

**Butler County
Court of Common Pleas
Domestic Relations Division**

**Government Services Center
315 High Street
Hamilton, OH 45011**

www.drcourt.bcoho.gov

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**LOCAL RULES OF PROCEDURE**

Judge Barbara Schneider Carter  
Judge Margot Halcomb

EFFECTIVE DATE  
January 23, 2023

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Note: Local Rules may be printed from the Domestic Relations Court web page.

BUTLER COUNTY COURT OF COMMON PLEAS
DOMESTIC RELATIONS DIVISION
COURT RULES
Table of Contents

TITLE ONE: PLEADINGS AND GENERAL PROVISIONS.....	1
DR 1. Compliance with the Ohio Rules of Civil Procedure, Statutory Requirements and Local Rules	1
DR 2. Juvenile Court Cases	3
DR 3. Attorney Requirements	4
DR 4. Supervision of Children	4
DR 5. Mandatory Education	4
DR 6. Financial Disclosure of Income, Property, and Expenses	4
Privacy of Financial Information	4
Affidavit of Income	5
Affidavit of Property	5
Affidavit of Expenses	5
Character and Effect of Affidavits of Income, Property, and Expenses	6
DR 7. Withholding Order/Qualified Medical Child Support Order Information Sheet (Form DR201)	6
Initial Pleadings	6
Post-decree Motions	6
DR 8. Information for Parenting Proceeding Affidavit (Supreme Court Affidavit 3)	7
DR 9. Guidelines for Parents Living in Different Homes (Form DR803)	7
DR 10. Filing Requirements for Child Support Calculation Sheets (Form DR624, DR625, DR626, and Supreme Court Affidavit 4)	7
DR 11. Title IV-D Application (Form ODHS 7076)	7
DR 12. Style of Pleadings	7
DR 13. Number of Copies Required	8
DR 14. Assignment of Cases	8
DR 15. Court Costs	8
DR 16. Facsimile Transmission Filing Procedure When Filing with the Clerk of Courts	10
DR 17. Standing Process Server/Service by Posting	11
DR 18. Transcript Request Procedure	12
DR 19. Failure to Comply with Title One of these Rules	14
TITLE TWO: TEMPORARY ORDERS.....	14
DR 20. TEMPORARY ORDERS WITHOUT ORAL HEARING COUNTER MOTION AND AFFIDAVIT NOTICE OF PERFECTION OF SERVICE	14
DR 21. ORAL HEARINGS ON TEMPORARY ORDERS	15
DR 22. Mutual Temporary Restraining Orders	16
DR 23. Exclusive Occupancy	17
DR 24. RESERVED	
DR 25. RESERVED	
TITLE THREE: Procedure.....	17
DR 26. Dissolution of Marriage	17
DR 27. Non-Contested Divorce Cases	19

<u>DR 28. Contested Divorce Cases</u>	20
<u>Mandatory Disclosure</u>	20
<u>Scheduling Conferences</u>	20
<u>Pretrial Conferences</u>	22
<u>Final Hearings, Exhibits, and Witnesses</u>	23
<u>Admissibility of Documents</u>	23
<u>Witness List</u>	24
<u>Decrees and Judgment Entries</u>	24
<u>DR 29. Motion Practice</u>	25
<u>Filing and Scheduling</u>	25
<u>Hearings on Motions/Admissibility of Documents/Attorney</u>	
<u>Fees</u>	26
<u>Content of Motions</u>	26
<u>Motions to Modify</u>	26
<u>Motions for Lump Sum Judgment</u>	27
<u>Motions for Interest on Arrearage</u>	27
<u>Motions Regarding Health Care Expenses</u>	27
<u>Motions in Contempt</u>	28
<u>Motions for Clarification</u>	28
<u>Failure to Conform to DR 29</u>	28
<u>DR 30. Agreed Entries</u>	29
<u>Mandatory Language Requirements</u>	29
<u>In General</u>	29
<u>Agreed Entries No Hearing Required</u>	29
<u>Contents of Agreed Entries</u>	30
<u>Allocation of Parental Rights and Responsibilities or</u>	
<u>Modifications of Parental Rights and Responsibilities and</u>	
<u>Agreed Establishment of Paternity</u>	30
<u>Post-decree Agreed Modification of Support Arrearages</u>	36
<u>DR 31. Objection to Magistrates' Decisions</u>	37
<u>DR 32. Notice of Bankruptcy</u>	37
<u>DR 33. Continuances</u>	37
<u>Telephone Procedures</u>	37
<u>Written Motion Procedures</u>	38
<u>DR 34. Notice of Intent to Relocate</u>	39
<u>DR 35. Withdrawal of Counsel</u>	39
<u>DR 36. Scheduling</u>	39
<u>DR 37. Post Decree <i>Ex Parte</i> Relief</u>	40
<u>DR 38. Time Limitations</u>	40
<u>DR 39. Expedited Process: Allocation of Parental Rights</u>	40
<u>Pre-decree Allocation of Parental Rights and Responsibilities,</u>	
<u>and Establishment of Paternity</u>	40
<u>Post-decree or Motions to Modify/Terminate Custody or</u>	
<u>Allocation of Parental Rights and Responsibility</u>	41
<u>DR 40. Genetic Tests</u>	41
<u>DR 41. Drug Tests</u>	42
<u>DR 42. Family Unit</u>	43
<u>Home Investigation</u>	43
<u>Supervised Parenting/Visitation</u>	43
<u>Reports</u>	43
<u>Appearance of Family Unit Staff</u>	43
<u>DR 43. Appointment of Guardian <i>ad litem</i> (GAL)</u>	44
<u>DR 44. Interview of Child by Court</u>	45
<u>DR 45. Court Appointment of Counsel</u>	45

<u>Public Defender Assignment</u>	45
<u>Procedure for Public Defender</u>	46
<u>Assigned Counsel Fees</u>	46
<u>Removal from Court Appointed List</u>	46
DR 46. <u>Retention and Disposal of Exhibits</u>	46
DR 47. <u>Conditions for Broadcasting and Photography Court Proceedings</u>	47
<u>Judge or Magistrate</u>	47
<u>Permissible Equipment and Operators</u>	47
<u>Limitations</u>	48
<u>Revocation of Permission</u>	48
TITLE FOUR: DECREES AND FINAL ORDERS.....	48
DR 48. <u>Domestic Relations Court Case Management Office</u>	48
DR 49. <u>Mandatory Language</u>	49
<u>Mandatory Language Requirements</u>	49
<u>In All Cases</u>	50
<u>When There are Minor Children</u>	54
<u>When a Magistrate Hears a Dissolution or Non-Contested</u>	
<u>Divorce</u>	61
<u>Avoiding Repetition of Mandatory Language</u>	61
TITLE FIVE: DOMESTIC VIOLENCE.....	61
DR 50. <u>Procedure</u>	61
TITLE SIX: SPECIAL ACCOMMODATIONS.....	62
DR 51. <u>Disabled Persons</u>	62
DR 52. <u>Interpretive Services</u>	62
TITLE SEVEN: ALTERNATIVE DISPUTE RESOLUTION.....	62
DR 53. <u>Mediation</u>	62
TITLE EIGHT: SPECIAL PROJECTS.....	62
DR 54. <u>Special Project Fees</u>	62

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

TITLE ONE: PLEADINGS AND GENERAL PROVISIONS

DR 1. Compliance with the Ohio Rules of Civil Procedure, Statutory Requirements, and Local Rules

- (A) All pleadings shall comply in form and content with Title III of the Ohio Rules of Civil Procedure, requirements of the Ohio Revised Code (O.R.C.) and the local rules of the Butler County Domestic Relations Court.
- (B) All pleadings shall comply with Rule DR12.
- (C) A Family Information Sheet (Form DR729) containing the names, addresses, dates of birth, social security and telephone numbers of both parties and all children of the marriage shall be prepared and presented to the Domestic Relations Court Case Management Office with the filing of any original action or post-decree motion where the original action was heard in another jurisdiction.

In original filings the names, addresses and telephone numbers of the parties contained in the Family Information Sheet (Form DR729) shall match the names, addresses and telephone numbers of the parties contained in the case caption.

- (D) Every Complaint for Divorce, Annulment, Legal Separation or Parenting Complaint shall include a statement of whether the Defendant is in military service as defined in the Service Members Civil Relief Act, 59 U.S.C. 521.
- (E) Every Complaint for Divorce, Annulment, Legal Separation or Parenting Complaint shall include a statement of whether the parties ever resided during the marriage in the State of Ohio.
- (F) All pleadings set forth in Section (G) below, Family Information Sheets (Form DR729) and filings shall be initially submitted to the Domestic Relations Court Case Management Office for review and data entry. **Submission to any section of the Case Management Office is not a filing of the legal action.** All Domestic Relations Court filings must be done at the Clerk of Courts Office.
- (G) The following pleadings and filings shall be presented to the Case Management Office for review in date order of submission, unless the submitting party waits for an immediate review of the document and immediate review is available:
 - Answers
 - Complaints for Annulment, Divorce, and Legal Separation
 - Complaints for Parentage
 - Counterclaims
 - Motions (pre-decree, and post-decree)

The following pleadings and filings shall be presented to the Case Management Office for review in date order of submission:

- Agreed Entries
- Decrees for Annulments, Divorce, Legal Separation, Shared Parenting, and Dissolutions
- Petitions
- Separation Agreements
- Shared Parenting Plans

The following pleadings and filings shall be presented to the Docket Case Manager:

- Continuances
- Objections
- Withdrawal of Counsel

- (H)** All pleadings related to any original action or post-decree motion where the original action was heard in another jurisdiction must have a completed Family Information Sheet (Form DR729) in order to initiate the review process. Any original action or post-decree motion where the original action was heard in another jurisdiction that does not have a completed Family Information Sheet (Form DR729), including pre-approval fax submittals, will not be reviewed.

For all pleadings and filings, except Agreed Entries, Decrees, Petitions for Dissolution, Separation Agreements and Shared Parenting Plans, the Case Management Office shall immediately review and approve pleadings that comply with the rules and, if necessary, set the matter for hearing. If the pleadings do not comply with the rules, then the submitting party shall receive notice of rejection and the reasons for rejection in writing.

For all Agreed Entries, Decrees, Petitions for Dissolution, Separation Agreements, and Shared Parenting Plans, Case Management shall review and approve all submissions that comply with the rules. If the submission is approved, Case Management will notify the submitting party. If the submission is not approved, then Case Management shall notify the submitting party and provide the reason for the rejection in writing.

Any filing which is filed directly with the Clerk of Courts without prior approval of the Case Management Office shall thereafter be reviewed by Case Management. If the filing fails to conform to the requirements of local rules, state law or the Ohio Rules of Civil Procedure, the Court may dismiss the filing on its own motion.

- (I)** Throughout these rules the designation of Plaintiff, Defendant, Petitioner, or Respondent shall mean the party and his/her attorney, if represented, and the party if unrepresented.
- (J)** Failure to comply with the local rules is not a basis for extension of any time requirements mandated by local rule, state law, or rules of procedure.

- (K) Any request which deviates from the rules shall be accompanied by a completed Notice to Case Management (Form C16). Case Management is responsible for processing.

DR 2. Juvenile Court Cases

In cases where minor children of the marriage are under the jurisdiction of the Juvenile Division of the Butler County Common Pleas Court for custody and/or support, with NO allegations of abuse, neglect, or dependency, the parties may jointly request that the Juvenile Division review their case to determine whether the case is appropriate for certification to the Domestic Relations Division and certify the case(s) to the Domestic Relations Division under their divorce or custody action in Domestic Relations Division.

The cases that would be appropriate for certification are cases that were filed and adjudicated prior to enactment of O.R.C. Section 2301.03(K), which grants the Domestic Relations Division concurrent jurisdiction with that of the Juvenile Division to hear cases to determine the custody, support, or custody and support of a child who is born issue of the marriage, who is not the ward of another court, and cases commenced by a party of the marriage to obtain an order requiring support of any child when no action for divorce, dissolution of marriage, annulment, or legal separation has been filed.

(A) Married Parties with Custody and Support Cases in both Courts.

- (1) In cases where a married couple has custody/support case(s) (non-A/N/D) in Juvenile Court for one or more children and have other children of the marriage for whom custody/support is/are being addressed in Domestic Relations Court under O.R.C. Section 2301.03(K), (“DS” cases) and no divorce, dissolution, annulment or legal separation has been filed, the parties or counsel may file a joint motion requesting certification to the Domestic Relations Division to consolidate jurisdiction over all children of the marriage in one court. The motion shall include the “DS” number for the other children of the marriage for the Juvenile Court to include on all entries. The parties shall serve a copy of the motion to the Child Support Enforcement Agency.
- (2) In cases where a married couple has custody/support case(s) (non-A/N/D) in Juvenile Court for one or more children, and have other children of the marriage for whom custody/support is/are being addressed in Domestic Relations Court pursuant to a divorce, dissolution, annulment or legal separation action (“DR” cases), the parties or counsel may file a joint motion requesting certification to the Domestic Relations Court to consolidate jurisdiction over all children of the marriage in one court. The motion shall include the “DR” number for the other children of the marriage for the Juvenile Court to include on all entries. The parties shall serve a copy of the motion to certify to the Child Support Enforcement Agency.

In both cases, the parties or counsel shall include in their motion a request that the Juvenile Court order its Clerk to prepare a certified copy of the official JS file(s), including the entry certifying the case(s), and forward same to the Domestic Relations Court Administrator.

- (3) Once certified from the Juvenile Division with agreement of the parties, the Domestic Relations Division retains jurisdiction over the child(ren) and any final appealable order from Juvenile Court regarding those children, pursuant to statute. In the event a party dismisses their Complaint for Custody or Divorce, the Court will nonetheless retain the Juvenile Court order through the custody (“DS”) case for enforcement.

DR 3. Attorney Requirements

Attorneys who practice in the Domestic Relations Court must be admitted to the practice of law, registered with the Ohio Supreme Court, and in good standing. An attorney may be required to present his/her registration card to a hearing officer.

DR 4. Supervision of Children

In the event that children must be brought to court, adequate supervision must be provided for them. The Court cannot be responsible for the care of children during their parents’ hearing.

DR 5. Mandatory Education

- (A) In all cases in which there are minor children, both parents shall complete the class “Helping Children Succeed after Divorce.” An order requiring attendance (Notice of Requirement to Attend Mandatory Education Class - Form DR628) shall be filed with the Complaint for Divorce, Annulment, or Legal Separation. This form shall be served upon the Defendant along with the complaint. In cases of dissolution of marriage, the Notice of Requirement to Attend Mandatory Education Class (Form DR628) shall be filed along with the petition and the separation agreement. Each Plaintiff in a divorce action and both parties in dissolution of marriage action must schedule the education program within fifteen (15) days of the filing of the complaint or petition. Each Defendant must schedule the class within fifteen (15) days of being served with the complaint.
- (B) The class attendance required by this rule may be waived in extraordinary circumstances only by entry of a hearing officer. The Court may hold a status conference for the parents who do not attend the Mandatory Education Class.
- (C) The Court may refuse to hold a final hearing if either parent fails to attend the class. The Court may also deny parenting time or residential parent status to a parent who does not attend.

DR 6. Financial Disclosure of Income, Property, and Expenses

(A) Privacy of Financial Information

- (1) All parties **must** fully and accurately complete all financial affidavits, DR602 or equivalent Supreme Court forms. However, pursuant to the following rules, **in lieu of filing completed financial affidavits with the Clerk of Courts**, the parties shall exchange completed financial affidavits.

Counsel and unrepresented parties may also be required to present completed financial affidavits as an exhibit during hearings.

(B) Affidavit of Income

- (1) Each party in a Divorce, Annulment, Legal Separation action or post-decree motion that concerns child or spousal support shall complete an Affidavit of Income or Supreme Court Affidavit 1.

The parties shall exchange an Affidavit of Income within **thirty (30)** days of the filing of an Answer or Counterclaim pursuant to the Mandatory Disclosure Rule DR28(A).

- (2) Each party in a Dissolution action shall exchange an Affidavit of Income within **thirty (30)** days of the filing of the Petition for Dissolution.
- (3) **The parties may NOT waive the exchange or time requirements for the exchange of Affidavits of Income.**
- (4) **Failure to fully complete and exchange Affidavits of Income may result in the imposition of sanctions.**

(C) Affidavit of Property

- (1) Each party in a Divorce, Annulment, or Legal Separation action shall complete an Affidavit of Property or Supreme Court Affidavit 2.

The parties shall exchange Property Affidavits within **thirty (30)** days of the filing of an Answer or Counterclaim pursuant to the Mandatory Disclosure Rule DR28(A).

- (2) Each party in a Dissolution action shall exchange Property Affidavits within **thirty (30)** days of the filing of the Petition for Dissolution.
- (3) **The parties may NOT waive the exchange or time requirements for the exchange of Property Affidavits.**
- (4) **Failure to fully complete and exchange Property Affidavits may result in the imposition of sanctions.**

(D) Affidavit of Expenses

- (1) Each party in a Divorce, Annulment or Legal Separation action requesting an order of spousal support, whether temporary or final, or post-decree motion requesting an order of spousal support shall complete an Affidavit of Expenses or Supreme Court Affidavit 1.

The parties shall exchange an Affidavit of Expenses within **thirty (30)** days of the filing of an Answer or Counterclaim or Petition for Dissolution pursuant to the Mandatory Disclosure Rule DR28(A).

