

RULES OF COURT

Common Pleas Court of
Defiance, Fulton, Henry and
Williams Counties
State of Ohio

General and Domestic Relations Division

Effective July 1, 2026

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CHAPTER 1
PURPOSE, APPLICABILITY, AMENDMENTS, AND
DISTRIBUTION

RULE 1.01

PURPOSE AND APPLICABILITY OF THESE RULES
AMENDMENTS, SANCTIONS, AND CITATIONS

A. The following Local Rules are adopted by the General and Domestic Relations Division of the Defiance, Fulton, Henry and Williams County Courts of Common Pleas to provide the fair and expeditious administration of Civil and Criminal Justice. The provisions herein are to be construed and applied to eliminate delay, unnecessary expense and all other impediments to a just determination of civil and criminal cases.

B. The Rules of practice of this Court for civil cases apply to all criminal and domestic relations proceedings, except where clearly inapplicable or otherwise provided.

C. These Rules of Court shall apply in all proceedings in the General Division of the Defiance, Fulton, Henry and Williams County Common Pleas Courts unless in a particular instance the Court finds justice is otherwise better served.

D. These Rules may be amended upon the approval of a majority of the Judges of the General Division of the Court of Common Pleas of the aforementioned counties.

E. Failure to comply with these Rules may result in appropriate sanctions, including but not limited to, an award of attorney fees, costs, and dismissal of the action or granting of judgment.

F. These Rules shall be cited as "Local Rule 1.01".

RULE 1.02

DISTRIBUTION OF LOCAL RULES

Copies of the Local Rules shall be deposited with and available from the Defiance, Fulton, Henry and Williams County Law Libraries by personal pickup or mail, the Defiance, Fulton, Henry or Williams County Clerk of Courts by personal pickup, and the four offices of the Court of Common Pleas, General Division by personal pickup and office website of the County if applicable.

RULE 1.03

INCORPORATION OF THE RULES OF SUPERINTENDENCE

The Rules of Superintendence for the Courts of Ohio as promulgated from time to time and amended by the Ohio Supreme Court are hereby adopted as rules of this Court except as they may be modified or implemented herein.

CHAPTER 2
ADMINISTRATION OF THE COURT

RULE 2.01

TERM AND HOURS OF COURT

A. The term of the Court for the General and Domestic Relations Divisions shall be a calendar year with the Court being in a continuous session commencing January 1st of each such calendar year.

B. Except for those days designated by law as legal holidays, normal court hours shall be 8:30 a.m. - 4:30 p.m. Monday through Friday, subject to change at the discretion of each Court to meet special situations.

RULE 2.02
COURT SECURITY

A. Appropriate levels of security should exist in the Court to protect the integrity of Court procedures, protect the rights of individuals before it, deter those who would take violent action against the Court or litigants, sustain the proper decorum and dignity of the Court, and assure that Court facilities are secure for all those who visit and work here.

B. Pursuant to Rule 9 of the Rules of Superintendence for the Courts of Ohio:

1. The Court has appointed a local security advisory committee, consisting of one representative of each of the following groups: judges, law enforcement responsible for court security, commissioners, and other bar and community groups as deemed appropriate by the Court.
2. The Court has implemented a local security policy and procedure plan that has addressed the Ohio Court Security Standards adopted by the Supreme Court of Ohio on October 17, 1994.

C. The Court shall adopt a security operations manual, which manual shall set forth written directives for the purpose of ensuring security within the Court while maintaining accessibility to the community.

RULE 2.03
COURTROOM DECORUM

A. Attire and Grooming

All individuals shall be properly attired and groomed when appearing before the Court.

B. Children's Attendance at Court

Children shall not be brought to the Court unless scheduled to appear by the Court. In the event that children must be brought to Court, adequate supervision must be provided for them. The Court will not be responsible for the care of children during their parents' hearing or mediation. Any child who becomes disruptive during a court proceeding shall be removed from the Courtroom.

C. Food or Drink

No food or drink of any kind (including chewing gum) shall be consumed in any hearing room unless permitted by the Court.

D. Identification

Parties must appear at all hearings with government issued photo identification, or other identification acceptable to the Court.

E. Cellular Devices

All cellular telephones/devices shall be turned off prior to entering any Courtroom. The use of cellular telephones/devices is prohibited in any Courtroom. Recording of any activity within a Courtroom is strictly prohibited pursuant to Rule 5.07. Any person in violation of this rule is subject to seizure of said device.

F. Recording

Audio or visual recording of an Officer of the Court, including but not limited to Court personnel, home investigators and Guardian ad Litem, is strictly prohibited without consent or Order of the Court.

CHAPTER 3
FILING PROCEDURES

RULE 3.01

FILES AND FILING PROCEDURE

- A. FORM OF FILINGS, UNLESS DIRECTED OTHERWISE BY A JUDGE.
1. In addition to the requirements of Civ. R. 10, all papers filed with the Clerk as pleadings, motions, applications, judgments and orders shall be on 8½ by 11 inch white paper, typewritten, or printed in a neat and legible manner, securely fastened together and page numbered if consisting of more than a single sheet.
 2. Each paper filed by each party shall designate on the first page thereof the parties, the case number, the name of the judge, the identification of the filing, the name, address, Ohio Supreme Court registration number, telephone number, fax number and e-mail address, if any, of the counsel filing the paper or if there is no counsel, then the party filing the paper.
 3. All papers shall have a blank space of at least two and one-half (2½) inches at the top of the first page for file marks by the Clerk. All subsequent pages shall have a top margin of not less than one (1) inch.
 4. All pleadings, motions or other papers of a party represented by an attorney shall be signed by at least one attorney of record. A party who is not represented by an attorney shall sign the pleading, motion or other paper. Unless e-filing documents as set forth in F below, paper copies must contain a physical signature.
 5. Subsequent to the date of the appointment of a visiting judge, counsel shall supply a copy of all pleadings, motions, or other papers filed for record with the visiting judge.
- B. SERVICE
1. Clerk shall perfect service of the original complaint by United States Postal Service via certified mail, return receipt requested, pursuant to Civil Rule 4.1 unless written instructions requesting alternative means of services are filed with the original complaint. In the event of failure of service, the serving party must file further written instructions within thirty (30) days).

2. Cost of copies. When an original complaint is filed by electronic means as set forth in Division F below, the Clerk shall make service copies at the per page copy cost set forth in Appendix B. The filing party shall not furnish service copies of the original complaint.

C. JURY DEMAND

If a jury demand, pursuant to Rule 38 of the Ohio Civil Rules of Procedure, is endorsed upon a pleading, the caption of the pleading shall state, "Jury demand endorsed hereon". Failure to comply with Ohio Civil Rule 38 shall result in the case being tried to the Court and failure to include this statement on the caption shall be a waiver of jury trial, unless the demand for jury is contained in the body of the pleading.

C. NUMBER OF COPIES TO BE FILED

Upon the filing of a complaint or any other pleading or motion for which the service of summons by the Clerk of Courts is required, sufficient copies shall be filed so that one copy thereof may be provided to each party.

D. FILE SHALL REMAIN IN CLERK'S OFFICE

All papers filed with the Clerk in any action or proceeding shall remain in the Clerk's office except when required by the Court. No case file shall be removed from the Clerk's office by any party or any attorney.

E. AMENDING A PLEADING OR MOTION

Pleadings and motions may be amended at such time and in a manner provided by Civ. R. 15. However, no pleading or motion shall be amended by interlineation or obliteration, except upon leave of court.

F. E-FILING WITH CLERK OF COURTS

The Clerk of Courts will not accept filings by alternative electronic means, including but not limited to facsimile transmission or e-mail, when e-filing is available through the case management system.

Persons filing documents electronically must become registered e-filers with the Clerk of Courts. Registered e-filers will receive a confidential and unique electronic identifier. The e-filer is required to create an account with an on-line payment agent determined by the Clerk of Courts. As each county maintains a different case management system (CMS), please see each individual Clerk of Court's website for their Administrative Order on E-filing procedures.

1. Time, Effect and Process of E-filing

- a) Submission: Any filing may be e-filed with the Clerk 24 hours a day, 7 days a week.
- b) Receipt: Upon receipt, the Court's e-filing system shall issue a confirmation that the submission has been received. The confirmation shall include the date and time of receipt and serve as proof of receipt.
- c) Clerk Review: The Clerk reviews all electronically filed documents for compliance with court rules, policies, procedures and practices. After review, the document becomes accepted, pending or rejected. Only accepted documents will be filed, docketed and time stamped. If the submission is rejected, the document shall not become part of the Court record.
- d) Official Time Stamp: Upon acceptance, the submission will be deemed filed and shall receive an electronic stamp that includes the date and time that the filer submitted the document to the Court's e-filing system.

2. Official Court Record.

- a) Electronically filed, accepted and docketed documents are the official record of the Common Pleas Court.
- b) The court's electronically filed hearing notices, schedules, orders, decisions, judgments, and other documents are the official court record. The digital signature of a judge or magistrate has the same force and effect as a handwritten signature on a paper document.

3. No Time Extension.

- a) E-filers must always be aware of the statute of limitations, the savings statute, and similar time limits. It is solely the e-filer's obligation to submit only documents which fully comply with court rules, policies, procedures, and practices. Documents which do not fully comply may be rejected, not docketed, and not filed. The e-filer must allow sufficient time for filing, clerk review, and any necessary re-submission.
- b) Electronic filing does not alter or extend applicable statutes of limitation.

4. Exceptions to E-filing

Certain documents cannot be e-filed, including but not limited to:

- a) Civil Protection Orders
- b) Certificate of judgment
- c) Execution of judgment
- d) Bonds in criminal cases
- e) Subpoenas
- f) QDRO
- g) Depositions
- h) Transcripts
- i) Original wills and codicils
- j) Cognovit notes.

G. FILING VIDEO DEPOSITIONS

The filing of video deposition shall conform to Sup.R. 13, and in addition, a typed certified copy of the transcript and a list of objections shall be filed along with the video deposition.

(See also Local Rule 4.13).

H. SIGNATURE LINE

All Magistrate's decisions and all orders of the Magistrates and Judges shall have the name of the respective Magistrate or Judge printed or typed below their respective signature line.

I. UNIFORM STANDARDIZED FORMS

All forms approved by the Supreme Court of Ohio as part of their Uniform Standardized Forms shall be accepted for filing by the Clerk of Courts provided the forms have not been altered, are properly completed and have the filing fee, if applicable. All filings by self-represented parties are subject to compliance review and approval by the Court prior to filing (see Local Rule 10.05). The Clerk of Courts cannot give instructions or legal advice regarding the parties' rights, responsibilities or legal options.

RULE 3.02
COSTS AND SECURITY FOR
COSTS

A No motion to proceed In Forma Pauperis shall be granted by the Court unless there is attached thereto a statement by the attorney for the party executing such affidavit that he or she has not accepted and will not accept any attorney's fees in said cause until the costs are paid or secured to be paid.

B Unless a motion to proceed In Forma Pauperis is filed and accepted by the Court or the Court waives deposit for costs, any document, pleading, motion, request, objection, petition or complaint filed without payment of the court cost deposit to the Clerk, as listed in Appendix B, may be summarily stricken by the Court.

C If a check or other negotiable instrument for deposit for costs is dishonored for any reason, the filing may be dismissed by the Court after ten (10) days notice is given to the filer for failure to pay the required security for costs.

D If at any time the deposit for costs becomes insufficient in any case, the Clerk shall require of the appropriate parties an additional deposit in an amount sufficient to secure the reasonably anticipated costs.

E When a judgment entry orders payment of costs by a party who has a deposit with the Clerk, the costs shall be deducted from that party's deposit, if sufficient, and any balance shall be returned to the depositor. If, however, the deposit is insufficient or that party has no deposit, then the amount still due shall be deducted from any deposit held in the case. If there is a failure to pay within sixty (60) days from the Clerk's cost statement by the party so ordered, the Clerk

shall deduct the costs from any deposit held in their case. The Clerk shall bill the party ordered to pay costs for any deficiency. Upon payment, the Clerk shall refund the deposits to the appropriate party.

F If notice of voluntary dismissal is filed by a plaintiff or an appellant, the dismissal shall be at the cost of the dismissing party, unless otherwise ordered.

G When the final judgment entry does not specify who is to pay costs, the Clerk shall deduct the costs equally from any deposits held and refund the remainder. If the deposits are insufficient to satisfy the Court costs, the clerk shall then assess the excess costs to the parties equally unless otherwise ordered.

H Clerk shall keep a list of all unpaid or accrued costs in all proceedings where costs have been taxed and shall send statements to all persons against whom costs have been taxed, in all proceedings that have become final, at least every three (3) months. After two (2) such notices, if the costs have not been paid, the Clerk may issue a certificate of judgment for the amount of such costs without further order.

I The commission charged by the Clerk of Courts pursuant to R.C. 2303.20(V) shall be paid by the party paying or depositing money with the Clerk unless otherwise ordered by the Court.

J Arrangements for the payment of the costs of transcripts shall be made with the Court Reporter at the time the transcript is ordered.

RULE 3.03

NON-PUBLIC FILE

A. Documents filed in any case containing sensitive personal information shall be kept in a separate non-public file to be maintained by the Clerk of Courts in such manner and in such location as the Clerk deems appropriate.

B. The non-public file shall contain the following items:

1. The parties' DR-1, DR-2 and DR-3 affidavits and attachments thereto;
2. Tax returns;
3. Reports of psychological or custody evaluations;
4. Medical reports;
5. Reports of supervised parenting time or supervised parenting time exchanges;
6. Reports of a home study evaluator or Guardian ad Litem;
7. Reports of medical or drug testing;
8. Copy of Application for Child Support Services (IV-D);
9. Letters to the Court from the parties, the child(ren) and/or other individuals;
10. Victim's Rights Form;
11. Other items as directed by the Court.

C. Upon motion of any party or upon the Court's own motion, other documents containing sensitive personal information may be ordered to be kept in the non-public file. If there are documents which are to be filed in the "public file" containing social security numbers or any other individual identifying information, the same shall be redacted on those documents in the "public file."

D. The "public file" shall contain, in place of the document contained in the non-public file, a Notice of Filing prepared by the Clerk of Courts reflecting the filing of the document maintained in the non-public file and the date thereof (e.g., "Notice is hereby given that on

([date of filing] a [name of document] was filed by [person or party filing document], which shall be maintained in the Non-public File”).

E. In the event that the Court conducts an *in camera* interview of any child, upon request of any party or in its own discretion, the Court shall hold said recording or transcript of the recording in a separate file. The recording shall not be made available to either party or counsel without Court approval. A transcript of said recording shall only be made available to counsel or the parties after the filing of Objections to a Magistrate’s Decision to the Court or an appeal to the Court of Appeals.

F. Contents of the non-public file may be inspected and reviewed by the following individuals in the performance of their duties or as the Court may direct:

1. Parties;
2. A party’s attorney of record;
3. County’s CSEA counsel;
4. Mediators appointed to a case;
5. Court personnel;
6. Guardians Ad Litem appointed to a case;
7. Home investigators appointed to a case;
8. Parenting coordinators appointed to a case.

In the event a Victim’s Rights form has been filed, access shall be limited as set forth in Rule 7.01.

Other individuals may request to inspect and review the contents of the non-public file by filing a motion. Any person who copies the contents of the non-public file, posts on social media or other mediums or discloses all or portions of the non-public file to another person, without prior approval, shall be subject to Court action including penalties for contempt which include incarceration and fines.

CHAPTER 4
CIVIL CASE ADMINISTRATION

RULE 4.01

CASE MANAGEMENT

A. CASE TERMINATION SCHEDULE

While there may be exceptions due to the peculiarities of a given case, it is the intent of the Court that cases of the following classification be terminated within the time frame set forth from the date of filing:

Habeas Corpus.....	60 days
Foreclosure.....	150 days
Administrative Appeals.....	180 days
Forcible Entry and Detainer.....	120 days
Declaratory Judgment.....	210 days
Injunction.....	180 days
Other Civil.....	240 days
Worker's Compensation.....	240 days
Personal Injury.....	360 days
Product Liability.....	360 days
Professional Torts.....	360 days
Other Torts.....	360 days
Complex Litigation.....	720 days
Ruling of Summary Judgment.	45 days

B. SCHEDULING ORDER

Within thirty (30) days after close of pleadings, the Court shall schedule an initial pre-trial conference.

C. CONTINUANCES

All applications for the continuance of any scheduled event must be in writing and

directed to the Judge or Magistrate assigned to the case.

1. No event will be continued without contemporaneously reassigning a fixed date.
2. All applications for continuances shall be submitted to the Court at least fourteen (14) days prior to the scheduled date for the event sought to be continued, absent emergency or cause deemed sufficient by the Court.
3. All applications for continuances shall contain the following information:
 - (a) The reason for the request;
 - (b) The time and date of the current assignment;
 - (c) A statement indicating that counsel has informed his client of the request or in the alternative why the client has not been informed of the request.
 - (d) A statement indicating opposing counsel has been notified or in the event of an unrepresented party, the party has been notified, or the reason opposing counsel has not been notified and whether opposing counsel has consented to the continuance;
 - (e) A new date within sixty (60) days which has been approved by the Court and opposing counsel in the event the Court grants the application for continuance.
4. All requests for continuance based upon a conflict of trial assignment shall have attached thereto a copy of the conflicting assignment.
5. No party shall be granted a continuance of a trial or evidentiary hearing unless the motion is endorsed by the party as well as counsel, provided the trial judge may waive this requirement upon a showing of good cause.
6. All motions shall be accompanied by a proposed order which shall include the new date.

D. JURY VIEW

Except as provided by law a jury view shall be requested at least thirty (30) days before trial unless otherwise ordered.

E. REFERRAL TO MEDIATION

The Court may order any case to mediation if it determines that the just and fair disposition of the case may be served.

F. REFERRAL TO SUMMARY JURY TRIAL

The Court may with the consent of all parties order a case to be heard by Summary Jury Trial pursuant to Local Rule 5.10.

G. TRIAL EXHIBITS AND EXHIBIT LISTS

1. All documents and exhibits must be marked for identification purposes and shared with opposing counsel at least seven (7) days prior to trial. Failure to do so may result in said documents and exhibits not being admitted into evidence.
2. Plaintiff's exhibits are to be marked with Arabic numerals; Defendant's exhibits to be marked with letters; and stipulated joint exhibits to be marked with Roman numerals.
3. Exhibit stickers shall also be marked with the case number and the date (if a trial is to be conducted over a period of consecutive days it may be dated with the first date of trial).
4. Counsel shall also provide opposing counsel and the Court a full and complete Exhibit List of all proposed trial exhibits, including their proper identification, at least seven (7) days prior to trial. Additionally, an updated list, if any, shall be presented to the opposing counsel and the Court prior to the start of trial. In the event that there is a Court reporter, a copy of said exhibit list shall be provided to the Court reporter.

RULE 4.02

REVIEW AND DISMISSAL OF CIVIL
CASES

A. Each Judge shall quarterly review or cause to be reviewed all cases assigned to the respective Court.

B. Cases which have been on the docket for six (6) months without any proceedings or activity taken therein shall be dismissed for lack of prosecution after notice to counsel of record or parties, unless good cause is shown to the contrary. (Civ. R. 4(E)).

RULE 4.03

MOTIONS

A. Each motion must be submitted by separate pleading with representations of fact to support the motion and a memorandum of law containing citations to authority in support of the motion.

B. Copies of briefs and memoranda provided for the Court and for all parties shall have attached thereto a copy of all unreported cases, or other references cited or referred to, and counsel may highlight on all copies what they want the Court to review.

C. If the motion is one to continue a matter, to vacate a hearing or trial, or a similar motion where citations are not necessary, the memorandum must contain representations of fact verified by the attorney or an affidavit in support of the motion. (See also, Local Rule 4.01(C)).

D. All motions must be accompanied by a separate proposed Order.

E. The following motions may be considered *ex parte*:

1. Confirmation of sale; granted immediately if approved by all parties, otherwise, granted five (5) days after sale;
2. File a third party complaint;
3. Withdraw as attorney of record; (as set forth in Local Rule 4.14);
4. Enlarge time to move or plead or respond to discovery;
5. Vacate a trial or hearing date;
6. Substitute parties;
7. Dismiss by stipulation;
8. Temporary restraining order; (for domestic relation cases, see Local Rule 10.04);
9. To intervene;
10. For leave to answer or otherwise plead;
11. Motions for admission Pro Hac Vice;
12. Any other motion, for good cause shown.

F. Motions

1. Motion responses and movants' replies generally. Responses to a written motion, other than motions for summary judgment, may be served within fourteen days after service of the motion. Responses to motions for summary judgment may be served within twenty-eight days after service of the motion. A movant's reply to a response to any written motion may be served within seven days after service of the response to the motion.

2. Motions prior to hearing or trial. Unless a different period is fixed under these rules or by order of the court, a written motion for purposes of a hearing that is not a trial shall be served no later than fourteen days prior to the hearing, and a written motion for purposes of a trial shall be served no later than twenty-eight days prior to the start of trial. Responses to such motions may be served as provided by Civ.R. 6(C); however, a movant's reply to the response is not permitted.

3. Modification for good cause upon motion. Upon motion of a party in an action, and for good cause, the court may reduce or enlarge the periods of time provided in divisions (F)(1) and (F)(2) of this rule.

G. When a party files a motion to amend a pleading, he shall provide the Court with a proposed judgment entry which shall have attached thereto the proposed amended pleading. If the motion is granted, the amended pleading shall be filed with the Clerk by the Court.

H. All motions to show cause/contempt of Court shall state the date of the prior Court order(s) and the specific provision(s) of the prior Court order(s) that are alleged to be violated.

1. Motions to show cause/contempt of Court in domestic relations cases shall include an affidavit by the party alleging the contempt, with specificity as to the violations of the Court order.
2. All motions to show cause/contempt of Court in domestic relations cases alleging non-payment of medical/health care bills shall include the Form titled "Explanation of Health Care Bills" (Appendix G, Form 4) as approved by the Supreme Court of Ohio, Uniform DR forms. This form shall be completed and filed with the motion. The supporting documentation shall be presented at the motion hearing.

RULE 4.04

ORDERS AND JUDGMENTS

A. The Court shall transmit, or direct the Clerk of Courts to transmit, copies of judgment entries or other orders to all counsel and unrepresented parties and represented parties if so ordered.

B. Copies of a judgment entry, or an order prepared by counsel, shall be in sufficient quantity so the Clerk of Courts may distribute one (1) to trial counsel and unrepresented parties. One extra copy shall be provided to the Clerk in all domestic relations cases involving the payment of child support or spousal support.

1. All judgment entries incorporating a separation and property settlement agreement or shared parenting plan shall have attached thereto a copy of the separation and property settlement agreement or shared parenting plan.
2. Judgment entries and orders of dismissal by compromise prepared by counsel shall be approved by all counsel of record, and submitted to the Court within twenty-eight (28) days after notice to the Court of settlement or as otherwise agreed by the Court.
3. Failure to submit the appropriate judgment entry or order by counsel may result in the Court preparing and filing a dismissal or taking other appropriate action.
4. If counsel to whom the entry or order has been sent does not object, then he/she shall sign the entry and return it to the preparing counsel. If counsel does not agree with the submitted entry or order, he/she shall prepare and submit the original to preparing counsel, an entry with proposed modification.
5. If no response is made to original preparing counsel within fourteen (14) days, preparing counsel shall submit the entry or order along with the submitting letter to the Court with the following certification:
I HEREBY CERTIFY THAT THE FOREGOING ENTRY OR ORDER WAS (MAILED, DELIVERED, OR FAXED) TO _____, COUNSEL FOR PLAINTIFF/ DEFENDANT, ON THE _____ DAY OF _____, 20__ AND HAS NOT BEEN RETURNED, REVISED NOR OBJECTED TO.

6. If counsel cannot agree on an entry or order within twenty-eight (28) days of the original submission then copies of both the original and response order or entry drafts shall be submitted to the Court. The Court may adopt either entry, make its own entry, or set a date for a hearing on the proposed entries.

C. The Court shall include the vehicle identification number (VIN), year, make and model in every order directing the issuance of title to a motor vehicle.

D. Judgment entries in all actions involving title to real property shall include a legal description of the property in question. Said legal description shall be certified by the appropriate county official as being accurate.

E. All final appealable orders will be delivered to counsel, unrepresented parties and represented parties by the Clerk by regular U.S. mail within three (3) days of journalization. If counsel desires the Clerk to provide an additional copy in their mailbox in the Clerk's office, counsel will submit an additional copy to those required in Local Rule 3.01(C) noting thereon the special delivery requested.

RULE 4.05

RULE DAYS NOT FIXED BY LAW

In all cases where the time for the filing and service of a notice or pleading is not otherwise fixed by law or applicable rule, a response to a pleading, motion, amended pleading, or other paper shall be filed and served on or before the fourteenth (14th) day after the date of service of the pleading, motion or other paper, requiring the response. Any reply to said response shall be filed and served on or before the seventh (7th) day after the date of service of the response.

RULE 4.06
DISCOVERY

A. Counsel shall participate in timely pretrial discovery in order to limit the issues in controversy.

B. Parties who intend to call expert witnesses are required to obtain from the expert witness a written report which shall state the expert's opinion and the factual basis for that opinion.

C. The expert's report and all relevant documents, including all records and bills of an expert witness shall be provided to opposing counsel at least ten (10) days prior to the taking of said expert's deposition or final settlement pre-trial, whichever occurs first.

D. Upon application of any party or upon the Court's own motion, the Court may order such restrictions on the use and availability of a report as the Court deems appropriate.

RULE 4.07
CIVIL PRETRIAL

A. At any civil pretrial conference set by the Court, counsel shall be prepared to discuss the following:

1. Pleadings;
2. Jurisdiction;
3. Venue;
4. Pending motions;
5. Itemization of expenses and special damages;
6. Possibility of settlement;
7. Dates for completion of discovery and trial, unless prior order has determined such;
8. Simplification of issues;
9. Additional deposits as security for costs, including jury fees;
10. Alternative dispute resolution.

B. At final pretrial conference counsel may be directed to submit to the Court all written stipulations of fact and anything required that had not been previously submitted.

C. At the conclusion of the pretrial conference an order will be prepared reciting the action taken and controlling the subsequent course of the action. The Court may advise those parties present of the matters dealt with in the pretrial conference, on or off the record.

D. The Court shall order a settlement pretrial conference whenever a jury demand has been filed. Said settlement pretrial conference shall occur at least thirty (30) days prior to the trial date. After the conclusion of the settlement pretrial conference, the Court may order the

party who filed the jury demand to pay an additional deposit of \$350.00 to secure payment of the jury costs.

E. Settlement pretrial conferences shall be attended by all parties, insurance adjusters and trial counsel. The Court may order all parties, insurance adjusters and their attorneys to be present for preliminary pretrial conferences, except scheduled telephone pretrial conferences. All counsel shall be authorized and prepared to enter into such stipulations and agreements as may be appropriate. Any additional persons necessary to enter into agreements shall be present or immediately available to the conference.

F. Trial counsel shall be required to submit a written settlement memorandum to the Court ten (10) days prior to the settlement pretrial conference. Counsel shall further submit a notice of filing of the settlement memorandum with the Clerk of Courts. The settlement memorandum shall not be part of the record and shall be considered as an offer and compromise under the Rules of Evidence and therefore inadmissible in the case.

G. Failure of counsel or an unrepresented party to appear at any scheduled pretrial conference or otherwise fail to comply with any pretrial order, may result in dismissal, default, or the imposition of such sanctions as the Court may determine. In the event of a failure of counsel or unrepresented party to appear, the Court shall set a date within two (2) weeks of the scheduled event for which counsel or the unrepresented party failed to appear to determine what sanctions should be administered.

RULE 4.08

NOTICE OF HEARINGS/APPEARANCE OF COUNSEL

A. The Court shall send written notice of all hearing dates to counsel, unrepresented parties and/or represented parties if so ordered. Notice to counsel and unrepresented parties shall be at the address on pleadings or the mailbox in the Clerk of Courts office. It shall be counsel's responsibility to notify clients of all hearing dates.

B. When a party is dismissed, withdraws or a substitution of counsel is ordered, said party and/or counsel shall be shown as dismissed on the Clerk's computerized records.

RULE 4.09
COGNOVIT JUDGMENTS

A. When a complaint is presented to the Court for the rendering of a cognovit judgment, it shall contain or be accompanied by an affidavit to the effect:

1. That the maker of the cognovit note now resides in the county in which the action is brought;
2. That the maker, or any one of several makers, of the cognovit note signed the warrant of attorney in the county in which the action is brought;
3. That the instrument does not arise out of a consumer loan or a consumer transaction. (ORC Section 2323.13(E)).

B. The attorney who represents the judgment creditor shall include in the complaint a statement setting forth to the best of his knowledge the last known address of the defendant or defendants.

C. Immediately upon the entering of any judgment, the attorney who represents the judgment creditor shall furnish a copy of the pleadings and judgment entry to the Clerk of Courts. The Clerk shall notify the defendant or defendants by mailing a copy of the pleadings and judgment entry by registered or certified mail at the address set forth in the complaint.

D. In all cases, the original note shall be presented for cancellation by the Court, or its absence adequately explained.

RULE 4.10

TRIAL AND HEARING RULES

A. Only one (1) counsel for each adverse party will be permitted to speak on any interlocutory matter, or upon any question arising in the trial or proceeding. One (1) counsel for each adverse party will be permitted to examine or cross-examine the same witness. Exceptions are by leave of court only.

B. The party requiring special presentation equipment shall be responsible for providing the equipment for trial and the cost thereof.

C. Except for court security or police officers present for security purposes, no personal communication equipment, i.e. tablet, laptop, cellular phone, etc. shall be activated or used in the courtrooms without court approval.

RULE 4.11

RETENTION OF EXHIBITS AND EVIDENCE

A. The official court reporter shall receive and hold all exhibits proffered and/or admitted into evidence during trial in any case. The exhibits shall be secured until release is consented to, court ordered, or the documents and list of exhibits are filed with the Clerk of Courts as part of the transcript of an appeal.

B. All evidence received pursuant to "A" shall be held until the appeal time has expired. Evidence shall be returned to the party submitting it unless otherwise disposed of pursuant to court order. Persons receiving such evidence must sign a receipt.

C. Evidence held by a law enforcement agency shall be controlled by R.C. 2933.41, 2925.42 and 2925.43.

D. All exhibits offered as evidence but not admitted shall be retained by the court reporter until the time for appeal has expired. Exhibits that were not offered as evidence shall be returned by the court reporter to the owner at the end of the trial. The owner of these exhibits shall execute a receipt for exhibits returned, but no court order shall be required.

E. After all appeal time has expired the Clerk of Courts may dispose of any exhibits, depositions or transcripts remaining in his/her office. The Clerk, after notice to the parties or their attorneys, shall dispose of these items unless application is made for their return within sixty (60) days of the date of the notice.

RULE 4.12
TRANSCRIPTS

A. Once a transcript of a proceeding is filed by the court reporter, it must be preserved in its original format to prevent the possibility of alteration or destruction since it has been certified as correct by the stenographer or shorthand reporter.

