

**BUTLER COUNTY COURT OF COMMON PLEAS
DIVISION OF DOMESTIC RELATIONS
COURT RULES
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- DR 18** Waiver of Magistrate’s Findings of Fact and Time Period for Filing Objections
- DR 142** Household Furnishings Form
- DR 145** Genetic Testing Order
- DR 146** Notice for Property or Spousal Support Mediation
- DR 201** Withholding Order/Qualified Medical Child Support Order Information Sheet
- DR 214** Drug Testing Order
- DR 602-A** Affidavit of Income, Expenses, and Property of _____
- DR602-B** Affidavit of Income and Expenses of _____
- DR 610** Butler County Domestic Relations Court Guidelines for Parenting Time
- DR 616** Information for Parenting Proceeding Affidavit (ORC 3109.27)
- DR 624** Child Support Computation - Sole Residential Parent or Shared Parenting Order
- DR 625** Child Support Computation - Split Parental Rights and Responsibilities
- DR 626** Basic Child Support Schedule
- DR 627** Request for Interpreter
- DR 628** Order to Attend Mandatory Education Class
- DR 705** Health Insurance Provisions of Support Order (Obligor/Obligee to Provide Ins.)
- DR 707** Health Insurance Provisions of Support Order (No Group Health Ins. Available)
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- DR 803** Guidelines For Parents Living in Different Homes
- C 13** Notice of Intent to Relocate Within Butler County
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- C 16** Notice to Case Management Office
- ODHS 7076** Title IV-D Application for Child Support Services
- MS-002** Memorandum of Understanding for Mediation

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

TITLE ONE: PLEADINGS AND GENERAL PROVISIONS

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

- (A) All pleadings shall comply in form and content with Title III of the Ohio Rules of Civil Procedure, requirements of the Ohio Revised Code, and local rules of the Butler County Domestic Relations Court.
- (B) All pleadings shall contain the names, addresses, dates of birth and social security numbers of both parties and all children of the marriage. Pleadings shall also contain the telephone numbers of all parties.
- (C) All pleadings and filings shall be submitted to the Domestic Relations Case Management Office for review and data entry. **Submission to any section of the Case Management Office is not a filing of the legal action.** All court filing must be done by the Clerk of Courts. The purpose of Case Management Office review is to assist the public and the legal profession. Assuring the quality of the documents increases the efficiency of the court's operation.
- (D) The following pleadings and filings shall be presented to the Case Management Office for immediate review:
 - ?? Answers
 - ?? Complaints for Annulment, Divorce and Legal Separation
 - ?? Complaints for Parentage
 - ?? Counterclaims
 - ?? Motions (Emergency, pre-decree, and post-decree)
 - ?? Notice of Intent to Relocate

The following pleadings and filings shall be presented to the Case Management Office for review by the Decree Division:

- ?? Agreed Entries
- ?? Decrees for Annulments, Divorce, Legal Separation, Shared Parenting, and Petitions for Dissolution with copy of Decree of Dissolution
- ?? Separation Agreements
- ?? Shared Parenting Plans

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

?? Continuances

?? Objections

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

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

- (F) Any filing which is filed directly with the Clerk of Courts without prior approval of the Case Management Office shall thereafter be reviewed by Case Management. If the filing fails to conform to the requirements of local rules, state law or the Ohio Rules of Civil Procedure, the court may dismiss the filing on its own motion.
- (G) Throughout these rules the designation of plaintiff, defendant, petitioner or respondent shall mean the party and his/her attorney, if represented, and the party if un-represented.
- (H) Failure to comply with the local rules is not a basis for extension of any time requirements mandated by local rule, state law or rules of procedure.

DR 2. Attorney Requirements

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

DR 3. Supervision of Children

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

DR 4. Mandatory Education (Form DR 628)

- (A) In all cases in which there are minor children, both parents shall complete the class, "Helping Children Succeed After Divorce." An order requiring attendance (Form DR 628) shall be filed with the complaint for divorce, annulment, or legal separation. This form shall be served upon the defendant along with the complaint. In cases of dissolution of marriage, a Form DR 628 shall be filed along with the petition and the separation agreement. Each plaintiff in a divorce action and both parties in a dissolution of marriage action must complete the education program within forty-five (45) days of the filing of the complaint or petition. Each defendant must complete the class within forty-five (45) days of being served with the complaint. This rule applies even if the children are under the jurisdiction of the Juvenile Court.
- (B) The class attendance required by this rule may be waived in extraordinary circumstances only by entry of a hearing officer. The court may refuse to hold a final hearing if either parent fails to attend the class. The court may also deny parenting time or residential parent status to a parent who does not attend.

DR 5. Financial Disclosure (Forms DR 602-A and DR 602-B)

(A) Form DR 602-A Requirements for Initial Pleadings

- (1) The plaintiff shall file a completed Form DR 602-A with the complaint for divorce, annulment or legal separation. This form shall be served upon the defendant along with the complaint.
- (2) The defendant shall file a completed Form DR 602-A with the answer. This form shall be served upon the plaintiff along with the answer.
- (3) Petitioners for dissolution shall file a completed Form DR 602-A with the petition for dissolution and the separation agreement. Parties may file separate forms or a joint form.
- (4) The requirements regarding the filing of Form DR 602-A may not be waived by agreement of the parties.
- (5) All DR 602-A forms shall be signed and notarized.

(B) Form DR 602-B Requirements for Motions

- (1) In all cases in which a Form DR 602-A or Form DR 602-B has not been filed or updated within the last six (6) months, the movant shall attach a completed Form DR 602-B to motions which concern spousal support, child support, payment of expenses or any other financial issue. The only exception to this requirement is the filing of a motion for contempt for non-payment of support when that is the only issue to be determined.
- (2) The party responding to the motion shall file a completed Form DR

602-B at least three (3) days prior to the hearing date.

(3) All DR 602-B forms shall be signed and notarized.

(C) Character and Effect of Forms DR 602-A and DR 602-B Information

The information contained in the DR 602 forms shall be treated as though it were obtained in answer to questions propounded by the court and shall be subject to cross examination.

DR 6. Information for Parenting Proceeding Affidavit (Form DR 616)

All pleadings and motions requesting a parenting order shall be accompanied by a completed Form DR 616. The Form DR 616 shall be signed by the party initiating the pleading or motion and it shall be notarized.

DR 7. Guidelines for Parents Living in Different Homes (Form DR 803)

All original filings for divorce, annulment, legal separation or dissolution shall be accompanied by a Guidelines for Parents Living in Different Homes (Form DR 803), if there are minor children involved.

DR 8. Filing Requirements for Child Support Calculation Sheets (Forms DR 624, 625, and 626)

(A) All original filings for divorce, annulment, legal separation or dissolution shall be accompanied by a completed child support calculation sheet if there are minor children involved, unless the parties are still living in the same household.

Motions requesting a modification of child support shall also be accompanied by a completed child support calculation sheet.

The calculation sheet shall be signed by the person who prepared it. The calculation sheet shall also be signed by the party or parties submitting it.

(B) If the income of a party is unknown, but his or her employment is known, the attorney **shall obtain** income information by filing a subpoena duces tecum at the time the complaint or motion is filed, and note that a subpoena has been filed in lieu of the calculation sheet. If both the income of a party and his or her employment are unknown, a statement must be submitted that the information necessary to complete the calculation sheet cannot be obtained by reasonable means.

DR 9. Withholding Order/Qualified Medical Child Support Order Information Sheet (Form DR 201)

Form DR 201 is the form that implements withholding and health insurance orders. These orders cannot be activated until a Form DR 201 has been completed and filed

with the court. The court will not process an order that establishes or modifies a support or health insurance obligation unless it is accompanied by a completed Form DR 201.

DR 10. Title IV-D Application

The obligee of a child support order shall complete an application for Title IV-D services whenever a child support obligation is sought. The IV-D application shall be submitted contemporaneously with the complaint for divorce, answer, answer and counterclaim, complaint for legal separation, or petition for dissolution of marriage. A IV-D application shall also be filed by the obligee with post-decree child support or health insurance motions. Only one original is required.

DR 11. Style of Pleadings

- (A) All pleadings and forms required by the court shall be typewritten or printed legibly. The caption of every pleading shall contain the name of the judge assigned to the case **and** the name of the magistrate scheduled to hear any pending motion.
- (B) All entries and decrees shall include signature lines for the assigned judge and, if applicable, the magistrate who heard the case.

DR 12. Number of Copies Required

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

- (A) Petitions for Dissolution, original plus one (1) copy;
- (B) Complaints, original plus two (2) copies;
- (C) Motions, original plus four (4) copies;
- (D) Final decrees without children, original plus three (3) copies and final decrees with children, original plus five (5) copies.

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

DR 13. Assignment of Cases

- (A) When a new case is filed, it shall be assigned by random computer selection to one of the two judges of this court. Thereafter, full responsibility for that case rests with the assigned judge, whose last name shall appear in the caption of all further pleadings.

- (B) **Absent an emergency, entries should be signed only by the assigned hearing officer scheduled to hear a case.**

DR 14. Court Costs

- (A) The Clerk of Courts shall not accept a domestic relations action for filing unless it is accompanied by a filing fee as established by the court, or an affidavit of indigency.
- (B) If, during the course of the proceedings, the court learns that a party who filed an affidavit of indigency is able to pay the costs, the court may order that party to pay the court costs within a reasonable period of time.
- (C) Absent special circumstances, the court will not sign final decrees until all costs have been either waived or assessed. In the event a decree is filed without an assessment of costs, all costs shall be paid by the plaintiff.
- (D) Persons who subpoena more than two witnesses shall post security for the cost of witness fees plus mileage for all witnesses subpoenaed.
- (E) When a guardian ad litem is appointed, the court may order the appropriate party or parties to deposit \$500.00 with the Clerk of Courts as security toward the payment of guardian fees.

DR 15. Electronic Transmission Filing

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

- (A) A document filed by fax shall be accepted as the original filing, consistent with Ohio Civil Rule 5(E), provided that the person sending the fax complies with all of the requirements set forth in this local rule. The person making a fax filing need not file an original copy with the Clerk of Courts but must, however, maintain in his or her records and have available for production upon request of the court the original copy of any document filed by fax, with original signatures as otherwise required under the applicable rules, together with the original copy of the facsimile cover sheet used for the subject filing.
- (B) As per Rule DR 1(C), every document to be filed by fax with the Clerk of Courts shall first be submitted to the Domestic Relations Case Management Office at fax # (513) 785-5337.
 - (1) If no review by the Case Management Office is required, the document shall be delivered to the Clerk of Courts for filing.
 - (2) If a review is required, the Case Management Office shall complete the

review and, if the document is approved, contact counsel or parties who are responsible for filing. If the document is not approved, the Case Management Office shall, within twenty-four (24) hours, notify the person who transmitted the document of **all** specific reasons for the rejection.

- (C) All fax filings shall be considered filed with the Clerk of Courts as of the date and time stamped by the Clerk of Courts' office.
- (D) The person filing a document by fax shall also provide a cover page containing the following information:
 - (1) The caption of the case;
 - (2) The case number;
 - (3) The assigned judge;
 - (4) A description of the document being filed;
 - (5) The date and time of the transmission;
 - (6) The transmitting fax number;
 - (7) The number of pages being transmitted.
- (E) **The following documents may not be filed by facsimile transmission:**
 - (1) Any filing commencing an action (i.e., a complaint or post-decree motion) for which the Clerk of Courts must collect an initial deposit against costs or a specific filing fee and/or the Clerk is required to effectuate service and summons;
 - (2) Any entry that must be signed by a hearing officer of this court or any final entry that must be accompanied by costs owed to the Clerk of Courts.
- (F) The purpose of this rule is to provide an additional service to users of the court. Neither the Clerk of Courts nor the Domestic Relations Court assumes any new or additional responsibilities, obligations, or liabilities by virtue of this rule except as expressly provided herein. Further, this rule pertains only to the method of filing; it does **not** override, alter, amend, revoke or otherwise change any local rule or Ohio Rule of Civil Procedure respecting the requirement of, for example, obtaining the consent of parties or counsel or obtaining signatures, or the authorization to sign for opposing counsel as to any filings.

