

**COURT OF COMMON PLEAS**  
**GENERAL AND**  
**DOMESTIC RELATIONS DIVISION**  
**PICKAWAY COUNTY COURTHOUSE**  
**207 SOUTH COURT STREET**  
**CIRCLEVILLE, OHIO 43113**  
**RULES OF COURT**  
**P. RANDALL KNECE, JUDGE**



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[WWW.PICKAWAY.ORG](http://WWW.PICKAWAY.ORG)

[CLICK] COMMON PLEAS COURT

**COMMON PLEAS COURT  
PICKAWAY COUNTY, OHIO  
GENERAL AND DOMESTIC RELATIONS DIVISION  
PICKAWAY COUNTY COURTHOUSE  
207 SOUTH COURT STREET  
CIRCLEVILLE, OHIO 43113  
(740) 474-6026**

**JUDGE'S OFFICE:**

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Alice Malott, Court Reporter/Court Secretary 740-474-8376  
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**MAGISTRATE:**

Elisa Peters, Magistrate 740-477-3840  
Fax: 740-420-5422

Shelly Harsha, Magistrate 740-474-8043

**ADULT PROBATION DEPARTMENT:**

Matthew Paulini, State Probation Officer 740-417-6879

Matthew Scott, State Probation Officer 740-601-4776

**JURY COMMISSIONERS:**

Earl W. Palm

Betty Caudill

- **Jury Duty**

Any questions pertaining to jury duty should be directed to The Common Pleas Court –  
**740-474-6026**

There are four terms of Court per year: January, April, July and October. At each term of Court a new jury panel is selected. Juror names are submitted by the Board of Elections, Pickaway County, Ohio from the voter registration, using a key number that is selected in August of each year. There are 500 names drawn as Petit Jurors and 50 names drawn as Grand Jurors.

Grand Jury is in Session once a month. On occasion, there may be a need for a Special Grand Jury Session during the Term, however, that is very infrequent. At least once during the Grand Jury Term it is necessary that the Grand Jurors inspect the Pickaway County Jail to ensure that the prisoners are receiving adequate treatment. After this tour is completed the Jurors will reconvene in the Grand Jury Room and submit a written report to the Court. A copy of the Grand Jurors Report is then forwarded to the Pickaway County Commissioners Office for their review.

Petit Jurors are called for jury duty on an as-needed basis. Jurors are only summoned in when there is an actual jury trial scheduled. Petit Jury may consist of a criminal trial or a civil trial. If the case being tried is a criminal case, 12 jurors will be seated with usually one or two alternates. If the case being tried is a civil case, 8 jurors will be seated with one alternate. Most trials (criminal and civil) last two days. However, there are occasions when a trial may take a week, but that is rare.

Jurors are summoned to report for jury duty at 9:00 A.M. The first part of the trial will be the selection of the jury. This is called Voir Dire. Once the jury is seated, usually a 10 minute recess will be taken. Then the Court will commence with Instructions of the Court and opening statements of counsel. Once opening statements are completed, witnesses will be called to the witness stand, and exhibits will be offered during the trial. Once the testimony is completed, the attorneys will make closing arguments, the Court will give the Charge of the Court, and then the jury will commence deliberations. Once the jury has reached a verdict, the foreperson will knock on the jury room door and announce to the Bailiff that the jury has reached a verdict. At that time the jury will be returned to the courtroom, the verdict will be announced, after which the jury will be excused.

The Court usually schedules one 10 minute recess in the morning and one 10 minute recess in the afternoon, with one hour for lunch. The jurors are on their own during the lunch hour.

(For consideration to be excused from jury duty, print out and complete the form below.)

Dear Juror:

As a registered voter of Pickaway County, you have been selected to serve as a petit juror in the Pickaway County Common Pleas Court for an upcoming 3 month term of Court. The Court is located on the 2<sup>nd</sup> floor of the Pickaway County Courthouse at 207 South Court Street, Circleville.

You have not actually been selected for a specific date yet. When your name is selected, you will be notified by mail of the specific date and time to appear. Jury trials are normally scheduled on Mondays and Thursdays and typically last one or sometimes two days.

Any and all medical excuses, vacation requests and/or requests for discharge from jury duty should be completed on the Juror Excuse Form below and returned with the completed questionnaire in the self addressed stamped envelope provided.

Please do not request to be permanently excused from jury duty for any other reasons than listed on the Juror Excuse Form below. As Judge of the Pickaway County Common Pleas Court, I am the only person who can excuse a juror, and I cannot excuse you under Ohio law except for the reasons listed below. Please remember only a limited number of jurors are called for specific dates, therefore it is very important that you appear as Ordered. Your summons is a Court Order and any failure to comply with the Order can result in the imposition of sanctions provided under Ohio law. If you have any questions, please contact my office at (740) 474-6026.

Sincerely,

*P. Randall Knece*

P. Randall Knece, Judge

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**JUROR EXCUSE FORM**

Please fax correspondence to Judge Knece at (740) 477-6334 or mail to: Judge P. Randall Knece  
Pickaway County Common Pleas Court  
207 South Court Street, 2<sup>nd</sup> Floor  
Circleville, Ohio 43113

Name \_\_\_\_\_ Juror # \_\_\_\_\_

Address \_\_\_\_\_ Phone # \_\_\_\_\_

I claim exemption from jury service because:

- \_\_\_ The interest of the public will be materially injured by my attendance. (Mail or fax detailed explanation.)
- \_\_\_ I am no longer a resident of Pickaway County. (Mail or fax new street address, city, state, zip and phone number.)
- \_\_\_ The recent death or dangerous illness of my spouse or near relative (state relationship). (Mail or fax medical documentation.)
- \_\_\_ I am a member of a cloistered religious organization. (Mail or fax detailed explanation.)
- \_\_\_ I have a physical condition that renders me unfit for jury duty for up to 24 months. (Mail or fax signed doctor's excuse.)
- \_\_\_ I am over 75 years of age and request to be excused. (Mail or fax date of birth.)
- \_\_\_ I am an active member of a recognized Amish sect and request to be excused. (Mail or fax detailed explanation.)
- \_\_\_ I have served on jury duty in Common Pleas Court within the previous 12 months. (Mail or fax last date of jury service.)
- \_\_\_ I am a student attending college outside of Pickaway County. (Mail or fax proof of registration.)
- \_\_\_ I am a convicted felon. (Mail or fax county of conviction.)

(To be excused for medical purposes, print out and have Physician complete the form below.)

**JURY SERVICE**

**PHYSICIAN'S RELEASE FORM**

I hereby certify that \_\_\_\_\_ is a patient under my care.  
(Please print or type name in full.)

He/she suffers from a physical and/or mental condition that would make service as a juror dangerous to the patient's health and/or well being.

**NOTE TO THE PHYSICIAN: Postponing jury service is preferred to excusing a prospective juror.** Unless the original summons states that the service cannot be rescheduled, prospective jurors may request a temporary postponement of the jury service for circumstances such as pregnancy, broken bones, surgery, recovery or other temporary conditions. Prospective jurors should contact the Pickaway County Common Pleas Court directly for instructions on rescheduling their original term of service.

Please provide a detailed description of the medical condition and how it would adversely affect this person's ability to serve on a jury:

\_\_\_\_\_  
\_\_\_\_\_

Is this condition permanent? (circle one) Yes No Patient's age: \_\_\_\_\_

If the condition is temporary, when will the patient be able to serve? (circle one)

30 days 60 days 90 days Other (please specify) \_\_\_\_\_

**SUBMISSION OF THIS CERTIFICATE TO JUDGE P. RANDALL KNECE, PICKAWAY COUNTY COMMON PLEAS COURT, CERTIFIES UNDER PENALTY OF PERJURY, BY THE SUBMITTER, THAT THE FOREGOING IS TRUE AND CORRECT.**

\_\_\_\_\_  
Physician's Signature (Original signature ONLY) Date

\_\_\_\_\_  
Please print or type your name

\_\_\_\_\_  
Full Address Phone

Please fax completed form to Judge Knece at (740) 477-6334 or mail to: Judge P. Randall Knece  
Pickaway County Common Pleas Court  
207 South Court Street, 2<sup>nd</sup> Floor  
Circleville, Ohio 43113

- **NOTARY APPLICATIONS**

Inquiries as to the procedure for becoming a Notary Public should be directed to Alice Malott, Court Secretary – 740-474-8376

The requirements to become a Notary include: 1) Applicant must be at least 18 years of age and a resident of Pickaway County; 2) The Notary Commission requested is for employment purposes.

The procedure is as follows: Appointments are scheduled daily between the hours of 8:00 A.M. and 9:00 A.M. There is a \$25.00 charge upon application. Checks are acceptable made payable to the Clerk of Courts. Upon completion of the application, the applicant is instructed to call the Sheriff's Office at 740-477-6000, to schedule an appointment for a background check to be completed at the Pickaway County Sheriff's Office, 600 Island Road, Circleville, Ohio 43113. A pamphlet is given to the Applicant along with a scheduled time to take the written examination. On the date of the examination the applicant must bring the completed background check from the Pickaway County Sheriff's Office with them. After the test has been completed it will be checked that day and the applicant will then be further instructed as to the procedures regarding obtaining their commission from the Secretary of State, Notary Commission.

- **MAGISTRATE**

The Magistrate hears domestic cases including dissolutions, divorce cases (contested and uncontested), post-decree motions, pre-trials, temporary order hearings, Child Support Enforcement Agency hearings and Domestic Violence Civil Protection Order hearings. Child Support Enforcement hearings are scheduled on Wednesdays and Thursdays.

**IN THE COURT OF COMMON PLEAS,  
PICKAWAY COUNTY, OHIO  
GENERAL DIVISION**

IN THE MATTER OF THE ADOPTION  
OF RULES OF COURT

**JOURNAL ENTRY**

The Supreme Court of Ohio, pursuant to Article 4, Section 5, of the Ohio Constitution, prescribes certain rules of practice and procedure. The Court finds that it is necessary to adopt additional rules not inconsistent with the rules promulgated by the Supreme Court for local practice.

NOW THEREFORE, the following Rules shall be adopted, and all other prior Rules replaced effective February 2, 2009.

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**P. RANDALL KNECE, JUDGE**  
COURT OF COMMON PLEAS  
PICKAWAY COUNTY, OHIO



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## **RULE 1**

### **EFFECTIVE DATE**

1.01 The effective date of these Rules is February 2, 2009.

## **RULE 2**

### **TERM OF COURT**

2.01 The Court shall be in continuous session for the transaction of judicial business. Each calendar year shall be divided in four Parts, designated as the January Part, the April Part, the July Part, and the October Part. The day of commencement of each Part shall be fixed by the Court each year on or before the third Tuesday of October for the next year or at such other time as may be provided by law or subsequent order of the Court.

## **RULE 3**

### **CLERK OF COURTS**

- 3.01 The Clerk shall file together and carefully preserve in his/her office all papers delivered to him/her for that purpose, in every action or proceeding.
- 3.02 In causes pending in which the parties or their counsel shall deem it necessary to have copies of the pleadings, the Clerk shall, on request, furnish copies in accordance with the usual fee charged by the Clerk's Office for making copies. Copies of all other papers except bills of exceptions, depositions and transcripts, belonging to the files of the Court, shall, on demand, be furnished by the Clerk upon payment of the usual fee therefore. The Clerk shall permit anyone to cause to be made a copy of any papers in the files of the Court, except bills of exceptions, depositions and transcripts.
- 3.03 No person except a judge of the Court, magistrate or representative of either shall remove any documents or case files from the custody of the Clerk. The Pickaway County Prosecuting Attorney may also remove criminal files for prosecution purposes. Copies of pleadings and papers can be obtained from the Clerk by payment of the necessary fee.



3.04 All facsimile copies as provided for by Ohio Civil Rule 5(E) shall be filed as follows:

- 1) All transmissions shall be preceded by a cover page which includes the following information:
  - a) Name of forwarding attorney;
  - b) Address of forwarding attorney;
  - c) Ohio Supreme Court registration number of attorney;
  - d) Telephone number of attorney;
  - e) Facsimile telephone number of attorney;
  - f) Date and time of facsimile initiation;
  - g) Number of pages in document being forwarded,  
and
  - h) Case number and caption of case.
  
