed. All parties referred to mediation shall complete all forms requested by the mediator.
2. The parties shall contact the mediator to schedule the first mediation session upon receipt of the mediation Order.
3. An order to mediate will not stay the implementation of any temporary orders issued by this Court nor any scheduling order/discovery matter or hearing.
4. At the conclusion of mediation, the mediator shall submit a status report to the Court (which shall not be filed in the Court's case file). The status report shall indicate whether agreement has been reached on any of the issues that were the subject of the mediation. A copy shall be provided to the parties and their attorneys if represented.

5. A full mediation report with any full agreements shall be forwarded to counsel and a copy given to the parties. Mediation agreements shall not be filed or copied with the Court.
6. Any agreement reached during mediation shall not be binding upon the parties until approved by the parties' attorneys, if any, and by the Court, which shall consider the best interests of the children when allocating parental rights and responsibilities and/or establishing a parenting schedule. The mediation agreement becomes binding when it is filed with the Court as an Agreed Entry or a Court Entry.
7. Pursuant to Ohio Rule of Superintendence 16, parties are permitted to have their attorneys and other individuals they designate accompany them and participate in mediation. Attorney attendance, or attendance by anyone other than the parties, although not expected or encouraged, will be allowed only if sufficient advance notice is given so that opposing counsel may be notified and given an opportunity to attend.
8. Children shall not be brought to the mediation session.
9. Where appropriate, the mediator will provide appropriate referrals to legal counsel and other support services for all parties.

E. Cost of Mediation

Court-connected mediation is provided at no cost to the parties.

F. Mediator Qualifications

Private mediators shall have minimum qualifications as set forth in Rule 16 of the Rules of Superintendence for the Courts of Ohio. See also paragraph C. 3. of this rule regarding domestic violence. All mediators are encouraged to comply with the Model Standards of Practice for Family and Divorce Mediation.

G. Confidentiality

Statements made during the course of mediation assessment or the mediation sessions are privileged and shall not be admissible as evidence in any subsequent proceeding in this Court except as required by law. O.R.C. §2317.02 and §2710.01 et seq. This rule does not require the exclusion of any evidence which is otherwise discoverable merely because it is presented in the course of mediation.

No electronic monitoring or use of social media of any type is permitted during mediation. This includes, but is not limited to, cell phones, recording devices, facetime, etc.

PART SIX

Decrees/Entries/Magistrate's Decisions/Orders

6.1 Decrees and Judgment Entries in Contested Matters

A. General Preparation of Decrees/Entries

After the Court has announced its decision on any matter requiring an entry, order, decision or decree, the attorney designated by the Court shall prepare the decree/entry unless the Court directs otherwise. Opposing counsel (or opposing self represented party) shall sign and submit the document to the Court within fourteen (14) days of receipt.

B. Disagreement Concerning Documents Prepared by Counsel

If counsel (or a party) cannot agree on the document, they shall schedule a conference with the Court. If the agreement was recorded, a transcript must be obtained and presented at the conference.

C. Failure to Respond to Proposed Documents

Prior to the matter being set for Entry/Dismiss if one attorney prepares the necessary document(s) as noted above but opposing counsel/self represented party fails to respond with approval or objections, or if the attorney fails to timely prepare the necessary document(s) as noted above, counsel may file a "Notice of Presentation of Entry." Such notice shall include the following:

1. Notice to the opposing counsel that the proposed entry will be presented to the Court for approval after the expiration of fourteen (14) days from the date of mailing unless the other attorney, within the fourteen (14) days, files a written objection stating the grounds with particularity, attaches his/her own proposed entry and sets the matter for hearing.
2. Failure to file written objections and/or to set a hearing will be considered as a waiver to the filing of the proponent's entry.
3. The "Proposed Entry" and the original Entry shall be submitted with the notice.

If, after the expiration of the fourteen (14) day period, opposing counsel has not filed a written objection, the original Entry will be taken to the assigned Judge/Magistrate for consideration.

D. Nothing in this rule precludes the Judge/Magistrate from preparing and filing his or her own entry/decision at any time.

6.2 Decrees and Judgment Entries in Agreed Matters

When a matter scheduled for hearing is settled by agreement, the attorneys shall present an agreed entry endorsed by both counsel, or parties if not represented, within thirty (30) days of the hearing. If counsel (or a party) cannot agree on the entry, they shall schedule a conference with the Court. If the agreement was recorded, a transcript must be obtained and presented at the conference.

6.3 Order for Restoration of Former Name

A party requesting restoration to a former name shall have said name included in the final Decree or a separate proposed Entry setting forth the party's complete name before and after the requested change, as well as the party's date of birth and current address. Any such Entry may be approved by the Court up to sixty (60) days after the filing of the Final Judgment and Decree of Divorce.

6.4 Failure to Timely Submit Entries (“Entry or Dismiss”)

Attorneys who fail to timely submit entries will be given notice to appear to present entry or face attorney contempt and/or dismissal of the pending matter. Attorney attendance is **compulsory** unless excused by the Court. If only one Entry is submitted to the Court, the Court will consider filing that Entry.

6.5 Compliance and Procedure for Filing Decrees/Entries

A. Compliance

All final decrees/entries that include custody issues and/or support paid through the CSEA must be submitted to the DR Office for compliance review prior to filing. The documents will be reviewed to determine compliance with Local Rules, mandatory statutory language and completion of all required Court forms. If the documents are approved by the DR Office, they will be filed with the Clerk of Courts. If the documents are not approved, the person responsible for their preparation will be contacted and required to pick up the documents, make necessary changes, and resubmit the documents to the DR Office.

C. Mandatory Standard Notice

All decrees, entries and decisions that address child support and/or health insurance shall adopt the Notifications (available on the Domestic Relations Court website) and they shall be attached thereto and incorporated herein.