- (2) Each party in a Dissolution action when an obligation of spousal support is ordered shall exchange an Affidavit of Expenses within **thirty (30)** days of the filing of the Petition for Dissolution.
- (3) **The parties may NOT waive the exchange or time requirements for the exchange of Affidavits of Expenses.**
- (4) **Failure to fully complete and exchange Affidavits of Expenses may result in the imposition of sanctions.**

(E) Character and Effect of Affidavits of Income, Property, and Expenses.

The information contained in the above affidavit forms shall be treated as though it were obtained in answer to questions propounded by the Court and shall be subject to cross examination.

All affidavits shall be signed and notarized under oath.

FALSIFICATION OF THIS DOCUMENT MAY RESULT IN A CONTEMPT OF COURT FINDING, WHICH COULD RESULT IN A JAIL SENTENCE AND FINE, AND FALSIFICATION OF THESE DOCUMENTS MAY ALSO RESULT IN CRIMINAL PENALTIES FOR PERJURY UNDER OHIO LAW.

DR 7. Withholding Order/Qualified Medical Child Support Order Information Sheet (Form DR201)

Withholding Order/Qualified Medical Child Support Order Information Sheet (Form DR201) is the form that implements withholding and health insurance orders. These orders cannot be activated until a Form DR201 has been completed and submitted to the Court. The Court will not process an order that establishes or modifies a support or health insurance obligation unless it is accompanied by a completed Form DR201.

(A) Initial Pleadings

- (1) Each party to an initial action **involving children** shall submit to Case Management a completed Form DR201.

A copy of all current health insurance cards shall be attached to the DR201.

- (2) The parties shall complete and exchange Form DR201 within **thirty (30)** days of the filing of an Answer or Counterclaim pursuant to the Mandatory Disclosure Rule DR28(A).

(B) Post-decree Motions

- (1) With all post-decree motions **involving support or medical insurance for the children**, each party shall provide to Case Management a completed Form DR201 **and attach a copy of all current health insurance cards.**

- (2) The parties shall prepare Form DR201 prior to the first hearing and exchange the completed Form DR201 at the time of the first hearing.

DR 8. Information for Parenting Proceeding Affidavit (Form DR616 or Supreme Court Affidavit 3)

- (A) All pleadings and motions requesting a parenting order shall be accompanied by a fully and accurately completed Information for Parenting Proceeding Affidavit (Form DR616) or Supreme Court Affidavit 3. The affidavit shall be signed by the party initiating the pleading or motion and shall be notarized.

DR 9. Guidelines for Parents Living in Different Homes (Form DR803)

All original filings for cases involving children shall be accompanied by the Guidelines for Parents Living in Different Homes (Form DR803).

DR 10. Filing Requirements for Child Support Calculation Sheets (Sole Residential Parent or Shared Parenting Order - Forms DR624, Split Parental Rights and Responsibilities - DR625, and Basic Child Support Schedule - DR626 and Supreme Court Affidavit 4)

- (A) All original filings for Divorce, Annulment, Legal Separation, Dissolution or parenting complaints involving minor children shall be accompanied by a completed child support calculation sheet and Health Insurance Affidavit or Supreme Court Affidavit 4 unless the parties are still living in the same household.

The calculation sheet shall be signed by the person who prepared it. The calculation sheet shall also be signed by the party or parties submitting it. The calculation sheet and any Administrative Order or order from another court shall be attached, with language pursuant to DR20, if applicable.

DR 11. Title IV-D Application (Form ODHS 7076)

All original filings for cases involving support or medical insurance for minor children and any post-decree motions involving minor children shall be accompanied by a completed Title IV-D application. **Only the original IV-D application is needed.**

DR 12. Style of Pleadings

- (A) All pleadings and forms required by the Court shall be typewritten or printed legibly in ink.
- (B) All pleading and forms shall be printed on white letter size paper (approximately 8 1/2" by 11").
- (C) All pleadings and forms shall be printed on one side only, with 1" margins, and each page shall be numbered.
- (D) The caption of each pleading shall contain the following identifications: Court of Common Pleas, Butler County, Ohio, Domestic Relations Division, type of pleading, names of the parties, the name of the assigned judge, and the case number.

- (E) All entries and decrees shall include signature lines for the assigned judge and, if applicable, the magistrate who heard the case.

DR 13. Number of Copies Required

When submitting documents to the Case Management Office, the following numbers of copies are the **minimum** required.

- (A) Petitions for Dissolution, original plus **TWO** (2) copies, as well as an original plus **TWO** (2) copies of Separation Agreement and/or Shared Parenting Plan.

In Petitions for Dissolution where support is ordered in the Separation Agreement, **THREE** (3) copies of the Separation Agreement; if support is ordered through a Shared Parenting Plan, **THREE** (3) copies of the Shared Parenting Plan; One copy of these documents will be forwarded to the Court, upon filing, and one will be forwarded to the CSEA for a support order.

- (B) Complaints without children, original plus **THREE** (3) copies; and Complaints with children and *ex parte* support orders, original plus **FOUR** (4) copies.
- (C) Motions, original plus **THREE** (3) copies;
- (D) Final Divorce Decrees without children or spousal support, original plus **FIVE** (5) copies and Final Divorce Decrees with support paid through CSEA (child or spousal), original plus **SIX** (6) copies;
- (E) Agreed Entries, original plus **SIX** (6) copies;
- (F) Qualified Domestic Relations Order (QDRO), Division of Property Order (DOPO), or any other order dividing retirement plans, original plus **FIVE** (5).

If an attorney or party wants file stamped copies of any pleading or filing, he/she must include additional copies.

DR 14. Assignment of Cases

- (A) When a new case is filed, it shall be assigned by random computer selection to one of the two judges of this Court. Thereafter, full responsibility for that case rests with the assigned judge, whose last name shall appear in the caption of all further pleadings.
- (B) **Absent an emergency, entries should be signed only by the assigned hearing officer scheduled to hear a case.**

DR 15. Court Costs

- (A) The Clerk of Courts shall not accept a domestic relations action for filing unless it is accompanied by a filing fee as established by the Court.

- (B) If a party wishes to file an initial filing or post-decree motion in the Clerk's Office **without** paying the filing fee, an *Ex parte* Motion and Entry to Proceed in forma pauperis with Affidavit and Supporting Documentation (Form DR824) must be secured from the Case Management Office of the Domestic Relations Court and completed fully and accurately for consideration.

If a hearing officer of the court is available, the motion and entry will be reviewed to determine if the filing fee may be waived based upon the financial status of the party.

At the time of submission, if no hearing officer is available to review the paperwork, a supervisor will maintain the packet until a hearing officer is available to review, approve or deny the request. The party will be notified by the Court of the outcome no later than one business day.

After a motion and entry is approved or denied, the party shall file the paperwork with the initial filing or the post-decree motion in the Clerk of Courts Office.

- (C) Pro Bono filings that are non-Volunteer Lawyer Program (VLP) and non-Legal Aid:

When an attorney accepts a pro bono case that is non-VLP and non-Legal Aid, the pro bono attorney and/or client will follow the same procedure as outlined in (B) above. The attorney shall provide an affidavit stating he/she has not received funds to represent the client.

- (D) VLP, Legal Aid and VLP Referral filings:

When an attorney files a case through VLP or Legal Aid, the attorney has fulfilled the qualification standard and is permitted to file the initial filing or post-decree motion as is the current practice. These filings contain a Poverty Affidavit from the client and a statement from the attorney that the cases are VLP or Legal Aid cases and no money has been exchanged for services. There is no hearing requirement or approval process for these cases to verify the facts of the affidavit.

- (E) If, during the course of the proceedings, the Court learns that a party is able to pay the costs, the Court may order that party to pay the court costs within a reasonable period of time.
- (F) Absent special circumstances, the Court will not sign Final Decrees and Agreed Entries until all costs have been either waived or paid in full. In the event a Decree or Agreed Entry is filed without an assessment of costs, all costs shall be paid as reflected in a cost out sheet from the Clerk of Courts.
- (G) When a request for a Guardian *ad litem* has been granted, the Court may order the appropriate party or parties to deposit **\$1,200.00 (one thousand two hundred dollars)** with the Clerk of Courts as security toward the payment of guardian fees. Upon depletion of the deposit, the Court may order the deposit of additional monies.

DR 16. Facsimile Transmission Filing Procedure When Filing at the Clerk of Courts

In conformity with Ohio Civil Rule 5(E), pleadings and other papers may be filed by facsimile transmission (“fax”, “faxes”, or “fax filings”) subject to the following conditions:

- (A) A document filed by fax with the Clerk of Court shall be accepted as the original filing, consistent with Ohio Civil Rule 5(E), provided that the person sending the fax complies with all of the requirements set forth in this local rule, and fax files the documents during the hours prescribed by the Clerk of Courts. The person making a fax filing need not file an original copy with the Clerk of Courts but must, however, maintain in his/her records and have available for production upon request of the Court the original copy of any document filed by fax, with original signatures as otherwise required under the applicable rules, together with the original copy of the facsimile cover sheet used for the subject filing.
- (B) Documents set forth in DR 1(G) to be filed by fax with the Clerk of Courts shall first be submitted to the Domestic Relations Court Case Management Office at fax number (513) 785-5337.
 - (1) If no review by the Case Management Office is required, the filing party shall deliver the document to the Clerk of Courts for filing.
 - (2) If the submission is approved, the Case Management Office will notify the submitting party. If the submission is not approved, then the Case Management Office shall notify the submitting party and provide the reason for the rejection in writing.
- (C) All faxed submissions shall be considered filed with the Clerk of Courts as of the date and time stamped by the Clerk of Court’s Office.
- (D) The person submitting a document by fax shall also provide a cover page containing the following information:
 - (1) The caption of the case;
 - (2) The case number;
 - (3) The assigned judge;
 - (4) A description of the document being filed;
 - (5) The date and time of the transmission;
 - (6) The transmitting fax number;
 - (7) The number of pages being transmitted.
- (E) **The following documents may not be filed by facsimile transmission:**
 - (1) Any filing commencing an action (i.e., a complaint or post-decree motion) for which the Clerk of Courts must collect an initial deposit against costs or a

specific filing fee and/or the Clerk is required to effectuate service and summons;

- (2) Any entry that must be signed by a hearing officer of this Court or any final entry that must be accompanied by costs owed to the Clerk of Courts.
- (F) The purpose of this rule is to provide an additional service to users of the Court. Neither the Clerk of Courts, nor the Domestic Relations Court, assumes any new or additional responsibilities, obligations, or liabilities by virtue of this rule except as expressly provided herein. Further, this rule pertains only to the method of filing; it does **not** override, alter, amend, revoke or otherwise change any local rule or Ohio Rule of Civil Procedure respecting the requirement of, for example, obtaining the consent of parties or counsel or obtaining signatures, or the authorization to sign for opposing counsel as to any filings.

DR 17. Standing Process Server/Service by Posting

(A) Standing Special Process Server:

An individual, or agent of a legal organization, may make application to be designated as a standing special process server. The applicant shall submit an affidavit and order for signature by the Administrative Judge of the Domestic Relations Division of the Common Pleas Court. (See Appendix D)

(1) Contents of Affidavit and Order.

The affidavit and order shall set forth the name, address and telephone number of the person to be appointed as a standing special process server and an affirmation that the person:

- (a) is eighteen (18) years of age or older;
- (b) is not a party to any action for which the person shall serve process;
- (c) has no familial relationship to any party in an action for which the special process server shall serve process;
- (d) has no felony criminal record;
- (e) shall carry out his or her duties in accordance with all applicable Local Rules and all applicable Ohio Rules of Procedure.

(2) Awarding of Order.

After the Administrative Judge has signed the order, the individual or agent of the legal organization shall file the affidavit and order with the Clerk of Courts. The Clerk of Courts shall record the affidavit and order on the “In Re – Miscellaneous” docket. Thereafter, the Clerk of Courts shall accept a time-stamped copy of the affidavit and order as proper designation of process server until the order expires or is vacated by the Court.

(3) **Expiration of Order.**

All affidavits and orders appointing standing special process servers shall expire two years from the date of filing.

(4) A legal organization whose agent is a standing special process server shall not represent or advertise that it is the Court's official process server.

(5) The fee for filing the affidavit and order is **\$25.00** (twenty-five dollars).

(B) In an action filed in Domestic Relations Court where Service of Process is perfected in accordance with Ohio Rule of Civil Procedure 4.4(A)(2), the Clerk of Courts shall cause notices to be posted in a conspicuous place in the Government Services Center, 7th Floor, Middletown Municipal Court, and the license registrar in the City of Hamilton.

DR 18. Transcript Request Procedure

The following procedure shall be followed in requesting and preparing transcripts of proceedings.

(A) Transcript requests shall be submitted in writing to the Transcript Coordinator in the Court's Administration Office. The Transcript Request form contains all required information for the transcript to be prepared. **No transcript will be prepared without the submission of this written request.** The Transcript Coordinator can be contacted for general information at (513) 887-3352 - 8:00 a.m. to 4:00 p.m. Monday through Friday.

(B) There are two methods by which the Court will process transcript requests. The Transcript Coordinator, at the direction of the Court Administrator, shall assign requests to an in-house Court staff member or to a dedicated outside service agency. **The Court will determine which method will be selected based upon current transcript workload.**

(C) With either assignment, the requesting party shall complete the Court approved Transcript Request form for submission. This form is available on the Court's website under "Court Services" - "Transcript Information."

(D) Fully completed Transcript Request forms may be e-mailed to DRCourtWebResponse@butlercountyohio.org or faxed to the Administration Office at 513-887-5640.

(E) The Court shall appoint reporters and assistant reporters as the official reporters of the Court for a term not exceeding three years, unless removed by the Court after good cause shown for neglect of duty, misconduct in office, or incompetency. The official reporters and assistant reporters shall take an oath faithfully and impartially to discharge the duties of their positions.

(F) **Method One: In-house Transcript Preparation Process**

(1) The Transcript Coordinator or designee will accept the Transcript Request form from the requesting party and calculate a cost estimate for the transcript,

determine the date by which a deposit must be paid, estimate the completion date of the transcript, and inform the requesting party of same.

- (2) The deposit for an in-house transcript shall be one-half the estimated cost and must be paid to the Butler County Clerk of Courts before the commencement of the transcription. It is the responsibility of the person requesting the transcript to pay the deposit at the same time an objection is filed.
- (3) Payments will be accepted by the Butler County Clerk of Courts as follows: American Express, MasterCard and Discover Credit Cards, checks, money order and cash. All checks and money orders shall be made payable to the **Butler County Clerk of Courts**.
- (4) Once the deposit has been made to the Clerk of Courts, the requesting party is held responsible for making the final payment. During the course of a hearing, the Court may allocate actual cost of transcripts upon oral or written motion by a party if presented with receipt of cost as an exhibit.
- (5) The Transcript Coordinator will immediately forward the transcript request order, which includes the deposit amount, to the Clerk of Courts to be filed. Parties shall not pay more than the deposit amount to the Clerk of Courts due to the uncertainty of the final cost.
- (6) Parties will be responsible for bringing the deposit receipt to the Transcript Coordinator as proof of the deposit payment.
- (7) When the transcript is completed by an in-house Court staff member, the Transcript Coordinator or designee will notify the requesting party of its availability and the balance due. The balance due shall be payable in full to the Clerk of Courts before a transcript is released. Parties will be responsible for bringing the payment receipt to the Transcript Coordinator as proof of the final payment.
- (8) All requests to cancel a transcript order shall be referred to the Transcript Coordinator or designee at (513) 887-3352. If transcription has already begun, the requesting party is responsible for the cost of **ALL** completed pages.
- (9) If a requesting party has overpaid for a completed transcript, the Transcript Coordinator or designee will prepare an order to the Clerk of Courts to release these funds to the requesting party.
- (10) Any transcript costs not paid shall be taxed as costs against the requesting party. The Transcript Coordinator or designee shall complete an entry setting forth the amount to be taxed as costs and obtain the signature of the assigned case judge.

(G) Method Two: Outside Service Agency Transcript Preparation Process

- (1) The Transcript Coordinator or designee will accept the Transcript Request form from the requesting party.

- (2) The Court will inform the requesting party that an outside service agency has been assigned to prepare the transcript request and the agency will require an advance deposit of 100% of the estimated cost.
 - (3) The agency will contact the requesting party to establish the estimated cost and make financial arrangements. The cost must be paid to the service agency before the transcript will be prepared.
 - (4) All requests to cancel a transcript order shall be referred to the Transcript Coordinator or designee at (513) 887-3352. If transcription has already begun, the requesting party is responsible for the cost of **ALL** completed pages.
 - (5) After final payment has been made to the outside agency, all transcripts will be delivered electronically to the requesting party in pdf format.
 - (6) For Court of Appeals transcript requests, in camera interviews with children will only be prepared by Court staff and not sent to the outside service agency. The responsibility for the cost of preparation will be that of the requesting party.
 - (7) Requesting parties will be charged by the Court for preparing copies of evidence for Court of Appeals cases.
- (H) Any person may request to listen to the record of a hearing by contacting the Transcript Coordinator at (513) 887-3352. Arrangements will be made for the record to be listened to under the supervision of Court staff. There is no charge for listening to a record of the hearing.
- (I) The cost of a typed transcript by Court staff or the outside agency is **\$4.00** (four dollars) per page for the original and **\$.05** (five cents) per page for each additional copy provided by the Court or the agency. The cost for an expedited transcript is **\$7.00** (seven dollars) per page. The cost for a copy of an exhibit is **\$.05** (five cents) per page. An audio recording of a hearing burned to a CD may be provided upon request at no cost to the party.