- 2) Within three (3) business days after the transmission to the Clerk of a facsimile copy, an original document bearing original signatures shall be filed with the Clerk. The Clerk shall docket any facsimile copy when received as a facsimile copy. Thereafter, when the original document is filed, the Clerk shall docket it in the usual and customary manner and the filing shall relate back to the date upon which the facsimile copy was filed. In the event any facsimile copy is received by the Clerk after 4:00 p.m. on a regular business day or anytime on weekends or holidays, the facsimile copy shall be considered filed on the next ensuing regular business day for the Clerk.
  
- 3) All complaints and filings will be held until the appropriate deposits and number of copies are received by the Clerk's Office.

## RULE 4.00

### SECURITY COSTS

No civil action or proceeding shall be accepted by the Clerk for filing unless the party or parties offering the same for filing shall have first deposited a sum to secure the payment of the costs that may accrue in each action or proceeding, except otherwise provided by law. Such advances shall be in accordance with the following schedule:

Foreclosure Actions (does not include printer fee)		\$325.00
--Upon issuance of Order of Sale:	<i>additional</i>	\$200.00
Civil Actions		\$210.00
--Jury Demand:	<i>additional</i>	\$250.00
Counterclaim		\$150.00
Third Party Claim		\$150.00
Motions filed after Judgment in this Court		\$100.00
<i>--Domestic cases</i>		
Petition for Dissolution of Marriage		\$200.00
Divorce, Legal Separation, or Annulment		\$200.00
Counterclaim in domestic cases		\$100.00
Post Decree Motions		\$100.00
Execution upon a Foreign Judgment		\$100.00
Garnishments and Debtor's Exams		\$100.00
Cognovit Note		\$210.00
Motion to Reinstate case dismissed on drop list		\$100.00
Miscellaneous filings		\$15.00
Appeals from other Tribunals		\$85.00
Filing of Certificate of Judgment		\$23.00
Release of Certificate of Judgment		\$5.00
Expungements		\$50.00

4.01 Parties instituting civil suits in this Court, with the exception of foreclosure, dissolution, divorce, annulment, legal separation or allocation of parental rights and responsibilities for the care of children, shall be required by the Clerk to deposit Two Hundred Ten Dollars (\$210.00) as security for court costs. Parties instituting a foreclosure action shall deposit Three Hundred Twenty-Five Dollars (\$325.00) as security for costs. If the costs are not paid at the termination of the litigation, any deposit for costs shall be applied by the Clerk to the unpaid costs.

- 4.02 An additional deposit of one hundred dollars (\$100.00) shall be required with the filing of a motion for reinstatement for any case dismissed.
- 4.03 If it is brought to the attention of the trial judge that any deposit is insufficient, the trial judge may require the said deposit to be increased from time to time.
- 4.04 Excepting domestic relation cases, a deposit of one hundred fifty dollars (\$150.00) for costs shall be made by a counter, cross or third party claimant, except when the litigant is indigent.
- 4.05 Where any party required by this Rule to deposit or secure costs by affidavit shows inability to pay for secured costs, the Clerk shall receive and file the complaint, counter, cross or third party claim without such deposit or security. However, the Clerk may request the Judge to review any such matter offered for filing before receiving and filing the same without deposit or security.
- 4.06 Waiver of Court Costs. Any advanced deposit as security for costs normally required prior to filing a suit in this Court, as provided for by Rule 4.01, shall be waived when an action is commenced for and on behalf of Pickaway County, a municipality within Pickaway County, or any Child Support Enforcement Agency.
- 4.07 Witness Fees. A party requesting the issuance of subpoenas for a witness shall deposit at the time of filing the request for subpoena the appropriate amount under the Witness Fees Statute (ORC 2335.06) for said witness with the Clerk of Court. This Rule shall apply to civil and criminal practice.
- 4.08 Appraisal Fee. An advance deposit for the pre-payment of appraisal fees sufficient to cover such fees shall be required upon the filing with the Clerk of all Judgment Entries of foreclosure. In the event the appraisal is canceled, this fee shall be promptly returned.

## **RULE 5**

### **BAIL OR SURETY**

- 5.01 No attorney or officer of the Court will be received as bail or surety.
- 5.02 In all criminal cases where the defendant posts a property bond, his attorney or an attorney for the surety whose property is being used to secure the bond must provide the clerk of courts with a title search certifying the following: a short description of the property, the names that appear on the deed, the true value of the property as shown on the records in the county auditor's office and whether there are any liens on file against the property.

## **RULE 6**

### **PLEADINGS AND MOTIONS**

- 6.01 Every pleading, motion and memorandum filed shall have typed or printed thereon the name, address and telephone number and Supreme Court registration number of counsel filing the same and when the counsel is a firm of attorneys, a particular attorney within the firm having primary responsibility for the case. All papers filed with the Court must be on paper not exceeding 8 1/2 by 11 inches in size. All papers shall have double spaced type with the exception of legal descriptions and quotations which shall be single spaced.
- 6.02 When a new party plaintiff or defendant is added to a case after the commencement thereof, the caption of the first pleading in which or after which such new party is added shall contain the name of such new party, together with his or its address followed by a specific designation of "New Party Plaintiff" or "New Party Defendant" as is applicable.
- 6.03 Counsel shall file with the Clerk of Courts and the Assignment Commissioner-Bailiff written notice of any change of address.
- 6.04 Depositions upon oral examination, interrogatories, requests for documents, requests for admissions, and answers and responses thereto shall not be filed unless on order of the Court or for use as evidence or for consideration of a motion in the proceeding.
- 6.05 Counsel are encouraged to participate in pre-trial discovery conferences to reduce, in every way possible, the filing of unnecessary discovery procedures. To curtail undue delay in the administration of justice, no discovery procedure filed under Rules 26 through 37 of the Rules of Civil procedure to which objection or opposition is made by the responding party shall be taken under consideration by the Court

unless the party seeking discovery shall first advise the Court in writing that after personal consultation and sincere attempts to resolve differences they are unable to reach an accord. This statement shall recite those matters which remain in dispute, and in addition, the date, time and place of such conference, and the names of all parties participating therein. It shall be the responsibility of counsel for the party seeking discovery to initiate such personal consultation.

- 6.06 Sanctions. The presentation to the Court of unnecessary motions, and the unwarranted opposition of motions, which in either case unduly delay the course of an action through the Court will subject an offender to appropriate discipline including the imposition of costs.
- 6.07 All pleading and briefs containing references to statutes, or regulations, unpublished cases or cases from courts outside of this state except U.S. Supreme Court decisions shall have attached a copy of the statute, regulations or case. A party who cites an unpublished opinion or case shall indicate any disposition by a superior appellate court.
- 6.08 All motions shall be accompanied by a brief stating the grounds thereof and citing the authorities relied upon. The opposing counsel or a party may file an answer brief by the fourteenth (14th) day after the date of service as set forth on the certificate of service attached to the served copy of the motion. The moving party may file a reply brief before the 7th day after the date of service as set forth on the certificate of service attached to the served copy of the answer brief. On the 28th day after the motion is filed, the motion shall be deemed submitted. Oral arguments will not be allowed except upon leave of the trial judge upon written request by a party prior to submission and the time of hearing. This rule shall apply to all motions for new trial, motions for judgment notwithstanding the verdict, and motions for reconsideration except as otherwise provided herein.
- 6.09 Motions for temporary restraining order, temporary injunctions, for receivers or for similar urgent equitable relief shall be submitted to the judge. Notice of the time and place of such hearing shall be served upon the adverse party or his counsel and no such matter shall be heard ex parte unless from affidavits filed with the motion the judge determines that extraordinary undue hardship would result to the moving party by any delay in proceeding. Even when the order is issued ex parte as provided herein, a hearing on the continuance of such order shall be scheduled and held after notice as provided in Civil Rule 65(A). Evidence upon any such hearing shall be in the form of affidavits or depositions which must be filed in advance of the hearing or submission. Oral testimony may be permitted upon any such motion by the Judge for good cause shown.

6.10 In addition to the provisions of Local Rule 6.08 the following provisions shall apply to motions for summary judgment;

- (1) All motions for summary judgment filed pursuant to Civil Rule 56 are hereby set for a non-oral hearing date on the 28th day following the filing of the motion for summary judgment. Motions shall be deemed submitted to the Trial Judge on that date. Any party seeking to change the hearing date must do so by entry signed by the Trial Judge and served on all counsel. This rule does not alter the response dates for memorandum contra and replies under Local Rule 6.08, nor the deadline for filing opposing affidavits under Ohio Civil Rule 56 (date before the hearing).
- (2) All affidavits, depositions, and other evidentiary materials permitted by Civil Rule 56(C) in support of or in opposition to the motion for summary judgment shall be filed prior to the day set for the non-oral hearing on the motion. This section does not extend the time limits for filing answer briefs and reply briefs as provided for in Rule 6.08.
- (3) No motion for summary judgment shall be assigned for oral argument without the consent of the assigned judge. Assignment of a summary judgment motion for oral argument shall not alter the non-oral hearing date time periods for serving and filing briefs and permitted evidentiary materials unless specifically so ordered by the judge.
- (4) No motion for summary judgment shall be filed in any case after it has been set for pre-trial or trial without leave of the trial judge first obtained, in which case the motion shall be assigned, heard and submitted as set forth in Local Rule 6.08 unless specifically ordered otherwise by the trial judge.

## **RULE 7**

### **EXTENSION(S) OF RULE DAY**

- 7.01 By agreement of counsel, any party may be permitted to move or plead provided the total extension of time does not exceed thirty (30) days. Such consent shall be evidenced by a consent to plead signed by all counsel and filed with the Clerk. Neither these forms nor entries shall be submitted to the Court for approval where consent to plead is proper and is obtained.
- 7.02 Where an additional extension of time beyond that provided herein is needed or where the parties cannot agree upon an extension of time, the party desiring the extension shall file a written motion supported by

memorandum stating facts indicating the practical impossibility of pleading within rule and demonstrating good cause for further extension. The motion and memo shall be served upon opposing counsel and the matter shall be heard at a time to be fixed by the judge to whom the case is assigned.

## **RULE 8**

### **RULE DAYS NOT FIXED BY LAW**

- 8.01 In all cases where the time for filing of pleadings or amended pleadings is not fixed by law or another rule, the pleading or amended pleading shall be filed on or before the fourteenth day after the date of entry requiring or granting leave for the filing of such pleading or amended pleading unless otherwise specified in the entry. The opposing party shall move or plead to the pleadings or amended pleadings so filed on or before the fourteenth day after such pleadings or amended pleading is filed.
- 8.02 No pleading or motion shall be amended by interlineation or obliteration except upon express leave of the assigned judge first obtained.

## **RULE 9**

### **TRIAL ATTORNEY**

- 9.01 Unless otherwise ordered, and in all actions filed, transferred or removed to this Court, all parties not appearing IN PROPRIA PERSONA shall be represented of record by a "trial attorney". Unless such designation is changed, the trial attorney shall attend all hearings, conferences, and the trial itself unless otherwise excused. All pleadings filed on behalf of one or more parties represented by counsel shall be signed by one attorney in his individual name as trial attorney, followed by the designation "trial attorney" Firm names and the name of co-counsel may appear on the pleadings for information.
- 9.02 Counsel are directed to explore all available settlement proposals and exhaust all settlement efforts prior to any scheduled pretrial conference or hearing or trial on the merits of any cause pending before this Court. Counsel shall be prepared to disclose to the Court or the Judge to whom the case has been assigned, all efforts undertaken towards a resolution of the legal and the factual issues and disputes involved. Failure to comply with this rule may result in the imposition of sanctions including a continuance of the case.

