

***COURT OF COMMON PLEAS,
MUSKINGUM COUNTY, OHIO
DOMESTIC RELATIONS DIVISION***

**THE HONORABLE
JEFFREY A. HOOPER**



**Local Rules
Common Pleas Court,
Muskingum County, Ohio
Domestic Relations Division**

**Amended January 23, 2020
Effective March 1, 2020**

TITLE I: GENERAL RULES

1.01 Compliance with Ohio Rules of Civil Procedure

IT IS HEREBY ORDERED that the following rules are adopted for the conduct, governance, and management of the business operations, proceedings and other functions of the Muskingum County Court of Common Pleas, Domestic Relations Division. The court may amend these rules from time to time as needed or as required by law.

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

Should there be any conflict between the local rules and the Ohio Rules of Civil Procedure, the Ohio Rules of Civil Procedure shall at all times govern. The content of the Rules and Appendices are in no manner intended to be legal advice to lawyers or lay persons.

1.02 Ohio Attorney

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

1.03 Search

Everyone entering the Richard D. Hixson Court and Government Services Building must pass through a metal detector or other screening device to maintain security. All persons entering the building are subject to search, along with all packages, briefcases, purses, wallets or other containers.

1.04 Cell phones, Recording Devices, Cameras and Electronic Devices of any Kind

Cell phones, devices capable of recording audio or video, cameras and other similar electronic devices are prohibited to be conveyed to or possessed on the second floor of the Richard D. Hixson Court and Government Services Building without prior consent of the Court. In the event consent is granted, these devices are to be off at all times on the second floor and not be in operation at

any time in the courtroom except as directed by the Court. The Court may order security staff to hold the device. The sanction for violation of this rule is a fine not to exceed Five Hundred Dollars and Zero Cents (\$500.00) and can result in the confiscation of the cell phone or other device.

1.05 Firearms and other Weapons Prohibited

According to Ohio Revised Code Section 2923.123, “no person shall knowingly convey or attempt to convey a deadly weapon or dangerous ordinance into a courthouse or into another building or structure in which a courtroom is located.”

1.06 Conduct

The Court reserves the right to remove any person whose conduct disrupts the proceedings before the Court or poses a threat to security. The definition of “the Court” includes the Domestic Relations Judge, all appointed Magistrates and support staff.

1.07 Costs

As security for costs, an advance deposit must be made with the Muskingum County Common Pleas Clerk of Courts before filing any legal action in the Domestic Relations Court. It will be paid by the party bringing the action and will be used by the Clerk to secure the payment of the costs which will accrue during the action or proceeding, except as otherwise provided by law. The amount of the deposit will be in accordance with the cost schedule that is published by the Clerk of Courts. The costs listed therein are, at all times, subject to change without specific amendment of these rules. The deposit, as security for costs, shall be considered to be met if a party files an Affidavit of Poverty (form at Appendix D) to proceed in *forma pauperis*, swearing that the party is without funds or assets to pay the deposit and there is certification by the attorney, if any, that no attorney fees have been paid. After filing such affidavit the court may examine the filing party as well as the party's Affidavit of Financial Disclosure to determine if there are sufficient facts to support a conclusion the party should be relieved from the requirement of such deposit, and may conduct a hearing to examine the filing party.

The Clerk shall not assign a case number to a complaint or petition in any original action unless the required cost deposit has been made or the Court has issued an order waiving the requirement for the deposit.

If during the course of a proceeding the Court determines that a party who has filed an Affidavit of Poverty is able to pay the applicable costs deposit, the Court may order that party to pay the deposit within a period of time determined by the court.

All judgment entries shall contain a provision for allocating payment of costs. The Clerk shall not accept for filing any decree or post decree entry or order without the payment of costs due, unless waived or otherwise modified by the court. Upon final judgment the Clerk of Courts is directed to apply the deposits for court costs in the case regardless of which party had been assessed costs. The Clerk shall assess the costs against the proper party and reimburse deposits upon receipt, when appropriate.

Should any final Judgment Entry not allocate the payment of court costs, the initiating party shall be responsible for said costs.

1.08 Assignment of Cases

All cases shall be assigned for hearing by the Judicial Staff.

1.09 Special Needs/Compliance with American's With Disabilities Act

Persons with disabilities, special needs or the need for an interpreter should make requests for reasonable accommodations to the Court at (740) 455-7190 at least seven (7) days prior to any scheduled hearing so that arrangements can be made.

1.10 Proper Attire at the Hearing or Trial

Proper attire is required of attorneys, parties, witnesses and spectators while present in Court. Any activity or attire deemed to be disruptive to the decorum of the Court is strictly prohibited. Any Court employee may exclude anyone not properly attired.

1.11 Number of Copies of Initial Filing

The party filing an initial action or post decree motion shall file a minimum of an original and one copy for each party and a copy for CSEA if appropriate.

Neither the Court nor the Clerk of Courts is required to make copies of pleadings filed with the Clerk of Courts. If no copies are provided upon filing, no copies will be returned.

TITLE II: CASE MANAGEMENT

2.01 Purpose

The purpose of the Case Management rule is to ensure the prompt and fair disposition of litigation and to establish the general framework for the management of Domestic Relations cases. By taking control of incoming cases at the earliest possible time, the Court will avoid unnecessary delays, control

the pace of litigation, target complex cases, and achieve better efficiency in dealing with incoming cases promptly, expeditiously, and efficiently. Cases shall be concluded within the time guidelines set by the Ohio Supreme Court unless good cause can be shown for an extension.

- A. All domestic relations cases shall be classified by the filing attorney according to the check list set forth herein.
- B. (See Title VI for Pleadings Form and Motion Practice)
- C. Any pleading presented to the Clerk of Courts bearing an incorrect case number will be returned to the filing party for correction of same prior to the filing of said pleading.

D. Effect of Noncompliance

Pleadings or motions which do not conform to the requirements of this rule shall not be accepted for filing by the Clerk and the Court may *sua sponte* strike from the file any complaint, cross-complaint, petition, motion, other pleading or document not in compliance with this rule.

- E. Contemporaneous with the filing of a Complaint for Divorce, Legal Separation or Annulment, the Plaintiff shall submit a Mutual Restraining Order as set out in Appendix G or an order substantially similar in context, which shall be applicable to all parties. These shall be issued without the necessity of a Motion or Affidavit. This shall not preclude a litigant from requesting other relief by way of a Restraining Order which shall be by Motion supported by Affidavit.

2.02 SPECIFIC CHECKLISTS

The following checklists **ARE MANDATORY**.

Divorce with Children (DA)	Divorce without Children (DB)
<p>_____ Filing fee or Motion to File Without Prepayment, completed Indigency Affidavit and Entry for the Judge's / Magistrate's signature</p> <p>_____ Complaint for Divorce</p> <p>_____ Disclosure of Personal Identifier Information</p> <p>_____ DR1 Financial Affidavit</p> <p>_____ Parenting Proceeding Affidavit</p> <p>_____ Title IV-D Application and Collection Agreement</p> <p>_____ Health Insurance Affidavit</p> <p>_____ Request for Service / Instructions to the Clerk of Courts for service</p> <p>_____ Mutual Standard Restraining Order</p> <p><i>Optional: Motions, Affidavits for Temporary Orders</i></p>	<p>_____ Filing fee or Motion to File Without Prepayment, completed Indigency Affidavit and Entry for the Judge's / Magistrate's signature</p> <p>_____ Complaint for Divorce</p> <p>_____ Disclosure of Personal Identifier Information</p> <p>_____ DR1 Financial Affidavit</p> <p>_____ Title IV-D Application and Collection Agreement (if spousal support is requested)</p> <p>_____ Request for Service / Instructions to the Clerk of Courts for service</p> <p>_____ Mutual Standard Restraining Order</p> <p><i>Optional: Motions, Affidavits for Temporary Orders</i></p>
Answer to Divorce Complaint with children	Answer to Divorce Complaint without children
<p>_____ Answer</p> <p>_____ Disclosure of Personal Identifier Information</p> <p>_____ DR1 Financial Affidavit</p>	<p>_____ Answer</p> <p>_____ Disclosure of Personal Identifier Information</p>

<p>_____ Parenting Proceeding Affidavit</p> <p>_____ Title IV-D Application and Collection Agreement</p> <p><i>Optional: Motions, Affidavits for Temporary Orders</i></p>	<p>_____ DR1 Financial Affidavit</p> <p><i>Optional: Motions, Affidavits for Temporary Orders</i></p>
<p>Counterclaim to Divorce Complaint with Children</p>	<p>Counterclaim to Divorce Complaint without children</p>
<p>_____ Filing fee or Motion to File Without Prepayment, completed Indigency Affidavit and Entry for the Judge's / Magistrate's signature</p> <p>_____ Answer with Counterclaim</p> <p>_____ DR1 Affidavit if not filed contemporaneously with Answer.</p> <p>_____ Parenting Proceeding Affidavit (unless filed with Answer)</p> <p>_____ Title IV-D Application and Collection Agreement</p> <p><i>Optional: Motions, Affidavits for Temporary Orders</i></p>	<p>_____ Filing fee or Motion to File Without Prepayment, completed Indigency Affidavit and Entry for the Judge's / Magistrate's signature</p> <p>_____ Answer with Counterclaim</p> <p>_____ DR1 Affidavit if not filed contemporaneously with Answer.</p> <p>_____ Title IV-D Application and Collection Agreement (if requesting spousal support)</p> <p><i>Optional: Motions, Affidavits for Temporary Orders</i></p>

Dissolution with children (DC)	Dissolution without children (DD)
<p>_____ Filing fee or Motion to File Without Prepayment, completed Indigency Affidavit and Entry for the Judge's / Magistrate's signature</p>	<p>_____ Filing fee or Motion to File Without Prepayment, completed Indigency Affidavit and Entry for the Judge's / Magistrate's signature</p>
<p>_____ Disclosure of Personal Identifier Information</p>	<p>_____ Disclosure of Personal Identifier Information</p>
<p>_____ Petition for Dissolution</p>	<p>_____ Petition for Dissolution</p>
<p>_____ Waiver of Service of Summons</p>	<p>_____ Waiver of Service of Summons</p>
<p>_____ DR1 Financial Affidavit</p>	<p>_____ DR1 Financial Affidavit</p>
<p>_____ Separation Agreement</p>	<p>_____ Separation Agreement</p>
<p>_____ Shared Parenting Plan</p>	<p>_____ Title IV-D Application and Collection</p>
<p>_____ Parenting Proceeding Affidavit</p>	<p>Agreement (if spousal support is requested)</p>
<p>_____ Child support worksheet</p>	
<p>_____ Income verification for both parties</p>	
<p>_____ Title IV-D Application and Collection Agreement</p>	

Complaint to Allocate Parental Rights and Responsibilities (DE) (or Motion to Modify Parental Rights and Responsibilities)	Complaint for Parenting Time (DF) (or Motion for Modification of Parenting Time)
<p>_____ Filing fee or Motion to File Without Prepayment, completed Indigency Affidavit and Entry for the Judge's / Magistrate's signature</p> <p>_____ Disclosure of Personal Identifier Information</p> <p>_____ Complaint / Motion</p> <p>_____ DR2 Financial Affidavit</p> <p>_____ Parenting Proceeding Affidavit</p> <p>_____ Title IV-D Application and Collection Agreement</p> <p>_____ Proof of Paternity</p> <p>_____ Request for Service / Instructions to the Clerk of Courts for service</p> <p><i>Optional: Motions, Affidavits for Temporary Orders</i></p>	<p>_____ Filing fee or Motion to File Without Prepayment, completed Indigency Affidavit and Entry for the Judge's Magistrate's signature</p> <p>_____ Complaint / Motion</p> <p>_____ Disclosure of Personal Identifier Information</p> <p>_____ Parenting Proceeding Affidavit</p> <p>_____ Proof of Paternity</p> <p>_____ Request for Service / Instructions to the Clerk of Courts for service</p> <p><i>Optional: Motions, Affidavits for Temporary Orders</i></p>
Answer to Complaint to Allocate Parental Rights and Responsibilities	Answer to Complaint for Parenting Time
<p>_____ Answer</p> <p>_____ Disclosure of Personal Identifier Information</p> <p>_____ DR2 Financial Affidavit</p>	<p>_____ Answer</p> <p>_____ Disclosure of Personal Identifier Information</p> <p>_____ Parenting Proceeding Affidavit</p> <p><i>Optional: Motions, Affidavits for Temporary</i></p>

<p>_____ Parenting Proceeding Affidavit</p> <p>_____ Title IV-D Application and Collection Agreement</p> <p><i>Optional: Motions, Affidavits for Temporary Orders</i></p>	<p><i>Orders</i></p>
<p>Counterclaim to Complaint to Allocate Parental Rights and Responsibilities</p>	<p>Counterclaim to Complaint for Parenting Time</p>
<p>_____ Filing fee or Motion to File Without Prepayment, completed Indigency Affidavit and Entry for the Judge's / Magistrate's signature</p> <p>_____ Answer and Counterclaim</p> <p>_____ DR2 Financial Affidavit</p> <p>_____ Parenting Proceeding Affidavit</p> <p>_____ Title IV-D Application and Collection Agreement</p> <p><i>Optional: Motions, Affidavits for Temporary Orders</i></p>	<p>_____ Filing fee or Motion to File Without Prepayment, completed Indigency Affidavit and Entry for the Judge's / Magistrate's signature</p> <p>_____ Answer and Counterclaim</p> <p>_____ Parenting Proceeding Affidavit</p> <p><i>Optional: Motions, Affidavits for Temporary Orders</i></p>
<p>Complaint for Child Support (DG) (or Motions to Modify Child Support)</p>	<p>Complaint to Determine a Parent-Child Relationship (DJ) (or Motions to Determine a Parent-Child Relationship)</p>
<p>_____ Filing fee or Motion to File Without Prepayment, completed Indigency Affidavit and Entry for the</p>	<p>_____ Filing fee or Motion to File Without Prepayment, completed Indigency Affidavit and Entry for the Judge's / Magistrate's signature</p>

<p>Judge's / Magistrate's signature</p> <p>_____ Disclosure of Personal Identifier Information</p> <p>_____ Complaint / Motion</p> <p>_____ DR2 Financial Affidavit</p> <p>_____ Health Insurance Affidavit</p> <p>_____ Request for Service / Instructions to the Clerk of Courts for service</p> <p><i>Optional: Motions, Affidavits for Temporary Orders</i></p>	<p>_____ Disclosure of Personal Identifier Information</p> <p>_____ Complaint / Motion</p> <p>_____ Parenting Proceeding Affidavit</p> <p>_____ Request for Service / Instructions to the Clerk of Courts for service</p> <p><i>Optional: Motions, Affidavits for Temporary Orders</i></p>
<p>Answer to Complaint for Child Support</p>	<p>Answer to Complaint to Determine a Parent-Child Relationship</p>
<p>_____ Answer</p> <p>_____ Disclosure of Personal Identifier Information</p> <p>_____ DR2 Financial Affidavit</p> <p><i>Optional: Motions, Affidavits for Temporary Orders</i></p>	<p>_____ Answer</p> <p>_____ Disclosure of Personal Identifier Information</p> <p>_____ Parenting Proceeding Affidavit</p> <p><i>Optional: Motions, Affidavits for Temporary Orders</i></p>
<p>Counterclaim to Complaint for Child Support</p>	<p>Counterclaim to Complaint to Determine a Parent-Child Relationship</p>
<p>_____ Filing fee or Motion to File Without Prepayment, completed Indigency Affidavit and Entry for the Judge's / Magistrate's signature</p>	<p>_____ Filing fee or Motion to File Without Prepayment, completed Indigency Affidavit and Entry for the Judge's / Magistrate's signature</p> <p>_____ Answer and Counterclaim</p>

<p>_____ Answer and Counterclaim</p> <p>_____ Affidavit of Income and Expenses</p> <p><i>Optional: Motions, Affidavits for Temporary Orders</i></p>	<p>_____ Parenting Proceeding Affidavit</p> <p>_____ Request for Service / Instructions to the Clerk of Courts for service</p> <p><i>Optional: Motions, Affidavits for Temporary Orders</i></p>
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All Motions for Contempt	Domestic Violence
<p>_____ Filing fee or Motion to File Without Prepayment, completed Indigency Affidavit and Entry for the Judge's / Magistrate's signature</p> <p>_____ Disclosure of Personal Identifier Information</p> <p>_____ Motion for Contempt</p> <p>_____ Affidavit in Support of Motion</p> <p>_____ Summons in Contempt</p> <p>_____ Request for Service /</p>	<p>Please use the standard forms packet provided by the Ohio Supreme Court</p> <p>www.supremecourt.ohio.gov/JCS/domesticViolence/protection_forms/DVForms/default.asp</p>

<p>Instructions to the Clerk of Courts for service</p> <p><i>Optional: Motions, Affidavits for Temporary Orders</i></p>	
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2.03 Motions

Upon order of a judge or magistrate, any motion may be submitted for decision upon brief written statements of reasons in support and opposition pursuant to Civ.R. 7(B). Should the Court determine that a hearing is necessary, one will be scheduled by the Assignment Commissioner. The moving party shall file with the Clerk a Motion with a brief memorandum or statement of facts that supports the party's reasons for the need of a hearing. The memorandum or statement of facts must contain the authorities relied upon and/or any affidavits or other supporting documents required or appropriate to support the Motion.