DR 19. Failure to Comply with Title One of These Rules

If any person fails to properly file a form required by Title One, the Court may continue the matter in progress and entertain a motion for attorney fees occasioned by the delay or impose other appropriate sanctions.

TITLE TWO: TEMPORARY ORDERS

DR 20

(A) TEMPORARY ORDERS WITHOUT ORAL HEARING. Upon the filing of a divorce or legal separation action, the court may issue a temporary orders without oral hearing pursuant to Civ. R. 75(N) which may contain orders of temporary custody, child support, parenting time, and spousal support or such other orders as the court deems appropriate. Any request for temporary orders must be filed when the complaint, answer, or counterclaim is filed. Any request for temporary orders without oral hearing must be filed when the complaint, answer, or counterclaim is filed and any

temporary orders issued shall be based on the information contained in the Motion and Affidavit for Temporary Orders without Oral Hearing (Form DR 301 or Equivalent Form) which is NOT the same as DR 602 A, 602B, and 602C. The approved DR 301 or equivalent shall be filed with the Clerk of Courts with the complaint, answer, or counterclaim AND a file-stamped copy delivered to the Court along with a file-stamped copy of the complaint, answer or counterclaim.

Any requests for Temporary Orders Without Hearing must be used in conjunction with the filing of a complaint, answer and/or counterclaim, or other responsive pleading. At other times, an amended pleading must be filed. Leave to amend to include relief without hearing will be granted automatically by the Court with no action required by counsel to secure such permission provided that such relief is the only additional relief requested.

(B) COUNTER MOTION AND AFFIDAVIT. The opposing party shall have 14 days from the date of service within which to file a counter motion and Affidavit for Temporary Orders without Order Hearing (DR301 or equivalent form). The approved counter Motion and Affidavit shall be filed with the Clerk of Courts AND a file-stamped copy delivered to the Court. The opposing party shall serve the other party/counsel as required by law.

(C) NOTICE OF PERFECTION OF SERVICE. The party requesting a temporary order without hearing must file a Notice of Perfection of Service (Form DR 303) advising the Court that the other party has been served. It is the responsibility of counsel or self-represented party to verify service on the opposing party. No order will be entered before 14 days have elapsed after completion of service.

No sooner than 15 days after service, or upon filing of a Counter Affidavit, whichever occurs first, a completed Notice of Perfection of Service (Form DR 303) must be filed Clerk of Courts (and does not require Case Management Approval) and, a file-stamped copy must be submitted to the Court. Either party may submit the Notice. Only the filing of the Notice will activate the issuance of a temporary order without hearing. The assigned hearing Officer will then make the appropriate orders without oral hearing which will be mailed or emailed to the parties/counsel as necessary.

(D) The Court will set for hearing any motions for temporary orders not filed with the complaint, answer, or counterclaim.

DR 21. ORAL HEARINGS ON TEMPORARY ORDERS

(A) Request for Oral Hearings. Pursuant to Civ. R. 75 (N)(2), an oral hearing may be requested after the filing of a temporary order. The party seeking an oral hearing shall submit a request for oral hearing to the Case Management office for the purpose of scheduling the hearing before a hearing officer (DR302 or equivalent). Where applicable, the opposing party or counsel for the opposing party, if represented, shall also be contacted for the scheduling of the oral hearing. After the oral hearing date is scheduled, then the requesting party or counsel for the requesting party shall file request and serve the request upon opposing counsel or party pursuant to the Ohio Civil Rules. A party's request for oral hearing shall not suspend the temporary order.

(B) Inaccurate Affidavits. If a temporary order is filed based upon false or misleading information placed in the affidavit by the party, then the court may modify the temporary order retroactively to correct the misrepresentation at any time prior to the filing of the final decree. If an oral hearing results from a deliberate, material misrepresentation in an affidavit, an award of attorney fees may be made against the party making the misrepresentation.

DR 22. Mutual Temporary Restraining Orders

The Domestic Relations Court will issue standing mutual restraining orders (DR FORM14) and attached by the Clerk of Courts at the time a complaint is filed. Plaintiff shall be deemed served with the Mutual Restraining Orders upon the filing of the complaint. The Mutual Restraining Orders shall be served on the defendant-spouse with the summons.

Mutual Restraining Orders shall remain in effect during the pendency of the case unless modified by the court. Any other request for a restraining order shall be awarded only upon motion and hearing. In all cases, upon the filing of the initial complaint for divorce, annulment or legal separation, both spouses shall be restrained from:

- (A)** Striking, abusing, harassing, stalking, threatening, or injuring the other spouse.
- (B)** Obstructing or interfering with the other spouse's parenting time or communication with the minor child(ren); permanently removing the minor child(ren) from the State of Ohio; concealing the whereabouts of the minor child(ren) from the other spouse; or disparaging, denigrating or otherwise speaking ill of the other spouse to or in the presence or hearing of the minor child(ren).
- (C)** Damaging, moving, selling, giving away, transferring, withdrawing, disposing of, pledging, concealing, hiding, assigning or encumbering any interest which either party may have in real property, personal property, funds, accounts, business interests, safe deposit boxes, investments, household goods, vehicles, without the prior written consent of the other spouse or the Court.
- (D)** Interfering with the other spouse's use of the vehicle currently used primarily by him/her.
- (E)** Incurring debt on existing lines of credit or credit cards in the name of the other spouse or in the spouses' joint names, unless by prior agreement of the spouses or Order of Court.
- (F)** Voluntarily changing the terms or beneficiary of, terminating coverage of, cashing in, borrowing against, encumbering, transferring, canceling or failing to renew any type of insurance, including health, automobile, life, disability, home or fire insurance that provides coverage for a spouse or child(ren) of the parties.
- (G)** Claiming any minor child(ren) of the marriage for tax purposes until further order of the Court.
- (H)** A spouse who has been voluntarily absent from the marital residence for a period of at least thirty (30) consecutive days, is hereby restrained from re-entering the marital residence.
- (I)** Voluntarily liquidating, encumbering, borrowing against, cashing in, changing the beneficiary, terms or conditions of any retirement or pension plan or program that provides any benefit to a spouse or child(ren) of the parties and/or of either or both spouses.
- (J)** Withdrawing funds from joint or individual bank, savings and loan association, and/or credit union accounts, retirement or pension funds (including IRA, Keogh, deferred compensation, or 401(k) accounts), trust brokerage houses or other financial

institution accounts, except if such accounts are business accounts; provided however, that no stock broker is restrained from buying, selling or otherwise dealing with any stock, bond or other investment for the account of either spouse or both spouses. THE MUTUAL RESTRAINING ORDER IS NOT INTENDED TO RESTRAIN MONIES RECEIVED IN THE FORM OF WAGES AND SHALL NOT PREVENT THE PAYMENT OF ORDINARY AND NECESSARY BUSINESS EXPENSES AND LIVING EXPENSES CONSISTENT WITH THE PRACTICES OF THE PARTIES DURING THE MARRIAGE AND SHALL NOT PREVENT THE PAYMENT OF NECESSARY AND REASONABLE ATTORNEY FEES, LITIGATION AND COURT COSTS IN THIS ACTION.

DR 23 EXCLUSIVE OCCUPANCY

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

- (1) attempted to cause or recklessly caused bodily injury;
- (2) placed the party requesting exclusive occupancy, by threat of force, in fear of imminent serious physical harm;
- (3) committed any act with respect to a child that would result in the child being an abused child as defined in R.C. 2151.031; or
- (4) engaged in conduct that creates an environment which causes or is likely to cause emotional and/or mental stress to the party requesting exclusive occupancy and/or to the minor child/ren of the parties.

DR 24 and DR 25 Reserved

TITLE THREE: PROCEDURE

DR 26. Dissolution of Marriage

(A) A Dissolution of Marriage must contain the following:

- (1) A Family Information Sheet (Form DR729);
- (2) A Petition for Dissolution of Marriage;
- (3) A separation agreement;
- (4) A Decree of Dissolution of Marriage;
- (5) If applicable, a Shared Parenting Plan, a Decree of Shared Parenting, a Notice of Requirement to Attend Mandatory Education Class (Form DR628), an Information for Parenting Proceeding Affidavit (Form DR616), a Title IV-D Application (Form ODHS 7076), a Guidelines for Parents Living in Different Homes (Form DR803), and Statutory Child Support Calculation

Sheets and Withholding Order/Qualified Medical Child Support Order Information Sheet (Form DR201) , with copies of all health insurance cards.

- (6) Each party shall complete and exchange Affidavits of Property (Form DR602B or Supreme Court Form Affidavit 2) within thirty (30) days of the filing of the Petition for Dissolution.
 - (7) If child or spousal support is ordered, each party shall complete and exchange Affidavits of Income and Expenses (Form DR602A and C or Supreme Court Affidavit 1) within thirty (30) days of the filing of the Petition of Dissolution.
 - (8) If spousal support is ordered, each party shall complete and exchange Affidavits of Expenses (Form DR602C) within thirty (30) days of the filing of the Petition for Dissolution.
- (B) If applicable, both parties must schedule the mandatory parent education class within fifteen (15) days of the filing of the petition. The class must be completed prior to the final hearing.
- (C) The Case Management Office will notify both *pro se* parties and counsel of record of a final hearing date.
- (D) Both parties must appear at the final hearing and be in complete agreement on all issues before the dissolution is granted.
- (E) The Petition of Dissolution, original, plus two (2) copies, Separation Agreement, original, plus two (2) copies, if support is ordered through a Shared Parenting Plan, original and three (3) copies of the Shared Parenting Plan and Decree of Dissolution, original, plus five (5) copies without children, and original, plus six (6) copies with children, shall be submitted to the Case Management Office for review.
- (F) If the decree is approved, Case Management shall notify the submitting party. The decree, with copies, shall be placed in the case card and held for final hearing.
- If the decree is not approved, Case Management shall notify the submitting party and provide the reason for rejection in writing. If the resubmitted decree is approved, Case Management shall notify the submitting party.
- (G) Upon completion of the hearing, the Domestic Relations Court Judicial staff will file the original decree and copies with the Clerk of Courts.
- (H) A final dissolution hearing must be held no later than ninety (90) days after the dissolution is filed. If the hearing is not held within ninety (90) days, the petition shall be dismissed. A motion may be filed within the ninety (90) days to convert the Petition for Dissolution to a Complaint for Divorce.

THE DISSOLUTION HEARING SHALL NOT PROCEED WITHOUT THE PRE-APPROVED DECREE AND COPIES.

DR 27. Non-Contested Divorce Cases

- (A) If a timely answer is not filed, the Court will schedule a non-contested hearing and notify both parties and counsel of record of the day and time.
- (B) Counsel and *pro se* party shall attach a Military Affidavit (Form DR04) to the decree at the time the decree is presented to Case Management for review.

The Plaintiff shall mail a copy of the proposed decree(s), which have already been approved by the Case Management Office, to the Defendant at least fourteen (14) days prior to the final hearing date **UNLESS** the Plaintiff specifically alleged in his/her Complaint for Divorce and the Decree(s) provides for the following:

- (1) The parties have no minor children;
 - (2) The parties own no real estate;
 - (3) The parties own personal property of equity less than five thousand dollars, (\$5,000.00); and
 - (4) There is no request or award for spousal support.
- (C) The Plaintiff shall serve the approved proposed decree by ordinary mail. A certificate of service shall be filed with the Clerk of Courts.
 - (D) Mailing of a proposed decree shall not be required when the Defendant was served by posting or publication and his/her whereabouts continue to be unknown to the Plaintiff.
 - (E) In all non-contested cases, an original Decree of Divorce, plus five (5) copies without children and an original, plus six (6) copies with children, shall be submitted to the Case Management Office for review fourteen (14) days prior to the final hearing.
 - (F) If the decree is approved, Case Management shall notify the submitting party. The decree, with copies, shall be placed in the case card and held for final hearing.

If the decree is not approved, Case Management shall notify the submitting party and provide the reason for rejection in writing. Any decree that is not approved must be corrected and resubmitted, with appropriate copies, fourteen (14) days prior to final hearing. If the resubmitted decree is approved, Case Management shall notify the submitting party. The decree, with copies, shall be placed in the case and held for final hearing.

- (G) The Plaintiff and a witness who has personal knowledge of the circumstances must appear at the time of the final hearing.
- (H) Upon completion of the hearing, the Domestic Relations Court Judicial staff will file the original decree and copies with the Clerk of Courts.

THE NON-CONTESTED HEARING SHALL NOT PROCEED WITHOUT THE PRE-APPROVED DECREE AND COPIES.

DR 28. Contested Divorce Cases

(A) Mandatory Disclosure

Within thirty (30) days of the filing of an answer or a counterclaim, each party shall disclose to the other, upon the hearing, of all of the following:

- (1) All pension, profit sharing, and retirement benefits, including IRAs;
- (2) All COBRA benefits to which the party may be entitled;
- (3) Copies of all real estate deeds and vehicle titles;
- (4) Copies of the last three (3) years' income tax returns;
- (5) Documentary proof of current income from all sources;
- (6) Copies of the most recent statements on all bank accounts, mortgages, credit card accounts, and other debts;
- (7) Completed Affidavits of Income, Property, Expenses (Forms DR602A, B, C) as required by these rules (Rule DR6);
- (8) Completed Withholding Order/Qualified Medical Child Support Order Information Sheet (Form DR201) as required by these rules (Rule DR7).
- (9) A statement from their employer as to the availability of health insurance. If available, the cost of coverage for the employee, and the cost of the coverage for the employee and the children of the marriage;
- (10) If the children are receiving medical benefits through a state medical program, or a private program, then the parties shall exchange a copy of the medical card.

Failure to comply with Rule DR28(A) may result in sanctions under Civil Rule37, including a contempt citation, dismissal of claims, and restrictions upon the submission of evidence.

(B) Scheduling Conferences

- (1) When an answer to a complaint is filed, the Court will set the case for a scheduling conference and notify counsel and *pro se* parties of the date and time. The purpose of the scheduling conference is to identify the issues in controversy, establish a timetable for discovery, and set appropriate pretrial conference dates or, if pretrial is not warranted, trial dates. At the conclusion of the scheduling conference, a scheduling order will be issued. Attorneys

and *pro se* parties shall bring their calendars or their cell phones to all scheduling conferences.

In cases where there are minor children, the parties are required to attend the scheduling conference unless the Court instructs otherwise. In cases where there are no minor children, any party may attend the scheduling conference.

The Court may conduct a scheduling conference in conjunction with any hearing on a temporary motion in order to expedite the case.

- (2) The following property issues will be addressed and appropriate orders issued at the scheduling conference:
 - (a) Compliance with mandatory disclosure set forth in Rule DR28(A), including, but not limited to, exchange of all applicable Affidavits of Income, Property, Expenses (Forms DR602A, B, C);
 - (b) The valuation date of marital property will be presumed the last day of the calendar quarter following the filing of the complaint unless a party, at least seven (7) days prior to the pretrial, files a motion to establish an alternate date. Nothing in this rule is intended to preclude the trial court from using a different valuation date when equity so requires.

Any party filing a motion to establish an alternate date of valuation shall obtain a hearing date from the Case Management Office. The motion shall contain the date, time, and place of hearing;
 - (c) Real estate, including whether any appraisals are required and who will pay for them;
 - (d) Vehicles and the method of valuation;
 - (e) How to value and divide personal property and household goods/furnishings, including issuing a Household Goods and Furnishings (Form DR142), if necessary;
 - (f) Orders regarding business valuations;
 - (g) How and when asset disclosure shall take place;
 - (h) How and when debt disclosure shall take place;
 - (i) The basis of any request for spousal support;
 - (j) Any other property issues, including, but not limited to, the date of valuation for purposes of property division and issues as to whether specific property is marital or separate;
 - (k) A date will be set for attorney(s) and parties to meet for a settlement conference. If all issues are settled, the pretrial date will be used for a non-contested divorce hearing;

- (1) Any stipulations or agreements made at the settlement conference shall be reduced to writing and signed by both counsel and parties to place on record at the pretrial or trial. The stipulations shall contain agreed upon figures and issues, as well as issues to be presented at trial.
- (3) At the scheduling conference, the Court will determine whether there are disputed issues regarding the allocation of parental rights and responsibilities. If parenting issues are disputed or if either party intends to request shared parenting, the Court will address those issues in the scheduling order. It is the intention of the Court to identify those cases in which there are issues pertaining to children, and to give them priority so that children's issues may be promptly resolved.

The scheduling order shall contain:

- (a) Dates for the parties to attend mandatory education classes;
- (b) If applicable, an order that the party requesting shared parenting shall file a Shared Parenting Plan at least thirty (30) days prior to trial and that a response plan or pleading must be filled within fourteen (14) days thereafter;
- (c) If applicable, a request for psychological evaluations and/or home investigations. If requested, these must be completed and submitted to the Court within forty-five (45) days of the scheduling conference;
- (d) If applicable, an order appointing a guardian *ad litem* and an order for deposit of costs for the guardian;
- (e) A date will be set for attorney(s) and parties to meet for a settlement conference. If all issues are settled, the pretrial date will be used for a non-contested divorce hearing.

(C) Pretrial Conferences

(1) Stipulations

The parties shall present written stipulations reached prior to pretrial, and enter them into the record.