## RULE 10

### WITHDRAWAL OF TRIAL ATTORNEY

- 10.01 Unless otherwise ordered, the substitution or withdrawal of a trial attorney shall be permitted only:
- 1) Upon filing with the Court and service on all other parties of a notice of substitution of trial attorney signed by the withdrawing attorney, the client and a substitute trial attorney, or
  - 2) Upon written application for substitution or withdrawal served upon the client and showing of good cause and upon such terms as the Court shall impose. Unless otherwise ordered, a trial attorney shall not be permitted to withdraw at any time later than twenty (20) days in advance of trial or the setting of a hearing on any motion, and unless otherwise ordered, the substitution of a trial attorney shall not serve as the basis for postponement of the trial or any hearing.

## RULE 11

### CASE MANAGEMENT PLAN – CIVIL DIVISION

- 11.01. PURPOSE.** The purpose of this rule is to establish, pursuant to Sup.R. 5(B)(1), a case management plan for the purposes of ensuring the readiness of cases for pretrial and trial and maintaining and improving the timely disposition of cases.

Cases do not automatically flow steadily and smoothly from filing to termination. In terms of court involvement, the life of a case may be characterized as a series of events separated by times during which there is no court activity. The goal of case management is to make the sequence of timing of these events more predictable and more timely.

Three fundamental elements of a case management system are: (1) clear rules consistently applied; (2) trial date certainty; and (3) assurance of timely disposition.

Case management by the court and adherence to the Rules of Court by attorneys will enhance the quality of justice by imparting rationality and predictability to the process and minimize delay in disposition.



**11.02. Case Processing Goals:**

Mortgage foreclosure.....	12 months
Administrative Appeals.....	9 months
Injunction.....	12 months
All Other Civil.....	24 months
Worker’s Compensation.....	12 months
Product Liability.....	24 months
Professional Tort .....	24 months
Other Torts.....	24 months
Complex Litigation.....	36 months
Domestic Cases .....	(Per Supreme Court Guidelines)

Each original civil action shall be reviewed within a reasonable time from the date of its filing.

**11.02. Service of Process within Six (6) Months:** If service of process is not completed within six months following the filing of a complaint, counsel for plaintiff(s) shall be issued a show cause order. Failure to respond or show cause why the matter should not be dismissed, shall result in the action being dismissed without prejudice. Civ.R.4(E).

**11.03. Scheduling:** If service of process is complete, the assignment commissioner will review the case, and in all cases requesting a jury trial, the parties shall either receive a scheduling order setting forth a trial date and court deadlines or the parties shall receive a notice of a pretrial and scheduling conference. All workers’ compensation appeals shall receive a scheduling order. No pretrials are conducted in workers’ compensation appeals unless requested by the parties and granted by the Court.

**11.04. Jury Trial Demand Or Waiver:** A demand for a civil jury trial shall be made as required by Civil Rule 38. Once a written demand for a jury trial has been filed, any subsequent waiver of the jury trial shall be made in writing and filed with the Clerk of Courts at least five (5) working days prior to the trial date. Failure to abide by this rule shall result in the party first demanding a jury being charged for all jury fees and expenses incurred by such jury demand. All other costs incurred as a result of a jury demand shall be assessed as provided by these rules.

**11.05. Continuances:**

1. If the parties have received a Scheduling Order without participating in a scheduling conference or pretrial, the parties will receive reasonable time in which to notify the assignment commissioner of any conflict. The matter will then be rescheduled with the assignment commissioner and all parties involved.

2. If the parties have participated in a scheduling conference or pretrial and agreed to the dates set forth in the Scheduling Order, then any request for a continuance based on an emergency or extenuating circumstances must be made as follows:

a. A motion for a continuance must be made in writing setting forth the reason for the continuance. Counsel requesting the continuance shall note in the motion that counsel consulted or attempted to consult with opposing counsel concerning the continuance;

b. All motions for continuance shall be accompanied by a proposed entry ordering the reassignment of the case with spaces for a day, date, and time to be determined by Court.

c. Agreements of the parties to a continuance without the approval of the Court will not be automatically granted.

**11.06. Settlements:** When a case has been settled, whether by the parties or through mediation, the Court shall immediately be notified in writing by counsel for plaintiff. Notification via facsimile is accepted. If an entry has not been received within thirty (30) days, then the Court shall notify the party that his or her case will be dismissed unless the entry is received within ten (10) days of being notified.

Any request for additional time to provide the entry shall be made in writing setting forth the reason(s) for the delay.

## **RULE 12**

### **JURY MANAGEMENT PLAN**

**12.01. Purpose:** The purpose of this rule is to establish, pursuant to Sup.R. 5(B)(2), a jury management plan for the purposes of ensuring the efficient and effective use and management of jury resources. This plan, as required by Sup.R. 5(B)(2), addresses the provisions of the Ohio Trial Court Jury Use and Management Standards adopted by the Supreme Court of Ohio on August 16, 1993.

**12.02. Administration and Monitoring of the Jury System:** All procedures concerning the jury selection and service shall be governed by the Ohio Rules of Court. The Clerk of Courts, acting under the supervision of the trial Judge, shall be responsible for administering the jury system.

The Clerk of Courts, on a regular basis, shall request, collect and analyze information regarding the performance of the jury system in order to evaluate: 1.) whether or not the jury source list is representative of the potential pool of jurors available in the area; 2.) the effectiveness of the notification and summoning

procedure; 3.) the responsiveness of individual citizens to the jury duty summons; 4.) the efficient use of jurors; and 5.) the cost-effectiveness of the jury system as administered by the courts.

- 12.03. Opportunity for Service:** The opportunity for jury service shall not be denied or limited on the basis of race, national origin, gender, age, religious belief, income, occupation, disability or any other factor that discriminates against a cognizable group in the jurisdiction.
- 12.04. Jury Source List:** During the first week of August each year, by order of the Jury Commission of the Pickaway County Common Pleas Court, a list of jurors is provided to the Area Courts. The court may periodically review the list and determine whether or not it represents and includes the adult population in the jurisdiction as is feasible.
- 12.05. Eligibility for Jury Service:** All persons shall be eligible for jury service except those who are less than eighteen (18) years of age; are not citizens of the United States; are not residents of the jurisdiction in which they have been summoned to serve; are not able to communicate in the English language; or have been convicted of a felony and have not had their civil rights restored.
- 12.06. Random Selection Procedure:** Persons to be summoned for jury service shall be randomly selected by an automated mechanism from the list of prospective jurors. At least, thirty-five (35) persons per venire shall be summoned for jury service. The court shall ensure that each prospective juror, who has reported to the court, will be assigned for voir dire.
- 12.07. Notification and Summoning Procedure:** A notice summoning each person selected for jury service, and a background information questionnaire, shall be delivered by first class U.S. mail to each prospective juror. The summons shall clearly explain how and when the recipient must respond and the consequences for failure to report for jury duty.

The background information questionnaire shall request only information essential for: 1.) determining whether or not a person meets the criteria for eligibility for jury service; 2.) providing the court and counsel with basic background information to be used during voir dire; and 3.) efficiently managing the jury system.

**12.08. Term of and Availability for Jury Service:** Persons summoned as a potential juror will be required to be on call and available to serve on a jury for a three-month period. If a potential juror is to appear for a specific date and trial, the potential juror shall receive additional notification from the Clerk of Courts stating the date and time to appear. The potential jurors on call for the three-month period may be subsequently called for a specific date and trial more than one time during the three-month period.

**12.09. Exemption, Excuse, and Deferral:** Pursuant to O.R.C. §2313.16, a Court may not excuse a citizen from jury service unless it is shown to the satisfaction of the Judge by either the potential juror or another person acquainted with the facts that one of the following applies: (1) the interest of the public will be materially injured by the juror's attendance; (2) the juror is no longer a resident of Pickaway County, Ohio; (3) the juror's spouse or near relative has recently died or is dangerously ill; (4) the juror is a cloistered member of a religious organization; (5) The prospective juror has a mental or physical condition that causes the prospective juror to be incapable of performing jury service; (6) jury service would cause undue or extreme physical or financial hardship to the juror or a person under the care or supervision of the prospective juror; (7) the juror is over 75 years of age and the juror requests to be excused; and (8) the juror is an active member of a recognized Amish sect and requests to be excused because of a sincere belief that the juror cannot pass judgment in a judicial matter.

Performance of jury service may be deferred, for a reasonably short period of time, by the Judge.

Requests for excuses and deferrals shall be in writing with any documentation necessary to support your request. All requests shall be reviewed by the Judge or an authorized court official. Each juror requesting to be excused or deferred will be notified of the disposition of his or her request, either by telephone or in writing.

**12.10. Cancellation:** In the event that a civil case is settled or dismissed prior to trial and it is not possible to notify all jurors of the cancellation, the requesting party shall bear the costs of juror fees of those jurors who report for the day of trial.

**12.11. Voir Dire:**

1.) General Process

Voir dire examination shall be limited to matters relevant to determining whether to remove a juror for cause and to determining the juror's fairness and impartiality. The voir dire shall be on the record. The trial judge shall conduct a preliminary voir dire examination and then counsel, for both sides, shall be permitted to question panel members, for a period of time deemed reasonable by the judge.

A copy of the background information questionnaire will be made available to all counsel in the Clerk of Courts' Office, three days prior to the day of trial. The judge will ensure that the privacy of prospective jurors is reasonably protected, and that the questioning, by attorneys for both sides, is consistent with the purpose of the voir dire process.

## 2.) Removal for Cause

If during the voir dire process, the judge determines that any individual is unable or unwilling to hear the evidence presented and decide the particular case at issue fairly and impartially, then the judge may remove that individual from the panel. Removal of a prospective juror for cause may be made on motion of counsel or by the judge.

## 3.) Peremptory Challenges

In civil cases, counsel for each side is allowed no more than three peremptory challenges. If the court finds that there is a conflict of interest between parties on the same side, the court may allow each conflicting party up to three peremptory challenges.

In criminal cases, if there is one defendant, each party shall be permitted three peremptory challenges in misdemeanor cases, and four peremptory challenges in felony cases, other than capital cases. In capital cases, each party is permitted six peremptory challenges. If there is more than one defendant, each defendant peremptorily may challenge the same number of prospective jurors as if the defendant was the sole defendant. In any case where there are multiple defendants, the prosecuting attorney shall be permitted peremptory challenges equaling the total peremptory challenges allowed all defendants. In case of the consolidation of any indictments, informations, or complaints for trial, the consolidated cases shall be considered, for purposes of exercising peremptory challenges, as though the defendants or offenses had been jointed in the same indictment, information, or complaint.

In criminal and civil proceedings, each side shall be allowed one peremptory challenge if one or two alternate jurors are empanelled. These additional peremptory challenges shall be used against an alternate juror only, and the other peremptory challenges allowed by law shall not be used against an alternate.

**12.14. Facilities:** The court shall provide an adequate and suitable environment for jurors.

- 12.15. Compensation:** Persons called for jury service shall receive a fee for their services.

At the end of the jurors' term, the Clerk of Courts shall provide the Pickaway County Auditor's office with a payment statement. The Auditor's office then initiates the payment and forwards all checks to the Clerk of Courts. After a final review for accuracy, the Clerk of Courts office shall mail payment to any juror who appeared or served.

- 12.16. Juror Orientation and Instruction:** Persons called to serve as a juror will receive instructions: 1.) upon initial contact prior to service; 2.) upon first appearance at the court; and 3.) upon reporting to a courtroom for voir dire.

Immediately following the empanelment of the jury, the trial judge shall give instructions directly to the jury explaining the jury's role, the trial procedures, including note taking and questioning by jurors, the nature of the evidence and its evaluation, the issues to be addressed by the jury, and the basic relevant legal principles to be applied by the jury. Prior to the commencement of deliberations, the trial judge shall instruct the jury on the law and appropriate procedures to be followed during deliberations, and on the method for reporting the results of its deliberations.

Before dismissing the jury at the conclusion of the case, the trial judge shall: 1.) release the jurors from their duty of confidentiality; 2.) explain their rights regarding inquiries from counsel or the press; 3.) express appreciation to the jurors for their service, but not express approval or disapproval of the result of the deliberation.

