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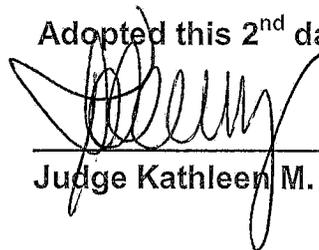
RULES OF COURT

CLERMONT COUNTY COURT OF COMMON PLEAS

DIVISION OF DOMESTIC RELATIONS

JUDGE KATHLEEN M. RODENBERG

Adopted this 2nd day of November, 2015



Judge Kathleen M. Rodenberg

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TITLE A: GENERAL PROVISIONS

DR 1. Adoption, Scope, and Construction of Rules.

- (A) The following rules for the management of proceedings of the Court are adopted pursuant to Rule 5 of the Rules of Superintendence for the Courts of Ohio.
- (B) These rules are effective November 2, 2015, and supersede all previous rules promulgated by this Court.
- (C) These rules supplement the Ohio Rules of Civil Procedure. Parties must comply with the Ohio Rules of Civil Procedure and these rules.
- (D) Cite these rules as DR ____.

DR 2. Pleadings and Motions

- (A) All pleadings, motions, and other filings submitted by a self-represented party must include his/her mailing address, telephone number, and email address, if available.
- (B) Nothing, including pleadings, motions, other papers, and any amendments, may be removed from any file without a court order. No person may remove a court file from the court premises without a court order.
- (C) Parties must file the documents set forth in Appendix A with all initial pleadings, answers, counterclaims, motions, and foreign registrations. A self-represented party must submit all initial pleadings, answers, counterclaims, post decree motions, foreign registrations and a checklist to the Compliance Officer for review prior to filing.

DR 3. Costs

- (A) The Clerk of Courts will not accept any pleading for filing without a deposit for court costs unless otherwise not required pursuant to R.C. 2323.31 or R.C. 3113.31. Deposits will be charged in accordance with the schedule set forth in Appendix B.
- (B) The Court may require the parties to pay additional court cost deposits on an interim basis.
- (C) The Clerk of Courts will not accept post decree motions from a filing party who owes court costs in the case.

DR 4. Special Project Fund

Pursuant to R.C. 2303.201(E)(1), the Court has determined that additional funds are necessary to acquire and pay for special projects of the Court. The Clerk of Courts collects a special project fee upon the initial filing of a Divorce, Legal Separation, Annulment, Dissolution and Post Decree motions. All fees collected under this rule are paid to the Clerk of Courts for deposit with the County Treasurer, and are disbursed upon order of this Court.

DR 5. Facsimile Filings

Pleadings and other papers may be filed by fax subject to the following conditions:

- (A) A document filed by fax with the Clerk of Courts is accepted as the original filing provided that the person sending the fax complies with all of the requirements set forth in this local rule. The person filing a fax must maintain in his/her records, and have available for production upon request of the Court, the original document filed by fax, with original signatures as required under the applicable rules. The person transmitting the document represents that the signed document is in his/her possession.
- (B) The following telephone numbers are to be used for filing with the Clerk of Courts by fax: (513) 732-7866 or (513) 732-7056. These are the only numbers that may be used for filing. These numbers are available to receive faxes 24 hours per day seven days per week.
- (C) Documents sent by fax and accepted by the Clerk of Courts are considered filed as of the date and time the Clerk of Courts received the fax. The sender bears the risk of transmission.
- (D) Exhibits may not be submitted by fax unless by court order.
- (E) The person filing a document by fax must also include a cover page containing the following information:
 - (1) case caption;
 - (2) the case number;
 - (3) a description of the document being filed;
 - (4) the date and time of the transmission;
 - (5) the transmitting fax number; and

- (6) the number of pages being transmitted.
- (F) The following documents may not be filed by fax:
 - (1) any filing which requires the Clerk of Courts to collect a filing fee deposit against costs;
 - (2) any filing which requires the Clerk of Courts to effectuate service and summons;
 - (3) any entry; and
 - (4) any pleading which is required to be submitted to the Compliance Officer as set forth in DR 2(C).
- (G) This local rule is adopted solely for the convenience of those filing documents with the Court. The Court does not assume any obligation or liability by virtue of this rule. The sender assumes all responsibility, obligation, and liability for filing by fax.

DR 6. Continuances

- (A) No case which has been set for a pretrial, report, or hearing will be continued without the Court's authorization.
- (B) A motion for continuance must state the following:
 - (1) the reason for a continuance;
 - (2) how long the case has been set for hearing;
 - (3) how long the case has been pending;
 - (4) the number of previous continuances granted; and
 - (5) at whose request any previous continuance was granted.

If a continuance is requested due to a scheduling conflict, verification of the scheduling conflict must be attached to the motion.

DR 7. Dismissal of Case

- (A) A stipulation of dismissal or notice of voluntary dismissal of an action must be filed with the Clerk of Courts and a copy delivered to the Court. An agreed entry of dismissal of an action must be delivered to the Court.
- (B) The stipulation, notice, or entry must be stamped “costs paid” or “costs waived” by the Clerk of Courts prior to its filing or submission to the Court.
- (C) Dismissals of Domestic Violence Civil Protection Orders must comply with R.C. 3113.31.

DR 8. Inactive Cases

A post decree motion will be set for dismissal if service is not made on the opposing party within six months after the filing of the motion. The motion will be dismissed without prejudice after six months unless the filing party can show good cause why service was not made within six months and that service can be made within a reasonable period.

DR 9. Communications with Judge and Magistrates

No attorney or party may discuss the merits, either orally or in writing, of any litigation with the Judge or a magistrate without the presence of the opposing attorney or self-represented party.

DR 10. Withdrawal and Substitution of Attorney

Except for good cause shown, a final hearing date will not be continued due to the withdrawal or substitution of an attorney. An attorney of record will be relieved of his/her responsibility under the following circumstances:

- (A) **Without the client’s consent.** The attorney must file a motion stating the grounds for withdrawing and the date of the next hearing. The attorney must give the Court a file stamped copy of the motion and a completed Notification Form Self-Represented Party (Form DR-116A). The Court will schedule a hearing on the motion. The attorney must file proof of service of the motion and hearing notice on his/her client and the opposing party.
- (B) **With the client’s consent.** The client and the attorney must sign an entry allowing the attorney to withdraw. The entry must state the date of the next hearing. The attorney must submit the entry and a completed Notification Form Self-Represented Party (Form DR-116A) to the Court.

- (C) **When another attorney is replacing the attorney of record.** The attorney must file a Notice of Substitution of Attorney signed by the withdrawing attorney and the substituted attorney and a completed Notification Form (Form DR-116) with the substituted attorney's information. The withdrawing attorney must file proof of service of the notice and notification form on the opposing party.

DR 11. Notice of Appearance

Any attorney entering a case must file a completed Notification Form (Form DR-116). Except for good cause shown, a final hearing date will not be continued due to the entry of appearance.

TITLE B: PRETRIAL AND HEARING RULES

DR 12. Mandatory Disclosure

- (A) Within 30 days of the filing of an answer or counterclaim, each party to a pending divorce or legal separation must disclose to the opposing party the following information and documents:
- (1) all pension, retirement and/or profit-sharing plans including copies of the most recent plan summary and statement;
 - (2) all available COBRA benefits;
 - (3) copies of all real estate deeds and vehicle titles and registrations;
 - (4) all appraisals of real estate or personal property in which the party holds an interest;
 - (5) copies of individual income tax returns for the last three years;
 - (6) documentary proof of current income from all sources;
 - (7) copies of the most recent statements for all bank accounts, IRAs, stock accounts, mortgages, credit accounts, and all other debt; and
 - (8) verification of the marginal cost of medical insurance for the minor children.
- (B) Notice of noncompliance must be raised prior to scheduling the final hearing date. The Court will not reschedule the final hearing for noncompliance with this Rule.

- (C) Failure to comply with this Rule may result in sanctions, including but not limited to a contempt citation, possible dismissal of claims, or restrictions on the submission of evidence.

DR 13. Exhibits

- (A) Plaintiff's exhibits must be marked with numbers. Defendant's exhibits must be marked with letters. Exhibits should be tabbed and indexed.
- (B) Each party must serve a copy of the exhibits on the opposing party as ordered. Each party must bring to the final hearing two additional sets of exhibits, one for the Court and one for the witness.