6.6 Waiver of Support Arrearages

An obligee seeking to waive support arrearages must file a written motion, schedule a hearing and appear in person before the Court. The Court may waive appearance for good cause shown. At the hearing, the party seeking to waive the arrearages must bring a copy of

an Audit prepared by the Greene County Child Support Enforcement Agency. If both parties are represented by counsel, an agreed entry may be filed in lieu of a hearing. Any waiver of arrearages has no effect on money that may be owed to any governmental agency.

6.7 Qualified Domestic Relations Court Orders (“QDRO”) & Division of Property Orders (“DOPO”)

A. QDRO Preparation

1. Unless otherwise agreed, counsel for the alternate payee entitled to a portion of the other spouse’s pension or retirement plan shall prepare the QDRO for submission to the Court. The pension participant shall sign any releases necessary to facilitate drafting of the QDRO.
2. Whenever the parties agree to divide a pension or retirement program by a QDRO, they and their counsel shall sign and approve the original of a QDRO submitted to the Court, and shall sign and approve any subsequent QDRO submitted to the Court, unless waived by the Court.
3. The QDRO shall be prepared and submitted to the Court with the final decree, or within ninety (90) days of the filing of the Decree. The Court will file properly executed QDROs with the Clerk of Courts however it is not the practice of the Court to mail the documents to the pension or retirement plan.

B. Mandatory QDRO Language

In all cases in which a QDRO is to be issued, the final judgment entry shall contain the following language:

1. “The Court retains jurisdiction with respect to the Qualified Domestic Relations Order to the extent required to maintain its qualified status and the original intent of the parties. The Court also retains jurisdiction to enter further orders as are necessary to enforce the assignment of benefits to the non-participant as set forth herein, including the recharacterization thereof as a division of benefits under another plan, as applicable, or to make an award of spousal support, if applicable, in the event that the participant fails to comply with the provisions of this order.”
2. “The participant shall not take actions, affirmative or otherwise, that can circumvent the terms and provisions of the Qualified Domestic Relations Order, or that may diminish or extinguish the rights and entitlements of the participant.”

C. DOPO Compliance

The division of retirement benefits for members of the Ohio Public Employees Retirement System (OPERS), State Teachers Retirement System (STRS), School Employees Retirement System (SERS), Ohio Police and Fire Pension Fund (OP&F), and Ohio Highway Patrol

Retirement System (HPRS) shall conform with the requirements of each agency's respective administrative rules. The terms of Local Rule 6.7 apply to DOPOs to the extent such terms are not in conflict with the statutory requirements of DOPOs. DOPOs shall indicate the method of service to the proper agency whether by the Clerk of Courts or other method of service.

Specific retirement information may be found for the respective agencies on the Internet at; www.strsoh.org; www.ohsers.org; www.op-f.org and www.ohprs.org.

PART SEVEN

Special Proceedings

7.1 Petition to Register a Foreign Decree

A foreign decree may be registered with this Court pursuant to O.R.C. 3127 (UCCJEA). Such petitions shall be filed in accordance O.R.C. 2329.021-2329.027 and 3115.

7.2 Domestic Violence

A. Modifications of Civil Protection Orders

If either party seeks to modify the Ex Parte CPO, such party may file a Motion with the Court or request the modification at the initial response hearing. If either party seeks a modification of a Consent Agreement or Full Hearing CPO, such party shall file a motion with the Court, obtain service upon the other party and appear for a hearing. A filing fee may be assessed. A divorce decree or filing in the parties' divorce case is not sufficient to modify a civil protection order.

B. Dismissal of Civil Protection Orders (“CPO”)

Any petitioner seeking to dismiss an Ex Parte CPO must personally appear before the Court and state on the record the reason for seeking the dismissal of the Ex Parte CPO. Any party seeking to dismiss a Consent Agreement or Full Hearing Civil Protection Order must file a motion, obtain service upon the other party and appear in person, on the record, to request that the Consent Agreement or Full Hearing CPO be dismissed. A filing fee may be assessed.

C. Expunging a Dismissed Protection Order

In the event a Full Order is denied after the Full Hearing has been conducted, the Court shall, pursuant to O.R.C. 3113.31(G)(2)(a)-(b), Order that the ex parte Order, and all records pertaining to the ex parte Order, be expunged after the appeal period has expired, or after such Order is appealed and affirmed by the appellate court.

Should a party wish to expunge or seal the record under a different circumstance, the proper motion must be submitted to the Court for consideration.

7.3 Remote Appearances

Parties are expected to appear in person for all hearings unless good cause is shown for why a party cannot be present. Unless otherwise provided for by statute or prior Court approval, a party may not appear by telephone.

In the event a party cannot be present in person for Court but still wishes to attend, that party shall file a Motion and Entry requesting permission to appear remotely via video conference.

If approved, the requesting party will be responsible for arranging their remote appearance through CourtCall (www.courtcall.com). The requesting party shall make the arrangements at least seven (7) days prior to the scheduled hearing and shall pay all applicable fees. Failure to make arrangements in a timely manner may result in the Court requiring personal attendance of the requesting party or proceeding without the requesting party.

All remote appearances must be done via video conferencing through CourtCall. No other video services such as Skype or FaceTime are permitted.

PART EIGHT

Special Accommodations

8.1 Disabled Persons

Any person who requires special accommodations because of a handicap or disability shall notify the Court of his or her special requirements at least ten (10) days before a scheduled Court appearance. The Court shall comply with all reasonable requests for assistance, including providing interpreters without additional cost, except as described in Local Rule 8.2.

8.2 Interpretive Services

If a party requires an interpreter, the attorney/self-represented party must file a Request for Interpreter (See Appendix I) and submit a copy to the Court at least two (2) weeks prior to the scheduled court appearance. The Court will arrange for an objective interpreter to be present for the hearing.