(2) Parenting

At the pretrial the Court will review the reports of investigators, psychologists, and guardians *ad litem*, and the parenting plans of the parties. If the parenting issues cannot be resolved, the matter will be tried on the date previously established.

(3) Property

- (a) Attorneys and *pro se* parties shall complete all discovery before the pretrial.
- (b) If a Household Goods and Furnishings (Form DR142) was ordered at the scheduling conference, the completed inventory must be presented at the pretrial.

(D) Final Hearings, Exhibits, and Witnesses

Final hearings on all pending and post-decree matters shall begin promptly on the date assigned. Before the hearing begins, each party shall provide the Court with the following:

- (1) An original, plus one (1) copy of an Itemized Evidence Inventory (Form DR215); which states the correct date(s) of hearing, hearing officer and attorneys of records.
- (2) A tabbed index of exhibits; the parties should utilize separate divider pages to index evidence instead of securing tabs directly to evidence pages. Parties will not be charged for the divider pages when copies are requested.
- (3) An original and **three** (3) sets of photocopies of all exhibits, pre-marked, with the Plaintiff's exhibits identified by numbers and the Defendant's exhibits identified by letters. All multi-page exhibits shall be numbered.
- (4) A list of names and addresses of all witnesses.

The above items shall be prepared in advance. Parties shall provide all copies and exhibit labels. Domestic Relations Court copy machines are not to be used to comply with this rule. The Court may, upon its own motion, impose sanctions for violation of this rule.

(E) Admissibility of Documents

Objection to the admissibility of any document will be deemed waived at any court hearing under the following circumstances;

- (1) If that document was provided to opposing counsel or the opposing party, if *pro se*, at least fourteen (14) days before the hearing, and;
- (2) The party opposing introduction of the document into evidence has not filed a written objection to the introduction of the document at least seven (7) days before the hearing, setting out the particular objection raised.
- (3) Evidence in Support of Motion for Attorney Fees

A bill for attorney fees will be deemed fair and reasonable so long as:

- (a) It is supported by an affidavit from the moving party and his/her attorney. Such affidavit must contain an itemized statement describing:

- (i) the services rendered;
 - (ii) the time expended performing such services;
 - (iii) the requested hourly rate for in-court time and out-of-court time.
- (b) It is submitted to opposing counsel or opposing party, if *pro se*, within seven (7) days after trial and no written objection is filed.

Should the opposing party object in writing within fourteen (14) days of its submission to counsel, the objection shall include a notice of hearing, including the date, time, place, and name of hearing officer. Independent evidence submitted as to the reasonableness of the fees based upon current standards in Butler County, Ohio for family law practitioners. Failure to comply with the provisions of this rule will result in the denial of a request for attorney fees, unless jurisdiction to determine the issue of fees is expressly reserved in any order resulting from the hearing.

(F) Witness List

- (1) Parties shall exchange witness lists at least fourteen (14) days in advance of final hearing in all pending and post-decree matters.

(G) Decrees and Judgment Entries

- (1) The plaintiff shall prepare and file a final judgment entry or decree, unless the parties mutually agree that the defendant will do so. The decree shall be filed within thirty (30) days of the decision of the Court. At the time of the final hearing, the attorney(s) or *pro se* litigant(s) will be assigned a hearing date for enforcement of this filing requirement. Attorney(s) or *pro se* litigant(s) do not have to appear if the Judgment Entry and Decree of Divorce has been:
 - (a) Approved by the Case Management Office, and;
 - (b) Filed in the Clerk of Court's Office by Court staff, once approved.
- (2) All final entries shall identify the judge assigned to the case, the date the case was heard, the date of the decision, and the hearing officer who heard the case.
- (3) If the final hearing is heard by a magistrate, the final entry or decree shall also contain a waiver of findings of fact and conclusions of law, and a waiver of the fourteen (14) day objection period, if applicable, unless a Waiver of Magistrate's Findings of Fact and Time Period for Filing Objections (Form DR18) is attached. Those entries shall also contain a signature line for the Magistrate.
- (4) Parties/attorneys who fail to comply with the thirty (30) day filing requirement of Rule DR28(G)(1) may be found in contempt of court.

- (H) When a docketed matter is dismissed, the attorney for the Plaintiff or the Movant shall notify the Case Management Office or Judicial staff immediately so that the court time can be reassigned.

DR 29. Motion Practice

(A) Filing and Scheduling

- (1) A hearing date shall be obtained from the Case Management Office.

To avoid unnecessary delays or continuances, when possible the Case Management Office will schedule hearings with the opposing party, or their counsel of record if represented.

- (2) All motions must be approved by the Case Management Office prior to filing with the Clerk of Courts.

- (3) All motions must include one or more motion codes from the court's current list that accurately describe the purpose of the motion or relief sought.

- (4) All motions must include a notice of hearing. The notice shall state all of the following:

- (a) the time of the hearing,
- (b) date of the hearing,
- (c) location of the hearing
- (d) name of the judge or magistrate hearing the motion
- (e) the format of the hearing (i.e. telephone, video, in-person, etc.), and
- (f) in the case of a telephone or video hearing, a statement that the party to whom the motion is directed shall contact the Case Management Office a minimum of one business day in advance to confirm their phone and email information.

- (5) All motions must include a Certificate of Service setting forth the method that is being requested or is to be used to serve the motion.

- (6) The initial hearing for all motions before the magistrate shall be a thirty (30) minute telephone pre-trial.

- (a) If the moving party wants the initial hearing to be scheduled for something other than a telephone pre-trial, the moving party must request this at the time of scheduling, if there has been service on the opposing party.
- (b) If there has not been service, requests for additional time must be in writing by submitting a C16 Notice to Case Management Office. Such requests are at the sole discretion of the judge or magistrate.

(7) Once filed, the filing party must submit a filed-stamped copy of the motion to the Case Management Office within ten (10) business days of the date the moving party first obtained a hearing date.

(a) For a motion filed less than ten (10) days in advance of the hearing date, the filed-stamped copy must be submitted to the Case Management Office no later than when it is filed or two (2) business days in advance of the hearing.

(b) Failure to timely submit a filed-stamped copy of any motion may result in the hearing date being summarily vacated or continued by the hearing officer.

(8) If the parties reach a full agreement, they may request a video conference to place the agreement on the record. The parties shall comply with DR 30(B) ~~in~~ for submitting the written agreed entry in advance of the hearing and to schedule the video conference.

(B) Hearings on Motions/Admissibility of Documents/Attorney Fees

Rule DR28(E) applies to motion practice as well as contested cases.

(C) Content of Motions

Motions shall be captioned from the choices on the approved Motion Code List (Form DR722) so that each motion may be identified correctly and that the appropriate amount of time is scheduled for hearings.

Motions shall identify the judge who is assigned to the case and the hearing officer before whom the motion is set. Motions shall contain the names and addresses of the parties. Parenting motions shall specify which child or children are at issue and their dates of birth. Motions shall state with particularity the relief sought pursuant to Civil Rules.

When a docketed matter is dismissed, the attorney for the plaintiff or the movant shall notify the Case Management Office or Judicial staff immediately, so that the court time can be reassigned.

(1) Motions to Modify

Motions to modify prior orders of the Court shall contain a statement of the order sought to be modified, the nature of the modification sought, and the specific change in circumstances that justifies modification.

Any party filing a motion to modify child support in a case where administrative review and adjustment proceedings are pending shall serve a copy of the motion on the CSEA by ordinary mail addressed to Administrative Modification Investigator, 315 High Street, 7th Floor, Hamilton, OH 45011.

(2) Motions for Lump Sum Judgment

Motions for lump sum judgment shall contain a statement of the order upon which the motion is based and a statement of the total amount due under the order. If the motion pertains to a child or spousal support order administered through the CSEA, CSEA records shall be presented at the hearing.

(3) Motions for Interest on Arrearage

Regarding support orders that were issued or modified after July 1, 1992, the Court shall assess interest pursuant to O.R.C. 3123.17 where the failure to pay is proved willful. The interest rate shall be per statute. Interest shall be simple, not compound. Motions requesting an award of interest shall be accompanied by an interest calculation. The CSEA or moving party shall provide interest calculations upon request. The request must be made three (3) weeks in advance of hearing.

(4) Motions Regarding Health Care Expenses

(a) A motion for reimbursement of health care expenses shall state with specificity:

- (i) The amounts paid by the insurance companies toward the outstanding medical bills.
- (ii) The cash medical support paid, if known, against the outstanding medical bills.
- (iii) The balance owed by the party(ies) for the medical bills after the insurance company payments and cash medical payments have been deducted from the outstanding balance.
- (iv) The alleged final amount due and owing to the moving party.
- (v) A statement indicating the date the moving party sent his or her request to the opposing party for reimbursement, copies of the health care bills (and associated Explanation of Benefits, if in the moving party's possession) and notification if payment has not been made within the preceding thirty (30) days.

(b) To support a motion for reimbursement of health care expenses, the moving party shall include:

- (i) A separate itemization and chronological list of all bills for which payment is requested.

The itemized list shall be presented to the Court as an exhibit at the time of the hearing and shall not be filed with Case Management or the Clerk of Court's office.

The moving party shall send a copy of the itemized list to the opposing party no later than fourteen (14) days prior to the scheduled hearing.

The moving party shall utilize an Explanation of Medical Bills (Form C33) for their itemized list.

- (ii) The name and address of each health care provider.
- (iii) The name and date of birth of the person who received the services.

(5) Motions in Contempt

Motions requesting a finding in contempt shall contain a statement of the Court order alleged to have been violated and the facts constituting the violation. A Summons in Contempt – Order to Appear (Form DR821) shall be attached to the motions.

Motions for Contempt of a Support Order, which has at any time been payable through the Butler County Child Support Enforcement Agency (CSEA) or the Ohio Child Support Payment Central (OCSPC), shall contain a statement that an affidavit of arrearage has been requested from the CSEA at least three (3) weeks prior to the hearing. The affidavit itself shall be presented to the Court at the time of the hearing.

If a motion is filed requesting court costs and/or attorneys fees, the Court may order such release upon a finding of contempt.

The attorney must request fees as a part of the motion and comply with Rule DR28(E)(3).

(6) Motion for Clarification

The Domestic Relations Court will not entertain motions for reconsideration.

The Court will hear motions for clarification or motions to correct a factual error or omission in a decision. The purpose of these motions is to provide a remedy for mathematical errors, failure to address an issue or an item of property, and similar mistakes. This is a limited review process for decisions containing one or two errors, omissions or instances of confusing language.

If, in your opinion, the decision is replete with error, the proper recourse remains an objection, in the case of a magistrate’s decision, or an appeal in the case of a judge’s decision. Motions for clarification or motions to correct a factual error shall be filed within fourteen (14) days of the filing of the decision and shall be set before the issuing hearing officer.

(D) Failure to Conform to Rule DR29

The Court may dismiss, on its own motion, any motion that does not comply with the requirements of Rule DR29.

DR 30. Agreed Entries

(A) Mandatory Language Requirements

The mandatory language shall be used as written in these Rules. Any deviation from the mandatory language requires notice to the other party and permission of a hearing officer.

The requesting party shall submit an original Notice to Case Management (Form C16). The requesting party shall set forth every deviation from the mandatory language for consideration. The requesting party shall send a copy of the completed Form C16 to opposing counsel or *pro se* litigant with the Agreed Entry. After review by opposing counsel or *pro se* litigant, the requesting party shall provide the original completed Form C16 to Case Management with the Agreed Entry. The hearing officer shall review the request and will approve or reject the deviation on the original Form C16. At the discretion of the hearing officer, a copy of the completed Form C16 may be sent to both parties and counsel.

A violation of Rule DR30 may result in the imposition of sanctions at any time.

(B) In General

Whenever an agreement is reached before the scheduled hearing date, counsel or the movant shall reduce the agreement of the parties to writing. Counsel or the movant may contact the Case Management Office or in cases scheduled before a judge, the judge's judicial assistant to request a hearing in advance of the scheduled hearing. At that hearing the Court may adopt the agreement of the parties and vacate the scheduled hearing date, if applicable.

Case Management will not vacate the scheduled hearing date.

If an agreement is reached before the scheduled hearing date, but there is insufficient time to reduce the agreement of the parties to writing, counsel and parties may be permitted to appear at the scheduled hearing date and set forth their agreement on the record. Upon acceptance of the agreement the Court shall set the matter for a show cause hearing in order for the presentation of the Agreed Entry.

Attorneys and *pro se* litigants do not have to appear at the show cause hearing **IF** the Agreed Entry has been approved by Case Management and filed in the Clerk of Courts.

If the parties or counsel do not appear at the scheduled hearing then the underlying motion(s) will be **DISMISSED**.

(C) Agreed Entries No Hearing Required

An Agreed Entry can be filed without a hearing in the following circumstances:

- (1) Agreed temporary orders for spousal support.

- (2) Agreed Entry regarding modification of child support and the agreed amount is in compliance with the Ohio child support guidelines.
- (3) Agreed Entry regarding modification of health insurance responsibilities for child(ren). As long as the parties have also calculated in compliance with the Ohio child support guidelines and its agreed amount is in compliance with the Ohio child support guidelines.
- (4) Agreed Entry modifying the prior Shared Parenting Plan to change the parent designated as residential parent for school purposes only.
- (5) Pre decree agreed entries resolving temporary property issues.

Agreed Entry Final Appealable Order (Form DR716) is available in Case Management to file any of the Agreed Entries listed above.

(D) Contents of Agreed Entries

- (1) If an Agreed Entry resolves a pending motion(s), the Agreed Entry shall set forth the motion code(s), name of motion(s), date the motion(s) were filed, and the resolution of the motion(s) (i.e. granted, denied, dismissed, withdrawn, or by agreement).
- (2) If an Agreed Entry resolves a post-decree motion, the Agreed Entry shall set forth how court costs are paid. Absent special circumstances, the Court will not sign Agreed Entries until all costs have been either waived or paid in full. In the event an Agreed Entry is filed without an assessment of costs, all costs shall be paid by the plaintiff.

(E) Allocation of Parental Rights and Responsibilities or Modifications of Parental Rights and Responsibilities and Agreed Establishment of Paternity

- (1) Because the Court must determine that parenting plans are in the best interest of the child(ren), all agreements or agreed changes in allocation of parental rights and responsibilities shall be initiated by the filing of a motion. The motion shall contain a notice of the date, time, and place of hearing, as well as the name of the hearing officer assigned to hear the motion. The motion and agreement shall be submitted to the Case Management Office for review.
- (2) All agreements or agreed changes to modify parental rights must include the following:
 - (a) The physical living arrangements for the child(ren) and a designation of which parent is the residential parent.
 - (b) In cases involving shared parenting, there shall be a separate Decree of Shared Parenting (if applicable) and a Shared Parenting Plan shall include:
 - (i) A provision that both parents are residential parent of the child(ren); and

- (ii) A provision designating the residence used for establishing school placement.
- (c) A specific schedule of parenting time with each parent, including a statement as to the parent with whom the children will be physically located during legal holidays, school holidays, and other dates of special importance [O.R.C. 3109.04 (G)(1)].
 - (i) The Court has adopted a standard parenting time schedule. That schedule is attached hereto as the current version of Guidelines for Parenting Time (Form DR610.1). Form DR610.1 is intended to be used when the parties cannot otherwise agree upon a specific schedule of parenting time.
 - (ii) A copy of Form DR610.1 shall be attached to each entry and decree in which it is adopted as the schedule of the parties.
- (d) A statement of the child support obligation stated pursuant to Appendix 1 – Child Support and Health Insurance Language.
- (e) The monthly figure must be listed in the decree, final order, or entry and is presumed to be correct, regardless of whether the payment amount on the child support calculation sheets corresponds.
- (f) Every Agreed Entry that deviates from the support guidelines shall be accompanied by a Notice to Case Management (Form C16). Case Management is responsible for processing.
- (g) Every Agreed Entry must set forth the commencement date of the obligation of support.
- (h) All Agreed Entries which provide for the payment of child support shall have the following language:
 - (i) “IT IS FURTHER ORDERED the duty of support shall continue beyond the age of majority as long as the child continuously attends on a full-time basis any recognized and accredited high school. A child support order shall not remain in effect after the child reaches nineteen years of age unless the order provides that the duty of support continues under circumstances described O.R.C. 3119.86(A)(1)(a) or (b).”
 - (ii) “IT IS FURTHER ORDERED all support under this order shall be withheld or deducted from the income or assets of the Obligor pursuant to a withholding or deduction notice or appropriate Court order issued in accordance with sections 3121.02 to 3121.07 of the O.R.C. or a withdrawal directive issued pursuant to section 3123.37 of the O.R.C. and shall be forwarded to the Obligee in accordance with section 3121.50 of the O.R.C..”