DR 14. Interpreter

- (A) If a party requires an Interpreter, the attorney/self-represented party must file a Request for Interpreter (Form DR-207) and submit a copy to the Court at least two weeks prior to the scheduled court appearance. The Court will appoint an Interpreter and pay the Interpreter's fee.
- (B) If an Interpreter is no longer needed or the hearing time is shortened, the attorney/self-represented party must advise the Court no later than 48 hours prior to the scheduled court appearance. Failure to do so may result in the Court assessing additional costs for the Interpreter's fee for the unneeded services.

DR 15. Pretrial Conference and Reports

- (A) Attorneys and self-represented parties must be present at the pretrial conference and reports and must be prepared to discuss all issues in dispute. Failure of an attorney or a self-represented party to either appear or cooperate in good faith may subject the attorney or self-represented party to sanctions.
- (B) Attorneys and self-represented parties may appear for pretrial conferences and reports by telephone. If the attorney/self-represented party wishes to appear by telephone, the attorney/self-represented party must email the following information to domesticcourt@clermontcountyohio.gov at least two business days prior to the scheduled pretrial conference or report:
 - (1) the phone number where he/she can be reached;
 - (2) the case name and number;
 - (3) the name of the Judge/Magistrate; and
 - (4) the date and time of the pretrial or report.

DR 16. Failure to Appear

- (A) If a party seeking relief fails to appear for the scheduled hearing, the Court may dismiss the action for lack of prosecution. If the opposing party fails to appear for the scheduled hearing and the party seeking relief does appear, the hearing may proceed as scheduled.
- (B) If the attorney for a party fails to appear at the scheduled time for the hearing and the party whom he/she represents is present, the hearing may proceed as scheduled.

DR 17. Financial Plan Analysis Computer Printout

In absence of expert testimony as to the accuracy of the financial projections, the use of a financial plan analysis computer program printout may be submitted only as part of the final argument on financial feasibility of support and not as evidence.

TITLE C: TEMPORARY ORDERS

DR 18. 75(N) Procedure

- (A) Any requests for a temporary order pursuant to Civ.R. 75(N) must be filed when the complaint, answer, or counterclaim is filed.
- (B) The party requesting a temporary order pursuant to Civ.R. 75(N) must file a Notice of Perfection of Service (Form DR-201) advising the Court that the other party has been served.
- (C) The Court will set for hearing any requests for a temporary order not filed with the complaint, answer, or counterclaim.
- (D) The Court will set for hearing all requests for attorney fees.

DR 19. Parties in the Same Household

The Court will not grant temporary spousal support, child support, or allocation of parental rights and responsibilities when the parties reside in the same household. The Court may, however, allocate payment of household expenses.

DR 20. Exclusive Occupancy

- (A) If a party has been absent from the marital residence for 30 days or more, the Court may, upon motion and affidavit, issue an ex parte order awarding the other party exclusive occupancy of the marital residence.

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

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

DR 21. Temporary Restraining Orders

The Court will issue the Temporary Restraining Order set forth in Appendix C unless a Separation Agreement is filed with the Complaint for Divorce or Complaint for Legal Separation.

TITLE D: ALLOCATION OF PARENTAL RIGHTS AND RESPONSIBILITIES

DR 22. Shared Parenting

If one party seeks shared parenting and the other party seeks sole custody, the party seeking shared parenting must file a motion for shared parenting and a proposed Shared Parenting Plan at least 30 days prior to the final hearing on allocation of parental rights and responsibilities.

DR 23. Parenting Time

The Court adopts the Clermont County Guideline Parenting Schedule set forth in Appendix D. This is a guideline only and is subject to deviation after consideration of the best interest factors set forth in R.C. 3109.051.

DR 24. Children at the Courthouse

- (A) Parties may bring a minor child/ren to the courthouse if:
- (1) the child/ren is/are testifying in the case;
 - (2) the Court is conducting an in camera interview; or

- (3) the child/ren is/are interviewing with a Parenting Investigator.
- (B) If a child/ren is/are brought to the courthouse, the child/ren must be supervised at all times. The Court does not provide babysitting services.
- (C) The recording and transcript of a child's in camera interview is sealed.

DR 25. Parental Investigation by the Court

- (A) **Parental Investigation.** The Court may order an investigation of the parties' character, family relations, and past conduct to assist the Court in allocating parental rights and responsibilities.
- (B) **Parenting Questionnaire.** Each party must return his/her completed parenting questionnaire to the Parenting Investigator as ordered. If a party fails to return the questionnaire or fails to cooperate in the investigation, he/she may be subject to a contempt action by the Court. The Parenting Investigator may prepare the report without the information of any party who fails to return the questionnaire, attend appointments, or return telephone calls.
- (C) **Costs.** The cost of the investigation, as set forth in Appendix B, will be allocated between the parties at the time the investigation is ordered, subject to reallocation at the final hearing.
- (D) **Parental Investigation as Evidence.** The Parenting Investigator's report is admitted as the Court's exhibit and may not be included in either party's exhibits. The report is direct evidence. The Parenting Investigator is subject to cross examination. If a party desires to cross examine the Parenting Investigator, it is that party's responsibility to issue a subpoena to the Parenting Investigator pursuant to Civ.R. 45. The subpoena should be issued as soon as possible, but it must be served no later than three weeks prior to the final hearing.

DR 26. Medical/Psychological/Psychiatric Evaluations

- (A) **Evaluations.** The Court may order the parties and their minor child/ren to submit to medical, psychological, and/or psychiatric examinations. The Court will send the Entry of Appointment to the physician or psychologist. It is the parties' responsibility to contact the physician or psychologist.
- (B) **Costs.** The cost of the examination will be allocated between the parties at the time the examination is ordered, subject to reallocation at the final hearing.

- (C) **Medical, Psychological or Psychiatric Evaluations as Evidence.** A medical, psychological, and/or psychiatric evaluation may not be entered as direct evidence without testimony of the performing physician or psychologist or consent of the parties. It is the party's responsibility to issue a subpoena to the physician or psychologist pursuant to Civ.R. 45.

DR 27. Divorce Counseling

- (A) The Court requires both parties to attend a seminar if they have a child who is less than 16 years old. This seminar is designed to educate the parties on ways to minimize the negative impact the divorce or separation may have on their child/ren. Each party must register and pay for the seminar. Both parties must attend the class within 45 days after service of the order. Failure to attend may subject the party to a contempt action by the Court.
- (B) It is the attorney's responsibility to advise his/her client of the program and the requirements of this rule.

DR 28. Family Service Assessment by the Court

- (A) **Family Service Assessment.** When a complaint is filed for divorce or legal separation involving minor child/ren, the parties must submit to a Family Service Assessment with the Court's Parenting Investigator. The assessment is conducted as a phone conference between the parties and the Parenting Investigator only.
- (B) **Procedure.**
- (1) The Parenting Investigator notifies the parties of the date and time of their phone conference through email or regular mail. The phone conference will last about 30 minutes.
 - (2) Each party is allowed time to express his/her wishes and concerns, without interruption from the other party.
 - (3) Within seven days of the phone conference, the Parenting Investigator will make a written recommendation as to which Court services might benefit the parties. The recommendation is e-mailed or mailed to both parties and counsel of record. A copy is placed in the family file for the assigned Magistrate/Judge to review at the first pre-trial.
 - (4) The recommendations are informal and not binding.

- (C) **Participation.** The parties are required to participate. Failure to participate may result in a finding of contempt with applicable penalties and/or delay in entering the final divorce or legal separation decree.