If an interpreter is no longer needed or the hearing time is shortened, the attorney/self-represented party must advise the Court not later than forty-eight (48) hours prior to the scheduled court appearance. Failure to do so may result in the Court assessing additional court costs for the interpreter's fee for unneeded services.

Appendix A

NEW CASES

DIVORCE WITH CHILDREN

1. Complaint for Divorce.....(Original & 4 copies)
2. Affidavit of Financial Disclosure.....(Original & 4 copies)
3. Divorce/Dissolution Questionnaire.....(Original only)
4. Mutual Restraining Order.....(Original & 4 copies)
5. Parenting Proceeding Affidavit.....(Original & 4 copies)
6. 'Families Succeeding After Divorce' Seminar Order.....(Original & 4 copies)
7. Obligor/Obligee Information Sheets.....(Original only)
8. Instructions to the Clerk.....(Original only)
9. IV-D Application.....(Original only)

DIVORCE WITHOUT CHILDREN

1. Complaint for Divorce.....(Original & 4 copies)
2. Affidavit of Financial Disclosure.....(Original & 4 copies)
3. Divorce/Dissolution Questionnaire.....(Original only)
4. Mutual Restraining Order.....(Original & 4 copies)
5. Instructions to the Clerk.....(Original only)

DISSOLUTION WITH CHILDREN

1. Petition for Dissolution.....(Original & 2 copies)
2. Separation Agreement.....(Original & 7 copies)
3. Child Support Computation Worksheet.....(Original & 7 copies)
4. Affidavit of Financial Disclosure.....(Original & 2 copies of each)
5. Divorce/Dissolution Questionnaire.....(Original only)
6. Parenting Proceeding Affidavit.....(Original & 4 copies)
7. 'Families Succeeding After Divorce' Seminar.....(Original & 4 copies)
8. Shared Parenting Plan / Parenting Plan.....(Original & 7 copies)
9. Parenting Judgment Entry.....(Original & 7 copies)
10. Final Judgment & Decree of Dissolution.....(Original & 7 copies)
11. Notice of Hearing.....(Original & 2 copies)
12. One Pre-Addressed, Pre-Stamped Standard Envelope for Each Attorney & Party.....
13. Obligor/Obligee Information Sheets.....(Original only)
14. IV-D Application.....(Original only)

Appendix A

DISSOLUTION WITHOUT CHILDREN

1. Petition for Dissolution.....(Original & 2 copies)
2. Separation Agreement.....(Original & 4 copies)
3. Affidavit of Financial Disclosure.....(Original & 2 copies of each)
4. Divorce/Dissolution Questionnaire.....(Original only)
5. Final Judgment & Decree of Dissolution.....(Original & 4 copies)
6. Notice of Hearing.....(Original & 2 copies)
7. One Pre-Addressed, Pre-Stamped Standard Envelope for Each Attorney & Party.....

LEGAL SEPARATION WITH CHILDREN

1. Complaint for Divorce.....(Original & 4 copies)
2. Affidavit of Financial Disclosure.....(Original & 4 copies)
3. Divorce/Dissolution Questionnaire.....(Original only)
4. Mutual Restraining Order.....(Original & 4 copies)
5. Parenting Proceeding Affidavit.....(Original & 4 copies)
6. 'Families Succeeding After Divorce' Seminar Order.....(Original & 4 copies)
7. Obligor/Obligee Information Sheets.....(Original only)
8. Instructions to the Clerk.....(Original only)
9. IV-D Application.....(Original only)

LEGAL SEPARATION WITHOUT CHILDREN

1. Complaint for Divorce.....(Original & 4 copies)
2. Affidavit of Financial Disclosure.....(Original & 4 copies)
3. Divorce/Dissolution Questionnaire.....(Original only)
4. Mutual Restraining Order.....(Original & 4 copies)
5. Instructions to the Clerk.....(Original only)

ANSWER

1. Answer.....(Original & 2 copies)
2. Certificate of Service.....(Original & 2 copies)
3. Affidavit of Financial Disclosure.....(Original & 2 copies)

Appendix A

ANSWER & COUNTERCLAIM

1. Answer.....(Original & 4 copies)
2. Counterclaim.....(Original & 4 copies)
3. Affidavit of Financial Disclosure.....(Original & 4 copies)
4. Instructions to the Clerk.....(Original only)

MOTION FOR LEGAL CUSTODY

1. Complaint for Legal Custody.....(Original & 4 copies)
2. Parenting Proceeding Affidavit.....(Original & 4 copies)
3. Affidavit of Financial Disclosure.....(Original & 4 copies)
4. Instructions to the Clerk.....(Original only)

POST-DECREE

MOTION TO MODIFY CHILD SUPPORT, MEDICAL INSURANCE, TAX EXEMPTION

1. Motion.....(Original & 4 copies)
2. Affidavit of Financial Disclosure.....(Original & 4 copies)
3. Notice of Hearing.....(Original & 4 copies)
4. Instructions to the Clerk.....(Original only)

MOTION TO MODIFY SPOUSAL SUPPORT

1. Motion.....(Original & 4 copies)
2. Affidavit of Financial Disclosure.....(Original & 4 copies)
3. Notice of Hearing.....(Original & 4 copies)
4. Instructions to the Clerk.....(Original only)

MOTION FOR CHANGE OF PARENTAL RIGHTS & RESPONSIBILITIES (CUSTODY)

1. Motion.....(Original & 4 copies)
2. Parenting Proceeding Affidavit.....(Original & 4 copies)
3. Affidavit of Financial Disclosure.....(Original & 4 copies)
4. Notice of Hearing.....(Original & 4 copies)
5. Instructions to the Clerk.....(Original only)

Appendix A

MOTION FOR CHANGE OF PARENTING TIME (VISITATION)

1. Motion.....(Original & 4 copies)
2. Parenting Proceeding Affidavit.....(Original & 4 copies)
3. Notice of Hearing.....(Original & 4 copies)
4. Instructions to the Clerk.....(Original only)