Therefore, in accordance with the Ohio Revised Code Section 2303.09, 2301.24, 2301.25, and other Rules of Court of Common Pleas, General Division, and the general case law of the State of Ohio, such transcripts may not leave the possession of the Clerk, except for purposes of being examined in the presence of the Clerk of Courts or one of the deputy clerks.

B. Failure to comply with the above Rule may render the transcript/deposition invalid as a correct and certified copy for purposes of the record and subject any party so violating this Rule to payment of the costs and expenses of another official transcript/deposition to be recertified by the official court reporter.

RULE 4.13

VIDEOTAPE DEPOSITIONS

The taking of and filing of video depositions shall conform to Sup. R. 13 and the following rules:

A. Objections must be made after the question or answer: Counsel should state the basis for the objection on the record and may read citations into the record.

B. With the Court's approval videotape depositions may be made available for inspection or viewing after filing and prior to use at trial. Upon court order, the officer before whom the video was made may use such videotape for purposes of making a copy for a party.

C. The party filing the video deposition other than a VHS video is responsible for checking with the Court to see if the necessary equipment is available.

D. The costs of trial depositions may be taxed as costs.

RULE 4.14

SUBSTITUTION AND WITHDRAWAL OF COUNSEL, ENTRY OF APPEARANCE AND LIMITED SCOPE

A. Any attorney filing a Complaint, Answer, Motion or Entry of Appearance shall be regarded by the Court as being the trial attorney and as having responsibility for the case until substitution of counsel or motion to withdraw is received and approved by the Court.

B. Substitution of counsel may be approved only upon entry of appearance by succeeding counsel or upon submission of a proposed entry of substitution approved by withdrawing and succeeding counsel.

C. Withdrawal of counsel may be approved only upon compliance with the terms set forth in DR 2-110 of the Code of Professional Responsibility and upon submission of the following to the Court.

1. A certification from the attorney seeking to withdraw from the case stating:
 - a. The reason for the need to withdraw;
 - b. That the client has received the withdrawing attorney's entire file on the case, or that the client has been given express written notice of where and when the entire file may be obtained;
 - c. That a written notice containing all court dates and deadlines have been given to the client.
2. A proposed entry.

D. Limited Appearance by Attorney. By agreement with the client, an attorney's new or existing representation may be limited consistent with Prof.Cond.R. 1.2(c) and Civ.R. 3(B). The attorney must file and serve a "Notice of Limited Appearance" that clearly describes the scope of the limited appearance and states that the limitation has been authorized by the client. When an attorney has entered a limited appearance, any pleading, order, notice, brief or other paper that Civ.R. 5 requires to be served must be served on both the attorney and the attorney's client.

As provided by Civ.R. 3(B), an attorney's limited appearance may be terminated by filing and service of a "Notice of Completion of Limited Appearance." By signing the Notice of Completion of Limited Appearance an attorney certifies under Civ.R. 11 that all of the services for which the attorney was retained have been completed. If no objection to the Notice of Completion of Limited Appearance is filed and served within 10 days, the attorney's withdrawal is complete without the need for leave of court.

RULE 4.15

MAGISTRATES IN CIVIL CASES

The Court may by order of reference assign a Magistrate to a case or motion or for a specified period of time pursuant to terms and limitations of Civ. R. 53.

CHAPTER 5
MISCELLANEOUS PROCEDURES

RULE 5.01
NOTARY PUBLIC

Any person applying for a notary commission or seeking to renew their commission will do so through the Ohio Secretary of State's Office pursuant to ORC 147.

RULE 5.02

GUARDIAN AD LITEM IN NON DOMESTIC RELATION CASES

A. Except as provided in the Local Rules no person other than an attorney at law admitted to practice in the State of Ohio, shall be appointed Guardian ad Litem in a non-domestic relations case in this Court.

B. Upon the application of any party to a proceeding for the appointment of a Guardian ad Litem, the Court shall require a deposit of a sum not less than \$500.00, unless the Court determines a lesser sum is appropriate. All costs in excess of the deposit shall be taxed as court costs and paid as determined by the Court.

RULE 5.03
ATTORNEY'S FEES

A. Attorney fees relative to all matters shall be governed by the Code of Professional Responsibility, DR 2-106.

B. In any case where attorney fees are to be awarded, counsel may be required to provide to the Court an itemized statement showing the hours worked and a detailed accounting of expenses.

C. An indigent's counsel in a case shall be paid at the rate adopted by the Defiance/Fulton/Henry/Williams County Commissioners.

D. Attorneys requesting fees in a partition action are not required to provide an itemized statement as set forth in (B) above if the amounts fall within the following guidelines:

1. Seven percent (7%) on the first \$20,000.00 of the sale price; Three percent (3%) on the next \$80,000.00; Two percent (2%) on all sums in excess of \$80,000.00. However, the minimum fee shall be \$500.00.
2. The fees shall be distributed pursuant to R. C. 5307.25.
3. Other fees may be permitted by leave of court only, under extraordinary circumstances.

RULE 5.04

FORECLOSURE, QUIET TITLE, PARTITION AND JUDICIAL SALE

A. In cases to quiet title, for partition, and for the marshalling and foreclosure of liens on real property, (other than delinquent real estate tax foreclosure actions) counsel for plaintiff must file the following with the Clerk at the time of the filing of the original complaint or petition:

1. A statement of owners and lienholders or a preliminary judicial report, including the names of the owners of the property, and a reference to the volume and page and date of recording of the next preceding recorded instrument by or through which the owners claim title, as the same shall have been prepared and extended by a responsible title company to a date not over thirty (30) days prior to the filing of the complaint, the costs of which are taxed as costs;

B. After all the defendants have been served with complaint, counsel for the plaintiff shall obtain and file an updated title report establishing all lienholders have been made parties and served with the complaint.

C. APPRAISER'S FEES – Appraiser fees shall be charged in accordance with Appendices B-1 (Defiance County), B-2 (Fulton County), B-3 (Henry County) and B-4 (Williams County) – include with court cost appendix.

D. Appraisers shall be granted access to the real property for the purpose of appraising the premises to be sold at Sheriff's sale. If a landowner or occupier of the premises to be sold does not permit the appraiser to enter the premises, the Sheriff may aid the appraiser in gaining access only after obtaining an order of the Court.

E. No order of sale shall be approved unless the following conditions have been met:

1. Counsel has filed a written declaration to the Court that all lien holders of record have been notified of the application for order of sale;
2. The proposed order of sale contains a legal description certified by the appropriate county official as being accurate.

F. Advertisements for any judicially ordered sale shall state that the successful bidder must deposit ten percent (10%) of the successful bid on the day of the sale with the balance due within thirty (30) days of the date of confirmation.

G. At the time of publication of any judicially ordered sale, the Sheriff shall provide the Clerk of Court written notice of the time, date and location of the sale. The Clerk of Courts shall provide written notice to all counsel and unrepresented parties of the time, date and location of the judicially ordered sale.

H. In all judicial or execution sales of real property, either the county sheriff shall sell the real estate at a public auction or the Court may authorize the sale by a private selling officer. ORC §2329.152 or §2329.153 shall control the public auction process whether the auction is a physical location sale or an on-line sale of real property.

In all cases in which the county sheriff is ordered to conduct a judicial sale of real property, counsel shall post a deposit as set forth in Appendix B at the time of filing an initial Order (Praecipe) of Sale. The deposit constitutes the current license fee charged for the use of the Public Sheriff's Sale Website pursuant to ORC §2329.153. The deposit will be paid by the Clerk of Courts to the vendor of the Public Sheriff's Sale Website upon written invoice.

I. Plaintiff's counsel shall submit proposed judgment entry confirming sale within thirty (30) days of the sale. No confirmation of sale and distribution entries shall be accepted which do not provide for complete distribution of sale proceeds unless prior Court approval is obtained.

J. Failure of the successful bidder to pay the balance of proceeds due within thirty (30) days of confirmation (unless extended by Court for good cause) shall subject the ten percent (10%) deposit to forfeiture to apply to the costs of sale and other losses incurred by the distributees.

K. Plaintiff's counsel shall file the proposed deed with the Sheriff within seven (7) days of the order confirming sale.

L. The deed shall be filed with the County Recorder within fourteen (14) days of receipt of payment.

M. In the event a party cancels a Sheriff's sale (after Order of Sale has issued) for any reason other than a bankruptcy action, a cancellation fee of \$75.00 shall be assessed against the party cancelling said sale. If the parties fail to proceed with further order of sale within ninety (90) days of cancellation, the Court may issue an order of stay and, upon such order of stay, the Clerk of Courts shall calculate all court costs, return the balance of deposits and close the case. Thereafter, if the parties want to re-open the case and proceed with order of sale, an additional cost deposit will be required.

RULE 5.05

RECEIVERSHIPS

A. APPLICABILITY

Unless otherwise ordered by the court in a specific case, this local rule governs practice and procedure in all receivership matters.

B. MOTIONS FOR APPOINTMENT OF A RECEIVER

1. The court has no closed-panel or "approved" list of receivers. Any party may suggest candidates, but must be prepared to document their experience and expertise relative to the matter at hand, and certify that they are disinterested persons.
2. Parties seeking appointment must fully advise the court of the *entire* fee arrangement proposed to compensate the receiver, including all expense reimbursements and any commission contemplated for leasing or selling property. In addition, the court must be advised of the approximate value of the business or property likely to be managed in the receivership (if granted), and of the scope of work likely to be required of the receiver.
3. Absent an emergency in which irreparable harm is likely to occur, the court will not grant a receivership on an *ex parte* basis. The party (or parties) seeking a receivership should ordinarily consult all known secured creditors, the debtor, and other parties expected to have a significant interest in being heard in order to schedule the receivership hearing in a timely manner.
4. The court will set a bond commensurate with the anticipated size of the estate, having in mind the views of secured creditors and the debtor. Accordingly, counsel must be prepared to present sufficient facts for the court to make an informed judgment on bond.

C. HEARINGS AND REQUESTS FOR PROCEDURAL ORDERS

1. Motions for a receivership, fee applications, hearing requests, or other procedural matters relative to a receivership must be submitted in writing, with an approval entry tendered to the Court.
2. Unless it is clear that service has already been made by the court using the e-filing system, the party who submitted or approved a proposed order entered by the court is responsible for serving it upon the receiver or receiver's counsel and upon all parties who have appeared, or for whom service of process remains underway. Proof of service must be filed by the party making service.
3. For good cause, the receiver or any party that has appeared may request an emergency hearing by contacting the court.

4. An evidentiary hearing at which the receiver or other witnesses are called to testify may be required by the court at any time.

D. QUALIFICATIONS TO SERVE AS A RECEIVER

1. Every receiver appointed must be an individual who is resident of the state of Ohio, unless good cause is shown for an out-of-state receiver and such an appointment is permitted by R.C. 2735.02. An individual appointed as receiver may, with express court approval, work for an out-of-state business.

2. Every out-of-state business involved in a receivership must be represented by counsel having an office within this County, or having familiarity with receivership practice in this court.

3. Upon accepting appointment, each receiver must affirmatively acknowledge in writing in the record that they will:

- a. act in conformity with Ohio law and these local rules;
- b. deposit all funds coming into their hands into a separate trust account for the estate, with full contemporaneous record-keeping for all funds;
- c. avoid any conflict of interest;
- d. not directly or indirectly pay or accept anything of value that has not been fully and timely disclosed and formally approved by the court;
- e. not directly or indirectly purchase, acquire, or accept any interest in property managed, appraised, or sold through the receivership; and
- f. otherwise act in the best interests of the estate.

E. GENERAL DUTIES OF THE RECEIVER

Unless the court specifically authorizes a receiver to continue a business, the receiver shall:

1. take control of the assets of the defendant debtor that are subject to the receivership;
2. give notice to all known creditors of the receiver's appointment;
3. afford reasonable opportunity for creditors to present and prove their claims, and, if deemed appropriate by the receiver or the court, publish in a newspaper of general circulation within the County a deadline or bar date for submitting claims;
4. cause the assets of the business to be preserved, inventoried and where appropriate appraised;
5. determine the validity and priority of creditors' claims;

6. take such other appropriate steps as may be timely, reasonable and necessary to reduce the assets of the business to cash on terms that maximize recovery for the benefit of creditors, including selling property free-and-clear of all liens provided the liens attach to the proceeds of sale; and

7. make recommendations for appropriate distributions of cash or property between the various classes of creditors according to their priority, after such notice as the court deems appropriate.

F. RECEIVERSHIP PLAN AND PROGRESS REPORTS

1. At the outset of the receivership, or as soon thereafter as information becomes reasonably available, the court shall be provided with a written plan for the receivership. The plan shall, thereafter, be updated as significant developments warrant, or as part of ongoing periodic reporting to the court.

2. The initial receivership plan shall identify:

a. the nature of the debtor's business, and a concise statement of the circumstances leading to the receivership;

b. whether the present goal is to preserve and operate a business, collect rental on property, liquidate assets, or take other action;

c. the significant assets of the receivership, including real estate, tangible or intangible property, inventory, cash on hand, accounts receivable, and claims against insurers or other third parties;

d. anticipated transactional costs predictably to be incurred, including upcoming financing or mortgage payments, government fees or taxes, receiver fees, accounting, appraisal or auction costs, and legal fees inherent in the plan (as best they can be estimated);

e. the anticipated duration of the receivership;

f. if an active business is to be operated, the minimum number of employees needed to do so, and the estimated aggregate payroll (including benefits) per month;

g. if property is to be liquidated, the estimated date by which appraisal and sale by the receiver can occur, and whether public or private sale is contemplated;

h. if litigation or administrative proceedings are underway or anticipated, the nature and expected cost of each such proceeding.

3. The first plan (and report of activity to date) must be submitted no later than two months after appointment of the receiver.

4. Copies of each receiver's plan and report shall be filed with the Clerk, with service upon all parties who have made an appearance or for whom service remains pending. A duplicate copy shall be submitted to chambers, together with a proposed entry approving the plan and report.

5. Ordinarily, no approval of fees or other proposed action in a receivership will occur unless seven (7) days have elapsed following service of an updated plan or report, in order to allow interested parties to comment or object. However, for good cause the court may alter this notice period.

6. After consideration, the court shall approve or disapprove the plan and report by court entry.

7. After filing the first plan and report, the receiver shall file updated plans and reports no less often than semi-annually. Each shall include a summary of action taken to date measured against the previous plan for the receivership; shall set forth proposed future action; and shall update previous estimates of costs, expenses, and the timetable needed to complete the receivership.

G. FAILURE TO ACT TIMELY.

Failure to timely prosecute a receivership, including delay in filing any plan or report required under this local rule, may result in:

1. Removal of the receiver and/or attorney for the receiver; and/or
2. Withholding of fees for the receiver and /or counsel.

H. APPLICATIONS TO EMPLOY COUNSELOR PROFESSIONALS

1. A receiver (or other party) requesting approval to retain an attorney or other professional (including appraisers, auctioneers, brokers, or real estate agents) whose compensation will be claimed against the estate or from proceeds of sale of estate property shall apply to the court. All such professionals must be disinterested persons with no business relationship with the Receiver, unless otherwise expressly disclosed and approved in advance by the court. Unless the court addresses the application during the initial hearing on whether to grant a receivership, written notice of all such applications shall be given to the debtor, all parties that have appeared and all those for whom service of process remains pending.

2. The retention agreement between a receiver and every professional shall be in writing. Every professional whose retention is approved by the court is, and shall remain, subject to the jurisdiction of this court relative to approval of all professional fees and reimbursable expenses.

3. Applications for authority to retain professionals to assist a receiver shall summarize the experience, current professional licensure, and other qualifications for every person sought to be retained. The application must affirmatively verify that:

- a. all necessary licenses are in good standing and not under suspension;
- b. appropriate "conflict" checks have been made by the professional;
- c. as to lawyers, professional liability insurance in an amount equal to the

minimum coverage required by the Rule 1.4 of Ohio Rules of Professional Conduct is in force; and

d. the contract retaining the professional will affirmatively state that the professional will avoid any conflict of interest in connection with work on the receivership; that gross proceeds of any sale or other transaction conducted by them will be immediately turned over to the receiver or placed in a separate trust account; and that they will not, under any circumstances, directly or indirectly purchase, acquire, or accept any interest in any property they manage, appraise or sell through the receivership.

4. Applications to employ professionals shall also set forth:

a. the professional's usual and customary hourly rate or fee;

b. their proposed fee, hourly rate, or other alternative method or formula for determining compensation in the receivership;

c. whether any fees were paid to the professional during the one (1) year period preceding the filing of the application from, or involving, (a) the debtor in receivership, (b) a person or party closely related to the debtor, or (c) a person or party known to be adverse to the debtor and to have a material claim in the receivership; and

d. the amount, date paid, and source of any retainer or other compensation already received by the professional for preparatory work relative to the receivership.

5. No fee, commission, expense reimbursement, or other direct or indirect compensation of any nature may be accepted by any court-appointed professional that is not fully and timely disclosed to the court for prior approval.

I. EXPENDITURE AUTHORITY OF THE RECEIVER.

1. A receiver appointed to take charge of property may expend funds without prior approval by the court to pay ongoing insurance premiums, fire safety and other security services, and utility bills. The receiver may also make emergency repairs essential to the safety and proper maintenance of the property and to preserve its value.

2. A receiver taking charge of an operating business shall have authority to pay reasonable wages to employees and all reasonable and customary business related expenses, subject to periodic accounting to the court.

3. All fees, compensation or expense reimbursements to the receiver, counsel, or professionals require prior approval from the court.

4. All expenses of the receivership, other than those specifically enumerated above, also require prior approval of the court if, in the aggregate, they exceed \$2,500 per month, or such other threshold as set by order in the specific receivership.

J. DISPOSITION OF PROPERTY

1. With court approval after such notice as the court deems appropriate a receiver may use, sell, or lease property other than in the ordinary course of business.

a. Unless otherwise ordered, a receiver shall serve notice of the receiver's intent to sell or lease receivership property and the terms of such proposed sale or lease for all property. Notice shall be given to all parties in the action and all persons known to have an interest in the property to be sold or leased.

b. If any party or person having an interest in the property to be sold or leased files an objection within fourteen days of sendee of the notice, the court may set the receiver's request for hearing or may rule based on the material of record.

c. The receiver shall have the burden of proving the commercial reasonableness of a proposed disposition of property.

d. If the court determines that a proposed disposition of property is commercially reasonable, the receiver will be authorized to proceed upon such terms and conditions as set by the court.

e. The court may order that disposition of receivership property be effected free and clear of all liens and all rights of redemption regardless of whether the expected proceeds will be sufficient to satisfy all claims secured by the property. Upon any such disposition of receivership property free and clear of liens and rights of redemption, all mortgages, security interests, or other liens encumbering the property shall attach to the proceeds of disposition (net of the reasonable expenses incurred in sale of the property) in the same order, priority, and validity as the liens had with respect to that receivership property immediately before sale.

2. Unless otherwise provided by law, valuation and sale of real property by a receiver need not occur using ordinary foreclosure procedures.

K. PAYMENT OF RECEIVER AND PROFESSIONAL FEES.

1. Fee applications shall be made in writing, with notice to all parties that have appeared. The receiver or counsel for the receiver shall attach to each fee application a brief, updated plan and progress report, consistent with Local Rule 66.06, together with a billing summary concisely reflecting:

a. the dates on which work was performed;

b. a description of work performed;

c. the name of each individual performing the work; and

d. the hourly rate(s) sought to be charged, or other method used to calculate proposed fee(s) and expenses.

2. Fees allowed for services by a receiver, counsel, and professionals employed by a receiver shall be within the sound discretion of the trial judge, giving due consideration to the complexity of the receiver's or professional's responsibilities, results achieved for creditors, and other relevant facts.

3. An attorney acting as a receiver must clearly differentiate between fees sought for work performed as a receiver and for work separately performed as an attorney.

L. FINAL REPORT TO THE COURT AND CREDITORS.

When the final fee application is submitted, it shall be accompanied by a Receiver's Final Report that includes all of the following information:

1. the total amount of money collected during the receivership, (b) the total funds collected since the last interim fee award to the receiver (if any), and (c) the source(s) of funds;
- 2) total funds previously disbursed to creditors;
- 3) the amount of money or any property remaining on hand;
- 4) the status of all known secured and unsecured creditors' claims;
- 5) the approximate number and admitted balances due creditors but remaining unpaid;
- 6) the approximate number and total of creditors' claims that remain open or unresolved;
- 7) proposed final distributions to creditors and the date by which receiver proposes to make them and close out the case;
- 8) the total administrative expense incurred to date, including fees paid to the receiver, attorneys and other professionals;
- 9) the amount of additional administrative expense sought to be paid in the final fee application; and
- 10) any known objections or other positions taken by those having an interest in the receivership with respect to the receiver's final plan to wind up the case.

M. TRADE SECRET OR PRIVILEGED INFORMATION.

If a receiver's report, motion, fee application, or other filing refers to trade secrets (such as a plan for operating an ongoing business, proposed sale prices, customer information, personnel matters, or other non-public information) or would necessarily reference attorney-client or work product communications, then redacted documents may be filed in the public record and served upon all parties that have appeared. When that occurs, a complete un-redacted document shall be submitted to the court for *in camera* review. Upon application by the receiver or any party, the court will re-examine the document and determine whether previously redacted information should

be disclosed in the public case file or for attorney-eyes only.

N. EFFECTIVE DATE.

Local Rule 5.05 shall take effect on February 1, 2018 and governs further proceedings in receiverships then pending, except to the extent that its application in a particular case would not be feasible or would work injustice.

RULE 5.06
PUBLICITY

A. No attorney, nor officer or employee of the Court shall discuss matters with the media that might interfere with a fair trial or otherwise prejudice the administration of justice.

B. Where deemed appropriate, the Court may issue a special order governing:

1. Extra-judicial statements by counsel or others;
2. Spectators at trial;
3. Sequestration of witnesses and jurors; and
4. Any other matters the Court may deem necessary.

RULE 5.07

BROADCASTING, RECORDING AND PHOTOGRAPHING DURING COURT SESSIONS

A. Broadcasting, televising, recording and photographing during Court sessions shall be permitted only under the following conditions:

1. Requests for permission of media to participate under this Rule shall be made in writing to the Judge or Magistrate to whom the case was assigned no later than five (5) days prior to the session involved. The Judge or Magistrate involved with the particular session may waive the advance notice requirement for good cause.
2. The Court shall grant the request in writing or by order consistent with Canon 1 of the Code of Judicial Conduct, Superintendence Rule 12, and these Rules in the event the Court determines that to do so would not distract the participants, impair the dignity of the proceedings or otherwise materially interfere with the achievement of a fair trial or hearing. The written permission shall be made a part of the record in the case.
3. In the event of a continuance of the court proceeding for which media permission has been granted for a period of more than thirty (30) days, a new media request shall be required.
4. All media representatives interested in recording courtroom proceedings shall do so through the pooling of their respective resources. Such arrangements shall be made prior to reopening of the court session and without imposing on the trial court or court personnel. In the event disputes arise over the arrangements between or among media representative, the Court shall exclude all contesting representatives from the proceeding.
5. The Court shall specify the location(s) in the courtroom where the operators and equipment are to be positioned. Media representatives shall be afforded a clear view of the proceedings in the courtroom. Any equipment shall be ready for operation prior to commencement of court sessions. No persons will be permitted to bring equipment into or remove equipment from the courtroom or move about during times when Court is in session.
6. No interview shall be conducted inside the courtroom during any time that Court is in session.
7. Only one video camera shall be permitted in the courtroom operated by no more than one person.

8. No artificial lighting shall be used other than normal courtroom lighting.
9. Only one still photographer shall be permitted in the courtroom.
10. Only one audio system for radio broadcast shall be permitted in the courtroom.
11. Audio tape recording equipment may only be used with permission of the Court involved.
12. Media pooling equipment shall be located outside the courtroom.
13. Changes of tape or reloading audio and video equipment is not permitted inside the courtroom during proceedings.
14. No equipment shall be used inside the courtroom that produces distracting sounds as determined by the Judge or Magistrate involved.
15. There shall be no audio pick up or broadcast of conferences conducted between attorneys and clients, co-counsel, opposing counsel, or trial court and counsel at bench conversations.
16. There shall be no video, film, audio, or still photo of victims, or witnesses who object thereto.
17. There shall be no video, film, audio, or still photos of jurors.
18. Media is not permitted access to proceedings in either the Judge's chambers or in the jury deliberation room.
19. Media is not permitted to record in any manner any document or exhibit used at the session except those audio-visual aids used during the session that are clearly perceived by the gallery at large unless permission to do so is granted by the Court.
20. Proper courtroom decorum shall be maintained by all media representatives, i.e. proper attire and demeanor.
21. All bags, equipment or other materials brought to the courtroom shall be subject to search by security officers at any time.

RULE 5.08
FOREIGN JUDGMENTS

A. When a foreign judgment is presented to the Clerk of Courts for the purpose of a proceeding in aid of execution, the Clerk shall assign a case number.

B. The proponent submitting the foreign judgment must provide a judgment entry with original certifications of authenticity from the foreign jurisdiction.

RULE 5.09

**OUT OF STATE SUBPOENAS TO BE SERVED IN DEFIANCE,
FULTON, HENRY AND WILLIAMS COUNTIES**

A. When a request is presented from an out-of-state litigant to have subpoenas served upon Defiance, Fulton, Henry and Williams County residents, the Clerk shall assign a case number to such action and assign such action to a Judge.

B. The Clerk of Courts shall secure a deposit for costs before processing and serving the subpoenas as required by the out-of-state litigant.

RULE 5.10

SUMMARY JURY TRIAL (SJT)

A. The Court may with consent of all parties, order SJT to be undertaken in any civil case as a settlement procedure and as such shall not be binding unless otherwise stipulated by the parties.

B. The matter should be trial ready prior to SJT. Counsel shall assume that no additional discovery may be completed between the SJT and the traditional trial.

C. The Court may conduct a prehearing conference to consider proposed stipulations and to review the following:

1. Proposed jury instructions and briefs on any novel issue of law;
2. A list of all witnesses to be introduced by reference during the SJT presentation;
3. A list of all physical exhibits, documents and expert reports to be introduced to the jury.

D. Each party shall deposit with the Clerk \$100.00 as security for the payment of costs incurred upon the case being assigned for SJT and no later than thirty (30) days prior to the date set for SJT.

E. The matter shall ordinarily be heard before a jury of six (6). Unless otherwise agreed a venire of ten (10) prospective jurors shall be selected by random draw from the jury pool or by other means as the Court determines. Each counsel will be permitted no more than two (2) challenges following a brief voir dire examination to be conducted by the Judge. Ordinarily there will be no alternate jurors.

F. All parties and adjusters or other liable parties will be in attendance at the SJT.

G. No witnesses will be called to testify. All evidence will be presented through the attorneys for the parties. The attorneys may summarize and comment on the evidence and may summarize or quote directly from depositions, interrogatories, requests for admissions, documentary evidence, and sworn statements of potential witnesses. However no witness's testimony may be referred to unless the reference is based upon one of the products of the various discovery procedures, or upon a written sworn statement of the witness.

H. Subject to modification at the Court's discretion, each party shall have a maximum of one (1) hour for case presentation and argument.

I. Objections will be received if during the presentation counsel exceeds the limits of propriety in presenting statements as to evidence or argument thereon.

J. After counsels' presentations the jury will be given an abbreviated charge on the applicable law. The content of the charge will be reviewed with counsel prior to the SJT. However, the Court will remain final authority.

K. The jury will be encouraged to return a consensus verdict as to liability and or damages. Jury verdict forms will be utilized for comparative negligence and other issues when applicable. Five (5) jurors must concur in verdict.

L. Upon rendering the advisory verdict the jury will be encouraged to share its observations and opinions with counsel, the parties and the Court.

M. The Court shall initially advise the jurors of the abbreviated, experimental nature of SJT. The jury will be advised that its verdict is advisory only upon its return of a verdict.

N. Unless specifically otherwise ordered by the Court, the proceedings will not be recorded. Any party desiring a transcript shall make arrangements for a court reporter and cause such transcript to be prepared at the requester's expense, and it shall not be taxed as costs.

O. Neither the presentation of counsel nor the jury verdict may be used as evidence in any subsequent trial.

P. Counsel may stipulate that a verdict by jury will be deemed final determination on the merits and the judgment be entered thereon by the Court, or may stipulate to any other use of the verdict that will aid in resolution of the case.

Q. These provisions may be modified by the Court to accommodate specific or unique circumstance. All stipulations entered into concerning these proceeding shall be written as an addendum to the order for SJT and shall meet with the approval of the Court.

R. The procedure shall be construed and implemented to secure the just, speedy and inexpensive conclusion of the case.

RULE 5.11
ALTERNATIVE DISPUTE RESOLUTION IN CIVIL CASES
(NON-DOMESTIC RELATIONS)

1. Ohio Uniform Mediation Act:

Defiance, Fulton, Henry and Williams County Common Pleas Courts (hereinafter the Court) incorporates by reference the R.C. 2710 "Uniform Mediation Act" (UMA).

2. Cases Eligible for Mediation:

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

b. Exceptions: Mediation is prohibited in the following:

- i. As an alternative to the prosecution or adjudication of domestic violence;
- ii. In determining whether to grant, modify, or terminate a protection order;
- iii. In determining the terms and conditions of a protection order;
- iv. In determining the penalty for violation of a protection order.

c. Nothing in this division 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; or in a juvenile court delinquency case, even though the case involves juvenile perpetrated domestic violence.

3. Confidentiality

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

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

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

- i. Parties may share all mediation communications with their attorneys;
- ii. Certain threats of abuse or neglect of a child or an adult;
- iii. Statements made during the mediation process to plan or hide an ongoing crime; and
- iv. Statements made during the mediation process that reveal a felony.

4. Referral to Resources

The Northwest Ohio Court Mediation Services (hereinafter Mediation Service) will maintain information for the public, mediators, and other staff as appropriate. The information will include:

- a. Attorney referral contact information;
- b. Information regarding children's services; and
- c. Resource information for local domestic violence prevention, counseling,
- d. substance abuse and mental health services.
- e. Optional Provisions

5. Mediator Training and Education

A mediator shall meet the qualifications of and comply with all training requirements of Sup.R.16.23 and adopted pursuant to Sup. R. 16.22 governing mediators and mediation.

6. Mediator Selection and Assignment

The following methods may be used to select a mediator for the case:

- a. Unless stated otherwise all cases will be referred to the Mediation Service;
- b. Specific appointments may be made by the court taking into consideration the qualifications, skills, expertise, and caseload of the mediator in addition to the type, complexity, and requirements of the case. If a specific selection is to be made, the Court will advise the Mediation Service who shall pay mediation fees out of contract mediator funds. If there are insufficient funds available the Mediation Service shall immediately inform the Court and further Orders as to payment shall be made.; and
- c. Parties may request leave to select a mediator without guidance from the court. The court shall not be responsible for the quality of a mediator selected by the parties without guidance from the court and who does not meet the qualifications, education, and training requirements set forth in section five above. Should the parties select their own mediator they shall be responsible for all mediation costs.

7. Procedures

In accordance with all applicable provisions of this rule, if a case is deemed appropriate by the Court (if the mediator is selected by the court) or by the Mediation Services for mediation, mediation may be scheduled.