DR 16. Service of Process by Posting

In a divorce, annulment or legal separation action, where service of process is perfected in accordance with Ohio Rule of Civil Procedure 4.4(A)(2), the Clerk of Courts shall cause notices to be posted in a conspicuous place in the Government Services Center, 8th Floor, Middletown Municipal Court, and the license registrar in the City of Hamilton.

DR 17. Transcripts

- (A) A person requesting a transcript of a hearing from the transcript coordinator shall call the court's administrative office at (513) 887-3352. The transcript coordinator will estimate the cost of the transcript and determine the date by which a deposit must be paid. The deposit must be paid before the transcript is typed. It is the responsibility of the person requesting the transcript to do so in a timely manner.
- (B) After the deposit is paid, the transcriber will advise the person of the estimated completion date of the transcript. When the transcript is completed, the transcriber will notify the person of its availability and the cost due. The balance is payable in full before a transcript is released.
- (C) Any person may arrange to listen to the record of a hearing by contacting the transcript coordinator at (513) 887-3352. Arrangements will be made for the record to be listened to under the supervision of court staff. There is no charge for listening to a record of the hearing.
- (D) The cost of a typed transcript is \$2.50 per page for the original, and \$1.25 per page for each additional copy provided by the court. The cost for an expedited transcript is \$3.00 per page. The cost for a copy of an exhibit is \$.15 per page.
- (E) An audio recording of a hearing may be burned onto a CD upon request. The cost for a CD is \$5.00.

DR 18. Failure to Comply with Title One of These Rules

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

TITLE TWO: *EX PARTE* ORDERS

DR 19. Residential Parent Status

- (A) **When both parties remain in the same home:**

If, at the time the complaint is filed, both parties are living in the marital residence, the plaintiff shall file with the complaint an *ex parte* order which

provides that the parents will share the rights and responsibilities regarding their children in accordance with the established practices of the household. The order shall further provide that, pending further order of the court, each parent shall be the residential parent of the children.

(B) When the parties are separated:

If, at the time the complaint is filed, the parties live in separate households, the plaintiff shall file with the complaint an *ex parte* order granting residential parent status to the person who had actual, physical custody of the children preceding the filing of the complaint. This order shall be filed even if the filing party is also filing a motion requesting a change or modification by which he or she seeks to be granted residential parent status. The court will order sanctions, including attorney fees and costs for misrepresentation, when a parent claims to have custody of a child at a time when no such custody existed.

(C) When the parties separate after the filing of *ex parte* order:

Ex parte orders shall only be issued at the time of initial filing. If circumstances change after the filing of the *ex parte* order, the parties must seek a new order by motion and hearing or file an agreed entry.

(D) When Juvenile Court has jurisdiction over the children:

When Juvenile Court has jurisdiction over all of the children of a marriage, the complaint or petition shall contain a statement to that effect. When Juvenile Court has jurisdiction of some, but not all, of the children of a marriage, the pleadings shall identify those children by name.

DR 20. Temporary Child Support Order

(A) When both parties remain in the same home:

If both parties remain in the marital residence, the plaintiff shall file with the complaint an *ex parte* order which provides that each parent shall continue to provide support and maintain all current health insurance coverage for the minor children in accordance with the established practices of the household.

(B) When the parties are separated:

- (1) If the parties live in separate households and one party has been designated the residential parent of the children, the plaintiff shall file with the complaint an *ex parte* order which requires the non-residential parent to pay child support.
- (2) The amount of the child support order shall be calculated pursuant to ORC 3119.01-3119.02, and calculation sheets shall be attached to

each temporary order. The monthly amount shall be listed in addition to the amount of child support per child per pay period.

- (3) If the obligor's income is unknown, that information shall be obtained by subpoena duces tecum. If both the income of a obligor and his or her employment are unknown, the plaintiff must submit a statement that the information cannot be obtained by reasonable means and the plaintiff may make a good faith estimate of the obligor's income and file an *ex parte* order based on that estimate.
- (4) If the obligor has no income, the order will provide that the obligor seek work and pay the current statutory minimum support order (currently \$50.00 per month for all children subject to the order).
- (5) Temporary child support orders shall be effective and payable directly to the obligee on the Friday following service of the order.
- (6) In addition to monetary payments, all temporary child support orders shall require the parties to pay for their children's health care expenses in accordance with the established practices of the household. The order shall also provide that the parties maintain their current health insurance policies.

(C) When the parties separate after the filing of *ex parte* order:

Ex parte orders shall only be issued at the time of initial filing. If circumstances change after the filing of the *ex parte* order, the parties must seek a new order by motion and hearing or file an agreed entry.

DR 21. Temporary Parenting Time Orders

- (A) This court has adopted a standard parenting time schedule (Form DR 610) attached as an appendix to these rules.
- (B) If, at the time of filing, the parties are living in separate households, the plaintiff shall file with the complaint an *ex parte* order granting parenting time to the non-residential parent in accordance with Form DR 610, or setting forth the parenting time schedule which the parties have already established.
- (C) If the filing party wishes to restrict or deny parenting time, an *ex parte* order must be obtained from a hearing officer supported by an affidavit. If parenting time is denied or restricted by an *ex parte* order, notice of the restriction and notice of an emergency hearing shall be served upon the restricted party.

DR 22. Temporary Order for Payment of Debts

- (A) If, at the time of the filing, the parties are living in the same household, the

plaintiff shall file with the complaint an order providing that the parties shall continue to pay their marital debts and obligations in accordance with the established practices of the household.

- (B) If, at the time of the filing, the parties are living in separate households, either party may file a motion for a temporary order allocating debts and expenses.

DR 23. Temporary Spousal Support

There shall be no *ex parte* orders for temporary spousal support. Spousal support may be awarded only upon motion and hearing.

DR 24. Temporary Restraining Orders

An *ex parte* temporary restraining order may be obtained by either party at or after the commencement of a case so long as it is accompanied by a supporting affidavit. The affidavit shall set out specific facts which justify the issuance of the restraining order. Only the following language will be approved *ex parte*. Any other request for a restraining order shall be awarded only upon motion and hearing.

- (A) Defendant/Plaintiff is hereby restrained from striking, abusing, harassing, stalking, threatening, or injuring Plaintiff/Defendant.
- (B) Defendant/Plaintiff is hereby restrained from permanently removing the minor child(ren) from the State of Ohio.
- (C) Defendant/Plaintiff is hereby restrained from damaging, moving, selling, giving away, transferring, withdrawing, disposing of, or encumbering any interest which either party may have in real property, personal property, funds, accounts, business interests, investments or any other asset.
- (D) Defendant/Plaintiff is hereby restrained from interfering with Plaintiff/Defendant's use of the vehicle currently used primarily by him/her.
- (E) Defendant/Plaintiff is hereby restrained from incurring any debt or making any credit card purchases on any account which is either in the other party's name or in joint names.
- (F) Defendant/Plaintiff, who has been voluntarily absent from the marital residence for a period of at least thirty (30) consecutive days, is hereby restrained from re-entering the marital residence.
- (G) Defendant/Plaintiff is hereby restrained from terminating, modifying, or changing the beneficiaries on any policy of life, health, automobile, or other insurance which covers a party or a minor child of the parties, in accordance with ORC 3105.71.

DR 25. Relief From *Ex Parte* Orders

- (A) Any party who believes that an *ex parte* order filed in accordance with these rules is inappropriate may file a motion for relief. The filing party shall obtain a hearing date from the Case Management Office. Motions shall contain a notice of the date, time, and place of the hearing and shall be served in accordance with the Ohio Civil Rules.
- (B) Motions for relief from *ex parte* temporary orders shall be given priority on the court's docket. In the event an *ex parte* order is found to be incorrect or inappropriate, any modification may be made retroactive to the effective date of the order.

TITLE THREE: PROCEDURE

DR 26. Dissolution of Marriage

- (A) A Dissolution of Marriage must contain the following:
 - (1) A Petition for Dissolution of Marriage;
 - (2) A separation agreement;
 - (3) A Decree of Dissolution of Marriage;
 - (4) If applicable, a shared parenting plan, a decree of shared parenting, an Order to attend Mandatory Education Class (Form DR 628), an Information for Parenting Proceeding Affidavit (Form DR 616), a IV-D Form (ODHS 7076), a Guidelines for Parents Living in Different Homes (Form DR 803), and child support calculation sheets;
 - (5) An Affidavit of Income, Expenses and Property (Form DR 602-A).
- (B) If applicable, both parties must complete the mandatory parent education class within forty-five (45) days of the filing of the petition. (See Rule DR4)
- (C) The Case Management Office will notify both *pro se* parties and counsel of record of a final hearing date.
- (D) Both parties must appear at the final hearing and be in complete agreement on all issues before a dissolution is granted.
- (E) The Petition for Dissolution and Decree of Dissolution, including three (3) copies without children and five (5) copies with children, shall be submitted to the Case Management Office for review by the Decree Division.

- (F) If the Decree is approved, the Decree Division shall notify the submitting party. The Decree, with copies, shall be placed in the case card and held for final hearing.

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

- (G) Upon completion of the hearing, the Domestic Relations Court Judges' or Magistrates' staff will file the original Decree and copies with the Clerk of Courts.
- (H) A final dissolution hearing must be held no later than ninety (90) days after the dissolution is filed. If the hearing is not held within ninety (90) days, the petition shall be dismissed. A motion may be filed within the ninety (90) days to convert the petition for dissolution to a complaint for divorce.

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

DR 27. Non-contested Divorce Cases

- (A) If a timely answer is not filed by the defendant, the court will schedule a non-contested hearing and notify both parties of the day and time.
- (B) The plaintiff shall mail a copy of the proposed decree, which has already been approved by the Decree Division, to the defendant at least fourteen (14) days prior to the hearing date if any of the following conditions apply:
- (1) The parties have minor children;
 - (2) The parties own real estate;
 - (3) The parties own personal property in which there is equity of \$5,000.00 or more;
 - (4) There is an award of spousal support.
- (C) The plaintiff shall serve the approved proposed decree by ordinary mail. A certificate of service shall be filed with the Clerk of Courts.
- (D) A proposed decree shall not be required when the defendant was served by posting or publication and his or her whereabouts continue to be unknown to the plaintiff.

(E) In all cases not covered in DR 27(B), non-contested Divorce Decrees, including three (3) copies without children and five (5) copies with children, shall be submitted to the Case Management Office for review by the Decree Division, fourteen (14) days prior to the final hearing.

(F) If the Decree is approved, the Decree Division shall notify the submitting party. The Decree, with copies, shall be placed in the case card and held for final hearing.

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

(G) The plaintiff and a witness who has personal knowledge of the circumstances must appear at the time of the final hearing.

(H) Upon completion of the hearing, the Domestic Relations Court Judges' or Magistrates' staff will file the original Decree and copies with the Clerk of Courts.

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

DR 28. Contested Divorce Cases

(A) Mandatory Disclosure

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

- (1) All pension, profit sharing, and retirement benefits, including IRA's;
- (2) All COBRA benefits to which the party may be entitled;
- (3) Copies of all real estate deeds and vehicle titles;
- (4) Copies of the last three (3) years' income tax returns;
- (5) Documentary proof of current income from all sources;
- (6) Copies of the most recent statements on all bank accounts, mortgages, credit card accounts and other debts.