- (iii) "IT IS FURTHER ORDERED that until such time as a withholding or deduction order is in effect, the Obligor shall discharge his or her obligation by making payments directly to the CSEA or the division of child support in the Ohio Department of Job and Family Services, as appropriate."
- (iv) "IT IS FURTHER ORDERED that the Obligor is restrained from making said payments directly to the Obligee and the Obligee is enjoined from accepting direct payments from the Obligor. Any payments of support not made through the CSEA or the division of child support in the Ohio Department of Job and Family Services, as appropriate, shall be deemed a gift."
- (v) **"EACH PARTY TO THIS SUPPORT ORDER MUST NOTIFY THE CHILD SUPPORT ENFORCEMENT AGENCY IN WRITING OF HIS OR HER CURRENT MAILING ADDRESS, CURRENT RESIDENCE ADDRESS, CURRENT RESIDENCE TELEPHONE NUMBER, CURRENT DRIVER'S LICENSE NUMBER, AND OF ANY CHANGES IN THAT INFORMATION. EACH PARTY MUST NOTIFY THE AGENCY OF ALL CHANGES UNTIL FURTHER NOTICE FROM THE COURT OR AGENCY, WHICHEVER ISSUED THE SUPPORT ORDER.**

IF YOU ARE THE OBLIGOR UNDER A CHILD SUPPORT ORDER AND YOU FAIL TO MAKE THE REQUIRED NOTIFICATIONS YOU MAY BE FINED UP TO \$50.00 FOR A FIRST OFFENSE, \$100.00 FOR A SECOND OFFENSE, AND \$500.00 FOR EACH SUBSEQUENT OFFENSE. IF YOU ARE AN OBLIGOR OR OBLIGEE UNDER ANY SUPPORT ORDER ISSUED BY A COURT AND YOU WILLFULLY FAIL TO GIVE THE REQUIRED NOTICES YOU MAY BE FOUND IN CONTEMPT OF COURT AND BE SUBJECTED TO FINES UP TO \$1,000.00 AND IMPRISONMENT FOR NOT MORE THAN NINETY (90) DAYS.

IF YOU ARE AN OBLIGOR OR OBLIGEE AND YOU FAIL TO GIVE THE REQUIRED NOTICES TO THE CHILD SUPPORT ENFORCEMENT AGENCY, YOU MAY NOT RECEIVE NOTICE OF THE CHANGES AND REQUESTS TO CHANGE THE CHILD SUPPORT AMOUNT, HEALTH CARE PROVISIONS, OR TERMINATION OF THE CHILD SUPPORT ORDER. IF YOU ARE AN OBLIGOR AND YOU FAIL TO GIVE THE REQUIRED NOTICES, YOU MAY NOT RECEIVE NOTICE OF THE FOLLOWING ENFORCEMENT ACTIONS AGAINST YOU: IMPOSITION OF LIENS AGAINST YOUR PROPERTY; LOSS OF YOUR PROFESSIONAL OR OCCUPATIONAL LICENSE, DRIVERS LICENSE, OR RECREATIONAL LICENSE; WITHHOLDING FROM YOUR INCOME; ACCESS

RESTRICTION AND DEDUCTION FROM YOUR ACCOUNTS IN FINANCIAL INSTITUTIONS; AND ANY OTHER ACTION PERMITTED BY LAW TO OBTAIN MONEY FROM YOU TO SATISFY YOUR SUPPORT OBLIGATION.”

(vi) “IT IS FURTHER ORDERED that the Obligor and Obligee immediately notify the CSEA in writing of any change in the Obligor’s income source and of the availability of any other sources of income that can be the subject of a withholding or deduction order. This duty to notify the CSEA shall continue until further notice from the Court. A failure to provide such notification may make the Obligor liable for retroactive support that would otherwise have been ordered.”

(vii) “IT IS FURTHER ORDERED that the Obligor and Obligee shall immediately notify the CSEA, in writing, of any change in the status of the minor children of the parties which would terminate or modify the duty of the Obligor to pay child support.”

(viii) “To make payments through the Butler County CSEA:

Make cash or credit card payments *only* at the following location:
Butler County Child Support Enforcement Agency, Government Services Center, 315 High Street, 7th floor, Hamilton, Ohio 45011.

Acceptable methods of payment are as follows: Visa, MasterCard, ATM, and Cash payments may be made locally in person only. **Do not send cash by mail. Personal checks will not be accepted by the Butler County CSEA.”**

(ix) “To make payments to the Ohio Child Support Payment Central (OCSPC):

(aa) The Obligor shall send payments to the following location:
Ohio Child Support Payment Central, P.O. Box 182372,
Columbus, Ohio 43218.

(bb) The employer shall send payments to the following location:
Ohio Child Support Payment Central, P.O. Box 182394,
Columbus, Ohio 43218

Acceptable methods of payment to the OCSPC are as follows:
certified check, cashier’s check, personal check, or money order.”

(k) The Agreed Entry shall specifically identify the deduction order to be issued. If the Obligor is receiving income from a payor as defined in section 3121.01(E) of the O.R.C., an income withholding notice shall issue. If the Obligor’s income is not subject to withholding, a bank account deduction notice shall issue. If the Obligor has no income, but is

able to post bond, an order to post bond shall issue. If the Obligor is unemployed and has no funds from which support can be paid, an order to seek work shall issue and the Obligor shall pay the current statutory minimum support order (currently eighty dollars \$80.00) per month for all the children subject to the order). The Court may waive or modify the minimum order in appropriate circumstances.

- (l) A statement as to whether there are child support arrears is required.
- (m) The Agreed Entry shall specify any child(ren) that either parent shall be entitled to claim as dependent(s) for federal income tax purposes. The Agreed Entry shall also specify the tax year(s) for which the child(ren) may be claimed as dependents, the name of the person who may claim them and the requirement that the person claiming them shall be substantially current in payment of child support for any tax year for which the child(ren) are claimed as dependents. A child support Obligor shall be substantially current in payment of child support if less than one hundred dollars (\$100.00) arrears are owed for the tax year for which the child(ren) are to be claimed as dependents, on or before January 31st of the following year (O.R.C. 3119.82).
- (n) The Agreed Entry shall contain:
 - (i) A statement that if private health insurance is not being provided and becomes available to either the obligor or obligee, they SHALL immediately notify the CSEA, at 513-887-3362, that private health insurance coverage for the children has become available to either of them, along with the full name and address of the health insurance company, and the plan type, policy number, group number and effective date of the health insurance, as well as all information regarding benefits, limitations, and exclusions of the coverage, copies of any insurance forms necessary to receive reimbursement, payment, or other benefits under to coverage, and a copy of any necessary insurance cards. The CSEA shall determine pursuant to ORC 3119.29(G) if the private health insurance is available at a reasonable cost, and if coverage is reasonable, ORC 3119.30 shall apply.
 - (ii) A statement specifically designating that both the Obligor and Obligee are liable for health care of the children who are not covered by private health insurance or cash medical support;
 - (iii) A statement that any person ordered to provide health insurance coverage for children, must notify the CSEA within thirty (30) days of said order of the following: the full name and address of the health insurance company, and the plan type, policy number, group number and effective date of the health insurance;
 - (iv) A statement providing the name, address, and telephone number of the individual reimbursed for out-of-pocket medical, optical, hospital, dental, or prescription expenses for each child;

- (v) A statement that the health plan administrator may continue making payment for medical, optical, hospital, dental, or prescription services directly to any health care provider in accordance with the plan;
- (vi) A statement that any person required to provide health insurance coverage for children shall designate the child(ren) as covered dependents under any private health insurance policy, contract, or plan;
- (vii) A statement that conforms with one of the provisions in Appendix 1 – Child Support and Health Insurance Language
- (viii) The Agreed Entry shall state that the parties must comply with any obligations concerning health insurance coverage imposed under O.R.C. sections 3119 et seq. of the Revised Code no later than thirty (30) days after the applicable order is issued.
- (ix) The Agreed Entry shall state that any party ordered to provide health insurance or a cash medical order, shall immediately notify the CSEA of any changes in status of the availability of health insurance.
- (x) The Agreed Entry shall state that any person who fails to provide health insurance as ordered may be punished for contempt of court and shall be solely responsible for the payment of all health care expenses incurred on the child(ren)'s behalf as a result of the failure to provide insurance.
- (xi) The Agreed Entry shall further state that if the Obligor is found in contempt for failing to provide health insurance coverage and he/she has previously been found in contempt under Chapter 2705 of the O.R.C., the Court shall consider the Obligor's failure to comply with the order as a change of circumstances for the purpose of modification of the amount of support due under the child support order that is the basis of the order issued under Revised Code 3119 *et seq.*
- (xii) The Agreed Entry shall state that the employer of the person required to obtain private health insurance coverage through that employer is required to release to the other parent, any person subject to an order issued under section 3109.19 of the Revised Code, or the child support enforcement agency on written request any necessary information on the private health insurance coverage, including the name and address of the health plan administrator and any policy, contract, or plan number, and to otherwise comply with this section and any order or notice issued under this section.
- (xiii) The Agreed Entry shall state that if the person required to obtain private health care insurance coverage for the children subject to this child support order obtains new employment, the agency shall comply with the requirements of section 3119.34 of the Revised Code, which may result in the issuance of a notice requiring the new

employer to take whatever action is necessary to enroll the children in private health care insurance coverage provided by the new employer, when insurance is not being provided by any other source.

- (o) An order that any person who is the residential parent of a child, including any party to a Shared Parenting Decree, and any other legal custodian shall notify, **in writing, by the appropriate court form, and filed with the Clerk of Courts (see below):**
 - (i) the other parent, Certificate of Service must be provided.
 - (ii) the Domestic Relations Court Case Management Office;
 - (iii) the Butler County Child Support Enforcement Agency (CSEA).
 - (iv) Notice must be sent within the following time frames:
 - (1) If relocating within Butler County – at least **thirty (30)** days in advance of the move;
 - (2) If relocating outside Butler County – at least **sixty (60)** days in advance of the move.
 - (v) A file stamped copy must be submitted to the Case Management Office on Form C13 if relocating within Butler County and on Form C13A if relocating outside Butler County.
 - (vi) If either parent believes the relocation will require a change in the allocation of parenting time, it is the responsibility of that parent to file a motion to review the allocation of parenting time.
 - (vii) If a parent believes that the move requires a change in residential parent status, that parent may file a motion for change of residential parent or modification of the Shared Parenting Plan, in accordance with Rule DR39.
- (p) The Agreed Entry shall require that each parent, or other legal custodian, shall have equal access to the child(ren)'s school, daycare center, medical or educational records and extracurricular or recreational activities, or an order limiting a parent's access to specific areas. Any order limiting a parent's access shall contain specific findings of fact, which support such limitation. The order shall contain a notice to school and daycare officials and to all keepers of records that their knowing failure to comply with the order may be punishable as contempt of court.

(F) Post-decree Agreed Modification of Support Arrearages

All agreements to waive support arrearages shall be initiated by the filing of a motion. The motion must include a statement of arrears from the CSEA, if at any time support was paid through the CSEA, or a statement that a request for same has been made. The statement must be requested three (3) weeks prior to the hearing

date. The motion shall contain a notice of the date, time, place of hearing, and name of the hearing officer, along with a request that the Clerk of Courts serve the CSEA with the motion and notice of hearing by certified mail. The motion and agreement shall be submitted to the Case Management Office for review. If the agreement is not approved as to form, Case Management shall notify the submitting party and provide the reason for rejection in writing. If it is approved, both parties shall attend the scheduled hearing.

DR 31. Objection to Magistrates' Decisions

- (A) Persons filing objections to magistrate's decisions shall comply with **Civil Rule 53** and immediately obtain a hearing date from the Docket Case Manager. All objections shall contain a notice of the date, time, place of the hearing, the name of the judge assigned to hear the objection and the basis for the objection. Anyone objecting to a magistrate's findings of fact shall provide the Court with a transcript of the proceedings.
- (B) If a transcript is required, the transcript shall be requested and deposit paid at the same time the objection is filed. Transcripts shall be ordered and paid in accordance with Rule DR18.
- (C) All magistrates' hearings shall be recorded.

DR 32. Notice of Bankruptcy

Upon filing of a bankruptcy petition, counsel or party shall submit a copy of the Notice of Bankruptcy Case Filing to the Case Management Office and the CSEA Legal Unit located at 315 High Street, 7th Floor, Hamilton, Ohio 45011.

11 U.S.C. §362(a)(1) through (8) permits the Court to proceed with any hearings and conferences that do not affect the petition pending in the Bankruptcy Court.

DR 33. Continuances

- (A) The following hearings may be continued once by the non-filing party: a scheduling conference, a final dissolution hearing, a domestic violence hearing, or the **first** hearing date of any motion for good cause shown **if both parties** agree. A continuance under this section does not require approval by the assigned hearing officer and it does not have to be reviewed by the Docket Case Manager. A continuance under (A) may be obtained **by telephone**, as follows, **or by procedures under (D) below**:

Telephone Procedures

- (1) Attorney/party sets up a conference call with other attorney/party and the Docket Case Manager.
- (2) The Docket Case Manager sets a new date, fills out a continuance form, files the form with the Clerk of Courts and faxes copies to attorneys/parties, or mails copies if fax is not available. **If any of the information on the form is in error, it is the responsibility of the attorney/party requesting the**

continuance to correct the error(s) by submitting a written motion per (D).

- (3) All requests for continuances under (A) **shall** be made at least seven (7) days prior to hearing, three (3) days for domestic violence hearing. If requests are not made in accordance with these time frames, the procedures under (D) must be followed
- (B) A final non-contested hearing may be continued **once without the agreement of the defendant** so long as the defendant has filed no answer **or made any appearance in the case**. This continuance may be obtained by using the procedures outlined in (A) or (D).
- (C) A first setting of a Show Cause Hearing for Agreed Entry or Decree may be continued once so long as the continuance does not cause the case to violate the Supreme Court Time Guidelines. This continuance may be obtained by using the procedures outlined under the Telephone Procedures. This continuance may be obtained within seven (7) days of the hearing.
- (D) All other requests for continuances shall be by written motion, as follows:

Written Motion Procedures

- (1) The motion for a continuance should be filed at least seven (7) days prior to a hearing, three (3) days for domestic violence hearings, and shall state the reason for the request, the hearing officer assigned to the case, the date, time, and place of the hearing, the number of continuances previously granted, and shall state whether the opposing party objects or agrees to the continuance. This includes *pro se* parties. Motions shall contain a statement of service indicating that the party requesting the continuance has received a copy of the motion for continuance and has served the other party.
 - (2) If the opposing party does not object, the motion and entry shall be submitted to the hearing officer assigned to the case for approval. If the hearing officer does not approve the request for continuance, the Docket Case Manager will advise the attorneys or parties by telephone. It is the responsibility of the moving party to verify with the Docket Case Manager whether or not the continuance is granted.
 - (3) If the opposing party does object to the continuance, the moving party shall arrange a conference call or a hearing before the assigned hearing officer. If the motion is granted for good cause shown, the moving party shall be required to accommodate the calendar of the Court and other party.
 - (4) No hearing shall be continued under (D) except by signed entry of the assigned hearing officer. If such an entry has not been signed and neither party appears for a scheduled hearing, the Court may dismiss.
- (E) **NOTICE: PARTIES OR THEIR ATTORNEYS MAY NEVER CONTINUE A FINAL CONTESTED DIVORCE HEARING, A FINAL PARENTING HEARING (EITHER PRE- OR POST-DECREE) OR ANY HEARING SET**

**FOR TWO (2) DAYS OR LONGER WITHOUT THE WRITTEN APPROVAL
OF THE HEARING OFFICER ASSIGNED TO HEAR THE CASE.**

DR 34. Notice of Intent to Relocate

- A.** If a parent or other legal custodian desires to move, he/she must notify, **in writing, by the appropriate court form, (see C below) and filed with the Clerk of Courts (see below):**
- (1) the other parent, Certificate of Service must be provided.
 - (2) the Domestic Relations Court Case Management Office;
 - (3) the Butler County Child Support Enforcement Agency (CSEA).
- B.** Notice must be sent within the following time frames:
- If relocating within Butler County – at least **thirty (30)** days in advance of the move;
- If relocating outside Butler County – at least **sixty (60)** days in advance of the move.
- C.** A file stamped copy must be submitted to the Case Management Office on Form C13 if relocating within Butler County and on Form C13A if relocating outside Butler County.
- D.** If either parent believes the relocation will require a change in the allocation of parenting time, it is the responsibility of that parent to file a motion to review the allocation of parenting time.
- E.** If a parent believes that the move requires a change in residential parent status, that parent may file a motion for change of residential parent or modification of the Shared Parenting Plan, in accordance with Rule DR39(B).

DR 35. Withdrawal of Counsel

Attorneys seeking to withdraw from a case shall present a motion and entry to the Docket Case Manager. The motion shall state the reasons for withdrawal and the entry must contain a statement of service upon both the opposing party and the withdrawing attorney's client. The entry shall provide two (2) check boxes entitled "granted" and "denied." The entry shall also provide sufficient space for a hearing officer to set forth reasons for the decision. The Docket Case Manager shall present the motion and entry to the hearing officer assigned to hear the case.

In the absence of extraordinary circumstances, the Court shall not grant an attorney permission to withdraw within thirty (30) days of a scheduled hearing.

DR 36. Scheduling

Each attorney or *pro se* party is responsible for his/her own calendar. Attorneys or *pro se* parties shall request adequate court time for all hearings and shall avoid scheduling

overlapping hearings. Attorney or *pro se* parties shall bring their calendars or their cell phones to all scheduling conferences.

DR 37. Post Decree *Ex Parte* Relief

Post decree motions requesting *ex parte* orders that affect children are discouraged. However the Court will issue such orders only where it is shown that irreparable harm will occur to the child unless immediate action is taken, and the moving party has also filed and scheduled for hearing a motion requesting the allocation of parental rights and responsibilities or for restriction of parenting time. Such motion for *ex parte* orders shall have supporting affidavits that clearly delineate the expected harm.

Any *ex parte* order for change in the residential parent status or restriction of parenting time shall include a provision for immediate notice of the *ex parte* order to the opposing party, the date of the scheduled hearing, and a statement that the order shall expire on the scheduled hearing date.