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

8. Party/Nonparty Participation

Parties to informal cases, such as pre-filing or diversion, may voluntarily attend mediation sessions.

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

If counsel of any party to the mediation becomes aware of the identity of a person or entity whose consent is required to resolve the dispute, but has not yet joined as a party in the pleadings, they shall promptly inform the mediator, as well as the assigned judge or magistrate.

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

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

9. Termination

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

10. Stay of Proceedings

Upon referral of a case to mediation, the court may elect to stay all filing deadlines for up to 60 days. The clerk of courts shall not accept for filing any documents while a case is in mediation, unless expressly permitted by these rules or by court order.

In the event that the Court elects to stay the proceedings it's shall issue an Order reflecting said stay.

Only the following documents may be filed while a mediation stay is in effect:

- a. Motion to lift the mediation stay;
- b. Response to a motion to lift mediation stay;
- c. Motion or stipulation to dismiss the case; and
- d. Notice related to counsel.

11. Continuances

It is the policy of this court to determine matters in a timely way. Continuances of scheduled mediations shall be granted only for good cause shown after a mutually acceptable future date has been determined. The case may be continued by the Mediation Services Coordinator or the judge or magistrate who referred the case. Except as authorized by the court, the existence of pending motions shall not be good cause for a continuance and no continuance will be granted unless the mediation can be scheduled prior to the final pretrial.

12. Fees and Costs

The court may impose upon the parties fees and costs for mediation. If there is a fee for mediation, unless otherwise agreed by the parties, the mediation fees shall be shared equally. The court may waive fees and costs for an indigent party. Mediation shall not be ordered if a party is indigent, unless the mediation is available at no cost to the party.

13. Attendance; Sanctions

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

14. Evaluation, Comments, and Complaints

It is the policy of the court to use mediation to benefit the parties, to assist in reaching a resolution, and to provide a process that is timely, flexible, and maintains the trust and confidence of the people. Any mediation participant may submit written comments, complaints, or feedback regarding the performance of mediators receiving referrals from the court.

RULE 5.12

APPEALS FROM ADMINISTRATIVE AGENCIES

A. Except as otherwise provided by specific rule, statute or court order, in all cases originating in administrative agencies and appealed to this Court, the following briefing schedule shall be followed:

1. The appellant's brief shall be filed within thirty (30) days after the record is filed by the administrative agency;
2. The appellee's brief shall be filed within fourteen (14) days after service of appellant's brief;
3. The appellant may file a reply brief within seven (7) days after service of appellee's brief.

B. This Rule shall not apply to any determinations of the Child Support Enforcement Agency.

CHAPTER 6
JURY USE AND MANAGEMENT

RULE 6.01

ADMINISTRATION OF THE JURY MANAGEMENT RULES

The implementation and oversight of these Rules shall be the responsibility of the Administrative Judge. Oversight shall include, but not be limited to:

A. A periodic review of the jury source list for its appropriateness and sufficiency to meet the demands of the Courts and the ends of justice; and

B. A periodic review of the procedures used in selecting, notifying and utilizing jurors to assure that jurors are being utilized efficiently and without unnecessary inconvenience.

RULE 6.02

GOALS OF THE JURY MANAGEMENT RULES

These Rules are intended to ensure the following:

A. Qualified Defiance, Fulton, Henry or Williams County residents meet their obligation to serve as jurors when summoned;

B. A person will not be excluded from prospective jury service because of improper or illegal discriminatory practices, including, but not limited to, those matters related to race, national origin, gender, sex, or age;

C. Every reasonable accommodation shall be made to secure the comfort and peace of mind of the jurors, including, but not limited to the following:

1. Prospective jurors shall be informed of their duties and responsibilities prior to a call to service;
2. Jurors shall be summoned as necessary for the administration of justice;
3. The Court will attempt to provide special accommodations for prospective jurors with disabilities whenever possible.

RULE 6.03

PROCEDURES FOR OBTAINING ANNUAL JURY LISTS

A. In the month preceding the annual jury year, as determined by the Court from time to time, the Jury Commissioners, pursuant to R.C. 2313.01, shall select such number of prospective jurors as the Court may determine is needed for the following annual jury year by using the key number system pursuant to R.C. 2313.07 - .08. Pursuant to R.C.2313.21(C) the Court authorizes and directs the Jury Commissioners to conduct the drawing of the jurors by the use of automated data processing.

B. Deputy Jury Commissioners are appointed by the Jury Commissioners and approved by the Court and may perform any duties or class of duties which a Jury Commissioner may perform and as assigned to the Deputy by the Jury Commissioners, may administer an oath or affirmation in relation to any matter embraced in R.C. 2313.01 to 2313.47 inclusive.

C. The names of potential jurors shall be randomly obtained from a list provided by the Board of Elections containing the most recent names and addresses of registered voters.

The procedure shall provide for the retention of names of persons selected but not used as jurors, the printing of venires containing the names and addresses of the persons drawn, and reasonable safeguards against unlawful tampering or activation of the automated system.

The list of persons eligible to serve as jurors shall be compiled by the Jury Commissioners and shall be known as the Annual Jury List.

D. The original Annual Jury List shall be certified by the Jury Commissioners and filed in the office of the Clerk of Common Pleas Courts. The Jury Commissioners may, by order of the Court, add to said list or enter on a supplementary list the names of persons who shall thereafter be qualified to serve as jurors.

RULE 6.04

PROCEDURES FOR SUMMONING JURORS

A. Appropriate management techniques shall be used to adjust the number of individuals summoned for jury duty and the number assigned to jury panels.

B. The Jury Commissioners shall once a year, randomly draw from the annual jury list the names of sufficient jurors to satisfy the needs of the Court for the subsequent term. The names selected shall be divided into a grand jury list and a list of sufficient number of prospective jurors for each four (4) month period during the term.

C. The Jury Commissioners over the signature of the Defiance, Fulton, Henry or Williams County Sheriff shall notify by ordinary mail prospective jurors of their selection for jury service and their requirement to respond. The notice to prospective jurors shall specify the four (4) month period for which the juror was selected and inform the prospective juror that a subsequent notice will be sent seven (7) days before the prospective juror will actually have to appear at the Court. Each prospective juror shall receive a Juror "Dear Citizen Letter," Sheriff's Summons, Juror Questionnaire with an Excuse/Postponement Form duplexed on the back, and a return envelope, to be completed and returned within ten (10) days to the Jury Commission Office. The Juror Questionnaire shall be reasonably understandable by an individual unfamiliar with the legal and jury systems and shall request information appropriate for the purpose of voir dire.

The prospective jurors shall be given a telephone number to obtain answers to any questions and trial verification number to use the day before the juror's court appearance.

The questionnaires may be provided to counsel prior to trial. The questionnaires shall not be duplicated by counsel and shall be returned to the Court upon completion of jury selection.

The questionnaires shall not be disclosed as public records (*State Ex Rel. Blankenship v. Baden, Clerk, et.al.*, 115 Ohio App.3d 127).

D. Notice shall be sent by the Jury Commissioners before a scheduled trial with the date, time and location of the juror's required attendance at the Court, parking facilities, and telephone access.

E. Departures from the random selection procedures may occur only when by reason of challenges or other causes, not enough jurors to make up a jury panel are present. Talesmen then may be summoned for said panel until the deficiency is made up. Further, the Court may defer a prospective juror called for service to a date or dates certain if it is found that requiring the prospective juror to serve when initially called would create a substantial hardship.

F. Persons summoned for jury service shall be paid a reasonable fee for each one-half or full day.

G. Following each jury trial and period of Grand Jury service, the Court shall notify the Jury Commissioners of those who have served on a trial jury or Grand Jury whose names will then be deleted from potential jury service through the next calendar year following their period of service.

RULE 6.05

**EXCUSES AND DEFERRALS FROM JURY
SERVICE**

A. The only excuses from jury service are those set forth in the statute and pursuant to R.C.2313.16.

B. Eligible persons who are summoned for jury service may be excused from jury service upon presenting a letter from a physician stating the reason why the individual is not mentally or physically capable of jury service.

C. In the event a juror believes an unusual continuing hardship to themselves or others may occur unless they are excused or deferred from jury service, a prospective juror shall file a written request with the Court. The Court may grant the request for excuse or deferral after review of the written request.

RULE 6.06
VOIR DIRE

A. To reduce the time required for voir dire, returned jury questionnaires will be available to counsel of record or self-represented litigants prior to the day of jury selection. All prospective jurors should be questioned and all challenges should be disposed of by the Court.

B. The trial court may give the jurors preliminary instructions before the voir dire examination.

C. The trial court shall conduct a preliminary voir dire examination and then counsel shall be permitted to question the panel for a reasonable period of time set by the Court. To ensure that the privacy of prospective jurors is reasonably protected, voir dire regarding personal or sensitive matters may be conducted in camera.

RULE 6.07

SATISFACTION OF JURY SERVICE OBLIGATION

Once a juror has completed four (4) months of being on call for jury service or has served as a juror, the juror is discharged of all obligations for the balance of that jury year. A person who has served on a jury, in a jury trial, or as a member of the Grand Jury in any Court of the State is thereafter prohibited from jury service through the calendar year following the day of his/her last service pursuant to R.C. 2313.34.

RULE 6.08

PROSPECTIVE JUROR PRIVACY

A. To preserve the privacy and confidentiality of prospective jurors, when deemed advisable by the Court, lists of potential jurors submitted to counsel may be identified only by number, and other identifying data, i.e. telephone numbers, addresses, etc., may be withheld and sealed. Counsel shall make no copies of Juror Questionnaires and shall return said questionnaires to the Court upon completion of jury selection.

B. The Court may order that identifying data of prospective jurors and information contained on Juror Questionnaires provided counsel shall not be disclosed by counsel to litigants, defendants, or others not directly associated with counsel's professional office.

C. This Rule shall apply to both potential grand and petit jurors.

CHAPTER 7
CRIME VICTIM RIGHTS (MARSY'S LAW)

RULE 7.01

A. Ohio Constitution guarantees certain rights to victims of criminal offenses and delinquent acts, known as “Marsy’s Law.” R.C. 2930.01 et seq. codified these rights and establishes procedures for criminal justice entities to ensure victims’ rights are protected from the time law enforcement makes its initial contact with the victim through prosecution, sentencing or disposition, and any post-conviction proceedings. A complete list of Crime Victim Rights can be located online through the Ohio Supreme Court Website at: [Marsy's Law and Crime Victim Rights » Supreme Court of Ohio.](#)

B. Victim’s Rights Forms. Crime victims have protected rights – some which are automatic and some require a victim’s request.

1. Should a victim choose to complete a Victim’s Rights Form and the same is filed with the Court, the victim may choose which rights they wish to enact.
2. A Victim’s Rights Form shall be retained by the Clerk of Courts as a non-public document.
 - a. Those who are entitled to unredacted copy: prosecutor, victim or victim’s representative
 - b. Defendant and Defense Counsel shall have access to the form except for the victim’s address and other contact or identifying information unless ordered by this court.
3. Victims are responsible for keeping their information updated by informing the criminal justice official working on their case of any changes in contact information or rights election.
4. A victim will receive a Victim’s Rights Form by law enforcement or the prosecutor and used by criminal justice partners throughout the criminal process. Victim’s Rights Form may also be located online through the Ohio Supreme Court Website at: [Ohio Victims' Rights Request Form.](#)

C. Notifications

1. The Prosecutor or designee shall notify victims for pre and post-conviction hearings, including but not limited to pretrials, trials, judicial release, community control revocations and sealing of record.
2. The Court shall provide notice of any scheduled hearing to the Prosecutor's Office. Such notice shall be transmitted as soon as reasonably practical following the scheduling of the hearing.

CHAPTER 8
TECHNOLOGY

RULE 8.01
TECHNOLOGY PLAN

A. Pursuant to Rule 5(E) of the Rules of Superintendence, the Court shall adopt and maintain a Court Technology Plan that includes the following Purpose and Scope

1. A comprehensive strategy for the implementation and maintenance of technology solutions utilized by the Court or division, including, but not limited to, the conduct of remote hearings, electronic service, acceptance of electronic signatures, and any other technology-based processes; and
2. Procedures for notifying the public and providing instructions regarding the use of such technology solutions, including the manner in which the solutions comply with applicable accessibility and accommodation requirements, including those imposed under the Americans with Disabilities Act.

B. The Court Technology Plan adopted by each individual county shall be attached hereto as Appendix G.

RULE 8.02

USE OF ARTIFICIAL INTELLIGENCE IN COURT SUBMISSIONS

A. Purpose and Scope

This rule governs the use of Artificial Intelligence (AI) technologies by attorneys and parties in the preparation and submission of materials to the Court. Its purpose is to ensure the ethical use of AI and to preserve the integrity and reliability of materials presented to the Court.

B. Definitions:

1. **Artificial Intelligence (AI) Technology:** Any technology that utilizes machine learning, natural language processing, or other computational methods to simulate human intelligence, including, but not limited to, document generation, evidence creation or analysis, and legal research.
2. **AI-Assisted Material:** Any document or evidence prepared in whole or in part with the assistance of Artificial Intelligence (AI) Technology.

C. Disclosure of AI Assistance

1. Attorneys and parties shall disclose the use of AI Technology or AI-Assisted Material in the creation or editing of any document or evidence submitted to the Court or filed with the Clerk. The disclosure shall include a description of the AI Technology utilized
2. Such disclosure shall be made at the time of submission by way of a written certification attached to the document or evidence. The certification shall identify the type of AI Technology used and affirm that the attorney or party has conducted a final review, approved the AI-Assisted Material, and is aware of and in compliance with this Local Rule.

D. Responsibility and Review

Attorneys and parties remain solely responsible for the accuracy, relevance, and propriety of any AI-Assisted Material submitted to the Court. All such materials shall be thoroughly reviewed to ensure compliance with applicable legal and ethical standards. The use of Artificial Intelligence does not relieve attorneys of their duties of competence, diligence, and supervision as required under the Ohio Rules of Professional Conduct.

E. Sanctions

Violation of this Rule may subject an attorney or party to appropriate sanctions, including, but not limited to, those authorized under Rule 11 and Rule 37 of the Ohio Rules of Civil Procedure.

CHAPTER 9
REPORTING TO LAW ENFORCEMENT
AND COMPLIANCE PLAN

RULE 9.01

A. Pursuant to Rule 5(F) of the Rules of Superintendence, the Court shall adopt and maintain a Reporting to Law Enforcement and Compliance Plan for the purpose of ensuring complete, accurate, and timely submission of information into the state's computerized criminal history repository at the Bureau of Criminal Investigation, the Ohio Law Enforcement Automated Data System, and other law enforcement databases.

B. The Reporting to Law Enforcement and Compliance Plan adopted by each county shall:

1. Establish procedures and timelines for obtaining and submitting fingerprints and reporting information pursuant to the Revised Code and Supreme Court rules.
2. Establish procedures and timelines for reporting information regarding protection orders pursuant to the Revised Code and Supreme Court rules.
3. Establish procedures and timelines for reporting information to the Bureau of Motor Vehicles, Ohio Department of Public Safety.
4. Establish procedures to ensure completeness and accuracy of records in the event of an audit by the Federal Bureau of Investigation, the Bureau of Criminal Investigation, or state or local auditors.
5. Establish procedures and timelines for reporting sealed or expunged records into the state's computerized criminal history repository at the Bureau of Criminal Investigation, the Ohio Law Enforcement Automated Data System, and other law enforcement databases pursuant to the Revised Code, including R.C. Ch. 2151 and 2953, and R.C. 2930.171 and 3113.31.

C. The Reporting to Law Enforcement and Compliance Plan adopted by each individual county shall be retained by the Court Administrator (note: not public/police procedure). The same shall be reviewed and updated every three (3) years.

CHAPTER 10
RULES APPLICABLE IN ALL DOMESTIC RELATIONS CASES

RULE 10.01
MANDATORY AFFIDAVITS

A. In all cases in which allocation of parental rights for minor child(ren) may be involved, a DR 3 form (Parenting Proceeding Affidavit) and IV-D Application for Child Support Services (Schedule E) shall be filed at the time of the complaint or any other pleading requesting the allocation of parental rights and responsibilities for minor child(ren). No case involving the allocation of parental rights and responsibilities for minor child(ren) may be filed without a DR-3 form and a IV-D Application.

B. In all actions for dissolution, the parties shall file a petition for dissolution, separation agreement and a waiver of entry of appearance and service of summons. Completed DR-1 (Affidavit of Income and Expenses) and DR-2 (Affidavit of Property) forms signed by both parties shall be filed in all dissolutions. If there are minor children, the parties shall file Child Support Guidelines, IV-D Application for Child Support Services, DR-3 (Parenting Proceeding Affidavit) and DR-4 (Health Insurance Affidavit).

C. In all actions for divorce, annulment and legal separation, the party bringing the action shall file their DR-1 and DR-2 forms with their complaint. If there are minor children, Plaintiff shall also file a IV-D Application for Child Support Services, DR-3 and DR-4 forms. Within time allotted for response, the responding party shall also file the applicable DR forms.

D. The responding party shall file a DR-1 form with his or her answer, response, objections to *ex parte* orders, counterclaims or counter-motions. If the responding party does not file a response, (s)he must file a DR-1 form at least ten (10) days prior to a hearing on temporary

orders or a scheduled mediation or at least sixty (60) days prior to a pretrial or the final hearing, whichever is earlier. A DR-1 form shall be updated prior to any further pretrial, final hearing or trial, when necessary to correct or complete any information previously provided. Failure to provide or update the information required by the DR-1 form may result in the Court's acceptance of the party's information provided on the DR-1 form as filed, as well as other available sanctions for failure to provide discovery. However, the Court may modify these time limitations for good cause shown.

E. All Affidavits referred to herein are located online through the Ohio Supreme Court Website at:

<https://www.supremecourt.ohio.gov/forms/all-forms/domestic-relations-and-juvenile-standardized/1>.

RULE 10.02
COURT SCHEDULES

A. Included within these Rules are Appendix A (“Age Appropriate Parenting Access Plans”), Schedule A (“Parenting Time Guidelines for Travel Distances Under 150 Miles one Way”), Schedule B (Long Distance Parenting time Guidelines for Travel Distances Over 150 Miles One Way”), Schedule C (“Maintenance of Insurance and Payment of Extraordinary Expenses for Minor Children”), Schedule D (“provision of Health Insurance for Minor Children”), and Schedule E (“Application for Child Support Services”).

B. Understanding that each family is best served by developing its own parenting plan, parties are encouraged to create their own parenting plans in accordance with the factors set out in ORC §3109.04, as enhanced by considerations regarding the best interest of children in Appendix A. If the parties are unable to create their own parenting plans, the Court will consider those factors in creating a parenting plan for the family. Nevertheless, unless orders are issued to the contrary, Schedules A or B shall be deemed the minimum parenting time schedule in any case in which a schedule is not otherwise specified.

C. Included within these Rules are Schedule A (“Parenting Time Guidelines for Travel Distances Under 150 Miles One Way”), Schedule B (“Long Distance Parenting Time Guidelines for Travel Distances Over 150 Miles One Way”), Schedule C (“Maintenance of Insurance and Payment of Extraordinary Expenses for Minor Children”), Schedule D (“Provision of Health Insurance for Minor Children”) and Schedule E (“Application for Child Support Services”).

D. In any case in which there are minor child(ren), orders shall issue regarding the parties' responsibility to provide health insurance for the child(ren) and for payment of those health related expenses for the children) not paid by insurance coverage. Schedule C sets out the standard Court order for insurance and payment of expenses and will be adopted by the Court unless a different order is submitted by the parties and approved by the Court. Schedule D sets out requirements for provision of health insurance and shall be completed and attached to the judgment entry filed in every case in which there are minor children or, in the alternative, appropriate language as set out within Schedule D may be incorporated in the judgment entry.

E. At such time as a child support order is issued by the Court, Schedule E shall be completed with the original forwarded by the Clerk of Courts to the Child Support Enforcement Agency and a copy filed in the family file.

F. Solely for the purpose of calculating child support under the Ohio child support guideline, the adoption of Schedule A (Parenting Time Guidelines for Travel Distances Under 150 Miles One Way) shall meet the ninety (90) day overnight requirement for deviation as required by statute. The adoption of Schedule B (Parenting Time Guidelines for Travel Distances Over 150 Miles One Way) shall meet the ninety (90) day overnight requirement for deviation as required by statute, unless otherwise indicated by court order.

RULE 10.03

FAMILY FILE

A. Documents filed in any case containing sensitive personal information shall be kept in a separate family file to be maintained by the Clerk of Courts in such manner and in such location as the Clerk deems appropriate.

B. The family file shall contain the following items:

1. The parties' DR-1, DR-2 and DR-3 affidavits and attachments thereto;
2. Tax returns;
3. Reports of psychological or custody evaluations;
4. Medical reports;
5. Reports of supervised parenting time or supervised parenting time exchanges;
6. Reports of a home study evaluator or Guardian ad Litem;
7. Reports of medical or drug testing;
8. Copy of Application for Child Support Services (IV-D);
9. Letters to the Court from the parties, the child(ren) and/or other individuals;
10. Other items as directed by the Court.

C. Upon motion of any party or upon the Court's own motion, other documents containing sensitive personal information may be ordered to be kept in the family file. If there are documents which are to be filed in the "public file" containing social security numbers or any other individual identifying information, the same shall be redacted on those documents in the "public file."

D. The "public file" shall contain, in place of the document contained in the family file, a Notice of Filing prepared by the Clerk of Courts reflecting the filing of the document maintained in the family file and the date thereof (e.g., "Notice is hereby given that on *[date]*

(of filing] a [name of document] was filed by [person or party filing document], which shall be maintained in the Family File”).

E. In the event that the Court conducts an *in camera* interview of any child, upon request of any party or in its own discretion, the Court shall hold said recording or transcript of the recording in a separate file. The recording shall not be made available to either party or counsel without Court approval. A transcript of said recording shall only be made available to counsel or the parties after the filing of Objections to a Magistrate’s Decision to the Court or an appeal to the Court of Appeals.

F. Contents of the family file may be inspected and reviewed by the following individuals in the performance of their duties or as the Court may direct:

1. Parties;
2. A party’s attorney of record;
3. County’s CSEA counsel;
4. Mediators appointed to a case;
5. Court personnel;
6. Guardians Ad Litem appointed to a case;
7. Home investigators appointed to a case;
8. Parenting coordinators appointed to a case.

Other individuals may request to inspect and review the contents of the family file by filing a motion. Any person who copies the contents of the family file, posts on social media or other mediums or discloses all or portions of the family file to another person, without prior approval, shall be subject to Court action including penalties for contempt which include incarceration and fines.

RULE 10.04

TEMPORARY RESTRAINING ORDERS AND *EX PARTE* ORDERS

A. Upon commencement of an action for divorce, annulment, or legal separation, the Court shall issue a preliminary injunction enjoining both parties from engaging in certain actions as delineated in Court Order No. 1 (Preliminary Injunction).

B. Applications for *ex parte* orders relating to the allocation of parental rights, child support, spousal support, or for sole and exclusive use of the marital residence shall contain the following information:

1. The basis for the claimed exigent circumstance which requires the issuance of an *ex parte* order. The factual basis of said exigent circumstances shall be supported by an affidavit sworn to by the requesting party;
2. A statement by counsel as to the efforts made to contact either opposing counsel or, if unrepresented, the opposing party or, in the alternative, the reason why opposing counsel or the unrepresented party should not be given notice;
3. All *ex parte* orders shall advise the opposing party of the right to request a hearing and shall contain the following language in bold print:

The Court has made this order solely upon the evidence provided by _____. You may request a hearing on this matter. You have the right to counsel and should have counsel present with you at any hearing. This is a temporary order and the Court will review all the evidence of the parties at any requested hearing.

C. Upon a filing for a request for hearing by the enjoined party, the court shall schedule a hearing on the merits within ten (10) days. In the event no request for hearing is received, the court shall schedule a hearing within three (3) weeks from the date of service.

D. All motions shall be submitted for consideration to the assigned judge or magistrate unless the assigned judge or magistrate is unavailable to address the matter in a timely manner.

RULE 10.05

SELF-REPRESENTED LITIGANTS

A. All pleadings filed by self-represented litigants shall first be reviewed by the Judge, Magistrate or his/her designee before being time-stamped by the Clerk.

B. To assist in the prompt and efficient administration of justice, the Court may require self-represented litigants to attend a free pro se clinic (copy costs may apply) before filing any documents with the Clerk of Courts. Please contact the Court's Designee at the following telephone number to make arrangements to attend the Clinic:

Defiance County – 419-782-5931

Fulton County – 419-337-9260

Henry County – 419-599-5951

Williams County – 419-636-2644

CHAPTER 11
PARENTING PROGRAMS

RULE 11.01

ASSISTING OUR KIDS

A. **Attendance.** Parties to any action in which the allocation of parental rights and responsibilities for their child(ren) is being considered shall attend the Assisting Our Kids (“A OK”) Program within seventy-five (75) days after filing a complaint or motion initiating the action, or within such time as established by the Ohio Supreme Court, unless the same is waived by the Court or a court-approved substitute program is completed.

B. **Fee.** If a party completes the “A OK” Program in the county in which the case is filed, the cost of the class shall be paid from the court cost deposit made in the case. If a party is permitted to complete the program at another location or on-line as outlined in (C) below, the party shall directly pay the cost of the program at the time of attendance.

C. **A-OK Online.** The Court will consider allowing online A-OK attendance under certain circumstances, including but not limited to a language barrier, an out-of-state party, a handicap precluding participation, or proof of financial hardship. Any request to attend A-OK online shall be made to the Assignment Commissioner in writing. If online attendance is allowed by the Court, written confirmation will be returned to the party. The class can be accessed at the following website: <http://assistingourkids.com>.

D. **Sanctions.** Any litigant failing to complete the session within seventy-five (75) days of the filing of the original pleading, or within such time as established by the Ohio Supreme Court, may not be eligible to receive any allocation of parental rights. In the event that

no party to the action completes the session within the prescribed time, the action will be dismissed for want of prosecution.

Unexcused absence from a scheduled session shall result in a Ten Dollar (\$10.00) rescheduling fee being charged, which shall be assessed as additional Court costs as established in Appendices B-1 (Defiance County), B-2 (Fulton County), B-3 (Henry County) and B-4 (Williams County).

RULE 11.02

ATTENDANCE AT HOW TO RAISE THE BEST CHILDREN POSSIBLE PROGRAM

A. Parties to any action in which the allocation of parental rights and responsibilities for their child(ren) is being considered may, by Court order, be required to attend the How to Raise the Best Children Possible Program, if the same is available in the county in which the action is pending. The Court may make an order to attend the program (see "Court Order 4") when one or more of the following factors are present:

1. The parents have serious on-going disagreements about the implementation of an order for the allocation of parental rights and responsibilities and/or parenting time;
2. There is a history of extreme or ongoing parental conflict which has been undeterred by previous litigation or other interventions and from which the children are suffering;
3. The parents have very young child(ren) whose parenting time schedule will require frequent adjustment to maintain age-appropriate contact with both parents and the parents have been previously unable to reach agreements on their parenting time schedule without Court intervention;
4. The parents have child(ren) with medical or psychological conditions or disabilities which require frequent decisions regarding treatment or frequent adjustments in parenting time schedules and the parents have been previously unable to reach agreements without Court intervention;
5. One or both parents suffer from mental or psychological condition(s) or disability(s) which have resulted in an inability to reach agreements or make adjustments in the parenting time schedule, even when minor in nature, without assistance;
6. A parenting coordinator has been or will be appointed in the case.

RULE 11.03

ATTENDANCE AT WHAT ABOUT ME PROGRAM

A. Parties to any action in which the allocation of parental rights and responsibilities for their child(ren) between the ages of five through seventeen, inclusive, is being considered shall be required to attend the What About Me Program if the same is available in the county in which the action is pending. The Court may make an order to attend the program (see "Court Order #9").

B. **Fee.** The fee for attendance at the What About Me class is the rate set forth in Appendices B-1 (Defiance County), B-2 (Fulton County), B-3 (Henry County) and B-4 (Williams County). This fee shall be collected in the Court cost deposit and the Clerk shall disburse these costs when ordered by the Court.

C. **Attendance.** Attendance at What About Me shall be mandatory. The Court may impose appropriate sanctions on the parties as outlined in Rule 11.01 for failure to comply.

CHAPTER 12
CHILD SUPPORT

RULE 12.01

ORDERS FOR CHILD SUPPORT

A. All orders for child support shall contain the full names of both parties. The Application for Child Support Services ("Court Schedule E") must be filed with any child support order. The original of the Application shall be forwarded to the Child Support Enforcement Agency by the Clerk of Courts, together with a copy of the child support order. A copy of the Application shall be filed in the family file.

B. Unless:

1. a child is mentally or physically disabled and is incapable of supporting or maintaining himself or herself and the Court has made other appropriate orders for the duration of the support of the child; or
2. the child(ren)'s parents have agreed to continue support beyond that time required by law pursuant to a separation agreement that was or is incorporated into a decree of divorce or dissolution.

All orders establishing or modifying a child support order shall contain the following language:

Pursuant to Ohio Revised Code §3119.86, this child support order will remain in effect beyond the age of eighteen (18) as long as the child continuously attends any recognized and accredited high school on a full time basis. Support will continue during seasonal vacations until the order terminates. Nevertheless, no current obligation for support will remain in effect beyond the child's attainment of the age of nineteen (19) subject to the continuing jurisdiction of the Court. In the event the child is not attending an accredited high school, support will terminate upon the child's eighteenth (18th) birthday.

C. All Orders establishing or modifying a child support order shall contain the following information, as required by Ohio Statute which requirements may change periodically.

1. The name, date of birth and social security number (last four digits) of the support obligee;
2. The name, date of birth and social security number (last four digits) of the support obligor;
3. The guideline child support amount;
4. The overnight parenting time deviation. For purposes of calculation of child support per the guidelines, the adoption of Schedule A (Parenting Time Guidelines for Travel Distances Under 150 Miles One Way) shall meet the ninety (90) day overnight requirement for deviation as required by statute. The adoption of Schedule B (Parenting Time Guidelines for Travel Distances Over 150 Miles One Way) shall meet the ninety (90) day overnight requirement for deviation as required by statute, unless otherwise indicated by court order.
5. Other deviation factors;
6. Arrearages;
7. The method to secure support payments;
8. Duration and termination of support and required Notices;
9. Health insurance coverage, including availability of private health insurance coverage and health insurance obligor;
10. Cash medical support and payment of children's medical expenses.

D. A copy of the worksheet shall be attached to all orders establishing or modifying a support obligation, including temporary orders.

E. All Court orders modifying a child support obligation shall be effective the date of the filing of the motion to modify, unless otherwise agreed to by the parties or otherwise ordered by the Court. In cases in which an administrative modification is adopted by the Court, unless otherwise ordered, the effective date shall be as set forth in the administrative determination.

F. All final orders shall state whether any arrears accruing from temporary orders for support shall be carried forward. Failure to specifically reserve the carryover of arrears shall result in those arrears being waived.

G. All orders establishing or modifying a child support obligation shall contain a certificate of service certifying that a file-stamped copy of the judgment entry has been provided to the county Child Support Enforcement Agency.