2.04 Seminars

1. All parties filing a dissolution and who have children under eighteen must attend the Court Ordered Co-Parenting Seminar prior to the final hearing which final hearing must be held no sooner than 30 days or later than 90 days from the date of filing. Hearings will be continued if within the time limitation or the case will be dismissed in the event of noncompliance. Pamphlets and scheduling instruction for the Co-Parenting Seminar can be obtained by the parties or counsel at the Clerk's office.

2. Upon the filing of a Complaint for Divorce With Children, Legal Separation or Annulment, the Clerk shall serve a Co-Parenting Seminar Brochure and Schedule along with the Summons and Complaint on the Defendant. The Plaintiff shall attend the seminar prior to the final hearing and should the Defendant make an appearance in the matter and request an allocation of parental rights and responsibilities on a parenting time order said Defendant shall attend said seminar prior to the final hearing.

3. Upon the filing of a Complaint for the Allocation of Parental Rights and Responsibilities or a Complaint for Parenting Time, the Clerk shall serve a Co-Parenting Seminar Brochure and Schedule along with the Summons and Complaint on the Defendant. The Plaintiff shall attend the seminar prior to the final hearing and should the Defendant make an appearance in the matter and

request an allocation of parental rights and responsibilities or parenting time order said Defendant shall attend said seminar prior to the final hearing.

4. In cases involving minor children ages 6 through 17, the Court may order the minor children to attend a seminar for children and adolescents prior to the final hearing.

2.05 Continuances

No party will be granted a continuance of a hearing or pretrial without a written motion. The motion will state the reason for the continuance and will be signed by the party as well as counsel. The Court may waive this requirement upon a showing of good cause. If the reason for the continuance is because another case is scheduled on the same date in another court, the Motion shall include a copy of the scheduling order pursuant to Superintendence Rule 41.

If a continuance becomes necessary the following procedure **MUST** be followed:

1. Call this office and get several possible available dates.
2. Call each attorney (if applicable) and confirm a date they will be available.
3. Call this office back immediately with the available date and time most convenient to everyone. **The fact that the date was available at the time of the request does not guarantee that it will remain available.**
4. Send a Motion to Continue and an Entry immediately giving the reason for the continuance and stating the date and time agreed upon and cleared by this office.

No continuance is granted until the Continuance Entry is signed by the Judge or Magistrate.

2.06 Judgment Entries and Decrees

A. Preparation by the Attorney:

Except as to Certification, Entries Granting Leave to Plead, and other matters in which the Court prepares the Judgment Entry, all Judgment Entries will be prepared by the counsel for the party in whose favor the Order, Judgment or Decree has been granted, unless the Court directs otherwise. Counsel will prepare the Judgment Entry in a manner that conforms to the Order of the Court. The Judgment Entry will then be submitted to opposing counsel of record and all other parties who have entered an appearance in the case. The Entry must be completed and submitted to the Court no later than thirty (30) days after the decision is reached. Additional time to submit an Entry may be granted upon a showing of good cause.

B. Approval by the Parties:

The opposing counsel or unrepresented party shall either approve or reject the proposed Entry within seven (7) days after receiving it. Upon approval, the Entry shall be returned to the counsel who prepared it to be filed.

If any objection is made to the proposed Judgment Entry within the seven (7) day period, the objection will be made in writing, attached to the proposed Entry, and submitted to the Court. In the alternative, the objecting party may submit to the Court an alternate proposed Judgment Entry which counsel believes properly reflects the Court's decision. Written Objections and alternate proposed entries shall be served upon all counsel and all *pro se* parties. Failure of any party to object to proposed Entry within the seven (7) day time period, after service, will be interpreted by the Court as an approval of the Entry and shall enable counsel who prepared the proposed Entry to submit the same directly to the Court for approval without opposing counsel's or the *pro se* party's signature.

C. Sua Sponte Orders:

These rules shall in no manner be construed to preclude the Court from making and filing its own Judgments or Orders, *Sua Sponte*.

D. Contempt Sanctions for Failure to Comply:

If an Entry is not presented to the Court for approval in compliance with this rule, the Court may prepare its own Entry or may, in its discretion, require counsel and parties to appear and show good cause why they should not be cited for contempt. Further, the Court may determine that dismissal without prejudice for want of prosecution is an appropriate sanction.

2.07 Agreement of Counsel or Parties

Stipulations and agreements of counsel or parties to a suit must be reduced to writing and signed by the parties and their respective counsel, or made by the parties in open court on the record. Otherwise, any such stipulations or agreements shall not be recognized by the Court if disputed by any of the parties. Agreements and stipulations made in open court on the record shall be enforceable upon approval by the Court.

2.08 Agreed Judgment Entries

Agreed Judgment Entries shall be signed by all counsel of record as well as all parties.

2.09 Non-appearance of a Party at Trial or Hearing Date; Failure to be Fully Prepared at Trial

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

2.10 Withdrawal of Counsel; Involuntary Pro Bono Cases

Counsel may withdraw as counsel of record upon a showing of good cause. Good cause may be demonstrated by non-payment of attorney fees. Any attorney practicing domestic relations law in Muskingum County, Ohio, shall not be required to act in an involuntary pro bono capacity. Permission to withdraw may not be granted within 45 days of the scheduled trial or hearing.

The Court may deny the withdraw request if it would be detrimental to the client or cause unreasonable delay or is otherwise untimely.

2.11 Confidential Family File

- A. The following records, reports, and documents, including but not limited to those prepared pursuant to Revised Code sections 2151.281, 3105.171(E)(3) and 3109.04(C) and Rule 48 of the Rules of Superintendence for the Court of Ohio, shall not be considered case documents.
 1. Health care documents, including but not limited to physical health, psychological health, psychiatric health, mental health and counseling documents;
 2. Drug and alcohol assessments, recommendations, screens and reports;
 3. Guardian Ad Litem reports, including collateral source documents attached or filed with the reports;
 4. Home investigation reports, including collateral source documents attached or filed with the reports;
 5. Case Assessment Reports.
 6. Evaluations and reports relating to child custody, allocation of parental rights and responsibilities, parenting time, or

companionship or visitation, including collateral source documents attached to or filed with the evaluations and reports;

7. Domestic violence assessments, recommendations, screens and reports;

8. Supervised parenting time or companionship or visitation records and reports and supervised parenting time or companionship or visitation exchange records and reports;

9. Financial records and financial disclosure statements regarding property, debt, taxes, income, and expenses, including collateral source documents attached to or filed with records and statements; and

10. Asset appraisals and evaluations.

11. DNA Test Results

Said documents shall be considered confidential family file information and shall be placed in the Court's Confidential Family File. Unless otherwise ordered, by the Court, the documents shall only be made accessible to attorneys of records and the self-represented parties.

B. Any other person may request access to a document or information in a Confidential Family File by filing a written motion. The Court shall provide notice of the motion to all parties in the case at the last address on record with the Clerk of Courts and may schedule a hearing on the motion. The Court may permit public access to a document or information in a Confidential Family File if it finds by clear and convincing evidence that the presumption of maintaining confidentiality is outweighed by a higher interest.

C. A Notice of Filing shall be filed contemporaneously with any document that is to be placed in the Court's Confidential Family File. The Notice of Filing shall identify each document filed which shall be placed in the Court's Confidential Family File. The Notice of Filing, along with the document to be filed in the Court's Confidential Family File, shall be served upon all parties or their counsel if represented.

2.12 Personal and Private Information

Pursuant to Rule 45 of the Rules of Superintendence for the Courts of Ohio, the following information is defined as personal and private and is to be omitted from all case documents submitted to the Court or filed with the Clerk of Courts:

- A. Social Security numbers, except for the last four digits;
- B. Financial account numbers, including but not limited to debit card, charge card and credit card numbers;
- C. Employer and employee identification numbers;
- D. Juvenile's name in an abuse, neglect or dependency case, except for the juvenile's initials or a generic abbreviation such as "CV" for "child victim;"
- E. Any other information deemed personal and private by any federal or state statute, regulation, executive order, or court ruling.

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

The Court, Clerk of Courts and deputy clerks shall have no responsibility for the removal of any personal and private information filed in a public document in the Muskingum County Clerk of Courts office.

Pleadings and journal entries that necessarily include personal and private information must be submitted to the Clerk of Court as follows: a copy that includes the personal and private information for placement in the non-public Courtview records and a copy with the personal and private information redacted for placement in the public file. The copy not containing the personal and private information (for the public file) will use the notation "personal and private information redacted" at all places in the document where such information was removed. The copy containing personal and private information shall be destroyed by the Clerk of Courts after inputting the information in the non-public records of Courtview. The Court will sign both journal entries.

The Clerk of Courts will not remove any personal and private information from a file stamped document including records or transcripts transmitted to this Court from another Court, without a court order to do so. Any personal and private information in documents filed prior to July 1, 2009 is considered public. Access to personal and private information subsequent to July 1, 2009 shall be by Court Order only. Any personal and private information in records or transcripts transmitted to this Court from another Court is considered public. A party or an attorney in a case, or any other person whose personal and private information is contained in a public record of this Court may petition the Court for the removal of personal and private information. If the request is granted, the personal and private information will

be removed from the file-stamped document. A redacted copy of the document will be placed in the public case file.

TITLE III: MEDIATION/CONCILIATION

3.01 Incorporation by Reference

This rule incorporates by reference the provisions of O.R.C. 2710 “Uniform Mediation Act” (UMA), O.R.C. 3109.052, Mediation of Differences as to Allocation of Parental Rights and Responsibilities and Rule 16 of the Supreme Court of Ohio Rules of Superintendence.

3.02 When Ordered

At any time after a party files a complaint in an action for divorce, legal separation, or annulment, or allocation of parental rights and responsibilities or at any time after a party files a post decree motion arising from any of these actions, the Court may, upon its own motion, order the parties into mediation. The Court’s Mediation Department also accepts voluntary requests from parties who wish to mediate post decree issues involving parental rights and responsibilities without having to file a motion.

3.03 Procedure

A. The Court shall order cases to the Court’s in-house Mediation Department. Parties may also use an outside Mediator with prior approval from the Court. To use an outside Mediator, parties must file a motion with affidavits attached, stating that the parties agree on both the Mediator and how the Mediator is to be paid.

B. If the Mediation Department determines that the case is appropriate for mediation, the Court may permit both parties to participate in mediation for a period of time, as determined by the Court.

C. An Order referring the parties to mediation stays the proceedings in Court. Proceedings not stopped by a Mediation Order are:

- (1) Temporary support hearings;
- (2) Issuance of temporary support orders; and,
- (3) Scheduling and discovery matters.

Mediation sessions are held until all possible issues are resolved in a manner that is mutually agreeable to the parties, or until the Mediator determines that

continued efforts would not be productive. The Court may order the parties to return to mediation at any time. If the parties fail to reach a full agreement during mediation, the Court will not permit any attempt to bring in discussions from the mediation. Matters discussed in mediation are confidential and are not permitted in Court proceedings.

D. The Mediator shall do the following:

- (1) Keep all verbal and written communications confidential;
- (2) Provide the parties and their attorneys with a summary of any agreement reached, or a statement that the mediation has terminated without agreement;
- (3) Inform the Court of who attended the mediation, and whether the case has settled. If the case has not settled, the Mediator shall inform the Court of whether the case is scheduled for further mediation or if it will be returned to the Court for further proceedings. The Mediator shall not provide any other information to the Court unless all parties who hold a mediation privilege, including the Mediator, have consented to such disclosure; and,
- (4) Notify the Court, for purposes of scheduling, that mediation has been terminated.

E. Any Mediator providing services for the Court shall use procedures that will:

- (1) Ensure that the parties are allowed to participate in mediation. If they wish, the parties' attorneys and other individuals may be allowed to accompany them and participate in the mediation, as provided in the Uniform Mediation Act (UMA);
- (2) Screen for domestic violence, both before and during mediation, by using a three-tiered screening method along with the use of appropriate screening tools;
- (3) Encourage appropriate referrals to attorneys and other support services for all parties, including victims and suspected victims of domestic violence; and,
- (4) Prohibit the use of mediation in the following circumstances:
 - (a) Prosecuting or adjudicating domestic violence;
 - (b) Determining whether to grant, modify, or terminate a protection order;

(c) Determining the terms and conditions of a protection order; and,

(d) Determining the penalty for violation of a protection order.

F. Parties may use mediation in a subsequent divorce or custody case even if the case may result in the termination of provisions of a protection order.

G. Mediation may proceed when violence or fear of violence is alleged, suspected, or present, only if the Mediator has specialized training, as set forth in Loc. R. 3.06, and ensures that the following conditions are satisfied:

1. The person who is or may be the victim of domestic violence is fully informed, both verbally and in writing, about the mediation process, his or her right to decline participation in the mediation process, and his or her option to have a support person present at the mediation sessions;

2. The Mediator concludes that the parties have the capacity to mediate without fear of coercion or control;

3. The Mediator uses the procedures defined by the Court's Mediation Department to provide for the safety of the parties, the non-party participants, and the Mediator. Appropriate procedures are in place to provide for the safety of the person who is or may be the victim of domestic violence or coercion between the parties;

4. The Mediator uses the procedures identified by the Court's Mediation Department to terminate mediation if the Mediator believes there is a continued threat of domestic violence or coercion between the parties; and,

5. The Mediator uses procedures defined by the Court's Mediation Department to ensure that the Court has issued written findings of fact, as required by Ohio law, to refer certain cases involving domestic violence to mediation. The use of mediation in the above situations is addressed on a case-by-case basis.