DR 38. Time Limitations

Pursuant to O.R.C. 3125.58 all actions, which require the establishment or modification of a child support order shall be completed within the following time limits:

- (A) Seventy-five percent (75%) of all cases shall be completed within six (6) months of their initial filing.
- (B) Ninety percent (90%) of all cases shall be completed within twelve (12) months of their initial filing.

DR 39. Expedited Process: Allocation of Parental Rights

Attorneys will be expected to give priority to cases involving children's issues. In an effort to resolve children's issues as timely as possible, continuances may require verification of counsel's and/or party's unavailability.

(A) Pre-decree Allocation of Parental Rights and Responsibilities, and Establishment of Paternity

- (1) In pre-decree cases when an *ex parte* order has been issued, motions to set aside *ex parte* allocation(s) of parental rights and responsibilities shall be set for hearing pursuant to DR25.
- (2) In pre-decree establishment of paternity and allocation of parental rights and responsibility cases, the matter shall be set for parenting pretrial. At the pretrial the Court shall address: (1) the need for DNA testing; (2) the temporary allocation of parental rights and responsibilities and the non-residential parent's temporary parenting time; (3) the temporary obligation of child support or set a hearing to determine the temporary obligation of child support; (4) the need for home investigations, psychological evaluations, and appointment of guardian *ad litem*.

- (3) If objections are filed to a magistrate's decision for temporary allocation, the hearing shall be set based upon the type of requested service. If a transcript is requested, it shall be prepared within that time (See Rules DR18 and DR31).

(B) Post-decree or Motions to Modify/Terminate Custody or Allocation of Parental Rights and Responsibility:

- (1) The moving party shall set the motion for an initial pretrial hearing to be held prior to setting a date for a change of circumstances hearing and shall set forth in their motion, with specificity, the change in circumstances. The initial pretrial hearing shall be set based upon type of requested service.

If the only change of circumstances is the desire of the child(ren) to live with the other parent, the motion may be dismissed without a hearing.

Juvenile Court has exclusive and original jurisdiction over all allegations of abuse, neglect, or mistreatment of a child. Any allegation of abuse, neglect, or mistreatment of a child shall be filed in Juvenile Court.

- (2) At the initial pretrial hearing, the Court shall set a change of circumstances hearing, if required.

Attorney(s) and parties **must** appear for the pretrial hearing.

- (3) If the change of circumstances hearing proceeds, the moving party has the burden of proof. If a change of circumstance is not proven the motion shall be dismissed. Objections to a magistrate's decision shall be set for hearing within fourteen (14) days of the filing of the objection to the dismissal. If a transcript is requested it shall be prepared within that time.
- (4) If a change of circumstances is proven, the Court will set the case for a pretrial within fourteen (14) days of the decision of the Court. The purpose of the pretrial is to determine if a guardian *ad litem* is to be appointed, review requests for psychological evaluations and cost allocation, and review requests for home investigations. Attorney(s) and parties must appear for the pretrial hearing

At the pretrial the Court will set the best interest hearing.

- (5) If objections are filed to a magistrate's decision pursuant to Civ. R 53(D)(3)(b) regarding the best interests of the child, the objection shall be set for hearing within thirty (30) days. If a transcript is requested, it shall be ordered by the objecting party at the time the objection is filed, and prepared within thirty (30) days. (See Rules DR18 and DR31)

DR 40. Genetic Tests

The Domestic Relations Court will accept DNA test results from any certified lab.

- (A) A hearing officer shall issue all orders for genetic testing on a completed Genetic Testing Order (Form DR145) and:
- (1) State the name of the testing facility;
 - (2) State the date on which the test shall be conducted;
 - (3) List the names of all persons to be tested;
 - (4) List the birth date(s) of minor child(ren) to be tested;
 - (5) Contain an order concerning payment of the cost of testing.
- (B) All results of genetic testing shall be returned by the testing facility to: Case Management Office, Domestic Relations Court, 2nd Floor, Government Services Center, 315 High Street, Hamilton, Ohio 45011.
- (C) Upon receipt of the results of genetic testing, the Case Management Office shall notify the attorney(s) of record and any parties in writing that the results have been received and that copies of the results may be obtained as follows:
- (1) Any attorney of record or party must contact the Case Management Office at least twenty-four (24) hours in advance to request a copy of the test results.
 - (2) The attorney or party must appear in person, with photo identification, to obtain a copy of the test results from the Case Management Office.
 - (3) One copy of the test results will be provided to each attorney or party.
 - (4) Genetic test results will not be released without a court order to anyone other than an attorney of record or party.
- (D) The Court may seal genetic test results upon motion or in the Court's discretion.

DR 41. Drug Tests

- (A) A hearing officer shall issue all orders for drug testing on a completed Entry Ordering Drug Test (Form DR214) and :
- (1) Name the parties to be tested;
 - (2) State the date on which the test(s) shall be completed;
 - (3) List the type(s) of drugs to be tested for;
 - (4) Contain an order as to the payment of costs.
- (B) All results of drug testing shall be returned by the testing facility to: Case Management Office, Domestic Relations Court, 2nd Floor, Government Services Center, 315 High Street, Hamilton, Ohio 45011.

- (C) Upon receipt of the results of the drug testing, the Case Management Office shall notify the attorney(s) of record or any parties in writing that the results have been received and that copies of the results may be obtained as follows:
- (1) Any attorney of record or party must contact the Case Management Office at least twenty-four (24) hours in advance to request a copy of the test results.
 - (2) The attorney or party must appear in person, with photo identification, to obtain a copy of the test results.
 - (3) One copy of the test results will be provided to each attorney or party.
 - (4) Drug test results will not be released to anyone other than an attorney of record or party without a court order.
 - (5) Court ordered drug test results shall not be filed with the Clerk of Courts unless they are admitted as evidence in the case.

DR 42. Family Unit

The Domestic Relations Court Family Unit is available for home investigations and supervised parenting/visitation referrals. Referrals are made only by court order from a Butler County Domestic Relations Court hearing officer.

(A) Home Investigation

The purpose of the home investigation is to assess the adequacy of the home environment and living conditions in order to determine if they meet the needs of the children.

(B) Supervised Parenting/Visitation

The purpose of supervised parenting or visitation is to allow a parent, or other person entitled to contact, to have an opportunity for parenting or visitation when no other options exist and when that person would otherwise be denied contact.

Supervised parenting/visitation by the Family Unit will only be ordered in cases of extreme need where there is no other suitable supervisor available. Due to limited resources, the services of the Family Unit must be conserved. If there is any other suitable person or agency that can provide supervision, then those services must be used.

(C) Reports

After the completion of all home investigations and after each supervised parenting or visitation, or upon the order of the court, a written report will be prepared and provided to the Court, the attorney(s), parties, and the guardian *ad litem*.

(D) Appearance of Family Unit Staff

If the appearance of a member of the Family Unit staff is necessary for a hearing, the party desiring the appearance shall issue a subpoena.

DR 43. Appointment of Guardian *ad litem* (GAL):

- (A) Upon the motion of the Court or either party, the Court shall appoint a guardian *ad litem* (GAL) to protect the interest of the child. All parties shall cooperate with the GAL.
- (1) Qualifications
 - (a) The GAL shall be an attorney who is a member in good standing of the Ohio Bar and in compliance with the rules of the Ohio Supreme Court.
 - (b) At least twenty-five percent (25%) of the applicant's practice during the last two (2) years shall be in the area(s) of domestic relations and/or juvenile law.
 - (c) The GAL is responsible for complying with Rule 48 of the Rules of Superintendence which outlines the specific training requirements.
 - (2) Procedures
 - (a) The Court shall appoint the GAL from a rotating list of eligible candidates maintained by the Domestic Relations Court.
 - (i) The Court shall compile a list of candidates after screening applicants.
 - (ii) Any attorney interested in being a GAL shall submit a resume outlining the requirements indicated in this rule to the Administration Office of the Court.
 - (b) Compensation will be at the rate of one hundred twenty five dollars (\$125.00) per hour for both in-court and out-of-court billable time.
 - (c) The Court may order the payment of a minimum deposit of one thousand two hundred dollars (\$1,200.00) through the Clerk of Courts, to be used to pay for GAL services. Unless the deposit has been waived by the Court, the Court shall appoint the GAL once the deposit has been made. The Court may require additional deposits during the pendency of the matter.
 - (d) GALs must submit interim billing up to the time of each hearing. This may allow for the Court to require additional funds to be placed on deposit and, if necessary, order disbursement of any funds already on deposit with the Clerk of Courts.
 - (e) GALs must agree to accept one pro bono assignment per year. Refusal of this assignment shall result in removal from the list of eligible GALs.

- (f) Parties or their counsel shall forward all relevant pleadings or documents to the GAL and shall provide the GAL with any relevant information regarding either the child(ren) or any issues in the case.

(B) Role of GAL

The role of the GAL is to gather and assess all available relevant information regarding the child(ren) and to submit final recommendations to the Court. The recommendations will focus on the best interests of the child(ren), as distinguished from merely advocating the wishes of the child(ren).

(C) Duties of GAL

- (1) In addition to complying with Rule 48, the GAL shall:
 - (a) Attend all relevant depositions.
 - (b) Attend all hearings pertaining to the child(ren), unless excused in writing by the hearing officer.
 - (c) Prepare a report and recommendations and submit them to the Domestic Relations Court Case Management Office at least seven (7) days prior to trial. The Case Management Office will send a copy by fax or by ordinary mail to all counsel of record or parties.

(D) Payment of GAL fees

At the conclusion of each hearing, an order will be written directing payment of fees.

- (1) It is the GAL's responsibility to prepare an order for payment of the final bill.
- (2) In the event that the final bill is not paid as ordered, the GAL may file a motion in contempt. The filing fee for this motion will be waived.

DR 44. Interview of Child by Court

All interviews of children will be *in camera* and conducted in accordance with O.R.C. 3109.04(B)(2)(c). The interviews will be recorded and the record sealed. The interviews will be conducted so that the interview does not interfere with the children's school day or other activities.

DR 45. Court Appointment of Counsel

When it appears to the Court that a respondent in a contempt proceeding is indigent and has not waived his/her right to counsel, the Court shall appoint an attorney to represent the respondent through the Butler County Public Defender Office.

(A) Public Defender Assignment

Two Public Defenders are assigned to Domestic Relations Court for CSEA (contempt on non-support cases and Non-CSEA (contempt on DR, DV, DS cases).

Prior to the beginning of each calendar year, a schedule is created assigning the Public Defender attorneys to specific months during the year. The attorneys rotate their assigned months and cover cases for one another when necessary. Specific docket time is set aside each month for Public Defender cases in order to accommodate the assigned attorney's schedule.

(B) Procedure for Public Defender

Court hearing officers assign Public Defender attorneys on CSEA contempt cases contingent upon the Defendant meeting poverty guidelines and the monthly attorney assignment.

For Non-CSEA cases, hearing officers attempt to contact the assigned Public Defender from the courtroom with parties present in order to set a future trial date that will work with his/her schedule.

On rare occasions, the Public Defender attorneys have a conflict with the Defendant. In those instances a court staff member refers to a Court Appointed Attorney master list and contacts the first available attorney to take the case.

(C) Assigned Counsel Fees

Public Defender attorneys are paid through the Butler County Public Defender Office.

Court appointed counsel services are paid through the submission of attorney fee applications to the Court and designated court budgetary funds. Payment for assigned services shall be on the basis of fifty dollars (\$50.00) per hour for time in court and forty dollars (\$40.00) per hour for time out of court, up to a maximum of five hundred dollars (\$500.00). An attorney may be reimbursed for expenses incurred up to one hundred dollars (\$100.00). These rates have been set pursuant to the Ohio Public Defender Standards and Guidelines & State Maximum Fee Schedule for Appointed Counsel Reimbursement and a resolution of the Board of Butler County Commissioners.

(D) Removal from Court Appointed List

All eligible court appointed counsel appointees are subject to removal from the master list at the discretion of the Court. Refusal to accept an appointment other than for good cause such as a conflict of interest or unavailability may result in removal from the master list.

DR 46. Retention and Disposal of Exhibits:

- (A)** Per Rule 26 of the Rules of Superintendence for the Courts of Ohio, at the conclusion of litigation, all exhibits, depositions, and transcripts may be destroyed after the following conditions have been satisfied:

- (1) The Court notifies the party that tendered the exhibits, depositions, or transcripts in writing that the party may retrieve said items within sixty (60) days from the date of the written notification;
- (2) The written notification informs the party that tendered the exhibits, depositions, or transcripts that these items will be destroyed if not retrieved within sixty (60) days of the notification;
- (3) The written notification informs the party that tendered these items of the location for retrieval of said items;
- (4) The party that tendered said items does not retrieve them within sixty (60) days from the date of the written notification.

DR 47. Conditions for Broadcasting and Photographing Court Proceedings.

(A) **Judge or Magistrate.** The judge or magistrate assigned to the trial or hearing shall permit the broadcasting or recording by electronic means and the taking of photographs in court proceedings that are open to the public as provided by Ohio law. After consultation with the media, the judge shall specify the place or places in the courtroom where the operators and equipment are to be positioned. Requests for permission for the broadcasting, televising, recording, or taking of photographs in the courtroom shall be in writing and the written order of the judge shall be made a part of the record of the proceedings.

(B) **Permissible equipment and operators.**

- (1) Use of more than one portable television, videotape, or movie camera with one operator shall be allowed only with the permission of the judge.
- (2) Not more than one still photographer shall be permitted to photograph trial proceedings without permission of the judge. Still photographers shall be limited to two cameras with two lenses for each camera.
- (3) For radio broadcast purposes, not more than one audio system shall be permitted in court. Where available and suitable, existing audio pickup systems in the court facility shall be used by the media. If existing audio pickup systems are not available, microphones and other electronic equipment necessary for the audio pickup shall be as inconspicuous as possible but shall be visible.
- (4) Visible audio recording equipment may be used by news media reporters with the prior permission of the judge.
- (5) Arrangements between or among media for “pooling” of equipment shall be the responsibility of the media representative authorized to cover the proceeding. “Pooling” arrangements are to be made outside the courtroom and without imposing on the judge or court personnel. If disputes arise over arrangements between or among media representatives, the judge may exclude all contesting representatives from the proceedings.

- (6) The judge shall prohibit the use of electronic or photographic equipment that produces distracting sound or light. No artificial lighting other than that normally used in the courtroom shall be employed, provided that, if the normal lighting in the courtroom can be improved without becoming obtrusive, the judge may permit modification.
- (7) Still photographers and television and radio representatives shall be afforded a clear view but shall not be permitted to move about in the courtroom during court proceedings from the places where they have been positioned by the judge, except to leave or enter the courtroom.

(C) Limitations.

- (1) There shall be no audio pickup or broadcast of conferences conducted in a court facility between attorneys and clients or co-counsel or of conferences conducted at the bench between counsel and the judge.
- (2) The judge shall inform victims and witnesses of their right to object to being filmed, videotaped, recorded, or photographed.
- (3) This rule shall not be construed to grant media representatives any greater rights than permitted by law.
- (4) Media representatives shall not be permitted to transmit or record anything other than the court proceedings from the courtroom while the court is in session.

- (D) Revocation of permission.** Upon the failure of any media representative to comply with the conditions prescribed by this rule or the judge, the judge may revoke the permission to broadcast or photograph the trial or hearing.

TITLE FOUR: DECREES AND FINAL ORDERS

DR 48. Domestic Relations Court Case Management Office

- (A)** Dissolution - The Petition of Dissolution, original, plus two (2) copies, Separation Agreement, original, plus two (2) copies, and Decree of Dissolution, original, plus five (5) copies without children. In Petitions where support is ordered in the Separation Agreement, three (3) copies of the Separation Agreement, if support is ordered through a Shared Parenting Plan, three (3) copies, the Decree of Dissolution, original, plus six (6) copies with children, shall be submitted to the Case Management Office for review.

If the decree is approved, the Case Management Office shall notify the submitting party. The decree, with copies, shall be placed in the case card and held for final hearing.

If the decree is not approved, the Case Management Office shall notify the submitting party and provide the reason for rejection in writing. Any decree that is

not approved must be corrected and resubmitted with appropriate copies. If the resubmitted decree is approved, the Case Management Office shall notify the submitting party then place the decree in the case card and hold for final hearing.

- (B) Non-contested Divorce Decrees, including original and five (5) copies without children and original and six (6) copies with children, shall be submitted to the Case Management Office for review fourteen (14) days prior to the final hearing.

If the decree is approved, the Case Management Office shall notify the submitting party. The decree, with copies, shall be placed in the case card and held for final hearing.

If the decree is not approved, the Case Management Office shall notify the submitting party and provide the reason for rejection in writing. Any decree that is not approved must be corrected and resubmitted, with appropriate copies. If the resubmitted decree is approved, the Case Management Office shall notify the submitting party. The decree, with copies, shall be placed in the case card and held for final hearing (See Rule27).

- (C) Decrees and post-decree entries shall be accompanied by the following forms when applicable:
 - (1) Child Support Calculation Sheet;
 - (2) Withholding Order/Qualified Medical Child Support Order Information Sheet (Form DR201);
 - (3) Guidelines for Parenting Time (Form DR610.1).
- (D) If counsel cannot secure a signature on the decree or on a required form, he or she shall request a waiver of signature and Notice to Case Management (Form C16) from the hearing officer assigned to the case. Upon receipt of the approved notice, the Case Management Office shall accept documents.
- (E) Upon completion of the hearing, the Domestic Relations Court Judges' staff will file the original and copies with the Clerk of Courts.