RULE 12.02

TERMINATION OF CHILD SUPPORT ORDERS

A. In the event the Child Support Enforcement Agency determines, upon investigation, that a child support order should terminate, it shall take the following actions:

1. Notify the obligor and the obligee, under the order, of the results of the investigation, as required by the Ohio Revised Code;
2. Submit the results of the investigation and any administrative decisions therefrom to the Court after all administrative remedies have been exhausted and either the administrative decision has become final or one or both of the parties have requested a Court hearing objecting to the administrative decision;
3. Issue administratively, or submit to the Court, an order impounding any funds received pursuant to the order that was under investigation if there are no remaining child(ren) and no child support arrearage of record and the agency determines that an order impounding any funds received for the child(ren) pursuant to the child support order is necessary to avoid excess payment by the obligor.

B. Any excess amount paid by the obligor shall be considered as a child support credit towards any ongoing obligation. If there is no ongoing obligation and no arrearage to be repaid, said excess funds shall be refunded to the obligor.

RULE 12.03

QUALIFIED MEDICAL SUPPORT ORDER

At the request of either party or in the discretion of the Court, a qualified medical support order shall issue. When preparing said order, "Court Order #3," as included within these Rules, may be used.

RULE 12.04

DETERMINATION OF HEALTH INSURANCE PROVIDER

In accordance with Ohio Revised Code 3119.30, every support order shall include a determination of the person or persons responsible for health care of children, to include an appropriate order for provision and maintenance of health insurance for the minor child(ren) of the parties. No court order shall specify the provision of Medicaid by either party as satisfying this requirement. If not contained in the body of the support order in substantially similar form, schedules C and D shall be completed and included in every support order issued by the Court.

CHAPTER 13

GUARDIAN *AD LITEM*

RULE 13.01

GUARDIAN *AD LITEM* IN DOMESTIC RELATIONS CASES

A. When requested by a party or upon the Court's own motion, a Guardian *ad Litem* shall be appointed to assist the court in its determination of the best interest of a child. The appointment as Guardian *ad Litem* shall remain in effect until the final entry is filed in the proceedings, unless the Guardian *ad Litem* is sooner discharged by order of the court. Rules 48 – 48.07 of the Rules of Superintendence for the Courts of Ohio are hereby adopted as rules of the Court. The Guardian *ad Litem* shall strictly comply with those rules in performance of his/her duties, and all additional requirements set forth in this rule.

B. A Guardian *ad Litem* may be an attorney, a qualified volunteer, or a court appointed special advocate (CASA) whenever one is available, and the appointment is appropriate.

C. An order of appointment shall be issued when a Guardian *ad Litem* is appointed by the Court, as provided in the form attached to these Rules as "Court Order #2," issued pursuant to Rule 48.02(A) of the Ohio Rules of Superintendence, which shall include, but not be limited to, the items set in Sup.R. 48.02(A) and the following:

1. The requirement that the Guardian *ad litem* report, when issued shall contain the following language in bold print:

This report is being provided to the Court, unrepresented parties, and legal counsel of record. If you are an attorney, you may share its contents with your client. However, any other disclosure of the report must be approved *in advance* by the Court. Unauthorized disclosure of the report in any fashion through any means including, but not limited

to, copying the report, posting it or any portion of it on social media or other mediums, or disclosing all or portions of the report to another person, without prior approval, may be subject to Court action including penalties for contempt, which include incarceration and fines.

2. The requirement that the Guardian *ad Litem*, when providing the report to unrepresented parties and legal counsel of record attach a cover sheet entitled **NOTICE** which sets out the language required above in subparagraph 2 in bold print in 22-point font or larger.

D. For all non-indigent cases, in which an attorney is appointed, the fees shall be in accordance with the rate stated in the entry.

E. For any case in which a qualified volunteer is appointed, unless otherwise ordered, he or she shall be reimbursed for his or her expenses (e.g., mileage, telephone calls, etc.) by the parties pursuant to orders made by the Court.

F. The Guardian *ad Litem* shall be considered a party to the proceeding and, as such, shall have full access to court records and shall have the right to obtain court records and any agency personnel or records, including but not limited to law enforcement, physicians, physical and mental health professionals, educational facilities, other professionals, or an individual who may provide information the Guardian *ad Litem* believes to be relevant to the best interest of the child(ren). An attorney Guardian *ad Litem* or an attorney for a Guardian *ad litem* shall have the right to subpoena any individual or entity for any reasons allowed under the Ohio Rules of Civil Procedure. In the event the Guardian *ad Litem* is an attorney at law, the Guardian *ad Litem* shall be entitled to participate in the hearing in the same manner as counsel.

If the Guardian *ad Litem* is not an attorney, pursuant to Sup.R. 48.03(A)(10), the Guardian *ad Litem* may request the appointment of counsel to file pleadings, motions, and other documents as appropriate and call, examine, and cross-examine witnesses pursuant to the applicable rules of procedure. Upon such a request being made, the Court shall take action as it

deems necessary.

In the alternative, if the Guardian *ad Litem* is not an attorney, the Guardian *ad Litem* may prepare written questions the Guardian *ad Litem* wishes to address to the parties or other witnesses. The written questions shall be submitted to the Court. The Court shall determine what questions shall be proffered to the parties or witnesses. The Court will examine the parties and witnesses as to those questions.

G. Pursuant to Sup. R. 48.06, a written report shall be prepared by the Guardian *ad Litem* and filed with the Court not less than seven (7) days before the final hearing and, in abuse, neglect, dependency, unruly and delinquency cases, not less than seven days prior to any initial dispositional hearing, permanent custody hearing, and any hearing upon a motion requesting a change in disposition. Each report shall contain the language referred to above in paragraph (C)(2) of this rule in the body of the report. The report shall be provided by the Guardian *ad Litem* to unrepresented parties and legal counsel of record. Counsel may share the contents of the report with their clients. In addition, the Guardian *ad Litem* shall attach the cover sheet required above in Paragraph (C)(3) to the report when providing it to parties or counsel.

H. A Guardian *ad Litem* shall file his/her report with the Clerk of Courts to be placed in the family file. At the time the report is submitted for filing, the Clerk shall file a Notice in the public file stating the date that the Guardian *ad Litem* report has been filed. A volunteer Guardian *ad Litem* shall submit his/her reports to the Court with instructions as to distribution. The Court shall be responsible to distribute to the attorneys and unrepresented parties per instructions provided by volunteer Guardian *ad Litem*.

I. The Court will impose sanctions of contempt upon any person who disseminates the report in whole or in part, to any individual who has not been pre-approved to receive the report. No individual shall be permitted to place the content of the report on any form of social

media.

J. The Guardian *ad Litem* shall be served with copies of all pleadings and shall be provided notice of all hearings. All judgment entries shall be submitted to the Guardian *ad Litem* for approval.

K. The Courts that are subject to these local rules shall jointly maintain a public list of approved Guardians *ad Litem* while maintaining individual privacy pursuant to Sup.R. 44 through 47. Upon application to be appointed as a Guardian *ad Litem* submitted through any one of the Courts subject to this local rule, each prospective appointee shall indicate in which counties and in which courts he or she is willing to accept Guardian *ad Litem* appointments. To obtain the list of the approved Guardians *ad Litem*, the public may contact the Guardian *ad Litem* Coordinator of any one of the Courts.

L. Once a Guardian *ad Litem* has been approved and added to the list of approved Guardians *ad litem*, the court shall ensure an equitable distribution of appointments of those approved Guardians *ad litem*. The distribution of appointments shall be made in an objectively rational, fair, neutral, and nondiscriminatory manner among substantially all persons from the list. Nevertheless, the court may consider the complexity of the issues, parties, counsel, and the children involved, as well as the experience, expertise, and demeanor of available Guardians *ad litem* when making appointments. The court will consider reappointment of the same Guardian *ad litem* for a specific child in any subsequent case determining the best interest of the child.

M. Guardians *ad litem* may be eligible for inclusion on the approved list of Guardians *ad litem* upon providing the following documentation to the Court:

- For attorney Guardians *ad litem*, a copy of his or her malpractice insurance cover sheet, indicating current malpractice coverage.
- For attorney Guardians *ad litem* trained on or before December 31, 2020, proof of completion of the required 6-hour preservice education. For those on the list on or

after January 1, 2021, proof of completion of the required 12-hour preservice education.

- For Court Appointed Special Advocate (CASA) Guardians *ad litem*, proof of completion of the required education to become a CASA.
- For all applicants, a resume or information sheet setting forth the applicant's training, experience, and expertise demonstrating the ability of the applicant to successfully perform the responsibilities of a Guardian *ad litem*.
- For CASA Guardians *ad litem*, a copy of the criminal and civil background check and investigation of information relevant to the fitness of the applicant collected by the Northwest Ohio CASA program.
- For attorney Guardians *ad litem*, a statement of good standing from the Ohio Supreme Court.
- Annual documentation indicating compliance with pre-service and continuing educational requirements.
- Annual certification by each Guardian *ad litem* that he or she is unaware of any circumstances that would disqualify them from serving.

N. Upon receipt of the information set forth above in paragraph N, each Court shall maintain files for all applicants and for individuals approved for appointment as Guardians *ad litem* with the court. The files shall contain all records and information required by Sup. R. 48 through 48.07 and by this rule for the selection and service of Guardians *ad litem*, including a certificate or other satisfactory proof of training requirements and a written record of the nature and disposition of any comment or complaint made regarding the Guardian *ad litem*.

O. Each court shall annually conduct a review of its list of Guardians *ad litem* to determine compliance with the training and education requirements of this rule and of Sup. R. 48 through 48.07, whether a Guardian *ad litem* has performed satisfactorily on all assigned cases during the preceding calendar year, and whether he or she is otherwise qualified to serve. If a court determines that an individual is no longer qualified to serve as a Guardian *ad litem*, he or she shall be removed from the list of approved Guardians *ad litem* and shall not be eligible for any new appointments until he or she has cured the issue resulting in disqualification. Nevertheless, the court shall have the discretion to continue a current Guardian *ad litem* appointment pursuant to Sup. R. 48.05(B).

P. Each court shall accept written comments and complaints regarding Guardians *ad litem*. If comments or complaints are received, they shall be directed to the Guardian *ad litem* coordinator in the appropriate court and to the administrative judge of the court who may, at his or her discretion, take immediate action, if deemed necessary. If immediate action is not deemed necessary, the following actions shall be taken:

- Upon receipt of a comment or complaint, a copy thereof shall be provided to the Guardian *ad litem* who is the subject of the comment or complaint and he or she shall be allowed to respond to the Guardian *ad litem* coordinator regarding the comment or complaint made. The Guardian *ad litem* coordinator may make further investigation regarding the comment or complaint as he or she deems necessary.
- At the conclusion of any investigation, the comment and complaint, any response of the Guardian *ad litem*, and the findings of the investigation shall be provided by the Guardian *ad litem* coordinator to the administrative judge of the court for consideration and appropriate action. Under any circumstances, the disposition of any comment or complaint shall be completed within one month after the comment or complaint is received.
- Once a disposition is made, the Guardian *ad litem* coordinator shall notify the person who made the comment or complaint and the Guardian *ad litem* of the disposition.

CHAPTER 14

ALTERNATIVE DISPUTE RESOLUTION

RULE 14.01

MEDIATION

A. Ohio Uniform Mediation Act:

Defiance, Fulton, Henry and Williams County Common Pleas Courts (hereinafter the Court) incorporates by reference the R.C. 2710 "Uniform Mediation Act" (UMA).

B. Cases Eligible for Mediation:

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

2. Exceptions: Mediation is prohibited in the following:

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

3. Nothing in this division 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; or in a juvenile Court delinquency case, even though the case involves juvenile perpetrated domestic violence.

C. Confidentiality

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

confidentiality should first be addressed with the mediator or mediation department where possible.

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

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

- a) Parties may share all mediation communications with their attorneys;
- b) Certain threats of abuse or neglect of a child or an adult;
- c) Statements made during the mediation process to plan or hide an ongoing crime; and
- d) Statements made during the mediation process that reveal a felony.

D. Referral to Resources

The Northwest Ohio Court Mediation Services (hereinafter Mediation Service) will maintain information for the public, mediators, and other staff as appropriate. The information will include:

1. Attorney referral contact information;
2. Information regarding children's services; and
3. Resource information for local domestic violence prevention, counseling, substance abuse and mental health services.
4. Optional Provisions

E. Mediator Training and Education

A mediator shall meet the qualifications of and comply with all training requirements of Sup.R.16.23 and adopted pursuant to Sup. R. 16.22 governing mediators and mediation.

F. Mediator Selection and Assignment

The following methods may be used to select a mediator for the case:

1. Unless stated otherwise all cases will be referred to the Mediation Service;
2. Specific appointments may be made by the Court taking into consideration the qualifications, skills, expertise, and caseload of the mediator in addition to the type,

complexity, and requirements of the case. If a specific selection is to be made, the Court will advise the Mediation Service who shall pay mediation fees out of contract mediator funds. If there are insufficient funds available the Mediation Service shall immediately inform the Court and further Orders as to payment shall be made.; and

3. Parties may request leave to select a mediator without guidance from the Court. The Court shall not be responsible for the quality of a mediator selected by the parties without guidance from the Court and who does not meet the qualifications, education, and training requirements set forth in section five above. Should the parties select their own mediator they shall be responsible for all mediation costs.

G. Procedures

In accordance with all applicable provisions of this rule, if a case is deemed appropriate by the Court (if the mediator is selected by the Court) or by the Mediation Services for mediation, mediation may be scheduled.

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

H. Party/Nonparty Participation

Parties to informal cases, such as pre-filing or diversion, may voluntarily attend mediation sessions.

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

If counsel of any party to the mediation becomes aware of the identity of a person or entity whose consent is required to resolve the dispute, but has not yet joined as a party in the pleadings, they shall promptly inform the mediator, as well as the assigned judge or magistrate.

If the opposing parties to any case are 1) related by blood, adoption, or marriage; 2) have

resided in a common residence; or 3) have known or alleged domestic violence at any time prior to or during the mediation, then the parties and their counsel have a duty to disclose such information to the mediator and have duty to participate in any screening required by the Court.

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

I. Termination

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

J. Stay of Proceedings

Upon referral of a case to mediation, the Court may elect to stay all filing deadlines for up to 60 days. The clerk of Courts shall not accept for filing any documents while a case is in mediation, unless expressly permitted by these rules or by Court order.

In the event that the Court elects to stay the proceedings it's shall issue an Order reflecting said stay.

Only the following documents may be filed while a mediation stay is in effect:

1. Motion to lift the mediation stay;
2. Response to a motion to lift mediation stay;
3. Motion or stipulation to dismiss the case; and
4. Notice related to counsel.

K. Continuances

It is the policy of this Court to determine matters in a timely way. Continuances of scheduled mediations shall be granted only for good cause shown after a mutually acceptable future date has been determined. The case may be continued by the Mediation Services

Coordinator or the judge or magistrate who referred the case. Except as authorized by the Court, the existence of pending motions shall not be good cause for a continuance and no continuance will be granted unless the mediation can be scheduled prior to the final pretrial.

L. Fees and Costs

The Court may impose upon the parties fees and costs for mediation. If there is a fee for mediation, unless otherwise agreed by the parties, the mediation fees shall be shared equally. The Court may waive fees and costs for an indigent party. Mediation shall not be ordered if a party is indigent, unless the mediation is available at no cost to the party.

M. Attendance; Sanctions

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

N. Evaluation, Comments, and Complaints

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

RULE 14.02

NEUTRAL EVALUATION

A. Definitions

1. Evaluator

“Evaluator” means an individual who conducts a neutral evaluation.

2. Neutral evaluation

“Neutral evaluation” means a process in which the parties to a dispute present their claims or defenses and describe the principal evidence on which their claims or defenses are based to a neutral third party who then shares impressions about the strengths and weaknesses of each matter.

3. Neutral evaluation communication

“Neutral evaluation communication” means a statement, whether oral, in a record, verbal or nonverbal, that occurs during a neutral evaluation session or made for purposes of considering, conducting, participating in, continuing, or reconvening a neutral evaluation session.

B. General Provisions

1. Referrals. All cases on the civil docket in the general division and all cases in the domestic relations, juvenile and probate dockets are eligible for neutral evaluation except as excluded hereunder.

2. Confidentiality. Upon written agreement, all neutral evaluation communications may be confidential.

3. Privilege. A neutral evaluation communication is privileged and not subject to discovery or admissible as evidence in a judicial proceeding. A neutral evaluator may not be deposed or subpoenaed to testify about any neutral evaluation communication unless an exception applies. Exceptions to privilege include the following:

- a) The neutral evaluation communication is otherwise discoverable;
- b) the neutral evaluation communication is an imminent threat or statement of a plan to inflict bodily injury or commit a crime of violence;
- c) The neutral evaluation communication is intentionally used to plan, to attempt to commit, or to commit a crime or to conceal an ongoing crime or ongoing criminal activity;
- d) The neutral evaluation communication is required to be disclosed pursuant to Ohio Revised Code §2921.22

4. Domestic Violence Cases. The use of neutral evaluation in domestic violence cases under R.C. 2919.25, 2919.26, 2919.27, and 3113.31 is prohibited. Nothing in this division shall prohibit the use of neutral evaluation in either of the following cases:

- a) A subsequent divorce or custody case, even though the case may result in the termination of the provisions of a protection order under R.C. 3113.31;
- b) A juvenile delinquency case.

5. Continuances. If a continuance of a scheduled neutral evaluation session is desired, a motion seeking a continuance will be required, served upon the opposing attorney(s) or self-represented party(s). A continuance for a scheduled neutral evaluation session shall be granted only for good cause shown.

6. Sanctions. Any party or attorney who violets these rules may be subject to appropriate sanctions, including, but not limited to additional fees, forfeiture of paid neutral evaluation fees, contempt of court, and/or attorney's fees and costs.

C. Referral to and Participation in Neutral Evaluation

1. In compliance with these rules and those set forth in Sup. R. 16.50 to 16.55, the court may refer parties to neutral evaluation upon its own motion or upon the motion of a party. An order referring the case to neutral evaluation which shall include the terms of and requirements for payment for the neutral evaluation.

2. Each party and the parties' attorneys shall participate in neutral evaluation sessions and shall schedule neutral evaluation session(s) with the neutral evaluator(s) upon order of the court.

3. One week prior to the neutral evaluation session, each attorney or self-represented party shall submit a memorandum, brief or other documents as may be ordered by the court to the neutral evaluator(s), to the other attorney(s), and to any self-represented party. Unless otherwise ordered by the court, the required documents shall arrive at the office of opposing counsel or at the residence of any self-represented party at least seven days before the neutral evaluation session via ordinary mail, hand-delivery, facsimile or e-mail.

4. Prior to the neutral evaluation session, the evaluator(s) shall review the documents submitted. The briefs, memorandums, or other documents provided to the neutral evaluator(s) or exchanged by the parties and/or attorneys pursuant to this section shall not be filed with the court as part of this process.

5. If an attorney or self-represented litigant fails to timely submit the required documents, sanctions may be imposed be the court.

D. Conduct of Evaluation

1. At a neutral evaluation session, the evaluator(s) will oversee the discussion to allow each party and/or attorney the opportunity to be heard in an atmosphere of cooperation and respect. The evaluator(s) will seek additional information from the parties or attorneys, as necessary. Once the information is gathered, if there is more than one evaluator, they shall meet privately to discuss the strengths and weaknesses of each party's position and the probable outcomes for the case. If there is only one evaluator, the evaluator shall review the case. After the evaluator(s) have conducted discussions and/or review, the evaluator(s) will present feedback and options to the parties and attorneys.
2. Following the receipt of that information from the evaluator(s), the parties shall be given an opportunity to review that information privately with their attorneys or, if self-represented, on their own behalf. The evaluator(s) shall then reconvene with the parties and attorneys and discuss results.
3. If a full or partial agreement is reached, the evaluator(s) may require the agreement to be reduced to writing and submitted to the court. If the parties are self-represented, the evaluator may assist the parties in reducing their agreement to writing before directing the parties to submit the same to the court.
4. At the conclusion of a neutral evaluation, the evaluator(s) shall report to the court whether the evaluation has been concluded and whether no agreement or a full or partial settlement has been reached. No additional information shall be contained in the report.

E. Responsibilities of Evaluator.

1. Conflicts of interest
 - a) An evaluator shall avoid any actual or apparent conflicts of interest arising from any relationship or activity, including but not limited to those of employment or business or from professional or personal contacts with parties or others involved in the case. An evaluator shall avoid self-dealing or association from which the evaluator might directly or indirectly benefit, except from compensation for services as an evaluator.
 - b) Upon becoming aware of any actual or apparent conflict of interest, an evaluator shall notify the appointing court and the parties of the action taken to resolve the conflict and, if unable to do so, seek the direction of the court.
2. Legal advice

An evaluator shall not offer legal advice.
3. Satisfaction of training requirements
 - a) An evaluator shall meet the qualifications and comply with all training requirements of Sup.R. 16.53 and local court rules governing evaluators and

neutral evaluation set out below in this rule.

- b) An evaluator shall meet the qualifications for neutral evaluators for each court in which the evaluator serves and promptly notify the court of any grounds for disqualification or any issues affecting the ability to serve.
- c) Upon request, an evaluator shall provide a court from which the evaluator receives referrals documentation indicating compliance with all training and education requirements so that the court may meet the requirements of Sup.R.16.54(A)(4). The documentation shall include information detailing the date, location, contents, credit hours, and sponsor of any relevant training.

4. Disclosure of qualifications

At the request of a party, an individual serving as an evaluator shall disclose the evaluator's qualifications to evaluate the subject matter in dispute.

5. Neutral evaluator future disqualification

An evaluator shall not serve as a witness, consultant, attorney, or expert in any pending or future action relating to a dispute for which the evaluator conducted an evaluation or commenced the evaluation process.

F. Neutral Evaluator Education and Training.

1. Civil or probate cases

Prior to accepting appointment in a civil or probate case of a court, an evaluator or team of evaluators shall individually possess or, where applicable, in combination possess the following qualifications:

- a) Be licensed to practice law in Ohio, with at least five years of experience working in the area of civil or probate litigation as applicable based upon the nature of the case before the evaluator. The evaluator, if one evaluator is conducting the neutral evaluation, or at least one member of the evaluation team, if a team of evaluators is conducting the neutral evaluation, shall have participated in civil trials or probate proceedings, as applicable, to the satisfaction of the court.
- b) At least one evaluator conducting the neutral evaluation shall have completed "Fundamentals of Mediation Training" approved by the Supreme Court Dispute Resolution Section in accordance with standards established by the Commission on Dispute Resolution under Sup.R. 16.23(A)(1) or be otherwise qualified under Sup.R. 16.23 as a civil mediator in Ohio.

2. Domestic relations and juvenile cases

Prior to accepting appointment in a domestic relations or juvenile case, a team of evaluators shall possess the following qualifications:

- a) At least one evaluator conducting the neutral evaluation shall be licensed to practice law in Ohio, with at least five years of experience working in the area of domestic relations or juvenile law. The second evaluator may also be licensed to practice law in Ohio, with at least five years of experience working in the area of domestic relations or juvenile law, or possess a master's degree in the fields of psychology, social work, sociology, counseling, or related field acceptable to the court, with at least five years of experience working with children and families;
- b) Comply with the requirements of division (F)(1)(b)) of this rule;
- c) At least one evaluator shall have completed "Specialized Family or Divorce Mediation Training" approved by the Supreme Court Dispute Resolution Section in accordance with standards established by the Commission on Dispute Resolution under Sup.R. 16.23(B)(1)(c);
- d) At least one evaluator shall have completed "Specialized Domestic Abuse Issues and Mediation Training" approved by the Supreme Court Dispute Resolution Section in accordance with standards established by the Commission on Dispute Resolution under Sup.R. 16.23(B)(1)(d).

3. Continuing education

- a) An evaluator shall complete at least three hours per calendar year of continuing education relating to neutral evaluation, negotiation, mediation, or the area of law in which the evaluator evaluates.
- b) If a neutral evaluator fails to comply with the continuing education requirement, the neutral evaluator shall not be eligible to serve as a neutral evaluator until the requirement is satisfied.

G. Responsibilities of Court.

1. General

In order to ensure only qualified individuals perform the duties of an evaluator and the requirements of Sup. R. 16.50 through 16.56 are met, a court shall do all of the following:

- a) Before being referred to neutral evaluation, parties shall be screened to determine their capacity to participate in neutral evaluation. Screening shall be completed by the party's attorney, or by court or mediation personnel who have been appointed to do so.

b) The court shall monitor and evaluate neutral evaluation to ensure the quality of the evaluators and programs to which cases are referred;

c) The court shall designate a person for accepting and considering written comments and complaints regarding the performance of evaluators appointed by the court. A copy of comments and complaints submitted to the court shall be provided to the evaluator who is the subject of the complaint or comment. The neutral evaluator may submit a written response to the comment or complaint. The comment or complaint, and any written response submitted by the neutral evaluator, shall be forwarded to the administrative judge of the court for consideration and appropriate action. Dispositions by the court shall be made promptly. The court shall maintain a written record in the evaluator's file regarding the nature and the disposition of any comment or complaint and shall notify the person making the comment or complaint and the evaluator of the disposition.

d) The court shall allow neutral evaluation to proceed only if the evaluator meets the qualifications, education, and training requirements of Sup.R. 16.53 and this rule;

e) The court shall prohibit neutral evaluation when domestic abuse or domestic violence is alleged, suspected, or present, unless all of the following conditions are satisfied:

- i. Screening is conducted, both before and during neutral evaluation, for domestic abuse and domestic violence and for the capacity of the parties to engage in neutral evaluation;
- ii. The person who is or may be the victim of domestic abuse or domestic violence is fully informed about the neutral evaluation process, the right to decline participation in the neutral evaluation process, and of the option to have a support person, in addition to an attorney, present at the neutral evaluation sessions;
- iii. The parties have the capacity to participate in neutral evaluation without fear of coercion or control;
- iv. The court has taken reasonable precautions to create a safe neutral evaluation environment for the parties and all other persons involved in the neutral evaluation process;
- v. Procedures are in place for the evaluator to terminate a neutral evaluation session if there is a threat of domestic abuse, domestic violence, or coercion between the parties.

2. Number of evaluators

In a civil or probate case, a court may appoint one evaluator or a team of two evaluators to

conduct the neutral evaluation. In a domestic relations or juvenile case, a court shall appoint a team of two evaluators to conduct the neutral evaluation.

H. Public Access.

The files maintained by an evaluator but not filed with a clerk or submitted to a court shall not be available for public access under Sup.R. 44 through 47.

RULE 14.03

PARENTING COORDINATION

A. Definitions. As used in this rule:

1. Domestic abuse

“Domestic abuse” means aggressive behaviors directed toward a current or former intimate partner that are physical, sexual, economic, spiritual, or coercively controlling. “Domestic abuse” may occur as a single aggressive behavior or a combination of aggressive behaviors and may vary from family to family in terms of frequency, recency, severity, intention, circumstance, and consequence.

2. Domestic violence

“Domestic violence” has the same meaning as in R.C. 3113.31(A)(1).

3. Parenting coordination

“Parenting coordination” means a child-focused dispute resolution process ordered by a court of common pleas or division of the court to assist parties in implementing a parental rights and responsibilities or companionship time order using assessment, education, case management, conflict management, coaching, or decision-making. “Parenting coordination” is not mediation subject to R.C. Chapter 2710 or Sup.R. 16.20 through 16.25.

4. Parenting coordinator

“Parenting coordinator” means an individual who conducts parenting coordination.

B. Ordering of Parenting Coordination.

1. Reasons to order parenting coordination

The court may, on its own motion or on the motion of a party, order parenting coordination when one or more of the following factors are present:

- a) The parties have disagreements about the implementation of a parental rights and responsibilities or companionship time order and need assistance;
- b) There is a history of parental conflict that has been unresolved by previous litigation or other interventions and from which a child of the parties is adversely affected;
- c) The parties have a child whose parenting time schedule requires frequent adjustments, specified in an order of the court or division, to maintain age-appropriate contact with both parties, and the parties have been previously unable to reach agreements on their parenting time schedule without

intervention by the court or division;

- d) The parties have a child with a medical or psychological condition or disability who requires frequent decisions regarding treatment or frequent adjustments in the parenting time schedule, specified in an order of the court or division, and the parties have been previously unable to reach agreements on their parenting time schedule without intervention by the court or division;
- e) One or both parties suffer from a medical or psychological condition or disability that results in an inability to reach agreements or to adjust their parenting time schedule without assistance, even when minor in nature;
- f) Any other factor as determined by the court.

2. Reasons not to order parenting coordination

A court or division of the court shall not order parenting coordination to determine any of the following:

- a) Changes in the designation of the residential parent or legal custodian;
- b) Changes in the school placement of a child, in the case of shared parenting;
- c) Substantive changes in parenting time;
- d) The modification of child support or the allocation of tax exemptions or benefits or the division of uncovered medical expenses.

C. General Provisions.

1. Except as provided by law, communications made as part of parenting coordination shall not be confidential or privileged;

2. At any point after an interim or final parental rights and responsibilities or companionship time order is filed, a parenting coordinator may be ordered upon the motion of the court or one of the parties. The court shall choose a parenting coordinator from a list maintained by the court of those individuals who have satisfied the training and experience requirement set forth in this rule and in Sup. R. 16.60 through 16.66.

3. Parenting coordination shall not be utilized in domestic violence cases under R.C. 2919.25, 2919.26, 2919.27, and 3113.31. Nothing in this division shall prohibit the use of parenting coordination in either of the following cases:

- a) A subsequent divorce or custody case, even though the case may result in the termination of the provisions of a protection order under R.C. 3113.31;
- b) A juvenile delinquency case.

4. The parenting coordinator and court or mediation personnel who have screened the parties shall make appropriate referrals to legal counsel, counseling, parenting courses, and other support services for all parties, including victims and suspected victims of domestic abuse and domestic violence;

D. Responsibilities of Parenting Coordinator.

1. General responsibilities

In order to provide a fair parenting coordination process for the parties, a parenting coordinator shall comply with the “2019 Revised Guidelines for Parenting Coordination” developed by the Association of Family and Conciliation Courts Task Force on Parenting Coordination. Wherever a conflict exists between the guidelines and Sup.R. 16.60 through 16.66, the rules shall control.

2. Conflicts of interest

- a) A parenting coordinator shall avoid any actual or apparent conflicts of interest arising from any relationship activity, including but not limited to those of employment or business or from professional or personal contacts with parties or others involved in the case. A parenting coordinator shall avoid self-dealing or associations from which the parenting coordinator may directly or indirectly benefit except from compensation for services as a parenting coordinator.
- b) Upon becoming aware of any actual or apparent conflict of interest, a parenting coordinator shall notify the appointing court or division and the parties of the action taken to resolve the conflict and, if unable to do so, seek the direction of the court or division.
- c) A parenting coordinator shall avoid serving in multiple roles with the same family, even with the consent of the parties.

3. Legal advice

A parenting coordinator shall not offer legal advice.