Failure to comply with Rule DR 28(A) may result in sanctions under Civil Rule 37, including a contempt citation, dismissal of claims, and restrictions upon the submission of evidence.

(B) Scheduling Conferences

- (1) When an answer to a complaint is filed, the court will set the case for a scheduling conference and notify counsel and *pro se* parties of the date and time. The purpose of the scheduling conference is to identify the issues in controversy, establish a timetable for discovery, and set appropriate pretrial conference dates or, if pretrial is not warranted, trial dates. At the conclusion of the scheduling conference, a scheduling order will be issued. Attorneys and *pro se* parties shall bring their calendars or their cell phones to all scheduling conferences. Represented parties need not be present, but must be accessible by telephone so that dates can be set per this rule. However, any party may attend the scheduling conference of his or her case.

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

- (2) The following property issues will be addressed and appropriate orders issued at the scheduling conference:

- (a) The valuation date of marital property shall be the date of the scheduling conference unless a party, at least seven (7) days prior to the scheduling conference, files a motion to establish an alternate date. The valuation date of marital debt is the date of separation, unless it is shown that a debt incurred after separation is for marital purposes.

Any party filing a motion to establish an alternate date of valuation shall obtain a hearing date from the Case Management Office. The motion shall contain the date, time and place of hearing;

- (b) Real estate, including whether any appraisals are required and who will pay for them;
- (c) Vehicles and the method of valuation;
- (d) How to value and divide personal property and household goods/furnishings, including issuing a Form DR 142 (Inventory), if necessary;
- (e) Business valuations;
- (f) How and when asset disclosure shall take place;

- (g) How and when debt disclosure shall take place;
- (h) The basis of any request for spousal support;
- (i) Any other property issues, including, but not limited to, the date of valuation for purposes of property division and issues as to whether specific property is marital or separate.

(3) At the scheduling conference, the court will determine whether there are disputed issues regarding the allocation of parental rights and responsibilities. If parenting issues are disputed or if either party intends to request shared parenting, the court will address those issues in the scheduling order. It is the intention of the court to identify those cases in which there are issues pertaining to children, and to give them priority so that children's issues may be promptly resolved.

The scheduling order shall contain:

- (a) A date for the parties who have contested parenting issues to meet for mediation per Rule DR 48, and dates for the parties to attend mandatory education classes;
- (b) If applicable, an order that the party requesting shared parenting shall file a shared parenting plan within fourteen (14) days after the scheduling conference and that a response plan or pleading must be filed within fourteen (14) days thereafter;
- (c) If applicable, a request for psychological evaluations and/or home investigations. If requested, these must be completed and **submitted to the court** within forty-five (45) days of the scheduling conference;
- (d) If applicable, an order appointing a guardian ad litem and an order for deposit of costs for the guardian;
- (e) If there is no order for psychological evaluations and/or home investigations, a pretrial hearing on parenting issues will be set within twenty-one (21) days and a trial date set within thirty (30) days of the scheduling conference. It shall be within the discretion of the hearing officer whether a pretrial is necessary. If a pretrial is not necessary, then the trial will be set within twenty-one (21) days of the scheduling conference;
- (f) If there is an order for psychological evaluations and/or home investigations, a pretrial hearing on parenting issues will be set within fifty (50) days of the scheduling conference and a trial date set within sixty (60) days of the scheduling conference. It shall be within the discretion of the hearing officer whether a pretrial is necessary. If a pretrial is not necessary, then the trial will be set within fifty (50) days

of the scheduling conference;

- (g) A date will be set for attorney(s) and parties to meet for a settlement conference. If all issues are settled, the pretrial date will be used for a non-contested divorce hearing.

(C) Pretrial Conferences

(1) Parenting

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

(2) Property

- (a) Attorneys shall complete all discovery before the pretrial.
- (b) If an Inventory of Household Goods and Furnishings (Form DR 142) was ordered at the scheduling conference, the completed inventory must be presented at the pretrial.
- (c) On the day that a pretrial conference is scheduled, each party shall present to the court a pretrial statement which contains all of the following information:
 - (i) The parties' ages, dates of birth, employment status, incomes, physical and mental health and length of the marriage;
 - (ii) The names, ages and social security numbers of all dependent children;
 - (iii) A list of all separate property of each spouse;
 - (iv) A list of all marital property, the value of that property, the valuation date used in determining the value, the VIN of any vehicles as well as the NADA trade-in value of any vehicles (if available), and an account of all debts owing upon each item of property;
 - (v) A list of all debts of the marriage including account numbers, and, if known, the date each was incurred, and what was purchased;
 - (vi) A statement of the contested issues of fact and law;

(vii) A list of the names and addresses of all witnesses;

(viii) A list of all exhibits intended to be introduced at trial.

If a pretrial statement is not filed in accordance with this rule, the court may continue the pretrial in progress and/or impose sanctions, including attorney fees or fines, against the non-complying party.

(D) Final Hearings, Exhibits, and Witnesses

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

(a) A tabbed index of exhibits;

(b) An original and **three** sets of photocopies of all exhibits, pre-marked, with the plaintiff identifying exhibits by numbers and the defendant identifying exhibits by letters;

(c) A list of names and addresses of all witnesses.

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

(2) Admissibility of Documents

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

(a) If that document was provided to opposing counsel or the opposing party, if *pro se*, at least fourteen (14) days before the hearing, and;

(b) The party opposing introduction of the document into evidence has not filed a written objection to the introduction of the document at least seven (7) days before the hearing, setting out the particular objection raised.

(3) Evidence in Support of Motion for Attorney Fees

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

(a) It is supported by an affidavit from the moving party and his/her

attorney. Such affidavit must contain an itemized statement describing:

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

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

(E) Decrees and Judgment Entries

- (1) The plaintiff shall prepare and file a final judgment entry or decree, unless the parties mutually agree that the defendant will do so. The decree shall be filed within thirty (30) days of the decision of the court. At the time of the final hearing, the attorney(s) or *pro se* litigant(s) will be assigned a hearing date for enforcement of this filing requirement. Attorney(s) or *pro se* litigant(s) do not have to appear if the Judgment Entry and Decree of Divorce has been:
 - (a) Approved by the Decree Division and;
 - (b) Filed in the Clerk of Courts' Office, and;
 - (c) A file-stamped copy (front page only) has been delivered to the Case Management Office.
- (2) All final entries shall identify the judge assigned to the case, the date the case was heard, the date of the decision, and the hearing officer who heard the case.
- (3) If the final hearing is heard by a magistrate, the final entry or decree shall also contain a waiver of findings of fact and conclusions of law, and a waiver of the fourteen (14) day objection period, if applicable, unless

Form DR 18 (Waiver of Magistrate's Findings of Fact and Time Period for Filing Objections) is attached. Those entries shall also contain a signature line for the magistrate.

- (4) Parties/attorneys who fail to comply with the thirty (30) day filing requirement of Rule DR 28(E)(1) may be found in contempt of court.
- (F) When a docketed matter is settled or dismissed, the attorney for the plaintiff or the movant shall notify the Case Management Office immediately so that the court time can be reassigned.

DR 29. Motion Practice

(A) Time of Hearing

- (1) Motions shall be approved by the Case Management Office and shall contain a notice of the time, date, place of the hearing, and the name of the hearing officer. Hearing dates may be obtained from Case Management either over the telephone or in person.
- (2) Magistrates' hearings shall be scheduled in thirty (30) minute intervals. If more time is needed, the party shall request additional time when scheduling the hearing.
- (3) Parties filing cross motions that will require additional time shall request the same. If a continuance is required because of the failure to request sufficient time, the court may entertain a motion for attorney fees or other sanctions.
- (4) The party filing a motion shall submit a file-stamped copy of the motion to the Case Management Office no later than seven (7) business days after obtaining a hearing date. Any failure to comply with the provision will result in the Case Management Office vacating the hearing date and sending a notice to all parties.

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

Rule DR 28(D) applies to motion practice as well as contested cases.

(C) Content of Motions

Motions shall be captioned from the choices on the approved list Form DR 722 so that each motion may be identified correctly and that the appropriate amount of time is scheduled for hearings.

Motions shall identify the judge who is assigned to the case and the hearing officer before whom the motion is set. Motions shall contain the names,

addresses, dates of birth and social security numbers of both parties, as well as the phone numbers of all parties, if known. Parenting motions shall specify which child or children are at issue, their dates of birth and social security numbers.

(1) **Motions to Modify**

Motions to modify prior orders of the court shall contain a statement of the order sought to be modified, the nature of the modification sought, and the specific change in circumstances that justifies modification. Motions to modify child support orders shall be accompanied by completed child support calculation sheets if the incomes of the parties are known. If the income of a party is unknown, the moving party shall comply with Rule DR (8)(B). Calculation sheets shall be presented to the court at the conclusion of the hearing. The court shall attach a copy of a calculation sheet to every entry which modifies a support order.

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

(2) **Motions for Lump Sum Judgment**

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

(3) **Motions for Interest on Arrearage**

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

(4) **Motions Regarding Health Care Expenses**

(a) Motions regarding payment of, or reimbursement for, health care expenses shall contain an itemized and chronological list of all bills for which payment is requested, the name and address of each health care provider, the date of service, the nature of the service

provided, and the name and date of birth of the person who received the services. The motion shall state all amounts that have been paid by insurance companies, the balances remaining and the amount sought to be reimbursed.

- (b) The motion shall also contain an assurance that the movant has previously forwarded the health care bills to the respondent and that payment has not been made within thirty (30) days.

(5) **Motions in Contempt**

Motions requesting a finding in contempt shall contain a statement of the court order alleged to have been violated, and the facts constituting the violation. Motions for contempt of a support order, which has at any time been payable through the CSEA or the Ohio Child Support Payment Center (OCSPC), shall contain a statement that an affidavit of arrearage has been requested from the CSEA at least three (3) weeks prior to the hearing. The affidavit itself shall be presented to the court at the time of the hearing. Upon a finding of contempt the court may award a standard attorney fee of \$350.00 and court costs. If a higher award is sought, the attorney must request fees as a part of the motion and comply with Rule DR 28(D)(3).

(6) **Motion for Clarification**

The Domestic Relations Court will not entertain motions for reconsideration. The court will hear motions for clarification or motions to correct a factual error or omission in a decision. The purpose of these motions is to provide a remedy for mathematical errors, failure to address an issue or an item of property, and similar mistakes. This is a limited review process for decisions containing one or two errors, omissions or instances of confusing language. If, in your opinion, the decision is replete with error, the proper recourse remains an objection, in the case of a magistrate's decision, or an appeal in the case of a judge's decision. Motions for clarification or motions to correct a factual error shall be filed within fourteen (14) days of the filing of the decision.

- (7) **When a docketed matter is settled or dismissed, the attorney for the plaintiff or the movant shall notify the Case Management Office immediately so that the court time can be reassigned.**

(D) **Failure to Conform to Rule DR 29**

The court may dismiss, on its own motion, any motion that does not comply with the requirements of Rule DR 29.

DR 30. Agreed Entries

(A) In General

Whenever an agreement is reached before a scheduled hearing date, the plaintiff or movant shall immediately notify the Case Management Office. Upon approval by the court, the Case Management Office will vacate the hearing date and reset the matter on the agreed entry docket. Attorneys and *pro se* litigants do not have to appear on the assigned date and time on the agreed entry Docket IF the agreed entry has been:

- (1) Approved by the Case Management Office and;
- (2) Filed with the Clerk of Courts and;
- (3) File-stamped copy (front page only) has been delivered to the Case Management Office.

If the agreed entry does not meet all of these requirements, then the parties, if *pro se*, or counsel, must appear on the assigned date and time. If the parties, if *pro se*, or counsel, do not appear, the underlying motion(s) will be **DISMISSED**.

