

MONROE COUNTY Common Pleas Court

LOCAL COURT RULES

Updated May 2, 2016



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RULE I

REPEAL OF FORMER RULES AND EFFECTIVE DATE

All rules of this court previously in effect are hereby repealed. The following rules shall be in effect on and after May 1, 2009.

RULE II

TERM OF COURT

There shall be one term of court each year, which shall be divided into four (4) parts and designated as the First, Second, Third and Fourth parts. The beginning date of each part shall be determined by the Court.

RULE III

HOURS OF COURT SESSION

The hours for holding the regular trial sessions of the Court shall be from 8:30 a.m. to 12:00 p.m. and from 1:00 p.m. to 4:30 p.m. Such hours may be modified by the trial judge to meet special conditions.

RULE IV

BLUE INK ON ORIGINAL DOCUMENTS

All signatures on original documents that are filed or presented to the court, shall be signed in blue ink. The Clerk shall not accept documents signed in ink of any other color.

RULE V

COPIES OF PLEADINGS AND SERVICE THEREOF

(A) Upon the filing of a complaint or petition, the person filing shall furnish the Clerk a true copy thereof for each party-defendant, and the Clerk shall deliver such copy or copies in accordance with the Rules of Civil Procedure.

(B) A true copy of each subsequent pleading, motion, brief, memorandum or other papers filed in any cause shall be served forthwith by the parties or counsel for the parties, filing the same upon opposing counsel and each party not represented by counsel. Such service upon opposing counsel or a party not having counsel may be made in any manner reasonably calculated to be effective. Proof of service, including the time, and manner thereof, shall accompany all papers filed either by endorsement thereon or separate papers or affidavits.

(C) A copy of all briefs ordered and of all motions filed in any case shall be delivered directly to the Court upon the filing of the same.

RULE VI

ADDRESS OF LITIGANTS

The mailing address of each party named in a praecipe for service of summons or notice, shall be stated therein and the address of the parties plaintiff shall be noted on the complaint or petition in some convenient place other than the caption thereof.

RULE VII SERVICE AND PROCESS BY MAIL

Service and return of all writs, process and summons, except summons for jury duty, or as otherwise expressly provided by law, shall be made in accordance with the Rules of Civil Procedure.

RULE VIII SERVICE ON PUBLIC OFFICES

Unless specifically otherwise requested, service of summons and complaint upon the Monroe County Treasurer, the Monroe County Auditor, or the Monroe County Recorder may be made by the Clerk of Courts delivering said summons and complaint directly to the office of such official. Service shall be deemed complete upon the Clerk filing a notice of such service with receipt signed by the Treasurer, Auditor or Recorder or duly authorized agent thereof. To specifically request otherwise, the request must contain the phrase "Notwithstanding Local Rule VIII".

RULE IX PROCESS: SERVICE BY PUBLICATION

In accordance with Civ. R. 4.4, the Court hereby designates the United States Post Offices at Beallsville and Sardis, Ohio as the two public places in the county for the posting of notices pursuant to the rule. In addition to the two public places herein designated, the Clerk of Courts shall post notice in a conspicuous place in the court house in Woodsfield.

RULE X REMOVAL OF PLEADINGS AND PAPERS

No pleading or paper on file in this Court shall be removed from the office of the Clerk except upon permission of said Clerk and under such rules as said Clerk shall prescribe. This rule shall not apply to the use of such files in open court or the judge's chambers during any argument, trial or proceeding in the case to which such files belong, or in which they may be used nor to any removal made pursuant to law.

RULE XI SURETIES

No practicing attorney or other officer of this Court will be accepted as surety or bondsman in any case, civil or criminal, and the Clerk shall not receive or approve any such undertaking, bond or recognizance given or entered into by any such attorney or officer.

RULE XII COSTS

The following deposits for securing costs shall be made with all pleadings, motions and requests for writs filed with the Clerk of Courts:

Any complaint (other than in a domestic relations case)	\$150 00
Answer and/or counterclaim	\$150 00

Foreclosure action (Includes prepaid publication for first Order of Sale)	\$500 00
-additional Orders of Sale	\$300 00 each

Divorce dissolution (with or without minor children)	\$176 00
Answer and/or counterclaim	\$176 00

Change of custody proceedings	\$100 00
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Cognovit Note	\$100 00
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Motions, (except new trials and appeals therefrom) executions, aid of execution and contempt	\$ 60 00
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Execution, attachment and garnishment proceedings	\$100 00
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A party is not prohibited from showing an inability to pay costs as provided by law

Amended March 25, 2015

RULE XIII

DIVORCE, DISSOLUTION, DOMESTIC RELATIONS POST-DECREE ACTIONS

In all domestic relations cases (divorces, dissolutions and domestic relations post-decree actions) **involving minor children**, the Court requires the following documents be filed at the time a complaint, answer, counter-complaint, petition or motion is filed. Many of the documents may be found on the Supreme Court of Ohio's web-site. The forms specific to Monroe County may be obtained from the Court.

- General Information Sheet for Domestic Relations Cases;
- Completed child support worksheet with current information as provided in R.C. 3119.02.2 and 3119.02.3;
- Application for Child Support Services (JFS 07076).
- Affidavit Regarding Public Assistance Benefits;
- Affidavit of Income and Expenses (Supreme Court of Ohio - Affidavit 1); **
- Affidavit of Property (Supreme Court of Ohio - Affidavit 2);**
- Parenting Proceeding Affidavit R.C. § 3127.23(A) (Supreme Court of Ohio - Affidavit 3);
- Health Insurance Disclosure Affidavit (Supreme Court of Ohio - Affidavit 4);

In all domestic relations cases (divorces, dissolutions and domestic relations post-decree actions) **without children**, the Court requires the following documents be filed at the time the complaint, answer or counter-complaint, petition or motion is filed:

- General Information Sheet for Domestic Relations Cases;
- Affidavit of Income and Expenses (Supreme Court of Ohio - Affidavit 1); **
- Affidavit of Property (Supreme Court of Ohio - Affidavit 2);**

**** REQUIRED IN DIVORCE ACTIONS ONLY**

All forms are available through the Monroe County Common Pleas Court.

No complaint or counter-complaint for divorce or petition for dissolution of marriage shall be filed until the parties deposit (\$200.00) for costs.

If a party is unable to make such a deposit and files an affidavit to that effect, the Clerk shall accept the complaint, counter-complaint or petition for filing.

The parties have an on-going duty to provide the Court with updated information. All updated information must be provided to the Court within (7) days of the final disposition hearing. If the information is provided to the Court after the seven (7) day deadline, the Court will not proceed to hearing.

Amended July 1, 2010

RULE XIV

MANDATORY LANGUAGE REQUIRED IN DOMESTIC RELATIONS CASES

MANDATORY LANGUAGE FOR

- (1) SEPARATION AGREEMENTS IN DIVORCE AND DISSOLUTION ACTIONS WITH MINOR CHILDREN
- (2) ANY POST-DECREE ENTRY REGARDING CHILD SUPPORT MODIFICATIONS.

The following mandatory language under Rule XIV is available via e-mail by contacting the Monroe County Common Pleas Court.

ALL REQUIREMENTS AND NOTICES PURSUANT TO THE FOLLOWING CHILD SUPPORT/CASH MEDICAL AND HEALTH INSURANCE ORDERS ARE CONTAINED IN THE *JOURNAL ENTRY ORDERING HEALTH INSURANCE COVERAGE AND LISTING ALL REQUIREMENTS AND NOTICES REGARDING CHILD SUPPORT, CASH MEDICAL AND HEALTH INSURANCE* FILED SIMULTANEOUSLY WITH THE *JUDGMENT ENTRY* and *DECREE OF DIVORCE/DISSOLUTION*. PLEASE READ IT CAREFULLY.

CHILD SUPPORT/CASH MEDICAL SUPPORT

For purposes of this order **FATHER/MOTHER** is the child support OBLIGOR. The Obligor's date of birth is _____.

FATHER/MOTHER is the child support OBLIGEE. The Obligee's date of birth is _____.

This order for child support and medical support is effective _____.

A worksheet used to compute child support and cash medical support under Ohio Revised Code (ORC) Section 3119.022 or 3319.023 has been filed with the Court.

OPTION 1

[Use the following language for guideline support orders. Both paragraphs must be included in all child support orders]

The Court finds the following:

- one) -That health insurance coverage is currently being provided by the **OBLIGOR/OBLIGEE/BOTH PARTIES**. (Choose one) -or-
-That health insurance coverage is not currently being provided by either party.

When **private health insurance IS BEING PROVIDED** by either party in accordance with this order for the minor child(ren) named herein, the OBLIGOR shall pay \$_____ per month for **current child support**, plus 2% processing charge, for a total of \$_____ per month.

When **private health insurance IS NOT BEING PROVIDED** by either party in accordance with this order for the minor child(ren) named herein, the OBLIGOR shall pay \$_____ per month for **current child support**, plus 2% processing charge, for a total of \$_____ per month AND \$_____ per month for **cash medical support**, plus 2% processing charge, for a total of \$_____ per month. Therefore, Obligor's combined current child support and cash medical support amount, plus 2% processing charge is \$_____ per month.

The amount of cash medical support paid by the OBLIGOR shall be paid during any period after the Court or CSEA issues or modifies a child support order in which the minor child(ren) are NOT COVERED by private health insurance.

