

Common Pleas Court of Greene County, Ohio
Domestic Relations Division

Judge Steven L. Hurley

Court Administrator/Magistrate John Martin
Magistrate Cynthia Martin
Magistrate Kimberly Stump

Assistant Court Administrator:
Dan Berridge

Bailiffs:
Jack Diamond
Ronald Smith
Keith Stigers

Assignment Commissioners:
Gail Holland
Sandra Lawson

Domestic Violence Specialist:
Sheri Hall

Judicial Assistant/Paralegal:
Denise Unger

Compliance Clerk:
Karen Waydo

Case Manager:
Colleen Kerns

LOCAL RULES OF COURT

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TITLE I

GENERAL RULES

1.01 COMPLIANCE WITH OHIO RULES OF CIVIL PROCEDURE

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

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

Should there be any conflict between the local rules and the Ohio Rules of Civil Procedure, the Ohio Rules of Civil Procedure shall at all times govern. Matters not specifically addressed herein shall be governed by the Greene County Court of Common Pleas Rules, General Division.

The content of the Rules and Appendices are in no manner intended to be legal advice to lawyers or lay persons.

1.02 CITATION

The local rules of the Greene County Domestic Relations Court shall be cited in the following manner: D.R. Rule_____, in the manner listed in the Table of Rules.

1.03 OHIO ATTORNEY

No action in the Greene County Court of Common Pleas, Domestic Relations Division, shall be filed or tried by any attorney not admitted to practice law in the State of Ohio, unless co-counseled by an attorney who is admitted to practice law in the State of Ohio.

1.04 COSTS

As security for costs, an advance deposit must be made with the Greene County Common Pleas Clerk of Courts before filing any legal action in the Domestic Relations Court. It will be paid by the party bringing the action and will be used by the Clerk to secure the payment of the costs which will accrue during the action or proceeding, except as otherwise provided by law. The amount of the deposit will be in accordance with the cost schedule that is published by the Clerk

of Courts. The costs listed therein are, at all times, subject to change without specific amendment of these rules.

The deposit as security for cost shall be considered to be met if a party files an Affidavit of Poverty (form at Appendix D) to proceed in *forma pauperis*, swearing that the party is without funds or assets to pay the deposit and there is certification by the attorney, if any, that no attorney fees have been paid. After filing such affidavit the court may examine the filing party as well as the party's Affidavit of Financial Disclosure to determine if there are sufficient facts to support a conclusion that the party should be relieved from the requirement of such deposit, and may conduct a hearing to examine the filing party.

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

All judgment entries shall contain a provision for allocating payment of costs. The Clerk shall not accept for filing any decree or post decree entry or order without the payment of costs due, unless waived or otherwise modified by the court.

Upon final judgment the Clerk of Courts is directed to apply the deposits for court costs in the case regardless of which party had been assessed costs. The Clerk shall assess the costs against the proper party and reimburse deposits upon receipt, when appropriate.

The Greene County Clerk of Courts will receive a two percent (2%) administrative fee from the advance deposit for Family Studies and Mediation done by Greene County Family and Children First Department.

1.05 ASSIGNMENT OF CASES

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

1.06 SPECIAL NEEDS/COMPLIANCE WITH AMERICAN'S WITH DISABILITIES ACT

Persons with disabilities, special needs or the need for an interpreter should make requests for reasonable accommodations to the Court at (937) 562-6249 seven (7) days prior to any scheduled hearing so that arrangement can be made.

1.07 PROPER ATTIRE AT THE HEARING OR TRIAL

Proper attire is required of both the attorney and client while present in Court. Shorts, tank tops and sandals are prohibited. Any activity or attire deemed to be disruptive to the decorum of the Court is strictly prohibited. Any Court employee may exclude anyone not properly attired.

1.08 LEGIBLE PLEADINGS AND FORMS

All pleadings and orders, entries, decrees and forms submitted to the court must be typewritten or legibly printed in ink (no red ink).

1.09 NUMBER OF COPIES OF INITIAL FILING

The party filing an initial action or post decree motion shall file a minimum of an original and four (4) copies of such pleading.

TITLE II

CASE MANAGEMENT

2.01 PURPOSE

The purpose of the Case Management rule is to ensure the prompt and fair disposition of litigation and to establish the general framework for the management of Domestic Relations cases. By taking control of incoming cases at the earliest possible time, the Court will avoid unnecessary delays, control the pace of litigation, target complex cases, and achieve better efficiency in dealing with incoming cases promptly, expeditiously, and efficiently.

2.02 TEMPORARY ORDERS

No less than fifteen days (15) after the service of the complaint, the court will make a temporary order which will determine the pre-trial conference date (or non-contested hearing date if there is default of appearance). The temporary order may limit the time within which to:

- A. Amend the pleading
- B. File and hear motions
- C. Complete discovery
- D. Complete any other matter which may be appropriate for the case

The temporary order will not be modified except by Order of the Court. The Pre-trial Conference will not be scheduled prior to forty-two (42) days after the service of process unless otherwise agreed by the parties. The trial date shall not be set until after the pre-trial process.

Counsel or any unrepresented party is responsible for contacting the Clerk of Courts to determine whether any filings exist in the particular case.