DR 29. Appointment of Guardian Ad Litem (GAL)

- (A) The Court may appoint a guardian ad litem (“GAL”) to protect the best interest of the child/ren pursuant to Sup.R. 48.
- (B) **Scope.** The GAL must gather and assess all information and perform all responsibilities set forth in Sup.R. 48. The Court may appoint an attorney for the child/ren when there is a conflict between the recommendation of the GAL and the wishes of the child/ren.
- (C) **Procedure.**
 - (1) The Court will appoint the GAL from a roster of eligible candidates. The Court will conduct annual performance and compliance reviews of all GALs.
 - (2) The Court will order the parties to pay the GAL’s appropriate fees. The GAL’s fees may exceed the deposit. All GAL’s fees, including fees paid through the deposit, are subject to reallocation between the parties in the final hearing.
 - (3) The GAL will be paid \$125 per hour for his/her billable time. The GAL must provide a monthly statement of the fees to date to the attorney and self-represented parties, so that all parties are aware of the amount of the bill. When requesting an order for payment of GAL services, the GAL must file a motion, an affidavit, and an itemized statement of all services rendered and costs incurred.
 - (4) The GAL must file a report with the Court as required under Rule 48 of the Rules of Superintendence.
 - (5) The GAL appointment is terminated automatically with the filing of the final decree or final entry.
- (D) **Qualifications.** In addition to the requirements set forth in Sup.R. 48, the GAL must accept one pro bono assignment per year. Refusal of this assignment will result in removal from the list of eligible GALs.

- (E) **Complaint Process.** Any complaint regarding a GAL's performance must be submitted in writing to the Court Administrator. A record of the complaint will be included in the GAL file and annual Court performance review.

DR 30. Mediation of Parenting Responsibilities

- (A) **When Ordered.** The Court may order the parties to participate in mediation pursuant to Sup.R. 16.

- (B) **Scope.** The Court will not order mediation in any of the following situations:

- (1) as an alternative to the prosecution or adjudication of domestic violence;
- (2) in determining whether to grant, modify, or terminate a Domestic Violence Civil Protection Order;
- (3) in determining the terms and conditions of a Domestic Violence Civil Protection Order; or
- (4) in determining the penalty for violation of a Domestic Violence Civil Protection Order.

- (C) **Procedure.**

- (1) The parties may have their attorney or another support person attend the mediation session. If a party is bringing an attorney or another support person, that party must notify the Mediator in advance, so that the Mediator can ensure adequate space for mediation. If a party fails to notify the Mediator in advance, it may be necessary to reschedule the mediation.
- (2) Any case referred for mediation is screened for domestic violence prior to beginning the mediation and throughout the mediation as necessary.
- (3) When domestic violence or fear of domestic violence is alleged, suspected, or present, mediation will take place only under the following conditions:
 - a. the alleged victim is fully informed about the mediation process, his/her right to decline to participate in mediation, and his/ her right to have a support person present;
 - b. the Court and the Mediator determine that the parties have the capacity to mediate without fear of coercion or control; and

- c. appropriate security measures are in place to provide for the safety of all parties involved in the mediation.
 - (4) The Mediator will terminate mediation if he/she believes there is a threat of domestic violence or coercion between the parties.
- (D) **Qualifications.** A Mediator employed by the Court, or to whom the Court makes referrals for mediation, must have the following minimum qualifications:
- (1) A bachelor's degree, or equivalent education experience, satisfactory to the Court, and at least two years of professional experience with families. Professional experience with families includes mediation, casework, legal representation in family law matters, or such other equivalent experience that is satisfactory to the Court;
 - (2) Completion of at least 12 hours of basic mediation training or equivalent experience that is satisfactory to the Court, and at least 40 hours of specialized family or divorce mediation training conducted in a program approved by the Commission on Continuing Legal Education in accordance with the administrative guidelines established by the Committee on Dispute Resolution of the Ohio Supreme Court; and
 - (3) When domestic violence or fear of domestic violence is alleged, suspected, or present, the Mediator must have completed at least 14 hours of specialized training in domestic abuse and mediation through a training program approved by the Ohio Supreme Court Advisory Committee on Dispute Resolution. If not, he/she must co-mediate with a mediator who has completed the specialized training.
- (E) **Confidentiality.** The statements made during the course of the mediation screening, mediation sessions, and the notes of either the Mediator or the individual conducting the screening are not discoverable or admissible as evidence. The foregoing confidentiality requirements do not exempt any person from the statutory duty to report the following:
- (1) child abuse pursuant to R.C. 2151.421;
 - (2) statements that a felony has been or is being committed;
 - (3) violent acts that occur during mediation; and
 - (4) threats of harm to other people.

DR 31. Early Neutral Evaluation

(A) Definitions.

- (1) Early Neutral Evaluation (“ENE”) is a court-ordered dispute resolution process in which Evaluators provide an evaluation of the probable outcome of litigation. ENE is not mediation.
- (2) Early Neutral Evaluators (“Evaluators”) conduct the ENE session. An Evaluator may not serve as a magistrate in the pending action. An Evaluator may not serve as a magistrate in a subsequent proceeding for a period of one year.
- (3) “ENE Communication” means a statement, whether verbal or written, that occurs during an ENE session or is made for purposes of considering, conducting, participating in, initiating, continuing, or reconvening an ENE session.

(B) Case Selection and Referral. Both parties must be represented by an attorney. Either party may request ENE through a written or oral motion to the Court or the Court may order ENE by its own motion. Once ENE is ordered, the Court will assign two Evaluators and select a date, time, and location for the first ENE session. The Court may order the parties to pay an ENE fee.

(C) Participation. ENE requires the participation of each party and his/her attorney. No other person is permitted to participate without the Court’s approval.

(D) Scheduling Procedure. Each ENE session is scheduled for three hours. If additional sessions are necessary, they will be scheduled after the first ENE session.

(E) Pre-Session Procedure. Three weeks prior to the ENE session, each party must submit his/her Parenting Perspective Brief (“Brief”) to the Court. The Brief may be submitted by ordinary mail, hand-delivery, facsimile, or e-mail. Upon receipt of both Briefs, the Court will send a copy of each Brief to opposing counsel. The Evaluators will review the Briefs prior to the first ENE session. The Briefs will not be filed with the Clerk of Courts. If the Briefs are filed with the Clerk of Courts, the Court will order the Briefs removed and stricken from the record. All copies of the Briefs are shredded upon completion of the ENE process.

- (F) **Session Procedure.** At the ENE session, the Evaluators will oversee the discussion to allow each party and his/her attorney the opportunity to be heard in an atmosphere of cooperation and respect. The Evaluators may seek additional information from the parties. Once the information is gathered, the Evaluators will caucus to discuss the strengths and weaknesses of each party's position and probable outcomes. The Evaluators will then present their feedback and the options to all parties. The parties will have an opportunity to consult privately with their attorneys to review and discuss the Evaluators' feedback. The Evaluators, parties, and attorneys will reconvene and discuss results. If the parties come to a full or partial agreement, the parties will reduce the agreement to writing and submit it to the Judge or the assigned magistrate.
- (G) **Continuances.** It is the Court's goal to determine matters in a timely manner. No case scheduled for ENE will be continued without the Court's authorization. A motion for a continuance must state the reason(s) for the request. A scheduled ENE session will be continued only for good cause shown and only after a new date has been determined.
- (H) **Confidentiality.**
- (1) An ENE Communication is not subject to discovery and is not admissible as evidence. An Evaluator may not be deposed or subpoenaed to testify about any ENE Communication unless an exception applies. Exceptions to privilege include the following:
 - (a) The ENE Communication is otherwise discoverable.
 - (b) The ENE Communication is an imminent threat or statement of a plan to inflict bodily injury or commit a crime of violence.
 - (c) The ENE Communication is intentionally used to plan, to attempt to commit, or to commit a crime or to conceal an ongoing crime or ongoing criminal activity.
 - (d) The ENE Communication is required to be disclosed pursuant to R.C. 2921.22.
 - (2) The confidentiality requirements do not exempt any person from the statutory duty to report following:
 - (a) child abuse pursuant to R.C. 2151.421;
 - (b) statements that a felony has been or is being committed;

- (c) violent acts that occur during the ENE session; and
- (d) threats of harm to other people.

TITLE E: DECISIONS AND ENTRIES

DR 32. Requests for Findings of Fact and Conclusions of Law

When a party requests findings of fact and conclusions of law, the party making the request must submit proposed findings of fact and conclusions of law within 14 days from filing his/her request. Failure to do so may result in the Court denying his/her request without further notice.

DR 33. Decrees, Entries, and Orders Establishing or Modifying Child Support Orders

The child support provisions set forth below must be included in the Decree/Entry or in the Shared Parenting Plan/Separation Agreement. Sample language that complies with this rule is on the Court's website, www.domesticcourt.org.