4. Satisfaction of training requirements

- a) A parenting coordinator shall meet the qualifications and comply with all training requirements of Sup.R. 16.64 and local court rules governing parenting coordinators and parenting coordination adopted under Sup.R. 16.61.
- b) A parenting coordinator shall meet the qualifications for parenting coordinators for each court or division in which the parenting coordinator serves and promptly notify the court or division of any grounds for disqualification or any issues affecting the ability to serve.
- c) Upon request, a parenting coordinator shall provide a court from which the

parenting coordinator receives appointments documentation indicating compliance with all training and education requirements so that the court may meet the requirements of Sup.R.16.64(A)(4). The documentation shall include information detailing the date, location, contents, credit hours, and sponsor of any relevant trainings.

5. Compliance with appointment order

A parenting coordinator shall comply with the requirements of and act in accordance with the appointment order issued by a court or division under Sup.R. 16.65(B).

6. Competence or ability to perform

A parenting coordinator shall decline or withdraw from an appointment or request appropriate assistance in either of the following situations:

- a) The facts and circumstances of the case are beyond the skill or expertise of the parenting coordinator;
- b) Personal circumstances, including but not limited to medical, mental health, or substance misuse or dependence, exist that compromise the ability of the parenting coordinator to perform his or her role.

7. Ex parte communications

A parenting coordinator shall have no ex parte communications with the appointing court or division regarding substantive matters or issues on the merits of the case.

8. Recordkeeping of fees and costs

A parenting coordinator shall maintain records necessary to document charges for services and expenses. A parenting coordinator shall issue invoices for services and expenses to the parties no less than once per month.

E. Parenting Coordinator Education and Training.

1. General

- a) Prior to accepting appointment of a court or division to serve as a parenting coordinator, an individual shall meet all of the following qualifications:
 - i. Be an independently licensed mental health professional, be licensed to practice law in Ohio, or otherwise have education and experience satisfactory to the appointing court or division;
 - ii. Possess extensive practical and professional experience with situations involving children. This experience may include counseling, casework, or legal representation in complex family law matters; serving as a

guardian ad litem or mediator; or other equivalent experience satisfactory to the court or division.

- iii. Complete "Fundamentals of Mediation Training" approved by the Supreme Court Dispute Resolution Section in accordance with standards established by the Commission on Dispute Resolution under Sup.R. 16.23(A)(1) or qualify for an exception as provided in Sup.R. 16.23(A)(2);
- iv. Complete "Specialized Family or Divorce Mediation Training" approved by the Supreme Court Dispute Resolution Section in accordance with standards established by the Commission on Dispute Resolution under Sup.R. 16.23(B)(1)(c);
- v. Complete "Specialized Domestic Abuse Issues in Mediation Training" approved by the Supreme Court Dispute Resolution Section in accordance with standards established by the Commission on Dispute Resolution under Sup.R. 16.23(B)(1)(d);
- vi. Complete "Parenting Coordination Training" approved by the Supreme Court Dispute Resolution Section in accordance with standards established by the Commission on Dispute Resolution.

b) Prior to accepting appointment of a court or division to serve as a parenting coordinator in an abuse, neglect, or dependency case, an individual shall meet both of the following qualifications:

- i. Complete the requirements of division (E)(1)(a) of this rule;
- ii. Complete "Specialized Child Protection Mediation" that has been approved by the Supreme Court Dispute Resolution Section in accordance with standards established by the Commission on Dispute Resolution under Sup.R. 16.23(B)(2)(c).

2. Continuing education

a) A parenting coordinator shall complete at least six hours per calendar year of continuing education relating to children, mediation, or diversity. The diversity training may include awareness and responsiveness; cultural and racial diversity; and the effects of a parenting coordinator's personal biases, values, and styles on the parenting coordination process. The continuing education may include continuing education for lawyers, social workers, psychologists, or other licensed mental health professionals and professional development events that are acceptable to the court or division appointing the parenting coordinator.

b) If a parenting coordinator fails to comply with the continuing education

requirement of division (B)(1) of this rule, the parenting coordinator shall not be eligible to serve as a parenting coordinator until the requirement is satisfied.

F. Responsibilities of Court.

1. General

In order to ensure only qualified individuals perform the duties of a parenting coordinator and the requirements of Sup.R. 16.60 through 16.66 are met, a court of common pleas or a division of the court that elects to use parenting coordination shall do all of the following:

- a) Screening. Before ordering parenting coordination, parties shall be screened by their attorneys or by mediation or court personnel who have been designated by the court to determine the capacity of the parties to participate in parenting coordination. During the parenting coordination process, the parenting coordinator shall continue to screen the parties to determine their capacity to continue to participate in the parenting coordination process.
- b) The court shall monitor and evaluate parenting coordination to ensure the quality of the parenting coordinators to which cases are referred.
- c) The court shall designate a person for accepting and considering written comments and complaints regarding the performance of parenting coordinators appointed by the court or division. A copy of comments and complaints submitted to the court or division shall be provided to the parenting coordinator who is the subject of the complaint or comment. The parenting coordinator may submit a written response to the comment or complaint. The comment or complaint, and any written response submitted by the parenting coordinator, shall be forwarded to the administrative judge of the court or division, as applicable, for consideration and appropriate action. Dispositions by the court or division shall be made promptly. The court or division shall maintain a written record in the parenting coordinator's file regarding the nature and disposition of any comment or complaint and shall notify the person making the comment or complaint and the parenting coordinator of the disposition.
- d) Parenting coordination shall proceed only if the parenting coordinator meets the qualifications, education, and training requirements of Sup.R.16.64 and this rule.
- e) Parenting coordination shall not proceed when domestic abuse or domestic violence is alleged, suspected, or present, unless all of the following conditions are satisfied;
 - i. Screening is conducted, both before and during parenting coordination, for domestic abuse and domestic violence and for the capacity of the parties to engage in parenting coordination;

- ii. The person who is or may be the victim of domestic abuse or domestic violence is fully informed about the parenting coordination process; the right to decline participation in the parenting coordination process; and, at the discretion of the parenting coordinator, the right to have any other individuals attend and participate in parenting coordination sessions;
- iii. The parties have the capacity to participate in the parenting coordination process without fear of coercion or control;
- iv. The court has taken reasonable precautions to create a safe parenting coordination environment for the parties and all other persons involved in the parenting coordination process;
- v. Procedures are in place for the parenting coordinator to terminate a parenting coordination session if there is a threat of domestic abuse, domestic violence, or coercion between the parties.

2. Appointment order

When ordering parenting coordination, the court or division shall issue an appointment order that does all of the following:

- a) Includes the name and contact information of the parenting coordinator and outlines the definition and purpose of the parenting coordinator;
- b) Specifies the scope of authority of the parenting coordinator;
- c) Sets forth the term of the appointment;
- d) Allocates the responsibility for fees and expenses related to parenting coordination;
- e) Addresses procedures for decision-making of the parenting coordinator;
- f) Addresses procedures for objections to parenting coordinator decisions;
- g) Addresses other provisions as the court considers necessary and appropriate;
- h) Orders the parties to contact the parenting coordinator within the time period specified by the court.

G. Public Access.

The files maintained by a parenting coordinator but not filed with a clerk or submitted to a court shall not be available for public access under Sup.R. 44 through 47.

CHAPTER 15

[Reserved]

CHAPTER 16
DIVISION OF PENSIONS OR OTHER RETIREMENT PLANS

Rule 16.01

QUALIFIED DOMESTIC RELATIONS ORDER ("QDRO")

A. Unless otherwise agreed or ordered, counsel for the alternate payee entitled to the pension or retirement plan, or a portion thereof, shall prepare the Qualified Domestic Relations Order ("QDRO") for submission to the Court.

B. Whenever the parties agree to divide a pension or retirement program by a QDRO, they or 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 signature is waived by the Court.

C. The QDRO shall be prepared as soon as possible following the final hearing for submission to the Court.

D. Unless otherwise agreed or ordered, a QDRO for a defined benefit plan shall contain the following provisions or shall be governed by the following assumptions:

1. The QDRO will be a separate interest QDRO, meaning the alternate payee's benefits shall be independent of those of the participant;
2. The division of benefits shall be based on the language of the case of Hoyt v. Hoyt, 53 Ohio St. 3d 177 (1999), and its progeny;
3. The benefits assigned to the alternate payee shall include any and all temporary and supplemental benefits. Further, the benefits, as assigned to the alternate payee, shall include all early retirement subsidies and, should the alternate payee commence receipt of the benefits prior to participant's retirement, the alternate payee's benefits will be recalculated to reflect the subsidy;
4. The alternate payee will be deemed to be the surviving spouse of the participant to the extent of benefits assigned for the purpose of a preretirement survivor annuity;
5. The division of the benefits will be made as of the date of final hearing of dissolution or as of the date upon which the final hearing of divorce concludes.

E. Unless otherwise agreed or ordered, a QDRO for a defined contribution plan shall contain the following provisions or be governed by these assumptions:

1. The division of the benefits will be the date of the final hearing in the case;
2. The alternate payee's benefits shall be credited with investment earnings and/or losses from the date of division until distribution;
3. The QDRO will allow an immediate lump sum distribution of the alternate payee's benefits, if permitted by the plan;
4. Any loans from the plan shall be charged to the participant's benefits and will remain the obligation of the participant;
5. The alternate payee's share of the benefits will not reflect credit for sums deposited into the plan after the date of division which are based on service for periods prior to the date of division.

F. In all cases in which a Qualified Domestic Relations Order is to be issued, the final judgment entry shall contain the following language:

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. Notwithstanding the reservation of jurisdiction to insure that the domestic relations order is qualified, this is a final appealable order.

G. 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 participants. The Court shall retain 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 or order.

H. Upon the filing of a Qualified Domestic Relations Order, Counsel or self-represented party shall simultaneously file a praecipe directing the Clerk to serve the Plan Administrator with the Qualified Domestic Relations Order. Following the last page of the QDRO, Counsel or self-represented party shall include the following **NOTICE** in **BOLD** print requiring the Plan Administrator to file a notice that the Qualified Domestic Relations Order has been qualified with the Clerk of Courts.

NOTICE TO PLAN ADMINISTRATOR

**THIS QUALIFIED DOMESTIC RELATIONS ORDER HAS BEEN SERVED UPON YOU.
PLEASE PROVIDE WRITTEN VERIFICATION OF ITS QUALIFICATION TO
(choose correct jurisdiction):**

Defiance County Clerk of Courts
221 Clinton
Defiance OH 43512
Case Number: _____

Fulton County Clerk of Courts
210 S Fulton St #102
Wauseon OH 43567
Case Number: _____

Henry County Clerk of Courts
660 North Perry Suite 302
PO Box 71
Napoleon OH 43545
Case Number: _____

Williams County Clerk of Courts
One Courthouse Square, 3rd Floor
Bryan OH 43506
Case Number: _____

When the Clerk receives Notice Confirming Qualification, it shall be filed in the public file. When such a notice has been filed, no additional court costs shall be charged. Neither the Court nor the Clerk shall be responsible to ensure compliance by the Plan Administrator.

I. If the Plan Administrator fails to file Notice of Qualification, the parties or attorneys for the parties shall file a copy of the letter of approval/qualified issued by the Plan Administrator with the Clerk of Courts within thirty (30) days of receipt.

Rule 16.02
DIVISION OF PROPERTY ORDER ("DOPO")

A. Unless otherwise agreed or ordered, counsel for the alternate payee entitled to the state pension or retirement plan, or a portion thereof, shall prepare the Division of Property Order ("DOPO") for submission to the Court.

B. Whenever the parties agree to divide a state pension or retirement program by a DOPO, they or their counsel shall sign and approve the original of a DOPO submitted to the Court and shall sign and approve any subsequent DOPO submitted to the Court, unless signature is waived by the Court.

C. The DOPO shall be prepared as soon as possible following the final hearing for submission to the Court.

D. A DOPO shall contain those provisions approved in Sections 145.571, 742.462, 3305.21, 3307.371, 3309.671 or 5505.261, whichever is applicable to the particular state retirement plan.

E. Unless otherwise agreed or ordered, the division of the benefits will be the date of the final hearing in the case.

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

The Court retains jurisdiction with respect to the Division of Property 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. Notwithstanding the reservation of jurisdiction to insure that the Division of Property Order is qualified, this is a final appealable order.

G. The participant shall not take actions, affirmative or otherwise, that can

circumvent the terms and provisions of the DOPO, or that may diminish or extinguish the rights and entitlements of the participants. The Court shall retain 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.

H. Upon the filing of a Division of Property Order, Counsel or self-represented party shall simultaneously file a praecipe directing the Clerk to serve the Plan Administrator with the Division of Property Order. Following the last page of the DOPO, Counsel or self-represented party shall include the following **NOTICE** in **BOLD** print requiring the Plan Administrator to file a notice that the Division of Property Order has been qualified with the Clerk of Courts.

NOTICE TO PLAN ADMINISTRATOR

**THIS DIVISION OF PROPERTY ORDER HAS BEEN SERVED UPON YOU.
PLEASE PROVIDE WRITTEN VERIFICATION OF ITS QUALIFICATION TO
(choose correct jurisdiction):**

Defiance County Clerk of Courts
221 Clinton
Defiance OH 43512
Case Number: _____

Fulton County Clerk of Courts
210 S Fulton St #102
Wauseon OH 43567
Case Number: _____

Henry County Clerk of Courts
660 North Perry Suite 302
PO Box 71
Napoleon OH 43545
Case Number: _____

Williams County Clerk of Courts
One Courthouse Square, 3rd Floor
Bryan OH 43506
Case Number: _____

When the Clerk receives Notice Confirming Qualification, it shall be filed in the public

file. When such a notice has been filed, no additional court costs shall be charged. Neither the Court nor the Clerk shall be responsible to ensure compliance by the Plan Administrator.

I. If the Plan Administrator fails to file Notice of Qualification, the parties or attorneys for the parties shall file a copy of the letter of approval/qualified issued by the Plan Administrator with the Clerk of Courts within thirty (30) days of receipt.

CHAPTER 17
DRUG TESTING

RULE 17.01
DRUG TESTING

A. Any party to an action may request testing for the purpose of determining the existence of illegal substances or the use of illegal substances by any party to the action. A request for drug testing shall be made in the form of a motion with supporting affidavit. The costs of the initial test shall be born by the party requesting the drug testing unless otherwise ordered.

B. Upon request in a motion and supporting affidavit and, provided the Court finds reasonable grounds to believe drug usage is occurring, the Court shall order the party or parties to be tested under such terms and conditions the Court deems appropriate.

C. In addition, the Court may, on its own motion, order such testing and assign the costs therefore, if the Court believes there are reasonable grounds to believe drug usage is occurring.

D. The report of the results of any such drug testing shall not be utilized in any criminal actions or for prosecutorial purposes and shall, as required by these Rules, be placed in the family file.

CHAPTER 18
INVESTIGATIONS AND EVALUATIONS

RULE 18.01

INVESTIGATIONS

A. Pursuant to Civ.R. 75(D) Juv. R. 32(D), and/or R.C. 3109.04, the court may order an investigation to address fact-based questions. Civ.R. 75(D) authorizes investigations into the “character, family relations, past conduct, earning ability, and financial worth of the parties to the action”. Juv. R. 32(D) authorizes investigations as to the “character, health, family relations, past conduct, present living conditions, earning ability, and financial worth of the parties to the action.” R.C. 3109.04(C) allows investigations to be ordered as to the “character, family relations, past conduct, earning ability and financial worth of each parent”.

B. Upon request of a party or at the court’s discretion, the court may issue an order requiring an investigation described above in paragraph A and appointing an investigator to complete the investigation. The order shall specify the information being sought through the investigation. The order issued shall indicate how the costs for the investigation shall be divided. [See “Court Form 5” for an Investigation (Home Study)]. Individuals appointed to complete these investigations shall have training and experience satisfactory to the appointing court.

C. The Court Investigator has the right to obtain any and all records pertaining to the minor child(ren), including but not limited to, school, medical and counseling records. The Court Investigator shall also have access to any and all records relating to the parents and/or other adult parties, including medical records and counseling records. The Home Investigator has the right to interview the child while at school, home or other places where the child may be found. Any and all persons or entities having information shall release it to the Court

Investigator, shall speak with the Court Investigator if requested and provide any other requested information. In addition, those individuals being investigated shall sign any requested releases of information so as to allow the investigator to gather the required information.

D. The investigator shall file his or her report of the investigation at least seven (7) days before any scheduled trial date. The report shall include the following **NOTICE** in **BOLD** print in the body of the report:

This report is being provided to the court, unrepresented parties and legal counsel of record. If you are an attorney, you may share its contents with your client. However, any additional disclosure of this report must be approved *in advance* by the court. Any person who copies this report, posts on social media or other mediums or discloses all or portions of this report to another person, without prior approval, shall be subject to court action, including penalties for contempt which include incarceration and fines.

E. The investigator shall not render an opinion as to the care of children and may only report the investigator's findings on the issues outlined in the order of appointment.

F. The report shall be signed by the investigator and the investigator shall be subject to cross-examination by either party concerning the contents of the report.

G. The report and any attachments shall be placed in the family file and may be viewed by counsel and/or self-represented parties upon request. At the time the report is submitted for filing, the clerk shall file a notice in the public file stating the date that the report of the investigation has been filed.

H. At the time the investigator's report is filed, copies shall be sent by the court to the attorney(s) of record and any unrepresented parties. When the report is sent to the attorney(s) and/or unrepresented parties, a cover sheet containing the **NOTICE** stated in Paragraph D above shall be attached to the report.

I. An attorney may share the contents of the investigator's report with his or her client(s).

J. The court will impose sanctions of contempt on any person who disseminates the report, in whole or in part, to any individual who has not been pre-approved to receive the report. No individual shall be permitted to place the content of the report on any form of social media.

Rule 18.02

CUSTODY EVALUATIONS

A. Definitions. As used in this rule:

1. Best interest

“Best interest” has the same meaning as in R.C. 3109.04 and 3109.051.

2. Custody evaluation

“Custody evaluation” means an expert study and analysis, by an individual qualified to be a custody evaluator, of the needs and development of a child who is the subject of an action or proceeding in which child custody or parenting time is an issue, and of the comparative and relative capacities of the parties and other relevant adults to care for and meet the needs and best interest of the child. Custody evaluation shall include full and partial evaluation. Custody and parenting time shall include allocation of parental rights and responsibilities, companionship, and parenting time.

3. Custody evaluator

“Custody evaluator” means an individual meeting the requirements of Sup.R. 91.08 and VII of this rule. As used in this rule, a custody evaluator can be one of the following:

- a) “Court-connected evaluator,” a person employed by the court or with whom the court contracts custody evaluation services.
- b) “Private custody evaluator,” a person in private practice who provides custody evaluation services to the court.

4. Evaluation

“Evaluation” includes an investigation and assessment.

5. Full evaluation

“Full evaluation” means a comprehensive examination of the best interest of a child.

6. Partial evaluation

“Partial evaluation” means an examination of the best interest of a child that is limited by court order in either time or scope.

B. Application of Rules.

Sup.R. 91.01 through 91.09 and the provisions of this rule shall apply in a case in which the court appoints a person to perform a custody evaluation to assist the court when child custody or parenting time is at issue.

C. Custody Evaluation.

1. Order

Upon motion of a party, guardian ad litem, counsel for a child, or on its own initiative, the court may order a custody evaluation to aid the court in evaluating the best interest of a child in a contested custody or parenting time case. [See "Court Form 6" – Order Appointing Custody Evaluator].

2. Description of custody evaluation

Unless contraindicated in the judgment of the custody evaluator or limited by the order of appointment, a custody evaluation shall include but is not limited to all of the following:

- a) Information obtained through interviews, joint or individual, with each party seeking custody or parenting time;
- b) Information obtained through interviews with each child;
- c) Information obtained through interviews with stepparents, significant others, or any other adult residing in the home;
- d) Information obtained through interviews with step or half siblings residing in the home;
- e) Information obtained from child care providers, schools, counselors, hospitals, medical professionals, social service agencies, guardians ad litem, and law enforcement agencies;
- f) Information from home visits or observations of each child with the appropriate adults involved;
- g) Results of clinical tests administered;
- h) History of child abuse, domestic violence, substance abuse, psychiatric illness, and involvement with the legal system;
- i) Investigation into any other relevant information about the child's needs.

D. Appointment of Custody Evaluator.

1. Custody evaluator

The court, when ordering a custody evaluation pursuant to Sup.R. 91.04 and section III of this rule may appoint a court-connected custody evaluator or a private custody evaluator to perform the evaluation. The custody evaluator shall meet the requirements of Sup.R. 91.08 and section IV of this rule. The court shall not appoint as a custody evaluator a guardian ad litem appointed to the case pursuant to Sup.R. 48. The court shall consider only evaluations completed by a custody evaluator appointed by the court.

2. Private custody evaluator list

The court shall establish and maintain a public list of approved private custody evaluators eligible to receive appointments from the court. With regard to the list of private custody evaluator:

- a) The criteria set in Sup.R. 91.01 through 91.09 and in sections of this rule for appointment and removal of private custody evaluators from the list are established as requirements.
- b) Upon completion of the required pre-appointment training, an applicant seeking to serve as a private custody evaluator shall submit to the Court the Application for the Private Custody Evaluator Appointment List.
- c) The application of a private custody evaluator shall provide a resume documenting compliance with the custody evaluator qualifications and completion of the initial training program under Sup.R. 91.08(B) and section VII(B) of this rule and outlining the applicant's education and licensure, training, experience, and expertise demonstrating the applicant's ability to successfully perform the duties and responsibilities of a custody evaluator;
- d) The workload shall be distributed among the private custody evaluators on the list equitably. "Equitable distribution" means a system through which appointments are made in an objectively rational, fair, neutral, and nondiscriminatory manner and are widely distributed among all private custody evaluators on the list. The court may consider the complexity of the issues, parties, counsel, and the children involved, as well as the experience, expertise, and demeanor of available private custody evaluators.
- e) A record of all private custody evaluators eligible for appointment by the court, including the name, business address, telephone number, and electronic mail address of the evaluator shall be maintained by the court. Each private custody evaluator shall immediately notify the court of any changes to this information or changes in licensure status, including disciplinary actions.
- f) Each private custody evaluator shall submit to the court on or before January 1st of each year any updates to the resume and a list of continuing education

training completed by the evaluator during the previous calendar year pursuant to Sup.R. 91.09, including the provider, title, date, and location of each training.

3. Order of appointment. The court, when appointing a custody evaluator pursuant to division (A) above shall enter an order of appointment that includes all of the following information:

- a) The name, business address, licensure, and telephone number of the evaluator;
- b) The purpose and scope of the appointment;
- c) The term of the appointment;
- d) A provision that a written report is required and oral testimony may be required;
- e) Any deadlines pertaining to the submission of reports to the court, including the dates of any pretrial, settlement conference, or trial associated with the furnishing of reports;
- f) A provision for payment of fees, expenses, and any hourly rate or fee that will be charged;
- g) Any provision the court deems necessary to address the safety and protection of all parties, the children of the parties, any other children residing in the home of a party, and the person being appointed;
- h) A provision that grants the custody evaluator the right to access information as authorized by the appointment;
- i) A provision that requires the parties to cooperate with the custody evaluator and provide information promptly when requested to do so.
- j) Any other provisions the court deems necessary.

4. Removal. The court may remove a custody evaluator appointed to perform a custody evaluation upon a showing of good cause.

5. Resignation. A custody evaluator appointed to perform a custody evaluation may resign prior to completing the evaluation only upon a showing of good cause, notice to the parties, an opportunity to be heard, and with the approval of the court.

6. Fees and expenses

- a) Fees and expenses related to the appointment of a custody evaluator, both court-connected and private, shall be set forth pursuant to separate Order of the Court (see Court Order Form 6). Said cost may be increased or decreased in a given case as set forth below.

- b) Prior to the appointment of a custody evaluator, whether the custody evaluator is court-connected or private, the parties to the case shall have a right to be heard on the issue of the allocation of fees and expenses.
- c) The court shall inquire as to the rate and terms of reasonable compensation required by the custody evaluator and shall make a determination of the ability of any party to the case to pay for the likely fees and expenses of the evaluator. In making this determination, the court shall consider all of the following:
 - i. The income, assets, liabilities, and financial circumstances of the parties, as demonstrated by an affidavit or statement of income and expenses, testimony to the court, or evidence of qualification for any means-tested public assistance;
 - ii. The complexity of the issues;
 - iii. The anticipated reasonable fees and expenses of the custody evaluator, including any reasonable fees or expenses related to potential testimony.
- d) Upon determination that the appointment of a custody evaluation should proceed, the court shall issue an order regarding allocation of payment of the evaluator's fees and expenses which shall consist of both of the following:
 - i. Any requirement for a party to pay reasonable fees and expenses, including an initial deposit;
 - ii. Any requirement for any other entity or individual to contribute toward reasonable fees and expenses.
- e) For good cause shown, based upon a change of financial circumstances, the conduct of any party, or other unforeseen circumstances, the court may approve additional fees or expenses, reallocate reasonable fees or expenses, or require a party to reimburse another party in part or in whole for reasonable fees or expenses paid.

E. Responsibilities and Authority of Custody Evaluator.

1. Responsibilities

A custody evaluator appointed by the court pursuant to Sup.R. 91.04 and section III of this rule shall do all of the following when performing the custody evaluation:

- a) Maintain objectivity, provide and gather balanced information from both parties to the case, and control for bias;

- b) Strive to minimize the potential psychological trauma to children during the evaluation and report writing by performing responsibilities in a prompt and timely manner;
- c) Protect the confidentiality of the parties and children with collateral contacts and not release information about the case to any individual except as authorized by the court or statute;
- d) Immediately identify himself or herself as a custody evaluator when contacting individuals in the course of a particular case and inform these individuals about the role of a custody evaluator and that documents and information obtained may become part of court proceedings;
- e) Refrain from any ex parte communications with the court regarding the merits of the case;
- f) Not offer any recommendations about a party unless that party has been evaluated directly or in consultation with another qualified neutral professional;
- g) Consider the health, safety, welfare, and best interest of the child in all phases of the process, including interviews with parents, extended family members, counsel for the child, and other interested parties or collateral contacts;
- h) Not pressure children to state a custodial preference;
- i) Inform the parties of the evaluator's reporting requirements, including, but not limited to suspected child abuse and neglect and threats to harm one's self or another person;
- j) Not disclose any recommendations to the parties, their attorneys, or the attorney for the child before having gathered the information necessary to support the conclusion;
- k) Be conscious of the socioeconomic status, gender, race, ethnicity, sexual orientation, cultural values, religion, family structures, and developmental characteristics of the parties;
- l) Upon discovery, notify the court in writing of any conflicts of interest arising from any relationship or activity with parties or others involved in the case. A custody evaluator shall avoid self-dealing or associations from which the custody evaluator may benefit, directly or indirectly, except from services as a custody evaluator.

2. Assistance. When one party resides in another jurisdiction, a custody evaluator, upon order of the court, may rely upon another qualified neutral professional for assistance in gathering information.

3. Communication with court. A custody evaluator may communicate with the court when necessary to amend the scope or time frame of the order of appointment.

4. Authority of Custody Evaluator. Upon presentation of a copy of the order appointing the custody evaluator to any agency, hospital, physician, chiropractor, optometrist, dentist, nurse, or other medical, dental, or optical practitioner, psychologists, psychiatrists, or other mental health practitioner, organization, school, person, or office, including, but not limited to, the clerk of this court, job and family services agencies, public children's services agencies, private child placing agencies, health departments, juvenile courts, juvenile probation department, and adult probation departments, the custody evaluator shall be permitted to inspect and copy any records related to the child(ren), and/or parent, to confirm with any and all professionals who may provide information relative to said minor child(ren) and/or parent with respect to issues pending before this court without the consent of the child and/or parents.

F. Custody Evaluator Report.

1. General

a) A custody evaluator shall prepare and file with the court a written report at least 30 days prior to the final hearing. The report shall provide a detailed analysis of the relative strengths and areas in need of improvement of the parties with respect to meeting the needs of the child as well as a comparative analysis of different parenting or companionship plans under consideration. The report shall not be considered an investigation pursuant to Civ.R. 75(D), Juv.R.32(D) or R.C. 3109.04(C) or pursuant to rule 18.01 of these rules.

b) The written report shall include the following statement in bold:

This document is being provided to the court, unrepresented parties and legal counsel of record. If you are an attorney, you may share its contents with your client. However, any additional disclosure of this report must be approved *in advance* by the court. Any person who copies this report, posts on social media or other mediums or discloses all or portions of this report to another person, without prior approval, shall be subject to court action, including penalties for contempt which include incarceration and fines.

c) At the time the report is filed, copies shall be sent by the court to the attorney(s) of record and any unrepresented parties. When the report is sent to the attorney(s) and/or unrepresented parties, a cover sheet containing the NOTICE stated in Paragraph D above shall be attached to the report.

d) An attorney may share the contents of the report with his or her client(s).

2. Court access to report

The court may receive and read the written report in advance of a hearing or trial for the purpose of conducting a settlement conference in the case.

3. Record keeping

A custody evaluator shall establish and maintain a record-keeping system that shall include active control of their records and reasonable precautions to prevent the loss or destruction of records in compliance with established record retention standards.

4. Discovery and public access

a) The written report shall be subject to the Ohio Rules of Civil Procedure applicable to discovery in civil actions.

b) The written report shall not be available for public access pursuant to Sup.R. 44 through 47. The report and any attachments shall be placed in the family file and may be viewed by counsel and/or self-represented parties upon request. At the time the report is submitted for filing, the clerk shall file a notice in the public file stating the date that the report of the investigation has been filed.

5. Copying and dissemination

a) A party may copy a written report of a custody evaluation but, except as permitted by the court, shall not disseminate the report by any means, including by social media. Any additional disclosure of this report must be approved in advance by the court. In particular, reports or the recommendations shall not be shared with minor children who are the subject of the case. Unauthorized disclosure or distribution of the report may be subject to court action, including the penalties for contempt which include fines and/or incarceration.

b) The court will impose sanctions of contempt on any person who disseminates the report, in whole or in part, to any individual who has not been pre-approved to receive the report. No individual shall be permitted to place the content of the report on any form of social media.

6. Testimony and report at hearing or trial

a) The evaluator's report shall be admitted into evidence at a hearing or trial on the court's motion. The report shall be admitted as the court's exhibit in the form of the evaluator's expert direct testimony. A party challenging the report shall subpoena the evaluator to appear not less than fourteen days before a hearing or trial.

b) The court shall notify the evaluator as soon as a hearing or trial date is set. The evaluator shall be available to testify on cross-examination regarding the report if subpoenaed by a party not less than fourteen days prior to trial.

7. Custody Evaluator Licensure and Pre-Appointment Education Requirements.

G. Licensure requirement

The court shall appoint an individual as a custody evaluator only if the individual is one of the following:

1. An Ohio licensed psychologist or a psychologist licensed in another jurisdiction and authorized by the Ohio Board of Psychology to practice psychology in this state on a temporary basis;
2. An Ohio licensed social worker, professional clinical counselor, or marriage and family therapist or a professional with an equivalent level of licensure issued by another jurisdiction and authorized by the Ohio Counselor, Social Worker, and Marriage and Family Therapist Board to practice in this state on a temporary basis;
3. A physician licensed in any state and board-certified in psychiatry or who has completed a psychiatry residency accredited by the Accreditation Council for Graduate Medical Education or a successor to that Council;
4. A court-connected evaluator who has a minimum of a master's degree in a mental health field that includes formal education and training in the legal, social, familial, and cultural issues involved in custody decisions.