Any cash medical support paid pursuant to this order shall be paid by the OBLIGOR to either the Obligee if the child(ren) are not Medicaid recipients, or to the office of child support to defray the cost of Medicaid expenditures if the child(ren) are Medicaid recipients.

The Obligor shall begin payment of any cash medical support on the first day of the month immediately following the month in which private health insurance coverage is unavailable or terminates and shall cease payment on the last day of the month immediately preceding the month in which private health insurance coverage begins or resumes. During the period when cash medical support is required to be paid, the Obligor or Obligee MUST IMMEDIATELY INFORM the CSEA that health insurance coverage for the child(ren) has become available.

OPTION 2

[Use the following language for an agreed deviation of child support. Both paragraphs must be included in all child support orders]

The Court finds the following:

- That health insurance coverage is currently being provided by the **OBLIGOR/OBLIGEE/BOTH PARTIES**. (Choose one) -or-
-That health insurance coverage is not currently being provided by either party.

When **private health insurance IS BEING PROVIDED** by either party in accordance with this order for the minor child(ren) named herein, the **OBLIGOR'S current guideline support** amount is calculated at \$_____ per month, plus 2% processing charge, for a total of \$_____ per month.

The parties mutually request that the court grant a deviation of current guideline child support pursuant to ORC Section 3119.22 based upon the following relevant factors pursuant to ORC Section 3119.23:

[List all factors that apply in this space]

1. _____
2. _____

Therefore, the parties request that the Obligor pay \$_____ [list \$0 if there is no child support to be paid] per month for **current child support**, plus 2% processing charge, for a total of \$_____ per month.

When **private health insurance IS NOT BEING PROVIDED** by either party in accordance with this order for the minor child(ren) named herein, the **OBLIGOR** shall pay \$_____ [list \$0 if there is no child support] per month for **current child support**, plus 2% processing charge, for a total of \$_____ per month AND \$_____ per month for **cash medical support**, plus 2% processing charge, for a total of \$_____ per month. Therefore, Obligor's combined current child support and cash medical support amount, plus 2% processing charge is \$_____ per month.

DEVIATIONS CANNOT BE APPLIED TO CASH MEDICAL SUPPORT

The parties acknowledge that they have been informed that upon the Court's approval of this Separation Agreement, the following conditions shall apply regarding child support deviations:

-Upon receipt of **any public assistance benefits**, both parties shall **immediately report [within seven (7) days]** all benefits to the Monroe County CSEA.

-ANY subsequent receipt of public assistance by either party shall be deemed a change of circumstance.

-Upon notification by the parties that public assistance is being received, the Monroe County CSEA shall calculate an appropriate guideline-based child support order to be paid by the **OBLIGOR** and the CSEA shall provide a worksheet and Entry to the Court within ten (10) days.

-If the Monroe County CSEA needs to request updated information from the parties, the parties shall provide said information to the CSEA within ten (10) days of their request and the CSEA shall provide a worksheet and Entry to the Court within thirty (30) days.

-The effective date of the recalculated support shall be the date public assistance benefits were received.

FAILURE TO REPORT THE RECEIPT OF PUBLIC ASSISTANCE BENEFITS MAY RESULT IN THE COURT MAKING A FINDING OF CONTEMPT.

The amount of cash medical support paid by the OBLIGOR shall be paid during any period after the Court or CSEA issues or modifies a child support order in which the minor child(ren) are NOT COVERED by private health insurance.

Any cash medical support paid pursuant to this order shall be paid by the OBLIGOR to either the Obligee if the child(ren) are not Medicaid recipients, or to the office of child support to defray the cost of Medicaid expenditures if the child(ren) are Medicaid recipients.

The Obligor shall begin payment of any cash medical support on the first day of the month immediately following the month in which private health insurance coverage is unavailable or terminates and shall cease payment on the last day of the month immediately preceding the month in which private health insurance coverage begins or resumes. During the period when

cash medical support is required to be paid, the Obligor or Obligee MUST IMMEDIATELY INFORM the CSEA that health insurance coverage for the child(ren) has become available.

The following information is provided for the use of the Monroe CSEA in accordance with ORC Section 3121.24 and Section 3121.30.

OBLIGOR:

Name
Mailing address
Residence address
Telephone number
Social Security No. (last four digits)
Date of birth
Driver's license No.

OBLIGEE:

Name
Mailing address
Residence address
Telephone number
Social Security No. (last four digits)
Date of birth
Driver's license No.

The parties affected by this support order shall inform the CSEA of any change of name or other change of conditions that may affect the administration of this order. Willful failure to inform the CSEA of the above information and any changes thereto is contempt of court.

The Obligor and the Obligee shall comply with any request of the CSEA in advance of an administrative review of a support order to provide the following: copy of federal income tax return from the previous year, copy of all pay stubs within the preceding six (6) months, copy of all other records evidencing the receipt of any other salary, wages or compensation within the preceding six (6) months, and, if the Obligor is a member of the uniformed services and on active military duty, a copy of the Obligor's Internal Revenue Service Form W-2, "Wage and Tax Statement," and a copy of a statement detailing the Obligor's earnings and leave with the uniformed services. The Obligor and Obligee shall also provide a list of available group health insurance and health care policies, contracts and plans, and their costs, the current health insurance or health care policy, contract, or plan under which the Obligor and/or Obligee is/are enrolled, and their costs, including any Tricare program offered by the U.S. Department of Defense available to the Obligee, and any other information necessary to properly review the child support order.

PAYMENT OF SUPPORT

All support, including current child support, cash medical support (if any) and all processing charges shall be paid through the Ohio Child Support Payment Central (OCSPC), P.O. Box 182394, Columbus, Ohio 43218 pursuant to an Order/Notice to Withhold Income directed to the Obligor's employer. All support under this agreement and the subsequent order of the Court shall be withheld or deducted from the income or assets of the Obligor pursuant to a withholding or deduction notice or appropriate order issued in accordance with Chapters 3119, 3121, 3123, and 3125 of the Revised Code or a withdrawal directive issued pursuant to sections 3123.24 to 3123.38 of the Revised Code and shall be forwarded to the Obligee in accordance with Chapters 3119, 3121, 3123 and 3125 of the Revised Code. **Any payment not made through the OCSPC shall not be considered as payment of support.**

The Monroe County CSEA shall prepare and issue the required Order/Notice to Withhold Income and file the same with the Court within fourteen (14) days from the filing of the decree or entry, if applicable. Both parties are ordered to comply with all provisions of the Addendum Withholding Notice (ODHS Form 4048).

Until the Order/Notice to Withhold Income takes effect with the employer, the OBLIGOR shall pay the child support and cash medical support (if any) set forth in this agreement, directly to the OCSPC at the address shown above, together with any processing fees. Additionally, payments may be made by cash, personal check, money order, or certified check at the Monroe County Department of Job and Family Services, 100 Home Ave., Woodsfield, Ohio 43793, at the front desk. ANY SUCH PAYMENT MUST BE RECEIPT. All payments shall include the following: Obligor's name, Security Number, SETS case number, and Court Case number. Checks or money orders shall be made payable to "OCSPC".

AGE OF MAJORITY

The parental duty of support to each child shall continue until the child reaches the age of eighteen (18), and shall continue beyond the age of 18, as long as the child continuously attends on a full-time basis any recognized and accredited high school. The duty to support shall not remain in effect after the child reaches nineteen (19) years of age unless the order provides that the duty of support continues because the child is mentally or physically disabled and is incapable of supporting or maintaining himself or herself or the child's parents have agreed to continue support beyond the child's eighteenth (18) birthday pursuant to a separation agreement that was incorporated into a decree of divorce or dissolution.

Pursuant to R.C. 3119.87 & 3119.88, the residential parent of a child for whom a support order is issued or the person who otherwise has custody of the child for whom a support order is issued shall IMMEDIATELY notify the Monroe County CSEA, in writing, of any reason for which the child support order should terminate, including, but not limited to, the child's attainment of the age of majority, if the child no longer attends an accredited high school on a full-time basis and the support order does not provide for the duty to support to continue beyond past the age of majority; the child ceasing to attend such a high school on a full-time basis after attaining the age of majority; or the death, marriage, emancipation, enlistment in the armed services, deportation, or change in legal or physical custody of the child. A willful failure to notify the CSEA is contempt of court.

HEALTH INSURANCE

[Choose only one of the following four options]

1 - The OBLIGOR shall obtain private health insurance coverage for the child(ren) if coverage for the child(ren) is available through any group policy, contract, or plan available to the Obligor at a more reasonable cost than coverage is available to the Obligee.

2 - The OBLIGEE shall obtain private health insurance coverage for the child(ren) if coverage is available through any group policy, contract, or plan available to the Obligee at a more reasonable cost than coverage is available to the Obligor.

3 - Both the OBLIGOR and OBLIGEE shall obtain private health insurance coverage for the child(ren) if coverage is available for the child(ren) at a reasonable cost to both the parties and dual coverage would provide for coordination of medical benefits without unnecessary duplication of coverage.