2.03 FORMS REQUIRED AT THE TIME OF FILING

The following forms must be filed with the Court upon filing of an original Complaint for Divorce or Legal Separation, Petition for Dissolution, or Post Decree Motion: (See D.R. Rule 1.05 regarding filing fees)

1. Affidavit of Income & Expenses and Financial Disclosure: (Required from both parties) This form **must** be filed along with the Complaint for Divorce or Legal Separation and Petition for Dissolution. It **must** also be filed with all Post Decree Motions requesting a modification of child or spousal support or reallocation of parental rights and responsibilities. All Defendants may file a counter Affidavit within Fourteen (14) days of service of Summons and serve a copy to the Plaintiff or the Plaintiff's

Counsel. Should the Defendant elect not to file an Affidavit, the Court may rely solely on the information provided in the Plaintiff's complaint to grant support *pendent lite*¹. Defendants filing an answer, or an answer and counterclaim, shall also file an Affidavit, unless the Defendant has previously filed an Affidavit in the same case. In cases of dissolution of marriage, **each** party will file such Affidavit with the filing of the petition and separation agreement.

2. Divorce and/or Dissolution Questionnaire: (Complaint for Divorce, Legal Separation, or Petition for Dissolution only) To be filed with the original Complaint, etc. Only one (1) questionnaire is needed.
3. Child Custody Information Affidavit: (pursuant to R.C. 3109.27, if applicable). This form **must** be filed in all actions requesting a court order regarding the allocation of parental rights and responsibilities for the care of minor children. In petitions for the dissolution of marriage only one (1) child custody information affidavit is needed.
4. Order Requiring Parties to Attend Educational Program: Must be filed with Complaints for Divorce or Legal Separation and Petitions for Dissolution of Marriage if minor children are involved.
5. Dissolution Notice of Hearing: Three (3) copies (plus a copy for each attorney if any) of a Notice of Date and Time of Hearing (see Appendix G) shall be provided, together with a self-addressed, postage paid envelope for each of the parties and their attorney.

2.04 MOTIONS

A. SUMMARY JUDGMENT

All Motions for summary judgment will be decided in accordance with Civil Rule 56, as may be amended.

B. ALL OTHER MOTIONS

Other Motions may be decided without an oral hearing. Should the Court determine that a hearing is necessary, one will be scheduled by the Assignment Commissioner. The moving party shall file with the Clerk, a Motion with a brief memorandum or statement of facts that supports the party's reasons for the need of a hearing. The memorandum or statement of facts must contain the authorities relied upon and/or any affidavits or

(1, Pendente lite (Latin): while a lawsuit is in progress, to be used in a temporary order pursuant to Civil Rule 75(N))

other supporting documents required or appropriate to support the Motion. A notice of Hearing shall accompany the motion.

2.05 CONTINUANCES

No party will be granted a continuance of a hearing or pretrial without a written motion. The motion will state the reason for the continuance and will be signed by the party as well as counsel. The Court may waive this requirement upon a showing of good cause. If the reason for the continuance is because another case is scheduled on the same date in another court, the Motion shall include not only the name of the court and the assigned judge, but also the case caption, the date and time of the conflicting case, and the date that the conflicting case was assigned for trial or hearing.

If the Motion is granted, the party requesting the continuance is responsible for obtaining a new hearing date.

2.06 JUDGMENT ENTRIES AND DECREES

A. Preparation by the Attorney:

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

B. Approval by the Parties:

The opposing counsel or unrepresented party shall either approve or reject the proposed Entry within fourteen (14) days after receiving it. Upon approval, the Entry shall be returned to the counsel who prepared it. If necessary, due to the presence of children and/or spousal support, the Entry will then be submitted to the Compliance Officer. Upon approval by the Compliance Officer, the Entry will be submitted to the presiding Judge and the Magistrate assigned to the case and if approved, filed with the Clerk of Courts.

If any objection is made to the proposed Judgment Entry within the fourteen (14) day period, the objection will be made in writing, attached to the proposed Entry, and submitted to the Court.

In the alternative, the objecting party may submit to the Court an alternate proposed Judgment Entry which counsel believes properly reflects the Court's decision. Written Objections and alternate proposed entries shall be served upon all counsel and all *pro se* parties.

Failure of any party to object to proposed Entry within the fourteen (14) day time period, after service, will be interpreted by the Court as an approval of the Entry and shall enable counsel who prepared the proposed Entry to submit the same directly to the Court for approval without opposing counsel's or the *pro se* party's signature.

C. *Sua Sponte* Orders:

These rules shall in no manner be construed to preclude the Court from making and filing its own Judgments or Orders, *Sua Sponte*².

D. Contempt Sanctions for Failure to Comply:

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

2.07 NON-APPEARANCE OF A PARTY AT TRIAL OR HEARING DATE;
FAILURE TO BE FULLY PREPARED AT TRIAL

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

2.08 WITHDRAWAL OF COUNSEL; INVOLUNTARY PRO BONO CASES

Counsel may withdraw as counsel of record upon a showing of good cause. Good cause may be demonstrated by non-payment of attorney fees. Any attorney practicing domestic relations law in Greene County, Ohio, shall not be required to act in an involuntary pro bono capacity. Permission to withdraw may not be granted within 30 days of the scheduled trial or hearing, except for good cause shown.

² Sua sponte (Latin): on a Judges motion, without a request from one of the parties.

TITLE III

MEDIATION/CONCILIATION

3.01 INCORPORATION BY REFERENCE

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

3.02 MEDIATION OF DIFFERENCES AS TO ALLOCATION OF PARENTAL RIGHTS AND RESPONSIBILITIES

In any action for divorce, dissolution, legal separation, annulment, or the allocation of parental rights and responsibilities for the care of a minor child or children where the parents do not agree upon an appropriate allocation of parental rights and responsibilities, the Court may Order the parents to mediate their differences on such issues as the Court directs in accordance with mandates of Section 3109.052 of the Ohio Revised Code. The Court shall refer the parties to a mediator of the Court's choosing, either a staff mediator or an independent mediator who can provide mediation services, being qualified according to Sup. R. 16.