H. According to the UMA, all parties may have their attorney, as well as other support persons attend the mediation session. The Mediator has the right not to conduct the mediation session if a party insists on bringing a person to the session that the Mediator believes is inappropriate or would harm the process. The Court has the right to require the attendance of attorneys if the Court determines that it is appropriate and necessary for the process, and is consistent with Ohio law. Unless required by the Court, attorneys are not required to attend the mediation session. The Guardian ad litem shall attend

the mediation session if requested by the Court or by either party. Parties shall not bring children to mediation sessions.

I. The parties and their attorneys have a duty to disclose information to the Mediation Department, and have a duty to participate in any screening required by Rule 16 of the Ohio Supreme Court Rules of Superintendence, where the opposing parties:

1. Are related by blood, adoption, or marriage;
2. Have resided in a common residence; and,
3. Have known or alleged domestic abuse at any time prior to the mediation.

3.04 Agreements

A. The Mediator shall reduce to writing, and parties shall sign, any agreement reached in mediation. Any agreement reached during mediation shall not be binding upon the parties until approved by counsel if a party is represented and adopted by the Court. If the agreement pertains to minor children the Court shall consider the best interests of the children before adopting the agreement.

B. If the agreement is approved by the parties and attorneys, the Court shall either:

1. Hold a confirmation hearing to approve the terms of the agreement; or,
2. Adopt a Judgment Entry submitted by the parties for the Court's review and approval. If the Court does not adopt the agreement, the Court shall not consider the mediation agreement for any other purpose.

C. If the parties do not reach an agreement, the Mediator shall issue a report stating only that the parties did not reach an agreement, and the case shall be returned to the Court's trial docket.

3.05 Entry Requirements

Within 14 days or other time period designated by the Court, counsel or non-represented parties shall prepare and submit to the Court an Entry incorporating the terms of the settlement memorandum or mediation agreement. No additions, changes or modifications will be permitted unless approved by both parties and/or counsel, but the Court may reject the additions, changes or modifications.

3.06 Qualifications Any Mediator employed by the Court, or whom the parties retain as an outside Mediator, shall comply with the following minimum qualifications:

A. General qualifications and training:

1. Comply with the qualifications set forth in Rule 16 of the Ohio Supreme Court Rules of Superintendence;
2. Possess an education or experience satisfactory to the Court, and at least two years of professional experience with families. Professional experience with families includes mediation, counseling, casework, legal representation in family law matters, or such equivalent experience as is satisfactory to the Court;
3. Complete at least 12 hours of basic mediation training or equivalent experience as a mediator that is satisfactory to the Court; and,
4. After completing the above training, complete at least 40 hours of specialized family or divorce mediation training which has been approved by the Dispute Resolution Section of the Supreme Court of Ohio.

B. Specific qualifications and training for domestic abuse: A Mediator employed by the Court, or whom the parties retain as an outside Mediator, shall complete at least 14 hours of specialized training in domestic abuse and mediation through a training program approved by the Dispute Resolution Section of the Supreme Court of Ohio. A Mediator who has not completed this specialized training may mediate these cases only if he or she co-mediate with a Mediator who has completed the specialized training.

3.07 Confidentiality

A. Statements the parties make during mediation shall be considered compromise negotiations and shall not be admissible as evidence, according to Rule 408 of the Ohio Rules of Evidence. The Mediator:

1. Shall not be required to disclose any statements or discussions which occurred during the mediation, except as required by Ohio law;
2. Shall not be called as a witness for any purpose; and,

3. Shall not be subject to subpoena to testify at any proceeding, except as required by Ohio law. This Rule does not prevent the Mediator from testifying as to a crime committed in his or her presence, or from complying with any law requiring the reporting of child abuse.

B. All communications relating to the mediation or made during the mediation process shall be governed by the privileges described in the Uniform Mediation Act, Ohio law, and the Ohio Rules of Evidence.

3.08 Fees Related to Mediation Services

The Muskingum County Domestic Relations Court Mediation Department does not charge the parties for its professional mediation services. At the conclusion of the mediation, the Clerk of Courts assesses court costs for the parties' filings. The Clerk does this in every case. If the case is referred to a Mediator other than one provided by the Muskingum County Domestic Relations Court Mediation Department, the parties shall agree upon the Mediator and shall share the cost of mediation in such a proportion as they may agree. Cases using an outside Mediator must comply with the time frames and procedures discussed in this Rule.

3.09 Domestic Violence

The Court may exclude from mediation those cases in which any party is subject to a domestic violence protection order or has been convicted of or pled guilty to an offense in which the victim was a family or household member, or in which a party has been determined to be the perpetrator of an abusive act which led to an abused child adjudication. If the foregoing conditions exist or if violence or fear of violence is alleged, or if the Court suspects same, the Court may order mediation only if:

- A. The mediator(s) is qualified pursuant to Sup. R 16 (C) (1) and (2);
- B. The Court determines that all the conditions found in Sup.R 16 (B) (2) (a-d) are satisfied;
- C. The Court determines it is in the best interest of the parties pursuant to O.R.C. 3109.052.

TITLE IV: CASE ASSESSMENT

In cases where litigants are self-represented, the Court may refer the parties to meet with the Parenting Services Coordinator for a Case Assessment. The Parenting Services Coordinator shall meet with the

parties to assess the issues in the case including whether either of the parties currently or in the past has had any involvement with law enforcement, children services, social service agencies; whether either party has been involved in other litigation, to determine if domestic violence is an issue; identify specific issues in the case and to obtain any other information that may be relevant and helpful to the Court in assisting the parties to resolve their matter. The Parenting Services Coordinator may obtain information, records or reports relevant to the pending matter and the parties shall fully and completely cooperate with the requests of the Parenting Services Coordinator including signing all waivers and releases necessary to obtain information relevant to the issue pending before the Court. The Parenting Services Coordinator may assist the parties in resolving these issues but a case assessment is not mediation and is not subject to the provisions of Title III above.

The Parenting Services Coordinator may report any findings or recommendations to the Court in writing which shall be kept in the Confidential Family File as set forth in Rule 2.11 and which shall be available to each self-represented party or their counsel upon request.

Failure of any party to attend the Case Assessment or cooperate with the Parenting Services Coordinator will result in appropriate sanctions including, but not limited to, dismissal of the action, imposition of fees and expenses or a finding of contempt.

TITLE V: PRE-TRIAL PROCEDURES; DISCOVERY

5.01 Pre-Trial Procedures

All cases, in which the termination or annulment of a marriage is requested, other than Uncontested Divorce Actions and Dissolutions, shall be subject to the following pre-trial procedures. **Any requirements in a specific Pretrial Order contrary to the requirements set forth below shall prevail.**

Each party shall file a Pre-trial Statement with the Court and serve a copy of the same upon opposing party or counsel at least seven (7) days prior to the Pre-Trial Conference or at other such time as set by the Court. Such Pre-trial Statement shall set forth the following:

A. The pretrial statement shall include:

1. A concise summary of the essential material facts, including a brief history of the marriage.
2. A brief statement of the uncontested and contested issues involved.

3. A brief statement of the applicable law and authorities upon which each party relies including copies of any case law which a party feels is applicable to any contested issues.
4. A list of the demonstrative evidence and exhibits which will be offered by each party at trial.
5. A summary of the information required in the affidavit of income, expenses, and financial disclosure, including a statement of the parties' positions concerning "marital" and "separate" property and debts as defined in Section 3105.171.
6. In the event child support is an issue in the matter, each party shall produce all financial information necessary to prepare a child support computation worksheet pursuant to the requirements set forth in Ohio Revised Code §3119.01 et seq. including annual earnings, marginal cost of health insurance, work related child care costs, other deductions permitted by law and shall provide a completed proposed child support summary worksheet pursuant to statute even if a deviation is being requested. Any necessary information in the possession of other parties or persons should be obtained through Discovery prior to the hearing. **The parties will not be permitted to introduce at trial evidence that contradicts the child support worksheet without prior order of the Court.**
7. The names and addresses of prospective lay and expert witnesses for each part, together with a brief summary of the expert witness' qualifications and subject matter of testimony.
8. A list of depositions and/or video tape depositions that each party intends to introduce at trial.
9. The estimated length of the trial.
10. Each party's proposed disposition of all contested issues.
11. Copies of exhibits shall not be filed with the pretrial statement.

B. The Marital Balance Sheet shall include:

An itemized list of all assets and debts currently owned by either or both spouses, whether alleged to be marital or separate. At a minimum, this balance sheet shall include the present value of each asset and the present balance of each debt and shall identify any asset or debt (or portion thereof) claimed to be

separate property. Unless the parties have executed a written settlement for division of all marital property, **the marital balance sheet shall include a certification by each party and his or her counsel that, as to each item of marital property, the property has been appraised by a qualified expert, the property's present fair market value has been established by written stipulation, or the property will be sold by written stipulation.** The certification shall be in the following form: *"The undersigned hereby certifies that each item of marital property has either been appraised by a qualified expert or specifically addressed by a written stipulation that establishes the present fair market value of the item, provides for the item to be sold, or provides for the manner in which the item will be divided between the parties."* Failure by a party to timely comply with this order shall be deemed an admission by the party that a court-ordered public sale of the marital property, followed by the equal division of the net proceeds, constitutes an equitable division of marital property. If only one party timely complies with this Order, the Court may accept the values submitted by that party and prohibit the defaulting party from presenting evidence contesting those values.

The marital balance sheet shall be served on the opposing counsel or party and shall also be filed with the Court. The parties shall exchange a copy of all written appraisals; however, the appraisals shall not be filed with the Court.

The parties may not introduce at hearing evidence that contradicts their own marital balance sheet without leave of Court.

The parties shall be available to the Court during a Pre-trial Conference. See D.R. Rule 5.02(C).

The failure of a party to comply with this rule, in any respect, shall be grounds to impose sanctions upon the non-complying party, which may include dismissal of the action, postponement of the pre-trial, and/or the payment of attorney's fees, travel expenses, and lost wages incurred by the other party, in an amount to be determined by the Court.

5.02 Pre-Trial Conference

A. WHEN HELD - A pre-trial conference may be held pursuant to Civil Rule 16 whenever responsive pleadings are filed or when deemed necessary by the Court.

B. PURPOSE - The purpose of the conference is to afford counsel and the parties an opportunity to achieve an amicable resolution of the controversy and, in the event that such a resolution is not achieved, to expedite trial of the action. At the time the conference is held, counsel for both parties should be prepared to:

1. Narrow the legal issues in controversy;
2. Admit facts not in dispute;
3. Stipulate to the genuineness of evidence to be introduced at trial, if necessary;
4. Exchange all applicable documents, reports, and other exhibits;
5. Advise the Court as to any additional time necessary to complete discovery;
6. Set a deadline for discovery and memoranda; and
7. Establish a final hearing date.

C. ATTENDANCE – All counsel of record, as well as their clients, shall be present at Pre-trial Conferences. In the event a party cannot be present at the conference, due to an emergency, the party will provide counsel with a telephone number at which the party may be contacted any time during the Pre-trial Conference, if necessary. In the event counsel fails to appear at such conference, or fails to cooperate in good faith, such counsel may be subject to sanctions as deemed appropriate by the Court. Such Sanctions may include an award of expenses and/ or attorney fees to any party prejudiced by such conduct or dismissal of the action.

Furthermore, the Court may sanction any party who fails to either appear in person before the Court or who fails to provide a telephone number where the party may be reached during the Pre-trial Conference.

5.03 Discovery Proceedings

Except as provided by Civil Rule 65.1, Civil Rules 26 through 37 apply to any actions within this Court, including Post-Decree Motions pursuant to Civil Rule 75(1).

No Discovery pleading shall be considered by this Court unless proof of service is endorsed or demonstrated separately. The proof of service shall state the manner in which service was accomplished, as well as the date it was submitted and be signed in accordance with Ohio Civil Rule 11.

Any requests for Discovery and/or responses to Discovery shall be noted only by the filing of a Notice of Service with the Clerk of Courts. No Requests for Production of Documents or Interrogatories shall be filed with the Clerk of Courts unless being utilized as an Exhibit for enforcement of Discovery.

5.04 Appointment of Valuation Experts, Receivers, Commissioner and Special Masters

Whenever the value of an asset or the amount of a liability is in dispute, the Court may, either *Sua Sponte* or by Motion of either party, appoint an expert for the sole purpose of determining the value of the disputed asset or liability.

The Order of Appointment for Valuation shall state the following:

1. The property to be valued with specificity;
2. The name of the appointed expert; and
3. The amount of money to be deposited with the Clerk's office for payment of such expert's services, or any advancement made therefore.

The Court also reserves the authority to appoint, either *Sua Sponte* or upon Motion by a party the following: Receivers, Commissioners, and Special Masters.

The ultimate determination as to allocation of payment for such expert services rests within the discretion of the Court.

5.05 Family Studies

Pursuant to Ohio Revised Code section 3109.04(C) and Ohio Civil Rule 75, the Court prior to trial, may cause an investigation to be made as to the character, family relations, past conduct, earning ability and financial worth of each parent, and may order the parents and their minor children to submit to medical, psychological and psychiatric examinations. The report of such investigation and any ordered examinations shall be made available to all

parties or his/her counsel of record not less than five (5) days before trial upon written request or at such other time set by the Court. The report shall be signed by the investigator, and the investigator shall be subject to cross-examination by any party concerning the contents of such report. The Court shall tax as cost all or any part of the expenses for each investigation.

During the course of such investigation, the Court contemplates that the assigned investigator shall include within any report a factual summary of information regarding; their observations of each parent's home; all official records involving each parent and family and household member, including police, medical and psychiatric records; a summary of the investigator's conversations and interactions with each minor child; and the investigator's concerns regarding parenting issues. This is not intended to be exclusive or exhaustive, nor to limit the scope of investigation. Rather, this list is intended as a statement by the court as to the minimum content of any report of investigation.

TITLE VI: PLEADINGS AND MOTION PRACTICE

6.01 Formal Requirements

All pleadings, motions, briefs and other documents filed with the Clerk of Court shall be typewritten or written in ink and shall be submitted on 8½ by 11 inch paper with a 2½ inch margin at the top of the first page and a 1½ inch margin on subsequent pages. Documents attached to pleadings or separately offered as exhibits are exempted from this requirement.

All pleadings and other papers submitted shall comply with Civil Rule 10(A). Specifically, these papers shall contain a caption in order to identify the parties and the case, shall list the name and address of the parties. Social security numbers and dates of birth are personal identifiers and should not be made part of the record of the Court. Personal identifiers may be submitted on a separate document that is to be shredded by the Clerk of Court once the information is put into the system.

Counsel shall include within said pleading or paper his or her Ohio Supreme Court Registration Number. Every pleading, motion, or other document of a party represented by an attorney shall be signed by at least one attorney of record in the attorney's individual name, whose address, attorney registration number, telephone number, facsimile number, and business email address shall be stated. A party who is not represented by an attorney shall sign the pleading, motion, or other document and state the party's address, telephone number, facsimile number, if any, and email address, if any.

All post-decree motions reopening a case must set forth the same caption as the initial filing. Initial pleadings and forms, to open or reopen a case, shall contain the following pertinent information:

1. Current name(s) and address or addresses;
2. The birth dates of any children involved in the proceedings

If the party filing the pleading or motion desires the clerk to serve the opposing party in a manner other than by certified mail, instructions for service must be provided to the Clerk at the time the pleading or motion is filed.