A. Pre-appointment training

1. Except as provided in division (B)(2) of this rule, a court of common pleas shall appoint an individual as a custody evaluator only if, at the time of appointment, the individual has completed an initial training program of forty hours to qualify for appointment. The initial training course shall be provided by the Supreme Court or other provider that has received prior approval of the Supreme Court. Approved topics for the initial training are detailed in the Supreme Court of Ohio's Custody Evaluator Training Guidelines.

2. An individual serving as a custody evaluator on September 1, 2022, shall have until February 1, 2024, to complete the training required under division (B)(1) of this rule.

B. Custody Evaluator Continuing Education.

1. Requirement. In each succeeding year following completion of the pre-appointment educational requirements of Sup.R. 91.08(B) and VII(B) of these rules, a custody evaluator appointed by a court of common pleas shall complete a minimum of six hours of continuing education that meets all of the following requirements:

- a) Is provided by the Supreme Court or other provider that has received prior approval of the Supreme Court;

b) Is comprised of approved continuing education topics detailed in the Supreme Court of Ohio's Custody Evaluator Training Guidelines.

2. Failure to comply. The following shall apply to a custody evaluator who fails to comply with the continuing education requirement of division (A) above:

a) The custody evaluator shall not be eligible for new appointments to serve as a custody evaluator until the requirement is satisfied. If the deficiency in continuing education is more than three calendar years, the custody evaluator shall complete the initial training program pursuant to Sup.R. 91.08(B) and VII(B) of these rules to qualify again for appointment.

b) If the custody evaluator is currently conducting an evaluation at the time of noncompliance, the appointing court may allow the custody evaluator to complete the evaluation and fulfill the requirements within the order of appointment.

CHAPTER 19

[Reserved]

CHAPTER 20
APPLICABLE RULES TO CRIMINAL CASES

RULE 20.01

BONDS OR SURETY

- A. Any defendant seeking release upon a recognizance (O.R.) bond shall be required to sign a written bond application.
- B. All O.R. bonds shall be subject to the following standard conditions:
1. The defendant shall timely appear at all scheduled court appearances and obey all court orders and directives;
 2. The defendant's attorney must be able to contact the defendant at all times. The defendant shall keep in contact with his/her attorney and comply with all directives of said attorney;
 3. The defendant must maintain a current address and phone number with defense counsel, the Clerk of Court and, if so ordered by the Court, with the Adult Probation Department. Any change of address or phone number must be reported by the defendant to the above parties by the next business day after the change. The defendant may not change his/her address or phone number without prior approval from the Court or the Adult Probation Department.
- C. The Court may impose any other constitutional conditions considered reasonably necessary to ensure appearance or public safety.
- D. Any bond that contains conditions of electronic monitoring through the Corrections Center of Northwest Ohio, including but not limited to GPS and TAD, shall be subject to all rules and regulations established by CCNO. Any Defendant in violation of program rules, including but not limited to their failure to remain current on program fees, shall be taken into custody immediately by CCNO. Immediate notification of the Defendant's violation and incarceration will be emailed to the Court Administrator or designee.

E. In all criminal cases where the defendant posts a property bond, his attorney or an attorney for the surety whose property is being used to secure the bond must provide the Clerk of Courts with a title search certifying the following: a short description of the property, the names that appear on the deed, the true value of the property as shown on the records in the County Auditor's Office and whether there are any liens on file against the property, together with an appraisal of the real estate prepared by an appraiser approved by the Court.

F. Any and all cash bonds posted in excess of \$500.00 shall be made by way of certified funds (cashier's check or money order) payable to the Clerk of Courts. Cash payments in excess of \$500.00 will not be accepted. All cash bonds must be paid to the Clerk before 4:00 p.m.

RULE 20.02

COURT APPOINTMENT

A. All attorneys seeking felony counsel appointments must verify compliance with Ohio Administrative Code Chapter 120-1-10. A written request to be appointed along with the Appointed Counsel Compliance Form (See Appendix C) shall be submitted to the Court Administrator for review by the Judge prior to any appointments as legal counsel.

B. Any attorney appointed to provide legal representation for indigent defendants shall be compensated pursuant to Section 120.33 et.seq., Revised Code of Ohio, and any other applicable Ohio law. Such attorneys shall be reimbursed for expenses reasonably incurred not to exceed one hundred dollars (\$100.00) without prior court approval. Necessary expenses in excess of \$100.00 may be allowed only if approved by the trial Judge in advance of incurring the expense and if the amount thereof is determined to be reasonable by the trial Judge. No attorney shall be appointed to represent an indigent defendant if that attorney has received compensation or has been promised compensation from any source for representing that defendant in the case at bar.

C. Additional payment shall be made for extraordinary cases and then only upon application under oath by the attorney showing extraordinary services, and after approval by the trial Judge.

D. Attorneys appointed by the Court to represent an indigent defendant shall be responsible for the filing of the Affidavit of Indigency/Financial Disclosure with the Clerk of Courts on the form provided by the Court within fifteen (15) days of the arraignment of the defendant.

E. Within thirty (30) days of the conclusion of the case or the termination of the attorney's services, whichever should occur first, the attorney shall submit an application, motion and judgment entry for fees. Said application, motion, and judgment entry shall be submitted to the Clerk of Courts in triplicate with each bearing original signatures. Copies shall be provided to the Clerk if the attorney desires file stamped copies.

F. In any contempt action, if the alleged contemnor is determined indigent, he/she shall be provided legal representation by the appointed counsel.

RULE 20.03

CERTIFICATE OF QUALIFICATION FOR EMPLOYMENT Electronic Filing Required

The purpose of this local rule is to define the specific local court requirements and processes that support a Petitioner's application for a Certificate of Qualification for Employment (CQE) as set forth in Revised Code 2953.25 and Administrative Rule 5120-15-01 established by the Department of Rehabilitation and Corrections (DRC).

- A. Petitioner must apply in the county in which they reside.
- B. Petitioner must complete the online petition at www.drccqe.com (further instructions are available to assist the petitioner on the website).
- C. Petitioner shall print the fully completed Electronic Petition and file the same along with the Notice to Court of Petition (Appendix D) with the Common Pleas Clerk of Courts. The Petitioner shall include the DRC Electronic Petition Number on the Notice.
- D. Before any action is required to be taken on the Petition, the Petitioner must pay a deposit as set forth under Rule 3 -- Security for Costs.
- E. All Petitions submitted through the DRC shall include electronic access to the Department of Rehabilitation and Corrections CQE Summary (CQE Summary).
- F. All social security numbers and other information that must be excluded from public record shall be redacted in accordance with the rules of this court and the Rules of Superintendence. Upon filing of a Petition, the Clerk shall file the original under seal for use by the Court, and prepare a redacted copy for inclusion in the portion of the case file accessible to the public. Records or information received by the Court or the Clerk to assist the court with making its decision under Revised Code section 2953.25, including information included on a Petition, shall retain their character as public or non-public records, as otherwise provided in law.

G. Upon receipt of a Notice to Court of Petition, Electronic Petition and the required deposit, the Clerk of Courts shall assign the Petition a miscellaneous civil case number.

H. The Court shall obtain a criminal history for the Petitioner through the investigation ordered in support of the Petition issued to the Adult Probation Department.

1. The Adult Probation Department shall attempt to determine all other courts in the state in which the Petitioner has been convicted of or plead guilty to an offense through review of the Petitioner's criminal history or other investigation.

2. The Adult Probation Department shall send a Notice to Court Regarding Petition for Certificate of Qualification for Employment and Submission of Information Regarding Petition for Certificate of Qualification for Employment to each court so identified. Such Notice shall be sent via ordinary US mail.

3. The Adult Probation Department shall also send a Notice to Prosecutor Regarding Petition for Certificate of Qualification for Employment and Submission of Information Regarding Petition for Certificate of Qualification for Employment to the Williams County Prosecuting Attorney.

I. The Judge or Magistrate shall review the Petition, criminal history, all filings submitted by the prosecutor or victim in accordance with the rules adopted by the division of parole and community services, and all other relevant evidence.

J. The Judge or Magistrate may order any report, investigation or disclosure by the Petitioner that it believes is necessary to reach a decision (Order for Additional Information).

K. Once all information requested has been received, a Judge shall decide whether to Grant or Deny the Petition within sixty (60) days, unless Petitioner requests and is granted an extension of time. The decision to grant or deny a Petition may be referred to a Magistrate, and then sent to the Judge for a final Judgment Entry and Order. All notice and objection periods regarding a magistrate's decision would apply as set forth in the civil rules.

The Clerk shall provide a written notice to the Petitioner of the Court's Decision and Judgment Entry. If denied, the notice shall include conditions, if any, placed on subsequent filings and language that a final appealable order has been filed. The Clerk shall also notify the DRC of

the disposition of the petition as required under the Administrative Rules, and if granted order the DRC to issue the CQE to Petitioner.

RULE 20.04

SPECIALIZED DOCKET (Fulton and Williams County)

The Fulton and Williams County Court of Common Pleas, as authorized by Rules of Superintendence for the Courts of Ohio Rule 36.02 through Rule 36.28, hereby creates in its criminal division, a specialized docket named the "Fulton County Drug Court Program" and "Williams County Drug Court Program", respectively. The Court adopts and incorporates, as Rule 20.04 of this Court, all policies and procedures of the program set forth in Appendix E (Fulton County) and F (Williams County).

A. **Mission Statement of Drug Court Program.** To divert drug and/or alcohol dependent participants in court-monitored treatment, to achieve accountability, and to rehabilitate male and female defendants who have addictions with substances; thereby decreasing criminal activity and the need for incarceration.

B. **Program Goals.** The Drug Court will work with eligible defendants with drug and alcohol addictions to engage them in treatment with close supervision in lieu of processing them through the traditional criminal justice system. The Drug Court shall operate to allow the judiciary, prosecution, bar association, probation, law enforcement, addiction treatment, mental health and social service communities to work together to help non-violent offenders.

The Fulton and Williams County Drug Court Program has among its additional goals the following:

1. Consolidation and removal of a class of cases that places significant demands on court resources;
2. Law enforcement's action in arresting for crimes involving or relating to drug and alcohol abuse being taken seriously, because a drug court program causes

offenders to be monitored more closely and squarely places responsibility on the offender to make positive choices or face immediate consequences for not doing so;

3. Early identification of potential drug court participants resulting in reduced jail population and cost savings to the county; and
4. Facilitating greater coordination and more effective use of public services for criminal justice cases in the treatment system.

Appendix A Age Appropriate Parenting Access Plans

The vision of the Ohio Task Force on Family Law and Children was to create an environment in which children whose parents live in difference homes:

- 1 Could go back and forth peacefully between Mom's house and Dad's house;
- 2 Have a weekly schedule that was developmentally appropriate; and
- 3 Feel comfortable loving and interacting with both parents.

The best schedule is one that is tailor-made to each family by the family adjusted as the child grows and family circumstances change. Children differ not only by age and developmental variances, but also by temperament, personality, and special needs. As the child grows and family circumstances change, arrangements need to change as well. Flexibility is a key to successful, child-centered schedules.

The Task Force examined model schedules from many counties throughout the country and decided to include those developed by Maricopa County, Arizona because they offered more options and were supported by current social science research. These sample schedules are offered here to encourage creativity. They are not intended to be guidelines to be imposed by a Court. The parenting access plans provided are examples of what may work well for children of a particular age and developmental stage, but should not be viewed as prescriptive. One size does not fit all.

Current research supports the involvement of both parents from the earliest days of a child's life. Perhaps the greatest creativity is required as teens develop and mature. Rigid schedules during those years may cause alienation, and supportive parents may find themselves showing up for sports and extracurricular events rather than relying on the routine that served them well when a child was young.

Children need two parents. They need for the two most important people in their lives to learn how to work together without on-going conflicts and rancor. When parents say "I'll do anything for my kids," the greatest gift and challenge may mean developing a cooperative parenting partnership with your child's other parent. Best Wishes!

SAMPLE PARENTING ACCESS PLANS

To Parents:

Raising children presents challenges for all parents. When parents live in separate homes the challenges are greater because the relationships become more complicated. Sometimes parents disagree about how much time children should spend with each of them. The following information will help parents reach agreements about parenting time (access) with their children.

These plans were developed by a committee of judicial officers, mental health providers and attorneys in Maricopa County, Arizona, who consulted with nationally known experts in child development. The Ohio Task Force on Family Law and Children selected these plans after an extensive review of material prepared in communities around the country and the world. These plans offer information about what children learn, feel and need at different ages. They also provide a variety of plans appropriate for each age group, and language that may be included in court orders.

Children describe the loss of contact with a parent as the worst consequence of divorce or parental separation. Unless special circumstances exist, preserving a healthy and ongoing relationship between children and both their parents after divorce, dissolution or separation is of utmost importance. Positive involvement with both parents furthers the child's emotional and social development, academic achievement, and overall adjustment.

WHY PLANS ARE NECESSARY

Written parenting access plans provide children and parents with some assurances of maintaining meaningful contact and can prevent future conflict. These plans are intended to encourage open dialog and cooperation between parents. The Courts prefer that parents reach agreements about schedules voluntarily. When parents reach an agreement about schedules on their own, they are more likely to remain cooperative as their children grow up. Children do best when parents cooperate. The reverse is also true. Children who experience ongoing conflict between parents are at high risk for suffering serious long-term emotional problems.

Parents must state their agreements about parenting time in their parenting access plan. A successful parenting access plan will state the agreements parents reach about parenting time, and sharing of parenting functions and responsibilities. The schedule should consider each child's developmental needs as identified in this booklet.

How To Use This Booklet

1. Locate Plans for your child(ren's) age.
2. Meet with your child's other parent to discuss parenting time and which plan for access (A,B or C) best suits your family's needs.
3. To assist you, the plans include sample calendars with sample parenting access plan language to include in court orders. These are examples only. You may choose any days or time you wish.
4. Because each child is unique, you may wish to establish different plans for children of different ages while making sure brothers and sisters are able to spend as much time together as possible. Be flexible!

Which Plan Should We Choose?

The following options are designed to allow parents or the Court, if necessary, to select the proper plan after considering the family's unique circumstances. Children differ in how long they are comfortable being away from each parent. Some children prefer spending more time at one home, while others move back and forth on a regular basis with ease. Parents may need to tolerate disruption of their own schedules, and more or less time with their child than they might otherwise prefer to provide the child with a sense of security and well-being.

When creating a plan, parents should consider the child's relationship with each parent. If a parent has never been a part of a child's life or has not had contact with the child for an extended period, access should start slowly and gradually increase as the child adjusts and feels comfortable.

A parent, who as an extremely busy work schedule, has not been the child's primary caregiver, or wants regular access without extensive care giving responsibility may consider Plan A.

A parent who has been involved in the day-to-day care of the child may desire greater access. This parent may consider Plan B.

A parent who has care giving experience and desires maximum access may consider Plan C.

As the child adjusts to the initial plan and feels comfortable, parents may consider increasing access by creating another plan. In some cases, it may be beneficial to change from one plan to another as the child gets older. When increasing access time, a parent's past involvement in caring for the child must be considered as well as the parent's willingness and ability to learn necessary care giving skills.

If parents cannot create a parenting access plan and access schedule that is best for their family, the Court will evaluate the case, and create a parenting access plan that it finds is in the best interest of the children.

Important Factors To Consider When Creating A Plan

- 1 The child's age, maturity, temperament and strength of attachment to each parent
- 2 Any special need of the child and parents
- 3 The child's relationship with siblings and friends
- 4 The distance between the two households
- 5 The flexibility of both parents work schedules and the child's schedules to accommodate extended access
- 6 Childcare arrangements
- 7 Transportation needs
- 8 The ability of parents to communicate and cooperate
- 9 The child's and the parents' cultural and religious practices
- 10 A parent's willingness to provide adequate supervision even if the parent has not done so in the past
- 11 A parent's ability and willingness to learn basic care giving skills such as feeding, changing, and bathing a young child, preparing a child for daycare or school, or taking responsibility for helping a child with homework
- 12 A parent's ability to care for the child's needs

Children Benefit When Parents

- 1 Initiate the child's contact with the other parent on a regular basis by phone, letter, audio and videotapes, e-mail and other forms of communication
- 2 Maintain predictable schedules
- 3 Are prompt and have children ready at exchange time
- 4 Avoid any communication that may lead to conflict at exchange time
- 5 Ensure smooth transitions by assuring the children that they support their relationship with the other parent and trust the other's parenting skills
- 6 Allow the children to carry "important" items such as clothing, toys, security blankets with them between the parents' homes
- 7 Follow similar routines for mealtime, bedtime, and homework time
- 8 Handle rules and discipline in similar ways
- 9 Support contact with grandparents and other extended family so the children do not experience a sense of loss
- 10 Are flexible so the child can take advantage of opportunities to participate in special family celebrations or events
- 11 Give as much advance notice as possible to the other parent about special occasions
- 12 Provide an itinerary of travel dates, destination, and places where the child or parent can be reached when on vacation
- 13 Establish a workable, "business-like" method of communication
- 14 Plan their vacations around the child's regularly scheduled activities

Children Are Harmed When Parents

- 1 Make their child choose between mom and dad
- 2 Question their child about the other parent's activities or relationships
- 3 Make promises they do not keep
- 4 Argue with or put down the other parent in the child's presence or range of hearing
- 5 Discuss their personal problems with the child or in the child's range of hearing
- 6 Use the child as a messenger, spy or mediator
- 7 Withhold access because child support has not been paid

SPECIAL CIRCUMSTANCES

These sample plans may not apply to all family situations or all children. They are not appropriate if there are significant issues of:

- 1 Child abuse or neglect
- 2 Serious mental or emotional disorders
- 3 Drug or alcohol abuse or criminal activity
- 4 Domestic violence
- 5 Continuous levels of very intense conflict

When a child's physical or emotional safety is at risk, it is necessary to protect the child. Parents who have concerns about these issues should seek help from an attorney, mental health professional, court services, domestic abuse agency, or local social services agency.

Remember, the welfare of the child is of utmost importance.

Definitions of terms used in this booklet:

Attachment: the process of building strong emotional bonds to specific care givers, critical for the child's development during the first year. A sense of security, the development of trust in others and positive emotional and social adjustment occur as a result of attachment.

Bonding: The development of close, loving and trusting relationships.

Parenting access plan: means a plan for the parenting of a minor child, which provides for the allocation of parenting functions and responsibilities.

Transition: moving between parents' homes.

SAMPLE PARENTING ACCESS PLANS

Birth to Twelve Months

Infants learn at a rapid rate. They are learning to love and trust familiar caregivers. Infants learn to attach to parents and others through consistent, loving responses such as: holding, playing, feeding, soothing, talking gently and lovingly, and meeting their needs promptly. They begin to respond to the different but equally valuable types of parenting mothers and fathers provide.

Infants cannot retain experiences over time, so it is important that they have frequent contact with both parents and a predictable schedule and routine. Infants can retain "emotional memories" of conflict that can have long-term negative effects, so parents should not argue when children, even infants, can overhear.

By six months, infants can recognize their parents and other caregivers, and may become uneasy around strangers. Regular caregivers are able to recognize their signals for food, comfort, and sleep. When away from them, infants may become anxious and may experience eating and sleeping problems.

At this young age, it is important to maintain the infant's basic sleep, feeding, and waking cycles. Schedules should be adjusted so that disruption does not occur. For example, in creating parenting access plans for this age group, parents should consider the special needs of breastfeeding infants.

All plans presume that the parent with access has appropriate baby supplies (infant seat, car seat, crib, diapers, toys) and that access will take place in a child friendly setting that is visually and intellectually stimulating. The parent with access time should personally care for the child as much as possible.

Return to the other home should be at least one half hour before bedtime. Once established, schedules should remain as consistent as possible.

All plans that include overnights presume that the parent with access not only had care giving experience but that the child is sufficiently attached and accustomed to being in the care of that parent for long periods.

Birth to Twelve Months

Plan A(1): Three periods of three to six hours spaced throughout each week.

Comment: Frequent contact helps the parent and the child bond.

Parent A. Parent B.

	M	T	W	Th	F	S	S
8:00							
9:00							
10:00							
11:00							
Noon							
1:00							
2:00							
3:00							
4:00		4:30		4:30			
5:00							
6:00							
7:00		7:30		7:30			
8:00							
overnight							

Sample Parenting plan language: Parent A shall have time which the child each week on Tuesday and Thursday from 4:30 p.m. to 7:30 p.m. and Saturday from 9:00 a.m. to 3:00 p.m. The child shall be with Parent B the remainder of the time.

Plan A(2): Two six hour periods spaced throughout the week.

Comment: This plan is helpful when the parents' work schedules or their levels of conflict make more frequent exchanges difficult. Because in this plan there are only two opportunities to parent each week, bonding between the parent and child may proceed more slowly and the child may experience some difficulty going from one parent to the other.

	M	T	W	Th	F	S	S
8:00							
9:00							
10:00							
11:00							
Noon							
1:00							
2:00							
3:00							
4:00							
5:00							
6:00							
7:00							
8:00							
overnight							

Sample parenting plan language:
 Parent A shall have time with the child each week on Tuesday from 12:00 p.m. to 6:00 p.m. and Saturday from 9:00 a.m. to 3:00 p.m. The child shall be with Parent B the remainder of the time.

Birth to Twelve Months

Plan B: Two three-hour periods and one eight hour period spaced throughout each week:

Parent A Parent B

	M	T	W	Th	F	S	S
8:00							
9:00							
10:00							
11:00							
Noon							
1:00							
2:00							
3:00							
4:00							
5:00							
6:00							
7:00							
8:00							
overnight							

Sample parenting plan language:
 Parent A shall have time with the child each week on Tuesday and Thursday from 4:30 p.m. to 7:30 p.m. and on Saturday from 10:00 a.m. to 6:00 p.m. The child shall be with Parent B the remainder of the time.

Vacation: Time blocks that vary significantly from the above are not recommended.

Holidays: When holidays or special occasions like Father's Day, Mother's Day and birthdays do not fall on a parent's access day, parents should consider dividing them consistent with the blocks noted above.

Birth to Twelve Months

Plan C: Two periods of three to six hours and one or more overnights each week.

Parent A. Parent B.

	M	T	W	Th	F	S	S
8:00							
9:00							
10:00							
11:00							
Noon							
1:00							
2:00							
3:00							
4:00		4:30		4:30		4:30	4:30
5:00							
6:00							
7:00		7:30		7:30			
8:00							
overnight							

Sample parenting plan language: Parent A shall have time with the child each week on Tuesday and Thursday from 4:30 p.m. to 7:30 p.m. and on Saturday from 4:30 p.m. to Sunday at 4:30 p.m. The child shall be with Parent B the remainder of the time.

Vacation: Presuming that Plan C overnights have been ongoing, parents may have three consecutive overnights, weekend or midweek, twice each year. Each parent shall give the other parent thirty days written notice of vacation plans and an itinerary of travel dates, destination, and places where the child or parent can be reached.

Holidays: When holidays or special occasions like Father's Day, Mother's Day and birthdays do not fall on a parent's access day, parents should consider dividing them consistent with the blocks noted above.

Twelve to Twenty-four Months

One to two year olds are becoming more aware of the world around them and the people who are frequently in contact with them. A baby at this age can be attached to many caregivers including grandparents, other extended family members, daycare providers, babysitters and family friends who are frequently in contact with the child.

One to two year olds are also becoming independent and are developing the ability to comfort themselves by thumb-sucking or holding onto favorite blankets or toys. Their sleeping and eating schedules are also becoming regular. They continue to respond to the different but equally valuable types of parenting mothers and fathers provide. Two year olds commonly test parental limits and appropriate parental responses can build the child's self-esteem for years to come.

Transitions between homes may become difficult for some one to two year olds and they may become upset at these times. Some resistance to exchanges is normal for some children. This behavior does not necessarily mean the other parent is not a good parent or that the child does not want to be with the other parent. Parents can make exchanges easier for the child by following predictable schedules and by supporting the child's relationship with the other parent.

All plans presume that the parent with access has appropriate baby supplies (infant seat, car seat, crib, diapers, toys) and that access will take place in a child friendly setting that is visually and intellectually stimulating. The parent with access time should personally care for the child as much as possible.

Return to the other home should be at least one half hour before bedtime. Once established, schedules should remain as consistent as possible.

All plans that include overnights presume that the parent with access not only had care giving experience but that the child is sufficiently attached and accustomed to being in the care of that parent for long periods.

Twelve to Twenty-four Months

Plan A(1): Three periods of three to six hours spaced throughout each week.

Comment: Frequent contact helps the parent and the child bond.

Parent A Parent B

	M	T	W	Th	F	S	S
8:00							
9:00							
10:00							
11:00							
Noon							
1:00							
2:00							
3:00							
4:00		4:30		4:30			
5:00		5:30		5:30			
6:00		6:30		6:30			
7:00		7:30		7:30			
8:00							
overnight							

Sample Parenting plan language: Parent A shall have time which the child each week on Tuesday and Thursday from 4:30 p.m. to 7:30 p.m. and Saturday from 9:00 a.m. to 3:00 p.m. The child shall be with Parent B the remainder of the time.

Plan A(2): Two six hour periods spaced throughout the week.

Comment: This plan is helpful when the parents work schedules or their levels of conflict make more frequent exchanges difficult. Because in this plan there are only two opportunities to parent each week, bonding between the parent and child may proceed more slowly and the child may experience some difficulty going from one parent to the other.

	M	T	W	Th	F	S	S
8:00							
9:00							
10:00							
11:00							
Noon							
1:00							
2:00							
3:00							
4:00							
5:00							
6:00							
7:00							
8:00							
overnight							

Sample parenting plan language:
 Parent A shall have time with the child each week on Tuesday from 12:00 p.m. to 6:00 p.m. and Saturday from 9:00 a.m. to 3:00 p.m. The child shall be with Parent B the remainder of the time.

Twelve to Twenty-four Months

Plan B: Two four-hour periods and one eight hour period spaced throughout each week:

Parent A Parent B

	M	T	W	Th	F	S	S
8:00							
9:00							
10:00							
11:00							
Noon							
1:00							
2:00							
3:00							
4:00							
5:00							
6:00							
7:00							
8:00							
overnight							

Sample parenting plan language:
 Parent A shall have time with the child each week on Tuesday and Thursday from 4:30 p.m. to 8:30 p.m. and on Saturday from 10:00 a.m. to 6:00 p.m. The child shall be with Parent B the remainder of the time.

Vacation: Time blocks that vary significantly from the above are not recommended, unless the child has gradually adjusted to overnights with parent A.

Holidays: When holidays or special occasions like Father's Day, Mother's Day and birthdays do not fall on a parent's access day, parents should consider dividing them consistent with the blocks noted above.

Twelve to Twenty-four Months

Plan C: One daytime period of three to six hours and two non-consecutive overnights each

Parent A Parent B

	M	T	W	Th	F	S	S
8:00					8:30		
9:00							
10:00							
11:00							
Noon							
1:00							
2:00		2:30					
3:00							
4:00						4:30	4:30
5:00				5:30			
6:00							
7:00							
8:00		8:30		8:30			
overnight							

Sample parenting plan language: Parent A shall have time with the child each week on Tuesday from 2:30 p.m. to 8:30 p.m., Thursday at 5:30 p.m. to Friday at 8:30 a.m. and Saturday from 4:30 p.m. to Sunday at 4:30 p.m. The child shall be with Parent B the remainder of the time.

Vacation: Presuming that Plan C overnights have been ongoing, parents may have one period of three consecutive overnights, midweek or weekend, with children 12 to 18 months old. After the age of 18 month, parents may have two one-week periods separated by at least four weeks. Each parent shall give the other parent thirty days written notice of vacation plans and an itinerary of travel dates, destination, and places where the child or parent can be reached.

Holidays: When holidays or special occasions like Father's Day, Mother's Day and birthdays do not fall on a parent's access day, parents should consider dividing them consistent with the blocks noted above.

SAMPLE PARENTING ACCESS PLANS

Twenty-four to Thirty-six Months

Ages two to three are an important time for children to develop independent skills. Although children this age are learning to be independent, they may still cling to their caregiver and resist separation. They may be negative, and say "NO!" to parents' requests and demands just to express their independence. They may also be fearful about unfamiliar activities and objects. Predictable, regularly scheduled routines help children manage their fears and help them learn that the world is a safe place. Moving between parents' homes may become difficult for children at this age and they may become upset. This behavior does not necessarily mean that the other parent is not a good parent or that the child does not want to be with the other parent. Parents must ensure that the transitions between the two parents' homes are free of parental arguing and tension.

Plan A(1): Two three to four hour periods and one eight hour period spaced throughout each week:

Parent A. Parent B.

	M	T	W	Th	F	S	S
8:00							
9:00							
10:00							
11:00							
Noon							
1:00							
2:00							
3:00							
4:00		4:30		4:30			
5:00							
6:00							
7:00							
8:00		8:30		8:30			
overnight							

Sample parenting plan language: Parent A shall have time with the child each week on Tuesday and Thursday from 4:30 p.m. to 8:30 p.m. and on Saturday from 10:00 a.m. to 6:00 p.m. The child shall be with Parent B the remainder of the time.

Vacation: Time blocks that vary significantly from the above are not recommended.

Holidays: When holidays or special occasions like Father's Day, Mother's Day and birthdays do not fall on a parent's access day, parents should consider dividing them consistent with the blocks noted above.

Twenty-four to Thirty-six Months

Plan A(2): Two periods of three to six hours and one overnight each week:

Parent A. Parent B.

	M	T	W	Th	F	S	S
8:00							
9:00							
10:00							
11:00							
Noon							
1:00							
2:00							
3:00							
4:00		4:30		4:30			
5:00							
6:00							
7:00		7:30		7:30			
8:00							
overnight							

Sample parenting plan language: Parent A shall have time with the child each week on Tuesday and Thursday from 4:30 p.m. to 7:30 p.m. and on Saturday from 4:00 p.m. to Sunday at 10:00 a.m. The child shall be with Parent B the remainder of the time.

Vacation: Presuming Plan A(2) overnights have been ongoing, parents may have two one-week periods separated by at least four weeks. Each parent shall give the other parent thirty days written notice of vacation plans and an itinerary of travel dates, destinations, and places where the child or parent can be reached.

Holidays: When holidays or special occasions like Father's Day, Mother's Day and birthdays do not fall on a parent's access day, parents should consider dividing them consistent with the blocks noted above.

Twenty-four to Thirty-six Months

Plan B: One period of three to six hours and two non-consecutive overnights each week:

Comment: Ideally a child of this age should not be separated on a regular schedule from either parent for longer than four days.

Parent A. Parent B.

	M	T	W	Th	F	S	S
8:00							
9:00							
10:00							
11:00							
Noon							
1:00							
2:00							
3:00							
4:00			4:30				
5:00							
6:00							
7:00			7:30				
8:00							
overnight							

Sample parenting plan language: Parent A shall have time with the child each week on Wednesday 4:30 p.m. to 7:30 p.m. and Monday 8:00 a.m. to Tuesday 8:00 a.m. and Friday 8:00 a.m. to Saturday 1:00 p.m. The child shall be with Parent B the remainder of the time.