The mediator, on behalf of the parents, shall submit to the Court a report, which summarizes the mediation process, and shall indicate only whether agreement was reached or whether mediation failed. If an agreement was reached, the mediator shall report the content and details of the agreement to counsel or the parties. The Court is not bound by the mediation agreement, and in all cases shall be governed by the best interests of the minor child or children.

The costs of mediation shall be paid by each parent in proportional amounts as shall be determined by the Court, or in such other manner as the Court may direct.

3.03 THE ROLE AND AUTHORITY OF THE MEDIATOR

The role of the mediator is to assist the parties in identifying the issues involved, reducing any misunderstanding regarding such issues, clarifying the priorities of the parties in relation to the best interest of the child or children, exploring areas of compromise, and finding points of mutual agreement. While it is imperative to the success of the mediation that the parties fully participate in the mediation process, the process may be terminated upon the decision of the mediator. The mediator shall terminate any mediation in which the parties are abusive, either to each other or to the mediator during the course of the mediation.

Mediator shall make no recommendation to the Court based on either the parties' statement during the mediation process or any personal evaluation by the mediator of the comparative fitness of the parties as a custodial parent. Statements made during mediation shall be considered inadmissible as evidence pursuant to Evidence Rule 408. Further, no mediator shall be considered as a witness regarding any matter in which he or she has participated as a mediator.

Any mediator providing services for the Court shall utilize procedures that will:

- A. Screen for Domestic Violence before and during mediation.
- B. Encourage appropriate referrals to legal counsel and other support services for parties to the mediation.

3.04 DOMESTIC VIOLENCE

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

If the foregoing conditions exist or if violence or fear of violence is alleged, or if the Court suspects same, the Court may order mediation only if:

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

3.05 MEDIATED PARENTING PLAN

- A. If there is a pending matter before the Court and the parties have reached agreement to a mediated plan regarding the allocation of parental rights and responsibilities for the care of a child or children and/or parenting time issues, a written memorandum of understanding stating the terms of the agreement will be prepared by the mediator and signed by the parties. A copy of the memorandum of understanding shall be forwarded to counsel for each party, if any. The agreement will not include any background information concerning the mediation process or any information either discussed or presented during the proceeding. Any memorandum of understanding reached during mediation shall not be binding upon the parties until the final decree or judgment has been approved by the Court.

- B. If there is not a pending matter before the court and the parties reach agreement on a mediated plan regarding the allocation of parental rights and responsibilities and/or parenting time issues, a copy of the memorandum of understanding shall be given to the parties with written instructions to contact legal counsel in order to discuss the procedures necessary to make the memorandum of understanding legally binding. It will include a written warning that the memorandum of understanding will not be legally binding unless further written legal action is taken.

3.06 CONFIDENTIALITY

If a mediation order is issued, the mediator shall not be made a party to and shall not be called as a witness to testify in any action or proceeding, other than a criminal, delinquency, child abuse, child neglect, or dependent child action or proceeding that is brought by or against either parent and that pertains to the mediation process. The mediator will not be required to divulge any information discussed or presented in the mediation process or testify to the allocation of parental rights and responsibilities for the care of the parents' children, or to the awarding of parenting time rights in relation to their children. The mediator shall not be made a party to, or be called to testify in such an action or proceeding, even if both parents give their prior consent to such testimony.

3.07 MEDIATION OF OTHER MARITAL ISSUES

Mediation is encouraged for the resolution of other issues before the Court, but in no event shall mediation be used in any of the following circumstances:

- A. As an alternative to the prosecution or adjudication of domestic violence.
- B. In determining whether to grant, modify or terminate a protection order.
- C. In determining the terms of a protection order.
- D. In determining the penalty for violation of a protection order.

3.08 PARTICIPATION IN MEDIATION

Any party participating in mediation, if they so choose, may be accompanied by their attorney or an individual designated by the party. Such person may participate in the mediation.

3.09 SEMINAR/EDUCATION PROGRAM FOR SEPARATING PARENTS

Both parents in divorce, dissolution, or legal separation actions involving minor children, are required to attend an educational seminar and/or program sponsored by the Court, or other agency approved by the Court designed to educate separating parents on how to minimize any negative impact that parental separation may have on children. **No Final Order, Decree or Hearing shall issue or be scheduled or conducted in any case until there has first been compliance with this rule; provided, however, that non-compliance with this rule by a parent who enters no appearance and does not contest the action shall not delay the issuance of a final Decree or Order.** Failure of a non-residential parent to attend such seminar or program may result in no allocation of parenting time. Upon written application of any party and for good cause shown and established, the Court may waive this requirement.

Attendance may be required by the Court in other cases involving post-decree relief concerning the allocation of parental rights and responsibilities, parenting time, and companionship issues. Both parties are responsible for registering for such seminar within fifteen (15) days after the filing of a divorce, answer and counterclaim, dissolution, or legal separation action.

Upon completion of the seminar and/or program, a Certificate of Attendance will be prepared for each participant and filed with the Clerk of Courts.