4 - Private health insurance coverage is currently not available at a reasonable cost through a group policy, contract, or plan available to the OBLIGOR or OBLIGEE. Therefore, in accordance with ORC Section 3119.30(B)(4), if private health insurance coverage for the child(ren) becomes available through ANY group policy, contract, or plan available to EITHER PARTY, the party to whom coverage becomes available shall immediately notify the Monroe County CSEA of the available coverage. If the CSEA determines that the private health insurance coverage is accessible and reasonable in cost, the CSEA will notify both parties that the person to whom the coverage is available will be ordered to secure and maintain private health insurance for the child(ren) named herein.

[Choose one of the following if applicable]

The parties acknowledge that the cost of private family health insurance to either parent exceeds five percent of that parent's annual gross income, and

1 - Both parents agree that one, or both of the parents shall obtain or maintain the private health insurance that exceeds five percent of the annual gross income of the parent obtaining or maintaining health insurance; however, said percentage shall not exceed ____%.

2 - The OBLIGOR or OBLIGEE agrees to obtain or maintain private health insurance that exceeds five percent of that parent's annual gross income; however, said percentage shall not exceed ____%.

Pursuant to ORC Section 3119.30(A), the Obligor and Obligee are both liable for the health care of the child(ren) who are not covered by private health insurance or cash medical support as calculated in accordance with ORC Section 3119.022 and 3119.023, as applicable. BOTH PARTIES shall share liability for all UNCOVERED medical, dental, vision and prescription costs for the minor child(ren) as follows: FATHER ____% MOTHER ____%. The party making payment for such costs shall submit copies of receipts to the other party for reimbursement of such costs pursuant to the aforementioned percentages. Reimbursement shall be made within thirty (30) days of the date the receipts are received.

Pursuant to ORC Section 3119.302(A)(4), because residents in part or all of the immediate geographic area customarily travel farther than thirty (30) miles for primary care services, the parties agree that private health insurance coverage is deemed accessible.

A party required under this section to provide health insurance for the minor child(ren) SHALL immediately notify the Monroe County CSEA of any change in insurance benefits pursuant to ORC Section 3119.30.

If either party, at any time, obtains Medicaid coverage for the minor child(ren) of this agreement, they shall immediately notify the Monroe County CSEA.

FAILURE TO REPORT THE RECEIPT OF MEDICAID COVERAGE FOR THE MINOR CHILD(REN) MAY RESULT IN THE COURT MAKING A FINDING OF CONTEMPT.

TAX DEPENDENCY EXEMPTION

Pursuant to ORC Section 3119.82, _____ shall be entitled to claim the following minor child(ren) as dependent(s) for all tax purposes:

[OR list specific agreement here]

The residential parent is ordered to take whatever action is necessary pursuant to section 152 of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as amended, to enable the Non-residential Parent to claim the above listed minor child(ren) as dependent(s) for federal income tax purposes.

RULE XV

CUSTODY, PARENTING SESSION, ATTENDANCE REQUIRED

All parents involved in new cases, pending cases, and post-decree motions filed in the Monroe County Court of Common Pleas which involve the custody of minor children under the age of eighteen (18) years, shall be required to attend parenting sessions.

(A) After the filing of a complaint for divorce or a petition for dissolution of marriage in which minor children under the age of eighteen (18) years, are involved, and before said action will be set for hearing, any party seeking custody or visitation, and both parties seeking a dissolution shall attend a two-hour session on parenting sponsored by the Court of Common Pleas of Monroe County, Ohio, and conducted by the Ohio State University Extension Office, Monroe County Office.

(B) The fee for attendance at said parenting session shall be ten dollars (\$10.00) per person which shall be paid to the facilitator at the time of attending the parenting session.

(C) A certificate of attendance will be issued to each participant and a copy of the same filed and docketed in each domestic relations case that attendance is required.

RULE XVI

SEEK WORK ORDER

Pursuant to R.C. 3121.03(D)(1) and R.C. 3121.03(D)(2), the Court hereby ORDERS the Obligor to seek or participate in work activity to which a recipient of assistance under Title IV-A of the Social Security Act, "49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended, may be assigned as specified in section 407(d) of the Social Security Act," 42 U.S.C.A. 607(d) as amended.

Further, the Court hereby ORDERS the following:

1. The Obligor shall look for work for a minimum of 32 hours per week or provide satisfactory evidence from a licensed medical doctor that they are unable to work in any capacity. This certification must be renewed and provided to the Monroe County Child Support Enforcement Agency (CSEA) every three months.
2. The requirements of Item 1. may be fulfilled by the following options: **(THERE MUST BE A MINIMUM OF FIVE (5) CONTACTS PER WEEK. THE OBLIGOR SHALL PROVIDE WRITTEN VERIFICATION TO THE CSEA CASE MANAGER WEEKLY, BY FRIDAY AT 3:00 P.M.)**
 - a. Weekly face-to-face contacts with employers to provide resumes, references and to complete employment applications. Written verification from potential employers must be provided the Monroe County CSEA. Verification forms are available from the Monroe County CSEA;
 - b. Working one-on-one with a case manager at the JOBS one-stop office, 100 Home Ave., Woodsfield, OH 43793, to find employment. This includes, but is not limited to: assessment of the Obligor's skills and interests and creation of an individual Employment Plan, registration on Ohio Means Jobs website and training on its use, creation of a resume or modification of an existing resume, and applying for advertised positions online. The Obligor may also be required to attend some classes on job seeking, resume writing, interviewing or job ethics, and must complete any such requirements to receive credit for such effort.
 - c. Once the Obligor is trained by the case workers at the JOBS one-stop site, they may visit the resource room to continue their job search and/or do so on a home computer or at another site. Verification of the online jobs applied for at the agency will be checked and initialed off on by the JOBS one-stop case worker. If the Obligor applies through his/her own computer or another location, the Obligor shall provide the CSEA case manager written confirmation of the employer, job title, contact information and verification of application.

The Court ORDERS the Obligor to maintain weekly contact with the Monroe County CSEA case manager and provide a job log of all of the contacts that the Obligor has made either face-to-face or via the internet.

RULE XVII GUARDIAN AD LITEM

(A) APPLICABILITY

This rule shall apply in all domestic relations cases where the Court appoints a Guardian ad litem to protect and act in the best interest of a child.

(B) DEFINITIONS

For purposes of this rule:

(1) "Guardian ad litem" means an individual appointed to assist the Court in its determination of a child's best interest.

(2) "Child" means:

- (a) A person under eighteen years of age, or
- (b) A person who is older than eighteen years of age who is deemed a child until the person attains twenty-one years of age under section 2151.011(B)(5) or section 2152.02(C) of the Revised Code.
- (c) A child under R.C. 3109.04 or a disabled child under R.C. 3119.86 who falls under the jurisdiction of the domestic relations court.

(C) APPOINTMENT OF GUARDIAN AD LITEM

(1) The Court shall enter an Order of Appointment which shall include:

- (a) A statement regarding whether a person is being appointed as a Guardian ad litem only or as a Guardian ad litem and attorney for the child.
- (b) A statement that the appointment shall remain in effect until discharged by order of the Court, by the Court filling a final order in the case or by Court rule.
- (c) A statement that the Guardian ad litem shall be given notice of all hearings and proceedings and shall be provided a copy of all pleadings, motions, notices and other documents filed in the case.

(2) Whenever feasible, the same Guardian ad litem shall be reappointed for a specific child in any subsequent case in any court relating to the best interest of the child.

(3) The Court shall make provisions for fees and expenses in the Order.

(D) RESPONSIBILITIES OF THE GUARDIAN AD LITEM

In order to provide the Court with relevant information and an informed recommendation regarding the child's best interest, a Guardian ad litem shall perform, at a minimum, the responsibilities stated herein, unless impracticable or inadvisable to do so.

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

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

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

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

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

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

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

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

(9) Upon becoming aware of any actual or apparent conflict of interest, a Guardian ad litem shall immediately take action to resolve the conflict, shall advise the Court and the parties of the action taken and may resign from the matter with leave of the Court, or seek Court direction as necessary. Because a conflict of interest may arise at any time, a Guardian ad litem has a on-going duty to comply with this division.

(10) Unless excepted by statute, by court rule consistent with this rule, or by order of the Court pursuant to this rule, a Guardian ad litem shall meet the qualifications and satisfy all training and continuing education requirements under the Supreme Court's Rules of Superintendence and this rule governing Guardians ad litem. A Guardian ad litem shall meet the qualifications for Guardians ad litem and shall promptly advise the Court of any grounds for disqualification or unavailability to serve.

(11) A Guardian ad litem shall be responsible for providing the Court or its designee with a statement indicating compliance with all initial and continuing education and training requirements so the Court may maintain the files required in division (G) of this rule. The compliance statement shall include information detailing the date, location, contents and credit hours received for any relevant training course.

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

- (a) Meet with and interview the child and observe the child with each parent, foster parent, guardian or physical custodian and conduct at least one interview with the child where none of these individuals is present;
- (b) Visit the child at his or her residence in accordance with any standards established by the Court in which the Guardian ad litem is appointed;
- (c) Ascertain the wishes of the child;
- (d) Meet with and interview the parties, foster parents and other significant individuals who may have relevant knowledge regarding the issues of the case;
- (e) Review pleadings and other relevant court documents in the case in which the Guardian ad litem is appointed;
- (f) Review criminal, civil, educational and administrative records pertaining to the child and, if appropriate, to the child's family or to other parties in the case;
- (g) Interview school personnel, medical and mental health providers, child protective services workers and relevant court personnel and obtain copies of relevant records;
- (h) Recommend that the Court order psychological evaluations, mental health and/or substance abuse assessments, or other evaluations or tests of the parties as the Guardian ad litem deems necessary or helpful to the Court; and
- (i) Perform any other investigation necessary to make an informed recommendation regarding the best interest of the child.