(A) **Shared Parenting.** If the parties submit a Shared Parenting Plan, the provisions listed below must be included in either the Shared Parenting Plan or in the Decree, but not both. If the parties submit a post decree entry modifying an existing Shared Parenting Plan, and a revised Shared Parenting Plan is not submitted with the Entry, then the provisions listed below must be included in the Entry.

- (1) **Child Support Worksheets.** Two child support worksheets must be attached, one for each party as the obligor, to any decree/entry where child support is at issue, even if no child support obligation is ordered.
- (2) **Deviations.** In shared parenting, at least one party's child support obligation will be deviated. Each party's worksheet must indicate any amount of deviation on line 27. The final monthly obligation on the worksheets must match the child support amount as listed in the court order. The child support provision must include a statement that the support worksheet amount that is deviated is "unjust or inappropriate and not in the best interest of the child/ren" and the reasons for the deviation in accordance with R.C. 3119.23.
- (3) **Amount of Support.** If private health insurance is provided, the child support provisions must include the amount of child support with insurance, the amount of child support without insurance, and the cash medical support

order. If private health insurance coverage is not provided, the child support provisions need only show the amount of child support without insurance and the cash medical support order.

- (4) **Requirements for Acceptance.** The child support provisions must include the effective date of support, the disposition of any credit or arrearage, and the language required under R.C. Chapters 3119 and 3121. The monthly child support figures in the child support provisions must match the child support worksheet figures.
 - (5) **Health Care Orders.** The child support provisions must include health care language required under R.C. 3119.30 and R.C. 3119.31. However, if there is no change from a prior order, it is sufficient to state in the entry that the health insurance order is not modified.
 - (6) **Tax Exemption Orders.** The child support provisions must include the designation of the party entitled to the tax exemption pursuant to R.C. 3119.82. However, if there is no change from a prior order, it is sufficient to state in the entry that the order allocating the tax exemption is not modified.
- (B) **Sole Residential Parent and Legal Custodian.** If one party is designated the sole residential parent and legal custodian in the Decree of Dissolution or the Decree of Divorce, the provisions listed below must be included in either the Separation Agreement attached to the Decree or the Decree, but not both. If the parties submit a post decree entry modifying the designation of the sole residential parent or modifying the child support, then the provisions listed below must be included in the entry.
- (1) **Child Support Worksheets.** A child support worksheet must be attached to any decree/entry where child support is at issue, even if no child support obligation is ordered.
 - (2) **Deviations.** If there is a deviation from the child support schedule, the worksheet must indicate the amount of deviation on line 27. The final monthly obligation on the worksheet must match the child support amount as listed in the court order. The child support provisions must include a statement that the support worksheet amount is “unjust or inappropriate and not in the best interest of the child/ren” and the reasons for the deviation in accordance with R.C. 3119.23.
 - (3) **Amount of Support.** If private health insurance is provided, the child support provisions must include the amount of child support with insurance, the amount of child support without insurance, and the cash medical support

order. If private health insurance coverage is not provided, the child support provisions need only show the amount of child support without insurance and the cash medical support order.

- (4) **Requirements for Acceptance.** The child support provisions must include the effective date of support, the disposition of any credit or arrearage, and the language required under R.C. Chapters 3119 and 3121. The monthly child support figures in the child support provisions must match the child support worksheet figures.
- (5) **Health Care Orders.** The child support provisions must include health care language required under R.C. 3119.30 and R.C. 3119.31. However, if there is no change from a prior order, it is sufficient to state in the entry that the health insurance order is not modified.
- (6) **Tax Exemption Orders.** The child support provisions must include the designation of the party entitled to the tax exemption pursuant to R.C. 3119.82. However, if there is no change from a prior order, it is sufficient to state in the entry that the order allocating the tax exemption is not modified.

DR 34. Qualified Domestic Relations Orders, Division of Property Orders, and Court Order Acceptable for Processing

- (A) Qualified Domestic Relations Orders (QDRO), Division of Property Order (DOPO), and Court Order Acceptable for Processing (COAP) must meet the following requirements:
 - (1) All parties or their attorneys must sign the original;
 - (2) The original with all personal identifiers and a copy of the original must be submitted to the Court. The copy must redact all personal identifiers, such as Social Security numbers (except for the last four digits), financial account numbers, and employee identification numbers.
 - (3) If the opposing party or his/her attorney fails or refuses to sign the order, the attorney or party may still present the order provided the attorney or party submitting the order complies with DR 35(A); and
 - (4) The order must be stamped “costs paid” or “costs waived” by the Clerk of Courts prior to its submission to the Court.

- (5) A preapproval letter from the plan administrator is not required. It is, however, the filer's responsibility to draft an order acceptable to the plan administrator.
- (B) The Clerk of Courts will file the redacted copy in the public Court file. The Clerk of Courts will keep the original in the red folder unavailable for public viewing. The Clerk of Courts will send a certified copy of the original to the plan administrator.
- (C) The Decree of Divorce, Dissolution or Legal Separation must reserve jurisdiction to approve, amend and/or modify any properly accepted QDRO, DOPO, or COAP to comply with the requirements of the plan administrator.

DR 35. Preparation of Decrees, Entries, and Orders

- (A) When an attorney or self-represented party is ordered to prepare a decree, entry, or order, he/she must prepare the document and submit it to the opposing attorney/self-represented party with a cover letter, instructing him/her to review, sign, and return the document to the preparer within 14 days. If the opposing attorney/self-represented party does not respond within 14 days, the document may be submitted to the Court without his/her signature, but with a copy of the cover letter sent to the opposing counsel/self-represented party.
- (B) The decree, entry, or order must include an order of the Court ordering the Clerk of Courts to serve it on the parties in the action pursuant to Civ.R. 58(B).
- (C) The decree, entry, or order must be stamped "costs paid" or "costs waived" by the Clerk of Courts prior to its submission to the Court.

DR 36. Agreed Entries

- (A) If a case has been closed, a motion must be filed prior to the submission of an agreed entry. If a case is open, agreed entries may be submitted without a motion.
- (B) Agreements reached by parties at hearings must be read into the record or both the attorneys and parties must sign a written agreed entry at the hearing.
- (C) The Court may adopt agreed entries without a hearing provided that at least one party is represented, no further documentation is needed, and the Court has determined that a hearing is not necessary.
- (D) The agreed entry must be stamped "costs paid" or "costs waived" by the Clerk of Courts prior to its submission to the Court.

DR 37. Electronic Signatures

The signature of the Judge or a magistrate on any document may be executed manually or by electronic signature.

TITLE F: MAGISTRATES

DR 38. Powers of Magistrates

All magistrates have the powers set forth in Civ.R. 53, and all other powers as set forth in the journal entries of this Court and state statutes. A written magistrate's decision is not required if there is an agreed entry and all parties execute a Waiver of Magistrate's Decision and 14-Day Objection Period (Form DR-104B).

DR 39. Magistrate's Orders and Decisions

- (A) Any motion to set aside a magistrate's order or objections to a magistrate's decision based on a factual finding must be supported by a transcript.
- (B) If a transcript is required, the party filing the motion or objections must order the transcript from the Court Reporter by filing a Praecipe with the Clerk of Courts at the time of filing the motion or objections. The transcript must be filed within 30 days after filing the motion or objections. Failure to file the transcript timely may result in dismissal of the motion or objections unless the Court extends the time.
- (C) A party has 14 days following the filing of the transcript to file an amended motion to set aside, supplemental objections, or a brief in support.
- (D) An opposing party has seven days following the filing of a motion to set aside, objections, transcript, an amended motion to set aside, supplemental objections, or a brief in support to file a brief in opposition.

TITLE G: SPECIAL PROCEEDINGS

DR 40. Domestic Violence

An action seeking an ex parte Civil Protection Order is initiated by filing a Petition for a Domestic Violence Civil Protection Order in accordance with R.C. 3113.31. Petitions may be filed with the Clerk of Courts from 8:00 a.m. to 2:30 p.m., Monday through Friday when the Court is in session. The Clerk of Courts will not accept the filing of a Petition for a Domestic Violence Civil Protection Order after 2:30 p.m.