3.10 CONCILIATION OF MARITAL CONTROVERSY

Pursuant to Section 3117.01 et. seq. of the Ohio Revised Code, prior to or during the pendency of any action for divorce, annulment or legal separation, one or both spouses may file in the Common Pleas Court a petition for conciliation in an attempt to preserve the marriage or amicably settle the controversy. The Petition shall be in a form required by Section 3317.05 of the Ohio Revised Code.

Upon receipt of such Petition, the matter will be referred for conciliation to the Family Relations Services Division of Family and Children First Department of the County, and proceedings shall be conducted as described in Section 3117.06 and 3117.08 of the Ohio Revised Code. During the period beginning with the filing of the petition for conciliation and continuing until further order of the Court, further proceedings in the pending action shall be stayed.

In the event that conciliation of the marital controversy is unsuccessful, the Domestic Relations Court shall be notified in writing, and the pending action shall be scheduled for further proceedings as determined by the Court.

Title III, adopted January 1, 2007.

TITLE IV

PRE-TRIAL PROCEDURES; DISCOVERY

4.01 PRE-TRIAL PROCEDURES

All cases, other than Uncontested Divorce Actions and Dissolutions, shall be subject to the following pre-trial procedures.

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

- A. A written statement, under oath, of the party's income and expenses.
- B. A written statement, under oath, setting forth all the party's assets and liabilities, including a complete inventory of their property and a written proposal for settlement.

The parties shall be available to the Court during a Pre-trial Conference. See D.R. Rule 4.02(C).

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

4.02 PRE-TRIAL CONFERENCE

A. WHEN HELD

A pre-trial conference may be held pursuant to Civil Rule 16 whenever responsive pleadings are filed.

B. PURPOSE

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

1. Narrow the legal issues in controversy;
2. Admit facts not in dispute;
3. Stipulate to the genuineness of evidence to be introduced at trial, if necessary;
4. Exchange all applicable documents, reports, and other exhibits;

5. Advise the Court as to any additional time necessary to complete discovery;
6. Set a deadline for discovery and memoranda; and
7. Establish a final hearing date.

C. ATTENDANCE

All counsel of record, as well as their clients, shall be present at Pre-trial Conferences. In the event that a party cannot be present at the conferences, due to an emergency, the party will provide counsel with a telephone number at which the party may be contacted at any time during the Pre-trial Conference, if necessary.

In the event that counsel fails to appear at such conference, or fails to cooperate in good faith, such counsel may be subject to sanctions deemed appropriate by the Court. Such sanctions may include an award of expenses and/or attorneys fees to any party prejudiced by such conduct.

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

4.03 DISCOVERY PROCEEDINGS

Ohio Rules of Civil Procedures 26 through 37 apply to any action within this Court, including any Post-Decree Motions pursuant to Civil Rule 75(I).

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

4.04 APPOINTMENT OF VALUATION EXPERTS, RECEIVERS, COMMISSIONER, AND SPECIAL MASTERS

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

The Order of Appointment for Valuation shall state the following:

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

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

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

4.05 FAMILY STUDIES

Pursuant to section 3109.04(C) and Ohio Civil Rule 75, the Court prior to trial, may cause an investigation to be made as to the character, family relations, past conduct, earning ability and financial worth of each parent, and may order the parents and their minor children to submit to medical, psychological and psychiatric examinations. The report of such investigation and any ordered examinations shall be made available to either parent or his/her counsel of record not less than five (5) days before trial. The report shall be signed by the investigator, and the investigator shall be subject to cross-examination by either parent concerning the contents of such report. The Court shall tax as cost all or any part of the expenses for each investigation.

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

4.06 APPOINTMENT OF A GUARDIAN AD LITEM

If a *Guardian Ad Litem* is appointed to protect the best interests of the child or a party, the deposit for such appointment shall be established in the order of appointment. Such deposit is to be paid in advance to the *Guardian Ad Litem*. Failure to pay the *Guardians Ad Litem* fees may result in sanctions including Dismissal of the action.

The party requesting such appointment shall pay the required deposit. If the requesting party is indigent, the opposing party may be Ordered to pay such deposit as part of Court costs. If both parties are indigent, the Court may appoint a *Guardian Ad Litem*. If the *Guardian Ad Litem* is appointed by the Court, the fee, as set by the Court, shall be paid by the party or parties the Court so designates in judgment entry.

Prior to final adjudication, or as soon thereafter as practical, the *Guardian Ad Litem* shall submit an affidavit of fees to the Court for approval. The Court may,

at its discretion, approve fees to be included as part of the Final Entry. These fees must be paid before final journalization of any Final Entry.

TITLE V

PLEADINGS AND MOTION PRACTICE

5.01 PLEADINGS

All filings with this Court shall be submitted on 8 1/2 by 11 inch paper with a 2-inch blank space top and 1 1/2 inch blank space bottom. Documents attached to pleadings or separately offered as exhibits are exempted from this requirement.

All pleadings and other papers submitted shall comply with Civil Rule 10(A). Specifically, these papers shall contain a caption in order to identify the parties and the case; shall list the name, address, drivers license number, parties date of birth and party designation of the persons filing such; as well as the name of the Court; and the title of the pleading or paper. Social security numbers of the parties shall not be in the caption.

Counsel shall include within said pleading or paper his or her Ohio Supreme Court Registration Number.

Initial pleadings and forms, to open or reopen a case, shall contain the following pertinent information:

1. Current name(s) and address(es)
2. The drivers license numbers of the parties;
3. The birth dates of any children involved in the proceedings; and
4. A specific request for the restoration of former name in actions for Divorce or Dissolution; and any other information required by statute.