All communications between the judge and members of the jury panel, from the time of reporting to the courtroom for voir dire until dismissal, shall be in writing or on the record in open court. Counsel for each party shall be informed of such communication and given the opportunity to be heard.

- 12.17. Presence of Witnesses:** The names and addresses of witnesses shall be available and revealed to the Court and the jury prior to the commencement of trial.

- 12.18. Size and Unanimity:** The size of the jury and unanimity, in civil and criminal cases, shall conform to existing Ohio law.

- 12.19. Jury Deliberations:** Jurors shall be provided with a pleasant, comfortable, and secure place in which to conduct their deliberations. The judge shall instruct the jury concerning appropriate procedures to be followed during deliberations.

The jury shall not be required to conduct deliberations after normal business hours unless the trial judge determines that evening or weekend deliberations are required in the interest of justice, and would not pose an undue hardship

upon the jurors. Counsel and court personnel shall remain readily available during jury deliberations.

- 12.20. Sequestration:** The trial judge shall have the discretion to sequester a jury on the motion of counsel, or at the judge's discretion. The trial judge is responsible for overseeing the conditions of sequestration. A jury will be sequestered only for good cause, including but not limited to, insulating its members from improper information or influences.

Training shall be provided to personnel who escort and assist jurors during sequestration.

## **RULE 13**

### **CRIMINAL CASES**

- 13.01 These rules supplement existing Rules of Court and are an adjunct to the Rules of Criminal Procedure. In any case where the Criminal Rules of Procedure or local rules do not resolve the issue before the Court, the Rules of Civil Procedure are to be consulted.
- 13.02 Where under the provisions of Revised Code Section 2941.33 the prosecuting attorney desires to enter a nolle prosequi in any criminal case or a dismissal under the provisions of Criminal Rule 48(A), he shall file a written application therefore.
- 13.03 Criminal cases will be assigned for trial as soon as practical after arraignment. Time limitations for trial, sentencing and probation after serving sentence as provided in Superintendence Rule 8 will be strictly adhered to by the Court and counsel.
- 13.04 The filing and consideration of motions in a criminal case are governed in general by Crim.R. 12. A party may request a hearing in advance of trial to consider a motion. If this is not done, the motion will be considered on the day of trial. The absence of a witness regarding consideration of a motion will not be cause for continuance of the trial.
- 13.05 Pretrial conference. The Court may schedule a conference prior to trial. Incarcerated defendants shall not receive a pretrial conference unless they petition the Court for a conference via a motion wherein they have signed a waiver of their speedy trial rights. No more than one pretrial conference shall be conducted unless the Court approves additional conferences in writing.
- 13.06 Continuances. Any motion for continuance of a criminal trial must be in writing unless such is waived by the trial judge. Any entry

continuing a case shall be signed by the Prosecuting Attorney and counsel for defendant, and specific reasons for the continuance shall be set forth in this entry. Upon a continuance being granted, the party requesting the continuance shall cause the entry to be prepared and timely filed. Any order granting a continuance shall contain the date to which trial is continued. If the defendant is incarcerated at the time a continuance is granted, the defendant's signature is to be obtained if there is a waiver of speedy trial rights.

- 13.07 The Prosecuting Attorney shall provide discovery to defense counsel within thirty (30) days of the date of arraignment, and defense counsel shall provide discovery no more than fifteen (15) days after receiving discovery from the Prosecuting Attorney. At the time of arraignment, the Prosecuting Attorney shall prepare an entry reflecting discovery cut-off dates.

## **RULE 14**

### **GENERAL ENTRIES**

- 14.01 Unless the trial judge otherwise directs, counsel for the party in whose favor an order, decree or judgment is rendered shall, within five (5) business days thereafter, prepare the proper journal entry and submit it to the counsel for the adverse party who shall approve or reject the same within five (5) business days after the receipt thereof. Name of counsel and of the trial judge shall be typed or printed upon the entry. When the entry is approved by counsel, it shall be so endorsed and presented to the judge to whom the case is assigned for approval and if signed by him shall then be filed with the Clerk. If counsel are unable to agree upon the entry, it shall be submitted to the trial judge, who will direct what entry shall be made.
- 14.02 If counsel fails to present an entry within fourteen (14) days after the order, decree or judgment is rendered, the trial judge may cause the proper entry to be prepared and filed without submission or notice to counsel or take such other action as may be appropriate under the circumstances.
- 14.03 Counsel shall promptly submit an entry of dismissal to the trial judge following settlement of any cause. If counsel fail to present such entry to the trial judge within fourteen (14) days after representations to the Court that a case has been settled, or within thirty (30) days upon written application to the court for such an extension and for good cause shown, the trial judge may order the case dismissed as for want of prosecution.



- 14.04 In all Entries of Confirmation following foreclosure actions, counsel shall describe in detail the release of any liens and mortgages, including the volume and page number of any such release.
- 14.05 Counsel directed by the Court to prepare and submit a journal entry of a final, appealable order reflecting the findings and rulings of the Court shall provide for the Clerk of Courts a list of all persons entitled to notice, including the names and mailing addresses of all attorneys of record and names and addresses of all unrepresented parties not in default. Counsel shall also provide sufficient copies of said journal entry to the Clerk so that the Clerk may serve notice of the entry by mail upon each party listed.
- 14.06 All entries in civil and domestic cases shall make provisions for payment of court costs and shall specifically provide for allocation of any court costs incurred over and above the cost deposit. The Clerk shall not accept for filing any entry that fails to comply with this rule.

## **RULE 15**

### **APPEALS**

- 15.01 Where the time for filing bills of exceptions, assignments of error and briefs are fixed by statute or by Rule of the Supreme Court, they shall be filed within such time or extension thereof as may be granted in writing by the judge to whom the case is assigned after notice to opposing counsel or party. Upon the expiration of such time as extended, the case will be considered as submitted on the briefs unless oral argument is requested in writing and granted by the judge. When granted, such oral argument shall not exceed fifteen (15) minutes per side unless extended by the judge.
- 15.02 Where the time for filing is not fixed by statute or Rule of the Supreme Court, the appellant shall file a brief within twenty (20) days after the filing of the transcript of the record; the appellee shall file his brief within ten (10) days after the filing of the brief of appellant and any reply briefs shall be filed within five (5) days after the filing of appellee's brief. Extensions of time may be granted by entry by the judge to whom the case is assigned for good cause shown after notice to all parties.
- 15.03 In all cases in which demand or request to the agency by the appellant is a prerequisite to the preparation or the filing of the transcript of the record by the agency, such demand or request shall be filed by the appellant with the agency at the time of filing the notice of appeal, unless otherwise provided by Rule of the Supreme Court or by law.

- 15.04 Upon expiration of the time for filing the last brief, the case will be considered as submitted upon the briefs unless oral argument is requested in writing and granted by the judge to whom the case is assigned or is required by law. Such argument shall not exceed fifteen (15) minutes per side unless extended by such judge.
- 15.05 The procedure as hereinabove set forth as may be applicable shall apply to all appeals including those under Chapter 2506 of the Revised Code and Chapter 119 of the Revised Code.
- 15.06 Failure of appellant to file his bill of exceptions, assignments of error, his brief or his demand for a transcript of the record within the time required shall be cause for dismissal of the appeal for want of prosecution or other disposition of the case at the direction of the judge to whom the case is assigned.

## **RULE 16**

### **MAGISTRATES**

- 16.01 Magistrates may be appointed by the Court and serve full or part-time as provided by Ohio Civil Rule 53.
- 16.02 All referenced proceedings shall conform to the requirements of Ohio Civil Rule 53.

## **RULE 17**

### **TRANSCRIPTS**

- 17.01 All requests for transcripts shall be made in writing. The Court Reporter shall have full authority to require a deposit in such amount as is deemed necessary to cover the cost of preparation, unless otherwise ordered by the Court.

## **RULE 18**

### **DOMESTIC RELATIONS PRACTICE**

#### **18.01 Costs.**

- 1) In all actions for dissolution, the parties instituting the action shall deposit with the Clerk the sum of two hundred dollars (\$200.00) as a security for costs.
- 2) In all actions for divorce, annulment or legal separation, the party instituting the action shall deposit with the Clerk the sum of two hundred dollars (\$200.00) as security for costs.
- 3) In all counter-claims for divorce, annulment or legal separation, the party instituting the counterclaim shall deposit with the Clerk the sum of one hundred dollars (\$100.00) as security for costs.
- 4) In all post judgment motions, the party instituting such motions shall deposit with the Clerk the sum of one hundred dollars (\$100.00) per motion as security for costs.
- 5) Where a party by affidavit shows inability to pay or secure costs, the Clerk shall receive and file the documents without deposit or security after having first received approval of the Court.

#### **18.02 Pre-Trial Conferences.**

- 1) The Court, on its own motion, or on request of a party, may order a pre-trial hearing. If so ordered, the parties shall complete, exchange and file with the Court at least ten (10) days prior to the pre-trial conference a pre-trial statement pursuant to the following order scheduling the case for pre-trial conference:

**IN THE COURT OF COMMON PLEAS  
PICKAWAY COUNTY, OHIO**

:

Plaintiff, :

Case No. \_\_\_\_\_

:

Vs. :

:

**PRE-TRIAL ORDER**

:

Defendant. :

It is ORDERED that this cause is set for pre-trial conference on \_\_\_\_\_, 20\_\_ at \_\_\_\_\_ AM/PM, in the Court of Common Pleas, Pickaway County, Ohio.

It is the ORDER of the Court that each of the parties herein serve upon opposing counsel and file with the Clerk of Courts not less than ten (10) days prior to pre-trial conference a pre-trial statement containing all the following information:

- 1) Itemized list of all assets of the parties together with appraisal value that will be supported by respective party's evidence; and
- 2) Statement of total gross income indicating source, amount and nature thereof; and
- 3) Statement of all deductions from gross income which, together with information provided in No. 2 above, will provide an accurate and fair representation of the party's net disposable income before living expenses and debts; and
- 4) Itemized list of all debts of the parties indicating creditor, principal balance, periodic payment, anticipated rate of payoff, purpose, security, if any, and liability of respective parties thereon; and
- 5) Statement of living expenses (without minor children) that will be supported by respective party's evidence; and
- 6) Other relevant information as contained in ORC 3105.18 and 3113.215.

Each party shall also prepare a proposal, which he/she states is fair and reasonable, for division of assets, payment of debts, payment of periodic spousal support, and payment of child support (including medical expenses, etc.). The proposal shall be accompanied by a memorandum in justification of said proposal together with citations of legal authority supporting said proposal.

If upon final hearing it appears that a party has not fully, fairly and accurately disclosed all relevant information as herein Ordered, the Court shall take such failure into consideration in its final Order. The Court may limit evidence submitted at trial to information provided pursuant to this Order.

It is ORDERED that Counsel exert all reasonable effort to resolve and settle the issues presented herein prior to pre-trial and be prepared to report to the Court the results of such settlement discussions.

The Clerk is directed to mail a copy of this Order to counsel of record.

***JUDGE, COMMON PLEAS COURT***

### 18.03 Assignment of Cases for Trial.

- 1) All uncontested actions for divorce, spousal support or annulment shall be assigned for trial by the assignment commissioner/bailiff on the Court's own motion or upon the request of the party or the attorney for the party.

### 18.04 Witnesses.

- 1) Except in cases of incompatibility, one corroborating witness, who has personal knowledge of the facts, shall be required.
- 2) In any domestic relations proceeding where a representative from Pickaway County Children's Services is subpoenaed to appear to provide and identify records compiled by that agency, Children's Services shall deliver a copy of the records to the assigned Judge or Magistrate no later than one business day prior to hearing. The Judge or Magistrate shall review the records to determine their materiality and relevancy. These records shall be accompanied by a certification that the records are true and exact copies of the originals. With such certification, the subpoenaed representative will not be required to appear at hearing for purposes of authenticating such records.