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

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

(15) A Guardian ad litem shall perform responsibilities in a prompt and timely manner, and, if necessary, an attorney Guardian ad litem may request timely Court reviews and judicial intervention in writing with notice to parties and affected agencies.

(16) A Guardian ad litem shall keep accurate records of the time spent, services rendered, and expenses incurred in each case and file an itemized statement and accounting with the Court and provide a copy to each party or other entity responsible for payment.

(E) TRAINING REQUIREMENTS

In order to serve as a Guardian ad litem, an applicant shall have, at a minimum, the following training:

(1) Successful completion of a pre-service training course to qualify for appointment and thereafter, successful completion of continuing education training in each succeeding calendar year to qualify for continued appointment.

(2) The pre-service training course must be the six hour Guardian ad litem pre-service course provided by the Supreme Court of Ohio, the Ohio CASA/GAL Association's pre-service training program, or with prior approval of the appointing Court, be a course at least six hours in length that covers the topic areas in division (E)(3).

(3) To meet the requirements of this rule, the pre-service course shall include training on the following topics:

- (a) Human needs and child development including, but not limited to, stages of child development;
- (b) Communication and diversity including, but not limited to, communication skills with children and adults, interviewing skills, methods of critical questioning, use of open-ended questions, understanding the perspective of the child, sensitivity, building trust, multicultural awareness, and confidentiality;
- (c) Preventing child abuse and neglect including, but not limited to, assessing risk and safety;
- (d) Family and child issues including, but not limited to, family dynamics, substance abuse and its effects, basic psychopathology for adults and children, domestic violence and its effects;
- (e) Legal framework including, but not limited to, records checks, accessing, assessing and appropriate protocol, a Guardian ad litem's rule in court, local resources and service practice, report content, mediation and other types of dispute resolution.

(4) The continuing education course must be at least three hours in length and be provided by the Supreme Court of Ohio or by the Ohio CASA/GAL Association, or with prior approval of the appointing court, be a training that complies with division (5) of this rule.

(5) To meet the requirements of this rule, the three hour continuing education course shall:

- (a) Be specifically designed for continuing education of Guardians ad litem and not pre-service education; and
- (b) Consist of advanced education related to topics identified in division (E)(3)(a)-(e) of this rule.

(6) If a Guardian ad litem fails to complete a three hour continuing education course within any calendar year, that person shall not be eligible to serve as a Guardian ad litem until this continuing education requirement is satisfied. If the person's gap in continuing education is three calendar years or less, the person shall qualify to serve after completing a three hour continuing education course offered under this rule. If the gap in continuing education is more than three calendar years that person must complete a six hour pre-service education course to qualify to serve.

(7) An individual who is currently serving as a Guardian ad litem on the effective date of this rule, who has served during the five years immediately preceding the effective date, shall have one year from the effective date to obtain the required six hour pre-service training in order to avoid removal from the Court's list of approved Guardians ad litem.

(F) REPORTS OF GUARDIANS AD LITEM

A Guardian ad litem shall prepare a written final report, including recommendations to the Court, within the times set forth in this division. The report shall detail the activities performed, hearings attended, persons interviewed, documents reviewed, experts consulted and all other relevant information considered by the Guardian ad litem in reaching the Guardian ad litem's recommendations and in accomplishing the duties required by statute, by Court rule, and in the Court's Order of Appointment. In addition, the following provisions shall apply to Guardian ad litem reports in the domestic relations division of the Court of Common Pleas:

Proceedings involving the allocation of parental rights and responsibilities, the final report shall be filed with the Court and made available to the parties for inspection no less than seven (7) days before the final hearing unless the due date is extended by the Court. Written reports may be accessed in person by the parties or their legal representatives. The Court shall consider the recommendation of the Guardian ad litem in determining the best interest of the child only when the report or a portion of the report has been admitted as an exhibit.

(G) RESPONSIBILITIES OF THE COURT

In order to ensure that only qualified individuals perform the duties of Guardians ad litem and that the requirements of this rule are met, the Court shall do the following:

(1) Maintain a public list of approved Guardians ad litem while maintaining individual privacy under Rules 44 through 47 of the Rules of Superintendence.

(2) Establish criteria, which includes all requirements of this rule, for appointment and removal of Guardians ad litem and procedures to ensure an equitable distribution of the work load among the Guardians ad litem on the list.

(3) Appoint or contract with a person to coordinate the application and appointment process, keep the files and records required by this rule, maintain information regarding training opportunities, receive written comments and complaints regarding the performance of Guardians ad litem practicing before the Court and perform other duties as assigned by the Court.

(4) 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 this rule, for the selection and service of

Guardians ad litem including a certificate or other satisfactory proof of compliance with training requirements.

(5) Require all applicants to submit a resume or information sheet stating the applicant's training, experience and expertise demonstrating the person's ability to successfully perform the responsibilities of a Guardian ad litem.

(6) Conduct, or cause to be conducted, a criminal and civil background check and investigation of information relevant to the applicant's fitness to serve as a Guardian ad litem.

(7) Conduct, at least annually, a review of its list to determine that all individuals are in compliance with the training and education requirements of this rule, that they have performed satisfactorily on all assigned cases during the preceding calendar year and are otherwise qualified to serve.

(8) Require all individuals on its list to certify annually they are unaware of any circumstances that would disqualify them from serving and to report the training they have attended to comply with division (E) of this rule.

(9) The Court shall develop a process and appoint a person for accepting and considering written comments and complaints regarding the performance of Guardians ad litem practicing before the Court. A copy of comments and complaints submitted to the Court shall be provided to the Guardian ad litem who is the subject of the complaint or comment. The person appointed may forward any comments and complaints to the judge for consideration and appropriate action. Dispositions by the Court shall be made promptly. The Court shall maintain a written record in the Guardian ad litem's file regarding the nature and disposition of any comment or complaint and shall notify the person making the comment or complaint and the subject Guardian ad litem of the disposition.

RULE XVIII

ATTORNEYS FROM OTHER STATES

Attorneys at law residing without the State of Ohio, not members of the bar of this state, who have been retained in any case pending in this court, may be heard therein upon being presented to the Court by a member of the bar of this State.

RULE XIX

HEARING AND SUBMISSION OF MOTIONS

(A) Motions shall be accompanied by a memorandum stating the grounds therefor and citing the authority and points relied upon. Supporting data, where appropriate, may be submitted in the form of affidavit, deposition or other writings. Within fourteen (14) days after service of a copy of such motion, opposing counsel may file a like memorandum. The moving party may file a reply memorandum within seven (7) days after being served with such answer memorandum. Upon expiration of the time for filing memorandums, the matter shall be deemed submitted unless otherwise ordered by the Court.

(B) Oral hearing will not be held unless requested by counsel or by leave of the Court.

(C) There shall be included at the front or back of each memorandum, which, by the terms of this rule is required to accompany each motion, a statement, proof or indication of service of such motion and memorandum upon opposing counsel or opposing parties if not represented by counsel.

RULE XX

JOURNAL ENTRIES

Notwithstanding cases where the Court prepares its own entries, counsel for the party in whose favor an order or judgment is rendered shall, within ten (10) days thereafter, unless further time is given by the Court, prepare the proper journal entry and submit the same to counsel for the adverse party or parties. When approved, it shall be endorsed by counsel and submitted to the Court for approval by the judge. Upon failure of counsel to agree, the matter shall be reported to the Court for further actions.

RULE XXI

FEES IN PARTITION CASES

The fees allowed counsel for plaintiff in partition cases and taxed as part of the costs shall be as follows:

- (2) For the first \$1000.00 or part thereof, the appraised value, if partitioned, or of the proceeds, if sold, the fee shall be:

\$150.00
- (3) For the second \$1000.00, the fee shall be:

\$100.00
- (4) For the third \$1000.00, the fee shall be:

\$100.00
- (5) For the fourth \$1000.00, the fee shall be:

\$ 75.00
- (6) For the fifth \$1000.00, the fee shall be:

\$ 75.00
- (7) For the remainder, the fee shall be:

two percent (2%)