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

5.02 MOTION PRACTICE

All Motions shall conform to Title II, Case Management, Rule 2.04.

5.03 ASSIGNMENT OF MOTIONS FOR HEARING

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

5.04 MOTIONS TO SHOW CAUSE

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

5.05 MOTIONS TO VACATE PREMISES

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

5.06 POST DECREE MOTION PRACTICE BY *PRO SE* LITIGANTS

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

TITLE VI

ALLOCATION OF PARENTAL RIGHTS AND RESPONSIBILITIES

6.01 ALLOCATION OF PARENTAL RIGHTS AND RESPONSIBILITIES AND PARENTING TIME PROCEEDINGS

No *Ex-Parte*³ Orders will be entered relating to either the allocation of parental rights and responsibilities or parenting time, except as authorized by statute.

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

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

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

6.02 SHARED PARENTING

All Shared Parenting Plans shall be filed pursuant to Ohio Revised Code 3109.04(G).

6.03 PARENTING TIME

It is the Court's policy to encourage liberal parenting time and interaction between parents and their minor children. The Court, however, recognizes that individual circumstances must always be taken into consideration. Pursuant to Ohio Revised Code 3109.051, the Court has adopted the following Parenting Time Guideline and Age Appropriate Parenting Time Guidelines (see Appendix C) and has taken into consideration all factors listed in Ohio Revised Code 3109.051, together with other relevant factors.

Parents are encouraged to formulate a parenting time plan for their children which

(3) *Ex parte* (Latin): with only one side present.

is suitable to each other's schedule and practicable for the child. Parenting time, in addition to being a non-residential parent's right, is also the right of the child to continue a relationship with his or her parents. Flexibility is encouraged in order to offer the child as much quality time as possible with **BOTH** parents.

Greene County Domestic Relations Court
Parenting Time Guidelines

The non-residential parent is entitled to parenting time as set forth below:

- Midweek Parenting Time: Wednesday each week for 3 hours. If no agreement is made as to which 3 hours, parenting time shall be from 5:30 p.m. to 8:30 p.m.*
- Weekend Parenting Time: Alternating weekends from Friday at 6:00 p.m. to Sunday at 6:00 p.m.
- Birthdays 3 hours parenting time on the child's birthday. If no agreement is made as to which 3 hours, parenting time shall be from 5:00 p.m. to 8:00 p.m.

HOLIDAY SCHEDULE

The non-residential parent is entitled to parenting time on the following holidays as set forth below:

- | | |
|-------------------|--------------------------|
| 1.President's Day | 2.Martin Luther King Day |
| 3.Memorial Day | 4.Easter or Passover |
| 5.Labor Day | 6.July 4th |
| 7.Thanksgiving | |

NOTE: Even numbered holidays in even numbered years and odd numbered holidays in odd numbered years, from 6:00 p.m. the night before the holiday to 8:00 p.m. the day of the holiday.

Christmas Break: In all even numbered years, the mother shall have the children from 9:00 a.m. the day after school recesses, until 12:00 noon December 26th, and the father shall have the children from 12:00 noon December 26th through 6:00 p.m. the day before school resumes. In all odd numbered years, the reverse schedule shall apply.

Spring Break: In odd numbered years, the father shall have the children for the spring break from school, starting at 6:00 p.m. the day school recesses to 6:00 p.m. the day before school

resumes. In all even numbered years the mother shall have the children according to the same schedule.

Summer Parenting Time: 28 consecutive days during the child's summer vacation from school.

Mothers'/Fathers' Day: Parenting time with the appropriate parent from Saturday at 6:00 p.m. until Sunday at 6:00 p.m.

Beggar's Night (Halloween):In even numbered years the Father shall have the children from 6:00 p.m. to 9:00 p.m. In odd numbered years the reverse schedule shall apply.

* Mid-week parenting time does not take precedence over out of town vacation time of either parent*

PARENTING TIME PROCEDURES

1. The non-residential parent must submit to the residential parent beginning and ending spring and summer parenting dates, in writing, a minimum of 45 days in advance. Neither spring nor summer parenting time shall interfere with the child's school schedule.
2. If a child or non-residential parent is ill on the date of the non-residential parent's parenting time, and is thereby unable to visit or complete the visit, equivalent makeup parenting time shall be given to the non-residential parent.
3. If the non-residential parent is more than thirty (30) minutes late without prior notification, that parenting time period shall be forfeited.
4. If the non-residential parent is more than fifteen (15) minutes late in returning the child without prior notification, the residential parent may deduct that time from the next regularly scheduled parenting time.
5. Parenting time arrangement is to be made solely between the parents and NOT through the child.
6. Non-residential parents shall have access to the child's schedule for extracurricular activities and are encouraged to make appropriate contacts to obtain same.
7. **HOLIDAY PARENTING TIME** supersedes regularly scheduled **WEEKEND PARENTING TIME**

8. Either parent must file a Notice of Intent thirty (30) days in advance if he or she intends to move to a residence other than the residence specified in the court Order. (Sample form may be obtained in the Compliance Office) This notice must be filed with the Court that issued the Order, and the moving party shall send a copy of this notice to the other parent, UNLESS the parent has:
 - a. previously been convicted or plead guilty to a violation of Ohio Revised Code 2919.25 involving a victim who, at the time of the offense, was a member of the family or household that is the subject of the current proceeding;
 - b. has been convicted of an offense involving a victim who, at the time of the offense, was a member of the family or household that is the subject of the current proceeding and caused physical harm to the victim in the commission of the offense; or
 - c. acted in a manner resulting in a child being an abused or neglected child.