(B) Agreed Modifications of Parental Rights and Responsibilities

- (1) Because the court must determine that parenting plans are in the best interest of the child(ren), all agreed changes in allocation of parental rights and responsibilities shall be initiated by the filing of a motion. The motion shall contain a notice of the date, time and place of hearing, as well as the name of the hearing officer assigned to hear the motion. The motion and agreement shall be submitted to the Case Management Office for review by the Decree Division.
- (2) The following shall be submitted with all agreements modifying parental rights: the shared parenting plan, if applicable, completed child support calculation sheets, and the **Information for Parenting Proceeding Affidavit (Form DR 616)**.
- (3) All agreements modifying parental rights must include the following:
 - (a) The physical living arrangements for the child(ren) and a designation of which parent is the residential parent. In cases involving shared parenting, there shall be a separate decree of shared parenting (if applicable) and a shared parenting plan which includes a statement that each parent shall be the residential parent when the children are in his or her care.

- (b) In the case of a shared parenting plan, a provision for decisions regarding school placement and, if it is necessary for school or public assistance purposes, a designation of legal custodian.
- (c) A specific schedule of parenting time with each parent, including a statement as to the parent with whom the children will be physically located during legal holidays, school holidays, and other dates of special importance [ORC 3109.04(G)(1)].
 - (i) The court has adopted a standard parenting time schedule. That schedule is attached hereto as the current version of Form DR 610. Form DR 610 is intended to be used when the parties cannot otherwise agree upon a specific schedule of parenting time.
 - (ii) A copy of Form DR 610 shall be attached to each entry and decree in which it is adopted as the schedule of the parties.
- (d) A statement of the child support obligation stated in dollars **per month**, a statement as to whether or not the support order conforms to the schedule of support contained in ORC 3119.021, and a statement that such support, plus a 2% processing charge, is to be paid through the Butler County Child Support Enforcement Agency or the Ohio Child Support Payment Center (OCSPC). Furthermore, such payments shall be made payable in increments that coincide with the obligor's pay periods. The monthly figure must be listed in the decree, final order, or entry and is presumed to be correct, regardless of whether the payment amount on the child support calculation sheets corresponds. If the order deviates from guideline support, the following language must be contained in the entry;
 - (i) "Based upon Father's adjusted gross income of \$_____ per year, and Mother's adjusted gross income of \$_____ per year, an award of child support, in accordance with child support guidelines, ORC 3119.021, is payable as follows: (M/F) would pay to (M/F) the sum of \$_____ per month, per child, or \$_____ per pay, which includes the two percent (2%) processing fees."
 - (ii) "The amount of guideline child support pursuant to ORC 3119.021 is unjust or inappropriate and not in the best interest of the minor child(ren.) A deviation pursuant to ORC 3119.22 is appropriate for the reason that (state reason/s)."
 - (iii) "Based on the deviation factors contained in ORC 3119.23, a deviation from guideline support is in the best interest of the

minor child(ren.) Therefore, (M/F) shall pay (M/F) the sum of \$_____ per month, per child, or \$_____ per pay, which includes the two percent (2%) processing fees.”

- (e) Every agreed entry that deviates from the support guidelines shall be accompanied by a Notice to Case Management (Form C-16) which has been signed by a hearing officer.
- (f) All agreed entries which provide for the payment of child support shall have the following language:
 - (i) “All support under this order shall be withheld or deducted from the income or assets of the obligor pursuant to a withholding or deduction notice or appropriate court order issued in accordance with sections 3121.02 to 3121.07 of the Revised Code or a withdrawal directive issued pursuant to section 3123.37 of the Revised Code and shall be forwarded to the obligee in accordance with section 3121.50 of the Revised Code.”
 - (ii) “IT IS FURTHER ORDERED that until such time as a withholding or deduction order is in effect, the obligor shall discharge his or her obligation by making payments directly to the CSEA or the division of child support in the Department of Job and Family Services, as appropriate.”
 - (iii) “IT IS FURTHER ORDERED that the obligor is restrained from making said payments directly to the obligee and the obligee is enjoined from accepting direct payments from the obligor. Any payments of support not made through the CSEA or the division of child support in the Department of Job and Family Services, as appropriate, shall be deemed a gift.”
 - (iv) **“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. IF YOU ARE THE OBLIGOR UNDER A CHILD SUPPORT ORDER AND YOU FAIL TO MAKE THE REQUIRED NOTIFICATIONS YOU MAY BE FINED**

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

IF YOU ARE AN OBLIGOR AND YOU FAIL TO MAKE THE REQUIRED NOTIFICATIONS YOU MAY NOT RECEIVE NOTICE OF THE FOLLOWING ENFORCEMENT LIENS AGAINST YOU: IMPOSITION OF LIENS AGAINST YOUR PROPERTY; LOSS OF YOUR PROFESSIONAL OR OCCUPATIONAL LICENSE, DRIVER'S 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."

- (v) "IT IS FURTHER ORDERED that obligor and obligee immediately notify the CSEA in writing of any change in the obligor's income source and of the availability of any other sources of income that can be the subject of a withholding or deduction order. This duty to notify the CSEA shall continue until further notice from the court. A failure to provide such notification may make the obligor liable for retroactive support that would otherwise have been ordered."
- (vi) "IT IS FURTHER ORDERED that the obligor and obligee shall immediately notify the CSEA, in writing, of any change in the status of the minor children of the parties which would terminate or modify the duty of the obligor to pay child support."
- (vii) "To make payments through the Butler County CSEA:

Make cash or credit card payments *only* at the following location: Butler County Child Support Enforcement Agency, Government Services Center, 315 High Street, 8th Floor, Hamilton, Ohio 45011.

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

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

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

(bb) The employer shall send payments to the following location: Ohio Child Support Payment Central, P.O. Box 182394, Columbus, Ohio 43128

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

(g) The agreed entry shall specifically identify the deduction order to be issued. If the obligor is receiving income from a payor as defined in section 3121.01(E) of the Revised Code, an income withholding notice shall issue. If the obligor’s income is not subject to withholding, a bank account deduction notice shall issue. If the obligor has no income, but is able to post bond, an order to post bond shall issue. If the obligor is unemployed and has no funds from which support can be paid, an order to seek work shall issue and the obligor shall pay the current statutory minimum support order (currently \$50.00 per month for all children subject to the order).

(h) The agreed entry shall specify any child(ren) that either parent shall be entitled to claim as dependent(s) for federal income tax purposes. The agreed entry shall also specify the tax year(s) for which the child(ren) may be claimed as dependents, the name of the person who may claim them and the requirement that the person claiming them shall be substantially current in payment of child support for any tax year for which the child(ren) are claimed as dependents. A child support obligor shall be substantially current in payment of child support if less than \$100 arrears are owed for the tax year for which the child(ren) are to be claimed as dependents. (ORC 3119.82)

(i) The agreed entry shall contain a provision regarding health and dental care, including an order for maintenance of health insurance.

The entry shall specify which parent is responsible for maintaining health insurance for the children, and shall also contain a formula for the payment of medical, optical, hospital, dental and prescription expenses which are not covered by insurance.

(i) Required language:

(aa) **If one of the parties has health insurance:**

“Mother/Father shall provide the primary health insurance for the parties’ minor child(ren).

Mother/Father shall provide Mother/Father with all current health insurance information, including but not limited to, insurance cards. In the future, Mother/Father, upon receipt, shall provide all updated insurance information and cards to Mother/Father within fourteen (14) days.

The parties shall divide all uncovered health care expenses as follows, father shall pay _____% and mother shall pay _____%.

The parties shall provide each other with a copy of all health care bills for the minor child(ren) on a quarterly basis and a summary of all amounts paid by either party. The documentation of health care expenses shall be provided on the last day of the months of March, June, September, and December.

Payment/reimbursement for all health care expenses shall be made within thirty (30) days.

Absent extraordinary circumstances, motions for payment of health care bills must be made within one (1) year of the date the bills were incurred.”

(bb) **If both of the parties have health insurance:**

“Mother/Father shall provide the primary health insurance for the parties minor child(ren).

Mother/Father shall provide the secondary health insurance for the parties’ minor child(ren).

Each party shall provide the other party with all current health insurance information, including but not limited to, insurance cards. In the future, the parties, upon receipt, shall provide all updated insurance information and cards to each other within fourteen (14) days.

The parties shall divide all uncovered health care expenses as follows, father shall pay _____% and mother shall pay ____%.

The parties shall provide each other with a copy of all health care bills for the minor child(ren) on a quarterly basis and a summary of all amounts paid by either party. The documentation of health care expenses shall be provided on the last day of the months of March, June, September, and December.

Payment/reimbursement for all health care expenses shall be made within thirty (30) days.

Absent extraordinary circumstances, motions for payment of health care bills must be made within one (1) year of the date the bills were incurred.”

(cc) If neither of the parties has health insurance:

“Each parent shall provide health insurance for the child(ren) whenever it is available through their employment at a reasonable cost.

In the event a parent obtains health insurance, the insured parent shall provide the other parent with all current health insurance information, including but not limited to, insurance cards. In the future, the insured parent, upon receipt, shall provide all updated insurance information and cards to the other parent within fourteen (14) days.

The parties shall divide all uncovered health care expenses as follows, father shall pay _____% and mother shall pay ____%.

The parties shall provide each other with a copy of all health care bills for the minor child(ren) on a quarterly basis and a summary of all amounts paid by either party. The documentation of health care expenses shall be provided on the last day of the months of March, June, September, and December.

Payment/reimbursement for all health care expenses shall be made within thirty days.

Absent extraordinary circumstances, motions for payment of health care medical bills must be made

within one (1) year of the date the bills were incurred.”

- (ii) The agreed entry shall specifically identify the insurance order to be issued. If either or both parents have health insurance available to them through a group policy, an order for the obligee and/or the obligor to provide health insurance (Form DR 705) shall issue. If neither parent has health insurance available through a group policy and neither is able to afford private insurance, an order for the payment of medical expenses (Form DR 707) shall issue. If neither parent has health insurance available through a group policy, but one or both has the means of providing private insurance, an order to provide private insurance (Form DR 708) shall issue.
- (iii) The agreed entry shall state that the parties must comply with any obligations concerning health insurance coverage imposed under sections 3119.30 to 3119.31 of the Revised Code no later than thirty (30) days after the applicable order is issued.
- (iv) The agreed entry shall state that any person who fails to provide health insurance as ordered may be punished for contempt of court and shall be solely responsible for the payment of all health care expenses incurred on the child(ren)’s behalf as a result of the failure to provide insurance. The agreed entry shall further state that if the obligor is found in contempt for failing to provide health insurance coverage and he/she has previously been found in contempt under Chapter 2705 of the Revised Code, the court shall consider the obligor’s failure to comply with the order as a change of circumstances for the purpose of modification of the amount of support due under the child support order that is the basis of the order issued under Revised Code 3119.30 to 3119.31.
- (j) If a Qualified Medical Care Support Order (QMCSO) is issued, the agreed entry shall contain a provision that the intent of the order is to enable each child named as an alternate recipient to receive health insurance coverage. The entry shall further provide that in the event there is a defect in the wording of the QMCSO which precludes that intended outcome, the court shall retain jurisdiction to modify the QMCSO.
- (k) An order that any person who is the residential parent of a child, including any party to a shared parenting decree, and any other legal custodian shall send a notice of intent to relocate to the Domestic Relations Court Case Management Office.