RULE XXII FORECLOSURE ACTIONS

- A. AFFIDAVIT - A foreclosure complaint shall be accompanied by an affidavit documenting that the named plaintiff is the owner and/or holder of the note and mortgage, whether the original mortgagee or by later assignment, successor in interest or as a trustee for another entity. In pending cases, if interest in the matter is transferred to a new party after the complaint is filed, the complaint shall be amended to reflect the transfer, and all parties shall be served with the amended pleading.
- B. TITLE WORK - In every real property action subject to execution by sheriff's sale, with the exception of in rem tax foreclosure actions brought by the prosecuting attorney under R.C. 5721.18(C), the party shall file simultaneously with the pleading seeking execution, one of the following covering the subject real estate: (1) preliminary judicial report, (2) preliminary letter for guaranteed certificate of title, (3) a commitment for title guaranty, or (4) a commitment for owner's policy of title insurance, prepared by licensed "title insurance company" as that term is defined by R.C. 3953.01(C). The moving party shall file an update of the title evidence dated within thirty (3) days of the date of filing of the judgment of foreclosure and order of sale showing service of summons upon all necessary parties. The cost of such title work shall be taxed as part of the court costs upon the approval of the assigned judge.
- C. In all foreclosure actions, the attorney shall designate whether or not taxes are challenged as to the amount and/or as to the priority of the first and best lien. The attorney shall also designate whether or not the property is occupied, vacant, or abandoned. If the status of the occupancy is unknown at the time of the filing of the complaint, the attorney shall certify the property's status by the way of affidavit within thirty (30) days of filing the foreclosure complaint.
- D. ADVERTISING - In each advertisement of sale, the Sheriff shall cause to be included, notice that anyone who purchases property at a Sheriff's sale must complete a *Real Estate Judicial Sale Purchaser Form* immediately following the sale, and notice that the remainder of the full purchase price shall be paid within thirty (30) days from the date Entry Confirming Sale is filed.
- E. SHERIFF SALE

(1) ORDERS OF SALE - Praeipse for Orders of Sale shall be submitted by counsel to the Monroe County Clerk of Courts within 45 days after the signing of the Final Judgment Entry by the Judge. One (1) copy of the *Property Description Approval Form* **MUST BE ATTACHED to the Praeipse for Order of Sale** when submitted to the Clerk of Court's Office. Said *Property Description Approval Form* shall state the legal description, parcel number and deed reference number (taken from the Property Deed) that has been approved and verified true by the Court Auditor/Property Transfer Division. The form can be obtained through the Clerk of Court's office.

Information to be included with Order of Sale:

1. Case caption and case number.
2. Judgment Entry with file-stamped date.
3. *Property Description Approval Form* (legal description attached).
4. Whether property is to be appraised, reappraised or no appraisal or minimum bid set by attorney.
5. Bankruptcy - if stay has been granted due to a bankruptcy and federal court has lifted the bankruptcy. Proof of this must be submitted with the Order of Sale.
6. Alias Orders of Sale - the previous Order of Sale must have been previously returned by the Sheriff's Office before the new Orders of Sale can be issued.

(2) PURCHASER INFORMATION FORM - Pursuant to ORC 2329.271, anyone who purchases a property at a Sheriff's sale, including but not limited to, plaintiff, defendant, or third party **MUST**

complete a *Real Estate Judicial Sale Purchaser Information Form* immediately following the sale. The form is available at the Monroe County Clerk of Court's office and the Monroe County Sheriff's Office.

(3) DEPOSIT - In every Sheriff's sale of real property, upon acceptance of a bid, the successful bidder (including the plaintiff, if the plaintiff is the successful bidder) shall deposit an amount reflected in the following scale. The deposit shall be paid in cash, certified check, money order, bank check or personal check drawn from a local bank, made payable to the Monroe County Sheriff.

APPRAISED VALUE RANGE	DEPOSIT AMOUNT REQUIRED
\$50,000 or less	\$300.00
\$50,001 to \$100,000	\$500.00
\$100,001 to \$150,000	\$700.00
\$150,001 to \$200,000	\$900.00
\$200,001 to \$250,000	\$1,100.00
\$250,001 to \$300,000	\$1,300.00
\$300,001 to \$350,000	\$1,500.00
\$350,001 to \$400,000	\$1,700.00
\$400,001 to \$450,000	\$1,900.00
\$450,001 to \$500,000	\$2,100.00
\$500,001 or more	4% of the appraised value plus \$100

- F. RETURN OF SHERIFF - The Sheriff shall return the Order of Sale within 60 days after it has been filed with the Clerk of Courts. The *Real Estate Judicial Sale Purchaser Information Form* must be returned to the Clerk of Courts with the Order of Sale.
- G. CONFIRMATION - An Entry Confirming Sale shall be presented to the Court within 20 days of the date of sale and said Entry shall be filed with the Court within 30 days of the date of sale. Said Entry shall attest to the legality of the sale and incorporate the language required under ORC 2329.27(B)(3) and order the Sheriff to deliver a deed to the purchaser as outlined in (1.) of this Local Rule. Said Entry shall include distribution to the Clerk of Courts for court costs, the Treasurer for taxes, the Auditor for conveyance and transfer fees, and the Recorder for deed recording fee and shall also order the Sheriff to disburse said funds. Conveyance fees are not waived for real estate transfers where *Fannie Mae* or *Freddie Mac* are either the grantor or grantee.
- H. PAYMENT OF REAL ESTATE APPRAISER - Fees paid to the appraisers appointed by the Sheriff in foreclosure cases shall be paid in the amount of \$50.00 per appraisal to be paid to each appraiser.
- I. PAYMENT - The unpaid balance of the purchase price shall be due and payable to the Sheriff within 30 days from the date of the Entry Confirming Sale being filed with the Court. When plaintiff is the successful bidder, counsel for plaintiff shall remit to the Sheriff within 30 days from the date the Entry Confirming Sale is filed with the Court, a check made payable to the Monroe County Sheriff for the total distribution amount listed in the Entry Confirming Sale. The Sheriff shall then distribute the funds accordingly.
- J. DEED - The attorney who files the Praecipe for Order of Sale, not later than 7 days after the filing of the order of confirmation of sale, shall make to the purchasers, a deed, pursuant to O.R.C. §2329.36, and deliver the deed to the Sheriff. The Sheriff shall record the deed with the Monroe County recorder within 14 business days after receiving payment from the purchaser.
- K. DEFAULT - If the purchaser fails to pay the balance due on the purchase price within 30 days from the date of the Entry Confirming Sale is filed, the deposit shall be forfeited and first be applied to the payment of court costs with the balance held by the Sheriff until further Order of the Court.

Amended May 2, 2016

RULE XXIII INJUNCTIONS

A temporary restraining order in an action may issue without notice to the adversary parties for the purpose of preserving the status quo of the parties or controversies until an application for a preliminary or interlocutory injunction may be heard, and may only issue for good cause stated in the pleadings, or affidavit filed therein, for a period of not more than ten (10) days. Each such order shall therein specify for what period the temporary restraining order is effective, and the time at which and the place where such application for such preliminary or interlocutory injunction will be heard. This rule shall not apply in divorce or alimony proceedings.

RULE XXIV DOCKETING OF CRIMINAL CASES

When the County Court holds or recognizes a person to appear before this Court for trial pending indictment by the grand jury, the Clerk shall receive the transcript of the County Court's proceedings and accompanying documents, but shall not docket them until an indictment or information is filed. If no indictment or information is filed, the Clerk, with the consent of the prosecuting attorney, shall endorse upon the transcript: "This cause having been submitted to the grand jury and no indictment having been returned nor information filed herein, this transcript and accompanying documents are hereby returned to County Court." The said transcript and documents shall then be returned to the said Court.

RULE XXV PRE-TRIAL CONFERENCES

Upon due notice to all parties in a suit, the Court may hold one or more pre-trial conferences.

The parties and their respective counsel shall appear at each pre-trial session. A corporate party may appear by an officer or by an employee having knowledge of the subject matter of the case. A party who is insured concerning the claims of the case may appear by a claims representative of his public liability insurance company. However, if the judge finds that the presence of the insured party is essential to the conduct of the pre-trial conference, he may direct such party to appear in addition to the claims representative. A party unable to appear by reason of illness, or other disability, or residence outside of the jurisdiction of the court, or whose presence is deemed unnecessary by the judge, may be excused from appearing.

The pre-trial conference will take up all the matters listed in Civil Rule 16, except those the judge finds to be not pertinent.

The judge shall have authority to decide any undetermined preliminary matters; to record any admissions, stipulations or agreement; to hear and determine the case with the consent of the parties; to advance the case for immediate trial; to make whatever findings, order, judgments or decrees which may be warranted and proper under the circumstances and within the scope and spirit of this rule, including the consideration of any pending motion for judgment on the pleadings or for summary judgment; to set the case for trial or dismissal or to take other appropriate action under the rule if either or all of the parties and their respective counsel fail to appear at a duly publicized pre-trial hearing.

Statements of the parties or their counsel made in the course of any pre-trial hearing shall not be binding upon the parties unless expressly made so by written stipulation in the course of the pre-trial.

RULE XXVI CASE MANAGEMENT PROGRAM

For the purpose of insuring the readiness of cases for pre-trial and trial, and maintaining and improving the timely disposition of cases, the Court adopts the following local rule:

I Civil/Domestic Relations Cases

Domestic relations cases shall be reviewed monthly by the Domestic Relations Court Administrator, and any case which has been pending for more than 180 days shall immediately be brought to the attention of the judge and appropriate orders issued.

The Court shall fix dates for completion of discovery which shall include names and addresses of all witnesses including expert witnesses and a brief statement regarding the testimony the experts will offer.

The Clerk of Courts shall furnish the Court with a weekly list of all domestic relations cases filed.

Counsel for the parties shall, upon the filing of a domestic relations motion, furnish the court with a copy thereof.

The Court shall maintain a current list of all domestic relations cases pending and review the same monthly.