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

9. Parenting time with older children: Age appropriate variations, teenagers 12-15 should try to maintain the agreed on parenting schedule however, parent's should respect a teenager's need to spend time with peers and in organized activities and less time with each parent, especially during weekends and summer holidays. Quality of time is more important than a rigid schedule. Flexibility in scheduling is necessary. When possible, it is preferable to consider the teenager's wishes as long as the parents agree.

Teenagers 16-18: parenting time for children in this bracket should be between the child and the non-residential parent. Parenting time should not be limited other than as the child and non-residential parent choose.

Older Siblings: if there are older siblings of an infant child, the parenting time set forth for the older children from 18 months – 11 years shall govern the infant visitation once the child is 6 months old.

10. The Summer Parenting time of the non-residential parent is not intended as time when the residential parent is denied all contact or parenting time with the child or children. For periods of time in excess of 14 days the residential parent shall be entitled to alternate weekends with the child or children unless the non-residential parent has given notice that he/she is actually taking the child or children out of town for a vacation.
11. Summer parenting time shall not be extended because other parenting time days fall within the chosen summer parenting time weeks.

TITLE VII

EX PARTE MATTERS

7.01 EX PARTE COMMUNICATIONS

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

"Emergency" situations shall be defined as "a sudden unexpected happening; an unforeseen occurrence or condition; perplexing contingency or complication of circumstances; a sudden or unexpected occasion for action; exigency; pressing necessity."⁴

7.02 TEMPORARY RESTRAINING ORDERS

Ex Parte Temporary Restraining Orders (TRO) shall be granted for the following reasons only:

1. To prohibit family violence;
2. To prohibit the removal of minor children from the State of Ohio;
3. To prevent the dissipation of assets which are subject to the jurisdiction of the Court; and
4. To address emergency situations. In this situation, the person seeking the TRO is required to personally appear before the Court and present testimony in support thereof.

All other Motions for Temporary Restraining Orders may be set for hearing with notice to opposing counsel and to unrepresented adverse parties.

7.03 DISSOLVING OF ORDERS

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

(4 Blacks Law)

7.04 ALLOCATION OF PARENTAL RIGHTS AND RESPONSIBILITIES AND PARENTING TIME

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

TITLE VIII

MAGISTRATE'S REPORT; JUDGEMENT ENTRIES

8.01 REFERRALS TO MAGISTRATE

Pursuant to Civil Rule 53, all actions may be heard by a Magistrate of the Greene County Court of Common Pleas, Domestic Relations Division.

8.02 OBJECTIONS TO MAGISTRATE'S REPORT

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

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

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

8.03 DECREE OR POST DECREE ORDERS INVOLVING SUPPORT

All Decrees of Divorce, Legal Separation, and Dissolution of Marriage and Post Decree Orders (Final Orders) involving support must contain all necessary language mandated by applicable sections of the Ohio Revised Code and must be approved by the Compliance Office.

A. Mandated General Information

It is the responsibility of counsel and the parties to provide the Court with the current addresses of the parties; social security numbers, (where required by statute) drivers license numbers, and parties' dates of birth. This information, with the exception of social security numbers, should appear in the caption of all Complaints, Petitions, Final Decrees, Post-Decree Motions, and Agreed Orders. In addition, the names of employers, payroll addresses, pay cycles, health insurance information, name of financial institution, address, account numbers, etc. must be reported to the Court on the Affidavit of Income and Expense and Financial Disclosure; Divorce/Dissolution Questionnaire, and Obligor/Obligee Information Sheet.

B. Filing of a Decree of Divorce/ Legal Separation/ Dissolution after Child Support has already been Established in Juvenile Court or by Greene County Child Support Enforcement Agency.

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

C. Service by Publication Language:

In the event service of the Complaint has been made by publications, and only in said event, the following language should be included in the final decree.

“It appearing to the Court that the Defendant herein was served by publication, the matter of support is continued.”

8.04 HEALTH INSURANCE/ HEALTH CARE LANGUAGE REQUIREMENTS IN CHILD SUPPORT ORDERS:

All Decrees of Divorce, Legal Separation and Dissolution of Marriage and Post Decree Orders (Final Orders) involving child support must contain all necessary language mandated by applicable sections of the Ohio Revised Code and must be approved by the Compliance Office

8.05 ORDER FOR RESTORATION OF FORMER NAME

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

8.06 DECREE PROVISIONS REGARDING PENDING CIVIL PROTECTION ORDER

When there is a Civil Protection Order in existence at the conclusion of a divorce, dissolution or legal separation action, the Decree of Divorce, Dissolution or Legal Separation shall set forth whether any or all of its terms shall remain in effect. If

the parties intend to cancel the Civil Protection Order, a separate Entry and Order shall be filed in such case.

TITLE IX

SPECIAL PROCEEDINGS

9.01 PETITION TO REGISTER A FOREIGN DECREE FOR ENFORCEMENT OR MODIFICATION UNDER THE UNIFORM CHILD CUSTODY JURISDICTION ENFORCEMENT ACT (UCCJEA)

A Foreign Decree may be registered with this Court pursuant to Ohio Revised Code 3109.32 (UCCJEA). However, if the registering party is attempting to seek a determination or modification of Parental Rights and Responsibilities and/or Parenting Time, this Court shall act pursuant to the aforementioned Revised Code section.