MOTION FOR CONTEMPT

1. Motion.....(Original & 4 copies)
2. Affidavit in Support.....(Original & 4 copies)
3. Order to Appear.....(Original & 4 copies)
4. Notice of Hearing.....(Original & 4 copies)
5. Instructions to the Clerk.....(Original only)
6. Explanation of Healthcare Bills (if applicable).....(Original & 4 copies)

MISCELLANEOUS MOTIONS

1. Motion.....(Original & 4 copies)
2. Notice of Hearing.....(Original & 4 copies)
3. Instructions to the Clerk.....(Original only)

Appendix B

Greene County Domestic Relations Court Parenting Time Standard Order

_____ Parent 1 will have parenting time as set forth below.

_____ Parent 2 will have parenting time as set forth below.

Midweek Parenting Time: The non-residential parent shall have midweek parenting time each week on Wednesday for 3 hours. If no agreement is made for midweek parenting time, the non-residential parent's mid-week parenting time shall take place between 5:30 P.M. and 8:30 P.M.

Weekend Parenting Time: The non-residential parent shall have alternating weekend parenting time from Friday at 6:00 P.M. to Sunday at 6:00 P.M.

Holiday Parenting Time*			
Holiday	Even Years	Odd Years	Schedule
Martin Luther King Day	2	1	Sun. 6:00 p.m. – Mon. 6:00 p.m.
President's Day	1	2	Sun. 6:00 p.m. – Mon. 6:00 p.m.
Easter	2	1	Sat. 12:00 p.m. – Sun. 6:00 p.m.
Memorial Day	1	2	Sun. 6:00 p.m. – Mon. 6:00 p.m.
4 th of July	2	1	9:00 a.m. – 9:00 p.m.
Labor Day	1	2	Sun. 6:00 p.m. – Mon. 6:00 p.m.
Halloween/Beggar's Night	2	1	5:00 p.m. – 8:00 p.m.
Thanksgiving	2	1	6:00 p.m. the day school recesses to Fri. 6:00 p.m.
Mother's Day**	Mother	Mother	10:00 a.m. – 7:00 p.m.
Father's Day**	Father	Father	10:00 a.m. – 7:00 p.m.
Child's Birthday***	1	2	9:00 a.m. – 8:00 p.m.

*The year in which New Year's Day falls determines whether the holiday is in an even or odd-numbered year.

Appendix B

**If Parent 1 and Parent 2 are the same sex, Parent 1 will have parenting time from 10:00 am to 8:00 pm on Mother's Day in even years and Father's Day in odd years; Parent 2 will have parenting time from 10:00 am to 8:00 pm on Mother's Day in odd years and Father's Day in even years.

***The parenting time for birthdays may include all children of the marriage, not just the child celebrating his/her birthday.

Winter Break: For school-age children, the children's school schedule shall determine the length of Winter Break. For non-school age children, the school schedule of the residential parent's school district shall determine the length of the Winter Break. Each parent is entitled to 1/2 of the break. The parents shall alternate who receives the 1st half of Winter Break and who receives the 2nd half of Winter Break unless otherwise agreed.

In even-numbered years, Parent 1 shall have the children beginning at 5:00 p.m. the day school recesses until 5:00 p.m. on the day the half-way point of Winter Break is reached; Parent 2 shall have the children from 5:00 p.m. the day the half-way point of Winter Break is reached until 5:00 p.m. the day before school resumes. In odd-numbered years, Parent 2 shall have the children beginning at 5:00 p.m. the day school recesses until 5:00 p.m. the day the half-way point of Winter Break is reached; Parent 1 shall have the children from 5:00 p.m. the day the half-way point of Winter Break is reached until 5:00 p.m. the day before school resumes. In the event Winter Break consists of an odd-number of days, the parents shall exchange the children at 12:00 p.m. on the odd day in the middle of Winter Break.

Christmas Holiday Parenting Time: Traditionally, schools recess for the Winter Break as close to the Christmas holiday as practicable. This means that Christmas Eve and Christmas Day are expected to fall during the first half of Winter Break. In order to allow both parents holiday parenting time with the children, the following schedule shall be used for Christmas Eve and Christmas Day: In even-numbered years, Parent 2 shall have parenting time with the children on Christmas Eve from 9:00 a.m. to 8:00 p.m.; Parent 1 shall then continue the rest of their Winter Break parenting time as stated in the section above. In odd-numbered years, Parent 1 shall have parenting time with the children on Christmas Eve from 9:00 a.m. to 8:00 p.m.; Parent 2 shall then continue the rest of their Winter Break parenting time as stated in the section above.

In the event the Christmas holiday falls during the second half of the Winter Break, the following Christmas schedule will apply: In even-numbered years, Parent 1 shall have parenting time with the children on Christmas Eve from 9:00 a.m. to 8:00 p.m.; Parent 2 shall then continue the rest of their Winter Break parenting time as stated in the section above. In odd-numbered years, Parent 2 shall have parenting time with the children on Christmas Eve from 9:00 a.m. to 8:00 p.m.; Parent 1 shall then continue the rest of their Winter Break parenting time as stated in the section above.

Spring Break: In even-numbered years, Parent 2 shall have the children for the school spring break starting at 5:00 p.m. the day school recesses until 5:00 p.m. the day before school resumes; in odd-numbered years, Parent 1 shall have the children for the school spring break starting at 5:00 p.m. the day school recesses until 5:00 p.m. the day before school resumes.

Appendix B

Summer Parenting Time: During the children's summer break from school, the parents shall begin exercising parenting time on a week-to-week basis. Summer break begins at 5:00 p.m. the day school recesses, and ends at 5:00 p.m. the day before school recommences. Weekend parenting time shall resume the first weekend following commencement of the school year.

Weekly exchanges shall be conducted on Sundays at 5:00 p.m. In even-numbered years, Parent 1 shall take the first week of summer parenting time; in odd-numbered years, Parent 2 shall take the first week of summer parenting time.