Vacation: Presuming that Plan B overnights have been ongoing, use Plan A(2) vacation plan for this age group.

Holidays: See Plan A(2) Holiday for this age group.

Twenty-four to Thirty-six Months

Plan C: One period of three to six hours and two consecutive overnights each week:

Parent A. Parent B.

	M	T	W	Th	F	S	S
8:00							
9:00							
10:00							
11:00							
Noon							
1:00							
2:00							
3:00							
4:00							
5:00							
6:00							
7:00							
8:00							
overnight							

Sample parenting plan language: Parent A shall have time with the child each week on Saturday 10:00 a.m. to 1:00 p.m. and Monday 5:30 p.m. to Wednesday 8:00 a.m. The child shall be with Parent B the remainder of the time.

Vacation: Presuming that Plan C overnights have been ongoing, use Plan A(2) vacation plan for this age group.

Holidays: See Plan A(2) Holidays for this age group.

SAMPLE PARENTING ACCESS PLANS

Three to Five Years

Three to five year-olds are attached to their regular caregivers and separation may cause them to be uncomfortable and anxious. They may also be fearful about unfamiliar activities and objects and may experience night fears like "monsters" under the bed.

Three to five year-olds may show increased discomfort when moving between parents' homes. They may become very upset at these times. This behavior does not necessarily mean that the other parent is not a good parent or that the child does not want to be with the other parent. Parents can make exchanges easier for children by following predictable schedules.

Three to five year-olds may benefit from structured time with children their own age, away from parents. This time helps them to develop social skills and to learn that they can be safe and happy away from both parents.

Children are more likely to resist going to the other parent if the parents are tense, hostile or argue with each other at the exchange. If tension is present, the child might become difficult to manage or might display a variety of behaviors consistent with emotional problems. If parents cannot be pleasant, or at least neutral, they should limit communications at these exchanges. Parents must not use the child as a messenger to communicate with the other parent. Children may also feel more secure if they can take favorite stuffed toys, family photos or other objects that will remind them of the other parent.

After age three, children become more aware of holiday celebrations. To avoid disputes, parents should schedule for as many holidays as are meaningful to the family, whether religious, cultural, or national in their access plan. Parents should also include family birthdays and annual parent day celebrations.

The options discussed for 24 months to 36 months are also appropriate for this age group.

Plan A(1): Two consecutive overnights every other week and an additional overnight or afternoon/evening period each week.

Plan A(2): Three consecutive overnights week one. Another overnight or afternoon/evening period of three to four hours may be added in week two.

Sample Monthly Schedule

Plan A(1)						
M	T	W	Th	F	S	S
		5:30 p.m.		5:30 p.m.		6:00 p.m.
		5:30 p.m.				
		5:30 p.m.		6:30 p.m.		6:00 p.m.
		5:30 p.m.				

Parent A shall have time with the child week one from Friday at 5:30 p.m. to Sunday at 6:00 p.m. In addition, Parent A shall have time with the child each week from Wednesday at 5:30 p.m. to Thursday at 8:00 a.m. The child shall be with Parent B the remainder of the time. Repeat schedule weeks three and four.

Plan A(2)						
M	T	W	Th	F	S	S
			5:30 p.m.			6:00 p.m.
		5:30 p.m.				
			5:30 p.m.			6:00 p.m.
		5:30 p.m.				

Parent A shall have time with the child week one from Thursday at 5:30 p.m. to Sunday at 6:00 p.m. In addition, Parent A shall have time with the child each week from Wednesday at 5:30 p.m. to Thursday at 8:00 a.m. week two. The child shall be with Parent B the remainder of the time. Repeat schedule weeks three and four.

Three to Five Years

Plan B: Four consecutive overnights week one. Another overnight or afternoon/evening period of three to four hours may be added in week two.

Plan C(1): Parents split each week and the weekend.

Comment: This plan provides consistent routine and accommodates a young child's ability to be apart from either parent for only three days. It also allows the child to have a "stay home" day (Saturday or Sunday) with each parent each week, which is helpful to many young children. Parents may dislike not having full weekend access, but the schedule can be modified to allow full weekends during the summer or on holidays. If desired, parents may alternate exchanges so one week one parent has three overnights and the other has four overnights and the next week the number of overnights is reversed.

Sample Monthly Schedule

Plan B						
M	T	W	Th	F	S	S
			5:00 p.m.			8:00 a.m.
			5:30 p.m.			
			5:30 p.m.			8:00 a.m.
			5:30 p.m.			

Parent A shall have time with the child week one from Monday at 8:00 a.m. In addition; Parent A shall have the child from Thursday at 5:30 p.m. to Friday at 8:00 a.m. week two. The child shall be with Parent B the remainder of the time. Repeat schedule weeks three and four.

Plan C(1)						
M	T	W	Th	F	S	S
		12:00 p.m.				8:00 a.m.
		12:00 p.m.				8:00 a.m.
		12:00 p.m.				8:00 a.m.
		12:00 p.m.				8:00 a.m.

Parent A shall have time with the child each week from Sunday 8:00 a.m. to Wednesday 12:00 p.m. Parent B shall have time from Wednesday at 12:00 p.m. to Sunday at 8:00 a.m.

Three to Five Years

Plan C(2): Each parent has the same two consecutive midweek overnights each week and alternates the weekends.

Comment: This plan provides each parent with alternating full weekends with and without the children. The child is away from each parent during alternate weeks for five days, which may be difficult for some children at this age. This plan is helpful when the parents' level of conflict makes exchanges difficult, because all exchanges can take place at day care.

Sample Monthly Schedule

Plan C(2)						
M	T	W	Th	F	S	S
5:30 p.m.	8:00 a.m.			5:30 p.m.		8:00 a.m.
5:30 p.m.	8:00 a.m.					
5:30 p.m.	8:00 a.m.			5:30 p.m.		8:00 a.m.
5:30 p.m.	8:00 a.m.					

Parent A shall have time with the child every Monday after daycare or 5:30 p.m. If not in daycare to Wednesday 8:00 a.m. Parent B shall have time with the child every Wednesday after daycare or 5:30 p.m. If not in daycare to Friday at 8:00 a.m. The parties shall alternate weekends (Friday to Monday at 8:00 a.m.)

Vacation: Each parent shall have the opportunity to spend up to 10 days in town or out of town each year or two one week periods taken separated by at least three weeks. Telephone contact is recommended during out of town periods. Each parent shall give the other parent thirty days written notice of vacation plans and an itinerary of travel dates, destination, and places where the child or parent can be reached.

Holidays: See the "What to do about the Holidays" section of this booklet.

SAMPLE PARENTING ACCESS PLANS

Six to Nine Years

Six to nine year-old children may worry that one parent does not love them or that they will lose one parent. They may also experience intense longing for the absent parent. It is common for these children to fantasize that their parents will get back together.

Some six to nine year-olds benefit from spending more time at one home, while other move back and forth on a regular basis with ease. Children differ in how long they are comfortable being away from each parent. If the child has spent considerable quality time with the parent who has access, that child may cope better with a long separation from the other parent.

All scheduling should maximize parents' time off from work. If work schedules change, parents may vary access days with appropriate prior notice.

Plan A(1): Two consecutive overnights every other week. An additional three to six hour period or overnight may be added each week.

Plan A(2): Three consecutive overnights every other week and an additional four to six hour period each week.

Sample Monthly Schedule

Plan A(1)						
M	T	W	Th	F	S	S
		5:30 p.m.		5:30 p.m.		6:00 p.m.
		5:30 p.m.				
		5:30 p.m.		5:30 p.m.		6:00 p.m.
		5:30 p.m.				

Parent A shall have time with the child week one from Friday at 5:30 p.m. to Sunday at 6:00 p.m.. In addition, Parent A shall have access each Wednesday from 5:30 p.m. to 8:30 p.m. each week. The child shall be with Parent B. the remainder of time.

Plan A(2)						
M	T	W	Th	F	S	S
5:30 p.m.					2:00 - 8:00	
					2:00 - 8:00	
5:30 p.m.					2:00 - 8:00	
					2:00 - 8:00	

Parent A. shall have time with the child week one from Monday at 5:30 p.m. to Thursday at 8:00 a.m. In addition, Parent A shall have access every Saturday from 2:00p.m. to 8:00 p.m. The child shall be with Parent B the remainder of the time. Repeat schedule weeks three and four

Six to Nine Years

Plan B: Four consecutive overnights week one with an additional overnight week two.

Plan C(1): Split each week and weekend

Comment: This plan allows each parent to participate more in the child's academic life. It also provides a consistent routine, accommodates a young child's ability to be apart from either parent for only three days and allows the child to have a "stay home" day (Saturday or Sunday) with each parent each week, which is helpful to many young children. Parents may dislike not having full weekend access, but the schedule can be modified to allow full weekends during the summer or on holidays. If desired, parents may alternate exchanges so one week one parent has three overnights and the other had four overnights and the next week the number of overnights is reversed.

Sample Monthly Schedule

Plan B						
M	T	W	Th	F	S	S
		5:30 p.m.				
	5:30 p.m.					
		5:30 p.m.				
	5:30 p.m.					

Parent A shall have time with the child week one from Wednesday at 5:30 p.m. to Sunday at 8:00 a.m.. In addition, Parent A shall have access each week two on Tuesday from 5:30 p.m. to Wednesday 8:00 a.m. the Child shall be with Parent B the remainder of time.

Plan C(1)

M	T	W	Th	F	S	S
		12:00 p.m.				8:00 a.m.
		12:00 p.m.				8:00 a.m.
		12:00 p.m.				8:00 a.m.
		12:00 p.m.				8:00 a.m.

Parent A. shall have time with the child each week from Sunday 8:00 a.m. to Wednesday 12:00 p.m. Parent B shall have time from Wednesday at 12:00 p.m. to Sunday at 8:00 a.m.

Six to Nine Years

Plan C(2): Each parent has the same two consecutive midweek overnights each week and alternates the weekends.

Comment: This plan provides each parent with alternating full weekends with and without the children. The child is away from each parent during alternate weeks for five days, which may be difficult for some children. This plan is helpful when the parents' level of conflict makes exchanges difficult, because all exchanges can take place at school or daycare.

Plan C(3): The parents share time with the child during alternating seven day periods. A midweek overnight is optional for the parent who does not have access that week. The exchange time can be Friday after school or work, Sunday afternoon or evening, or Monday after school. **Comment:** This plan requires effective parental communication and cooperation to arrange weekly activities for the children. For example, if one parent wants to enroll the children in karate lessons on Tuesday evenings, the other parent must be willing to follow up with this activity when the children are with that parent. All exchanges for this plan can take place at school or day care if desired. While some children thrive with this access plan, others may find this arrangement disruptive.

Sample Monthly Schedule

Plan C(2)						
M	T	W	Th	F	S	S
3:30 p.m.				5:30 p.m.		
3:30 p.m.						
3:30 p.m.				5:30 p.m.		
3:30 p.m.						

Parent A shall have time with the child every Monday after school to Wednesday at 8:00 a.m. Parent B shall have time with the child every Wednesday after school to Friday at 8:00 a.m. The parties shall alternate weekends (Friday after school to Monday morning).

Plan C(3)						
M	T	W	Th	F	S	S

Parent A shall share time with the child for a seven-day period (alternating weeks). Week one: Parent A shall drop the child off at school Friday at 8:00 a.m. and Parent B shall pick the child up after school. Week two: Parent B shall drop the child off at school Friday at 8:00 a.m. and Parent A shall pick the child up after school. Repeat schedule weeks three and four. (Optional: The parent who does not have time with the child during the week shall be entitled to an overnight, normally to occur Wednesday from 5:30 p.m. to Thursday at 8:00 a.m.).

Vacation: Each parent shall have the opportunity to spend two, two week periods of in town or out of town vacation each year for children age six to eight. Each parent shall have the opportunity to spend up to four consecutive weeks of vacation after the child is eight. Each parent shall give the other parent thirty days written notice of vacation plans and an itinerary of travel dates, destination, and places where the child or parent can be reached. If the child is in town during a four week vacation period, the non-vacationing parent may have one weekend (Friday at 5:30 p.m. to Sunday at 6:00 p.m.) if desired.

Holidays: See the "what to do about the holiday" section of this booklet.

SAMPLE PARENTING ACCESS PLANS

Ten to Thirteen Years

Ten to thirteen year old children often want to be independent from their parents and are becoming more attached to their friends. They may blame one parent for the divorce, may be angry and embarrassed by the breakup of the family, and may side with one parent.

Children at this age often want to have a say in their living arrangements. Parents should allow them to express their views, while making it clear that it is up to the parents to make the final decisions. As children begin junior high school, parents should give consideration to their school and extracurricular activities. Parents should be flexible remembering that access must still occur on a regular basis.

All plans for six to nine year-olds are suitable for this age group.

Vacation: Each parent shall have the opportunity to spend two, two week periods or up to on four week period for in town or out of town vacation. Each parent shall give the other parent thirty days written notice of vacation plans and an itinerary of travel dates, destination, and places where the child or parent can be reached. Telephone contact is recommended. If the child is in town during a four week vacation period, the non-vacationing parent may have one weekend (Friday at 5:30 p.m. to Sunday at 6:00 p.m.) if desired.

Holidays: See the "what to do about the holidays" section of this booklet.

SAMPLE PARENTING ACCESS PLAN

Fourteen to Eighteen Years

During the later teen years, children want to be independent and believe they are capable of making their own decisions. Often, their focus is on their friends, school, activities, or work more so than on their family. Fourteen to eighteen year-olds may resist a rigid or well defined access schedule. Parents should be flexible and accept the children's increasing ability to care for their own needs. Many older teens prefer a primary house to use as a base where their friends can contact them. Sometimes they prefer it just because it is less confusing. As a result, for some children, having one parent's house as a primary house is important. Parents should consult with older teens regarding their ideas for living arrangements, access schedules, and family activities. Parents, however, must remind their teens that final decisions rest with the parents.

All of the plans listed from age six and older are suitable for this age group.

Plan A: Two consecutive overnights every other week, preferably on the weekend and an optional additional afternoon/evening period each week. One household becomes the "home base".

Plan B: The parents share time with the child during alternating seven-day periods. A midweek overnight period is optional for the parent who does not have access that week. The exchange time can be Friday after school or work, Sunday afternoon or evening, or Monday after school.

Comment: The plan requires effective parental communication and cooperation to arrange weekly activities for the children. For example, if one parent wants to enroll the children in karate lessons on Tuesday evenings, the other parent must be willing to follow up with this activity when the children are with that parent. While some children thrive with this access plan, others may find this arrangement disruptive.

Sample Monthly Schedule

Plan A						
M	T	W	Th	F	S	S
		5:30-9:00		5:30 p.m.		6:00 p.m.
		5:30-9:00				
		5:30-9:00		5:30 p.m.		6:00 p.m.
		5:30-9:00				

Parent A shall have time with the child every other week from Friday at 5:30 p.m. to Sunday at 6:00 p.m.. In addition, Parent A shall have access each Wednesday from 5:30 p.m. to 9:00 p.m. each week. The child shall be with Parent B, the remainder of time.

Plan B						
M	T	W	Th	F	S	S
		5:30-				
5:30 p.m.		5:30-				
		5:30-				
5:30 p.m.		5:30-				

Parent A shall have time with the child for a seven-day period (alternating weeks). Week one: Parent A shall drop the child off at school Monday at 8:00 a.m. and parent B shall pick the child up at school at 5:30 p.m. Week two: Parent B shall drop the child off at school Monday at 8:00 a.m. and Parent A shall pick the child up at school at 5:30 p.m. Repeat schedule weeks three and four. (Optional: The parent who does not have time with the child during the week shall be entitled to an overnight, normally to occur Wednesday from 5:30 p.m. to Thursday at 8:00 a.m.).

Fourteen to Eighteen Years

Plan C: The parents shall share time with the child during alternating fourteen-day periods. While scheduled to be with on parent, the child may have access to the other parent intermittently, as determined by the child's school and activity schedules, as well as the child's need and desires.

Sample Monthly Schedule

Plan C						
M	T	W	Th	F	S	S
				5:30 p.m.		

Parents shall share time with the child on an alternating 14-day basis. Week one: Parent A shall drop the child off at school Friday at 8:00 a.m. and Parent B shall pick the child up after school. Week three: Parent B shall drop the child at school at 8:00 a.m. and Parent A shall pick the child up after school. (Optional: The parent who does not have time with the child during the fourteen day period shall have access as determined by the child's school and activity schedules, as well as the child's needs and desires.)

Vacation: Each parent shall have the opportunity to spend two, two week periods or up to one four week period for in town or out of town vacation. Each parent shall give the other parent thirty days written notice of vacation plans and an itinerary of travel dates, destination, and places where the child or parent can be reached. Telephone contact is recommended. If the child is in town during a four week vacation period, the non-vacationing parent may have one weekend (Friday at 5:30 p.m. to Sunday at 6:00 p.m.) if desired.

Holidays: See the "What to do about the Holidays" section of this booklet.

WHAT TO DO ABOUT THE HOLIDAYS

Parents May:

1. Divide: Split the day or weekend (not necessarily equally) with both parents.

Sample parenting access plan language: Parent A shall have access on [specify holiday] from 9 a.m. to 2 p.m. Parent B shall have access from 2 p.m. to 8 p.m.

2. Alternate: One parent has access on certain holidays in even years and the other parent has access in odd years.

Sample parenting access plan language: Parent A shall have time with the child on [specify the holidays] in all even years from 9 a.m. to 5 p.m. Parent B shall have time with the child from 9 a.m. to 5 p.m. on [specify the holidays] in all odd years.

3. Substitute: One parent always has a specific holiday in exchange for another holiday.

Sample parenting access plan language: Parent A shall have [specify holiday] each year and parent B shall have [specify holiday] each year.

4. Scheduled: Parents follow their regular schedule and celebrate the holiday with the child if they have access on that day or time.

Sample parenting access plan language: Parents shall celebrate [specify holiday] if it falls on the day they regularly have access.

5. Each parent celebrates his or her parent day with the child.

Holidays and days of special meaning have priority over regular access periods.

Parents may vary their choice or method for each holiday because one method may work well for one holiday, but not for another.

PARENT/CHILD ACCESS-LONG DISTANCE

Special considerations may arise when a parent moves a long distance away from his or her child, but close relationship between the child and the parent should be maintained. Access shall be provided throughout the year at regular intervals. Parents must consider the age and maturity of the child, school schedules and work schedules of other family members when deciding how often and how long visits should be. Parents should refer to the developmental information provided in this booklet when creating long distance plans.

Parents must also consider their financial ability to provide transportation and the cost/availability of childcare when children are visiting from out of town. If the Court has not allocated travel expenses in the child support order, parents should allocate these costs by agreement prior to finalizing any schedule.

Depending upon the actual distance between the two parents' homes, and the availability of transportation, there shall be a minimum of four access periods each year. Access shall occur in the summer, during the winter holiday season, during Thanksgiving or spring break, and on or near the child's birthday. If the child's birthday falls during one of the other scheduled access periods, a fourth access period shall be scheduled at another time. If logistically possible, twice-monthly visits should occur. If parents live within driving distance, they should each drive one direction or meet half way. Ideally, children under age eight should not fly alone.

As children approach age three, they become aware of holidays. Holidays can be a challenge to parents who live far apart. Parents must be flexible and cooperative so that the child can enjoy holidays with both of them. To avoid disputes, parents should schedule for as many religious, cultural or national holidays as are meaningful to the family. Parents should also include family birthdays and annual parent day celebrations.

What to do about holidays-long distance

When parents live a long distance apart, all the options available for short distance plans are not available. Parents must consider the child's school and work schedules when arranging for holiday visits. Parents may:

1. Alternate: One parent has access on certain holidays in even years and the other parent has access in odd years. Holidays begin at 6:00 p.m. on the last day of school and conclude at 6:00 p.m. the day before school starts.

Sample access plan language: Parent A shall have time with the child on [specify holidays] on all even years from 6:00 p.m. Wednesday to 6:00 p.m. Sunday. Parent B shall have time with the child for [specify holidays] on all odd years.

2. Substitute: One parent always has a specific holiday in exchange for another holiday.

Sample access plan language: Parent A shall have [specify holiday] each year and Parent B shall have [specify holiday] each year.

3. Scheduled: Parents follow their regular schedule and celebrate the holiday with the child if they have access on that weekend. The weekend shall be extended to include the holiday.

Sample access plan language: Parents shall celebrate [specify holiday] if it falls on or close to the weekend they regularly have access.

Parents may vary their choice or method for each holiday because one method may work well for one holiday, but not for another.

APPENDIX B
SECURITY COSTS FOR
DEFIANCE, FULTON, HENRY & WILLIAMS COUNTY
COMMON PLEAS COURT

CIVIL		DEPOSIT AMOUNT
	CIVIL COMPLAINT, CROSS-CLAIM / COUNTERCLAIM, THIRD PARTY COMPLAINT, ADMINISTRATIVE APPEAL	\$350.00
	EXECUTION ON CERTIFICATE OF JUDGMENT / GARNISHMENTS	\$150.00
	AID IN EXECUTION, WRIT OF POSSESSION & DEBTOR'S EXAMINATION	\$250.00
	COGNOVIT	\$150.00
	PUBLICATION	\$500.00
FORECLOSURE		
	COMPLAINT	\$400.00
	PRAECIPE FOR ORDER OF SALE BY SHERIFF TO BE USED TOWARDS COSTS OF - LEGAL NOTICE, APPRAISAL AND COURT COSTS (Includes \$500 payable to Real Auction)	\$1,400.00
	PRAECIPE FOR ORDER OF SALE BY PRIVATE SELLING OFFICER TO BE USED TOWARDS COSTS OF - LEGAL NOTICE, APPRAISAL AND COURT COSTS	\$875.00
	CANCELATION OF SHERIFF'S SALE	\$ 75.00
CERTIFICATE OF JUDGMENT		
	FILING FROM ANOTHER COURT	\$37.00
	STATE OF OHIO (INCLUDES RELEASE)	\$42.00
	MAKING & FILING	\$35.00
	MAKING TO TRANSFER	\$ 8.00
	FILING RELEASE, SATISFACTION OR PARTIAL SATISFACTION OF LIEN	\$ 5.00
	FOREIGN JUDGMENT	\$ 75.00
DOMESTIC RELATIONS		
	DIVORCE/ DISSOLUTION -- WITHOUT CHILDREN, CROSS-CLAIM & COUNTERCLAIM	\$325.00
	DIVORCE / DISSOLUTION -- WITH CHILDREN <i>+ plus an additional \$30.00/child between the age of 5-17 (Williams & Henry only)</i>	\$450.00+
	POST-JUDGMENT MOTIONS -- WITH CHILDREN	\$280.00
	QDRO OR DPRO	\$100.00
	MOTION WITH CONSENT JUDGMENT ENTRY / NOTICE TO RELOCATE	\$ 50.00
	NOTICE TO RELOCATE	\$ 25.00
	HOME INVESTIGATION -- WILLIAMS COUNTY \$600, ALL OTHERS -- PER COURT ORDER	
	PUBLICATION	\$500.00
CRIMINAL		
	SEALING / EXPUNGING (regardless of number of records per ORC 2953.32)	\$100.00
	POST-CONVICTION MOTIONS/ PETITION: EXAMPLE: SEX OFFENDER RE-CLASSIFICATION, FIREARM DISABILITY, LIFETIME SUSPENSION, CERTIFICATE OF QUALIFICATION OF EMPLOYMENT (CQE)	\$125.00
COURT OF APPEALS		
	NOTICE OF APPEAL \$150.00	\$150.00
	IF FILED IN A COMMON PLEAS CASE -- ADDITIONAL \$25.00	\$175.00
	ORIGINAL ACTION	\$100.00
OTHER MISC	CLERKS FEES:	
	CERTIFICATION - \$2.00 PER DOCUMENT PLUS COPY CHARGE	
	FAX FEES: \$2.00 PLUS \$1.00 PER PAGE PER TRANSMISSION	
	COMPLETE RECORD: \$2.00 PER PAGE	

Amended July 1, 2026

**APPENDIX B
SECURITY COSTS FOR
DEFIANCE, FULTON, HENRY & WILLIAMS COUNTY
COMMON PLEAS COURT**

WILLIAMS COUNTY:		DEPOSIT AMOUNT
	WILLIAMS COUNTY SHERIFF'S SERVICE DEPOSIT	\$50.00
	FOREIGN COUNTY SHERIFF'S SERVICE DEPOSIT	\$100.00
	RECORDING LICENSES	\$ 5.00
	EACH SUBPOENA ISSUED BY THE CLERK	\$ 25.00
	VICTIMS OF CRIME APPLICATION	\$ 7.50
	PHOTOCOPY REQUESTS - \$0.10/PAGE	
	JURY FEE DEPOSIT -- The first party making a jury demand in a civil action before this court shall deposit \$350 with the Clerk of Courts no later than 10 days before the scheduled trial date. Failure to deposit \$350 within the time allotted shall constitute a waiver of jury. The \$350 Jury Fee Deposit include the Call Jury Fee of \$25 per ORC 2303.20(E).	\$350.00
	3.02 INSUFFICIENT DEPOSIT. If it is brought to the attention of the trial judge that any deposit is insufficient, the trial judge may require the said deposit to be increased from time to time.	
	3.03 WITNESS FEES. A party requesting the issuance of subpoenas for a witness shall deposit at the time of filing the request for subpoena the appropriate amount under the Witness Fees Statute (ORC 2335.06) for said witness with the Clerk of Courts. This Rule shall apply to civil and criminal practice.	
	3.04 APPRAISAL FEE. An advance deposit of \$225.00 is required. In the event the appraisal is canceled, this fee shall be promptly returned.	
DEFIANCE COUNTY:		
	REGARDING DIVORCE / DISSOLUTION DEPOSITS: A. However the Court may determine at the first hearing the party most able to make the deposit; and upon Order of the Court, that party shall deposit an amount determined by the Court; and if the Court so orders, the Clerk shall refund the original deposit to the extent that combined deposit exceeds that required. B. Failure by the party to deposit the amount ordered may result in the party being sanctioned including the striking of any pleading or the case proceeding as in default.	
	PHOTOCOPY REQUESTS: \$0.25/PAGE FOR FIRST 25 PAGES \$0.10/PAGE FOR NEXT 75 PAGES \$0.06/PAGE FOR PAGES THEREAFTER	
	FOREIGN COUNTY SHERIFF'S SERVICE DEPOSIT	\$25.00
HENRY COUNTY:		
	PHOTOCOPY REQUESTS: \$0.25/PAGE FOR FIRST 25 PAGES \$0.10/PAGE FOR NEXT 75 PAGES \$0.06/PAGE FOR PAGES THEREAFTER	
	FOREIGN COUNTY SHERIFF'S SERVICE DEPOSIT	\$25.00
FULTON COUNTY:		
	PHOTOCOPY REQUESTS: \$0.05/PAGE	
	REQUEST FOR OUT OF STATE SUBPOENAS TO BE SERVED IN FULTON COUNTY	\$250.00
	FOREIGN COUNTY SHERIFF'S SERVICE DEPOSIT	\$100.00

*IF A PARTY IS DUE A REFUND OF DEPOSIT IN ANY CASE, BEFORE MAKING SAID REFUND, THE CLERK OF COURTS MAY APPLY SAID REFUND TO ANY COURT COSTS THEN OWED BY SAID PARTY.

Amended July 1, 2026

APPENDIX C

COUNTY COURT OF COMMON PLEAS
COURT APPOINTED COUNSEL COMPLIANCE FORM

Please include my name on the Court Appointed Counsel list for the _____ County Common Pleas Court. I will accept appointments for felony indictments from the Court.

Name _____
Supreme Court ID No. _____
Address _____

Telephone number _____
Fax Number _____
E-mail address _____

In order to be appointed, you must submit a current certificate of malpractice insurance with this form.

CERTIFICATION

I certify that I have reviewed Ohio Administrative Code 120-1-10 and I will accept appointments as provided by this section. I further agree to inform the Court if I am not qualified within OAC 120-1-10 to accept further appointments. <http://codes.ohio.gov/oac/120-1-10v1>

Attorney Name

Date

Signature

Please return the completed form to _____, Court Administrator on or before

APPENDIX D

IN THE COURT OF COMMON PLEAS OF _____ COUNTY, OHIO

In Re: _____
(petitioner's name)

Case No: _____
(completed by Clerk)

DRC Electronic Petition No. _____
(required before filing)

**NOTICE TO COURT OF PETITION FOR CERTIFICATE OF
QUALIFICATION FOR EMPLOYMENT (RC 2953.25)**

The undersigned hereby petitions this Court for a Certificate of Qualification for Employment (see completed Electronic Petition attached as Exhibit A). Petitioner claims to have suffered a collateral sanction that is related to employment or occupational licensing as a result of one or more convictions or pleas of guilty to an offense. If filing is made directly with the Court, Petitioner also asserts no time has been served on a term in a state correctional institution or in a department-funded program.

Respectfully Submitted,

Signature

Printed name

Street (must reside in Williams County)

City, State Zip

Phone Number

Fax Number (if any)

Email

APPENDIX G

Defiance County Common Pleas Court

Technology Plan

Defiance County Common Pleas Court
221 Clinton Street
Defiance, Ohio 43512
419-782-5931 (phone)
419-782-2437 (fax)
www.defiance-county.com

Effective: July 1, 2026

DEFIANCE COUNTY COMMON PLEAS COURT TECHNOLOGY PLAN

This Technology Plan provides an overview of the Defiance County Common Pleas Court’s utilization of technology in the delivery of court services and maintenance of judicial operations. The applications outlined in this Plan include both public-facing technologies serving litigants, attorneys, members of the public, and other justice system stakeholders, as well as internal technology systems utilized by judicial officers and court staff. IT infrastructure information is not included in this list for safety and security reasons, including firewall, storage system, backup, anti-virus, disaster recovery, and cyber security.

The purpose of this Plan is to:

- Define how the Court uses technology to support attorneys, parties, and the public to be aware these services are available for case management, case filing, recordkeeping, efficient communications, and administrative functions.
- Provide a list of the Court’s IT functions and applications that support serving the public.
- Assist the Court in more readily identifying opportunities for improved efficiency and cost savings through the use of technological solutions.
- Promote the alignment of IT initiatives with the goals of the Court.

CASE MANAGEMENT

The Court uses the following applications to manage their docket and related case records:

Application	Purpose	How Users Receive Instructions	Dept/Role Responsible
CourtView/Equivalent	Case management software utilized by court staff	Previous & Ongoing vendor training	Clerk of Court Vendor
CourtView/Equivalent	Document imaging software utilized by court staff	Previous vendor Training	Clerk of Court Vendor
CourtView/Equivalent	Calendar used by court staff to manage contested docket	Previous vendor training	Clerk of Court Vendor

The Court utilizes services provided by Equivalent to support attorneys, parties, and the public by maintaining accurate and up-to-date case information, electronic records, and scheduling data.

Through these tools, the Court ensures that case activity, hearing dates, and filed documents are consistently recorded and accessible to authorized users. The Court promotes awareness of these services through its website, courtroom procedures, and direct communication with litigants and counsel, ensuring users understand how to access case information and participate effectively in the judicial process.