- (i) If a parent or other legal custodian desires to move, he/she must notify, in writing,
 - (aa) The other parent;
 - (bb) The Domestic Relations Court Case Management Office;
 - (cc) The Butler County Child Support Enforcement Agency (CSEA).
- (ii) Notice must be sent within the following time frames:
 - (aa) If relocating within Butler County- at least thirty (30) days in advance of the move.
 - (bb) If relocating outside Butler County- at least sixty (60) days in advance of the move.
- (iii) Written notice must be submitted to the Domestic Relations Court Case Management Office on Form C-13 if relocating within Butler County, and on Form C-13A if relocating outside Butler County.
- (iv) If either parent believes the relocation requires a change in the allocation of parenting time, it is the responsibility of that parent to file a motion to review the allocation of parenting time.
- (v) If a parent believes that the move requires a change in residential parent status, that parent may file a motion for change of residential parent or modification of the shared parenting plan, in accordance with Rule DR 38(B).
- (l) The agreed entry shall require that each parent, or other legal custodian, shall have equal access to the child(ren)'s school, day care center, medical or educational records and extracurricular or recreational activities, **or** an order limiting a parent's access to specific areas. Any order limiting a parent's access shall contain specific findings of fact which support such limitation. The order shall contain a notice to school and day care officials and to all keepers of records that their knowing failure to comply with the order may be punishable as contempt of court.

(C) Post-decree Agreed Modifications of Support Arrearages

All agreements to waive support arrearages shall be initiated by the filing of a

motion. The motion must include an affidavit of arrears from the CSEA, if at any time support was paid through the CSEA, or a statement that a request for same has been made. The affidavit must be requested three (3) weeks prior to hearing date. The motion shall contain a notice of the date, time, place of hearing, and name of hearing officer, along with a request that the Clerk of Courts serve the CSEA with the motion and notice of hearing by certified mail. The motion and agreement shall be submitted to the Case Management Office for review by the Decree Division. If the agreement is not approved as to form, the Decree Division shall notify the submitting party and provide the reason for rejection in writing. If it is approved, both parties shall attend the scheduled hearing.

DR 31. Objections to Magistrates' Decisions

- (A) Persons filing objections to magistrates' decisions shall obtain a hearing date from the Judicial Case Manager. All objections shall contain a notice of the date, time, place of the hearing, the name of the judge assigned to hear the objection, and the basis for the objection. Anyone objecting to a magistrate's findings of fact shall provide the court with a transcript of the proceedings. Transcripts shall be ordered in accordance with Rule DR 17.
- (B) All magistrates' hearings shall be recorded.
- (C) Objection hearings shall be held in fifteen (15) minute sessions. Parties who need additional time shall request the same from the Judicial Case Manager. Represented parties need not be present for the objection hearing, but may attend if they so desire.

DR 32. Notice of Bankruptcy

Upon filing of a bankruptcy petition, counsel or party shall submit a notice of bankruptcy to the Case Management Office. A file-stamped copy of the cover page of the Bankruptcy Petition or electronic submission shall be attached to the notice of bankruptcy.

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

DR 33. Continuances

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

obtained **by telephone**, as follows, **or by procedures under (C) below**:

Telephone Procedures

- (1) Attorney/party sets up a conference call with other attorney/party and the Judicial Case Manager (or Domestic Violence Case Manager for a domestic violence hearing). In domestic violence cases, all telephone contact must be coordinated through the Domestic Violence Case Manager.
 - (2) The Judicial Case Manager (or Domestic Violence Case Manager) sets a new date, fills out a continuance form, files the form with the Clerk of Courts and faxes copies to attorneys/parties, or mails copies if fax is not available. **If any of the information on the form is in error, it is the responsibility of the attorney/party requesting the continuance to correct the error(s) by submitting a written motion per (C).**
 - (3) All requests for continuances under (A) **shall** be made at least seven (7) days prior to hearing (three (3) days for domestic violence hearing). If requests are not made in accordance with these time frames, the procedures under (C) must be followed.
- (B) A final non-contested hearing may be continued **one time without the agreement of the defendant** so long as the defendant has filed no answer **or made any appearance in the case**. This continuance may be obtained by using the procedures outlined in (A) or (C).
- (C) All other requests for continuances shall be by written motion, as follows:

Written Motion Procedures

- (1) The motion for a continuance should be filed at least seven (7) days prior to a hearing (three (3) days for domestic violence hearings) and shall state the reason for the request, the hearing officer assigned to the case, the date, time, and place of the hearing, the number of continuances previously granted, and shall state whether the opposing party objects or agrees to the continuance. This includes *pro se* parties. Motions shall contain a certificate of service indicating that the party requesting the continuance has received a copy of the motion for continuance and has served the other party (and the Domestic Violence Office, if it is a domestic violence hearing). For domestic violence hearings, new hearing dates shall be obtained from the Domestic Violence Office. All other motions for continuance under this section must be submitted to the Judicial Case Manager.
- (2) If the opposing party does not object, the motion and entry shall be

submitted to the hearing officer assigned to the case for approval. If the hearing officer does not approve the request for continuance, the Judicial Case Manager or Domestic Violence Case Manager will advise both attorneys or parties by telephone. It is the responsibility of the moving party to verify with the Judicial Case Manager or Domestic Violence Case Manager whether or not the continuance is granted.

- (3) If the opposing party does object to the continuance, the moving party shall arrange a conference call or a hearing before the assigned hearing officer. If the motion is granted for good cause shown, the moving party shall be required to accommodate the calendar of the court and other party.
- (4) No hearing shall be continued under (C) except by signed entry of the assigned hearing officer. If such an entry has not been signed and neither party appears for a scheduled hearing, the court may dismiss.

(D) NOTICE: PARTIES OR THEIR ATTORNEYS MAY NEVER CONTINUE A FINAL CONTESTED DIVORCE HEARING, A FINAL PARENTING HEARING (EITHER PRE- OR POST-DECREE) OR ANY HEARING SET FOR 2 DAYS OR LONGER WITHOUT THE WRITTEN APPROVAL OF THE HEARING OFFICER ASSIGNED TO HEAR THE CASE.

DR 34. Notice of Intent to Relocate

- (A) If a parent or other legal custodian desires to move, he/she must notify, **in writing**:
 - (1) the other parent;
 - (2) the Domestic Relations Court Case Management Office;
 - (3) the Butler County Child Support Enforcement Agency (CSEA).
- (B) Notice must be sent within the following time frames:
 - (1) If relocating within Butler County – at least thirty (30) days in advance of the move;
 - (2) If relocating outside Butler County – at least sixty (60) days in advance of the move.
- (C) Written notice must be submitted to the Case Management Office on Form C-13, if relocating within Butler County, and on Form C-13A, if relocating outside Butler County

- (D) If either parent believes the move will require a change in the parenting time order, it is the responsibility of that parent to file a motion to review the parenting time.
- (E) If a parent believes that the move requires a change in residential parent status, that parent may file a motion for change of residential parent or modification of the shared parenting plan, in accordance with Rule DR 38(B).

DR 35. Withdrawal of Counsel

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

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

DR 36. Attorney Scheduling

Each attorney is responsible for his or her own calendar. Attorneys shall request adequate court time for all hearings and shall avoid scheduling overlapping hearings. Each attorney shall have his or her appointment book at all scheduling conferences, pretrials and hearings.

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

DR 37. Emergency Settings

If a substantial emergency exists which requires prompt court intervention, counsel or party may request an emergency setting. A motion for an emergency setting, accompanied by an affidavit setting out the nature of the emergency and the relief sought, shall be presented to the Case Management Office. Case Management shall present the emergency motion to a hearing officer. The hearing officer will complete a Notice to Case Management (Form C-16) approving or rejecting the request. If approved, the Case Management Office will set the motion for the first available hearing date.

DR 38. Time Limitations

All actions which require the establishment or modification of a child support order shall be completed within the following time limits:

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

DR 39. Expedited Process: Allocation of Parental Rights

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

(A) Pre-decree:

- (1) Motions to set aside *ex parte* allocation(s) of parental rights and responsibilities shall be heard no later than fourteen (14) days after service.
- (2) If objections are filed to a magistrate's decision for temporary allocation, the hearing shall be set within fourteen (14) days of the filing of the objection. If a

transcript is requested, it shall be prepared within that time.

- (3) Contested issues of allocation of parental rights shall be scheduled per Rule DR 26(B)(3)(e) and (f).

(B) Post-decree:

- (1) The moving party shall set the motion for an initial pretrial hearing to be held prior to setting a date for the change of circumstances hearing. The initial pretrial hearing shall be held no later than fourteen (14) days after service.

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

Any allegation of abuse, neglect, or mistreatment of a child shall be filed in Juvenile Court.

- (2) At the initial pretrial hearing, the court shall set a change of circumstances hearing, if required, and may order the parties to attend mediation.

Attorney(s) and parties must appear for pretrial.

- (3) If the parties have resolved all issues in mediation, the parties may request the hearing officer adopt the mediated agreement at the change of circumstances hearing.
- (4) If the change of circumstances hearing proceeds, the moving party has the burden of proof. If a change of circumstance is not proven the motion shall be dismissed. Objections to a magistrate's decision shall be set for hearing within fourteen (14) days of the filing of the objection to the dismissal. If a transcript is requested it shall be prepared within that time.
- (5) If a change of circumstances is proven, the court will set the case for a pretrial within fourteen (14) days of the decision of the court. The purpose of the pretrial is to determine if a guardian ad litem is to be appointed, review requests for psychological evaluations and cost allocation, review requests for home investigations, and the court may order the parties to attend mediation. Attorney(s) and parties must appear for pretrial.

The final hearing date will be set no later than thirty (30) days after pretrial if no psychological evaluations or home investigations are required. If they are required, then the final hearing will be set no later than sixty (60) days after pretrial.

- (6) If objections are filed to a magistrate's decision, the objection shall be set for hearing within twenty-one (21) days of filing. If a transcript is requested, it shall be prepared within that time.

DR 40. Genetic Tests

- (A) All orders for genetic testing shall be issued on a completed Form DR 145 and:
- (1) State the name of the testing facility;
 - (2) State the date on which the test shall be conducted;
 - (3) List the names of all persons to be tested;
 - (4) List the birth date(s) of minor child(ren) to be tested;
 - (5) Contain an order concerning payment of the cost of testing.
- (B) All results of genetic testing shall be returned by the testing facility to: Case Management Office, Domestic Relations Court, 2nd Floor, Government Services Center, 315 High Street, Hamilton, Ohio 45011.
- (C) Upon receipt of the results of genetic testing, the Case Management Office shall notify the attorney(s) of record and any parties in writing that the results have been received and that copies of the results may be obtained as follows:
- (1) Any attorney of record or party must contact the Case Management Office at least twenty-four (24) hours in advance to request a copy of the test results.
 - (2) The attorney or party must appear in person, with photo ID, to obtain a copy of the test results from the Case Management Office.
 - (3) One copy of the test results will be provided to each attorney or party.
 - (4) Genetic test results will not be released to anyone other than an attorney of record or party without a court order.
- (D) Court ordered genetic test results shall not be filed with the Clerk of Courts unless they are admitted as evidence in the case.
- (E) The court may seal genetic test results upon motion or in the court's discretion.

DR 41. Drug Tests

- (A) All orders for drug testing shall be issued on a completed Form DR 214 and:
- (1) Name the parties to be tested;
 - (2) State the date on which the test(s) shall be completed;

- (3) List the type(s) of drugs to be tested for;
- (4) Contain an order as to the payment of costs.
- (B) All results of drug testing shall be returned by the testing facility to: Case Management Office, Domestic Relations Court, 2nd Floor, Government Services Center, 315 High Street, Hamilton, Ohio 45011.
- (C) Upon receipt of the results of the drug testing, the Case Management Office shall notify the attorney(s) of record or any parties in writing that the results have been received and that copies of the results may be obtained as follows:
 - (1) Any attorney of record or party must contact the Case Management Office at least twenty-four (24) hours in advance to request a copy of the test results.
 - (2) The attorney or party must appear in person, with photo ID, to obtain a copy of the test results from the Case Management Office.
 - (3) One copy of the test results will be provided to each attorney or party.
 - (4) Drug test results will not be released to anyone other than an attorney of record or party without a court order.
 - (5) Court ordered drug test results shall not be filed with the Clerk of Courts unless they are admitted as evidence in the case.
- (D) The court may seal drug test results upon motion or at the court's discretion.