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

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

9.02 PETITION TO ADOPT FOREIGN DECREE FOR ENFORCEMENT OR MODIFICATIONS OF SUPPORT

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

9.03 SOLDIERS' AND SAILORS' RELIEF ACT

In any action commenced in this Court governed by the Soldiers' and Sailors' Relief Act of 1940 (50 USC 501, et. seq. as amended), the Court may appoint an attorney to represent the Defendant and protect his or her interest. Furthermore, the Court may set a fee for such representation to be taxed as cost.

Service of summons may be completed by obtaining a waiver of the Soldiers' and Sailors' Relief Act by sending a waiver to the person sought to be served together with a cover letter explaining the waiver and requesting signature.

When the party sought to be served fails or refuses to sign and return the waiver, a Motion may be filed with the Court requesting that an attorney be appointed by the Court to represent the party in the military. Upon appointment, said attorney shall contact his or her client and proceed on whatever basis is thereby arranged.

9.04 DOMESTIC VIOLENCE POLICY

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

9.05 CHILD SUPPORT ENFORCEMENT AGENCY

The CSEA, upon request, may release and divulge to any Domestic Relations Court Division or employee the name, address, telephone number, social security number and employment information of any party or minor child for whom a child support Order is being administered provided that such information is necessary by such Court division or employee for the performance of their official duties in case management or administration. A separate release of information or confidentiality signed by the person concerning whom information is to be released shall not be required by the CSEA. No further release of such information shall be permitted by such Court division or employee without authorization of the person involved.

TITLE X

MISCELLANEOUS

10.01 PROFESSIONALISM RULE

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

10.02 DRUG TESTING

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

TITLE XI

FILING BY FACSIMILE TRANSMISSION

The provisions of this local rule are adopted under [Civ. R. 5 (E)]

The Clerk of Courts is authorized to receive and send pleadings, attachments and necessary correspondence by facsimile transmission. Pleadings and other documents may be filed with the Clerk of Courts by facsimile transmission to 937-562-5309 subject to the following conditions:

11.01 APPLICABILITY

These rules apply to domestic relations proceeding in the Greene County Court of Common Pleas, Domestic Relations Division.

11.02 ORIGINAL FILING

- A. A document filed by fax shall be accepted as the effective original filing. The person making a fax filing need not file any source document with the Clerk of Courts but must, however, maintain in his or her records and have available for production on request by the Court the source document filed by fax, with original signatures as otherwise required under the applicable rules, together with the source copy of the facsimile cover sheet used for the subject filing.
- B. The source document filed by fax shall be maintained by the person making the **filing** until the case is closed and all opportunities for post judgment relief are exhausted.

11.03 DEFINITIONS

As used in these rules. Unless the context requires otherwise:

- A. A "facsimile transmission" means the transmission of a source document by a facsimile machine that encodes a document into optical or electrical signals, transmits and reconstructs the signals to **print** a duplicate of the source document at the receiving end.
- B. A "facsimile machine" means a machine that can send and receive a facsimile transmission.
- C. "Fax" is an abbreviation for "facsimile" and refers, as indicated by the context, to facsimile transmission or to a document so transmitted.

11.04 COVER PAGE

- A. The person filing a document by fax shall also provide therewith a cover page containing the following information: (See Appendix E for sample cover page form.)
- (I) the name of the court;
 - (II) the title of the case;
 - (III) the case number;
 - (IV) the assigned judge;
 - (V) the title of the document being filed (e.g. Defendant Jones' Answer to Amended Complaint; Plaintiff Smith's Response to Defendants' Motion to Dismiss; Plaintiff Smith's Notice of Filing Exhibit "G" to Plaintiff Smith's Response to Defendant's Motion to Dismiss);
 - (VI) the date of transmission;
 - (VII) the transmitting fax number;
 - (VIII) an indication of the number of pages included in the transmission, including the cover page;
 - (IX) if a judge or case number has not been assigned, state that fact on the cover page;
 - (X) the name, address, telephone number, fax number, Supreme Court registration number, if applicable, and e-mail address of the person filing the fax document if available; and
 - (XI) if applicable, a statement explaining how cost are being submitted.
- B. If a document is sent by fax to the Clerk of Courts without the cover page information listed above, the clerk may, at its discretion:
- (I) enter the document in the Case Docket and file the documents;
 - (II) deposit the document in a file for failed faxed documents with a notation of the reason for the failure; in this instance, the document *shall not* be considered filed with the Clerk of Courts.
- C. The Clerk of Courts is not required to send any form of notice to the sending party of a failed fax filing. However, if practicable, the Clerk of Court may inform the sending party of a failed fax filing.

11.05 SIGNATURE

- A. A party who wishes to file a signed source document by fax shall either fax a copy of the signed source document, or fax a copy of the document without the signature but with the notation “/S/” followed by the name of the signing person.
- B. A party who files a signed document by fax represents that the physically signed source document is in his/her possession or control.

11.06 EXHIBITS

- A. Each exhibit to a facsimile produced document that cannot be accurately transmitted via facsimile transmission for any reason must be replaced by an insert page describing the exhibit and why it is missing. Unless the Court otherwise orders, the missing exhibit shall be filed with the Court, as a separate document, not later than five (5) Court days following the filing of the facsimile document. Failure to file the missing exhibit as required by this paragraph may result in the court striking the document and/or exhibit.
- B. Any exhibit filed in this manner shall be attached to a cover sheet containing the caption of the case which sets forth the name of the Court, title of the case, the case number, name of the judge and the title of the exhibit being filed (e.g. Plaintiff Smith's Notice of Filing Exhibit "F" to Plaintiff Smith's Response to Defendant's Motion to Dismiss), and shall be signed and served in conformance with the rules governing the signing and service of pleadings in the court. (See Appendix F for sample exhibit cover sheet.)