DR 41. Registration of a Foreign Parenting Order (UCCJEA)

- (A) An order allocating legal custody, physical custody, parenting time, or visitation issued by another state or country may be registered with this Court for the purpose of enforcing or modifying any provisions in accordance with R.C. 3127.01 *et seq.* (UCCJEA). The registration of a decree under this rule does not vest this Court with jurisdiction to enforce or modify provisions for spousal support or property division. If a party is seeking modification of an order allocating legal custody, physical custody, parenting time, or visitation, this Court must be able to exercise jurisdiction in accordance with the provisions of R.C. 3127.15-22, 3127.34, and 3127.36.
- (B) **Procedure.**
- (1) The party seeking registration of the foreign decree under the UCCJEA must file and serve on the opposing party a Petition requesting such registration. The party seeking registration must attach a certified copy of the foreign decree(s) to the Petition, file a Parenting Proceeding Affidavit (Form DR-604), and an affidavit that to the best of the knowledge and belief of the person seeking registration of the order that it has not been modified.
 - (2) The Petition must comply with R.C. 3127. This original pleading must state all facts known to the filing party relevant to R.C. 3127.15(A), 3127.17 and/or 3127.18, as applicable.
- (C) **Enforcement/Modification.** If a motion to modify is filed simultaneously with the registration, the Court will set the motion to modify for hearing after the foreign order has been registered and confirmed. If this Court grants the motion to modify, this Court has exclusive, continuing jurisdiction until otherwise provided under R.C. 3127.16.

DR 42. Registration of a Foreign Support Order (UIFSA)

- (A) A child support order issued by another state or country may be registered in this court for the purpose of enforcement or modification in accordance with R.C. 3115.101 *et seq.*
- (B) **Procedure.** An action to register a foreign child support order for enforcement purposes only is governed by R.C. 3115.601 through R.C. 3115.608. An action to modify a foreign child support order is governed by R.C. 3115.609 through R.C. 3115.616.

- (C) **Enforcement/Modification.** A motion seeking enforcement or modification of child support may be filed with the registration or may be filed at a later time. If a motion to enforce or modify is filed simultaneously with the registration, the Court will set the motion for hearing after the foreign child support order has been registered and confirmed. If this Court grants the motion to modify, this Court has continuing, exclusive jurisdiction pursuant to R.C. 3115.611(E).

DR 43. Change of Venue

- (A) If a party seeks to change venue from another Ohio court to this Court in a pending case where a final decree has not been filed, the following is required before this Court will accept jurisdiction:
- (1) filing of a certified copy of the entry from the original court authorizing the transfer of venue; and
 - (2) transfer of the entire file from the Clerk of Courts in the original county to the Clermont County Clerk of Courts.
- (B) If a party seeks to change venue from another Ohio court to this Court after a decree has been filed, the following must be filed with the post decree motion before this Court will accept jurisdiction:
- (1) a certified copy of the entry from the original court authorizing the transfer of venue; and
 - (2) a certified copy of the final decree and any subsequent entries modifying the final decree from the Clerk of Courts in the original county to the Clermont County Clerk of Courts.
- (C) If a party seeks to change venue from this Court to another Ohio court, he/she must file a motion with this Court requesting change of venue and setting forth the reasons for the request.

DR 44. Attorney Fees

- (A) **Procedure.** A motion for attorney fees may be included in the body of the motion or other pleading that gives rise to the request for fees. If the motion for attorney fees is by separate motion, it must be served on the opposing party/attorney at least seven days prior to the hearing.
- (B) **Reasonable Fee.** Unless otherwise determined by the Court and absent formal evidence, \$500 is a reasonable attorney fee. In determining the necessity for and the reasonableness of attorney fees, the Court may rely on the following:

- (1) the Court's knowledge and observations of time and effort expended;
 - (2) the tactics used and results obtained;
 - (3) whether the parties cooperated in discovery;
 - (4) settlement efforts made by each party;
 - (5) compliance with Court orders; and
 - (6) the amount of attorney fees the opposing party has incurred in the same matter.
- (7) **Evidence in Support of Motion.** At the time of the final hearing on the motion or pleading that gives rise to the request for attorney fees, the attorney must present the following:
- (1) an itemized statement describing the services rendered, the time for such services, the requested hourly rate, and necessary expenses and cost for litigation;
 - (2) testimony as to whether the case was complicated by any factor which necessitated extra time being spent on the case;
 - (3) testimony regarding the attorney's years in practice and experience in domestic relations cases; and
 - (4) evidence of the defending party's ability to pay, and of the moving party's need for an award of attorney fees, if not otherwise disclosed during the hearing.

DR 45. Existing Orders

- (A) If there is a child support order or child custody order in effect at the time a divorce or dissolution is filed, the parties must attach to the Parenting Proceeding Affidavit (Form DR-604) a copy of the most recent order and the child support worksheet, if any, used by that court.
- (B) This Court will request the termination of any Clermont County Juvenile Court's order and the transfer of any child support balance. The parties are responsible for seeking the termination of any child support or child custody order in effect from any other county and the transfer of any child support.

- (C) If a child support order is transferred, this Court's decree or entry must include the case number and effective date of the termination of the other court's order and the effective date of this Court's order. The effective date of the termination of the other court's order and the effective date of this Court's order should be the same date. The following is a sample language that complies with this rule:

Obligor was ordered to pay child support under _____ County _____ Court Case Number _____. The _____ County _____ Court child support order was terminated effective _____. CSE will transfer the balance from the _____ County _____ Court order to the Clermont County Domestic Relations Court Case Number _____. Effective _____, Obligor will pay child...

DR 46. Case Management

- (A) The first pretrial conference is the case management conference. It will be scheduled as soon as possible after either the filing of an answer or the expiration of time for the filing of an answer. Attorneys and self-represented parties will be given written notice of the pretrial conference. The pretrial order includes a case management schedule.
- (B) The Court, either on its own motion or the motion of a party, may modify any date in the case management schedule. A modification may extend or reduce the time for any event.
- (C) When a case is stayed, the original case schedule will be stayed. When the stay is lifted, the Court will schedule another pretrial conference or a final hearing, as appropriate.
- (D) If a contested final hearing date is scheduled and the parties reach an agreement on all matters, the parties may request an uncontested final hearing date by calling the Court.
- (E) At the discretion of the Court, the parties may be ordered to attend alternative dispute resolution programs and settlement conferences.

APPENDIX A - CHECKLISTS

A. DIVORCE:

Complaint for Divorce with Minor Children

Complaint	Your Own or 101
Classification Form	115
Notification Form	116
Praeipce for Service	110
Affidavit of Income and Expenses with income verification	501
Three most recent paystubs or other proof of income	
Affidavit of Property	502
Parenting Proceeding Affidavit	604
Child Support Worksheet Information Sheet	626
(Attorney must provide completed Child Support Worksheet)	
Health Insurance Affidavit	409
Title IV-D Application	7076
Self-represented Party Waiver of Counsel	702-A

Complaint for Divorce with Separation Agreement and Minor Children

Complaint	Your Own or 101
Separation Agreement	Your Own or 105
Classification Form	115
Notification Form (both parties if service waived by defendant)	116
Praeipce for Service (unless service is waived by defendant)	110
Affidavit of Income and Expenses	501
Three most recent paystubs or other proof of income	
Affidavit of Property	502
Shared Parenting Plan (if requesting)	Your Own or 602
Guideline Parenting Schedule (if following)	605
Parenting Proceeding Affidavit	604
Child Support Worksheet Information	626
(Attorney must provide completed Child Support Worksheet)	
Health Insurance Affidavit	409
Title IV-D Application	7076
Self-represented Party Waiver of Counsel	702-A

Complaint for Divorce – No Minor Children

Complaint	Your Own or 102
Classification Form	115
Notification Form	116
Praecipe for Service	110
Affidavit of Income and Expenses	501
Three most recent paystubs or other proof of income	
Affidavit of Property	502
Self-represented Party Waiver of Counsel	702-A

Complaint for Divorce with Separation Agreement and No Minor Children

Complaint	Your Own or 102
Separation Agreement	Your Own or 105
Classification Form	115
Notification Form (both parties if service waived by defendant)	116
Praecipe for Service (unless service is waived by defendant)	110
Waiver of Financial Disclosure	703
Property Waiver	704
Self-represented Party Waiver of Counsel	702-A