### 18.05 Investigations.

- 1) An investigation may be made in all actions for divorce, annulment or legal separation where one or more children under the age of eighteen (18) is involved.
- 2) An investigation may be required for an agreed change of allocation of parental rights and responsibilities or an election by a minor to change allocation of parental rights and responsibilities.

### 18.06 Magistrate Hearings.

- 1) In all actions for divorce, dissolution, annulment or legal separation, the Court may refer any motion, temporary or final hearing to a domestic relations Magistrate for hearing and recommendations.

### 18.07 Pleadings.

- 1) All pleadings filed in the Court must contain the name of the Court, proper style of the case, number of the case, the social security numbers and birth dates of the parties and the name, address and phone number of trial counsel. All pleadings filed

with Court must be on paper not exceeding 8 1/2 X 11 inches and double spaced with the exception of legal descriptions and quotations which shall be single spaced. All separation agreements filed with the Court must be on a separate paper and styled as a separation agreement.

#### 18.08 Preliminary Orders and Procedure.

- 1) When requested in the complaint, answer or counter claim, or by motion, upon satisfactory proof by affidavit duly filed with the Clerk of this Court, the Court or Magistrate without oral hearing and for good cause shown may grant spousal support pendente lite to either of the parties for his or her sustenance and expenses during suit and may make temporary orders regarding allocation of parental rights and responsibilities, support, maintenance and care of the minor children of the marriage, whether biological or by adoption, during the pendency of the action for divorce, annulment or legal separation, as provided for in Ohio Civil Rule 75 (M).
- 2) Counter affidavits may be filed by the opposing party within fourteen (14) days from the service of the complaint, answer, counter-claim or motion, and all affidavits shall be used by the Court or Magistrate, together with the divorce investigator's report, in making a temporary spousal support, allocation of parental rights and responsibilities, support and care order; and, upon request in writing, after any temporary spousal support or allocation of parental rights and responsibilities and support order is journalized, the Court shall grant the party so requesting an oral hearing to modify such temporary order. A request for oral hearing shall not suspend or delay the commencement of spousal support or support payment previously ordered or change the allocation of parental rights and responsibilities of children until the Order is modified by journal entry after the oral hearing.
- 3) In addition to Subsection 1) and 2) herein, a party filing any pleading or motion where child support is to be Ordered, shall also submit to the Court at the time of filing a completed worksheet with that party's calculation of the child support under the Guidelines. The responding party shall submit to the Court, within fourteen (14) days of the service of the original pleading or motion, a completed worksheet with the responding party's calculation of child support under the Guidelines. All worksheets so filed shall be made on the oath or affirmation of the party submitting same. Also to be included in any pleadings is a completed financial affidavit, the form of which has been approved by the Court.

All contempt filings for failure to comply with Court ordered support and/or spousal support shall be accompanied by a memorandum of the status of the obligor's support and/or spousal support account as maintained by the Child Support Enforcement Agency. At the motion hearing the movant shall provide a certified copy of the obligor's account as maintained by the Child Support Enforcement Agency.

- 4) Until such time as the Court or Magistrate has made a temporary order as to allocation of parental rights and responsibilities and support of any minor child or children of the parties, any minor children of the parties shall remain in the custody and control of the party who had physical custody and control of the minor children at the time of the filing of the complaint for divorce, annulment, legal separation or motion.
- 5) Upon the filing of any matter in which an investigation is required for the placement or allocation of parental rights and responsibilities of minor children, a complete street address for the parties or persons having or seeking allocation of parental rights and responsibilities of minor children shall be included in any papers filed with the Clerk of this Court.
- 6) In all actions for divorce, dissolution and legal separation, or an answer or counterclaim thereto, a financial affidavit itemizing the parties gross income from all sources, assets, living expenses, debts and liabilities shall be filed therewith. A copy of the financial affidavit to be used is included in the Appendix of Forms.

### **NOTICE**

#### 18.09 Restraining Orders.

- A) The following order shall be issued without bond as to both husband and wife upon the filing of a complaint for divorce or separation:
- B) **ORDER TO VACATE.** A motion to vacate the premises shall state with specificity the reasons for the motion and shall be supported by an affidavit of the moving party setting forth the facts upon which the motion is based. Said motion shall be scheduled for hearing within five (5) days of the filing thereof, if requested. No ex parte motion to vacate shall be granted except to prevent a party from returning to the premises if:
  - 1) Such party has been absent from the premises for more than thirty (30) continuous days immediately preceding the filing of the motion;



- 2) There is a current Civil Protection Order or Temporary Protection Order pending against respondent. A copy of said order shall be attached to the motion to vacate.
- C) Where the parties intend to modify or deviate from the language of the JUDGMENT ENTRY/RESTRAINING ORDER set forth in this rule, whether by adding or deleting terms, the modified ENTRY/ORDER shall include, in the first paragraph, language sufficient to put the Court on notice that the ENTRY/ORDER is submitted in a modified form.

**IN THE COURT OF COMMON PLEAS  
PICKAWAY COUNTY, OHIO**

Plaintiff,	:	No.
	:	
vs.	:	
	:	
	:	
	:	
Defendant.	:	

**JUDGMENT ENTRY/RESTRAINING ORDER**

This matter came before the Court pursuant to Local Rule , which provides that, upon the filing of a Complaint for a Divorce or Legal Separation, a Restraining Order is issued by this Court sua sponte. The Court, being fully advised, hereby ORDERS, ADJUDGES, AND DECREES:

Plaintiff and defendant are each hereby restrained, during the pendency of this action or until further Order of the Court, as follows:

1. Neither party shall bother, molest, harass or interfere with the other party at his/her residence, place of employment, or any other place he/she may be found. This restraint shall include telephone calls and all other written or electronic communications.
2. Neither party shall transfer, withdraw, conceal, mortgage, damage, destroy, sell, or otherwise dispose of any assets of either or both parties, other than for ordinary and necessary living expenses and for the current payments of existing marital obligations.
3. Neither party shall change the beneficiary or beneficiaries of any life insurance policies, or the payable on death beneficiaries or joint and survivorship ownership of any tax-deferred savings plans, pension plans, retirement plans, certificates of deposit, savings accounts, stock brokerage accounts or other such assets owned by either or both parties.
4. Neither party shall remove the minor children from the jurisdiction of this Court.
5. Neither party shall terminate the major medical, dental, optical and/or hospitalization insurance coverage of the other party or the minor children.
6. Neither party shall terminate any existing paid up insurance coverage, including automobile and casualty insurance.

7. Neither party shall terminate or cause the termination of any utility service at the marital residence of the parties.

IT IS SO **ORDERED**.

JUDGE, COMMON PLEAS COURT

## 18.10 Child Support Enforcement Agency.

1. Filing of Orders and Entries. All orders and entries affecting the periodic payment of child and/or spousal support, or fixing an amount of arrearage, whether temporary orders or final decrees, shall be filed with the Clerk of this Court and a copy provided to the Pickaway County Child Support Enforcement Agency. Counsel preparing such order or entry shall be responsible for providing said copy to the Child Support Enforcement Agency and certifying delivery on the final page of said order or entry.
2. Amendments. The Court, without hearing or motion, shall order amended any child support order that does not comply with the requirements of Ohio Revised Code Section 2301.35 without serving notice to the obligor or to the obligor's employer of said amendment.
3. Payments made Directly to Obligee. Unless otherwise ordered by the Court, any payments made directly to the obligee or the child will not be allowed as credit for payments ordered paid through the Pickaway County Child Support Enforcement Agency. In the event payments are made directly to the obligee, the Child Support Enforcement Agency may prepare, and submit to the Court for approval, an entry giving credit to the obligor for said payments if adequate receipts are provided to the Agency and both obligor and obligee are in agreement to said account credit.
4. The following shall be included in/with all entries or orders regarding the payment of child and/or spousal support:
  - a. Obligation Amounts. All child and/or spousal support orders shall be ordered in monthly increments. In the absence of a monthly obligation, the Pickaway County Child Support Enforcement Agency shall convert the obligation to a monthly amount.
  - b. Payment Location. All monthly payments of child and/or spousal support, whether by temporary order or final decree, shall be paid through the Pickaway County Child Support Enforcement Agency, P.O. Box 855, Circleville, Ohio 43113-0855.
  - c. Commencement Date. All child and/or spousal support orders shall indicate a specific commencement date. In the absence of a specified commencement date, the Child Support Enforcement Agency shall commence the order upon the date of Court filing. Obligations for partial months shall be calculated by multiplying the monthly obligation by

twelve (12) months, thereby determining a yearly obligation, then dividing said yearly obligation by 365 days, thereby determining daily obligation for the partial month.

- d. Accompanying Orders. All entries or orders regarding the payment of child and/or spousal support shall be filed with the appropriate orders as set forth in the Ohio Revised Code 3113.21 (D).
  - e. Standard Pickaway County Health Care Order.
  - f. Child Support Guidelines Worksheet.
  - g. Required Language. Effective November 15, 1996, specific language as required pursuant to the Ohio Revised Code Section 3113.21 (A)(1).
5. Poundage Fees. When the Court issues or modifies a support order, the Child Support Enforcement Agency shall collect the appropriate poundage fees pursuant to Section 2301.35 (H)(1) of the Ohio Revised Code. The Child Support Enforcement Agency shall also cause all existing support orders to conform with the provisions of Ohio Revised Code Section 2301.34 (H)(1) by December 31, 1988.
6. Waiving Support Arrearage. An obligor and an obligee may request the Child Support Enforcement Agency to prepare an entry reducing or eliminating a child and/or spousal support arrearage to be filed with the Court, only if both parties are in agreement to said account credit. Arrears owed to the Ohio Department of Human Services for past paid public assistance may not be waived or reduced, unless otherwise modified by the Court. Any counsel preparing an order to waive arrearage shall first obtain information as to whether the arrears are owed to the obligee or to the Ohio Department of Human Services prior to submitting an entry to the Court to waive said arrearage.
7. Motions.
- a. All motions for the establishment or modification of a child support order must be accompanied by a completed child support guidelines worksheet with copies of income verifications attached.
  - b. When a motion for contempt for failure to pay child and/or spousal support is filed, a summons shall be issued by the Clerk of Courts. Each motion shall include an Order to Appear to be signed by the Judge prior to filing the motion.

This motion is to be attached to the summons. Service for contempt motions must be made in compliance with the Rules of Civil Procedure.

8. Termination of Child and/or Spousal Support. Whenever child and/or spousal support may be properly terminated (e.g. marriage/remarriage of the parties), an account balance shall be obtained from the Child Support Enforcement Agency prior to termination. In the event of an arrearage, any current withholding order shall remain in effect for the same amount, until such time as the arrearage is paid in full, unless otherwise modified by the Court. Where there is no outstanding arrearage, a termination of the withholding shall be filed in conjunction with the final support termination entry. Counsel preparing such order shall be responsible for providing a copy of the order to the Child Support Enforcement Agency and the obligor's employer.

**Rule 18.11(A) - PARENTING SCHEDULE  
PICKAWAY COUNTY COURT OF COMMON PLEAS**

Liberal parenting arrangements are encouraged, as extensive contact with both parents is important to the children. Specific items in the judgment entry may take precedence over this schedule. Changes or modifications can be made by the Court, if the need for such is shown. This schedule does not affect support payments, nor does it apply to parents living more than 150 miles apart, as the Long-Distance Parenting Schedule (Rule 18.11(B)) shall apply.

**I. PARENTING TIME:** Parenting time between the child(ren) and the non-residential parent shall take place at such times and places as the parties may agree, but in the absence of agreement, will not be less than:

**A. INFANTS UP TO 12 MONTHS:** Every Sunday from 12:00 p.m. until 6:00 p.m. and two weekday evenings from 5:30 p.m. until 8:30 p.m. If the parents cannot agree, the weekdays shall be Tuesday and Thursday. The non-residential parent shall also have holiday parenting time on Easter, the Fourth of July and Christmas Day from 12:00 p.m. until 6:00 p.m. The child(ren) shall be with the Mother on Mother's Day from 12:00 p.m. until 6:00 p.m. and with the Father on Father's Day from 12:00 p.m. until 6:00 p.m.. If the non-residential parent misses Sunday parenting time due to the other parent's Mother's Day/Father's Day parenting time, the non-residential parent shall exercise his or her Sunday parenting time on Saturday on that particular weekend from 12:00 p.m. until 6:00 p.m. If the non-residential parent misses his or her weekday parenting time due to the residential parent's exercise of holiday parenting time, the missed parenting time shall be made up on the day immediately following the holiday. Said parenting time shall be modified so as not to interfere with breastfeeding in the event the mother is nursing the child.