CLERK OF COURT FUNCTIONS

The following applications are used in the performance of clerk related functions:

Application	Purpose	How Users Receive Instructions	Dept/Role Responsible
CourtView/Equivalent	Case management software utilized by court staff	Previous vendor training Experience – software has been used for years	Clerk of Court Vendor
CourtView/Equivalent	Document imaging software utilized by court staff	Previous vendor training	Clerk of Court Vendor

The Clerk of Courts utilizes Equivalent systems to provide attorneys, parties, and the public with access to official court records, docket information, and filing services. The Clerk’s office supports these users by processing filings, maintaining the official record, and facilitating access to case information through public terminals, online resources, and in-person assistance. Awareness of these services is promoted through the Clerk’s office and the Court’s website, helping ensure that all users understand how to obtain information and utilize available filing and record access options.

FILING

The Court and Clerk of Court use the following applications to manage the filing of court documents:

Application	Purpose	How Users Receive Instructions	Dept/Role Responsible
CourtView/Equivalent	Electronic court filings	Clerk of Courts’s website, vendor training materials	Clerk of Court Vendor

HEARINGS

The following applications to conduct hearings and related proceedings:

Application	Purpose	How Users Receive Instructions	Dept/Role Responsible
Van Ausdall & Farrar	Digital Recording System	Vendor training materials	Experienced Staff
CourtView / Judicial Tools	Judicial Dashboard	Vendor training materials	Experienced Staff
Zoom	Conduct remote hearings	E-mail from the Court	Experienced Staff
Polycom	Conduct remote hearings for incarcerated individuals	Vendor training materials	Experienced Staff

The Court utilizes a digital recording system provided by Van Ausdall and Farrar to create and maintain an accurate record of court proceedings. This system supports attorneys, parties, and the public by ensuring that hearings are reliably recorded and preserved as part of the official record. Access to recordings and transcripts is facilitated through our established court procedures. The Court promotes awareness of this service through courtroom practices, communication with counsel and litigants, and public information resources, ensuring users understand how proceedings are recorded and how records may be requested.

The Court utilizes a judicial dashboard provided by Judicial Tools (an application created by CourtView) to assist the Judge, Magistrate, and court staff with efficient docket and case management in the Court's paperless environment. The dashboard provides a simplified view of the daily docket and allows for quick access to electronic court files, filings, and case information. This technology supports timely review of cases, improves workflow efficiency, and enhances the Court's ability to manage proceedings effectively. Although primarily an internal tool, its use benefits attorneys, parties, and the public by promoting efficient case processing and improved access to electronic records during court proceedings.

The Court utilizes Zoom to conduct remote hearings and virtual proceedings when approved by the Court. This platform allows attorneys, parties, witnesses, and other participants to appear remotely in appropriate matters, improving accessibility and reducing unnecessary travel while maintaining the orderly administration of justice. Remote hearing procedures and participation requirements are communicated through court notices, scheduling entries, and direct communication from court staff, ensuring participants are informed of available remote appearance options and related expectations.

The Court utilizes Polycom technology to conduct remote hearings involving incarcerated individuals housed at the Corrections Center of Northwest Ohio and facilities operated by the Ohio Department of Rehabilitation and Correction. This technology allows inmates to appear remotely for court proceedings when authorized by the Court, improving security, reducing transportation

costs, and increasing scheduling efficiency while maintaining access to the judicial process. Procedures regarding remote appearances are coordinated between the Court, correctional facilities, attorneys, and parties to ensure reliable communication and orderly proceedings.

JURY MANAGEMENT

The Court uses the following applications to manage its jury services

Application	Purpose	How Users Receive Instructions	Dept/Role Responsible
ezJustice	Jury Management	Vendor training materials	Jury Commissioner / Experienced Staff

The Court utilizes the jury management application provided by ezJustice to assist with the administration and management of juror information and jury service processes. The system supports efficient jury operations by maintaining juror records, conducting annual and term jury draws, managing summons and questionnaires, tracking juror status, and assisting court staff with jury communication. Use of the system improves efficiency, accuracy, and organization throughout the jury process while supporting timely communication with prospective jurors. The Court promotes awareness of jury management services and related procedures through jury summons materials, Court communications, and public information resources.

PROBATION

The Court uses the following applications to perform probation services

Application	Purpose	How Users Receive Instructions	Dept/Role Responsible
OCSS	Probation case management services	Vendor training materials	Probation Staff
OCSS (Kiosk)	Check in software on kiosk used by probationers	Signage	Probation Staff

The Probation Department utilizes a case management system provided through Ohio Community Supervision System (OCSS) to support the supervision and management of probation cases. The system allows probation officers and staff to maintain offender records, document supervision activities, track compliance with court-ordered conditions, monitor reporting requirements, and manage case-related information in a centralized electronic format. Use of the system enhances

efficiency, organization, and communication within the Probation Department while supporting accurate recordkeeping and timely reporting to the Court. The availability and use of probation-related services and procedures are communicated through the Probation Department and Court resources as appropriate.

The Probation Department utilizes a probation reporting kiosk provided through Ohio Community Supervision System (OCSS) to assist with offender reporting and supervision functions. The kiosk allows probationers to electronically check in with the Probation Department.

IN THE COURT OF COMMON PLEAS OF _____ COUNTY, OHIO

vs.

Case No. _____

Plaintiff

Defendant

PRELIMINARY INJUNCTIONS

IT IS ORDERED, PURSUANT TO LOCAL RULE 10.01, EFFECTIVE ON THE DATE A COMPLAINT IS FILED THAT EACH SPOUSE IS ENJOINED FROM COMMITTING ANY OF THE FOLLOWING ACTS:

1. Removing, or causing to be removed, the child(ren) born or adopted by the parties and/or the child(ren) of either or both spouses, if any, from the Court's jurisdiction without leave of Court; and
2. Causing physical abuse, annoying, inflicting bodily injury, attempting to cause or recklessly cause bodily injury, threatening the use of force or imminent physical harm, stalking, harassing, interfering with or imposing any restraint on the personal liberty of the other spouse, committing any act with respect to a child in violation of the Revised Code of Ohio; and
3. Incurring debt in the name of the other spouse except for necessary food, housing, utilities, medical care, and necessary transportation; and
4. Selling, removing, transferring, encumbering, pledging, hypothecating, damaging, hiding, concealing, assigning or disposing of any and all property, real or personal, owned by both or either spouse or a child (including household goods, vehicles, financial accounts, and the personal property of each), without the prior written consent of the spouse or the Court. Excluded is any account now used for the payment of living costs; and
5. Voluntarily changing the terms of, or beneficiary of, terminating coverage of, cashing in, borrowing against, encumbering, transferring, canceling or failing to renew any type of insurance, including health, automobile, life, home, liability, disability, or fire insurance that provides coverage for a spouse or child(ren) born or adopted by the parties; and
6. Voluntarily liquidating, encumbering, borrowing against, cashing in, changing the beneficiary of, terms, or conditions of any retirement or pension plan or program that provides any benefit to a spouse or a child(ren) born or adopted by the parties and/or of either or both spouses; and
7. Voluntarily interrupting or terminating any utility service to the marital residence without prior written consent of the other spouse or the Court.

Nothing in the above restraining orders precludes a spouse from using their property to pay necessary and reasonable attorney fees, litigation and court costs in this action.

Judge

WARNING

This is an official court order. If you disobey any order of court, you may be found in contempt of court, sentenced to jail, fined, and ordered to pay costs and attorney fees, in addition to any other legal remedy available to the spouse, child or other dependent affected. This order is in effect until (1) the court issues an order which modifies or terminates it; (2) a judgment for divorce or legal separation is filed with the Clerk of Court specifically dismissing each injunction.

Court Order 2
IN THE COURT OF COMMON PLEAS OF _____ COUNTY, OHIO
 Domestic Relations/General Division Juvenile Division

In the matter of:

JUDGE: _____

CASE NUMBER: _____

**ORDER APPOINTING GUARDIAN
AD LITEM**

It appearing to the Court that the appointment of a Guardian Ad Litem (hereinafter referred to as GAL) is necessary to protect the interest of the following minor child(ren), it is hereby **ORDERED** as follows:

1. _____ is appointed as GAL for the minor child(ren),

_____.
This appointment shall remain in effect until the GAL is discharged.

2. Unless the GAL is a volunteer, the GAL shall be compensated at a rate of \$_____ per hour for reasonable and necessary time spent in this matter and shall be reimbursed for all reasonable and necessary expenses incurred in the course of the GAL's duties.

To secure payment for the costs and fees of the GAL, on or before _____, a deposit in the amount of \$_____ shall be deposited with the Clerk of this Court by the parties as follows: \$_____ payable to Plaintiff/Petitioner and \$_____ payable by Defendant/Respondent.

3. The GAL shall conduct an investigation pursuant to Sup. R. 48.01- 48.07 and the Local Rules of Court and pursuant to the scope of the appointment as follows:

- This is a full scope appointment.
 This is a limited scope appointment. The GAL shall address only the following issues:

If this is a limited scope appointment, the GAL is relieved of the duties set forth in Sup. R. 48.03 (D) that are not applicable to the specific issue or issues outlined herein.

4. Each parent, guardian, or temporary or legal custodian shall sign any and all releases requested by the GAL to obtain records and reports about themselves and/or the child(ren), as may be relevant to the GAL's investigation. Each shall fully cooperate at all times with all requests of the GAL.

5. Upon presentation of a copy of this order to any agency, hospital, physician, chiropractor, optometrist, dentist, nurse or other medical, dental or optical practitioner, psychologists, psychiatrists or other mental health practitioner, organization, school, person or office including, but not limited to, the Clerk of this Court, Job and Family Services Agencies, public children's service agencies, private child placing agencies, health departments, juvenile courts, juvenile probation department, adult probation departments and law enforcement agency, the GAL shall be permitted to inspect and copy any records relating to the child(ren), and/or parent, to confirm with any and all professionals who may provide information relative to said minor child(ren) and/or parent with respect to issues pending before this Court without the consent of the child and/or parents.

6. The GAL shall make no disclosure about a case or investigation, except to the parties and their legal counsel in reports to the Court, as necessary, to perform the duties of the GAL, including as a mandated reporter or as directed by the Court or law permits.
7. The GAL shall be given notice of and shall appear at all hearings or proceedings scheduled in this matter and shall attend any hearing relevant to the responsibilities of the GAL. Further, the GAL shall be provided with copies of all pleadings, motions, notices and other documents filed in this matter by counsel for the parties and/or by unrepresented parties.
8. The GAL shall be given notice of any hearings, reviews, investigations, depositions or other proceedings concerning a child included within this order and shall be entitled to attend the same.
9. The GAL shall be notified prior to any change being made in the child(ren)'s residential placement and/or case plan by any party, except those actions taken to prevent immediate or threatened physical or emotional harm to the child as provided in ORC §2151.412, in which case the GAL shall be notified before the end of the next business day after the change is made.
10. Upon becoming aware that the GAL's recommendations differ from the wishes of the child(ren), if the child(ren) do not have a separate attorney, the GAL shall immediately notify the court in writing with notice to the parties or affected agencies, so as to allow the court to take action as it deems necessary.
11. The GAL shall provide a one page written summary to the Court at least five (5) days prior to the GAL pre-trial conference.
12. Unless the time period is modified by the Court, the GAL shall submit their full written report(s) with recommendations to the court, counsel of record and self-represented parties, in accordance with the following time requirements:
 - In abuse, neglect, dependency, unruly, and delinquency cases, not less than seven days prior to any initial dispositional hearing, permanent custody hearing, and any hearing upon a motion requesting a change in disposition; and
 - In proceedings involving the allocation of parental rights and responsibilities, not less than seven days before the final hearing date.
13. A written GAL report shall affirmatively state that the GAL's responsibilities have been met and shall detail the activities performed, hearings attended, persons interviewed, documents reviewed, experts consulted, and all other relevant information considered by the GAL in reaching the GAL's recommendations and in accomplishing the duties required by statute, court rule, and in the Order of Appointment. The report shall include the following statement in bold print as required by local rule:

This report is being provided to the Court, unrepresented parties and legal counsel of record. If you are an attorney, you may share its contents with your client. However, any additional disclosure of this report must be approved in advance by the Court. Any person who copies this report, posts on social media or other mediums or discloses all or portions of the report to another person, without prior approval, shall be subject to Court action including penalties for contempt which include incarceration and fines.

In addition, the Guardian *ad Litem*, when providing the report to unrepresented parties and legal counsel of record shall attach a cover sheet entitled NOTICE which sets out the language required above in bold print in 22-point font or larger.

14. The GAL shall be available to testify at any relevant hearings and may orally supplement the report at the conclusion of the hearing.
15. Should the case proceed to final contested hearing, this Court will require an additional GAL deposit to be determined at least thirty (30) days prior to the final hearing date.

16. At any time the fees of a guardian ad litem exceed \$2,500.00, the guardian ad litem shall file a motion for interim fees, served upon all parties, which must include a detailed statement and description of rendered services.
17. The GAL shall keep accurate records of the time spent, services rendered, and costs and expenses incurred while performing the responsibilities of a GAL. Unless the GAL is a volunteer, the GAL shall provide a monthly statement of fees and expenses to all parties. Upon the conclusion of his or her responsibilities, the GAL shall provide a motion for payment with an itemized statement and accounting to the Court, with a copy to each party or other entity responsible for payment. In addition, at any time prior to the conclusion of a case, the GAL may submit a motion for payment. The motion for payment shall contain an itemized list of duties performed, time expended, and costs and expenses. The parties or other entity responsible for payment shall pay those fees and expenses as ordered by the Court. The GAL fees and expenses shall be considered in the nature of domestic support orders for purposes of discharge ability in bankruptcy.
18. In addition to all orders set out herein, the GAL shall strictly comply with the requirements of Sup. R. 48 – 48.07 subject to the following: _____

Date Approved

Judge/Magistrate

CERTIFICATION

A copy of this order was hand-delivered, mailed or emailed to counsel of the parties or to the parties without counsel and to the guardian ad litem this _____ day of _____, 20____.

IN THE COURT OF COMMON PLEAS OF _____ COUNTY, OHIO
DOMESTIC RELATIONS DIVISION
JUVENILE DIVISION

CASE NUMBER:

JUDGE

QUALIFIED MEDICAL SUPPORT ORDER

* * * * *

1. It is intended that this Order constitute a Qualified Medical Support Order as defined in Section 609 of the Employee Retirement and Income Security Act of 1974, as amended, and R.C.3113.217.

2. This Order applies to the _____ (the "Plan") which the court has determined to be the only group health insurance and health care policy, contract, or plan that is available to _____ (hereinafter referred to as the "Obligor") and _____ (hereinafter referred to as the "Obligee"), at reasonable cost. (You would substitute the name of the plan for each instance).

3. The Obligor is a participant in the Plan. The last-known mailing address and telephone number of the Obligor is _____, phone # _____.

4. Pursuant to the terms of a Judgment Entry filed _____, 20____, the Obligor was ordered to maintain his/her minor child(ren) on Obligor's health insurance plan.

5. The minor child(ren) referred to in Section 4, above, hereinafter designated the "Alternate Recipient(s)", is/are _____ (name, address, SS#, DOB). The Obligor is hereby ordered to secure coverage for the Alternate Recipient(s) from the Plan, or, in the event the Obligor is no longer eligible to participate in the Plan, from a health insurance policy, contract, or plan that provides coverage similar to that provided by the Plan. The Obligor shall, within thirty (30) days of the date of the Order, furnish written proof to the Child Support Enforcement Agency that the coverage has been obtained. The Obligor is directed to execute the necessary documents or comply with any directions or instructions issued by the Plan Administrator to facilitate the provision of coverage to the Alternate Recipients.

6. The Obligor shall supply the other parent with the information regarding the benefits, limitations, and exclusions of the health insurance coverage, copies of any insurance forms necessary to receive reimbursement, payment or other benefits under the health insurance coverage, and a copy of any necessary insurance cards. In addition, the Obligor shall submit a copy of this Order to the insurer at the time the Obligor make application to enroll the Alternate Recipient(s) for coverage. The Obligor shall furnish written proof, within thirty (30) days of the issuance of this Order that he has complied with the requirements of this paragraph.

7. The Plan Administrator is directed to provide coverage to the Alternate Recipient(s) as soon as is administratively feasible after it has been determined that the Order satisfies the requirements of Section 609 of BRISA and R.C. § 3113.217.

8. It is the intent of this Order that medical plan coverage for the Alternate Recipient(s) is subject to all terms and conditions of the Plan in the same manner as if the Alternate Recipient(s) qualified as (a) dependent(s) under the terms of the Plan.

9. The Obligor, _____ (name, address, SS# and phone #), shall be reimbursed for out-of-pocket medical, optical, hospital, dental or prescription expenses paid for each child who is subject of the Order. The Plan, or any successor plan, may continue making payment for medical, optical, hospital, dental or prescription expenses paid for each child who is the subject of the Order. The Plan, or any successor plan, may continue making payment for medical, optical, hospital, dental or prescription services directly to any health care provider in accordance with the applicable provisions of the Plan.

10. The Obligor and Obligee shall designate the child(ren) who are the subject of this Order as covered dependents under any health insurance or health care policy, contract or plan for which they contract no later than thirty (30) days after the issuance of the Order.

11. OPTIONAL PARAGRAPH -- The Obligor and Obligee shall be responsible for any co-payment or deductible costs required under the applicable provisions of the Plan in accordance with the following formula: Obligor _____%; Obligee _____%.

12. If the Obligor fails to comply with the requirements of this Order, the Child Support Enforcement Agency shall comply with the procedures specified in R.C. § 3113.217(F) to obtain a court order requiring the Obligor to obtain the health insurance coverage required under the terms of this Order.

13. During the time that this Order is in effect, the employer of the Obligor is required to release to the other parent or the Child Support Enforcement Agency, upon request, any necessary information on the health insurance coverage, including, but not limited to, the name and address of the insurer and any policy, contract, or plan number, and to otherwise comply with this Order and any Court Order issued under this section.

14. If the person required to obtain health insurance coverage for the child(ren) subject to this child support order obtains new employment and the health insurance coverage for the child(ren) is provided through the previous employer, the Child Support Enforcement Agency shall comply with the requirements of division (B) of R.C. §3113.217 which may result in the issuance of a notice requiring the new employer to take whatever action is necessary to enroll the children in health insurance coverage provided by the new employer.

15. The Obligor and the Obligee shall comply with any requirements set forth in this Order no later than thirty (30) days after the issuance of this Order.

16. The Order shall be binding upon the Obligor and the Obligee, their employers, and any insurer that provides health insurance coverage for either of them or their child(ren).

17. Any employer who receives a copy of this Order shall notify the Child Support Enforcement Agency of any change or the termination of the Obligor's health insurance coverage that is maintained pursuant to this Order.

18. Coverage for the Alternate Recipient(s) shall continue until such times as the Alternate Recipient(s) would no longer be entitled to coverage as dependents under the terms of the Plan, had their parents not divorced.

19. This Medical Child Support Order is not intended to require the Plan to provide any type or form of benefit, or any option, not otherwise provided under the Plan.

20. To the extent necessary, this Court retains jurisdiction to modify this Order for the purpose of satisfying the provisions of Section 609 ERISA and R.C. §3113.217.

IT IS SO ORDERED.

Judge

COURT ORDER #4

IN THE COURT OF COMMON PLEAS OF _____ COUNTY, OHIO

In the matter of:

PLAINTIFF, PETITIONER,

JUDGE _____

ORDER

DEFENDANT, PETITIONER, RESPONDENT.

CASE NUMBER: _____

The parties, _____, are hereby ORDERED to attend the six-week program "How to Raise the Best Children Possible," commencing Monday, _____, 2_____, and continuing on the next five Mondays (or at such other time as may be indicated), and to each pay the \$30.00 registration fee required. Each party shall contact the Center for Child and Family Advocacy at (419)592-0540 to register for "How to Raise the Best Children Possible" classes at least forty-eight hours prior to the first class.

Failure to register for, pay for and attend the "How to Raise the Best Children Possible" classes may be used as a factor in determining the allocation of parental rights and responsibilities for the child(ren) who is/are the subject of this case, including designation of residential parent and legal custodian for the child(ren) and allocation of parenting time with the child(ren), and/or may result in a contempt of court finding.

Judge/Magistrate

Certification

The undersigned hereby certifies that on this _____ day of _____, 2_____, copies of this order and the "How to Raise the Best Children Possible" brochure were (hand-delivered) (mailed by ordinary United States mail) to each party.

COURT ORDER #5
IN THE COURT OF COMMON PLEAS

COUNTY, OHIO
Division

IN THE MATTER OF:

A Minor

Plaintiff/Petitioner
vs.

Defendant/Respondent/Petitioner

: Case No. _____
:
: Judge _____
:
: Magistrate _____
:
: **ORDER FOR INVESTIGATION**
: **(HOME STUDY)**

Upon motion of the _____ and for good cause shown, it is hereby ORDERED that _____ ("Court Investigator") shall complete an investigation as to the character, family relations, past conduct, earning ability, health, present living conditions, and financial worth of the following individuals: _____

The Court Investigator has the right to obtain any and all records pertaining to the minor child(ren), including but not limited to, school, medical and counseling records. Upon presentation of a copy of this order to any agency, hospital, physician, chiropractor, optometrist, dentist, nurse or other medical, dental, or optical practitioner, psychologist, psychiatrist, or other mental health practitioner, organization, school, person or office, including, but not limited to the Clerk of this Court, human services agencies, public children services agencies, private child placing agencies, health departments, juvenile courts and juvenile probation departments, the Investigator shall be permitted to inspect and copy any records relating to the child(ren) and the parties to this case and/or to confer with any and all professionals who may provide information relative to said child(ren) or parties without the consent of the child(ren) or parties.

The Court Investigator has the right to interview the child while at school, home or other places where the child may be found. Any and all persons or entities having information shall release it to the Court Investigator, shall speak with the Court Investigator if requested and provide any other requested information. Those individuals being investigated shall sign any requested releases of information so as to allow the investigator to gather the required information

The investigator shall maintain any information received from any such source as confidential and shall not disclose the same except to report to the court or as the court directs or as law permits.

Effective _____

The investigator shall be notified of any hearings, reviews, investigations, depositions or other proceeding that (s)he is required to attend.

A written report of the investigation shall be provided by the Court Investigator to this Court not less than seven (7) days before trial and the Court will forward copies thereof to counsel of record and self-represented litigants. The investigator shall not render an opinion as to the care of children and may only report the investigator's findings on the issues outlined in this Order.

In order to facilitate the completion of the investigation and the report thereof, the parties shall immediately schedule appointments with the Investigator for themselves and the children and shall keep all appointments scheduled. In addition, the parties shall sign and deliver any requested releases for information presented to them by the Investigator and shall cooperate with the Investigator in order to ensure that the investigation and report are completed expeditiously.

The Investigator shall include the following **NOTICE** in **BOLD** print within the body of their report:

This document is being provided to the Court, unrepresented parties and legal counsel of record. If you are an attorney, you may share its contents with your client. However, any additional disclosure of this report must be approved *in advance* by the Court. Any person who copies this report, posts on social media or other mediums or discloses all or portions of the report to another person, without prior approval, shall be subject to Court action including penalties for contempt which include incarceration and fines.

The Court shall impose sanctions of contempt on any person who disseminates the report in whole or in part, to any individual who has not been pre-approved to receive the report. No individual shall be permitted to place the content of the report on any form of social media.

Finally, the costs and the fees for the investigation and the report thereof shall be paid as follows:

Date Approved _____

Judge/Magistrate _____

Approved: _____

CERTIFICATION

A copy of this order was hand-delivered or mailed to counsel of the parties or to the parties without counsel, Court Investigator, and _____ (ie: DJFS, GAL, etc) this _____ day of _____, 20_____. [Receipt of a copy of this order was waived by the parties and/or counsel.]

Effective _____

COURT ORDER #6
IN THE COURT OF COMMON PLEAS OF _____ COUNTY, OHIO
 Domestic Relations/General Division Juvenile Division

In the matter of:

JUDGE/MAGISTRATE: _____

CASE NUMBER: _____

**ORDER APPOINTING CUSTODY
EVALUATOR**

The Court finds that it is in the best interest of the minor child(ren) for a custody evaluation to be conducted in this matter relating to the allocation of parental rights and responsibilities and/or parenting time/companionship or visitation.

It is hereby **ORDERED** that:

1. _____, hereinafter referred to as Custody Evaluator, is appointed to conduct a custody evaluation pursuant to Ohio Superintendence Rule 91 and the local rules of this Court.

Business Address: _____

Professional Board Name: _____

Licensure #: _____ Business Phone #: _____

2. The child(ren) subject to the custody evaluation is/are as follows: _____

The parents or other parties to this case subject to the custody evaluation are as follows:

3. Custody Evaluator shall be appointed until the evaluation report is submitted to the court or until the custody evaluator testifies at the final hearing, whichever is later.

4. The type of custody evaluation to be conducted will be:

- Allocation of Parental Rights and Responsibilities
[Comprehensive analysis of the family's issues (e.g., mental health, substance abuse, relocation, special needs, domestic violence, reunification)]
- Brief Focused Assessment
- Update of a previous custody evaluation report
- Determination of parenting time schedule for the child(ren)
- Determination if supervised parenting time or exchange is appropriate
- Identification of school district

Effective _____

If child is permitted to relocate, determination of parenting time schedule

Other: _____

Companionship Dispute

Other: _____

5. Upon presentation of a copy of this order to any agency, hospital, physician, chiropractor, optometrist, dentist, nurse, or other medical, dental, or optical practitioner, psychologists, psychiatrists, or other mental health practitioner, organization, school, person, or office, including, but not limited to, the Clerk of this Court, job and family services agencies, public children's services agencies, private child placing agencies, health departments, juvenile courts, juvenile probation department, and adult probation departments, Custody Evaluator shall be permitted to inspect and copy any records related to the child(ren), the parent(s), or other parties to this case, to confer with any and all professionals who may provide information relative to said minor child(ren), parent(s), or other parties to this case with respect to issues pending before this Court without the consent of the child(ren), parent(s), or other parties.
6. Custody Evaluator shall make no disclosure about a case or investigation, except to the parties and their legal counsel in reports to the Court, as necessary, to perform the duties of the custody evaluator or as directed by the Court or law permits.
7. All parties shall participate in and cooperate with all aspects of the custody evaluation. All parties shall promptly provide all information requested by Custody Evaluator.
8. All parties shall attend all scheduled interviews to ensure the evaluation and report are completed expeditiously.
9. The appointed custody evaluator is:
 - Court connected. The fee for the custody evaluation is \$ _____. Orders for payment are as follows:
 - \$ _____ shall be deposited with the Clerk of Courts by each party on or before _____. Said funds to be distributed pursuant to further Order of this Court.
 - Waived – all fees and expenses of the court connected custody evaluator shall be paid utilizing grant funds from the ADAMhs Board and Center for Child and Family Advocacy.
 - Private. All fees and expenses shall be established by the custody evaluator. The parties shall comply with any and all payment arrangements established by the custody evaluator.
10. Custody Evaluator shall submit a full written report to the Court upon completion of the evaluation. In the event a final hearing date has been set, the report must be submitted at least thirty days before that date. If a final hearing date has not, as yet, been set, this matter shall be scheduled for further hearing upon receipt of the evaluation report. Under any circumstances, The Custody Evaluator shall receive at least 30 days' notice of final hearing in which oral

testimony may be required upon subpoena by counsel. Custody Evaluator shall be notified of the final hearing date, of any changes in the hearing date(s) or any additional dates which are established that may require Custody Evaluator's presence.

11. Custody Evaluator shall include the following NOTICE in BOLD print within the body of their report:

This report is being provided to the Court, unrepresented parties and legal counsel of record. If you are an attorney, you may share its contents with your client. However, any additional disclosure of this report must be approved *in advance* by the Court. Any person who copies this report, posts on social media or other mediums or discloses all or portions of the report to another person, without prior approval, shall be subject to Court action including penalties for contempt which include incarceration and fines.

12. The report shall be entered into evidence on the Court's motion as an exhibit in the form of the evaluator's expert direct testimony. A party challenging the report shall subpoena Custody Evaluator to appear not less than 14 days before a hearing or trial. Custody Evaluator shall be available to testify on cross-examination if subpoenaed.

13. Custody Evaluator shall keep accurate records of the time spent, services rendered, and costs and expenses incurred while performing the responsibilities of a custody evaluator. Unless Custody Evaluator is court-connected, Custody Evaluator shall provide a monthly statement of fees and expenses to all parties. Upon the conclusion of their responsibilities, Custody Evaluator shall provide a motion for payment with an itemized statement and accounting to the Court, with a copy to each party or other entity responsible for payment. The motion for payment shall contain an itemized list of duties performed, time expended, and costs and expenses. The parties or other entities responsible for payment shall pay those fees and expenses as ordered by the Court.

14. In addition to all orders set out herein, Custody Evaluator shall strictly comply with the requirements of Sup.R. 91.01-91.09 and the local rules of this Court.

Date Approved

Judge/Magistrate

A copy of this Order was hand-delivered, mailed, or emailed to counsel of the parties or to the parties without counsel, to (If court connected: Custody Evaluator at contact@theccfa.org) and to _____ (ie: DJFS, GAL) on this _____ day of _____, 20____.

COURT ORDER #8
IN THE COURT OF COMMON PLEAS

COUNTY, OHIO
Division

_____ : Case No. _____
Plaintiff/Petitioner :
vs. : Judge _____
: Magistrate _____
_____ :
Defendant/Respondent/Petitioner : **JUDGMENT ENTRY REQUIRING**
MEDIATION SERVICES

Upon request of the parties or at the Court's discretion, this matter is hereby submitted to mediation and the case is hereby **STAYED**. During the time that this case is stayed for mediation, the Clerk of Courts shall not accept for filing any pleadings/documents except for the following:

1. Motion to Lift Stay
2. Response to a Motion to Lift Stay
3. Motion or Stipulation to dismiss the case; and
4. Notice related to Counsel.

It is therefore **ORDERED, ADJUDGED AND DECREED** that all parties shall forthwith submit the issues in this matter to the Northwest Ohio Mediation Services. This case is referred to mediation at no additional cost to the participants.

It is further **ORDERED, ADJUDGED AND DECREED** that the parties become familiar with and comply fully with Rule 5.11/14.01/20.01 (Juvenile) of this Court's Rules of Court.

It is further **ORDERED, ADJUDGED AND DECREED** that the mediator will notify all the parties and counsel of their scheduled mediation.

It is further ORDERED, ADJUDGED AND DECREED that within fourteen (14) days after the conclusion of the mediation services the mediator shall file with the Court and make available to counsel for all parties an appropriate mediation report concerning the result of the mediation.

Magistrate

Judge

Copies of this notice were delivered/fax/e-mailed by the Common Pleas Court on the date of filing to counsel listed below.

Attorney for Plaintiff

(address)

(phone)

Plaintiff

(address)

(phone)

Attorney for Defendant

(address)

(phone)

Defendant

(address)

(phone)

Northwest Ohio Mediation Services
(fax: 419-599-5952)