Answer/Counterclaim with Minor Children

Answer	Your Own or 106
Counterclaim	Your Own or 108
Notification Form	116
Affidavit of Income and Expenses with income	501
Three most recent paystubs or other proof of income	
Affidavit of Property	502
Parenting Proceeding Affidavit	604
Child Support Worksheet Information Sheet (Attorney must provide completed Child Support Worksheet)	626
Health Insurance Affidavit	409
Title IV-D Application	7076
Self-represented Party Waiver of Counsel	702-A

Answer/Counterclaim - No Minor Children

Answer	Your Own or 107
Counterclaim	Your Own or 108
Notification Form	116
Affidavit of Income and Expenses	501
Three most recent paystubs or other proof of income	
Affidavit of Property	502
Self-represented Party Waiver of Counsel	702-A

75(N) Procedure – Motion for Temporary Order without Oral Hearing

Motion and Affidavit (or Counter Affidavit) for Temporary Orders Without Oral Hearing	202
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B. DISSOLUTION:

Dissolution with Minor Children

Petition for Dissolution	Your Own or 103
Waiver of Service of Summons (signed by each petitioner)	701
Separation Agreement	Your Own or 105
Classification Form	115
Notification Form (one for each petitioner)	116
Waiver of Financial Disclosure Affidavit	703
Property Waiver	704
Shared Parenting Plan (if requesting)	Your Own or 602
Guideline Parenting Schedule (if following)	605
Parenting Proceeding Affidavit	604
Child Support Worksheet Information (one for each petitioner) (Attorney must provide completed Child Support Worksheet)	626
Health Insurance Affidavit	409
Title IV-D Application	7076
CSE Account Information Sheet	509-4
Self-represented Party Waiver of Counsel	702-A

NOTE: Attorneys must provide the Decree of Dissolution, Decree of Shared Parenting, and Waiver of Magistrate's Decision/14 Day Waiver (Form DR-104B) at final hearing.

Dissolution - No Minor Children

Petition for Dissolution	Your Own or 104
Waiver of Service of summons (signed by each petitioner)	701
Separation Agreement	Your Own or 105
Classification Form	115
Notification Form (one for each petitioner)	116
Waiver of Financial Disclosure Affidavit	703
Property Waiver	704
Self-represented Party Waiver of Counsel	702-A

NOTE: Attorneys must provide the Decree of Dissolution and Waiver of Magistrate's Decision/14 Day Waiver (Form DR-104B) at final hearing.

C. POST DECREE

Motion to Modify Child Support, Medical Insurance, and/or Tax Exemption

Motion and Supporting Memorandum	303
Notification Form	116
Health Insurance Affidavit (child support/medical insurance)	409
Self-represented Party Waiver of Counsel	702-A

Motion to Modify Spousal Support

Motion and Supporting Memorandum	305
Notification Form	116
Self-represented Party Waiver of Counsel	702-A

Motion to Modify Parenting Time - Residential and Legal Custodian

Motion and Supporting Memorandum	304
Notification Form	116
Self-represented Party Waiver of Counsel	702-A

Motion to Modify Parenting Time – Shared Parenting

Motion and Supporting Memorandum	304
Notification Form	116
Health Insurance Affidavit	409
Self-represented Party Waiver of Counsel	702-A

Motion to Modify Parenting Rights and Responsibilities, Motion for Shared Parenting, or Motion to Terminate Shared Parenting

Motion and Supporting Memorandum	302
Proposed Shared Parenting Plan (if requesting)	602 or Your Own
Notification Form	116
Parenting Proceeding Affidavit	604
Health Insurance Affidavit	409
Self-represented Party Waiver of Counsel	702-A

Miscellaneous Motion

Motion and Supporting Memorandum	306
Notification Form	116
Self-represented Party Waiver of Counsel	702-A

Agreed Entry (In addition to applicable motion documents listed above)

Agreed Entry	104-A
Waiver of Magistrate's Decision and 14 day Waiver	104-B
Guideline Parenting Schedule (if following)	605
Final Decree of Shared Parenting (if requesting)	
Child Support Worksheet (if requesting)	
Title IV-D Application (if modifying child support & not previously filed)	7076
CSE Account Information Sheet (if not previously filed)	509-4
Self-represented Party Waiver of Counsel	702-A

Motion for Contempt

Motion and Supporting Affidavit	301
Notification Form	116
Self-represented Party Waiver of Counsel	702-A
Explanation of Medical Bills (if involves medical bills)	301-M
Self-represented Party Waiver of Counsel	702-A

D. FOREIGN DECREES

Registration of Foreign Decree (UCCJEA)

Petition	Your Own
Certified Copy of Foreign Decree	
Classification Form	115
Notification Form	116
Notice of Registration	110A
Parenting Proceeding Affidavit	604
Self-represented Party Waiver of Counsel	702-A

Registration of Foreign Decree (UIFSA)

Petition	Your Own
Certified Copy of Foreign Decree	
Classification Form	115
Notification Form	116
Notice of Registration	110B
Parenting Proceeding Affidavit	604
Self-represented Party Waiver of Counsel	702-A

APPENDIX B - DEPOSITS REQUIRED FOR COURT COSTS

Divorce, Legal Separation & Annulment (no minor children)	\$325.00
Divorce, Legal Separation & Annulment (with minor children)	\$400.00
Petition for Dissolution of Marriage (no minor children)	\$300.00
Petition for Dissolution of Marriage (with minor children)	\$350.00
Post Decree Motion	\$165.00
Registration of Foreign Decree	\$ 50.00
Registration of Foreign Decree with Motion for Enforcement Or Modification	\$215.00
The Clerk of Courts shall add as costs the following:	
Parenting Investigation	\$250.00
Notice by Publication	\$200.00
Foreign County Service	\$ 40.00
Garnishment	\$ 50.00
Witness Fee (per day) plus mileage	\$12.00
Appeal to Court of Appeals	\$125.00

APPENDIX C - TEMPORARY RESTRAINING ORDER

IT IS ORDERED, PURSUANT TO LOCAL RULE DR 21, EFFECTIVE ON THE DATE A COMPLAINT IS FILED THAT EACH SPOUSE IS ENJOINED FROM COMMITTING ANY OF THE FOLLOWING ACTS:

1. Changing, or causing to be changed, the current residence of the child/ren born or adopted by the parties, so as to change the domicile of the child/ren; and
2. Causing physical abuse, inflicting bodily injury, attempting to cause or recklessly causing bodily injury, threatening the use of force or imminent physical harm, molesting, following, stalking, bothering, harassing, annoying, forcing sexual relations on, interfering with, or imposing any restraint on the personal liberty of the other spouse, committing any act with respect to a child in violation of the Revised Code of Ohio; and
3. Incurring debt in the name of the other spouse except for necessary food, housing, utilities, medical care, and transportation; and
4. Selling, removing, transferring, encumbering, pledging, damaging, hiding, concealing, assigning, or disposing of any property, real or personal, owned by both or either spouse or their child/ren (including household goods, vehicles, financial accounts, and the personal property of each), without the prior written consent of the spouse or the Court, unless the financial account is now used for the payment of living costs; and
5. Voluntarily changing the term of, or beneficiary of , terminating coverage of, cashing in, borrowing against, encumbering, transferring, canceling, or failing to renew any type of insurance, including health, automobile, life, home, liability, disability, or fire insurance that provides coverage for a spouse or the parties' child/ren; and
6. Failing to include the spouse or their children on any insurance renewal form, including health, automobile, life, home, liability, disability, or fire if the spouse or their children are included in the coverage prior to the renewal date; and
7. Voluntarily liquidating, cashing in, changing the beneficiary, terms, or conditions of any retirement or pension plan or program that provides any benefit to a spouse or their child/ren; and
8. Voluntarily interrupting or terminating any utility service to the marital residence without prior written consent of the other spouse or the Court. This order, by itself, does not create an obligation for either spouse to pay the utility service.

Nothing in the above restraining orders precludes a spouse from using his/her property to pay necessary and reasonable attorney fees, litigation costs, and court costs in this action.