II Criminal Cases

For the purpose of assuring a speedy trial of all criminal cases filed, the following procedure shall be in effect for criminal case management purposes:

The Court Administrator shall schedule a date and time for arraignment in all criminal cases within ten (10) days of the filing of the indictment or information with the Clerk of Courts, unless a bench warrant is issued.

At the conclusion of the Arraignment, the Court shall issue a case management outline to be set forth in the *Journal Entry on Arraignment*.

The statistical reporting clerk shall provide to the judge a list of any criminal cases pending for more than six (6) months from the date of filing. Such report shall be prepared at the same time monthly statistical reporting of cases is required.

The adult parole authority pursuant to contract, shall complete and return to the judge any pre-sentence investigation within thirty (30) days of the filing of the request for the pre-sentence investigation, and sentencing will be scheduled by the Court Administrator as soon as possible within fifteen (15) court days after the receipt of the pre-sentence report.

The judge shall each year consider any criminal case which has been pending for more than six (6) months due to the failure of service on the defendant and shall request the prosecuting attorney to complete service or dismiss the case.

The prosecuting attorney at the close of each grand jury session shall furnish the court with a copy of all indictments returned. In the event an information is filed, the prosecuting attorney shall furnish the Court with a copy thereof.

Amended January 13, 2015

RULE XXVII
CONDUCT OF ATTORNEYS,
LAW ENFORCEMENT AGENCIES, AND
JUDICIAL EMPLOYEES

(A) CONDUCT OF ATTORNEYS:

It is the duty of the lawyer not to release or authorize the release of information or opinion for dissemination by any means of public communication, in connection with pending or imminent criminal litigation with which he is associated, if there is a reasonable likelihood that such dissemination will interfere with a fair trial or otherwise prejudice the due administration of justice.

With respect to a grand jury or other pending investigation of any criminal matter, a lawyer participating in the investigation shall refrain from making any extrajudicial statement, for dissemination by any means of public communication, that goes beyond the public record or that is not necessary to inform the public that the investigation is underway, to describe the general scope of the investigation, to obtain assistance in the apprehension of a subject, to warn the public of any dangers, or otherwise to aid in the investigation.

From the time of arrest, issuance of an arrest warrant, or the filing of an affidavit, information, or indictment in any criminal matter until the commencement of trial or disposition without trial, a lawyer associated with the prosecution or defense shall not release or authorize the release of any extrajudicial statement, for dissemination by any means of public communication, relating to that matter and concerning:

(1) The prior criminal record (including arrests, indictments, or other charges of crime), or the character or reputation of the accused, except that the lawyer may make a factual statement of the accused's name, age, residence, occupation, and family status, and if the accused has not been apprehended, a lawyer associated with the prosecution may release any information necessary to aid in his apprehension or to warn the public of any dangers he may present;

(2) The existence or contents of any confessions, admission, or statement given by the accused, or the refusal or failure of the accused to make any statement;

(3) The performance of any examinations or tests or the accused's refusal or failure to submit to an examination or test;

(4) The identity, testimony, or credibility of prospective witnesses, except that the lawyer may announce the identity of the victim, if the announcement is not otherwise prohibited by law;

(5) The possibility of a plea of guilty to the offense charged or lesser offense;

(6) Any opinion as to the accused's guilt or innocence or as to the merits of the case or the evidence in the case.

The foregoing shall not be construed to preclude the lawyer during this period, in the proper discharge of his official or professional obligations, from announcing the fact and circumstances of arrest (including time and place of arrest, resistance, pursuit, and use of weapons), the identity of the investigating and arresting officer or agency, and the length of the investigation; from making an announcement, at the time of seizure of any physical evidence other than a confession, admission or statement, which is limited to a description of the evidence seized; from disclosing the nature, substance, or text of the charge, including a brief description of the offense charged; from quoting or referring without comment to public records of the court in the case; from announcing the scheduling or result of any stage in the judicial process; from requesting assistance in obtaining evidence; or from announcing without further comment that the accused denies the charges made against him.

During the trial of any criminal matter, including the period of selection of the jury, no lawyer associated with the prosecution or defense shall give or authorize any extrajudicial statement or interview, relating to the trial or the parties or issues in the trial, for dissemination by any means of public communication, except that the lawyer may quote from or refer without comment to public records of the court in the case.

After the completion of a trial or disposition without trial, of any criminal matter, and prior to the imposition of sentence, a lawyer associated with the prosecution or defense shall refrain from making or authorizing any extrajudicial statement for dissemination by any means of public communication, if there is a reasonable likelihood that such dissemination will affect the imposition of sentence.

(B) CONDUCT OF LAW ENFORCEMENT AGENCIES:

The above rules as to the conduct of attorneys shall apply to the conduct of law enforcement agencies wherever pertinent.

When a crime is believed to have been committed, pertinent facts relating to the crime itself and to investigative procedures may properly be made available, but the identity of a suspect prior to arrest and the results of investigative procedures shall not be disclosed except to the extent necessary to aid in the investigation, to assist in

the apprehension of the suspect, or to warn the public of any dangers.

The following are prohibited:

(1) The deliberate posing of a person in custody for photographing or televising by representatives of the news media; and

(2) The interviewing by representatives of the news media of a person in custody unless, in writing, he requests or consents to an interview after being adequately informed of his right to consult with counsel and of his right to refuse to grant an interview.

From the time of arrest, issuance of an arrest warrant, or the filing of any affidavit, information, or indictment in any criminal matter, until the completion of trial or disposition without trial, no law enforcement officer within this agency shall release or authorize the release of any extrajudicial statement, for dissemination by any means of public communication, relating to that matter and concerning:

(1) The prior criminal record (including arrests, indictments, or other charges of crime), or the character or reputation of the accused, except that the officer may make a factual statement of the accused's name, age, residence, occupation, and family status, and if the accused has not been apprehended, may release any information necessary to aid in his apprehension or to warn the public of any dangers he may present;

(2) The existence or contents of any confession, admission, or statement given by the accused, or the refusal or failure of the accused to make any statement, except that the officer may announce without further comment that the accused denies the charges made against him;

(3) The performance of any examinations or tests or the accused's refusal or failure to submit to an examination or test;

(4) The identity, testimony, or credibility of prospective witnesses, except that the officer may announce the identity of the victim, if the announcement is not otherwise prohibited by law;

(5) The possibility of a plea of guilty to the offense charged or a lesser offense;

(6) Any opinion as to the accused's guilt or innocence or as to the merits of the case or the evidence in the case.

It shall be appropriate during this period for a law enforcement officer:

(1) To announce the fact and circumstances of arrest, including the time and place of arrest, resistance, pursuit, and use of weapons;

(2) To announce the identity of the investigating and arresting office or agency and the length of the investigation;

(3) To make an announcement, at the time of seizure of any physical evidence other than a confession, admission, or statement, which is limited to a description of the evidence seized;

(4) To disclose the nature, substance, or test of the charge, including a brief description of the offense charged;

(5) To quote from or refer without comment to public records of the court in this case;

(6) To announce the scheduling or result of any stage in the judicial process;

(7) To request assistance in obtaining evidence.

Nothing in this rule precludes any law enforcement officer from replying to charges of misconduct that are publicly made against him, precludes any law enforcement officer from participating in any legislative, administrative, or investigative hearing, or supercedes any more restrictive rule governing the release of information concerning juvenile or other offenders.

C) CONDUCT OF JUDICIAL EMPLOYEES

The above rules as to the conduct of attorneys and law enforcement agencies shall apply to the conduct of judicial employees wherever pertinent.

A judicial employee shall not disclose to any unauthorized person, information relating to a pending criminal case that is not part of the public records of the court and that may tend to interfere with the right of the people or of the defendant to a fair trial, particularly as to the nature and result of any argument or hearing held in chambers or otherwise outside the presence of the public and not yet available to the public.

MOTION TO EXCLUDE PUBLIC FROM ALL OR PART OF PRE-TRIAL HEARING:

In any preliminary hearing, bail hearing, or other pre-trial hearing in a criminal case, including a motion to suppress evidence, the defendant may move that all or part of the hearing be held in chambers or otherwise closed to the public, including representatives of the news media, on the ground that dissemination of evidence or argument adduced at the hearing may disclose matters that will be inadmissible in evidence at the trial and is therefore likely to interfere with his right to a fair trial by an impartial jury. The motion shall be granted unless the presiding officer may take such action on his own motion or at the suggestion of the prosecution. Wherever, under this rule all or part of any pre-trial hearing is held in chambers or otherwise closed to the public, a complete record of the proceedings shall be kept and shall be made available to the public following the completion of trial or disposition of the case without trial.

Nothing in this rule is intended to interfere with the power of the presiding officer in any pre-trial hearing to caution those present that dissemination of certain information by any means of public communication may jeopardize the right to a fair trial by an impartial jury.

RULE XXVIII

STANDARD VISITATION SCHEDULE

LIBERAL COMPANIONSHIP ARRANGEMENTS ARE ENCOURAGED BY THE COURT, AS CONTACT WITH BOTH PARENTS IS IMPORTANT TO THE CHILD(REN)

***SPECIFIC ITEMS IN EACH DECREE OF DIVORCE OR DISSOLUTION OR POST-DECREE ORDER
TAKE PRECEDENCE OVER THE FOLLOWING SCHEDULE:***

I. WEEKENDS: The non-custodial parent shall have visitation with the child(ren) every other weekend from Friday at 6:00 p.m. until Sunday at 6:00 p.m.