**B. AFTER 12 MONTHS OF AGE:**

1. **Weekends:** Alternate weekends from Friday at 6:00 p.m. until Sunday at 6:00 p.m.
2. **Weekdays:** Two weekday evenings per week from 5:30 p.m. until 8:30 p.m. If the parents cannot agree, the weekdays shall be Tuesday and Thursday.
3. **Holidays and School Vacations:** In the odd-numbered years, Mother shall have parenting time on Martin Luther King Day, Easter, Fourth of July, Trick-or-treat night, Thanksgiving, Christmas Day and the second half of the Christmas vacation (if applicable). Father shall have parenting time on President's Day, Spring Break (if applicable), Memorial Day, Labor Day, Christmas Eve, and the first half of Christmas vacation (if applicable). In the even-numbered years the schedules are reversed.

The following are general rules for holiday and birthday parenting time:

- (a) Holiday and birthday parenting time shall take precedence over regularly scheduled parenting time. Any regularly scheduled parenting time missed due to the exercise of holiday or birthday parenting time shall not be made up.
- (b) A holiday which falls on a weekend should be spent with the parent who is supposed to have the child(ren) for that holiday. The rest of the weekend is spent with the parent who would normally have that weekend.
- (c) Mother's Day and Father's Day shall be spent with the appropriate parent. The times are from 6:00 p.m. the night preceding until 6:00 p.m. on the day of the holiday.
- (d) Other days of special meaning such as religious holidays shall be decided together, written into the court order, and alternated as above.
- (e) Spring Break shall be applicable for all children when one or more is of school age and receives a Spring Break from school. It shall commence at 6:00 p.m. on the day school is out until 6:00 p.m. on the day before school recommences.
- (f) Easter shall be from 6:00 p.m. the night before until 6:00 p.m. Easter day, unless at least one child is entitled to a Spring Break from school and Easter is during that time in which case subsection (e) hereinabove shall apply.
- (g) Fourth of July shall be from 9:00 a.m. on July 4 until 9:00 a.m. on July 5.
- (h) Thanksgiving shall be from 6:00 p.m. on the day before Thanksgiving until 6:00 p.m. the Sunday after Thanksgiving.
- (i) Christmas Eve shall be from 12:00 p.m. on December 24 until 12:00 p.m. on December 25.
- (j) Christmas Day shall be from 12:00 p.m. on December 25 until 12:00 p.m. on December 26.
- (k) At such time as one or more of the children is of school age and entitled to a Christmas vacation, then the Christmas holiday shall consist of the entire school vacation, with the first half of Christmas vacation commencing at 6:00 p.m. on the day school is out until 12:00 p.m. on December 25, and the second half commencing at 12:00 p.m. on December 25 through 6:00 p.m. on the day before school recommences.
- (l) Memorial Day, President's Day, Labor Day, and Martin Luther King Day shall be from 9:00 a.m. until 6:00 p.m. on the day of the holiday.
- (m) 48 hours notice shall be given by the parent with whom the holiday is being spent for any arrangements for out of town travel on the holidays or change in pick-up/return times.

4. **Birthdays:** The children's birthdays shall be alternated between the parents on an annual basis, with mother to have the children in all odd-numbered years and father to have the children in all even-numbered years. The parenting time shall be from 10:00 a.m. until 6:00 p.m. unless the birthday falls on a school day, in which case it shall be from 5:30 p.m. until 8:30 p.m. Siblings shall attend the birthday event. Birthday parenting time shall take precedence over regular weekend time and all holidays excepting Christmas Day.
5. **Summer:** Four weeks of parenting time each year to be arranged with 45 days advance notice by the non-residential parent. The residential parent must give the non-residential parent 60 days notice of vacations or special plans for the child(ren) to avoid planning conflicts. In the event the child(ren) must attend summer school in order to pass to the next grade, school must be attended. **Mandatory** camps or tryouts attached to a school-sanctioned extracurricular activity shall also be attended. If proper notice has been given and a scheduling conflict still exists, Mother's choice shall take precedence in odd-numbered years and Father's choice shall take precedence in even-numbered years. Said parenting time shall be exercised in one-week non-consecutive periods for children under three years of age and in one or two week non-consecutive periods for children three years of age and over, or for families wherein at least one child is three years of age or over. During the summer months, the residential parent shall have weekday parenting time two weekday evenings per week from 5:30 p.m. to 8:30 p.m. if the non-residential parent is not traveling pursuant to paragraph 6 below. If the parents cannot agree, the weekdays shall be Tuesday and Thursday.
6. **Vacations:** Each parent may arrange an uninterrupted vacation of not more than two weeks with the child(ren). The non-residential parent shall schedule this during his or her four-week summer parenting time, and the residential parent shall schedule this at a time other than the non-residential parent's four-week summer parenting time. A general itinerary shall be provided to the other parent, including dates, locations, addresses and telephone numbers. Holiday and birthday celebrations with either parent shall not be missed. Scheduling of the vacation around these events shall be required or the missed occasion be made up if the parties so agree. Alternate weekends which are missed during vacation are not required to be made up. A vacation is defined as a parent's time off from work where that parent spends time with the child(ren).

**II. TRANSPORTATION:** Unless otherwise agreed upon or ordered by the court, and subject to paragraph XI, the parties shall be equally responsible for all transportation involving exchanges of children for parenting time, excluding mid-week parenting time which shall be the responsibility of the non-residential parent. The parent providing transportation may employ another responsible adult known well and trusted by the child(ren) when necessary.

**III. SPECIAL ACTIVITIES:** The residential parent shall not unilaterally schedule special activities for the child(ren) which necessarily conflict with or limit the parenting time of the non-residential parent. However, activities of a continuing nature which are important to the child(ren) and an integral part of the responsibility of the residential parent, such as regular or compulsory church attendance or religious training, regular extracurricular activities including academic clubs, sports, cheerleading, and musical and dramatic organizations, and summer recreation programs such as little league baseball, should be encouraged. In such instances, the non-residential parent shall be responsible for good faith efforts to help the child(ren) participate when activities occur during scheduled parenting time.

**IV. CHILDREN RESIDING WITH DIFFERENT PARENTS:** Whenever the children are "split" between the parents, that is one or more residing with the mother and one or more residing with the father, all parenting time under this Schedule shall be coordinated so that the children are together on all weekends, holidays and during the summer.

**V. PARENTING TIME SHALL NOT CONFLICT WITH SCHOOL ATTENDANCE:** If any one of the holidays listed above is not a school holiday, there shall be no special parenting time on said holiday.

**VI. RELATIONSHIP WITH CHILD(REN):** No overnight parenting time shall commence at any age unless the non-residential parent has exercised regular, consistent parenting time at least during the sixty (60) days preceding the overnight. The purpose of this section is to prevent undue emotional distress for the child(ren) who has had little or no contact with the non-residential parent. In such circumstances, the non-residential parent should exercise parenting time pursuant to Section I(A) for at least sixty (60) days before beginning overnight parenting time.

**VII. CANCELLATION:** The non-residential parent shall give twenty-four (24) hours notice to cancel. Time cancelled or not exercised by the non-residential parent is forfeited.

**VIII. ILLNESS:** If a child is ill, the residential parent should give twenty-four (24) hours notice if possible, so appropriate plans can be made. However, if more than one day of any weekend, holiday, or vacation is missed due to a non-emergency or non-critical illness, then any missed parenting time shall be made up as soon as practicable.

**IX. MAKE-UP PARENTING TIME:** Any make-up parenting time required by this Schedule shall occur the first weekend allocated to the other parent immediately following the missed parenting time, and shall continue during the other parent's weekends until made up in full, including partial weekends.

**X. WAITING:** The children and residential parent have no duty to await the visiting parent more than thirty (30) minutes past the scheduled parenting time. A parent who is more than thirty minutes late forfeits parenting



time for that period, unless the delay is reasonable, advance notice is given, and other arrangements are made, which do not work a hardship on the child(ren) or residential parent.

**XI. MOVING:** Upon either parent learning that he or she will be moving, he or she shall immediately notify the other parent and provide the other parent with the moving date, new residence address and telephone number, and such other pertinent information necessary to effectuate a smooth move for the child(ren). The parents shall attempt in good faith to renegotiate an appropriate and beneficial new parenting schedule. If they are unable to do so, the non-residential parent shall, at a minimum, enjoy the existing parenting schedule for distances under 150 miles or the long-distance parenting schedule for distances farther than 150 miles. If the residential parent moves farther than fifty (50) miles from his/her current residence, then he/she shall bear the expense and responsibility of transportation until a court order modifying parenting time is entered. In the event the residential parent learns or determines that he or she will be moving, he or she shall file a Notice of Intent to Relocate with this Court, as provided by law.

**XII. MEDICAL CONCERNS:** Each parent shall timely notify the other of any health problems of the child(ren) and shall provide necessary instructions for the administration of prescription or over-the-counter medications.

**XIII. SCHOOL:** Both parents shall have the right to participate in parent/teacher conferences, school trips, school programs, and other school events in which parents are invited to participate. The parent receiving the notices of such events shall notify the other of the details of said events within three days of receipt, or sooner if applicable. Both parents are equally entitled to receive grade cards for the children and shall individually notify the school to make arrangements to directly receive the information. The parent completing the required contact/information form and/or emergency contact information form for the child(ren) SHALL provide contact information for the other parent.

**XIV. TELEPHONE ACCESS:** Unless otherwise excused by the Court, each parent shall disclose to the other her/his telephone numbers(s). The child(ren) must be allowed to communicate by telephone two times per week with both parents, regardless of with whom the child(ren) is/are currently residing. Telephone conversations shall be no less than fifteen (15) minutes in length. The calling party shall bear the expense. The child(ren) may call either parent collect at any and all reasonable times as he or she wishes. Telephone communication shall not be monitored or censored.

**XV. CURRENT ADDRESS AND TELEPHONE NUMBER(S):** Each parent must keep the other informed of his or her current address and telephone number(s) at all times.

**XVI. SCHEDULE TO BE FURNISHED PARTIES:** Attorneys representing parties in domestic relations actions in this Court where there are minor children shall furnish their clients with a copy of this Schedule when applicable. A copy of the applicable parenting schedule shall be attached to the Decree of Dissolution or Divorce and incorporated therein.

**Rule 18.11(B)**  
**PARENTING SCHEDULE FOR LONG DISTANCE TRAVEL**  
**OVER 150 MILES ONE WAY**  
**PICKAWAY COUNTY COURT OF COMMON PLEAS**

Liberal parenting arrangements are encouraged, as extensive contact with both parents is important to the children. Specific items in the judgment entry may take precedence over this schedule. Changes or modifications can be made by the Court, if the need for such is shown. This Long Distance Parenting Schedule shall apply to parents living more than 150 miles apart, and is intended to limit the time a child must travel for short-term visitation to four hours or less.

**I. PARENTING TIME:** The non-residential parent who wishes to travel to the residence of the child shall be entitled to exercise the same rights of parenting time as set forth in the Parenting Schedule for parent who live within 150 miles of each other (Local Rule 18.11(A)) as long as the travel associated with said parenting time does not create an undue burden on the minor child(ren). In such circumstances, however, the non-residential parent shall notify the residential parent of the intent to follow the regular schedule.