DR 42. Family Unit

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

(A) Home Investigations

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

(B) Supervised Parenting/Visitations :

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

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

(C) Reports

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

(D) Appearance of Family Unit Staff

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

DR 43. Appointment of Guardian Ad Litem (GAL) :

(A) Upon motion of the court or either party, the court shall appoint a guardian ad litem (GAL) to protect the interests of the child.

(1)Qualifications

- (a) The GAL shall be an attorney who is a member in good standing of the Ohio Bar and in compliance with the rules of the Ohio Supreme Court.
- (b) The attorney shall complete a six (6) hour court-sponsored training program that covers the duties and functions of the position. Equivalent training, approved by a judge of the Domestic Relations Court, is acceptable.
- (c) At least twenty-five percent (25%) of the applicant's practice during the last two (2) years shall be in the area(s) of domestic relations and/or juvenile law.

(2) Procedures

- (a) The court shall appoint the GAL from a rotating list of eligible candidates maintained by the Domestic Relations Court.
 - (i) The court shall compile a list of candidates after screening applicants.
 - (ii) Application forms are available in the Administrative Office.
- (b) Compensation will be at the rate of one hundred dollars (\$100.00) per hour for both in-court and out-of-court billable time.
- (c) The court may order the payment of a minimum deposit of \$500.00 to the Clerk of Courts, to be used to pay for GAL services. Unless the deposit has been waived by the court, the GAL is responsible for verifying that a deposit has been made before incurring any billable hours.
- (d) GALs must submit interim billing up to the time of each hearing. This may allow for the court to require additional funds to be placed on deposit and, if necessary, order disbursement of any funds already on deposit with the Clerk of Courts.
- (e) GALs must agree to accept one pro bono assignment per year. Refusal of this assignment shall result in removal from the list of eligible GALs.
- (f) Parties or their counsel shall forward all relevant pleadings or documents to the GAL, and shall provide the GAL with any relevant information regarding either the child(ren) or any issues in the case.

(B) Role of GAL

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

(C) Duties of GAL

The GAL will exercise his or her duties taking into consideration the ages of the child or children and the specific circumstances of each case.

- (1) The GAL **may**:

- (a) Interview each child and observe each parent with the child(ren).
- (b) Review pleadings and consult with attorneys.
- (c) Investigate and interview all relevant persons.
- (d) Obtain school, medical, psychological, protective agency and criminal records.
- (e) Attend mediation sessions.
- (f) Testify, upon the request of either party or the court, and subpoena and examine witnesses.

(2) The GAL **shall**:

- (a) Attend all relevant depositions.
- (b) Attend all hearings pertaining to the child(ren), unless excused in writing by the hearing officer.
- (c) Prepare a report and recommendations and submit them to the court's Case Management Office at least seven (7) days prior to trial. The Case Management Office will send a copy by fax or by ordinary mail to all counsel of record or parties.
- (d) Attend mediation sessions if ordered by the court.

(3) Payment of GAL Fees

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

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

DR 44. Interview of Child by Court

All interviews of children will be *in camera* and conducted in accordance with Ohio Revised Code section 3109.04(B)(2)(c). The interviews will be recorded and the record sealed. The interviews will be conducted at the end of the day of the final hearing, **unless otherwise agreed upon by the parties with the consent of the court.**

DR 45. Court Appointment of Counsel

When it appears to the court that a respondent in a contempt proceeding is indigent and has not waived his or her right to counsel, the court shall appoint an attorney to represent the respondent.

(A) List of Appointees

A master list of eligible attorneys will be maintained by the court, in accordance with the provisions of this rule. Appointees will be listed in alphabetical order.

(B) Qualifications for Appointees

Attorneys must submit their Ohio Bar registration number, and date of admission to the bar.

(C) Procedure for Selecting Appointees

(1) Regular Procedure

Once an attorney is placed upon the master list, appointments will be assigned by the court in alphabetical order. Should an appointment be refused, the next appointee alphabetically will be appointed to the case.

Once an attorney receives an appointment, a notation will be made on the list and the next time the services of a court appointed attorney are required, this procedure will begin again with the first attorney on the master list named after the attorney who received the last appointment.

Notice of the appointment shall be made by mailing a copy of the appointment to both the party and the appointed counsel.

(2) Emergency Procedure

Should an emergency situation arise wherein the services of a court appointed attorney are needed immediately or within a period of time substantially less than is normally required to properly fill a court appointment, it will be within the discretion of the court to deviate from the regular procedure as is necessary to ensure that justice is served.

(D) Review of Appointment Procedure

An annual review of the master list and the attorneys receiving appointments will be conducted by the court to ensure that a good-faith effort is being made to equitably distribute appointments in accordance with these provisions.

(E) Assigned Counsel Fees

All counsel appointed by the court shall be paid for their services by the county as provided herein. Payment for assigned services shall be on the basis of \$50.00 per hour for time in court and \$40.00 per hour for time out of court, up to a maximum of \$500.00. An attorney may be reimbursed for expenses incurred up to \$100.00. These rates have been set pursuant to the Ohio Public Defender Standards and Guidelines & State Maximum Fee Schedule for Appointed Counsel Reimbursement and a resolution of the Board of Butler County Commissioners.

(F) Removal from List

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

TITLE FOUR: DECREES AND FINAL ORDERS

DR 46. Domestic Relations Case Management Office

- (A) The Petition for Dissolution and Decree of Dissolution, including three (3) copies without children and five (5) copies with children, shall be submitted to the Case Management Office for review by the Decree Division.

If the Decree is approved, the Decree Division shall notify the submitting party. The Decree, with copies, shall be placed in the case card and held for final hearing.

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

- (B) Non-contested Divorce Decrees, including three (3) copies without children and five (5) copies with children, shall be submitted to the Case Management Office for review by the Decree Division, fourteen (14) days prior to the final hearing.

If the Decree is approved, the Decree Division shall notify the submitting party. The Decree, with copies, shall be placed in the case card and held for final hearing.

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

- (C) Decrees and post-decree entries shall be accompanied by the following forms when applicable:
 - (1) Child Support Calculation Sheet;
 - (2) Withholding Order/QMCSO information sheet (Form DR 201);
 - (3) Guidelines for Parenting Time (Form DR 610).
- (D) If counsel cannot secure a signature on the decree or on a required form, he or she shall request a waiver of signature and Notice to Case Management (Form C-16) from the hearing officer assigned to the case. Upon receipt of the signed notice, the Case Management Office shall accept documents.
- (E) Upon completion of the hearing, the Domestic Relations Court Judges' or Magistrates' staff will file the original and copies with the Clerk of Courts.

DR 47. Mandatory Language

- (A) **Regardless of Whether There are Minor Children:**
 - (1) All decrees and final orders must contain the following within the caption:
 - (a) The name of the judge assigned to the case;
 - (b) The name of the hearing officer who heard the case, if applicable;
 - (c) The words "Final Appealable Order";
 - (d) The names, addresses, dates of birth, and social security numbers of all parties.
 - (2) All final entries shall state, the date the case was heard, and the date of the decision.

- (3) A statement regarding the grounds for the divorce;
- (4) A finding of fact regarding the duration of the marriage, or a specific waiver of such finding;
- (5) Findings of fact regarding the nature of all property, distributed as separate or marital, or a specific waiver of such a finding;
- (6) A statement regarding division of personal property, as follows:

If personal property has been divided and exchanged:

“All personal property has been divided and exchanged.”

The decree must also contain the Vehicle Identification Number (VIN) of all vehicles to be divided.

If personal property has not been divided and exchanged:

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

The decree must also contain the Vehicle Identification Number (VIN) of all vehicles to be divided.

- (7) A statement as to whether or not spousal support is to be paid, findings of fact which justify such an award, a clear statement of the term of the award, and a clear statement as to whether or not the court will retain jurisdiction to modify the award.
- (8) All decrees which provide for the payment of spousal support shall contain a statement of the amount of the spousal support obligation with an effective date and a statement of arrearages, if applicable. Decrees must also contain a clear statement whether payment is to be made directly, or through the Butler County Child Support Enforcement Agency (CSEA) or the Ohio Child Support Payment Center (OCSPC). If spousal support is to be paid through the Butler County Child Support Enforcement Agency or the Ohio Child Support Payment Center, decrees must also include a two percent (2%) processing charge, and state that the support should be made payable

in increments which coincide with the obligor's pay periods.

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

- (a) "All support under this order shall be withheld or deducted from the income or assets of the obligor pursuant to a withholding or deduction notice or appropriate court order issued in accordance with sections 3121.02 to 3121.07 of the Revised Code or a withdrawal directive issued pursuant to section 3123.37 of the Revised Code and shall be forwarded to the obligee in accordance with section 3121.50 of the Revised Code."
- (b) "IT IS FURTHER ORDERED that until such time as a withholding or deduction order is in effect, the obligor shall discharge his or her obligation by making payments directly to the CSEA or the division of child support in the Ohio Department of Job and Family Services, as appropriate."
- (c) "IT IS FURTHER ORDERED that the obligor is restrained from making said payments directly to the obligee and the obligee is enjoined from accepting direct payments from the obligor. Any payments of support not made through the CSEA or the division of child support in the Ohio Department of Job and Family Services, as appropriate, shall be deemed a gift."
- (d) **"EACH PARTY TO THIS SUPPORT ORDER MUST NOTIFY THE CHILD SUPPORT ENFORCEMENT AGENCY IN WRITING OF HIS OR HER CURRENT MAILING ADDRESS, CURRENT RESIDENCE ADDRESS, CURRENT RESIDENCE TELEPHONE NUMBER, CURRENT DRIVER'S LICENSE NUMBER, AND OF ANY CHANGES IN THAT INFORMATION. EACH PARTY MUST NOTIFY THE AGENCY OF ALL CHANGES UNTIL FURTHER NOTICE FROM THE COURT. IF YOU ARE THE OBLIGOR UNDER A CHILD SUPPORT ORDER AND YOU FAIL TO MAKE THE REQUIRED NOTIFICATIONS YOU MAY BE FINED UP TO \$50.00 FOR A FIRST OFFENSE, \$100.00 FOR A SECOND OFFENSE, AND \$500.00 FOR EACH SUBSEQUENT OFFENSE. IF YOU ARE AN OBLIGOR OR OBLIGEE UNDER ANY SUPPORT ORDER AND YOU WILLFULLY FAIL TO MAKE THE REQUIRED NOTIFICATIONS YOU MAY BE FOUND IN CONTEMPT OF COURT AND BE SUBJECTED TO FINES UP TO \$1,000.00 AND IMPRISONMENT FOR NOT MORE THAN NINETY (90) DAYS.**

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

- (e) “IT IS FURTHER ORDERED that obligor and obligee immediately notify the CSEA in writing of any change in the obligor’s income source and of the availability of any other sources of income that can be the subject of a withholding order. This duty to notify the CSEA shall continue until further notice from the court. A failure to provide such notification may make the obligor liable for retroactive support that would otherwise have been ordered.”
- (f) “IT IS FURTHER ORDERED that if the obligee is to receive spousal support from the obligor, the obligee shall immediately notify the CSEA, in writing, of remarriage if the remarriage would terminate the obligation to pay spousal support.”
- (g) “To make payments through the Butler County CSEA:
 - (i) Make cash or credit card payments *only* at the following location: Butler County Child Support Enforcement Agency, Government Services Center, 315 High Street, 8th Floor, Hamilton, Ohio 45011.