For children who are not of school age, summer break shall begin and end on the same schedule as the public school district in which the child resides.

NOTE: This Standard Order is available from the Compliance Office and may be incorporated by attachment to a Court Order.

Appendix C

Greene County Domestic Relations Court Parenting Time Procedures

GENERAL PARENTING PRINCIPLES

During and after a divorce, there is often a crisis period (from several months to years) during which families are under great stress because of loss, conflict, or change. Most studies show, and psychologists uniformly agree, that the children who do best following divorce are from those families that maintain a low level of conflict. The absence of conflict is more critical than the amount of time either parent spends with the child. Although spouses may terminate their marital relationship, parents should never terminate their relationship with their children.

No specific parenting schedule will satisfy the needs of all children and all parents over the years. Critical to the success of any schedule is that each parent remain flexible, based upon the changing needs of children as the children grow older. The Court recognizes that each situation and each child is different. It is preferred that parents tailor the parenting schedule to meet the specific needs of their children. Consistency in the scheduled time is also helpful for both parents and for children of all ages.

Parents are the best judge of what meets the needs of their children. Although a child's wishes and concerns may be considered in determining parenting schedules, they are not the controlling factor. If a child indicates a strong opposition to being with the other parent, it is the responsibility of both parents to support and encourage parenting time. Both parents must deal appropriately with the situation by calmly discussing with the child his/her reasons. The parents must work together to alleviate the misgivings without confrontation or argument. If they cannot resolve the problem, the parents should seek the assistance of a counselor or other professional. It is the absolute duty of each parent to foster an environment which avoids such problems and to make certain that the children have a healthy ongoing relationship with both parents.

PROCEDURES

- 1. Parenting Time Exchanges:** The receiving parent has responsibility for transportation of the children to and from their home for parenting time with them and may use another adult well-known to the children for picking up or dropping off the children when necessary. Any person transporting the children may not be under the influence of alcohol or drugs, and must be a licensed, insured driver. All child restraint and seat-belt laws must be observed by the driver. Car seats should be exchanged when required.
- 2. Make-up Non-Residential Parenting Time:** Make-up days shall be given if an emergency prevents scheduled parenting time. All make-up parenting time shall be rescheduled and exercised within sixty (60) days.
- 3. Canceling or Choosing NOT to Exercise Parenting Time:** Each parent must give notice of his/her intent not to have parenting time, at least 24 hours in advance, unless a last minute emergency occurs. A parent who does not exercise a specific parenting time forfeits that specific time.

Appendix C

4. **Tardiness:** If the non-residential parent is more than thirty (30) minutes late without prior notification, that parenting time period shall be forfeited.
5. **Scheduling:** Parenting time arrangements are to be made solely between the parents and **NOT** through the child.
6. **School Work:** Parents shall provide time for children to study and complete homework assignments, even if the completion of work interferes with the parent's plans for the children. The residential parent is responsible for providing the non-residential parent all of the school assignments and books. Summer school which is necessary for a child must be attended, regardless of which parent has the child during the summer school period.
7. **Extracurricular Activities:** Regardless of where the children are living, their continued participation in extracurricular activities, school related or otherwise, should not be interrupted. It shall be the responsibility of the parent with whom the children are residing at the time to discuss the scheduling of such activities with the children and to provide transportation to the activities. Each parent shall provide the other parent with notice of enrolled extracurricular activities, address, and telephone number of the activity leader, if available.
8. **Order of Priority:** In the event parenting time allotted to the parents falls on the same day(s), the following is the order of priority of parenting time: (1) Summer Break*; (2) Holidays; (3) Spring Break/Winter Break; (4) Mid-week & Weekend Parenting Time.

For example, Easter (Father's holiday) falls during the children's Spring Break (Mother's holiday). Father's Easter parenting time would take priority over Mother's Spring Break parenting time.

*For purposes of interpreting the holiday schedule, summer break begins June 1st and ends August 31st each year.

9. **Contact:** Each parent may have reasonable telephone and email contact with the children.
10. **Promptness:** Parents are expected to be prompt for all parenting time exchanges. If a parent is going to be late, he/she must contact the other parent and give a reasonable estimated arrival time. Chronic lateness may be a reason to modify the schedule. The children should be ready to leave with the parent at the scheduled time.
11. **Conduct:** A parenting time exchange is not the time for parents to air their grievances with the other parent. It is important for the children that the exchanges take place without any conflict between their parents.

Appendix D



Greene County Domestic Relations Court Mandatory Standard Notice Regarding Support, Medical Insurance, and Parental Access.

The duty of support imposed to this order shall continue beyond the child's eighteenth birthday only if the child continuously attends a recognized and accredited high school on a full-time basis on and after the child's eighteenth birthday. The order shall not remain in effect after the child reaches age nineteen, unless the child is determined to be mentally or physically disabled and is incapable of supporting or maintaining himself or herself, or the child's parents have agreed to continue support beyond the child's eighteenth birthday pursuant to a separation agreement that was incorporated into a decree of divorce or dissolution. The obligor shall continue to pay support under the order, including during seasonal vacation periods, until the order terminates.

All notices to the CSEA as required by this order shall be sent to the Greene County CSEA, 541 Ledbetter Road; Xenia, OH 45385, (937)562-6200 or toll free in Ohio at 1-800-337-1740, fax- (937)562-6285.

Payments are to be paid to **Ohio Child Support Payment Central, P.O. Box 182372, Columbus, OH 43218**. The Child Support Obligor shall make payments by certified check, money order, personal check, or traveler's check until the payments are withheld by an income withholding or deduction notice. Include the **case number** and **Court order number (SETS#)** on all payments. Payments may also be paid online at www.jfs.ohio.gov/ocs or www.e-quickpay.com.