The non-residential parent who is unable to visit regularly due to distances between residences shall have parenting time with the children at such times and places as the parties may agree, but in the absence of an agreement, or a specific court order, will not be less than:

**A. INFANTS UP TO 12 MONTHS:** Any time said parent travels to the general area of the child's residence, with said parenting time to be on a daily basis for a period of up to seven consecutive days, not to exceed 28 days per year. The daily parenting time shall be from 12:00 p.m. until 6:00 p.m. Said parenting time shall not be exercised on any holiday except Easter, the Fourth of July and Christmas Day and Father's Day of the non-residential parent is the father, or Mother's Day if the non-residential parent is the mother. Said parenting time shall be modified so as not to interfere with breastfeeding in the event the mother is nursing the child.

**B. AFTER 12 MONTHS OF AGE:**

1. **Weekends:** One weekend per month from Thursday at 4:00 p.m. until Sunday at 6:00 p.m. or from Friday at 4:00 p.m. until Monday at 6:00 p.m., at the option of the non-residential parent, as long as the parenting time does not interfere with school or with holidays, vacations or birthdays assigned to the residential parent as set forth hereinbelow. The non-residential shall give the residential parent at least seven (7) days notice of his or her intention to exercise the one weekend per month.

2. **Holidays and School Vacations:** In the odd-numbered years, Mother shall have parenting time on Martin Luther King Day, Easter, Fourth of July, Trick-or-treat night, Thanksgiving, Christmas Day and the second half of the Christmas vacation (if applicable). Father shall have parenting time on President's Day, Spring Break (if applicable), Memorial Day, Labor Day, Christmas Eve, and the first half of Christmas vacation (if applicable). In the even-numbered years the schedules are reversed.

The following are general rules for holiday and birthday parenting time:

- (n) The non-residential parent must give at least seven (7) days notice of the intent to exercise holiday and/or birthday parenting time.
- (o) Holiday and birthday parenting time shall take precedence over regularly scheduled parenting time. Any regularly scheduled parenting time missed due to the exercise of holiday or birthday parenting time shall not be made up.
- (p) A holiday which falls on a weekend should be spent with the parent who is supposed to have the child(ren) for that holiday. The rest of the weekend is spent with the parent who would normally have that weekend.
- (q) Mother's Day and Father's Day shall be spent with the appropriate parent. The times are from 6:00 p.m. the night preceding until 6:00 p.m. on the day of the holiday.
- (r) Other days of special meaning such as religious holidays shall be decided together, written into the court order, and alternated as above.
- (s) Spring Break shall be applicable for all children when one or more is of school age and receives a Spring Break from school. It shall commence at 6:00 p.m. on the day school is out until 6:00 p.m. on the day before school recommences.
- (t) Easter shall be from 6:00 p.m. the night before until 6:00 p.m. Easter day, unless at least one child is entitled to a Spring Break from school and Easter is during that time in which case subsection (f) hereinabove shall apply.
- (u) Fourth of July shall be from 9:00 a.m. on July 4 until 9:00 a.m. on July 5.
- (v) Thanksgiving shall be from 6:00 p.m. on the day before Thanksgiving until 6:00 p.m. the Sunday after Thanksgiving.
- (w) Christmas Eve shall be from 12:00 p.m. on December 24 until 12:00 p.m. on December 25.
- (x) Christmas Day shall be from 12:00 p.m. on December 25 until 12:00 p.m. on December 26.
- (y) At such time as one or more of the children is of school age and entitled to a Christmas vacation, then the Christmas holiday shall consist of the entire school vacation, with the first half of Christmas vacation commencing at 6:00 p.m. on the day school is out until 12:00 p.m. on December 25, and the second half commencing at 12:00 p.m. on December 25 through 6:00 p.m. on the day before school recommences.
- (z) Memorial Day, President's Day, Labor Day, and Martin Luther King Day shall be from 9:00 a.m. until 6:00 p.m. on the day of the holiday.

(aa) 48 hours notice shall be given by the parent with whom the holiday is being spent for any arrangements for out of town travel on the holidays or change in pick-up/return times.

(bb) Should the non-residential parent have parenting time on a weekend immediately following or preceding a holiday to which he or she is also entitled, then said non-residential parent need not return the children until the end of the holiday and visitation weekend.

7. **Birthdays:** The children's birthdays shall be alternated between the parents on an annual basis, with Mother to have the children in all odd-numbered years and Father to have the children in all even-numbered years. The parenting time shall be from 10:00 a.m. until 6:00 p.m. unless the birthday falls on a school day, in which case it shall be from 5:30 p.m. until 8:30 p.m. Siblings shall attend the birthday event. Birthday parenting time shall take precedence over regular weekend time and all holidays excepting Christmas Day. The non-residential parent shall give at least seven (7) days notice of the intent to exercise birthday parenting time.
8. **Summer:** For children under five years of age, but over 12 months, the non-residential parent shall have four (4) weeks of parenting time each year, and for children five years of age and older, the non-residential parent shall have six (6) weeks of parenting time each year, to be arranged with 45 days advance notice by the non-residential parent. The residential parent must give the non-residential parent 60 days notice of vacations or special plans for the child(ren) to avoid planning conflicts. If proper notice has been given and a scheduling conflict still exists, Mother's choice of dates shall take precedence in odd-numbered years and Father's choice of dates shall take precedence in even-numbered years. In the event the child(ren) must attend summer school in order to pass to the next grade, school must be attended. **Mandatory** camps or tryouts attached to a school-sanctioned extra-curricular activity shall also be attended. Said parenting time shall be exercised in one or two week non-consecutive periods for children under five years of age.
9. **Vacations:** Each parent may arrange an uninterrupted vacation of not more than two weeks with the child(ren). The non-residential parent shall schedule this during his or her summer parenting time, and the residential parent shall schedule this at a time other than the non-residential parent's summer parenting time. A general itinerary shall be provided to the other parent, including dates, locations, addresses and telephone numbers. Holiday and birthday celebrations with either parent shall not be missed. Scheduling of the vacation around these events shall be required or the missed occasion be made up if the parties so agree. Alternate weekends which are missed during vacation are not required to be made up. A vacation is defined as a parent's time off from work where that parent spends time with the child(ren).

**II. TRANSPORTATION:** Unless otherwise agreed upon or ordered by the court, and subject to paragraph XI, the parties shall be equally responsible for all transportation involving exchanges of children for parenting time. The parent providing transportation may employ another responsible adult known well and trusted by the child(ren) when necessary.

**III. SPECIAL ACTIVITIES:** The residential parent shall not unilaterally schedule special activities for the child(ren) which necessarily conflict with or limit the parenting time of the non-residential parent. However, activities of a continuing nature which are important to the child(ren) and an integral part of the responsibility of the residential parent, such as regular or compulsory church attendance or religious training, regular extracurricular activities including academic clubs, sports, cheerleading, and musical and dramatic organizations, and summer recreation programs such as little league baseball, should be encouraged. In such instances, the non-residential parent shall be responsible for good faith efforts to help the child(ren) participate when activities occur during scheduled parenting time.

**IV. CHILDREN RESIDING WITH DIFFERENT PARENTS:** Whenever the children are "split" between the parents, that is one or more residing with the mother and one or more residing with the father, all parenting time under this Schedule shall be coordinated so that the children are together on all weekends, holidays and at least one-half of the summer.

**V. PARENTING TIME SHALL NOT CONFLICT WITH SCHOOL ATTENDANCE:** If any one of the holidays listed above is not a school holiday, there shall be no special parenting time on said holiday.

**VI. RELATIONSHIP WITH CHILD(REN):** No overnight parenting time shall commence at any age unless the non-residential parent has exercised regular, consistent parenting time at least during the sixty (60) days preceding the overnight. The purpose of this section is to prevent undue emotional distress for the child(ren) who has/have had little or no contact with the non-residential parent. In such circumstances, the non-residential parent should exercise parenting time pursuant to Section I(A) for at least sixty (60) days before beginning overnight parenting time.

**VII. CANCELLATION:** The non-residential parent shall give at least twenty-four (24) hours notice to cancel. Time cancelled or not exercised by the non-residential parent is forfeited.

**VIII. ILLNESS:** If a child is ill, the residential parent should give twenty-four (24) hours notice if possible, so appropriate plans can be made. However, if more than one day of any weekend, holiday, or vacation is missed due to a non-emergency or non-critical illness, then any missed parenting time shall be made up as soon as practicable.

**IX. MAKE-UP PARENTING TIME:** Any make-up parenting time required by this Schedule shall occur the first weekend allocated to the other parent immediately following the missed parenting time, and shall continue during the other parent's weekends until made up in full, including partial weekends.

**X. WAITING:** The children and residential parent have no duty to await the visiting parent more than two (2) hours past the scheduled parenting time. A parent who is more than two (2) hours late forfeits parenting time for that period, unless the delay is reasonable, advance notice is given, and other arrangements are made, which do not work a hardship on the child(ren) or residential parent.

**XI. MOVING:** Upon either parent learning that he or she will be moving, he or she shall immediately notify the other parent and provide the other parent with the moving date, new residence address and telephone number, and such other pertinent information necessary to effectuate a smooth move for the child(ren). The parents shall attempt in good faith to renegotiate an appropriate and beneficial new parenting schedule. If they are unable to do so, the non-residential parent shall, at a minimum, enjoy the existing parenting schedule for distances under 150 miles or the long-distance parenting schedule for distances farther than 150 miles. If the residential parent moves farther than fifty (50) miles from his/her current residence, then he/she shall bear the expense and responsibility of transportation until a court order modifying parenting time is entered. In the event the residential parent learns or determines that he or she will be moving, he or she shall file a Notice of Intent to Relocate with this Court, as provided by law.

**XII. MEDICAL CONCERNS:** Each parent shall promptly notify the other of any health/medical problems of the child(ren) and shall provide necessary instructions for the administration of prescription or over-the-counter medications.

**XIII. SCHOOL:** Both parents shall have the right to participate in parent/teacher conferences, school trips, school programs, and other school events in which parents are invited to participate. The parent receiving the notices of such events shall notify the other of the details of said events within three days of receipt, or sooner if applicable. Both parents are equally entitled to receive grade cards for the children and shall individually notify the school to make arrangements to directly receive the information. The parent completing the required contact/information form and/or emergency contact information form for the child(ren) SHALL provide contact information for the other parent.

**XIV. TELEPHONE ACCESS:** Unless otherwise excused by the Court, each parent shall disclose to the other her/his telephone numbers(s). The child(ren) must be allowed to communicate by telephone two times per week with both parents, regardless of with whom the child(ren) is/are currently residing. Telephone conversations shall be no less than fifteen (15) minutes in length. The calling party shall bear the expense. The child(ren) may call either parent collect at any and all reasonable times as he or she wishes. Telephone communication shall not be monitored or censored.

**XV. CURRENT ADDRESS AND TELEPHONE NUMBER(S):** Each parent must keep the other informed of his or her current address and telephone number(s) at all times.

**XVI. SCHEDULE TO BE FURNISHED PARTIES:** Attorneys representing parties in domestic relations actions in this Court where there are minor children shall furnish their clients with a copy of this Schedule when applicable. A copy of the applicable parenting schedule shall be attached to the Decree of Dissolution or Divorce and incorporated therein.

## **RULE 18.12**

### **GUARDIAN AD LITEM**

The Court, in accord with Ohio Revised Code Section 3109.04, upon request of any party or upon its own Motion, may appoint a Guardian Ad Litem on behalf of a minor child/children in any domestic relations case. Unless otherwise permitted by the Court, guardians shall be attorneys licensed to practice in Ohio, and shall be compensated at a standard rate to be determined by the Court. Upon appointment, each party shall forward reimbursement for two hours of time to the Guardian, unless otherwise ordered by the Court. Additional time expended by the Guardian shall be billed by the Guardian equally to each party, unless otherwise ordered by the Court. The Guardian shall submit monthly billing statements to each party.

The Guardian shall interview all appropriate parties, children, and others as deemed necessary, and shall provide a written report to the Court, with copies to each counsel, prior to hearing. Said report shall not be made a part of the Court file. The Guardian shall be present at any hearing, and may examine witnesses at the hearing. A final report and recommendation shall be provided to the Court and counsel by the Guardian as soon as possible after hearing.