APPENDIX D – CLERMONT COUNTY GUIDELINE PARENTING SCHEDULE

CLERMONT COUNTY DOMESTIC RELATIONS COURT GUIDELINE PARENTING SCHEDULE

This Guideline Schedule is effective November 2, 2015. This Schedule does not apply to any orders journalized prior to November 2, 2015.

1. GENERAL PARENTING PRINCIPLES

During and after a divorce, there is often a crisis period (from several months to years) during which families are under great stress because of loss, conflict, and change. Most studies show, and psychologists uniformly agree, that the children who do best following divorce are from those families that maintain a low level of conflict. The absence of conflict is more critical than the amount of time either parent spends with the child. Although spouses may terminate their marital relationship, parents should never terminate their relationship with their child/ren.

Shared parenting is the preferred method of parenting child/ren following the termination of a marriage. Shared parenting does not necessarily mean that the child/ren will spend equal time with each parent. Shared parenting means that both parents will continue to be legal custodians and residential parents of their child/ren and will continue to make decisions for their child/ren. Shared parenting requires both parents to respect and trust one another and to act in their child/ren's best interest. If there is evidence that the parents are unable or unwilling to operate under a Shared Parenting Plan, then shared parenting may not be in the child/ren's best interest.

If shared parenting is not in the child/ren's best interest, one parent will be designated the sole residential parent and legal custodian. The other parent has the right to see the child/ren under the parenting schedule, but is not a legal custodian or residential parent.

No specific parenting schedule will satisfy the needs of all children and all parents over the years. Critical to the success of any schedule is that each parent remain flexible, based upon the changing needs of child/ren, as the child/ren grow older. This Guideline Parenting Schedule takes into account the changing developmental needs of children. This Court recognizes that each situation is different and that each child is different. It is preferred that parents tailor the parenting schedule to meet the specific needs of their child/ren. Consistency in the scheduled time is also helpful for both parents and for children of all ages.

Parents are the best judge of what meets the needs of their child/ren. Although a child's wishes and concerns may be considered in determining parenting schedules, they are not the controlling factor. If a child indicates a strong opposition to being with the other parent, it is the responsibility of both parents to support and encourage parenting time. Both parents must deal appropriately with the situation by calmly discussing with the child his/her reasons. The parents must work together to alleviate these misgivings without confrontation or argument. If they cannot resolve the problem, the parents should seek the assistance of a counselor or other professional. Either parent may file a motion requesting court ordered counseling. It is the absolute duty of each parent to foster an environment which avoids such problems and to make certain that the child/ren have a healthy on-going relationship with both parents.

If parents are unable to agree on a parenting schedule, then this Court will decide what is best for the child/ren. A court imposed parenting schedule is not a judgment by this Court that one parent is better than the other parent. A court imposed parenting schedule is based solely on what is best for the child/ren in the current circumstances.

To maintain frequent contact with child/ren following a divorce, parents should strongly consider living in the same school district or within close proximity to one another. The farther the distance between the parents' homes, the more difficult it is for both parents to maintain their involvement with their child/ren. Moving out of the child/ren's area is something that should only be considered if there are no other alternatives.

Parents should create a schedule that works best for their family. In creating a schedule, parents should consider all of the following:

- A. The developmental needs and ages of their child/ren;
- B. The activities in which their child/ren are involved;
- C. Whether their child/ren have any special needs;
- D. The preservation or development of a close relationship with each parent;
- E. Each child's temperament and ability to handle change; and
- F. The parents' career demands and work schedules

_____ (“Parent 1”) will have parenting time with the child/ren under the following schedule.
 Insert Parent’s Name

_____ (“Parent 2”) will have parenting time with the child/ren at all other times.
 Insert Parent’s Name

2. WEEKLY SCHEDULE

A. Birth to Three Years

Very young children benefit from having a “home base” with one parent, and frequent, but short (i.e. two or three hour periods), contact with the other parent. Although Parent 1 may feel that the schedule is imbalanced in favor of Parent 2, the purpose of this schedule is to ensure that the very young child has the home base, which is vital to his/her developmental needs.

Parent 1 will have alternating weekly parenting time as follows:

Week A: Tuesday and Thursday evening from 6 pm to 9 pm and from Saturday at noon to Sunday at noon.

Week B: Tuesday and Thursday evening from 6 pm to 9 pm and Saturday from 9 am to noon.

BIRTH TO THREE YEARS PARENTING SCHEDULE							
	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
Week A		6 pm to 9 pm		6 pm to 9 pm		Overnight beginning at noon	End at noon
Week B		6 pm to 9 pm		6 pm to 9 pm		9 am to noon	

B. Age Three Years through Twelve Years

Children in this age group often have extracurricular activities several nights each week. Both parents should continue to support their child/ren in these activities to the same extent if they had not terminated their marriage. Each parent must put aside any animosity he/she feels toward the other parent when the parents are attending their child/ren's activities, for the child/ren's benefit and to avoid embarrassing the child/ren. Neither parent, however, may use his/her authority to schedule extracurricular activities in a manner that defeats or seriously infringes on the other parent's ability to spend time with the child/ren.

Parent 1 will have parenting time alternating weekly as follows:

Week A: Thursday afternoon, at 6 pm until Monday morning. Parent 1 is responsible for transporting school age child/ren to and from school on Friday and on Monday morning. If the child/ren does not have school on Friday morning, Parent 1 is responsible for making child care arrangements for the child/ren. If the child/ren does not have school on Monday morning, Parent 1 must return the child/ren to Parent 2 or the child care

provider by Monday at 10 am. Parent 2 is responsible for making child care arrangements for the child/ren.

Week B: Thursday afternoon at 6 pm until Friday morning. If school is in session, Parent 1 is responsible for taking school age children to school on Friday morning. If school is not in session on Friday, Parent 1 must return the child/ren to Parent 2 or the child care provider by Friday at 10 am.

AGE THREE YEARS THROUGH AGE TWELVE YEARS PARENTING SCHEDULE							
	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
Week A				Beginning at 6 pm	O	O	O deliver to school, Parent 2 or child care by Monday at 10 am
Week B				Beginning at 6 pm	deliver to school, Parent 2 or child care by 10 am		

O means overnight

C. Age Thirteen Years and above

Children in this age group tend to view their peer group as more important than their family ties. This does not mean that parents are insignificant or have no role to play with children of this age. Each parent must continue to support their child/ren’s relationship with both parents. Both parents should continue to support their child/ren in their activities to the same extent as if they had not terminated their marriage. Each parent must put aside any animosity he/she feels toward the other parent when the parents are attending their child/ren’s activities, to avoid embarrassing the child/ren.

Many children are driving by age 16; many children are also working part time jobs in addition to attending high school and participating in extracurricular activities. Both parents have to be reasonable with their demands for their child/ren to spend time with the parents, especially during weekends and summer holidays. Quality of time is more important than a rigid schedule. Flexibility in scheduling is necessary. When possible, the parents should consider the older teenager’s wishes.

Parent 1 will have parenting time every other weekend from Friday at 6 pm until Monday morning. If school is in session, Parent 1 is responsible for taking school age child/ren to school on Monday morning. If school is not in session, Parent 1 must return the child/ren to Parent 2 by Monday at 10 am. Parents should respect a teenager’s need to spend time with peers and in organized activities, and less time with each parent.

D. Siblings in different age groups

If a family has children in Brackets 2A and 2B above, then Parent 1 will have parenting time with the children in accordance with the Bracket 2A schedule, with one exception. The Week A weekend parenting time for the child younger than three years old will remain as set forth on Schedule 2A. The Week A weekend parenting time for the older child will be from Friday evening at 6 pm until Monday morning. Parent 1 is responsible for transporting school age child/ren to school on Monday morning. If the child/ren does not have school on Monday morning, Parent 1 must return the child/ren to Parent 2 or the child care provider by Monday at 10 am. Parent 2 is responsible for making child care arrangements for the child/ren.