No responsive pleading or motion will be considered by the Court unless proof of service is endorsed thereon. The proof of service shall state the manner in which service was accomplished as well as the date it was submitted and signed in accordance with Ohio Civil Rule 11.

Electronic filings including fax are not permitted.

6.02 Assignment of Motions for Hearing

All Motions shall conform to Title II, Case Management.

Unless the Judge orders otherwise, Motions may be heard before a Magistrate. The Magistrate shall have the authority to hear and dispose of all issues which come before him or her.

6.03 Motions to Show Cause

All Motions to Show Cause shall be accompanied by a copy of the Order allegedly violated and state with specificity each provision of the Court Order with which the responding party has allegedly failed to comply, as well as the date of such Order, and the facts which are alleged to demonstrate non-compliance.

If the Motion alleges failure to pay health care expenses for a minor child, the motion or memorandum shall list each bill individually, the date each bill was incurred, the portion of each bill that was paid by insurance, and the amount of each bill that the moving party alleges is owed by the other party. In addition, the Motion or Memorandum shall state whether this information and a demand for payment has been delivered to the opposing party prior to the filing of the Motion.

6.04 Motions to Vacate Premises

Motions to Vacate Premises may not be granted without an oral hearing. All Motions shall state the facts upon which the Motions are based and be supported by an affidavit.

6.05 Motion Practice by *Pro Se* Litigants

All Motions of any kind filed by *pro se* (self-represented) parties must be in required form and will be reviewed and approved by appropriate staff of the Domestic Relations Court. The *pro se* document shall not be filed with the Clerk of Courts until it has been endorsed by Court staff. The Clerk of Courts of Muskingum County, Ohio, shall not accept any such Motion for filing unless the approval of Court staff is affixed thereon. In the event that such Motion is found insufficient in any respect, the party seeking to file such Motion shall be notified.

TITLE VII: ALLOCATION OF PARENTAL RIGHTS AND RESPONSIBILITIES

7.01 Allocation of Parental Rights and Responsibilities and Parenting Time Proceedings

No *Ex-Parte* Orders will be entered relating to either the allocation of parental rights and responsibilities or parenting time, except as authorized by statute.

In all cases where the Court is requested to make a determination as to either the allocation of parental rights and responsibilities or parenting time, all parties shall comply with the requirements of Ohio Revised Code§ 3109.04 et. seq.

As authorized by Ohio Revised Code§ 3109.04(C), the Court may order that an investigation be conducted and/or evaluations be made by mental health professionals, at any time prior to the entry of a Final Order.

1. The cost of such investigation or evaluation shall be paid prior to its commencement or as otherwise determined by the Court.
2. Failure of a party to pay his or her portion of the costs of such investigations or evaluations or to obtain a waiver of fees thereof shall preclude the participation of such party in the investigation or evaluation process, unless otherwise directed by the Court.

7.02 Shared Parenting

All Shared Parenting Plans shall be filed pursuant to Ohio Revised Code 3109.04(G) and shall have attached a child support worksheet.

7.03 Parenting Time

It is the Court's policy to encourage liberal parenting time and interaction between parents and their minor children. The Court, however, recognizes that individual circumstances must always be taken into consideration. Pursuant to Ohio Revised Code 3109.051, the Court has adopted the Standard Parenting

Time Order (Appendix C), and has taken into consideration all factors listed in Ohio Revised Code 3109.051, together with other relevant factors. Unless a Temporary Order or other order specifies the use of Age Appropriate Parenting Time Guidelines, the Standard Parenting Time Order Applies (Appendix C). Unless specifically excluded, the Court's Standard Parenting Time Order shall be incorporated into every parenting time order.

7.04 Notice of Intent to Relocate

Either parent must file a Notice of Intent thirty (30) days in advance if he or she intends to move to a residence other than the residence specified in the court Order. (Appendix E). This notice must be filed with the Court that issued the Order; The moving party and the Court shall send a copy of this notice to the other parent, UNLESS the parent has:

- A. previously been convicted or plead guilty to a violation of Ohio Revised Code 2919.25 involving a victim who, at the time of the offense, was a member of the family or household that is the subject of the current proceeding;
- B. been convicted of an offense involving a victim who, at the time of the offense, was a member of the family or household that is the subject of the current proceeding and caused physical harm to the victim in the commission of the offense; or
- C. acted in a manner resulting in an adjudication that a child has been abused or neglected child.

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

TITLE VIII: EX PARTE MATTERS

8.01 *Ex Parte* Communications

Except in emergency situations, or as otherwise provided by law, an attorney shall not communicate or cause another to communicate, as to the merits of any litigation with either the Judge or any Magistrate of the Court until after final disposition without adequate notice to opposing counsel and unrepresented adverse parties. Copies of written communications to the Court concerning any pending case shall be promptly provided to opposing counsel or unrepresented adverse parties.

"Emergency" situations shall be defined as "a sudden unexpected happening; an unforeseen occurrence or condition; perplexing contingency or complication

of circumstances; a sudden or unexpected occasion for action; exigency; pressing necessity.”

8.02 Temporary Restraining Orders

A. Property Issues.

Mutual Temporary Restraining Orders (TRO) (Appendix G) shall be prepared by Plaintiff and shall be issued at the time of filing a complaint for divorce, legal separation, on annulment of marriage. All other Motions for Temporary Restraining Orders may be set for hearing with notice to opposing counsel and to unrepresented adverse parties.

The Court may issue emergency *ex parte* orders when it appears to the Court, by motion and affidavit, that a party or a third party is about to dispose of or encumber property so as to defeat another party in obtaining an equitable division of marital property, a distributive award, spousal or other support, and/or to effectuate or enforce a prior court order.

B. Children’s Issues

A party may submit to the court a motion, affidavit in support and proposed order requesting *ex parte* relief with respect to children where:

1. A child is about to suffer irreparable harm, including but not limited to, physical abuse, bodily injury, or domestic violence in the other party’s household;
2. A residential parent is unavailable due to hospitalization or other emergency;
3. A residential parent is about to move out of the jurisdiction of this Court.

Where *ex parte* relief is granted, and at the discretion of the Court, a *de novo* hearing shall be scheduled before either the Judge or Magistrate of record. The emergency *ex parte* order shall remain in full force and effect until that hearing.

8.03 Third-party Motions.

A third-party motion pursuant to Civil Rule 75, including but not limited to, property, child support, and allocation of parental rights and responsibilities, shall be handled as follows:

1. A third party seeking to join the case or a party seeking to join a third party, shall file a motion setting forth the reasons for joining and interest of the intervening party along with a copy of the proposed motion for relief requested. The third party shall also deliver a proposed order granting the joinder to the Court.

2. After the Order granting the joinder has been signed by the assigned Judge or Magistrate, the third party shall file the order granting the joinder along with the motion for the relief requested.

8.04 Order Affecting Discovery

It is recognized that contested issues require less in-court time where discovery has been fully conducted. Motions to compel discovery will, therefore, be most often granted, *ex parte* where the memorandum in support of the motion indicates reasonable efforts to obtain discovery have been ignored or neglected by the opposing party. Any requests to compel answers to interrogatories should include a copy of the interrogatories. Similarly, motions for protective orders will most often be denied *ex parte* unless the memorandum in support clearly shows a basis for relief.

8.05 Allocation of Parental Rights and Responsibilities and Parenting Time

No *Ex Parte* Orders for the allocation of parental rights and responsibilities or parenting time shall be issued except as authorized by statute. Except in emergency situations, the party requesting such orders shall make every good faith effort to provide opposing counsel and unrepresented parties with notice of the application to the Court for such relief.

A. No case can be opened or reopened with only a request for *ex parte* orders. A Complaint or a Motion requesting final orders must accompany the motion for *ex parte* orders.

B. The Court will consider post-decree motions for *ex parte* orders that modify custody or visitation only in situations of extreme emergency. All *ex parte* motions shall be supported by affidavit(s) that set forth such facts as would be admissible as evidence and that contain sufficient facts to support the claim for relief and establish that an extreme emergency exists. The filing party must be present at the courthouse when the motion, affidavits, and proposed *ex parte* order are presented for consideration. The Court,

in its discretion, may conduct an *ex parte* hearing with the filing party.

1. The Court considers the following to constitute situations of extreme emergency:

(a) Attempting to cause, or recklessly causing bodily injury to the child;

(b) Committing any act with respect to the child that would result in the child being an abused child (Rev. Code 2151.031) or a neglected child (Rev. Code 2151.03);

(c) Engaging in conduct which causes, or is likely to cause, significant emotional and/or mental stress to the child;

(d) Engaging in conduct which creates, or is likely to create, an environment which significantly endangers the child's physical health, or mental, moral, or emotional development;

(e) The residential parent is unavailable due to hospitalization, incarceration, or other emergency.

(f) A parent is attempting to flee the jurisdiction with a child.

C. Third party independent corroboration of irreparable harm or extreme emergency is preferable. Such information would include statements from law enforcement or a children services agency.

D. The Court may not consider a proposed *ex parte* order that modifies custody and/or visitation unless all of the following points are addressed in the affidavit(s) in support of the *ex parte* order:

1. Whether the other party was provided prior notice of the filing party's intent to request an *ex parte* order, and if prior notice was not provided, the reason(s) for not providing notice. If the filing party knows, or has reason to believe, that the opposing party is represented by counsel, or has been represented by counsel within thirty (30) days immediately preceding the filing of the post-decree motion, then notice of the filing party's intent to seek an *ex parte* order shall be provided to that attorney in writing; and

2. If the filing party does not believe parenting time would be appropriate, or that an order for supervised parenting time would be appropriate, then the affidavit shall include sufficient facts to support a no-parenting time, or supervised parenting time order. (The Court will not consider a proposed *ex parte* order that does not address the issue of parenting time, child support, and health care insurance), and

3. If the children are school age, and if the filing party resides in a school district other than the opposing party's school district, then the affidavit shall recite that fact. If the filing party is unable to maintain the current school placement for the children, he/she shall explain the reason(s) why in the affidavit; and

4. Any party obtaining an *ex parte* order of temporary custody shall obtain possession of the child(ren) in the least confrontational manner possible and shall minimize any stress to the children.

E. Post Decree Motions for *Ex Parte* Orders Modifying Custody/Visitation; Non Exigent Circumstances.

1. If the filing party files a motion and affidavit that does not allege than an emergency situation exists for the child, but that a situation exists that demands an expedient resolution, then the motion shall be scheduled for an expedited hearing to occur. The motion, affidavits and notice of hearing shall be personally served on the opposing party.

F. Sanctions

(1) If, after an immediate hearing has been conducted on an *ex parte* order, the Court determines that the filing party's statements were untrue or inaccurate so as to mislead the Court, that party shall be subject to sanctions, including but not limited to, a dismissal of their action, and/or an award of attorney fees and expenses to the opposing party, and/or a contempt citation.

8.06 Temporary or *Pendente Lite* Order

A. All requests for Temporary and *Pendente Lite* orders must be by separate motion.

B. Temporary Support

All motions or requests for temporary spousal or child support, or any modification thereof, shall include accurate financial affidavits. Child support requests should have a completed worksheet as described by statute.

Included in the affidavit should be a statement of living expenses and monthly debt obligations of the parties and their gross and net monthly earnings. Costs of health care insurance, marginal cost, and the number of individuals covered. The affidavits of parties applying for, or opposing, spousal or child support should be submitted fully completed on forms prescribed by the Court. If an affidavit is submitted on a form other than prescribed by the Court, it shall contain all the information required by the Court. Either party may file other affidavits in support of, or opposing, request for temporary support. The request and affidavit of the party applying for temporary spousal or child support shall be served upon the opposing party or his counsel, if represented, pursuant to the Ohio Rules of Civil Procedure.

C. Accuracy of Information

All information contained in a financial affidavit must be accurate. Any information that is estimated must be identified as estimated. Omitted or incomplete vital information may result in the Court refusing to enter any temporary orders of support. Similarly, inaccurate, understated, or exaggerated financial information may result in sanctions against the offending party including an immediate termination of any order based upon the information with retroactive application.

D. Payments

Except as otherwise provide by R.C. 3121.441 (spousal support only), an order for payment of spousal or child support shall be payable through the Muskingum County Department of Job and Family Services, Child Support Division, 1830 East Pike, P.O. Box 9, Zanesville, Ohio 43702-0009 or through Ohio Child Support Payment Central, P.O. Box 182372, Columbus, Ohio 43218. Payments by certified check, money order, personal check or traveler's check MUST be made through Ohio Child Support Payment Central. A processing fee shall be added to the ordered payments. The Muskingum County Department of Job and Family Services, Child Support Division accepts cash payments, MasterCard, VISA and Discover.

Include the case number, the SETS number (an account number assigned by the Child Support Division), the name of the child support obligor, and the name of the child support obligee with all payments. Where employer information is available, the payments shall be by a wage withholding statement.

E. No Responsive Affidavits

After a temporary support order has been filed, a party may not object to the amount of income attributed to that party where the party has failed to file a responsive affidavit pursuant to Civil Rule 75(N) unless good cause is shown for such failure.

F. Custody and Parenting Time Proceedings

All *ex parte* orders for temporary custody should include either provisions for parenting time with the non-custodial parent or a basis for a denial of parenting time.

G. Motion to Vacate the Premises.

1. A motion to vacate the premises shall state with particularity the reasons for the motion and shall be supported by an affidavit of the moving party or verified in the complaint setting forth the facts on which the motion is based.

2. No motion to vacate the premises will be granted *ex parte* unless it is shown to the satisfaction of the Court that:

(a) Acts of physical violence have occurred or are highly probable; or

(b) Threats of imminent serious physical harm have occurred; or

(c) Abuse has been committed toward any child; or

(d) The opposing party has already vacated the premises more than 30 days prior.

H. Court approval

All motions for temporary or *pendente lite* orders or temporary support orders shall be submitted pursuant to Civil Rule 75. All motions for temporary custody or parenting time orders shall include a prepared order for approval and signature by the Domestic Relations Division Judge or Magistrate. The issuance of any temporary order shall be at the sole discretion of the Court.

I. Relief from Standard Temporary Restraining Order

1. Any party who believes that a standard temporary restraining order filed in accordance with this rule is inappropriate may file a motion for relief. The motion shall be served on the other party or that party's counsel of record in accordance with the Ohio Civil Rules.

2. Motions for relief from standard temporary restraining orders shall be given priority on the Court's docket. In the event a standard temporary restraining order is found to be inappropriate, any modification may be made to the order.

8.07 Dissolving of Orders

A party against whom an *Ex Parte* (Temporary Restraining) Order was issued may file a Motion, supported by an affidavit, requesting that the order be dissolved. In the absence of any agreement of the parties as to the terms and conditions for dissolving the orders, the matter shall be set for hearing.

TITLE IX: GUARDIAN AD LITEM

In accordance with Rule 48 of the Ohio Rules of Superintendence, which contains rules regarding the appointment of guardians ad litem to protect and act in the best interests of children and which is effective as of March 1, 2009, the Court hereby adopts the following Local Rule.

9.01 Definitions.

For purposes of Local Rule 9, the terms "guardian ad litem" and "child" shall be defined as set forth in Superintendence Rule 48 (B).

9.02 Responsibilities of Court.

A. Pursuant to Rule 48 (G), the Court Administrator or, with Court approval, the Court Administrator's designee, is authorized and directed to do the following:

1. Maintain and update a public list of Court-approved guardians ad litem, while maintaining their privacy under Rules 44 through 47 of the Rules of Superintendence.