Acceptable methods of payment are as follows: Visa, MasterCard, ATM, and Cash payments may be made locally in person only. Do not send cash by mail. Personal checks will not be accepted by the Butler County CSEA.”
- (h) “To make payments to the Ohio Child Support Payment Central (OCSPC):
 - (i) The obligor shall send payments to the following location: Ohio Child Support Payment Central, P.O. Box 182372, Columbus, Ohio 43218.
 - (ii) The employer shall send payments to the following location:

Ohio Child Support Payment Central, P.O. Box 182394,
Columbus, Ohio 43218.

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

- (9) If a Qualified Domestic Relations Order (QDRO) or any other order dividing retirement plans is issued, the decree shall contain a provision that the intent of the order is to fairly distribute to the alternate obligee his or her share of the marital portion of the retirement plan. The decree shall further provide that, in the event there is a defect in the wording of the QDRO which precludes that intended outcome, the court shall retain jurisdiction to modify the QDRO;
- (10) Whether or not a QDRO is issued, all decrees shall contain a disclosure of all retirement plans of the parties and a statement as to how they are to be divided;
- (11) Every final decree shall contain a provision for the payment of any unpaid court costs.

(B) When There are Minor Children:

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

- (1) The physical living arrangements for the child(ren) and a designation of which parent is the residential parent. In cases involving shared parenting, there shall be a separate decree of shared parenting (if applicable) and a shared parenting plan which includes a statement that each parent shall be the residential parent when the children are in his or her care.
- (2) In the cases of a shared parenting plan, a provision for decisions regarding school placement and, if it is necessary for school or public assistance purposes, a designation of legal custodian.
- (3) A specific schedule of parenting time with each parent, including a statement as to the parent with whom the children will be physically located during legal holidays, school holidays, and other dates of special importance [ORC 3109.04(G)(1)].
 - (a) The court has adopted a standard parenting time schedule. That schedule is attached hereto as the current version of Form DR 610. Form DR 610 is intended to be used when the parties cannot otherwise agree upon a specific schedule of parenting time.

- (b) A copy of Form DR 610 shall be attached to each entry and decree in which it is adopted as the schedule of the parties.
- (4) A statement of the child support obligation stated in dollars **per month**, a statement as to whether or not the support order conforms to the schedule of support contained in ORC 3119.021, and a statement that such support, plus a 2% processing charge, is to be paid through the Butler County Child Support Enforcement Agency or the Ohio Child Support Payment Center (OCSPC). Furthermore, all such payments shall be made payable in increments that coincide with the obligor's pay periods. The monthly figure must be listed in the decree, final order, or entry and is presumed to be correct, regardless of whether the payment amount resulting from the child support calculation sheets corresponds. If the order deviates from guideline support, the following language must be contained in the entry;
- (a) "Based upon Father's adjusted gross income of \$ _____ per year, and Mother's adjusted gross income of \$ _____ per year, an award of child support, in accordance with child support guidelines, ORC 3119.021, is payable as follows: (M/F) would pay to (M/F) the sum of \$ _____ per month, per child, or \$ _____ per pay, which includes the two percent (2%) processing fees."
- (b) "The amount of guideline child support pursuant to ORC 3119.021 is unjust or inappropriate and not in the best interest of the minor child(ren.) A deviation pursuant to ORC 3119.22 is appropriate for the reason that (state reason/s.)"
- (c) "Based on the deviation factors contained in ORC 3119.023, a deviation from guideline support is in the best interest of the minor child(ren.) Therefore, (M/F) shall pay (M/F) the sum of \$ _____ per month, per child, or \$ _____ per pay, which includes the two percent (2%) processing fees."
- (5) A decree or entry which deviates from support guidelines shall be accompanied by a Notice to Case Management (Form C-16) which has been signed by a hearing officer.
- (6) All decrees, final orders, and entries which provide for the payment of child support shall have the following language:
- (a) "All support under this order shall be withheld or deducted from the income or assets of the obligor pursuant to a withholding or deduction notice or appropriate court order issued in accordance with sections 3121.02 to 3121.07 of the Revised Code or a withdrawal directive issued pursuant to section 3123.37 of the Revised Code and shall be

forwarded to the obligee in accordance with section 3121.50 of the Revised Code.”

- (b) “IT IS FURTHER ORDERED that until such time as a withholding or deduction order is in effect, the obligor shall discharge his or her obligation by making payments directly to the CSEA or the division of child support in the Department of Job and Family Services, as appropriate.”
- (c) “IT IS FURTHER ORDERED that the obligor is restrained from making said payments directly to the obligee and the obligee is enjoined from accepting direct payments from the obligor. Any payments of support not made through the CSEA or the division of child support in the Department of Job and Family Services, as appropriate, shall be deemed a gift.”
- (d) **“EACH PARTY TO THIS SUPPORT ORDER MUST NOTIFY THE CHILD SUPPORT ENFORCEMENT AGENCY IN WRITING OF HIS OR HER CURRENT MAILING ADDRESS, CURRENT RESIDENCE ADDRESS, CURRENT RESIDENCE TELEPHONE NUMBER, CURRENT DRIVER’S LICENSE NUMBER, AND OF ANY CHANGES IN THAT INFORMATION. EACH PARTY MUST NOTIFY THE AGENCY OF ALL CHANGES UNTIL FURTHER NOTICE FROM THE COURT. IF YOU ARE THE OBLIGOR UNDER A CHILD SUPPORT ORDER AND YOU FAIL TO MAKE THE REQUIRED NOTIFICATIONS YOU MAY BE FINED UP TO \$50.00 FOR A FIRST OFFENSE, \$100.00 FOR A SECOND OFFENSE, AND \$500.00 FOR EACH SUBSEQUENT OFFENSE. IF YOU ARE AN OBLIGOR OR OBLIGEE UNDER ANY SUPPORT ORDER AND YOU WILLFULLY FAIL TO MAKE THE REQUIRED NOTIFICATIONS YOU MAY BE FOUND IN CONTEMPT OF COURT AND BE SUBJECTED TO FINES UP TO \$1,000.00 AND IMPRISONMENT FOR NOT MORE THAN NINETY (90) DAYS.**

IF YOU ARE AN OBLIGOR AND YOU FAIL TO MAKE THE REQUIRED NOTIFICATIONS YOU MAY NOT RECEIVE NOTICE OF THE FOLLOWING ENFORCEMENT LIENS AGAINST YOU: IMPOSITION OF LIENS AGAINST YOUR PROPERTY; LOSS OF YOUR PROFESSIONAL OR OCCUPATIONAL LICENSE, DRIVER’S LICENSE, OR RECREATIONAL LICENSE; WITHHOLDING FROM YOUR INCOME; ACCESS RESTRICTION AND DEDUCTION FROM YOUR ACCOUNTS IN FINANCIAL INSTITUTIONS; AND ANY

OTHER ACTION PERMITTED BY LAW TO OBTAIN MONEY FROM YOU TO SATISFY YOUR SUPPORT OBLIGATION.”

- (e) “IT IS FURTHER ORDERED that obligor and obligee immediately notify the CSEA in writing of any change in the obligor’s income source and of the availability of any other sources of income that can be the subject of a withholding or deduction order. This duty to notify the CSEA shall continue until further notice from the court. A failure to provide such notification may make the obligor liable for retroactive support that would otherwise have been ordered.”
- (f) “IT IS FURTHER ORDERED that the obligor and obligee shall immediately notify the CSEA, in writing, of any change in the status of the minor children of the parties which would terminate or modify the duty of the obligor to pay child support.”
- (g) “To make payments through the Butler County CSEA:
 - (i) Make cash or credit card payments *only* at the following location: Butler County Child Support Enforcement Agency, Government Services Center, 315 High Street, 8th Floor, Hamilton, Ohio 45011.

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

- (h) “To make payments to the Ohio Child Support Payment Central (OCSPC):
 - (i) The obligor shall send payments to the following location: Ohio Child Support Payment Central, P.O. Box 182372, Columbus, Ohio 43218.
 - (ii) The employer shall send payments to the following location: Ohio Child Support Payment Central, P.O. Box 182394, Columbus, Ohio 43218.

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

- (7) The decree shall specifically identify the deduction order to be issued. If the obligor is receiving income from a payor as defined in section 3121.01(E) of the Revised Code, an income withholding notice shall issue. If the obligor’s income is not subject to withholding, a bank account

deduction notice shall issue. If the obligor has no income, but is able to post bond, an order to post bond shall issue. If the obligor is unemployed and has no funds from which support can be paid, an order to seek work shall issue and the obligor shall pay the current statutory minimum support order (currently \$50.00 per month for all children subject to the order). The court may waive or modify the minimum order in appropriate circumstances.

- (8) The decree shall specify any child(ren) that either parent shall be entitled to claim as dependent(s) for federal income tax purposes. The agreed entry shall also specify the tax year(s) for which the child(ren) may be claimed as dependent(s), the name of the person who may claim them and the requirement that the person claiming them shall be substantially current in payment of child support for any tax year for which the child(ren) are claimed as dependents. A child support obligor shall be substantially current in payment of child support if less than \$100 arrears are owed for the tax year for which the child or children are to be claimed as dependent(s). (ORC 3119.82)
- (9) The decree or entry shall contain a provision regarding health and dental care, including an order for maintenance of health insurance. The decree shall specify which parent is responsible for maintaining health insurance for the children, and shall also contain a formula for the payment of medical, optical, hospital, dental and prescription expenses which are not covered by insurance.
- (a) Required language:

(i) If one of the parties has health insurance:

“Mother/Father shall provide the primary health insurance for the parties’ minor child(ren).

Mother/Father shall provide Mother/Father with all current health insurance information, including but not limited to, insurance cards. In the future, Mother/Father, upon receipt, shall provide all updated insurance information and cards to Mother/Father within fourteen (14) days.

The parties shall divide all uncovered health care expenses as follows, father shall pay _____% and mother shall pay _____%.

The parties shall provide each other with a copy of all health care bills for the minor child(ren) on a quarterly basis and a summary of all amounts paid by either party. The documentation of health care expenses shall be provided on the last day of the months of

March, June, September, and December.

Payment/reimbursement for all health care expenses shall be made within thirty (30) days.

Absent extraordinary circumstances, motions for payment of health care bills must be made within one (1) year of the date the bills were incurred.”

(ii) If both of the parties have health insurance:

“Mother/Father shall provide the primary health insurance for the parties minor child(ren). Mother/Father shall provide the secondary health insurance for the parties’ minor child(ren).

Each party shall provide the other party with all current health insurance information, including but not limited to, insurance cards. In the future, the parties, upon receipt, shall provide all updated insurance information and cards to each other within fourteen (14) days.

The parties shall divide all uncovered health care expenses as follows, father shall pay _____% and mother shall pay ____%.

The parties shall provide each other with a copy of all health care bills for the minor child(ren) on a quarterly basis and a summary of all amounts paid by either party. The documentation of health care expenses shall be provided on the last day of the months of March, June, September, and December. Payment/reimbursement for all health care expenses shall be made within thirty (30) days.

Absent extraordinary circumstances, motions for payment of health care bills must be made within one (1) year of the date the bills were incurred.”

(iii) If neither of the parties has health insurance:

“Each parent shall provide health insurance for the child(ren) whenever it is available through their employment at a reasonable cost.

In the event a parent obtains health insurance, the insured parent shall provide the other parent with all current health insurance information, including but not limited to, insurance cards. In the future, the insured parent, upon receipt, shall provide all updated insurance information and cards to the other parent within

fourteen (14) days.

The parties shall divide all uncovered health care expenses as follows, father shall pay _____% and mother shall pay ____%. The parties shall provide each other with a copy of all health care bills for the minor child(ren) on a quarterly basis and a summary of all amounts paid by either party. The documentation of health care expenses shall be provided on the last day of the months of March, June, September, and December.