Pursuant to ORC section 3121.27, all support under this order shall be withheld or deducted from the income or assets of the Child Support Obligor pursuant to a withholding or deduction notice or appropriate order issued in accordance with ORC Chapters 3119, 3121, 3123, and 3125 or a withdrawal directive issued pursuant to ORC sections 3123.24 to 3123.38 and shall be forwarded to the Child Support Obligees in accordance with ORC Chapters 3119, 3121, 3123, and 3125.

The specific withholding or deduction requirements to be used to collect the support shall be set forth and determined by reference to the notices that are sent out by the CSEA in accordance with ORC section 3121.03 and shall be determined without the need for any amendment to the support order. Those notices, plus the notices provided by the CSEA that require the Child Support Obligor to notify the CSEA of any change in his/her employment status or of any other change in the status of his/her assets, are final and are enforceable by the court. Each withholding notice shall be for the current child support, current cash medical support, any arrearage payment required under the administrative order, and processing charges.

Pursuant to ORC section 3121.28, the Child Support Obligor and Child Support Obligees are hereby notified that, regardless of the frequency or amount of the support payments to be made under the order, the CSEA shall administer the support order on a monthly basis, in accordance with ORC sections 3121.51 to 3121.54. For the purpose of monthly administration of support payments that are to be made other than on a monthly basis, the CSEA will calculate the monthly amount in the following manner:

- (1) If the support is to be paid weekly, the CSEA will multiply the weekly amount of support due under the support order by fifty-two and divide the resulting amount by twelve.
- (2) If the support is to be paid biweekly, the CSEA will multiply the biweekly amount of support due under the support order by twenty-six and divide the resulting amount by twelve.
- (3) If the support is to be paid periodically but not weekly, biweekly or monthly, the CSEA will multiply the periodic amount of support due by an appropriate number to obtain the annual amount of support due under the support order and divide the annual amount of support by twelve.

If payments are to be made other than on a monthly basis, the required monthly administration of the support order shall not affect the frequency or the amount of the support payments to be made under the support order.

Pursuant to ORC section 3121.45, any payment of money by the Child Support Obligor to the Child Support Obligees that is not made through Ohio Child Support Payment Central or the CSEA administering the support order shall not be considered a payment of support under the support order and, unless the payment is made to discharge an obligation other than support, shall be deemed to be a gift.

Appendix D

EACH PARTY TO THIS SUPPORT ORDER MUST NOTIFY THE CHILD SUPPORT ENFORCEMENT AGENCY IN WRITING OF HIS/HER CURRENT MAILING ADDRESS, CURRENT RESIDENCE ADDRESS, CURRENT PHONE NUMBER, CURRENT DRIVER'S LICENSE NUMBER AND OF ANY CHANGES IN THAT INFORMATION. EACH PARTY MUST NOTIFY THE AGENCY OF ALL CHANGES UNTIL FURTHER NOTICE FROM THE COURT OR AGENCY, WHICHEVER ISSUED THE SUPPORT ORDER.

IF YOU ARE THE OBLIGOR UNDER A CHILD SUPPORT ORDER AND YOU FAIL TO MAKE THE REQUIRED NOTIFICATIONS, YOU MAY BE FINED UP TO \$50 FOR A FIRST OFFENSE, \$100 FOR A SECOND OFFENSE AND \$500 FOR EACH SUBSEQUENT OFFENSE. IF YOU ARE AN OBLIGOR OR OBLIGEE UNDER ANY SUPPORT ORDER ISSUED BY A COURT AND YOU WILLFULLY FAIL TO GIVE THE REQUIRED NOTICES, YOU MAY BE FOUND IN CONTEMPT OF COURT AND BE SUBJECTED TO FINES UP TO \$1,000 AND IMPRISONMENT FOR NOT MORE THAN 90 DAYS.

IF YOU ARE AN OBLIGOR OR OBLIGEE AND YOU FAIL TO GIVE THE REQUIRED NOTICES TO THE CHILD SUPPORT ENFORCEMENT AGENCY, YOU MAY NOT RECEIVE NOTICE OF THE CHANGES AND REQUESTS TO THE CHANGE THE CHILD SUPPORT AMOUNT, HEALTH CARE PROVISIONS, OR TERMINATION OF THE CHILD SUPPORT ORDER. IF YOU ARE AN OBLIGOR AND YOU FAIL TO GIVE THE REQUIRED NOTICES, YOU MAY NOT RECEIVE NOTICE OF THE FOLLOWING ENFORCEMENT ACTIONS AGAINST YOU: IMPOSITION OF LIENS AGAINST YOUR PROPERTY; LOSS OF YOUR PROFESSIONAL OR OCCUPATIONAL LICENSE, DRIVER'S LICENSE, OR RECREATIONAL LICENSE; WITHHOLDING FROM YOUR INCOME; ACCESS RESTRICTION AND DEDUCTION FROM YOUR ACCOUNTS IN FINANCIAL INSTITUTIONS; AND ANY OTHER ACTION PERMITTED BY LAW TO OBTAIN MONEY FROM YOU TO SATISFY YOUR SUPPORT OBLIGATION.

NOTICE TO REPORT REASONS WHY A SUPPORT ORDER SHOULD TERMINATE PURSUANT TO ORC SECTIONS 3119.87 AND 3119.88

The Child Support Obligor shall immediately notify and the Child Support Obligees may notify the CSEA of any reason for which the child support order should terminate. Reasons for which a child support order should terminate include all of the following:

- A. The child attains the age of majority (18) if the child no longer attends an accredited high school on a full-time basis;
- B. The child ceases to attend an accredited high school on a full-time basis after attaining the age of majority (18);
- C. A termination condition specified in the Court Support Order has been met for a child who reaches nineteen years of age;
- D. The child's death, marriage, emancipation, enlistment in the armed services, deportation, change in legal custody of the child, or the child's adoption;
- E. The Obligor's death; or
- F. Marriage of the Obligor under a child support order to the Obligees, if the Obligor and Obligees reside together with the child.