2. Coordinate and maintain the application process for individuals wishing to serve as guardians ad litem.

3. Provide information regarding training opportunities for approved and prospective guardians ad litem.
4. Receive and maintain written comments regarding the performance of guardians ad litem.
5. Maintain files for all applicants and individuals who are approved to serve as guardians ad litem.
6. Conduct or cause to be conducted a criminal and civil background check and investigation of information relevant to the individual's fitness to serve as guardian ad litem.
7. Conduct or cause to be conducted at least annually a review of the guardian ad litem list to determine that all listed individuals are in compliance with the training and education requirements of this Local Rule, that all listed individuals have performed in a satisfactory manner on all assigned cases during the preceding year and that all individuals are otherwise qualified under this Local Rule and Rule 48 of the Rules of Superintendence to serve. Written evidence of this review shall be maintained in each individual's file.
8. Require each individual on the list to certify annually that he or she is unaware of any circumstances that would disqualify him or her from serving and to report training he or she has attended. The Court Administrator shall complete the Guardian ad litem Annual Review Form.
9. Serve as the person designated by the Court to accept and consider comments regarding the performance of guardians ad litem appointed by the Court. A copy of the comment shall be provided to the guardian ad litem in question and shall be forwarded to the Judge assigned to the subject case. Dispositions of comments shall be made promptly. A written record of the nature and disposition of any comment shall be kept in the guardian ad litem's file. The person making the comment or complaint and the guardian ad litem shall be notified in writing of the disposition of such complaint or comment.

9.03 Application Form.

All persons desiring to be appointed to serve as a guardian ad litem shall complete an "Application to Serve as Guardian ad litem for the Muskingum County Domestic Relations Court" using the form designated by the Court.

9.04 Background Disclosure Form.

All persons desiring to be appointed to serve as a guardian ad litem shall complete a "Background Disclosure Statement" using the form designated by the Court.

9.05 Initial Qualifications.

A. In order for an applicant to be qualified to be initially included on the Court's List of Guardians ad Litem, the applicant shall meet the following criteria:

1. The applicant must be a natural person who is an adult resident of the State of Ohio.
2. If the applicant is an attorney licensed to practice law in the State of Ohio, the applicant must be in good standing to practice law pursuant to the applicable rules of the Ohio Supreme Court.
3. If the applicant is not an attorney licensed to practice law in the State of Ohio, the applicant must be working or practicing in a field or profession concerning the health, welfare, education, training or care of children and must be in good standing in such field or profession according to the applicable licensing or regulating authority.
4. The applicant must maintain adequate professional liability insurance covering services as a guardian ad litem and present the Court with satisfactory evidence of such coverage.
5. The applicant must not have been convicted of any felony, any alcohol or drug related offense, any sex offense, any offense in which a child was found to be abused, neglected, dependent, unruly or delinquent, or any offense of violence in which a family or household member or minor child was the victim.
6. The applicant must have attended and successfully completed a pre- service training program provided by the Ohio Judicial College.
7. The applicant shall agree to attend and shall attend an annual three-hour continuing education course on guardian ad litem practice as required by Superintendence Rule 48.
8. The applicant shall complete the Application Form and Background Disclosure Statement Form prescribed by this Rule.

9. Manner of Appointment. The Court will assign guardians ad litem from among the individuals whose names are contained on its list of guardians ad litem on a rotating basis. In instances in which the parties stipulate in a proposed agreed entry or order to a specified individual serving as guardian ad litem, the Court may approve such proposed entry or order or modify it as it determines to be appropriate.

9.06 Duties in General.

In performing their duties, guardians ad litem shall comply with the requirements of Rule 48 D of the Rules of Superintendence.

9.07 Reports: Requirements.

All persons appointed to serve as guardians ad litem shall comply with the requirements of Rule 48 F 2 of the Ohio Rules of Superintendence with respect to preparing and filing reports.

9.08 Reports.

Filing with Court Administrator. The guardian ad litem shall file the report with the Court Administrator or designee thereof, who shall maintain the report in a confidential file. The guardian ad litem shall serve upon counsel of record a copy of the report, with service in accordance with Rule 5 of the Ohio Rules of Civil Procedure. The guardian ad litem shall file with the Clerk's Office a Notice of Service of Guardian ad Litem Report. Counsel of record may share and review the report with his/her client, and take notes regarding the contents of the report. Counsel shall maintain control of the report at all times, and shall not duplicate or otherwise disseminate the report in any manner. Upon the request of a party not represented by counsel, or at the discretion of the Court, the Court Administrator shall cause the report to be delivered to the party(ies) for inspection at the courthouse. The party(ies) may review the report and take notes regarding its content, but shall not duplicate or otherwise disseminate the report in any manner. The report shall not be copied or removed from the courthouse unless otherwise provided for by the Court. The report may be received into evidence during the hearing for which it was prepared. The Court will cause the report to be sealed upon its being admitted into evidence. The report may be unsealed only pursuant to the order of the Court and upon a showing of good cause.

9.09 Training Requirements.

All persons appointed to serve as guardians ad litem shall comply with the training requirements contained in Rule 48 E of the Rules of Superintendence.

9.10 Fees.

The Court shall set the fees to be charged by the Guardian Ad Litem

9.11 Initial Deposit.

Upon the filing of a Motion for the appointment of a Guardian Ad Litem, the Court shall determine an appropriate initial deposit and may apportion it between the parties.

9.12. Time for Paying Initial Deposit; Failure to Pay; Motion for Appointment Denied.

Unless the Court orders otherwise, the initial deposit required in Local Rule 9.11 shall be made to the Clerk's Office within 14 days from the date the Entry appointing the Guardian Ad Litem. If any party fails to pay the initial deposit within this period, the Court may dismiss the Guardian Ad Litem or take such other action as is appropriate. The Guardian Ad Litem shall take no action until the initial deposit has been paid in full.

9.13. Periodic Fee Statement.

The guardian ad litem shall submit periodic fee statements to the Court and the parties. A fee statement shall be submitted for each increment of \$750.00 in fees and expenses as they are incurred. Failure to submit periodic fee statements may result in suspension or removal from the List, loss of fees, or both.

9.14 Fees: Approval Necessary.

Once the guardian ad litem fees charged in a case reach \$3,000.00, the guardian ad litem must request that the Court approve any fees in excess of this amount before any such fees may be charged or billed to a party. The Court may approve such a request upon a showing of good cause and subject to such conditions it determines to be appropriate.

9.15 Fees: Filing Final Statement.

Prior to filing a final judgment entry or as otherwise directed by the Court, the guardian ad litem shall submit a final detailed statement of services performed, expenses incurred and fees charged to the parties to the Court for its approval. If any party objects to the final statement within 14 days from the date the final statement is filed, the Court will conduct a non-oral or oral hearing and will promptly resolve the

objection. The payment of Court-approved guardian ad litem fees will be incorporated into the final entry and will be paid as ordered in the entry.

9.16 Fees: Judgment.

The Court shall have the discretion to enter a judgment against a party or parties in favor of the guardian ad litem for fees due and owing at the time that the final entry is filed.

9.17 Fees: Additional Deposit.

In cases involving protracted litigation, the guardian ad litem may request that the Court order the parties to deposit additional funds with the Clerk's Office for the payment of the guardian ad litem's fees and expenses.

9.18 Fees: When Attorney Appointed.

When the Court determines that a conflict exists between the views and opinions of the guardian ad litem and the child or children, the Court may appoint an attorney to represent the child or children. The fees and the expenses of the attorney shall be apportioned between or among the parties as the Court determines to be appropriate. When an attorney is appointed to represent the child or children, the payment of fees and expenses shall follow the same procedure established for the allowance and payment of fees and expenses for the guardian ad litem.

9.19 Handling of Comments and Complaints.

The Court Administrator shall accept and consider written comments and complaints regarding the performance of Guardians Ad Litem practicing before the Court. A copy of comments and complaints submitted to the Court shall be provided to the Guardian Ad Litem who is the subject of the complaint or comment. The Court Administrator may forward any comments and complaints to the Administrative Judge of the Court for consideration and appropriate action. Dispositions by the Court shall be made promptly. The Court will maintain a written record in the Guardian Ad Litem's file regarding the nature and disposition of any comment or complaint and shall notify the person making the comment or complaint and the subject Guardian Ad Litem of the disposition.

9.20 Service of Papers.

With the exception of Reports, which are to be filed only with the Court Administrator pursuant to Local Rule 9.08, guardians ad litem shall file

and serve all other pleadings and papers in cases to which they have been appointed in conformity to Civil Rule 5 of the Ohio Rules of Civil Procedure.

TITLE X: MAGISTRATE'S DECISION; JUDGMENT ENTRIES

10.01 Referrals to Magistrate

Pursuant to Civil Rules 53 and 65.1, all actions may be heard by a Magistrate of the Muskingum County Court of Common Pleas, Domestic Relations Division.

10.02 Objections to Magistrate's Decision

If objections are filed pursuant to Civil Rules 53 and 65.1, they must be accompanied by a Memorandum of Support. If a finding of fact or the weight of the evidence is the basis for such objection, said Motion and Memorandum in Support thereof shall contain a statement that a transcript of the proceeding has been requested from the Court and such transcript will be filed upon its preparation. A copy of a transcript of the proceedings may be obtained by filing a praecipe. The cost of such transcript shall be paid by the objecting party unless otherwise Ordered by the Court.

Failure to file a transcript shall constitute grounds for dismissal of said objections.

The Opposing party may file a reply to such objections within ten (10) days of receipt of notice of the filing of the objections or filing of supplemental objections, if applicable.

10.03 Decree of Post Decree Orders Involving Support

A. Mandated Notices: All Decrees of Divorce, Legal Separation, and Dissolution of Marriage and Post Decree Orders (Final Orders) involving support must contain all necessary language mandated by applicable sections of the Ohio Revised Code and must be approved by the Compliance Office. All such orders shall adopt the Standard Notifications (Appendix F), incorporated therein and attached thereto.

B. Mandated General Information: It is the responsibility of counsel and the parties to provide the Court with the current addresses of the parties; social security numbers, (where required by statute), and parties' dates of birth. This information, with the exception of social security numbers, should appear in the caption of all Complaints, Petitions, Final Decrees, Post-Decree Motions, and Agreed Orders. In addition, the names of employers, payroll addresses, pay cycles, health insurance information, name of financial institution, address, account numbers, etc. must be

reported to the Court on the Affidavit of Income and Expense and Financial Disclosure; Divorce/Dissolution Questionnaire, and Obligor/Obligee Information Sheet.

C. Filing of a Decree of Divorce/ Legal Separation/ Dissolution or Allocation of Parental Rights after Child Support has already been established in Juvenile Court or by Muskingum County Child Support Enforcement Agency.

(1) If parties filing a Decree of Divorce, Legal Separation or Dissolution have a current child support obligation previously established through the Muskingum County Juvenile Court or the Muskingum County Department of Job and Family Services, Child Support Division while the parties were not married, it shall be the responsibility of counsel and the parties to notify the Muskingum County Child Support Enforcement Agency of the filing of said Decree so that a request for impound hearing to terminate the Juvenile Court Child Support obligation may be filed in the Muskingum County Juvenile Court and any arrearage owed may be certified to the Domestic Relations Court Case.

D. Service by Publication Language: In the event service of the Complaint has been made by publication, and only in said event, the following language should be included in the final decree: "It appearing to the Court that the Defendant herein was served by publication, the matter of support is continued."

10.04 Order for Restoration of Former Name

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

10.05 Decree Provisions Regarding Pending Civil Protection Order

When there is a Civil Protection Order in existence at the conclusion of a divorce, dissolution or legal separation action, the Decree of Divorce, Dissolution or Legal Separation shall set forth whether any or all of its terms shall remain in effect. If the parties intend to cancel the Civil Protection Order, a separate Entry and Order shall be filed in such case.

TITLE XI: SPECIAL PROCEEDINGS

11.01 Petition to Register a Foreign Decree for Enforcement or Modification under the Uniform Child Custody Jurisdiction Enforcement Act (UCCJEA)

A Foreign Decree may be registered with this Court pursuant to Ohio Revised Code (UCCJEA) O.R.C. §3127. However, if the registering party is attempting to seek a determination or modification of Parental Rights and Responsibilities and/or Parenting Time, this Court shall act pursuant to the aforementioned Revised Code section.

The mere registration of a Decree pursuant to this rule does not vest this Court with jurisdiction to act pertaining to spousal support, child support, or property division.

It is necessary for the party seeking registration of a Foreign Decree to serve upon the adverse party the petition which requests registration. Such petition must not only set forth, with specificity, the rationale as to why this Court should assume jurisdiction, but shall also have attached thereto a certified copy of the original Foreign Decree and be filed with the Clerk of Courts. If this Court finds that it does have proper jurisdiction, it will act as if such Foreign Decree were a Decree originating from this Court.

Prior to issuing any orders, this Court must determine that it has jurisdiction to issue parenting orders pursuant to Ohio Rev. Code Section 3127. This Court will not exercise jurisdiction if, at the time of the filing of the action, a parenting proceeding is pending in another state exercising jurisdiction substantially in conformity with Ohio Rev. Code Section 3127 unless the Court in the other state has declined to exercise jurisdiction because this Court is the more appropriate forum.

Procedure for filings under UCCJEA (Uniform Child Custody Jurisdiction and Enforcement Act, Ohio Revised Code Section 3127.01, et seq.)

(A) An out of state child custody determination may be registered with this Court as provided in Ohio Rev. Code Section 3127.35 et seq. A Muskingum County case number is assigned to the registered order.

(B) This Court will modify an out of state custody determination only in accordance with Ohio Rev. Code Sections 3127.15 through 3127.24.

(C) This Court will recognize and enforce a custody determination of another state as provided in Ohio Rev. Code Sections 3127.33 through 3127.47.

Procedure for filing a request for registration of a foreign judgment under Full Faith and Credit.

(A) The registration of a foreign judgment shall be commenced by the filing of:

(1) A certified copy of the foreign judgment;

(2) An Affidavit setting forth the names and addresses of the judgment creditor/obligee and judgment debtor/obligor; and

(3) Instructions for the Clerk of Courts to send notice of the filing, including the name and address of the judgment creditor/obligee to the judgment debtor/obligor at the address given.

(B) A foreign judgment so filed has the same effect and is subject to the same procedures, defenses and proceedings as a judgment of this Court.

(C) The Clerk of Courts shall not accept any action or proceeding for filing without the required deposit as security for costs as set forth in the schedule of filing fees.

11.02 Petition to Adopt Foreign Decree of Enforcement or Modifications of Support

Such petitions shall be filed in accordance with Ohio Revised Code 2329.021-2329.027, and 3115.01-3115.34.

11.03 Procedure to Register, Enforce or Modify Foreign Orders

(A) The registration of a support order or income withholding order of another state shall be accomplished as set forth in Ohio Rev. Code Section 3115 et seq. A Muskingum County case number is assigned to the registered order.

(B) The registering party shall prepare and submit to the Court a notice to the non-registering party that complies with Ohio Rev. Code Section 3115.42.

(C) If the non-requesting party does timely request a hearing to contest the validity or enforcement of the registered order pursuant to Ohio Rev. Code Section 3115.43 and fails to establish a defense pursuant to Ohio Rev. Code Section 3113.44, the registering party shall prepare and

submit to the Court for signature an order confirming the registered order.

If the non-registering party timely requests a hearing to contest the validity or enforcement of the registered order, the Court shall schedule a hearing, with notice to all parties.