II. WEEKDAYS: The non-custodial parent shall have visitation with the child(ren) one weekday evening per week from 6:00 p.m. until 9:00 p.m. The day of the week shall be determined by agreement of the parties. If the parties cannot agree, then the day shall be Wednesday.

III. EXTRACURRICULAR ACTIVITIES:

Regardless of where the child(ren) are residing, their continued participation in extracurricular activities (school related or otherwise) shall continue uninterrupted. It shall be the responsibility of the parent with whom they are residing at the time of the activity to provide the physical and economic costs of the transportation to and from these activities. The custodial parent shall provide the non-custodial parent with notice of all extracurricular activities and the name of the activity leader, including address and telephone number, if reasonably available to the custodial parent.

IV. HOLIDAYS AND BIRTHDAYS:

In odd-numbered years, the mother shall have the following:

New Year's Day, spring break, Memorial Day, Labor Day, Veterans Day, Christmas Day, and the first half of Christmas break.

In odd-numbered years, the father shall have the following:

Martin Luther King Day, President's Day, Easter, Fourth of July, Columbus Day, Thanksgiving Day, Christmas Eve, and the second half of Christmas break.

In even-numbered years, the schedules are reversed.

A. Holiday hours for parents who cannot agree are as follows:

New Year's Day - 9:00 a.m. to 7:00 p.m.

Martin Luther King Day - 9:00 a.m. to 7:00 p.m.

President's Day - 9:00 a.m. to 7:00 p.m.

Spring break - 6:00 p.m. the day school is out to 7:00 p.m. the day before school commences, to coincide with the days of the school vacation and not to interfere with school.

Easter - 8:00 a.m. to 7:00 p.m.

Memorial Day - 9:00 a.m. to 7:00 p.m.

Fourth of July - 9:00 a.m. July 4th to 9:00 a.m. the next day

Labor Day - 9:00 a.m. to 7:00 p.m.

Columbus Day - 9:00 a.m. to 7:00 p.m.

Veteran's Day - 9:00 a.m. to 7:00 p.m.

Thanksgiving Day - 9:00 a.m. Thanksgiving Day to 9:00 a.m. the next day

Christmas Eve - 9:00 p.m. on 12/23 to 9:00 p.m. on 12/24

Christmas Day - 9:00 p.m. on 12/24 to 9:00 p.m. on 12/25

Christmas Break (1st half) - commences 8:00 a.m. the day Christmas Break begins, continuously, with interruptions for Christmas Eve and Christmas Day, through half of the vacation break (which may be at noon if the number of days in Christmas Break are an odd number or 9:00 p.m. if the number of days are an even number)

Christmas Break (2nd half) - commences at (noon of the middle day of the break if the number of days in Christmas Break are an odd number or 9:00 p.m. if the numbers of days are an even number) to 9:00 a.m. New Year's Day.

***NONE OF THE ABOVE VISITATION TIMES SHOULD INTERFERE WITH THE CHILD(REN)'S SCHOOL SCHEDULES**

B. Birthdays:

The child(ren)'s birthdays shall be alternated between the parents on an annual basis. Hours for parents who cannot agree are 4:00 p.m. to 8:00 p.m. Brothers and sisters should attend the birthday event.

C. Mother's Day and Father's Day:

The child(ren) shall spend Mother's Day with their mother every year. The child(ren) shall spend Father's Day with their father every year. Hours for parents who cannot agree are 12:00 noon to 8:00 p.m.

D. Notice:

At least a 48-hour notice shall be given by the parent with whom the holiday is being spent for any arrangements for out-of-town travel on the holidays or of a change in pickup/return time.

E. Weekend visitation during holidays:

The alternating weekend visitation shall be interrupted as a consequence of the holiday schedule. In other words, the holiday schedule shall preempt any weekend visitation schedule. But if any holiday falls on a Thursday or Friday, the alternating weekend visitation schedule shall not be interrupted due to the holiday schedule. A parent scheduled to have visitation on a weekend following a Thursday or Friday holiday shall continue to have such weekend visitation.

V. SUMMER VISITATION:

The custodial parent shall have visitation with the child(ren) for the FIRST HALF of the summer school vacation each year. The non-custodial parent shall have visitation with the child(ren) for the LAST HALF of the summer school vacation each year. The summer school vacation is defined as the entire summer vacation commencing the day after the child(ren) are out of school and continuing until seven (7) days before school begins. The number of intervening weeks (full and/or partial) shall be divided in half and the non-custodial parent shall commence his/her visitation with the child(ren) at the middle point and end seven (7) days prior to the first day of school. The number of weeks will vary from year to year depending on the school schedule.

A. Summer Weekend/Weekday Visitation:

During the summer visitation with the non-custodial parent, the custodial parent shall receive visitation as afforded the non-custodial parent the rest of the year. The weekday and alternating weekend visitation shall continue during the non-custodial parent's summer visitation, without interruption.

VI. VACATIONS:

Each parent may arrange an uninterrupted vacation for not more than two (2) weeks with the child(ren). The non-custodial parent shall schedule their vacation during his/her summer visitation period. The custodial parent shall schedule their vacation during the time they would normally have the child(ren). Holiday, birthday, and scheduled weekend visitation with either parent shall not be missed, requiring scheduling of the vacation around these events or that the missed occasion be made up. Weekday visitations are missed during vacations, and are therefore not required to be made up.

A. Vacation schedule/itineraries:

A general itinerary of the vacation shall be provided for the other parent including dates, locations, addresses and

telephone numbers.

VII. CANCELLATIONS:

The non-custodial parent shall give a 24-hour notice to cancel. The time canceled by the non-custodial parent is forfeited.

VIII. ILLNESS OF THE CHILD:

If a child is ill, the custodial parent shall give a 24-hour notice, if possible, so appropriate plans can be made. If more than one day of any visitation weekend, holiday, birthday or vacation is missed due to non-emergency and/or non-critical illness, then any missed visitation shall be made up as soon as practicable.

A. If a child is ill during a visitation period with the non-custodial parent, the custodial parent shall be contacted immediately. If medical attention is necessary, it shall be the responsibility of the non-custodial parent to get the medical attention necessary during the visitation period.

B. Each parent shall keep the other parent informed of medical illnesses of the child(ren) within forty-eight (48) hours of the first awareness of illness.

IX. MOVING:

Upon either parent learning or determining that he or she will be moving, he or she shall immediately notify the other parent except in those circumstances wherein notice is not required by O.R.C. 3109.051(G), and provide the other parent with the moving date, new residence address and telephone number, and such other pertinent information necessary to effectuate a smooth transition for the child(ren). The parents shall attempt in good faith to renegotiate an appropriate and beneficial new visitation schedule. If they are unable to do so, the non-custodial parent should file a motion with the court for visitation modification.

X. ACCESS TO RECORDS:

Both parents shall have access to all medical, dental, optometric, psychiatric and psychological records of the minor child(ren) and may consult with any treating physician, dentist, or other health care provider for the child(ren). Both parents shall execute any authorizations or releases necessary to release these records and documents to each other. Both parents shall retain the authority to consent to any necessary emergency medical treatment for the child(ren). Each parent shall notify the other of any health problems of the child(ren).

Both parents shall have access to the child(ren)'s school records. Both parents shall have the right to participate in parent-teacher conferences, school trips, school programs, and other school events in which parents are invited to participate. Each parent is responsible for contacting the school, on their own, to obtain such information and schedule such activities. The parent receiving the grade card shall give a copy to the other parent within one (1) week of receipt.

Both parents shall have access to babysitting, day care, nursery school, and/or latchkey records of the child(ren). Both parents shall be entitled to communicate with all physical care providers for the child(ren). Either shall execute any authorizations or releases necessary to release the records to the other.

Both parents shall have access to all religious records of the child(ren). Both parents shall have the right to participate and attend all religious activities of the child(ren).

XI. TELEPHONE ACCESS:

The child(ren) must be allowed to communicate by telephone at least one (1) time per week from the residence where the child(ren) are currently residing. Either parent shall permit no less than one-half ($\frac{1}{2}$) hour of conversation. The parent with whom the children are residing at the time of the call shall bear the expense unless the child(ren) are permitted to telephone the other parent collect.

The child(ren) may call either parent collect, with the agreement of the parent being called, at any and all

reasonable times as he or she wishes.

XII. MAKE-UP VISITATION:

Any make-up visitations required by this schedule shall take place the first weekend of the other parent's weekend, immediately following the missed visitation, and shall continue during the other parent's weekend until made up in full, including partial weekends.

XIII. CLOTHING:

The custodial parent is responsible for providing sufficient, appropriate, clean clothing for every visitation period, based on the lifestyle of the custodial parent and child(ren).

XIV. WAITING TIME:

If either parent is more than thirty (30) minutes late arriving to pick up the child(ren), or if either parent is more than thirty (30) minutes late in having the child(ren) available to the other parent, as outlined in this visitation, then that parent forfeits their following scheduled weekend with the child(ren).

XV. TRANSPORTATION:

It is the responsibility of the non-custodial parent to pick up the child(ren) for the scheduled weekend visitation. It is the responsibility of the custodial parent to pick up the child(ren) after such scheduled visitation. This provision may be modified by agreement of the parties. If the parties live more than thirty-five (35) miles apart, responsibility for transportation (including costs), should be decided in advance and a plan written into the court's specific decree.