Both the Child Support Obligor and Child Support Obligees have a right to request an administrative review of the support order for child support and medical support thirty-six months from the establishment of the order or from the date the most recent support order or sooner, if certain circumstances are present. Contact the Greene County Child Support Enforcement Agency for further details.

SPOUSAL SUPPORT

If the Obligees is receiving spousal support from the Obligor and the support is paid through the CSEA, the Obligees shall immediately notify the CSEA, in writing, of remarriage if the remarriage would terminate the obligation to pay spousal support.

Appendix D

HEALTH INSURANCE AND EXPENSES

Within 30 days after the issuance of this order, the Health Insurance Obligor shall provide to the CSEA documentation that verifies coverage is being provided as ordered.

The Obligor and/or Obligee shall pay extraordinary medical expenses of the child(ren) as determined by the formula contained in the support order.

The Health Insurance Obligor's employer is required to release to the other parent, any person subject to an order issued under ORC section 3109.19, or the CSEA, ~~on~~ upon written request, any necessary information on the private health insurance coverage, including the name and address of the health plan administrator and any policy, contract, or plan number and to otherwise comply with ORC section 3119.32 and any order or notice issued under ORC section 3119.32.

If the Health Insurance Obligor obtains new employment, the CSEA shall comply with the requirements of ORC section 3119.34, which may result in the issuance of a notice requiring the new employer to take whatever action is necessary to enroll the child(ren) named in the order in private health care insurance coverage provided by the new employer, when insurance is not being provided by any other source.

Within 30 days of the date of this support order, the Health Insurance Obligor must provide to the other party information regarding the benefits, limitations, and exclusions of the coverage, copies of any insurance forms necessary to receive reimbursement, payment or other benefits under the coverage and a copy of any necessary insurance cards.

NOTICE OF INTENT TO RELOCATE

Either parent must file a Notice of Intent thirty (30) days in advance if he or she intends to move to a residence other than the residence specified in the court Order. This notice must be filed with the Court that issued the Order, and the Court shall send a copy of this notice to the other parent, UNLESS the Court has previously determined that no notice should be sent pursuant to ORC 3109.051(G).

Upon receipt of this notice, the Court, on its own Motion or the Motion of the non-residential parent, may schedule a hearing with notice to both parents to determine whether it is in the best interest of the child to revise the parenting time schedule.

If you are a residential parent, or if you participate in a shared parenting plan, and intend to move, you MUST file a "Notice of Intent to Relocate" at least 30 days prior to a move within Greene County and 60 days prior to a move out of Greene County. Any party receiving such a notice may request that a hearing be conducted to readjust the allocation of parental rights and responsibilities. A residential parent shall not remove the children from the state of Ohio for the purpose of establishing residency for them in another state without either (1) a court order approving such change and establishing a parenting schedule or (2) an agreement signed by the parties.

NON-RESIDENTIAL PARENT ACCESS

The Court **ORDERS** that the non-residential parent of the child/children is entitled to access, under the same terms and conditions under which access is provided to the residential parent to any record and to any student activity that is related to the child/children and to which the residential parent of the child/children is legally provided access, and to any child daycare provider that is, or that in the future may be, attended by the child/children with whom the right of parenting time is granted.

NOTICE: Any keeper of a record who knowingly fails to comply with the Order or ORC 3109.05 (H)(1) is in contempt of Court.

NOTICE: Any school official or employee who knowingly fails to comply with the Order or ORC 3109.05(J)(1) is in contempt of Court.

Appendix E

**IN THE COURT OF COMMON PLEAS OF GREENE COUNTY, OHIO
DIVISION OF DOMESTIC RELATIONS**

_____,
PLAINTIFF

CASE NO. _____

JUDGE HURLEY

v.

_____,
DEFENDANT

**MUTUAL RESTRAINING
ORDERS**

IT IS ORDERED, PURSUANT TO THE COURT'S OWN MOTION, THAT EFFECTIVE WITH THE FILING OF THE COMPLAINT, FOR THE PLAINTIFF AND SERVICE OF PROCESS ON THE DEFENDANT, THAT EACH SPOUSE IS ENJOINED FROM COMMITTING ANY OF THE FOLLOWING ACTS:

1. Obstructing or interfering with the other spouse's parenting time or communication with the minor child(ren), or concealing the whereabouts of the minor child(ren) from the other spouse, except where a Protection Order has been issued.
2. Disparaging, denigrating, or otherwise speaking ill of the other spouse to or in the presence of hearing of the minor child(ren).
3. Selling, removing, transferring, encumbering, pledging, damaging, hiding, concealing, assigning, or disposing of any and all property, real or personal, owned by both spouses, or either spouse, or a child, including household goods, vehicles, and the personal property of each, without the prior written consent of the other spouse or the Court.
4. Voluntarily changing the terms or beneficiary of, terminating coverage of, cashing in, borrowing against, encumbering, transferring, cancelling, or failing to renew any type of insurance, including health, automobile, life, disability, home, or fire insurance that provides coverage for a spouse or child(ren) of the parties.
5. Voluntarily liquidating, encumbering, borrowing against, cashing in, changing the beneficiary, terms or conditions of any retirement or pension plan or program that provides any benefit to a spouse or child(ren) of the parties and/or of either or both spouses.

6. Withdrawing, spending, encumbering, or disposing of funds deposited in any financial institution, including but not limited to bank accounts, savings accounts, money markets, credit unions, pension plans, Thrift savings or stock plans, or Certificates of Deposit. Each party may access financial accounts to pay normal living expenses.
7. Removing from the marital residence tangible personal property other than a spouse's own clothing and personal effects or tools, equipment, books, and papers incidental to the conduct of his/her trade, business, or profession.
8. Incurring debt on existing lines of credit or credit cards in the name of the other spouse or in the spouses' joint names, unless by prior agreement of the spouses or Order of the Court.
9. Each party is granted exclusive use of the automobile customarily used by them during the marriage.