(D) A support order, as defined in Ohio Rev. Code Section 3115.01(W), includes an order for spousal support.

(E) A state, as defined in Ohio Rev. Code Section 3115.01 (U), includes Indian tribes and foreign jurisdictions that have enacted a law or established procedures for issuance and enforcement of support orders that are substantially similar to the procedures under Ohio Rev. Code Sections 3115.01 to 3115.59.

(F) A party seeking to register a support order of another state for the purpose of enforcement or modification shall file the documents and information required by Ohio Revised Code Section 3115.39 in the office of the Clerk of Courts. Upon filing, the Clerk of Courts shall send notice of the registration to the non-registering party, as required by Ohio Rev. Code Section 3115.42.

Pursuant to Ohio Revised Code Section 3115.43, the non-registering party may contest the validity or enforcement of the registered order by filing a motion and requesting a hearing no later than twenty days after the date of mailing or personal service of the notice of registration. If the non-registering party fails to file a timely motion and request for hearing, the order is confirmed by operation of law.

If the non-registering party files a timely motion and request for hearing, the Court will conduct a hearing to determine whether the registered order should be confirmed. The party contesting the validity or enforcement of a registered order or seeking to vacate the registration has the burden of proving one or more of the defenses listed in Ohio Rev. Code Section 3115.44.

Registration of a support order of another state does not vest this Court with jurisdiction to enforce or modify parenting orders.

11.04 Domestic Violence Policy

Any action requesting relief from civil protection orders will be governed by Ohio Revised Code 3113.31 as amended.

TITLE XII: COURT RECORDINGS.

12.01 Court Recordings

The Court records all hearings electronically. Electronic recordings are the official record. Electronic recordings, audio tapes, and any stenographer notes shall be maintained by the Court for three years from the date of the particular recording. Any interested party or non-party desiring to preserve the record beyond that period must make arrangements with the appropriate court personnel to have the record transcribed or designated for permanent storage.

If an electronic recording of a hearing in front of a Judge or Magistrate is not available for purposes of appeal, refer to App. R. 9(C).

12.02 Transcripts

Transcripts may be ordered by making a written request. The original request must be filed with the clerk of courts and a copy either hand-delivered or mailed directly to the judge or magistrate's office. All requests for transcripts must include the full case caption, and case number including the date and time of the hearing. The compensation rates for preparing transcripts shall be determined by the transcriptionist.

The official record for purposes of appeal, or to prosecute or defend objections to a magistrate's decision, remains the transcript as prepared by an official court transcriptionist designated by the Court. Unless otherwise ordered, Tayhi Video and Court Reporting, 334 Main Street, Zanesville, OH 43701 telephone (740) 454-7157 shall be the court transcriptionist.

12.03. Electronic Copies of Court Recordings

Copies of electronic recordings on compact disc may be ordered by written request made to the Court.

12.04 *Pro Hac Vice*

Attorneys who wish to appear *pro hac vice* must comply with Gov. Bar R. XII regarding *pro hac vice* certification and familiarize themselves with these Local Rules.

12.05 Magistrate

The Court has referred to the magistrate all domestic relations actions, including but not limited to divorces, parentage proceedings, actions for legal separation, dissolutions, annulments, pre-decree and post-decree motions, domestic violence petitions, anti-stalking petitions, actions for establishment of support in Title IV-D cases, actions to enforce prior child and spousal support orders, actions to enforce support orders of this Court in Title IV-D cases, actions filed pursuant to foreign decrees and support orders and motions relating to the issuance, modification and termination of child support enforcement orders. The Court has specifically referred to the magistrate any civil or criminal, non-jury matter ordered by the Court.

TITLE XIII: MISCELLANEOUS

13.01 Conversion of Divorce Action to Dissolution Action and Conversion of Dissolution Action to Divorce Action

Pursuant to O.R.C. Sections 3105.08 and 3105.62, an action for divorce may be converted to an action for dissolution upon the filing of a motion, along with a Petition of Dissolution, a Separation Agreement and any necessary supporting documents. The motion shall be submitted with an entry substantially similar to the form attached in Appendix I – Pursuant to O.R.C. Section 3105.65, an action for dissolution may be converted to an action for divorce upon the filing of a motion along with a Complaint for Divorce and any necessary Affidavits. The motion shall be submitted with an Entry substantially similar to the form attached in Appendix H - the balance of money on deposit in the dissolution action will be transferred to the divorce action. An additional deposit for costs may be required by the Clerk of Courts.

13.02 Bankruptcy

Upon filing of a bankruptcy petition, counsel or parties shall file a Notice of Bankruptcy Case Filing with the Clerk of Courts.

11 U.S.C. Section 62(a)(1) through (8) permits the Court to proceed with any hearings and conferences that do not affect the petition pending in the Bankruptcy Court.

13.03 Professionalism Rule

The judge, magistrates, and all court employees shall afford each and every individual coming into our court, a level of courtesy and professionalism that is befitting the esprit-de corps of the Common Pleas Court and the system of justice it represents.

13.04 Drug Testing

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

TITLE XIV MEDIA COVERAGE OF COURT PROCEEDINGS

- A. Requests for permission to broadcast, televise, photograph or record during sessions in the Courtrooms shall be made in writing to the Judge presiding at such proceedings and shall be made on the appropriate application form available from the Court. Such application shall be made as far in advance as is reasonably possible but in no event later than forty-eight (48) hours prior to the courtroom session to be broadcast, televised, photographed or recorded. The trial judge may waive the advance notice provision upon a showing of good and substantial cause therefore. All applications shall become part of the record of the proceedings.
- B. Pursuant to Canon 3(A) of the Code of Judicial Conduct and Superintendence Rule 11 of the Ohio Supreme Court the trial judge shall grant the request and record that permission in writing setting forth therein, any conditions not provided for by this rule. Provided also that the trial judge may impose further conditions upon media representatives during the course of the proceedings if, in the judge's discretion, they are deemed necessary.
- C. All media representatives interested in recording courtroom proceedings by audio, video or photographic means shall do so through the pooling of their respective resources. Local media representatives shall select a pool coordinator who shall take responsibility for:
 - a. Placing and operating stationary cameras inside the courtroom
 - b. Placing and operating all audio equipment and
 - c. Making the technical arrangements necessary for the feeding the output from this equipment to all participating locations outside the courtroom.

The pool coordinator shall consult with the trial judge in advance about possible camera and microphone locations inside the courtroom. All pooling arrangements are the responsibility of the media representatives. Such arrangements shall be made without

involving the court but subject to the trial judge's approval. If any disputes arise, the trial judge may exclude all contesting media representatives.

- D. Not more than one (1) portable camera (television, video tape or movie) with one (1) operator and not more than one (1) still photographer using not more than two (2) still cameras of professional quality, with not more than two (2) lenses for each camera shall be permitted. Motor drives or auto winders are not permitted. No artificial lighting other than that normally used in the courtroom shall be used.

Media representatives shall be afforded a clear view of proceedings in the courtroom but shall not be permitted to move about in the courtroom during the court proceedings except for reasonable ingress to and egress from the courtroom.

No interviews shall be permitted inside the courtroom or in any area connected with or adjacent to the courtrooms, Clerk of Courts' office, court chambers or in the elevator or on the stairways connected to the second floor of the Richard D. Hixson Court and Government Services Building before, during or after sessions including recesses between sessions.

Broadcasting, televising, recording and photographing shall not be permitted in any area connected with or adjacent to the courtrooms, the Clerk of Courts' office, court chambers, elevator or stairways, connected to the second floor of the Richard D. Court and Government Services Building before, during or after sessions including recesses between sessions. Witnesses waiting to testify and jurors going to and from the jury room are in these areas therefore the above described media activity is prohibited.

All equipment needed for the pool shall be located where possible outside the courtroom. Changes of cassettes or film shall not be made inside the courtroom during proceedings. No equipment shall be used inside the courtroom which produces distracting sounds. All equipment in the courtroom must be set up fully and be operational before the beginning of the court proceedings.

- E. If the courtroom has an existing audio system that is technically satisfactory for broadcast purposes, the media pool shall utilize this system. If no such system is available, the pool shall place microphones and wiring as unobtrusively as possible after initial consultation with the judge and his permission therefore is obtained. Only one (1) audio system is permitted in each courtroom.

- F. There shall be no audio pickup of conferences conducted in any court facility between attorneys and clients or co-counsel, counsel or of conferences conducted at the bench between counsel and the judge.

It shall be the responsibility of counsel for each side to advise witnesses of their rights to object to being filmed, videotaped, recorded or photographed and the Court shall place such advices and their written response thereto of record prior to their appearance on the witness stand and outside the presence of the jury. Only those who have expressly granted permission to do so may be filmed, videotaped, recorded or photographed.

Proper courtroom decorum and dress shall be maintained by media representatives in the courtroom at all times.

- G. The failure of any media representative to comply with the conditions prescribed by the judge, the Rule or the Superintendence Rules of the Supreme Court may result in the revocation of permission to broadcast, televise, record or photograph a trial or hearing.

TITLE XV: EFFECTIVE DATE

15.01 Effective Date

These local rules shall be effective **March 1, 2020** and shall govern all proceedings in actions brought after they take effect and also further proceeding in pending actions, except to the extent that, in the opinion of the Court, their application in a particular action pending on the effective date would not be feasible or would work an injustice, in which event, the former procedure applies.

TITLE XVI: – APPENDICES

These Appendices are at all times, subject to change and without specific amendment of these Rules, and are available through the Court's Compliance Office and website:

<http://clerkofcourts.muskingumcounty.org/pdfs/CPC%20Domestic%20Rules.pdf>

APPENDIX A

A LAWYER'S CREED

To my clients, I offer loyalty, confidentiality, competence, diligence, and my best judgment. I shall represent you as I would want to be represented and be worthy of your trust. I shall counsel you with respect to alternative methods to resolve disputes. I shall endeavor to achieve your lawful objectives as expeditiously and economically as possible.

To the opposing parties and their counsel, I offer fairness, integrity, and civility. I shall not knowingly make misleading or untrue statement of fact or law. I shall endeavor to consult with and cooperate with you in scheduling meetings, depositions, and hearings. I shall avoid excessive and abusive discovery. I shall attempt to resolve differences and, if we fail, I shall strive to make our dispute a dignified one.

To the courts and other tribunals, and to those who assist them, I offer respect, candor, and courtesy. Where consistent with my client's interests, I shall communicate with opposing counsel in an effort to avoid or resolve litigation. I shall attempt to agree with other counsel on a voluntary exchange of information and on a plan for discovery. I shall do honor to the search for justice.

To my colleagues in the practice of law, I offer concern for your reputation and well-being. I shall extend to you the same courtesy, respect, candor, and dignity that I expect to be extended to me.

To the profession, I offer assistance in keeping it a calling in the spirit of public service, and in promoting its understanding and an appreciation for it by the public. I recognize that my actions and demeanor reflect upon our system of justice and our profession, and I shall conduct myself accordingly.

To the public and our system of justice, I offer service. I shall devote some of my time and skills to community, governmental and other activities that promote the common good. I shall strive to improve the law and our legal system and to make the law and our legal system available to all.

APPENDIX B

COURT PERSONNEL AND KEY CONTACTS

Judge

Jeffrey A. Hooper (740) 455-7190
(740) 455-7198 (fax)

Magistrate

Thomas J. Tompkins.....(740) 455-7190

Assignment Commissioner

Lori Shook..... (740) 455-7190

Parenting Services Coordinator/Mediator

J. Aaron Cash..... (740) 455-7190

Custody Investigator

Wendy Roush.....(740) 455-7190

Head of Security

Joe Peyton..... (740) 455-7190

Assistant Head of Security

Ryan Trout..... (740) 455-7190

Bailiff

Luke Miller.....(740) 455-7190

Security

Brett Eisenhauer..... (740) 455-7190

Clerk of Courts(740) 455-7898

Child Support Enforcement Agency.....(740) 455-7146

APPENDIX C

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

In re: Standard Parenting Time Order

(Effective July 1, 2010)

Journal 175 Page 868

The needs and circumstances of each child and of each parent are unique and these needs and circumstances change over time. Therefore, the Court strongly encourages parents to agree on a parenting time schedule that is specifically tailored to meet the specific needs and circumstances of their child and of each other. Parents having difficulty reaching an agreement on a parenting time schedule may utilize the Court's mediation program free of charge. More information about the mediation program is available by contacting the Court at (740)455-7190.

Parents who wish to adopt the Court's Standard Parenting Time Order by agreement should carefully review the standard parenting time schedule and adjust it to accommodate their specific circumstances.

In cases where the parents fail to agree on a parenting time schedule, the Court will adopt its Standard Parenting Time Order as the *minimum* parenting time schedule in the case, unless that schedule would not be in the child's best interest because of the specific circumstances in the case.

All provisions of the Standard Parenting Time Order other than the parenting time schedules are incorporated by reference into all parenting orders, including orders adopting parenting plans, unless 1) the parenting order expressly states otherwise or 2) a specific term of the parenting order is in direct conflict with a provision of the Standard Parenting Time Order, in which case the specific term of the parenting order shall prevail.

**STANDARD PARENTING TIME ORDER
For
Children Under Eighteen (18) Months of Age**

Because of the developmental needs of very young children, it is imperative that both parents frequently observe, share, and participate in activities with the child. The Court encourages the nonresidential parent to exercise parenting time frequently with the child, even if the duration of each visit is relatively

short. Over time, the duration of each visit should increase and the frequency of the visits may decrease.

Unless the parents agree otherwise, they shall comply with the following parenting time order, *as a minimum*, until the child reaches the age of 18 months.

1. Birth to six months: The nonresidential parent shall exercise parenting time every other day from 5:00 p.m. to 7:30 p.m.

2. Six months to one year: The nonresidential parent shall exercise parenting time every other day from 5:00 p.m. to 7:30 p.m. In addition, the nonresidential parent shall exercise parenting time every Saturday from noon until 7:30 p.m.

3. One year to 18 months: The nonresidential parent shall exercise parenting time on Mondays and Wednesdays from 5:00 p.m. to 7:30 p.m. In addition, the nonresidential parent shall exercise parenting time every weekend from 6:00 p.m. on Friday until 6:00 p.m. on Saturday.

4. Transportation: The nonresidential parent shall provide transportation at the beginning of his or her parenting time period and the residential parent shall provide transportation at the end of that parenting time period. If circumstances prevent a parent from personally providing transportation, another responsible adult, such as a grandparent or stepparent, may provide the transportation. (However, parenting time does not mean picking up the child and then leaving the child with someone else.)

5. Promptness: The child and the residential parent have no duty to await the nonresidential parent for more than thirty (30) minutes at the beginning of the nonresidential parent's parenting time. A nonresidential parent who is more than thirty (30) minutes late shall forfeit that parenting time period. Except in cases of last-minute emergencies, a parent who cannot exercise parenting time as scheduled shall notify the other parent at least twenty-four (24) hours in advance.

6. Child's Illness: Because parenting includes the responsibility to care for the child during periods of illness, as well as during periods of health, parenting time should not ordinarily be canceled because of the child's illness. If the child's illness is so severe as to require parenting time to be cancelled, the cancelled parenting time need not be rescheduled.

7. Clothing, diapers, formula, etc...: The nonresidential parent shall be responsible for providing diapers, formula, bottles, etc... for the child's use during his or her parenting time. The residential parent shall provide clothing for the child's use during parenting time with the nonresidential parent. The clothing shall be appropriate to the season and in sufficient quantity. The

nonresidential parent shall return the clothing provided by the residential parent at the end of the parenting time period.