DR 49. Mandatory Language

(A) Mandatory Language Requirements

The mandatory language shall be used as written in these Rules. Any deviation from the mandatory language requires notice to the other party and permission of a hearing officer.

The requesting party shall submit an original Notice to Case Management (Form C16). The requesting party shall set forth every deviation from the mandatory language for consideration. The requesting party shall send a copy of the completed Form C16 to opposing counsel or *pro se* litigant with the Decree. After review by opposing counsel or *pro se* litigant, the requesting party shall provide the original completed Form C16 to Case Management with the Decree. The hearing officer

shall review the request and will approve or reject the deviation on the original Form C16. At the discretion of the hearing officer, a copy of the completed Form C16 may be sent to both parties and counsel.

(B) In All Cases:

- (1) All decrees and final orders shall comply with Ohio Civil Rule 10(A) and additionally shall contain the following within the caption:
 - (a) The name of the judge assigned to the case;
 - (b) The name of the hearing officer who heard the case, if applicable;
 - (c) The words “Final Appealable Order”;
 - (d) The names, addresses, and dates of birth of all parties, including children born issue of the marriage.
 - (e) Every Decree of Divorce shall contain a statement of whether or not the defendant is a member of the armed services.
 - (f) Counsel and *pro se* party shall attach a Military Affidavit (Form DR 04) to the decree at the time the decree is presented to the Case Management Office for review.
- (2) All final entries shall state the date the case was heard and the date of the decision.
- (3) A statement regarding the grounds for the divorce; if applicable.
- (4) A finding of fact regarding the duration of the marriage, or a specific waiver of such finding;
- (5) Findings of fact regarding the nature of all property, distributed as separate or marital, or a specific waiver of such a finding;
- (6) A statement whether either party owns real estate, whether the real estate is a separate or marital property, the value of the real estate, allocation of sale of real estate and payment of any lien or mortgage.
- (7) A statement whether either party has bank accounts, stock, cash value life insurance policies, or any other financial account(s), a list of the account(s), whether the accounts or policies are marital or separate property and allocation or division of the accounts.
- (8) A statement regarding division of personal property, as follows:

A statement as to whether the vehicles are to be transferred. The decree must contain the Vehicle Identification Number (VIN) of all vehicles to be transferred. If vehicles are not transferred, then the decree must contain a statement that the vehicles are already titled to the receiving party.

If personal property has been divided and exchanged:

“All personal property has been divided and exchanged.”

If personal property has not been divided and exchanged:

“The parties shall exchange and divide all personal property no later than ninety (90) days after the filing date of the final decree. If the parties cannot agree upon a date to conduct this division and exchange, the date for the division and exchange of personal property shall be at 12:00 noon on the 90th day following the filing of the decree. If either party fails to abide by the terms of the final decree regarding the division and exchange of personal property, the Court shall entertain a motion for contempt or a motion to compel the division or exchange of personal property. The Court will only entertain these motions if filed by a party on or before the 60th day after the expiration of the 90-day period.”

- (9) A statement whether either party has debts, a listing of such debts, whether the debts are marital or separate property, whether any debts have been discharged in bankruptcy proceedings and allocation or division of debts.
- (10) A statement as to whether spousal support is to be paid, findings of fact which justify such an award, a clear statement of the term of the award, and a clear statement as to whether the Court will retain jurisdiction to modify the award.
- (11) All decrees which provide for the payment of spousal support shall contain a statement of the amount of the spousal support obligation with an effective date and a statement of arrearages, if applicable. Decrees must also contain a clear statement whether payment is to be made directly, or through the Butler County Child Support Enforcement Agency (CSEA) or the Ohio Child Support Payment Central (OCSPC). If spousal support is to be paid through the CSEA or the OCSPC, decrees must also include a two percent (2%) processing fee, and state that the support should be made payable in increments which coincide with the Obligor’s pay periods.

All decrees which provide for the payment of spousal support through the CSEA or OCSPC shall also contain the following language:

- (a) “IT IS FURTHER ORDERED all support under this order shall be withheld or deducted from the income or assets of the Obligor pursuant to a withholding or deduction notice or appropriate court order issued in accordance with sections 3121.02 to 3121.07 of the O.R.C. or a withdrawal directive issued pursuant to section 3123.37 of the O.R.C. and shall be forwarded to the Obligee in accordance with section 3121.50 of the O.R.C.”
- (b) “IT IS FURTHER ORDERED that until such time as a withholding or deduction order is in effect, the Obligor shall discharge his or her obligation by making payments directly to the CSEA or the division of child support in the Ohio Department of Job and Family Services, as appropriate.”

(c) "IT IS FURTHER ORDERED that the Obligor is restrained from making said payments directly to the Obligee, and the Obligee is enjoined from accepting direct payments from the Obligor. Any payments of support not made through the CSEA or the division of child support in the Ohio Department of Job and Family Services, as appropriate, shall be deemed a gift."

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

IF YOU ARE THE OBLIGOR UNDER A CHILD SUPPORT ORDER AND YOU FAIL TO MAKE THE REQUIRED NOTIFICATIONS YOU MAY BE FINED UP TO \$50.00 FOR A FIRST OFFENSE, \$100.00 FOR A SECOND OFFENSE, AND \$500.00 FOR EACH SUBSEQUENT OFFENSE. IF YOU ARE AN OBLIGOR OR OBLIGEE UNDER ANY SUPPORT ORDER ISSUED BY A COURT AND YOU WILLFULLY FAIL TO GIVE THE REQUIRED NOTICES YOU MAY BE FOUND IN CONTEMPT OF COURT AND BE SUBJECTED TO FINES UP TO \$1,000.00 AND IMPRISONMENT FOR NOT MORE THAN NINETY (90) DAYS.

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

(e) "IT IS FURTHER ORDERED that the Obligor and Obligee immediately notify the CSEA in writing of any change in the Obligor's income source and of the availability of any other sources of income that can be the

subject of a withholding or deduction order. This duty to notify the CSEA shall continue until further notice from the Court. A failure to provide such notification may make the Obligor liable for retroactive support that would otherwise have been ordered.”

(f) “IT IS FURTHER ORDERED that if the Obligee is to receive spousal support from the Obligor, the Obligee shall immediately notify the CSEA, in writing, of remarriage if the remarriage would terminate the obligation to pay spousal support.”

(g) “To make payments through the Butler County CSEA:

(i) Make cash or credit card payments **only** at the following location: Butler County Child Support Enforcement Agency, Government Services Center, 315 High Street, 7th Floor, Hamilton, Ohio 45011.

Acceptable methods of payment are as follows: Visa, MasterCard, ATM, and Cash payments may be made locally in person only. **Do not send cash by mail. Personal checks will not be accepted by the Butler County CSEA.**”

(h) “To make payments to the Ohio Child Support Payment Central (OCSPC):

(i) The Obligor shall send payments to the following location: Ohio Child Support Payment Central, P.O. Box 182372, Columbus, Ohio 43218.

(ii) The employer shall send payments to the following location: Ohio Child Support Payment Central, P.O. Box 182394, Columbus, Ohio 43218.

Acceptable methods of payment to OCSPC are as follows: certified check, cashier’s check, personal check, or money order.”

- (12) All decrees shall contain a statement that all retirement plans have been disclosed and a statement as to how they are to be divided.
- (13) If a Qualified Domestic Relations Order (QDRO), Division of Property Order (DOPO), or any other order dividing retirement plans is issued, the decree shall contain a provision that the intent of the order is to fairly distribute to the alternate payee his/her share of the marital portion of the retirement plan. The decree shall further provide that, in the event there is a defect in the wording of the QDRO, DOPO, or other order dividing the plan, which precludes that intended outcome, the Court shall retain jurisdiction to modify the QDRO, DOPO, or other order.
- (14) Unless otherwise specified, if a QDRO, DOPO, or any other order dividing a retirement plan is issued, the decree shall contain an order requiring that Alternate Payee and the Alternate Payee’s trial counsel to prepare all documents required by the Plan Administrator, or any other named account

holder. The Plan Participant and the Plan's Participants Trial Counsel shall cooperate to facilitate the preparation of the QDRO, DOPO, or any other order dividing a retirement plan.

Both parties and attorneys shall sign the QDRO, DOPO, or any other order dividing a retirement plan prior to submission to the Case Management Office with five (5) copies as needed by the parties, counsel and plan administrator.

The QDRO, DOPO, or any other order dividing a retirement plan shall be consistent with the terms of the division of retirement plan set out in the Separation Agreement or Divorce Decree. The QDRO, DOPO, or any other order dividing a retirement plan shall be filed within forty-five (45) days of the file stamped date of Judgment Entry and Decree of Dissolution, Divorce, or Legal Separation.

The Court specifically reserves jurisdiction over the filing of the QDRO, DOPO, or other order dividing retirement plans.

- (15) The Court also reserves the jurisdiction to impose all costs, including attorney fees, upon a party and/or attorney not complying with section (B)(9), (10), or (11) of this rule.
- (16) Absent special circumstances, the Court will not sign final decrees and Agreed Entries until all costs have been either waived or paid in full. In the event a decree or Agreed Entry is filed without an assessment of costs, all costs shall be paid by the plaintiff.

(C) When There are Minor Children

When the parties have minor children, all decrees and final orders shall, in addition to the requirements above, contain the following as applicable:

- (1) If a Juvenile Court has exclusive continuing jurisdiction over one or more of the children, every decree and final order for divorce, annulment or legal separation shall identify those children by name, include the case number(s), and what allocation of parenting rights and responsibilities (including parenting allocation of parenting time, child support, tax exemptions, and health insurance) are included in the order from Juvenile Court. A copy of the order shall be attached.
- (2) When the children are subject to a parenting order through a "DS" case from this Court pursuant to O.R.C. 2301(K), every decree and final order for divorce, annulment or legal separation shall include:
 - (a) A statement that this Court, through case number "DS____" has jurisdiction over some or all of the children of a marriage and identify those children by name.
 - (b) That the parenting order adopted in the decree and final order addresses all parenting issues.

- (c) A statement that “DS _____” shall be dismissed upon filing of the decree and final order, and that all further parenting issues will be addressed in the “DR” case.
- (3) The physical living arrangements for the child(ren) and a designation of which parent is the residential parent.
- (4) In cases involving shared parenting, there shall be a separate Decree of Shared Parenting (if applicable) and a Shared Parenting Plan shall include:
 - (a) A provision that both parents are residential parent of the child(ren) and;
 - (b) A provision designating the residence used for establishing school placement.
- (5) A specific schedule of parenting time with each parent, including a statement as to the parent with whom the children will be physically located during legal holidays, school holidays, and other dates of special importance [O.R.C. 3109.04(G)(1)].
 - (a) The Court has adopted a standard parenting time schedule. That schedule is attached hereto as the current version of Guidelines for Parenting Time (Form DR610.1). Form DR610.1 is intended to be used when the parties cannot otherwise agree upon a specific schedule of parenting time.
 - (b) A copy of Form DR610.1 shall be attached to each entry and decree in which it is adopted as the schedule of the parties.
- (6) A statement of the child support obligation stated pursuant to Appendix 1 – Child Support and Health Insurance Language.
- (7) The monthly figure must be listed in the decree, final order, or entry and is presumed to be correct, regardless of whether the payment amount on the child support calculation sheets corresponds.
- (8) A decree or entry which deviates from support guidelines shall be accompanied by a completed Notice to Case Management (Form C16). Case Management is responsible for processing.
- (9) Every decree or entry must set forth the commencement date of the obligation of support.
- (10) All decrees, final orders, and entries which provide for the payment of child support shall have the following language:
 - (a) “IT IS FURTHER ORDERED the duty of support shall continue beyond the age of majority as long as the child continuously attends on a full-time basis any recognized and accredited high school. A child support order shall not remain in effect after the child reaches nineteen years of

age unless the order provides that the duty of support continues under circumstances described in O.R.C. 3119.86(A)(1)(a) or (b).”

- (b) “IT IS FURTHER ORDERED all support under this order shall be withheld or deducted from the income or assets of the Obligor pursuant to a withholding or deduction notice or appropriate Court order issued in accordance with sections 3121.02 to 3121.07 of the O.R.C. or a withdrawal directive issued pursuant to section 3123.37 of the O.R.C. and shall be forwarded to the Obligee in accordance with section 3121.50 of the O.R.C.”
- (c) “IT IS FURTHER ORDERED until such time as a withholding or deduction order is in effect, the Obligor shall discharge his or her obligation by making payments directly to the CSEA or the division of child support in the Ohio Department of Job and Family Services, as appropriate.”
- (d) “IT IS FURTHER ORDERED the Obligor is restrained from making said payments directly to the Obligee, and the Obligee is enjoined from accepting direct payments from the Obligor. Any payments of support not made through the CSEA or the division of child support in the Ohio Department of Job and Family Services, as appropriate, shall be deemed a gift.”
- (e) **“EACH PARTY TO THIS SUPPORT ORDER MUST NOTIFY THE CHILD SUPPORT ENFORCEMENT AGENCY IN WRITING OF HIS OR HER CURRENT MAILING ADDRESS, CURRENT RESIDENCE ADDRESS, CURRENT RESIDENCE TELEPHONE NUMBER, CURRENT DRIVER’S LICENSE NUMBER, AND OF ANY CHANGES IN THAT INFORMATION. EACH PARTY MUST NOTIFY THE AGENCY OF ALL CHANGES UNTIL FURTHER NOTICE FROM THE COURT OR AGENCY, WHICHEVER ISSUED THE SUPPORT ORDER.**

IF YOU ARE THE OBLIGOR UNDER A CHILD SUPPORT ORDER AND YOU FAIL TO MAKE THE REQUIRED NOTIFICATIONS YOU MAY BE FINED UP TO \$50.00 FOR A FIRST OFFENSE, \$100.00 FOR A SECOND OFFENSE, AND \$500.00 FOR EACH SUBSEQUENT OFFENSE. IF YOU ARE AN OBLIGOR OR OBLIGEE UNDER ANY SUPPORT ORDER ISSUED BY A COURT AND YOU WILLFULLY FAIL TO GIVE THE REQUIRED NOTICES YOU MAY BE FOUND IN CONTEMPT OF COURT AND BE SUBJECTED TO FINES UP TO \$1,000.00 AND IMPRISONMENT FOR NOT MORE THAN NINETY (90) DAYS.

IF YOU ARE AN OBLIGOR OR OBLIGEE AND YOU FAIL TO GIVE THE REQUIRED NOTICES TO THE CHILD SUPPORT ENFORCEMENT AGENCY, YOU MAY NOT RECEIVE NOTICE OF THE CHANGES AND REQUESTS TO CHANGE THE CHILD SUPPORT AMOUNT, HEALTH CARE PROVISIONS, OR

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

(f) “IT IS FURTHER ORDERED that the Obligor and Obligee immediately notify the CSEA in writing of any change in the Obligor’s income source and of the availability of any other sources of income that can be the subject of a withholding or deduction order. This duty to notify the CSEA shall continue until further notice from the Court. A failure to provide such notification may make the Obligor liable for retroactive support that would otherwise have been ordered.”

(g) “IT IS FURTHER ORDERED that the Obligor and Obligee shall immediately notify the CSEA, in writing, of any change in the status of the minor children of the parties which would terminate or modify the duty of the Obligor to pay child support.”

(h) “To make payments through the Butler County CSEA:

Make cash or credit card payments *only* at the following location:
Butler County Child Support Enforcement Agency, Government
Services Center, 315 High Street, 7th Floor, Hamilton, Ohio 45011.

Acceptable methods of payment are as follows: Visa, MasterCard, ATM, and Cash payments may be made locally in person only. **Do not send cash by mail. Personal checks will not be accepted by the Butler County CSEA.”**

(i) “To make payments to the Ohio Child Support Payment Central (OCSPC):

The Obligor shall send payments to the following location: Ohio Child Support Payment Central, P.O. Box 182372, Columbus, Ohio 43218.

The employer shall send payments to the following location: Ohio Child Support Payment Central, P.O. Box 182394, Columbus, Ohio 43218.

Acceptable methods of payment to OCSPC are as follows: certified check, cashier’s check, personal check, or money order.

(12) The decree shall specifically identify the deduction order to be issued.