The non-custodial parent shall be responsible for transportation to and from any weekday, holiday or birthday visitation. The court again references provision (XIV) regarding waiting time.

XVI. CURRENT ADDRESS AND TELEPHONE NUMBER:

Each parent shall keep the other informed of his or her current address and telephone number at all times.

RULE XXIX COURT SECURITY

The Monroe County Common Pleas Court is charged with dispensing justice, resolving disputes, and protecting the constitutional rights of those who appear before the Court.

Accordingly, 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 there.

Therefore, the Court establishes the following:

The Monroe County Common Pleas Court-General Division, Juvenile and Probate Divisions and Monroe County Court shall collectively appoint a Court Security Committee, consisting of one representative of each of the following groups: first responders, emergency management agencies, funding authorities and representatives from each entity within the court facility and the community as deemed appropriate by the Courts.

The collective Courts shall develop and implement a local Court Security Plan incorporating a security policy and procedures manual, emergency preparedness manual, and continuity of operations manual addressing the provisions of the Ohio court security standards adopted by the Supreme Court as set forth in Appendix C to Sup. R. 9. for ensuring security within the court while maintaining accessibility to the community.

RULE XXX EXHIBITS

A courtesy copy of any and all exhibits which will be presented during court hearings and/or trials shall be provided to the Court, prior to the hearing/trial or as they are presented.

RULE XXXI ENTRANCE INTO THE COURTROOM

All civil litigants, witnesses or spectators MUST enter the Common Pleas courtroom through courtroom door #30. Access to the courtroom through the Common Pleas office is prohibited.

RULE XXXII

PROTECTION OF PERSONAL AND PRIVATE INFORMATION IN RECORDS OF THE COURT

The following information is deemed "personal and private" and may not be included in a public record:

1. Social security number;
2. Full financial account number (may be listed as e.g. "---- 1234"); and
3. Any other information deemed personal and private by any federal or state statute, regulation, executive order, or court ruling.

In all civil cases filed with the Clerk of Courts, a *General Information Sheet for Civil Cases* shall be presented to the Clerk at the time any action is filed in the Court of Common Pleas, when an answer is filed or when any other pleading which opens a case is filed. Said form may be obtained through the Clerk of Courts' office. All personal and private information such as social security numbers should be listed on the *General Information Sheet for Civil Cases* which will be kept in a separate envelope within the case file.

In all domestic relations cases, the personal and private information may be eliminated on all documents required to be filed under Local Rule XIII. Pursuant to Local Rule XIII, a *General Information Sheet for Domestic Relations Cases* shall be presented to the Clerk at the time any divorce, dissolution or post-decree action is filed or when an answer or response is filed. Any personal and private information such as social security numbers and account numbers, should be listed on the *General Information Sheet for Domestic Relations Cases* which will be kept in a separate envelope within the case file.

It is the responsibility of the filing party and counsel to remove personal and private information from a document filed with the Clerk of Court's office. The responsibility of the filing party and counsel to remove personal and private information extends to and includes exhibits or addenda attached to filings, such as preliminary and final judicial reports which itemize state tax liens that use social security numbers as case numbers, or medical records.

The Clerk or Deputy Clerks shall have no responsibility for the removal of any personal and private information filed in a public document in the Monroe County Clerk of Court's office.

The Clerk of Courts or Deputy Clerks will not remove any personal and private information from a stamp-filed document, including records or transcripts transmitted to this Court from another Court, without a court order to do so.

Personal and private information must be submitted in a separate filing which will be deemed by the Court as non-public record. The information will be kept in a separate envelope within the case file marked as follows:

THE ENCLOSED PERSONAL AND PRIVATE INFORMATION HAS BEEN DEEMED BY THE COURT AS
NON-PUBLIC. IT IS FOR THE USE OF THE COURT AND CLERK OF COURT'S OFFICE ONLY. ANY
OTHER PERSON MUST HAVE A COURT ORDER TO VIEW THE CONTENTS OF THIS ENVELOPE.

Any personal and private information in documents filed prior to the implementation of this Rule is considered public. Any personal and private information in records or transcripts transmitted to this Court from another Court is considered public. A party or an attorney in a case, or any other person whose personal and private information is contained in a public record of this Court may petition the Court for the removal of personal and private information, and if the request is granted, the personal and private information will be removed from a stamp-filed document and placed in a separate envelope and deemed non-public record.

RULE XXXIII

JURY MANAGEMENT PLAN

(A) JURY ELIGIBILITY

To ensure that the jury pool is representative of the adult population of Monroe County, all persons are eligible to serve on a jury, except as follows:

1. Persons less than eighteen (18) years of age.
2. Persons who are not residents of Monroe County

All reasonable efforts shall be made to accommodate prospective jurors who have special needs.

(B) JURY SOURCE LIST

Potential jurors shall be selected from a jury source list which shall be obtained from the Board of Election's list of registered voters, and may be obtain from the Ohio Department of Motor Vehicles list of licensed drivers. The Jury Commissioners shall receive a list each year from the Board of Elections and/or the Ohio Department of Motor Vehicles using a designated key number (e.g., every 4th name) based upon the total number of registered voters and/or licensed driver's in the County, for the number of jurors the Court deems necessary for the following year's service.

(C) JUROR NOTIFICATION

During the fall of each year, the Jury Commissioners shall convene and prepare for mailing, letters and personal information forms to be sent to all prospective jurors chosen for the upcoming annual term. The Jury Commissioners shall be available in the courthouse during a designated one-week period to answer any questions prospective jurors may have. Upon receipt of the personal information forms and any requests for excusal, the Jury Commissioners shall determine which jurors shall be included or excused from the jury pool. The names of any prospective jurors who do not respond to the request for personal information will automatically be included in the jury pool.

(D) TERM OF COURT

There shall be one term of Court each calendar year which shall be divided into four (4) parts and designated as the *January, April, July* and *October* parts. The beginning date of each part shall be determined by the Court.

(E) HOURS OF COURT SESSIONS

The hours for holding regular trial sessions of the Court shall be from 8:30 a.m. to 12:00 p.m. and from 1:00 p.m. to 4:30 p.m. Such hours may be modified by the trial judge to meet special conditions.

(F) NOTIFICATION OF JURY SERVICE

All jurors chosen for each part of the annual term shall be initially notified of their requirement for service by regular mail through the issuance of a Summons from the Monroe County Sheriff. Subsequent notices shall be made in writing or by other means through the Monroe County Common Pleas Clerk of Courts. The Clerk of Courts shall provide jurors with as much notice as possible for their required appearance for jury service.

(G) EXCUSALS FROM JURY SERVICE

Permanent excusals from jury service shall be permitted by the Judge or Jury Commissioners. Deferrals from jury service for short intervals shall be made by the Judge or other court personnel.

(H) JURY LISTS

A jury list shall be provided by the Clerk of Courts to counsel of record approximately one (1) week prior to trial. The jury list shall include the juror's name, address, age and occupation.

(I) JURY SIZE

In criminal cases the jury panel shall consist of twelve (12) regular jurors and at least one (1) alternate juror. In civil cases, the jury panel shall consist of eight (8) regular jurors and at least one (1) alternate juror.

(J) VOIR DIRE

The trial judge shall conduct a preliminary voir dire examination of potential jurors. The Court shall give preliminary instructions to the impaneled jurors to explain the jury's role. Counsel shall then be permitted to question panel members limited to matters relevant to determining whether to remove a juror for cause and to determine the juror's fairness and impartiality.

All prospective jurors shall be placed under oath in accordance with the Ohio Revised Code.

If it is determined by the Court during the voir dire process that an individual is unable or unwilling to sit in a particular case fairly and impartially, the individual shall be removed from the panel. Such motion for removal for cause may be made by counsel, a party if unrepresented, or upon the motion of the Court. Further, Ohio Revised Code § 2313.42, § 2945.25 and Ohio Criminal Rule of Procedure 24(B) set forth the additional-cause challenges which may be made against potential jurors.

Peremptory challenges shall be exercised alternatively as presently established by Revised Code § 2945.21, § 2945.23, Civil Rule 47 and Criminal Rule 24. Unless otherwise agreed, all challenges shall be made in open court. There shall be no limit to challenges for cause, however, peremptory challenges shall be limited to that number, as established by the Rules of Civil and Criminal Procedure.

Challenges to the jury array shall be made in accordance with established rules of procedure.

(K) JURY INSTRUCTIONS

Upon completion of the case and the Judge's oral instructions to the jury panel, the Judge shall send a copy of the written jury instructions to the jury room for the panel to be able to review throughout their deliberations.

(L) POST-TRIAL COMMUNICATION

After the verdict has been returned and announced in Court, the jury may discuss the case with counsel or anyone. However, the jury is not required to do so; it is a matter of the individual juror's choice.

(M) FAILURE TO REPORT FOR JURY DUTY

Upon any person's failure to report for jury duty as directed by the Court, the Court may order said person to appear before the Court at a designated date and time, to determine why he or she did not appear for jury duty on that day. If necessary, a representative of the Monroe County Sheriff's Office may be utilized to make personal contact with the prospective juror who did not report for jury duty and present that person to the Court.

Added December 16, 2009