Payment/reimbursement for all health care expenses shall be made within thirty (30) days.

Absent extraordinary circumstances, motions for payment of health care medical bills must be made within one (1) year of the date the bills were incurred.”

- (b) The decree shall specifically identify the insurance order to be issued. If either or both parents have health insurance available to them through a group policy, an order for obligee and/or obligor to provide health insurance (Form DR 705) shall issue. If neither parent has health insurance available through a group policy and neither is able to afford private insurance, an order for the payment of medical expenses (Form DR 707) shall issue. If neither parent has health insurance available through a group policy, but one or both has the means of providing private insurance, an order to provide private insurance (Form DR 708) shall issue.
 - (c) The decree shall state that the parties must comply with any obligations concerning health insurance coverage imposed under section 3119.30 to 3119.31 of the Revised Code no later than thirty (30) days after the applicable order is issued.
 - (d) The decree shall state that any person who fails to provide health insurance as ordered may be punished for contempt of court and shall be solely responsible for the payment of all health care expenses incurred on the child(ren)’s behalf as a result of the failure to provide insurance. The decree shall further state that if the obligor is found in contempt for failing to provide health insurance coverage and he/she has previously been found in contempt under Chapter 2705 of the Revised Code, the court shall consider the obligor’s failure to comply with the order as a change of circumstances for the purpose of modification of the amount of support due under the child support order that is the basis of the order issued under Revised Code 3119.30 to 3119.31.
- (10) If a Qualified Medical Care Support Order (QMCSO) is issued, the decree or entry shall contain a provision that the intent of the order is to

enable each child named as an alternate recipient to receive health insurance coverage. The decree or entry shall further provide that in the event there is a defect in the wording of the QMCSO that precludes that intended outcome, the court shall retain jurisdiction to modify the QMCSO.

- (11) The decree shall contain a provision allocating the rights of the parents to claim the children as tax exemptions.
- (12) An order that any person who is the residential parent of a child, including any party to a shared parenting decree and any other legal custodian, shall send a notice of intent to relocate to the Domestic Relations Court Case Management Office, as follows:
 - (i) If a parent or other legal custodian desires to move, he/she must notify, **in writing**:
 - (aa) The other parent;
 - (bb) The Domestic Relations Court Case Management Office;
 - (cc) The Butler County Child Support Enforcement Agency (CSEA).
 - (ii) Notice must be sent within the following time frames:
 - (aa) If relocating within Butler County- at least thirty (30) days in advance of the move.
 - (bb) If relocating outside Butler County- at least sixty (60) days in advance of the move.
 - (iii) Written notice must be submitted to the Case Management Office on Form C-13, if relocating within Butler County, and on Form C-13A, if relocating outside Butler County.
 - (iv) If either parent believes the relocation requires a change in the allocation of parenting time, it is the responsibility of that parent to file a motion to review the allocation of parenting time.
 - (v) If a parent believes that the move requires a change in residential parent status, that parent may file a motion for change of residential parent or modification of the shared parenting plan, in accordance with Rule DR 38(B).
 - (vi) An order that each parent, or other legal custodian, shall have equal access to the children's school, day care center, medical or educational records and extracurricular or recreational activities, **or** an

order limiting a parent's access to specific areas. Any order limiting a parent's access shall contain specific findings of fact which support such limitation. The order shall contain a notice to school and day care officials and to all keepers of records that their knowing failure to comply with the order may be punishable as contempt of court.

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

If a final non-contested divorce or dissolution is heard by a magistrate, the final decree shall contain a waiver of the fourteen (14) day objection period and a waiver of findings of fact and conclusions of law, if applicable, unless Form DR 18 (Waiver of Magistrate's Findings of Fact and Time Period for Filing Objections) is filed.

(D) Avoiding Repetition of Mandatory Language

When multiple documents are filed in a single case, the mandatory language shall appear only once. In dissolutions it shall appear in the separation agreement and be incorporated by reference into the decree. In divorces in which there are separation agreements it shall appear in the separation agreement and be incorporated by reference into the decree. In divorces and dissolutions in which there are shared parenting plans the mandatory language and requirements contained in Rule DR 46(B) shall appear in the shared parenting plan and be incorporated by reference into the shared parenting decree. In divorces without separation agreements and without shared parenting plans it shall appear in the decree. The mandatory language need not be repeated separately in shared parenting decrees.

TITLE FIVE: DOMESTIC VIOLENCE

DR 48. Procedure

- (A) Any person who qualifies as a family or household member under ORC 3113.31 may file a petition for an *ex parte* civil protection order.
- (B) No court costs or filing fee shall be charged in connection with any domestic violence case.
- (C) The court shall hold a hearing on the same day the petition is filed.
- (D) The petitioner shall be required to appear in court for the final protection order hearing and all further proceedings.
- (E) Failure of the petitioner to appear after proper notice of the time, date and

location of a hearing may result in dismissal of the case.

- (F) Objections to magistrates' decisions shall be governed by Rules DR 31 and DR 17.
- (G) Continuances shall be governed by Rule DR 32.
- (H) Several final Civil Protection Order hearings are scheduled per hour. If a party or attorney knows that more than fifteen (15) minutes are needed for a hearing, that party must request a continuance and schedule the hearing for an appropriate amount of time.

TITLE SIX: SPECIAL ACCOMMODATIONS

DR 49. Disabled Persons

Any person who requires special accommodations because of a handicap or disability shall notify the Administrative Office of the court by calling 887-3352 of his or her special requirements at least ten (10) days before a scheduled court appearance. The court shall comply with all reasonable requests for assistance, including providing interpreters without additional cost, except as described in Rule DR 48.

DR 50. Interpretive Services

When interpretive services are needed, the attorney or party requesting an interpreter shall complete Form DR 627 (Request for Interpreter) and submit it to the Administrative Office of the court at least ten (10) days before the scheduled hearing. The court will arrange for an objective interpreter to be present for the hearing and will inform the requesting attorney/party of the name and address of the interpreter selected. It is the responsibility of the requesting party to notify the interpreter, in writing, if there is any change in the date or time of the hearing. Failure to do so will result in the requesting party being held responsible for payment of the interpreter's fee for time spent in attempting to attend the rescheduled hearing.

TITLE SEVEN: ALTERNATIVE DISPUTE RESOLUTION

DR 51. Mediation

(A) Mediation By Agreement (litigation pending)

At any time after service of summons in any action for divorce, legal separation, or annulment involving one or more children, or at any time after the filing of a post-decree motion to modify the allocation of parental rights and responsibilities including visitation, the parties and/or attorneys may submit an agreed entry to the hearing officer before whom the matter is then pending requesting mediation by the court. If approved by the hearing officer, the matter

shall be set by the Case Management Office for mediation by a mediator employed by the court.

(B) Mediation By Court Order

At any time after service of summons in any action for divorce, legal separation, or annulment involving one or more children, or at any time after the filing of a post-decree motion to modify the allocation of parental rights and responsibilities, including visitation, when it is determined that the parents of the child(ren) do not agree upon an appropriate allocation of parental rights and responsibilities, the court may order the parties to participate in mediation. Cases shall be assigned by the court to a mediator employed by the court. Once the case is assigned to a court-employed mediator, that mediator may not act as a judicial officer on that case. The parties may agree to use an outside mediator, as long as there is an agreement as to payment of fees, and the court has given prior approval. An order to mediation will not stay the implementation of any temporary orders issued by court, nor any scheduling order/discovery matter or hearing.

(C) Voluntary Mediation (no motion pending)

- (1) In post-decree conflicts regarding the allocation of parental rights and responsibilities, including visitation, when both parties agree to mediate or when the prior order/agreement of the parties requires that mediation be conducted prior to the filing of litigation, the parties may arrange for mediation through the Domestic Relations Court by contacting the Case Management Office at (513) 887-3357. Upon request by either party for voluntary mediation, Case Management shall forward a voluntary mediation questionnaire to each party. When both questionnaires are returned to the court, the case shall be evaluated for voluntary mediation.
- (2) All completed voluntary mediation questionnaires in possession of the court shall be returned to the submitting party.
- (3) All provisions of Rule DR 51 shall apply to voluntary mediations.

(D) Scope

The court may order mediation when there are issues regarding the allocation of parental rights and responsibilities or related issues involving the minor child(ren), including, but not limited to, child support, tax exemptions, health insurance, and payment of uncovered health care expenses. The parties may agree to submit other issues to mediation, including, but not limited to, property division and spousal support. The parties shall also comply with the Notice for Property or Spousal Support Mediation (Form DR 146).

(E) Confidentiality

Statements made during the course of the mediation are confidential and shall not be admissible as evidence in any subsequent proceedings. Everyone attending a mediation session, including attorneys and the GAL, shall sign a Memorandum of Understanding for Mediation (Form MS-002) which confirms their agreement to be bound by the confidentiality requirement. The mediator shall not be required to disclose any statements or discussions which occur during mediation, except for the statutory duty to report child abuse pursuant to ORC 2151.142. The mediator shall not be subject to subpoena to testify at any proceeding except as set forth in ORC 2317.02(H). No party or counsel for any party may leave a mediation session with any notes or recordings that he or she has made during the mediation session.

(F) Procedure

If the case is assigned to a mediator employed by the court, mediation shall be scheduled before the final hearing date. The mediation shall be set for a time period of at least two (2) hours. If significant progress is made by the end of that time period and if all parties agree, or upon recommendation by the mediator, the mediation may continue that day if time permits or may be reset for another time period so long as the further scheduling does not delay the hearing(s) already set in the case. Attorneys for the parties may attend the mediation. The GAL shall attend the mediation if requested by the court or either party. Children shall not be brought to the mediation session unless specifically ordered by the court. Attorneys attending the mediation session are present only as observers and cannot participate in the mediation. If an attorney attending the session wishes to consult with his/her client, he /she may ask for a recess to consult with the client outside the presence of the other parties.

(G) Agreement

Agreements reached in mediation shall be written by the mediator and signed by the parties before they leave the mediation session. No agreement shall be binding on any party until the agreement is reviewed and approved by counsel for the parties and by the court. If the agreement is adopted by the attorneys and the court, counsel for plaintiff or movant (if post-decree) or the plaintiff or movant if the parties are *pro se*, shall submit an entry to the court incorporating the agreement and containing all language required to conform with local rules. The entry may be in the form of a final decree or a separate agreed entry. If the agreement is not adopted by the parties will not be considered in any fashion by the court. If no agreement is reached, the mediator shall notify the court that no agreement was reached.

(H) Qualifications of Mediator

Mediators shall have the following minimum qualifications:

- (1) Comply with the qualifications set forth in Rule 16 of the Ohio Rules of Superintendence;
- (2) Adhere to the ethical standards of the mediation profession;
- (3) Maintain appropriate liability insurance, specifically covering the activities of the individual as a mediator.

TITLE EIGHT: SPECIAL PROJECTS

DR 52. Special Project Fee

This court has determined that additional funds are necessary to pay for a special project, to-wit: employment of full time social workers, whose duties shall include, but not be limited to, the supervision of visitation between parents and children in appropriate cases, screening applications for *pro se* parties requesting mediation services, and performing home investigations in cases involving custody disputes.

Pursuant to ORC section 2303.201(E)(1), a fee of thirty dollars (\$30.00) in addition to the fees and costs authorized under ORC section 2303.20 will be charged and collected by the Clerk of Courts upon the filing of each new civil action in this court and upon the filing of each post-decree motion. All fees collected under this Rule shall be paid to the Clerk of Courts for deposit with the County Treasurer for deposit into a general special projects fund. Monies from that fund shall be disbursed upon order of this court in an amount no greater than the actual cost of the special project stated above or for any other special project that this court from time to time might deem necessary for its efficient operation.