If a family has children in Brackets 2A, 2B, and 2C, above, then Parent 1 will have parenting time with the child/ren age birth to 12 years old in accordance with the Bracket 2A schedule, with one exception. The Week A weekend parenting time for the child younger than three years will remain as set forth on Schedule 2A. The Week A weekend parenting time for the child/ren age three to 12 years old will be from Friday evening at 6 pm until Monday morning. Parent 1 will have parenting time with the children age 13 through 18 in accordance with Bracket 2C. Parent 1 is responsible for transporting school age child/ren to school on Monday morning. If

the child/ren does not have school on Monday morning, Parent 1 must return the child/ren to Parent 2 or the child care provider by Monday at 10 am. Parent 2 is responsible for making child care arrangements for the child/ren.

If a family has children in Brackets 2A and 2C, above, then Parent 1 will have parenting time with the child/ren according to each child's bracket. If a family has children in Brackets 2B and 2C, above, then Parent 1 will have parenting time with the child/ren according to each child's bracket.

3. ADDITIONAL PARENTING TIME

A. <u>Holidays</u>	Even Numbered <u>Years</u>	Odd Numbered <u>Years</u>	<u>Schedule</u>
New Year's Day*	Parent 1	Parent 2	12/31 6:00p.m. to 1/1 6:00p.m.
Martin Luther King Day	Parent 2	Parent 1	Sunday 6:00p.m. to Monday 6:00p.m.
President's Day	Parent 1	Parent 2	Sunday 6:00p.m. to Monday 6:00p.m.
Easter	Parent 2	Parent 1	Saturday noon to Sunday 6:00p.m.
Memorial Day	Parent 1	Parent 2	Sunday 6:00p.m. to Monday 6:00p.m.
Fourth of July	Parent 2	Parent 1	9:00a.m. to 9:00p.m.
Labor Day	Parent 1	Parent 2	Sunday 6:00p.m. to Monday 6:00p.m.
Halloween (Beggar's Night)**	Parent 2	Parent 1	5:00p.m. to 9:00p.m.
Thanksgiving	Parent 1	Parent 2	Wednesday 6:00p.m. to Friday 6:00p.m.
Christmas Eve	Parent 1	Parent 2	12/23 noon to 12/24 9:00p.m.
Christmas Day	Parent 2	Parent 1	12/24 9:00p.m. to 12/26 6:00p.m.
Mother's Day***	Mother	Mother	10:00a.m. to 9:00p.m.
Father's Day***	Father	Father	10:00a.m. to 9:00p.m.
Child's Birthday (school)****	Parent 1	Parent 2	5:00p.m. to 9:00p.m.
Child's Birthday (no school)****	Parent 1	Parent 2	9:00a.m. to 9:00p.m.

*The year in which New Year's Day falls determines whether the holiday is in an even or odd-numbered year.

**If Beggar's Night occurs on different nights in each parent's neighborhood, then the child/ren may participate in Beggar's Night in each parent's neighborhood.

***If Parent 1 and Parent 2 are the same sex, Parent 1 will have parenting time from 10:00a.m. to 9:00p.m. on Mother's Day in even years and Father's Day in odd years, and Parent 2 will have parenting time from 10:00a.m. to 9:00p.m. on Mother's Day in odd years and Father's Day in even years.

****The parenting time for birthdays will include all children of the marriage, not just the child/ren celebrating his/her birthday.

Either or both parents may celebrate additional days of special meaning in which the child/ren should be permitted to participate. These days of special meaning include, but are not limited to, a parent's wedding, extended family members' birthday celebrations, anniversaries, religious holidays, and cultural holidays. Holidays of religious or cultural significance should be allocated between the parties in the final parenting orders. If a specific day of special meaning is not incorporated into the above chart, then the parent wishing to exercise such day of special meaning may use extended parenting time, as set forth below, so that the child/ren may participate in the celebration.

B. Extended Time

Each parent is entitled to three weeks of additional parenting time each year, two of which may be consecutive. A week is a period not exceeding seven consecutive days. If a parent does not use the full seven days of extended time, those unused days are forfeited. This time may be exercised during the child/ren's spring break from school (every other year) or at any other appropriate time during the year. This time may also be exercised during the child/ren's Christmas school break (every other year), but unless otherwise agreed to by the parties, the extended time may not begin before December 26 nor continue past

December 31.

Extended parenting time may not be tacked on to the parent's regular parenting schedule. If a parent is exercising seven or more consecutive days of parenting time, the other parent must have at least one overnight parenting time immediately prior to and one overnight parenting time immediately after the consecutive days of parenting time. If a parent is exercising extended parenting time but the total time is less than seven consecutive days, there is no requirement that the other parent have overnight parenting time immediately prior to or immediately after the extended parenting time.

Each parent will provide the other parent with his or her vacation destination, method of travel, times of arrival and departure, and the telephone number where the child/ren can be reached if extended time is going to occur out of town. The vacationing parent must provide this information to the non-vacationing parent at least 14 calendar days prior to the commencement of the vacation. A parent is not required to travel out of town or use vacation time from work in order to exercise extended parenting time.

Each parent must notify the other parent in writing of the times desired for these extended periods, at least 30 days prior to the requested extended parenting time. Where there is a conflict between the parents, the parent who first gave written notice to the other parent prevails.

4. ORDER OF PREFERENCE

In the event of a conflict, the following is the order of preference: (1) holidays; (2) extended periods; (3) weekends and midweek days.

5. MISCELLANEOUS

A. Parent 1 must provide transportation at the beginning of his/her parenting time and Parent 2 must provide transportation at the end of Parent 1's parenting time. If the parent providing transportation is unavailable, another person may provide transportation if he/she is over the age of 18, has a valid driver's license, has car insurance and is one of the following: a person related to the child/ren or who is part of the extended family of either parent; a friend of the parent known to both the parents and the child/ren; and any other person agreed upon in advance by the parents. Any person transporting a child/ren must use the proper child/ren restraint seat(s) and/or seat belts as required by law. No person may consume alcohol or use illegal drugs immediately prior to or during the transportation of a child/ren.

B. Each parent may have reasonable telephone and email contact with the child/ren.

C. Parents are expected to be prompt for all parenting time exchanges. If a parent is going to be late, he/she must contact the other parent and give a reasonable estimated arrival time. Chronic lateness may be a reason to modify the schedule. The child/ren should be ready to leave with the parent at the scheduled time.

D. Each parent must give notice of his/her intent not to have parenting time, at least 24 hours in advance, unless a last minute emergency occurs. A parent who does not exercise a specific parenting time forfeits that specific time.

E. A parenting time exchange is not the time for parents to air their grievances with the other parent. It is important for the child/ren that the exchanges take place without any conflict between their parents.

F. Either parent may request a modification of parenting time by filing a motion to modify with this Court. This Court will modify a parenting schedule based upon the best interest of the child/ren. Whether a parent is exercising his/her parenting time, whether there are conflicts in the parenting time exchanges, and whether a parent is prompt in the pickup and return of the children are examples of factors to be considered in determining what is in the child/ren's best interest.

6. STATUTORY NOTICES

RELOCATION NOTICE: Pursuant to R.C. 3109.051(G), the parents are notified as follows: If either parent intends to move to a residence other than the last residence of court record, he/she must file a notice of intent to relocate with the Clerk of Courts. Except as provided in R.C. 3109.051(G)(2), (3) and (4), the Clerk of Courts will mail a copy of the notice to the other parent. On receipt of the notice, this Court, on its own motion or on the motion of the other parent, may schedule a hearing with notice to both parents to determine whether it is in the best interest of the child/ren to revise the parenting schedule.

RECORDS ACCESS NOTICE: Pursuant to R.C. 3109.051(H) and 3319.321(B)(5)(a), the parents are notified as follows: Except as specifically modified or otherwise limited by court order or by law, both parents are entitled to equal access to any record related to the child/ren, including school and medical records. Any keeper of a record, public or private who knowingly fails to comply with this order is in contempt of court.

DAY CARE CENTER ACCESS NOTICE: Pursuant to R.C. 3109.051(I), the parents are notified as follows: Except as specifically modified or otherwise limited by court order or by law, both parents are entitled to equal access to any day care center that is or will be attended by the child/ren.

SCHOOL ACTIVITIES NOTICE: Pursuant to R.C. 3109.051(J), the parents are notified as follows: Except as specifically modified or otherwise limited by court order or by law, both parents are entitled to equal access to any student activity related to the child/ren. Any school official or employee who knowingly fails to comply with this order is in contempt of court.