## **RULE 18.13**

### **NOTICE OF FINAL HEARING**

In all cases where there is no counsel of record for the adverse party, the attorney or party initiating the final hearing shall give or cause the Clerk of Courts to give notice of the trial upon the merits. The notice shall be made by regular mail to the party's last known address, and shall be mailed at least seven (7) days prior to the commencement of trial. If notice is given by the attorney or party, a copy of the notice shall be filed along with a certificate of service.

## **RULE 18.14**

### **MEDIATION**

- (A) When Ordered. At any time after service of summons in any action for divorce, legal separation or annulment in which the allocation of parental rights and responsibilities and/or possession of the children is at issue, or at any time after the filing of a post decree motion to modify the allocation of parental rights and responsibilities and/or possession of the minor children, the court, upon its own motion or upon motion of

either or both parties, may order both parties to participate in a mediation assessment which shall take place within fourteen (14) days of the date of the order referring the parties for assessment. If it is determined that the parties qualify for mediation, the court may order both parties to participate in mediation with a mediator approved by the Court.

- (B) Scope. Only issues regarding the allocation of parental rights and responsibilities and possession of the minor children may be mediated. Unless agreed upon by the parties and approved by the Court, no financial matters, including support, shall be the subject of any mediation.
- (C) Procedure. At the time that the court orders the parties to participate in mediation, it shall issue an order staying all proceedings involving the children except temporary support hearings. Mediation shall commence within fourteen (14) days of the date of the order referring the parties to mediation. Within seventy (70) days of date of the order referring the parties to mediation or upon the termination of mediation, whichever is sooner, the parties and the mediator shall jointly file a mediation report pursuant to section 3109.052 (B) O.R.C. Any agreement reached during mediation shall not be binding upon the parties until approved by the court, which shall consider the best interests of the children when allocating parental rights and responsibilities and establishing a possessory schedule.
- (D) Costs. The parties may agree between themselves to apportion the cost of mediation. In the event that they cannot agree, the court shall apportion the cost of mediation after considering the parties respective ability to pay.
- (E) Qualifications. Mediators shall have the following minimum qualifications:
  - 1) Bachelor's degree or equivalent educational experience and at least two years of professional experience with families. "Professional experience with families" includes counseling, casework, legal representation in family law matters, or equivalent experience as is satisfactory to the court.
  - 2) Completion of at least forty (40) hours of specialized family or divorce mediation training conducted in a program approved by the commission of continuing legal education in accordance with administrative guidelines established by the committee on dispute resolutions.
  - 3) Adherence to the ethical standards of the mediator's profession.

4) Maintenance of appropriate liability insurance specifically covering the activities of the individual as a mediator.

(F) Fees. Mediators shall set their own fees which shall be apportioned by the parties between themselves during mediation. Upon motion and for good cause, the court may waive the requirement that either or both parties pay the cost of mediation, provided that the mediator has agreed to accept pro bono case referrals.

(G) Confidentiality. Statements made during the course of the mediation assessment or the mediation sessions shall not be admissible as evidence in any subsequent proceeding in this court. This rule does not require the exclusion of any evidence which is otherwise discoverable merely because it is presented in the course of mediation. Further, this rule shall not preclude the mediator from testifying as to a crime committed in his/her presence or from complying with any law requiring the reporting of child abuse.

(H) Criteria. All cases may be referred for mediation assessment except the following:

(1) Cases in which chronic or severe domestic violence is alleged or in which one party has been convicted of or pled guilty to a violation of Section 2919.25 O.R.C. or in which one party is genuinely in fear of the other. However, referral may still be made where the domestic violence is not chronic or appears to be tied to the divorce.

(2) Cases in which one or both of the parties is alleged to have a severe drug and/or alcohol dependency.

(3) Cases in which one of the parties is mentally ill.

(4) Cases in which the physical distance between the parties is so great that it is not feasible for them to maintain a consistent mediation schedule.

(5) Cases in which one of the parties has been determined to be the perpetrator of an act which resulted in an adjudication that a child was abused. However, mere allegations of neglect or abuse will not automatically preclude referral to mediation assessment.

(6) Where a party has been convicted of or found guilty of a violation of Section 2919.25 O.R.C. or has committed an act resulting in the child being adjudged to have been abused,

mediation can only be ordered if the court first determines that it is in the best interests of the parties that they go to mediation and supports that determination with specific written findings of fact.

## **RULE 19**

### **MEDIA**

#### **19.01 Broadcasting, Televising, Recording and Photographing by the News Media.**

- 1.) Effective April 1, 1996, broadcasting, televising, recording, and photographing by news media during courtroom session, including recesses between sessions, shall be permitted under the following conditions:

#### **19.02 Administration.**

- 1) Requests for permission to broadcast, televise, record, or photograph in the courtroom shall be in writing to the Judge of the Court of Common Pleas to whom the case is assigned as far in advance as reasonably practical, but in no event later than twenty-four (24) hours prior to the courtroom session to be broadcast or photographed unless otherwise permitted by the trial judge.
- 2) The trial judge shall grant the request in writing consistent with Canon 3 Section A (7)(c), Code of Judicial Conduct, Superintendence Rule 11, and this local Rule. Written permission shall be made a part of the record of the proceeding.

#### **19.03 Pooling.**

- 1.) Arrangements shall be made between or among media for "pooling" equipment and personnel authorized by this Rule to cover the Court sessions. Such arrangements are to be made outside the courtroom and without imposing on the trial judge or court personnel to mediate any dispute as to the appropriate media "pool" representative or equipment authorized to cover a particular session.

#### **19.04 Equipment and Personnel.**

- 1.) Not more than one (1) portable camera (television, videotape or movie) operated by not more than one (1) in-court camera person, shall be permitted without authorization of the trial judge.



- 2.) Not more than one (1) still photographer, utilizing not more than two (2) still cameras of professional quality with not more than two (2) lenses for each camera, shall be permitted without authorization of the trial judge.
- 3.) Not more than one (1) audio system for radio broadcast purposes shall be permitted without authorization of the trial judge.
- 4.) If audio arrangements cannot be reasonably made in advance, the trial judge may permit one (1) audio portable tape recorder at the bench which will be activated prior to the commencement of the courtroom session.
- 5.) Visible audio portable tape recorders may not be used by the news media without prior permission of the trial judge.

#### 19.05 Light and Sound Criteria.

- 1.) Only professional quality telephonic, photographic and audio equipment which does not produce distracting sound or light shall be employed to cover courtroom sessions. No motor driven still cameras shall be permitted.
- 2.) No artificial lighting device other than that normally used in the courtroom shall be employed. However, if the normal lighting in the courtroom can be improved without being obtrusive, the trial judge may permit modification.
- 3.) Audio pickup by microphone for all media purposes shall be accomplished from existing audio systems present in the courtroom. Microphones shall be located only at the trial judge's bench, witness stand and jury rail. Microphones shall be visible, secured, but unobtrusive. If no technically suitable audio system exists in the courtroom, microphones and related wiring essential for all media purposes shall be unobtrusive and located in places designated by this Rule, or the trial judge, in advance of any session.
- 4.) One television camera shall be positioned on a tripod as directed by the judge and shall remain fixed in that position. This designated area shall provide reasonable access to coverage. Videotape recording equipment or other technical equipment which is not a component part of an in-court television or broadcasting unit shall be located in a room adjacent to or outside of the courtroom.
- 5.) Television, broadcast, and still camera operators shall position themselves in a location in the courtroom, either standing or sitting, and shall assume a fixed position within that area. Having

established themselves in a shooting position, they shall act so as to not call attention to themselves through further movement.

- 6.) Television cameras, microphones, and taping equipment shall not be placed in, moved during or removed from the courtroom except prior to commencement or after adjournment of the session, or during a recess. Neither television film magazines, rolls or lenses, still camera film, nor audio portable cassette tapes shall be changed within a courtroom except during a recess.

#### 19.06 Miscellaneous.

- 1.) Proper courtroom decorum shall be maintained by all media pool participants.
- 2.) All media representatives shall be properly attired, in a manner that reflects positively upon the journalism profession.

#### 19.07 Limitations.

- 1.) There shall be no audio pickup or broadcast of conferences conducted in a courtroom between counsel and clients, co-counsel, trial judge and counsel.
- 2.) The trial judge shall prohibit photographing or televising by any means victims of sexual assaults, jurors and undercover police officers. The trial judge shall not permit the photographing or televising of any witness or victim who objects thereto. The trial judge shall retain discretion to limit or prohibit photographing or televising of any counsel or his work product, upon objection.

#### 19.08 Revocation of Permission.

- 1.) Upon the failure of any media representative to comply with the conditions prescribed by the trial judge, the rules of Superintendence of the Supreme Court, or this Rule, the trial judge may revoke permission to broadcast, photograph or record the trial or hearing.

## **RULE 20**

### **ATTORNEY'S FEES FOR SUITS IN PARTITION OF REAL ESTATE**

- 20.01 Pursuant and subject to ORC 5307.25, counsel fees in partition actions are fixed as follows: For the first fifty thousand dollars (\$50,000.00) of the value, as determined in said action, of the said real estate, at the rate of six percent (6%); all above that sum, and not exceeding one hundred thousand dollars (\$100,000.00) at the rate of five percent (5%); all above that sum, at the rate of four percent (4%).

Compensation for extraordinary services and for expenses may be awarded upon application to and approval of the trial judge and only upon notice to opposing parties or their counsel. Such extraordinary fees and expenses shall be limited to those found to be reasonable and necessary in the sound discretion of the trial judge.

## **RULE 21**

### **EVIDENCE OF TITLE TO BE FILED IN JUDICIAL SALES OF REAL ESTATE**

- 21.01 Judicial Sales/Title Insurance Required

Except in tax forfeiture and tax foreclosure cases, and except where the Court upon motion of a party and for good cause shown otherwise directs, in any case wherein the relief sought is the judicial sale of real estate:

- (A) (A) The plaintiff shall procure and file with the Court, not later than the date the decree ordering judicial sale is filed with the Clerk of Courts, a commitment for an owner's title insurance policy for each parcel of real estate to be sold, said commitment to be effective at 8:30 A.M. on the date of the completion of service on the last of the record owners of the real estate to be served. The commitment shall be in "the amount of the successful bid at Sheriff's sale" and shall show "purchaser at judicial sale" as the proposed insured.
- (B) An order of sale shall not be issued until the plaintiff's attorney files a certification with the Clerk of Courts verifying that the provisions of this rule have been complied with or that the duty of compliance with the provisions of the rule have been dispensed with by court order.

- (C) After the sheriff's return of the order of sale and prior to the confirmation of the sale, the plaintiff shall cause a bill for the cost of an owner's policy of title insurance in the amount of the sale price of the real estate to be filed with the Clerk of this Court. The amount of the bill shall be taxed as costs in the case.
- (D) After the delivery of the deed by the sheriff to the purchaser and the recording of said deed, the plaintiff shall cause an owner's policy of title insurance in the amount of the sale price to be delivered to the purchaser or mailed to the address of the purchaser as shown on the deed.
- (E) If the purchaser of the real estate does not desire an owner's policy of title insurance, said purchaser shall notify the plaintiff prior to the confirmation of the sale, and the plaintiff shall cause a bill for the cancellation of the commitment, calculated in accordance with the schedule of rates for title insurance in Ohio as filed with the State of Ohio, Department of Insurance, as amended from time to time, to be filed with the Clerk of the Court. The amount of said bill shall be taxed as costs in the case, in lieu of the bill referred to in Subparagraph B above.
- (F) If the plaintiff's complaint is dismissed prior to the judicial sale, but the action is nonetheless pending due to counterclaims or cross-claims, the party which has asserted a claim based on a lien which is next in priority to plaintiff's shall comply with the requirements of this rule.

**DOMESTIC RELATIONS FORMS CAN BE DOWNLOADED FROM:**

**THE OHIO SUPREME COURT WEBSITE: <http://www.SupremeCourt.Ohio.Gov>**