8. Medication: If the child is taking medication (prescription or non-prescription) upon the advice of a physician, the residential parent shall send with the child sufficient medication to last the entire parenting time period, **WRITTEN** instructions for the administration of the medication to the child, and the name and telephone number of the physician or other appropriate medical care provider. Absent extraordinary circumstances, the nonresidential parent shall administer the medication to the child according to the residential parent's written instructions and shall return any unused medication to the residential parent at the end of the parenting time period.

9. Communication between Parents: Parents shall communicate directly with each other about matters concerning the child. EXCEPT IN AN EMERGENCY, PARENTS SHALL NOT USE THE CHILD, A RELATIVE, OR ANY OTHER HOUSEHOLD MEMBER AS A MESSENGER OR GO-BETWEEN. Each parent shall provide the other parent with his or her current residence address, mailing address, and telephone number, and shall immediately notify the other parent of any changes in that information.

10. Notification of Illness/Injury: A parent shall immediately notify the other parent when a child suffers any illness or injury that requires treatment by a physician or other health care provider.

11. Notice of Relocation: If the residential parent intends to move his or her residence, the residential parent shall immediately file a written relocation notice with the Court, unless otherwise ordered. The written notice shall include the following: a) the case number under which the original parenting time or visitation order was issued; b) the residential parent's name, old address, and new address; and c) the nonresidential parent's name and present address. Upon receipt of this notice, the Court shall file the original and send the nonresidential parent a copy of the notice.

12. Relocation: If a parent intends to relocate his or her residence and the relocation will increase the distance from the other parent's home by more than thirty (30) miles, the relocating parent shall first obtain a modified parenting time order that accommodates the increased distance and travel time.

13. Records Access: Subject to Sections 3125.16 and 3319.321(F) Ohio Revised Code, the nonresidential parent is entitled to access any record related to the child under the same terms and conditions that access is provided to the residential parent. **NOTICE TO KEEPER OF RECORDS: Any keeper of a record who knowingly fails to comply with this order or with Section 3109.051 (H) Ohio Revised Code is in Contempt of Court.**

14. Day Care Center Access: The nonresidential parent shall have access, in accordance with Section 5104.011 Ohio Revised Code, to any child day care

center attended by the child under the same terms and conditions that access is provided to the residential parent.

15. School Activity Access: Subject to Section 3319.321(F) Ohio Revised Code, the nonresidential parent shall have access to any student activity involving the child under the same terms and conditions that access is provided to the residential parent. **NOTICE TO SCHOOL OFFICIALS AND EMPLOYEES: Any school official or employee who knowingly fails to comply with this order or with Section 3109.051(J) Ohio Revised Code is in Contempt of Court.**

16. Mediation Clause: Before filing formal court action to enforce or modify the allocation of parental rights and responsibilities, including parenting time, parents shall attempt to resolve disputes through mediation.

17. Modifications: Parents may informally modify how parenting time is exercised by agreement. However, unless the Court has approved the modification in writing, the parents must resume using the court-ordered parenting time schedule if either party so desires.

18. IT IS THE AFFIRMATIVE DUTY OF THE PARENT EXERCISING PHYSICAL CUSTODY OF THE CHILD TO MAKE CERTAIN THAT THE CHILD GOES FOR ALL PARENTING TIME PERIODS WITH THE OTHER PARENT.

**STANDARD PARENTING TIME ORDER
For
Children Eighteen (18) Months of Age and Older**

Unless the parents agree otherwise, they shall comply with the following parenting time order, *as a minimum*, after the child reaches the age of 18 months.

1. Weekends: The nonresidential parent shall exercise parenting time every other weekend from Friday at 5:00 p.m. until Sunday at 7:30 p.m. Unless the parents agree otherwise, the nonresidential parent shall be responsible for providing the child's evening meal on Sunday before the child returns to the residential parent.

2. Weekdays: The nonresidential parent shall exercise parenting time every Wednesday from 5:00 p.m. to 7:30 p.m. Unless the parents agree otherwise, the nonresidential parent shall be responsible for providing the child's evening meal before the child returns to the residential parent.

3. Holidays:

(A) The parents shall exercise parenting time during holidays as follows:

Even-Numbered Years	
Residential Parent	Nonresidential Parent
Martin Luther King Day: from 5:00 p.m. the day before the holiday until 7:30 p.m. on the holiday.	President's Day: from 5:00 p.m. the day before the holiday until 7:30 p.m. on the holiday.
Easter: from 5:00 p.m. the day before Easter to 7:30 p.m. on Easter Day.	Spring Break: from 5:00 p.m. the day school recesses until 7:30 p.m. the day before school resumes, but only if the child is in school and the child's school schedule provides a spring break.
Fourth of July: from 5:00 p.m. on July 3rd to 7:30 on July 5th.	Memorial Day: from 5:00 p.m. the day before the holiday until 7:30 p.m. on the holiday.
Thanksgiving: from 5:00 p.m. the day before Thanksgiving until 7:30 p.m. the day after Thanksgiving.	Labor Day: from 5:00 p.m. the day before the holiday until 7:30 p.m. on the holiday
Christmas Holiday: from 9:00 a.m. the day after school recesses (or 9:00 a.m. on December 20 if the child does not attend school) until noon on December 25.	Christmas Holiday: from noon on December 25 through 7:30 p.m. on January 1.
Child's Birthday: from 5:00 p.m. until 7:30 p.m. on the child's birthday (if	Child's Birthday: from 5:00 p.m. until 7:30 p.m. on the day after the child's

more than one child, parenting time shall be with all of the children).	birthday (if more than one child, parenting time shall be with all of the children).
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Odd-Numbered Years	
Nonresidential Parent	Residential Parent
Martin Luther King Day: from 5:00 p.m. the day before the holiday until 7:30 p.m. on the holiday.	President's Day: from 5:00 p.m. the day before the holiday until 7:30 p.m. on the holiday.
Easter: from 5:00 p.m. the day before Easter to 7:30 p.m. on Easter Day.	Spring Break: from 5:00 p.m. the day school recesses until 7:30 p.m. the day before school resumes, but only if the child is in school and the child's school schedule provides a spring break
Fourth of July: from 5:00 p.m. on July 3rd to 7:30 on July 5th.	Memorial Day: from 5:00 p.m. the day before the holiday until 7:30 p.m. on the holiday.
Thanksgiving: from 5:00 p.m. the day before Thanksgiving until 7:30 p.m. the day after Thanksgiving.	Labor Day: from 5:00 p.m. the day before the holiday until 7:30 p.m. on the holiday.
Christmas Holiday: from 9:00 a.m. the day after school recesses (or 9:00 a.m. on December 20 if the child does not attend school) until noon on December 25.	Christmas Holiday: from noon on December 25 through 7:30 p.m. on January 1.

<p>Child's Birthday: from 5:00 p.m. until 7:30 p.m. on the child's birthday (if more than one child, parenting time shall be with all of the children).</p>	<p>Child's Birthday: from 5:00 p.m. until 7:30 p.m. on the day after the child's birthday (if more than one child, parenting time shall be with all of the children).</p>
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(B) Mother's/Father's Day: On Mother's Day and Father's Day, no matter whose turn for parenting time, the child shall be with the appropriate parent from 9:00 a.m. until 7:30 p.m.

(C) Parent's Birthday: On a parent's birthday, no matter whose turn for parenting time, the child shall be with that parent from 9:00 a.m. (or, if the child is in school on that day, from after school) until 7:30 p.m.

(D) Other Days of Special Meaning: Parenting time during other times of special meaning to the parents and child, such as Kwanza, Passover, Rosh Hashanah, should be decided by agreement. If the parents cannot agree, they shall alternate these days of special meaning in the same manner as they alternate the holidays listed in Paragraph 3(A).

4. Summer: (One option must be selected at the time the parenting time order is issued.)

(A) Option 1 (Two-week rotating schedule): During the child's summer break from school, the parents shall exercise parenting time in alternating two-week periods (beginning and ending at 5:00 p.m. on Fridays). The nonresidential parent shall exercise the first two week block of summer parenting time, which shall begin at 5:00 p.m. on the first Friday after school recesses for the summer, followed by the residential parent exercising a two-week block of summer parenting time. This alternating pattern shall continue during the remainder of the summer school recess. The summer parenting time schedule shall end at 5:00 p.m. on the last Friday before school resumes at the end of summer. (If the child is not attending school, "summer" shall begin on the first Friday in June and end on the last Friday in August.) The regular weekend and midweek parenting time schedule shall not apply during the summer; however, holiday parenting time takes precedence over the summer parenting time schedule. The regular weekend and midweek parenting time schedule shall resume on the first Friday after school begins.

(B) Option 2 (One-week rotating schedule): During the child's summer break from school, the parents shall exercise parenting time on alternating weeks (beginning and ending at 5:00 p.m. on Fridays). The

nonresidential parent shall exercise the first week of summer parenting time, which shall begin at 5:00 p.m. on the first Friday after school recesses for the summer, followed by the residential parent exercising a week of summer parenting time. This alternating pattern shall continue during the remainder of the summer school recess. The summer parenting time schedule shall end at 5:00 p.m. on the last Friday before school resumes at the end of summer. (If the child is not attending school, “summer” shall begin on the first Friday in June and end on the last Friday in August.) The regular weekend and midweek parenting time schedule shall not apply during the summer; however, holiday parenting time takes precedence over the summer parenting time schedule. The regular weekend and midweek parenting time schedule shall resume on the first Friday after school begins.

(C) Option 3 (Summer divided on July 15): In even-numbered years the residential parent shall exercise parenting time until 5:00 p.m. on July 15, and the nonresidential parent shall exercise parenting time beginning 5:00 p.m. on July 15 and ending at 5:00 p.m. on the last Friday before school resumes at the end of summer. In odd numbered years, the nonresidential parent shall exercise parenting time beginning at 5:00 p.m. on the day after school recesses for the summer and ending at 5:00 p.m. on July 15, and the residential parent shall exercise parenting time beginning at 5:00 p.m. on July 15 and ending at 5:00 p.m. on the last Friday before school resumes at the end of summer. (If the child is not attending school, “summer” shall begin on the first Friday in June and end on the last Friday in August.) Alternating weekend and midweek parenting time shall be exercised by the parent who is not exercising his or her half of the summer schedule; however, the parent exercising his or her half of the summer schedule may take a vacation with the child of not more than fourteen days, uninterrupted by the other parent’s weekend and midweek parenting time. Holiday parenting time takes precedence over the summer parenting time schedule.

5. Split Custody Situations: Where each parent is the residential parent of one or more of their children, parenting time should be exercised so that the children are together each weekend, during all holidays, and during the summer. Unless the parents agree otherwise, the parent whose birthday occurs earliest in a calendar year shall be considered the “residential parent” of all of the children for the limited purpose of allocating parenting time for holidays and the summer.

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6. School Work: The nonresidential parent shall provide adequate time for the child to study and complete homework assignments, even if the completion of homework interferes with the parent's plans for the child. The residential parent is responsible for providing the nonresidential parent with information about these homework assignments.

7. Extracurricular Activities: The child should be permitted to continue participating in extracurricular activities, school related or otherwise, regardless of which parent is exercising parenting time. **The parents shall consult with each other about the scheduling of extracurricular activities.** The parent exercising parenting time when an extracurricular activity is scheduled shall provide the child's transportation to the activity. Each parent shall provide the other parent with a schedule of all extracurricular activities, and the name, address, and telephone number of the activity leader. The parent who is not exercising parenting time when an activity occurs is entitled to attend and participate in the activity to the same extent the other parent is entitled to attend and participate in the activity.

8. Electronic Communication: A parent and the child shall be permitted to communicate with each other by available electronic media (e.g. telephone, cell phone, email, fax, web cam, etc...). Telephone and cell phone calls shall be made during the child's normal waking hours. If the child is unavailable for conversation when a call from a parent is made, the parent exercising physical custody of the child shall permit the child to return the call within a reasonable time.

9. Transportation: The nonresidential parent shall provide transportation at the beginning of his or her parenting time period and the residential parent shall provide transportation at the end of that parenting time period. If circumstances prevent a parent from personally providing transportation, another responsible adult, such as a grandparent or stepparent, may provide the transportation. (However, parenting time does not mean picking up the child and then leaving the child with someone else.)

10. Promptness: The child and the residential parent have no duty to await the nonresidential parent for more than thirty (30) minutes at the beginning of the nonresidential parent's parenting time. A nonresidential parent who is more than thirty (30) minutes late shall forfeit that parenting time period. Except in cases of last-minute emergencies, a parent who cannot exercise parenting time as scheduled shall notify the other parent at least twenty-four (24) hours in advance.

11. Child's Illness: Because parenting includes the responsibility to care for the child during periods of illness, as well as during periods of health, parenting time should not ordinarily be canceled because of the child's illness. If the child's illness is so severe as to require parenting time to be cancelled, the cancelled parenting time need not be rescheduled.

12. Clothing: The residential parent shall provide clothing for the child's use during parenting time with the nonresidential parent. The clothing shall be appropriate to the season and in sufficient quantity. (When the duration of the parenting time exceeds two overnights, the nonresidential parent is expected to launder or clean the child's clothing as needed.) The nonresidential parent

shall return the clothing provided by the residential parent at the end of the parenting time period.

13. Medication: If the child is taking medication (prescription or non-prescription) upon the advice of a physician, the residential parent shall send with the child sufficient medication to last the entire parenting time period, **WRITTEN** instructions for the administration of the medication to the child, and the name and telephone number of the physician or other appropriate medical care provider. Absent extraordinary circumstances, the nonresidential parent shall administer the medication to the child according to the residential parent's written instructions and shall return any unused medication to the residential parent at the end of the parenting time period.

14. Communication between Parents: Parents shall communicate directly with each other about matters concerning the child. EXCEPT IN AN EMERGENCY, PARENTS SHALL NOT USE THE CHILD, A RELATIVE, OR ANY OTHER HOUSEHOLD MEMBER AS A MESSENGER OR GO-BETWEEN. Each parent shall provide the other parent with his or her current residence address, mailing address, and telephone number, and shall immediately notify the other parent of any changes in that information.

15. Notification of Illness/Injury: A parent shall immediately notify the other parent when a child suffers any illness or injury that requires treatment by a physician or other health care provider.

16. Notice of Relocation: If the residential parent intends to move his or her residence, the residential parent shall immediately file a written relocation notice with the Court, unless otherwise ordered. The written notice shall include the following: a) the case number under which the original parenting time or visitation order was issued; b) the residential parent's name, old address, and new address; and c) the nonresidential parent's name and present address. Upon receipt of this notice, the Court shall file the original and send the nonresidential parent a copy of the notice.

17. Relocation: If a parent intends to relocate his or her residence and the relocation will increase the distance from the other parent's home by more than thirty (30) miles, the relocating parent shall first obtain a modified parenting time order that accommodates the increased distance and travel time.

18. Records Access: Subject to Sections 3125.16 and 3319.321(F) Ohio Revised Code, the nonresidential parent is entitled to access any record related to the child under the same terms and conditions that access is provided to the residential parent. **NOTICE TO KEEPER OF RECORDS: Any keeper of a record who knowingly fails to comply with this order or with Section 3109.051 (H) Ohio Revised Code is in Contempt of Court.**

19. Day Care Center Access: The nonresidential parent shall have access, in accordance with Section 5104.011 Ohio Revised Code, to any child day care

center attended by the child under the same terms and conditions that access is provided to the residential parent.