IT IS SO ORDERED.

JUDGE STEVEN L. HURLEY

Appendix F

**IN THE COURT OF COMMON PLEAS OF GREENE COUNTY, OHIO
DIVISION OF DOMESTIC RELATIONS**

DOB: _____

Plaintiff/Petitioner 1

CASE NO. _____

JUDGE HURLEY

vs./and

DOB: _____

Defendant/Petitioner 2

POVERTY AFFIDAVIT
[R.C. 2323.30, 2323.31
and D.R. Rule 1.04]

I, _____, being duly sworn, says:

1. I am a party in the foregoing action;
2. I am without the funds or assets to give security or a cash deposit to secure costs at this time;
3. I understand that I must inform the Court if my financial situation should change before the disposition of my case;
4. I understand that I am subject to criminal charges for providing false information;
5. I understand that if it is determined by the Court, that I was not entitled to the suspended deposit/costs that were provided to me, I may be required to reimburse the county for the costs;
6. I understand that the Court will ultimately determine which party will be responsible for the payment of costs in this case, unless costs are waived.

Signature

Sworn before me and subscribed in my presence this _____ day of _____, _____.

Notary Public

Appendix F

ATTORNEY CERTIFICATION (required if Affiant is represented by counsel):

I, _____, Attorney at Law, certify that based on my inquiry and the information available to me, that the foregoing statements are true.

I further certify that I am/not being paid by the Affiant for the services in the above-captioned case in the amount of \$_____.

I further understand that I am under a continuing obligation to advise the Court of any change in the financial status of my client.

Signature of Attorney

Address

Address

Phone Number

Supreme Court Number

Appendix F

**IN THE COURT OF COMMON PLEAS OF GREENE COUNTY, OHIO
DIVISION OF DOMESTIC RELATIONS**

Plaintiff/Petitioner 1

CASE NO. _____
JUDGE HURLEY

vs./and

Defendant/Petitioner 2

POVERTY AFFIDAVIT
APPROVAL

The court hereby approves the filing of a Poverty Affidavit in lieu of the security deposit for court costs. Costs may be assessed at a later date by Court Order.

APPROVED.

JUDGE STEVEN L. HURLEY

Appendix F

**IN THE COURT OF COMMON PLEAS OF GREENE COUNTY, OHIO
DIVISION OF DOMESTIC RELATIONS**

Plaintiff/Petitioner 1

CASE NO. _____

JUDGE HURLEY

vs./and

Defendant/Petitioner 2

POVERTY AFFIDAVIT
ACKNOWLEDGEMENT

I, _____, hereby acknowledge that the Court may approve a waiver of the deposit for the filing fee upon the filing of a Poverty Affidavit on my behalf. I understand I may not be required to pay a full or partial deposit for the court costs and could be required to pay a partial deposit before my action is filed by the Clerk of Courts when the Court considers my application. I also understand that the court costs **will be** assessed at the conclusion of my case, and the Court may order me to pay all, or a portion, of these costs. I understand that the waiver of the deposit for the court costs does not mean these costs are waived.

(Signature of Requestor)

Printed Name: _____

Address 1: _____

Address 2: _____

Phone () _____

Appendix G

**IN THE COMMON PLEAS COURT OF GREENE COUNTY, OHIO
DIVISION OF DOMESTIC RELATIONS**

PLAINTIFF/1ST PETITIONER

CASE NO. _____
JUDGE HURLEY

v.

DEFENDANT/2ND PETITIONER

**NOTICE OF INTENT TO
RELOCATE**

_____ state that I intend to move from
(Your Name)

(previous address)

to _____
(current address)

as of _____.
(effective date of the change)

Respectfully submitted:

(Your Signature)

FOR COURT USE ONLY

The Court mailed a copy of this Notice to:

Opposing Party's Name: _____
at _____ on _____.

Greene County Child Support Enforcement Agency (if applicable), 541 Ledbetter Road, Xenia,
Ohio, 45385 on _____.

Other: _____
at _____ on _____.

Appendix H

**IN THE COURT OF COMMON PLEAS, GREENE COUNTY, OHIO
DOMESTIC RELATIONS DIVISION**

Plaintiff/Petitioner 1

Case No. _____

Judge Hurley
Magistrate _____

v.

Defendant/Petitioner 2

NOTICE OF HEARING

This case will come on for hearing on the _____ day of _____, 20____, at _____AM/PM before the Honorable Judge/Magistrate _____ at the Greene County Domestic Relations Court, 595 Ledbetter Road, Xenia, OH 45385.

“Failure of any party to appear, in person or by counsel, at the scheduled time and date may result in the case proceeding without your attendance, dismissal of that party’s pleadings/motions or other appropriate sanctions.”

Assignment Commissioner

Service of Copy by Regular Mail to:

Appendix I

**IN THE COMMON PLEAS COURT OF GREENE COUNTY, OHIO
DIVISION OF DOMESTIC RELATIONS**

Plaintiff/Petitioner

CASE NO. _____
JUDGE HURLEY

vs./and

Defendant/Petitioner

REQUEST FOR INTERPRETER

I hereby request interpretive services as described below. I understand that the Court will arrange for an interpreter to be present as requested. I further understand that it is my responsibility to notify the Court, in writing, if the interpreter is no longer needed or the hearing time is shortened. If I fail to notify the Court of the change at least 48 hours prior to the scheduled hearing, I understand that I may be held responsible for payment of the interpreter's fee for the unneeded services.

Signature of Attorney/Party Making Request

Name of Attorney/Party Requesting Interpreter

Name of Party Requiring Interpreter

Hearing Date & Time

Type of Hearing

Type of Interpretive Service Requested

Estimated Amount of Time Interpreter Needed