- (a) If the Obligor is receiving income from a payor as defined in section 3121.01(E) of the O.R.C., an income withholding notice shall issue.
 - (b) If the Obligor's income is not subject to withholding, a bank account deduction notice shall issue.
 - (c) If the Obligor has no income, but is able to post bond, an order to post bond shall issue.
 - (d) If the Obligor is unemployed and has no funds from which support can be paid, an order to seek work shall issue and the Obligor shall pay the current statutory minimum support order (currently eighty dollars \$80.00) per month for all the children subject to the order). The Court may waive or modify the minimum order in appropriate circumstances.
- (13) All decrees or entries shall include whether child support arrears exist in this or any other related case, the disposition of such arrears, and the amount as of a date certain.
- (14) The decree shall specify any child(ren) that either parent shall be entitled to claim as dependent(s) for federal income tax purposes. The decree shall also specify the tax year(s) for which the child(ren) may be claimed as dependent(s), the name of the person who may claim them and the requirement that the person claiming them shall be substantially current in payment of child support for any tax year for which the child(ren) are claimed as dependents. A child support Obligor shall be substantially current in payment of child support if less than one hundred dollars (\$100.00) arrears are owed for the tax year for which the child(ren) are to be claimed as dependent(s), on or before January 31st of the following year. (O.R.C. 3119.82)
- (15) The decree shall contain:
- (a) A statement that if private health insurance is not being provided and becomes available to either the obligor or obligee, they SHALL immediately notify the CSEA, at 513-887-3362, that private health insurance coverage for the children has become available to either of them, along with the full name and address of the health insurance company, and the plan type, policy number, group number and effective date of the health insurance, as well as all information regarding benefits, limitations, and exclusions of the coverage, copies of any insurance forms necessary to receive reimbursement, payment, or other benefits under to coverage, and a copy of any necessary insurance cards. The CSEA shall determine pursuant to ORC 3119.29(G) if the private health insurance is available at a reasonable cost, and if coverage is reasonable, ORC 3119.30 shall apply.
 - (b) A statement specifically designating that both the Obligor and Obligee are liable for health care of the children who are not covered by private health insurance or cash medical support;

- (c) A statement that any person ordered to provide health insurance coverage for children, must notify the CSEA within thirty (30) days of said order of the following: the full name and address of the health insurance company, and the plan type, policy number, group number and effective date of the health insurance;
- (d) Statement providing the name, address, and telephone number of the individual reimbursed for out-of-pocket medical, optical, hospital, dental, or prescription expenses for each child;
- (e) A statement that the health plan administrator may continue making payment for medical, optical, hospital, dental, or prescription services directly to any health care provider in accordance with the plan;
- (f) A statement that any person required to provide health insurance coverage for children shall designate the child(ren) as covered dependents under any private health insurance policy, contract, or plan;
- (g) A statement that conforms with one of the provisions in Appendix 1 – Child Support and Health Insurance Language.
- (h) The decree shall state that the parties must comply with any obligations concerning health insurance coverage imposed under sections 3119 *et seq.* of the Revised Code no later than thirty (30) days after the applicable order is issued.
- (i) The decree shall state that any party ordered to provide health insurance or a cash medical order, shall immediately notify the CSEA of any changes in status of the availability of health insurance.
- (j) The decree shall state that any person who fails to provide health insurance as ordered may be punished for contempt of court and shall be solely responsible for the payment of all health care expenses incurred on the child(ren)'s behalf as a result of the failure to provide insurance.
- (k) The decree shall further state that if the Obligor is found in contempt for failing to provide health insurance coverage and he/she has previously been found in contempt under Chapter 2705 of the O.R.C., the Court shall consider the Obligor's failure to comply with the order as a change of circumstances for the purpose of modification of the amount of support due under the child support order that is the basis of the order issued under Revised Code 3119 *et seq.*
- (l) The Agreed Entry shall state that the employer of the person required to obtain private health insurance coverage through that employer is required to release to the other parent, any person subject to an order issued under section 3109.19 of the Revised Code, or the child support enforcement agency on written request any necessary information on the private health insurance coverage, including the name and address of the health plan administrator and any policy, contract, or plan number, and to

otherwise comply with this section and any order or notice issued under this section.

- (m) The Agreed Entry shall state that if the person required to obtain private health care insurance coverage for the children subject to this child support order obtains new employment, the agency shall comply with the requirements of section 3119.34 of the Revised Code, which may result in the issuance of a notice requiring the new employer to take whatever action is necessary to enroll the children in private health care insurance coverage provided by the new employer, when insurance is not being provided by any other source.
- (16) An order that any person who is the residential parent of a child, including any party to a Shared Parenting Decree, and any other legal custodian, shall send a notice of intent to relocate to the Domestic Relations Court Case Management Office, as follows:
- (a) the other parent, Certificate of Service must be provided.
 - (b) the Domestic Relations Court Case Management Office;
 - (c) the Butler County Child Support Enforcement Agency (CSEA).
 - (d) Notice must be sent within the following time frames:
 - i. If relocating within Butler County – at least **thirty (30)** days in advance of the move;
 - ii. If relocating outside Butler County – at least **sixty (60)** days in advance of the move.
 - (e) A file stamped copy must be submitted to the Case Management Office on Form C13 if relocating within Butler County and on Form C13A if relocating outside Butler County.
 - (f) If either parent believes the relocation will require a change in the allocation of parenting time, it is the responsibility of that parent to file a motion to review the allocation of parenting time.
 - (g) If a parent believes that the move requires a change in residential parent status, that parent may file a motion for change of residential parent or modification of the Shared Parenting Plan, in accordance with Rule DR39.
- (17) The decree shall require that each parent, or other legal custodian, shall have equal access to the children’s school, daycare center, medical or educational records and extracurricular or recreational activities, or an order limiting a parent’s access to specific areas. Any order limiting a parent’s access shall contain specific findings of fact which support such limitation. The order shall contain a notice to school and daycare officials and to all keepers of

records that their knowing failure to comply with the order may be punishable as contempt of court.

(D) When a Magistrate Hears a Dissolution or Non-Contested Divorce

If a final non-contested divorce or dissolution is heard by a Magistrate, the final decree shall contain a waiver of the fourteen (14) day objection period and a waiver of findings of fact and conclusions of law, if applicable, unless a Waiver of Magistrate's Findings of Fact and Time Period for Filing Objections (Form DR18) is filed.

(E) Avoiding Repetition of Mandatory Language

When multiple documents are filed in a single case, the mandatory language shall appear only once. In dissolutions it shall appear in the separation agreement and be incorporated by reference into the decree. In divorces in which there are separation agreements it shall appear in the separation agreement and be incorporated by reference into the decree. In divorces and dissolutions in which there are shared parenting plans the mandatory language and requirements contained in Rule DR49(C) shall appear in the Shared Parenting Plan and be incorporated by reference into the Shared Parenting Decree. In divorces without Separation Agreements and without Shared Parenting Plans it shall appear in the decree. The mandatory language need not be repeated separately in Shared Parenting Decrees.

TITLE FIVE: DOMESTIC VIOLENCE

DR 50. Procedure

- (A)** Any person who qualifies as a family or household member under O.R.C. 3113.31 may file a petition for an *ex parte* civil protection order.
- (B)** Unless authorized by statute, no court costs or filing fee shall be charged in connection with any domestic violence case.
- (C)** The Court shall hold a hearing on the same day the petition is filed.
- (D)** The petitioner is expected to appear in court for the final protection order hearing and all further proceedings.
- (E)** Failure of the petitioner to appear after proper notice of the time, date, and location of a hearing may result in dismissal of the case.
- (F)** Objections to Magistrates' decisions shall be governed by Rules DR18 and DR31.
- (G)** Continuances shall be governed by Rule DR33.
- (H)** Several final Civil Protection Order hearings are scheduled per hour. If a party or attorney expects more than fifteen (15) minutes are needed for a hearing, that party is expected to request a continuance and schedule the hearing for an appropriate amount of time.

TITLE SIX: SPECIAL ACCOMMODATIONS

DR 51. Disabled Persons

Any person who requires special accommodations because of a handicap or disability shall notify the Administrative Office of the Court by calling (513) 887-3352 of his/her special requirements at least ten (10) days before a scheduled court appearance. The Court shall comply with all reasonable requests for assistance, including providing interpreters, without additional cost, except as described in Rule DR52.

DR 52. Interpretive Services

When interpretive services are needed, the attorney or party requesting an interpreter shall complete a Request for Interpreter (Form DR627) and submit it to the Administrative Office of the Court at least ten (10) days before the scheduled hearing. The Court will arrange for a certified interpreter (when reasonably possible) to be present for the hearing and will inform the requesting attorney/party of the name and address of the interpreter selected. It is the responsibility of the requesting party to notify the interpreter, in writing, if there is any change in the date or time of the hearing. Failure to comply with this rule may result in a party being held responsible for payment of the interpreter's fee.

TITLE SEVEN: ALTERNATIVE DISPUTE RESOLUTION

DR 53. Mediation

(C) **Ohio Uniform Mediation Act.** The Ohio Uniform Mediation Act ("UMA"), R.C. 2710, including all definitions, is incorporated by reference into these local rules.

(D) Scope.

(1) At any time, any Judge or Magistrate of the Domestic Relations Division of the Court of Common Pleas may order any case to mediation in accordance with these rules. In considering whether to order a case to mediation or whether to continue with mediation once it is ordered, the Court will consider relevant factors, including the following:

- (a) whether either party has been convicted of or pled guilty to a violation of O.R.C. 2919.25, or whether either party has committed an act resulting in a child being adjudicated to have been abused; in either case, mediation will be ordered only if the Court determines that it is in the best interests of the parties for mediation to proceed and supports that determination with specific written findings of fact;
- (b) whether one party is genuinely in fear of the other where domestic violence is alleged, regardless of whether there is a conviction;
- (c) whether one or both parties are alleged to have a significant drug and/or alcohol dependency;

- (d) whether one of the parties is mentally ill or has significant psychological problems that might interfere with mediation; and
- (e) whether the physical distance between the parties is so great that it is not feasible for them to maintain a consistent mediation schedule which cannot be resolved with the use technology readily available.

(2) Mediation is prohibited in the following cases:

- (a) As an alternative to the prosecution or adjudication of domestic violence;
- (b) In determining whether to grant, modify, or terminate a protection order;
- (c) In determining the terms and conditions of a protection order;
- (d) In determining the penalty for violation of a protection order.

(C) Procedure.

- (1) When the Court orders a case to mediation, a mediation order shall be filed. Both parties shall complete a mediation intake form. The mediation intake form will include information to facilitate screening for domestic violence.
- (2) The Court shall appoint a mediator from the list of Qualified Mediators maintained by the Court. Nothing in this rule shall prevent the parties from selecting a private mediator which must be selected in accordance with any orders issued by the Court.
- (3) When the Court appoints a mediator, each party shall each pay one half of the ordered deposit, unless the Hearing Officer finds it equitable to order a different division of the deposit, within **seven (7)** court days of the filing of the mediation order with the Clerk of Courts. The deposit shall be paid directly to the Clerk of Courts. After paying such deposit, a copy of the receipt shall be provided to the Court and directly to the appointed mediator by the paying party. The Mediator is under no obligation to schedule mediation until the full deposit has been paid. The court may reserve the final apportionment of mediation costs as between the parties to be addressed in mediation or by further order upon the conclusion of the case.
- (4) An order to mediate will not delay the effectiveness of any temporary orders issued by this Court nor any scheduling order/discovery matter or hearing, unless a stay is specifically ordered by the Hearing Officer.
- (5) At the conclusion of mediation, the mediator shall submit to the court, the parties, and counsel (if represented) a mediation report utilizing the Mediator's

Report Form (DR-400) that indicates the outcome of the mediation. This report shall be provided to the Court within seven court days of the final mediation session. The mediation report shall not be filed with the Clerk.

- (6) Any written agreements achieved in mediation shall be forwarded to counsel and a copy given to the parties. Mediation agreements shall not be filed with the Court or the Clerk.
- (7) Any agreements reached during mediation are not be binding upon the parties until approved by the parties' attorneys, if any, and by the Court, which shall consider the best interests of the children when allocating parental rights and responsibilities and/or establishing a parenting schedule. The mediation agreement becomes binding when it is adopted by the Court as an Agreed Entry or made a Court Order.
- (8) Pursuant to Ohio Rule of Superintendence 16, parties are permitted to have their attorneys and other individuals they designate accompany them and participate in mediation. Attorney attendance, or attendance by anyone other than the parties, although not expected or encouraged, will be allowed only if sufficient advance notice is given so that opposing counsel may be notified and given an opportunity to attend.
- (9) Children shall not be brought to the mediation session; parents shall not communicate to the children or permit communication with the children regarding the discussions in mediation or mediation agreements.
- (10) The Mediator shall terminate mediation if he/she believes there is a threat of domestic violence or coercion between the parties.
- (11) The Court has the discretion to order the parties to appear for the mediation either in person or via video conference.
- (12) Where appropriate, the mediator will provide appropriate referrals to legal counsel and other support services for all parties.
- (13) Upon completion of mediation, a court appointed mediator shall complete an order and entry to pay mediator fees using DR-402 Order to Pay Mediator which shall be submitted to the court with the copy of the mediation report.
 - (a) In the event a case settles or is dismissed seven or more days (168 hours) in advance of the scheduled start of the first mediation session, the mediator shall not be entitled to compensation and the funds on deposit shall be taxed to costs first and thereafter the excess, if any, returned to the parties. The parties, or if represented, the attorney(s) shall provide written notice to the court and the appointed mediator that the matter has been settled and/or dismissed using DR-401 Notice to Cancel Mediation. This

Notice shall not be filed with the Court or the Clerk of Courts.

- (b) In the event the case settles or is dismissed less than seven days (168 hours) in advance of the scheduled start of the first mediation session, the mediator shall be entitled to receive the full compensation which shall be equal to the deposit paid to the Clerk of Court. The parties, or if represented, the attorney(s) shall provide written notice to the court and the appointed mediator that the matter has been settled and/or dismissed using DR-401 Notice to Cancel Mediation. This Notice shall not be filed with the Court or the Clerk of Courts.

(D) Qualifications and Application Process.

- (1) Qualified Mediator: A mediator employed by the Court, or to whom the Court makes referrals for mediation, must have the following minimum qualifications:
 - (a) A bachelor's degree, or equivalent education experience, satisfactory to the Court, and at least two years of professional experience with families. Professional experience with families includes mediation, casework, legal representation in family law matters, or such other equivalent experience that is satisfactory to the Court;
 - (b) Completion of all applicable trainings approved by the Supreme Court Dispute Resolution Section in accordance with standards established by the Commission on Dispute Resolution pursuant to Sup. R. 16.23 including completion of "Specialized Family or Divorce Mediation Training" and "Specialized Domestic Abuse Issues and Mediation Training" approved by the Supreme Court Dispute Resolution Section in accordance with standards established by the Commission on Dispute Resolution.
 - (c) Mediators who are attorneys must be in Good Standing with Ohio Supreme Court and must also:
 - i. Complete three-hours of continuing legal education (CLE) on the subject of mediation or alternate dispute resolution each year to remain on the Court's mediator list;
 - ii. Provide proof of annual CLE compliance by January 1. Proof of compliance includes a copy of the CLE certificate or CLE transcript, signed compliance statement, and resume or CV; and
 - iii. Maintain appropriate liability insurance coverage.
- (3) Application Process: Any person seeking to be placed on the Court's list of Qualified Mediators, in addition to meeting the above criteria, must complete the Mediator Application.

Applications will be initially reviewed by the Court Administrator for compliance with the requirements of this Rule. The applications shall then be forwarded to the Judges of the Domestic Relations Division who shall have final authority to accept or reject any application. The Domestic Relations Division Judges may set forth additional criteria for approval of mediators as may be necessary or appropriate for the efficient operation of the court.

Acceptance or rejection of any mediator application is at the sole discretion of the judges of the court.

- (4) The Court shall maintain a list of Qualified Mediators which will be available to parties and attorneys upon request.

(E) Confidentiality.

(1) All mediation communications related to or made during the mediation process are subject to and governed by the UMA.

(2) Mediation communications are confidential, and no one shall disclose any of these communications unless all parties and the mediator consent to disclosure. This court may impose penalties for any improper disclosures made in violation of this rule. Disputes regarding confidentiality should first be addressed with the mediator before seeking court involvement or intervention.

(3) The foregoing confidentiality requirements do not exempt any person from the statutory duty to report the following:

- (a) child abuse pursuant to R.C. 2151.421;
- (b) statements that a felony has been or is being committed;
- (c) violent acts that occur during mediation; and
- (d) threats of harm to other people.

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

(5) In the event that a case does not settle at mediation, the mediator shall not be called as a witness. Any discussion which occurs between a mediator and a party is considered protected information and is not discoverable through deposition or any other discovery procedure.

(F) Cost of Mediation. The Court shall apportion the cost of mediation after considering the parties' respective incomes and other factors deemed relevant by the court. The Court shall retain the right to reconsider the cost allocation upon request by either party and for good cause shown.

(G) Complaint Process. Any comments or complaints regarding a Mediator's performance must be submitted in writing to the Court Administrator. The Court Administrator will forward any comments and complaints to the Judge assigned to the case and, if necessary, the Administrative Judge of the court for consideration and appropriate action. The Court Administrator will notify the person making the comment or complaint and the Mediator of the disposition. A record of the complaint and disposition will be included in the Mediator's file and annual Court performance review.

TITLE EIGHT: SPECIAL PROJECTS

DR 54. Special Project Fees

Pursuant to O.R.C. 2303.201(E)(1) the Court has determined, for efficient operation, that additional funds are necessary to acquire and pay for special projects, including but not limited to, the Family Unit, the Employment Services Program, and acquisition and rehabilitation of facilities, acquisition of equipment, the hiring and training of staff, employment of magistrates, the training and education of judges and magistrates, employment of a Family Unit Specialist and Parenting Coordinator, Employment Services Aide and other related services.

Pursuant to O.R.C. 2303.201(E)(1), a fee ordered by this Court, through the Clerk of Courts in addition to the fees and costs authorized under O.R.C. 2303.20, will be charged and collected by the Clerk of Courts upon the filing of each new civil action in this Court and upon the filing of each post-decree motion. All fees collected under this Rule shall be paid to the Clerk of Courts for deposit with the County Treasurer for deposit into a special projects fund. Monies from that fund shall be disbursed upon order of this Court in an amount no greater than the actual cost of the special project stated above or for any other special project that this Court from time to time might deem necessary for its efficient operation.