20. School Activity Access: Subject to Section 3319.321(F) Ohio Revised Code, the nonresidential parent shall have access to any student activity involving the child under the same terms and conditions that access is provided to the residential parent. **NOTICE TO SCHOOL OFFICIALS AND EMPLOYEES: Any school official or employee who knowingly fails to comply with this order or with Section 3109.051(J) Ohio Revised Code is in Contempt of Court.**

21. Mediation Clause: Before filing formal court action to enforce or modify the allocation of parental rights and responsibilities, including parenting time, parents shall attempt to resolve disputes through mediation.

22. Modifications: Parents may informally modify how parenting time is exercised by agreement. However, unless the Court has approved the modification in writing, the parents must resume using the court-ordered parenting time schedule if either party so desires.

23. IT IS THE AFFIRMATIVE DUTY OF THE RESIDENTIAL PARENT TO MAKE CERTAIN THAT THE CHILD GOES FOR ALL PARENTING TIME WITH THE NONRESIDENTIAL PARENT.

IT IS SO ORDERED.

APPENDIX D

POVERTY AFFIDAVIT

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

CASE NO. _____

D.O.B. _____

Judge Jeffrey A. Hooper

Plaintiff/ Petitioner I

D.O.B. _____

Poverty Affidavit

Defendant/ Petitioner II

O.R.C. 2323.30, 2323.31

I, _____, being duly sworn and says:

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

Signature

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

Notary Public

ATTORNEY CERTIFICATION

(Required if affiant is represented by counsel):

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

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

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

Ohio Civil Rule 11 Signature
Requirements

APPENDIX E

NOTICE OF INTENT TO RELOCATE

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

Plaintiff/Petitioner I/Petitioner Case Number_____

-vs- Judge _____

Defendant/Petitioner II/Respondent

I, _____ will be moving from _____
(name) (current address)
_____ to _____
(Future address)

on _____.
(date of move)

I certify that I have sent copies of this Notice to
_____ at
(Other parent's name)
_____ on _____
(former spouse's current address or last known address) (date)

the Muskingum County Domestic Relations Court at 22 N. Fifth Street,
Zanesville, OH 43701, and (if applicable) the Muskingum County Child Support
Enforcement Agency (CSEA), P.O. Box 9, Zanesville, Ohio 43702-0009

Signature

APPENDIX F

STANDARD NOTIFICATIONS

In the Common Pleas Court of Muskingum County, Ohio Domestic Relations Division

Mandatory Standard Notice Regarding Support, Medical Insurance, and Parental Access.

CHILD SUPPORT ORDER

The Child Support Obligor(s) is(are):

The Child Support Oblige(e)s is(are):

The name(s) and birthdate(s) of the child(ren) for whom the support is ordered is(are):

- 1.
- 2.
- 3.

The Child Support Obligor shall pay:

1. \$ per month, plus 2% processing charge, for current child support, and
2. \$ per month, plus 2% processing charge, for cash medical support.

If an arrearage accrues in child support, cash medical support, or processing charge, the Child Support Obligor shall pay an additional \$ per month, plus 2% processing charge, toward arrearages until the arrearage is paid in full.

The current child support obligation and cash medical support obligation shall continue as to each child until the child reaches the age of eighteen (18) years, the support obligor dies, the child dies, or the child becomes otherwise

emancipated, whichever first occurs; however, as long as the child continuously attends on a full-time basis any recognized and accredited high school, the current child support obligation and cash medical support obligation shall continue until the child reaches the age of nineteen (19) years. The current child support obligation and cash medical support obligation shall continue during the child's seasonal vacation periods.

Any prior *administrative* child support order issued for the same child(ren) shall be terminated as of the effective date of this court child support order. Arrearages or overpayments accrued under any such administrative order shall be preserved. If the Obligor(s) *and* the Oblige(e)s under the court child support order are identical to the Obligor(s) *and* the Oblige(e)s under the administrative order, the preserved arrearages or overpayments shall be carried over into the SETS account established to administer the court child support order entered in the within case.

All payments of support shall be made through the Muskingum County Job and Family Services, Child Support Division, 1830 East Pike, P .O. Box 9, Zanesville, OH 43702-0009 (open weekdays from 7:15 a.m. - 4:45 p.m.) or through Ohio Child Support Payment Central, P.O. Box 182372, Columbus, OH 43218. Payments by certified check, money order, personal check, or traveler's check MUST be made through Ohio Child Support Payment Central. The Muskingum County Job and Family Services, Child Support Division, accepts cash payments, MasterCard, VISA, and Discover. Include the case number, the SETS number (an account number assigned by the Child Support Division), the name of Child Support Obligor, and the name of the Child Support Oblige(e) with all payments.

Any payment of money by the Child Support Obligor to the Child Support Oblige(e) that is not made through the Ohio Child Support Payment Central, or the Muskingum County Job and Family Services, Child Support Division, shall not be considered a payment of support under the support order and, unless the payment is made to discharge an obligation other than support, shall be deemed to be a gift.

All support under this order shall be withheld or deducted from the income or assets of the Child Support Obligor pursuant to a withholding or deduction

notice or appropriate order issued in accordance with ORC Chapters 3119, 3121, 3123, and 3125 or a withdrawal directive issued pursuant to ORC sections 3123.24 to 3123.38 and shall be forwarded to the Child Support Oblige in accordance with ORC Chapters 3119, 3121, 3123, and 3125. The Muskingum County Job and Family Services, Child Support Division, shall issue the appropriate withholding or deduction notice.

Regardless of the frequency or amount of support payments to be made under the order, the Muskingum County Job and Family Services, Child Support Division, shall administer the support order on a monthly basis, in accordance with ORC sections 3121.51 to 3121.54. For the purpose of monthly administration of support payments that are to be made other than on a monthly basis, the Muskingum County Job and Family Services, Child Support Division, will calculate the monthly amount due in the following manner: (1) If the support is to be paid weekly, multiply the weekly amount of support due under the support order by fifty-two and divide the resulting amount by twelve. (2) If the support is to be paid biweekly, multiply the biweekly amount of support due under the support order by twenty-six and divide the resulting amount by twelve. (3) If the support is to be paid periodically but not weekly, biweekly, or monthly, multiply the periodic amount of support due by an appropriate number to obtain the annual amount of support due under the support order and divide the annual amount of support by twelve. If payments are to be made other than on a monthly basis, the required monthly administration of the support order shall not affect the frequency or the amount of the support payments to be made under the support order.

MEDICAL SUPPORT ORDER

Both parents are responsible for payment of the child(ren)'s health care expenses that are not paid by insurance. To the extent that these expenses in any calendar year exceed the parents' annual combined cash medical support obligation (see line 23a of the child support worksheet), *MOVANT* shall pay % of these expenses and *RESPONDENT* shall pay % of these expenses.

Neither parent has private health insurance available at a reasonable cost. The Child Support Oblige *shall* obtain private health insurance coverage not later than 30 days after it becomes available to him/her at a reasonable cost and

shall notify the Muskingum County Job and Family Services, Child Support Division, when coverage has been obtained. If private health insurance becomes available at a reasonable cost to the Child Support Obligor, he/she *shall* notify the Muskingum County Job and Family Services, Child Support Division, and he/she *may* file a motion with the Court seeking a modification of this order.

The Child Support Obligees has private health insurance coverage available at a reasonable cost. Therefore, the Child Support Obligees is designated as the Health Insurance Obligor and shall secure and maintain private health insurance coverage for the above-named child(ren).

The Child Support Obligor has health insurance coverage available at a reasonable cost and the Child Support Obligees a) has rebutted the presumption that he/she is the appropriate parent to provide health insurance coverage for the child(ren), or b) is a non-parent or entity that has no duty to provide medical support. Therefore, the Child Support Obligor is designated as the Health Insurance Obligor and shall secure and maintain private health insurance coverage for the minor children.

The Child Support Obligees is a non-parent or entity that has no duty to provide medical support. Neither parent has private health insurance available at a reasonable cost. If private health insurance becomes available at a reasonable cost to either parent, he/she *shall* notify the Muskingum County Job and Family Services, Child Support Division, and *may* file a motion with the Court seeking a modification of this order.

NOTICE TO THE HEALTH INSURANCE OBLIGOR

The Health Insurance Obligor shall provide to the child's legal custodian, not later than thirty days after the issuance of the order, information regarding the benefits, limitations, and exclusions of the coverage, copies of any insurance forms necessary to receive reimbursement, payment, or other benefits under the coverage, and a copy of any necessary insurance cards.

The Health Insurance Obligor shall provide to the Muskingum County Department of Job and Family Services, Child Support Division, not later than thirty days after the issuance of the order, documentation that verifies that coverage is being provided as ordered.

, whose present address is , is the person or entity designated to be reimbursed by the health plan administrator for covered out-of-pocket medical, optical, hospital, dental, or prescription expenses paid for the child(ren).

The Health Insurance Obligor shall designate the child(ren) as covered dependents under any private health insurance policy, contract, or plan for which the person contracts.

The Health Insurance Obligor's employer is required to release to the child's legal custodian, any person subject to an order issued under section 3109.19 of the Revised Code, or the child support enforcement agency on written request any necessary information on the private health insurance coverage, including the name and address of the health plan administrator and any policy, contract, or plan number, and to otherwise comply with this section and any order or notice issued under this section.

If the person required to obtain private health care insurance coverage for the children subject to this child support order obtains new employment, the agency shall comply with the requirements of section 3119.34 of the Revised Code, which may result in the issuance of a notice requiring the new employer to take whatever action is necessary to enroll the children in private health care insurance coverage provided by the new employer, when insurance is not being provided by any other source.

NOTICE TO CHILD SUPPORT OBLIGOR AND CHILD SUPPORT OBLIGEE

EACH PARTY TO THIS SUPPORT ORDER MUST NOTIFY THE CHILD SUPPORT ENFORCEMENT AGENCY IN WRITING OF HIS OR HER CURRENT MAILING ADDRESS, CURRENT RESIDENCE ADDRESS, CURRENT RESIDENCE TELEPHONE NUMBER, CURRENT DRIVER'S LICENSE NUMBER, AND OF ANY

CHANGES IN THAT INFORMATION. EACH PARTY MUST NOTIFY THE AGENCY OF ALL CHANGES UNTIL FURTHER NOTICE FROM THE COURT OR AGENCY, WHICHEVER ISSUED THE SUPPORT ORDER.

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

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

The parent who is the residential parent and legal custodian of a child for whom a child support order is issued or the person who otherwise has custody of a child for whom a child support order is issued immediately shall notify, and the obligor under a child support order may notify, the child support enforcement agency administering the child support order of any reason for which the child support order should terminate. A willful failure to notify the agency as required by this division is contempt of court.

EFFECTIVE DATE OF CHILD SUPPORT AND MEDICAL SUPPORT ORDER

The child support and medical support order shall be effective on .

ALLOCATION OF DEPENDENCY EXEMPTION

No evidence indicates that it would serve the interests of the child(ren) to allocate the dependency exemption(s) to the Child Support Obligor. Therefore, the Child Support Obligees shall retain the right to claim the minor child(ren) as dependents for purposes of income taxation.

The best interest of the child(ren) will be served by allocating the dependency exemption to the Child Support Obligor. Therefore, as between the parents, is allocated the right to claim the minor child(ren) as (a) dependent(s) for purposes of the personal exemption and the child tax credit. This allocation is conditioned on being substantially current in payment of child support for the year in which the child(ren) will be claimed as (a) dependent(s). shall take whatever action is necessary pursuant to section 152 of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as amended, to give effect to the Court's allocation, including the execution of Form 8332.

APPENDIX G

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

_____ : Case No. _____
Plaintiff :
 :
vs. : Judge Jeffrey A. Hooper
 :
 : Magistrate Thomas J. Tompkins
 :
 :
_____ : **TEMPORARY RESTRAINING**
Defendant : **ORDER**

It is hereby, ORDERED as follows:

1. The parties are mutually restrained from selling, damaging, destroying, removing, encumbering, disposing of, lessening the value of or in some manner secreting the assets of the marriage and/or of the parties of whatever kind and wherever located.
2. The parties are further mutually restrained from directly or indirectly changing beneficiaries, making loans on, terminating or otherwise closing out, any type of insurance policies, life, health, automobile or otherwise, and from withdrawing, spending, encumbering or disposing of funds deposited in any financial institution and/or financial brokerage office, including but not limited to bank accounts, savings accounts, money markets, stocks, pension plans, credit unions or certificates of deposit (except checking account[s] used in the payment of ordinary and necessary living and business expenses and health savings accounts for qualifying expenses).
3. The parties are further mutually restrained from incurring any further debt on any credit card in either parties' name or on any credit card in the joint name of Plaintiff and Defendant.
4. The parties are further mutually restrained from harassing, interfering with, harassing by telephone, assaulting or threatening each other, posting disparaging comments / photos on social media and/or otherwise interfering with each other's day to day activities, both directly and indirectly.

MAGISTRATE THOMAS J. TOMPKINS

JUDGE JEFFREY A. HOOPER

APPENDIX H

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

_____	:	Case No. _____
Plaintiff	:	
	:	Judge Jeffrey A. Hooper
vs.	:	
	:	Magistrate Thomas J. Tompkins
	:	
_____	:	ENTRY CONVERTING
Defendant	:	DISSOLUTION TO ACTION FOR
	:	DIVORCE
	:	O.R.C. Sec. 3105.62

The parties having moved the Court to convert the within dissolution action as filed on _____, to an action for divorce and having submitted a Complaint for Divorce, and the Court finding said motion to be well taken,

IT IS THEREFORE ORDERED that:

1. The within dissolution action is dismissed;
2. Copies of all documents filed herein shall be transferred to the Divorce action opened for the parties with the filing of the Complaint for Divorce;
3. All pleadings transferred to the new action shall be marked with the new case number;
4. The balance of all moneys deposited as court costs from the within action shall be transferred to the new Divorce action;
5. The Clerk shall close the within action, marking the case jacket with the case number of the new action.

Copies of this Entry shall be filed in the above-captioned case and in the case jacket of the new Divorce action. Copies of this Entry shall be served on all parties required by law.

MAGISTRATE

JUDGE

APPENDIX I

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

_____	:	Case No. _____
Plaintiff	:	
	:	Judge Jeffrey A. Hooper
vs.	:	
	:	Magistrate Thomas J. Tompkins
	:	
_____	:	ENTRY CONVERTING DIVORCE
Defendant	:	TO ACTION FOR DISSOLUTION
	:	O.R.C. Sec. 3105.08

The parties having moved the Court to convert the within divorce action as filed on _____, to an action for dissolution and having submitted a Petition for Dissolution of Marriage with a Separation Agreement, and the Court finding said motion well taken,

IT IS THEREFORE ORDERED that:

1. The within divorce action is dismissed;
2. Copies of all documents filed herein shall be transferred to the Dissolution action opened for the parties with the filing of the Petition for Dissolution;
3. All pleadings transferred to the new action shall be marked with the new case number;
4. The balance of all moneys deposited as court costs from the within action shall be transferred to the new Dissolution action;
5. The Clerk shall close the within action, marking the case jacket with the case number of the new action.

Copies of this Entry shall be filed in the above-captioned case and in the case jacket of

the new Dissolution action. Copies of this Entry shall be served on all parties required by law.

MAGISTRATE

JUDGE