11.07 TIME FILING

- A. Subject to the provisions of these rules, all documents sent by fax and accepted by the Clerk shall be considered filed with the Clerk of Courts as of the date and time the Clerk time-stamps the document received, as opposed the date and time of the fax transmission. The office of the Clerk of Court will be deemed open to receive facsimile transmission of documents on the same days and at the same time the court is regularly open for business.
- B. Fax filing may NOT be sent directly to the Court for filing but may only be transmitted directly though the facsimile equipment operated by the Clerk of Courts.
- C. The Clerk of court may, but need not, acknowledge receipt of facsimile transmission.

- D. The risks of transmitting a document by fax to the Clerk of Courts shall be borne entirely by the sending party. Anyone using facsimile filing is urged to verify receipt of such filing by the Clerk of Courts through whatever technological means are available.

11.08 FEES AND COSTS

- A. No document filed by facsimile that requires a filing fee shall be accepted by the Clerk for filing until Court cost and fees have been paid. Court cost and fees may be paid by credit card or by cash or check delivered to the Clerk of Courts. The forms necessary for the authorization of payment by credit card shall be available at the Clerk's office during normal business hours. Documents tendered to the Clerk without payment of Court cost and fees, or with incomplete information on the charge authorization or request, or which do not conform to applicable rules will not be filed.
- B. No additional fee shall be assessed for facsimile filings, except as set by statute; (O.R.C. Sec. 2303.20 (Y))

11.09 LENGTH OF DOCUMENT

Facsimile filings shall not exceed 20 pages in length. The filer shall not transmit service copies by facsimile.

TITLE XII

EFFECTIVE DATE

12.01 EFFECTIVE DATE

These local rules shall be effective October 1, 2005, and shall govern all proceedings in actions brought after they take effect and also further proceeding in pending actions, except to the extent that, in the opinion of the Court, their application in a particular action pending on the effective date would not be feasible or would work an injustice, in which event, the former procedure applies.

APPENDIX A A LAWYER'S CREED

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

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

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

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

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

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

APPENDIX B
COURT PERSONNEL AND KEY CONTACTS

Judge Steven L. Hurley (937) 562-6249
Fax (937) 562-6232

Magistrate Cynthia Martin (937) 562-6249
Magistrate Kimberly Metzler-Stump (937) 562-6249
John O. Martin, Court Administrator (937) 562-6247
Dan Berridge, Asst. Administrator (937) 562-6246
Fax (937) 562-6233

Assignment Commissioners

Gail Holland (Judge) (937) 562-6245
Sandra Lawson (Magistrate) (937) 562-6244
Fax (937) 562-6232

Compliance Office

Karen Waydo (937) 562-6238
Fax (937) 562-6233

Case Manager

Colleen Kerns (937) 562-6237
Fax (937) 562-6233

Domestic Violence Specialist

Sheri Hall (937) 562-6236
Fax (937) 562-6233

Judicial Assistant/Paralegal

Denise Unger (937) 562-6239
Fax (937) 562-6233

Receptionist

Main line (937) 562-6235
Fax (937) 562-6233

Court Security

Jack Diamond - Criminal Bailiff (937) 562-6241
Ronald K. Smith - Bailiff (937) 562-6240
Keith Stigers - Bailiff (937) 562-6240
Fax (937) 562-6233

Clerk of Courts (937) 562-5290
Fax (937) 562-5309

Child Support Enforcement Agency (937) 562-6200
Fax (937) 562-6285
Toll Free in State 1-800-337-1740

APPENDIX C

0 thru 18 Months

Mid-Week: three, two hour visits in residential parent's home.

Weekend: None

Birthdays: 3 hours in residential parent's home; if not agreed which, hours will be from 5:00 p.m. to 8:00 p.m.

Parent's Birthday (biological or adoptive): 3 hours in residential parent's home; if not agreed which, hours will be from 5:00 p.m. to 8:00 p.m.

Vacation: None, for either parent.

Holiday Schedule: From 4:00 p.m. to 8:00 p.m. the day of the holiday as follows: the non-residential parent is entitled to the following holidays in odd numbered years:

President's Day; Memorial Day, Labor Day, Beggar's Night.

And, the following holidays in even numbered years:

Martin Luther King Day, Easter or Passover, July 4th, Thanksgiving.

Mothers' / Fathers' Day: From 9:00 a.m. to 1:00 p.m. the day of the holiday.

Christmas: The non-residential parent shall have the child(ren) from 4:00 to 8:00 p.m. that day.

19 mo. thru 3 yrs.

Mid-Week: Wednesday, 5:30 p.m. to 8:30 p.m. in the residential parent's home or the non-residential parent's home.

Weekend: Alternating, Saturday 6:00 p.m. to Sunday 6:00 p.m.

Birthdays: 3 hours in residential parent's home; if not agreed which, hours will be from 5:00 p.m. to 8:00 p.m.

Parent's Birthday (biological or adoptive): 4 hours in the celebrating parent's home; if not agreed which, hours will be from 5:00 p.m. to 9:00 p.m.

Vacation: One week, with one phone contact at a prescribed time by the non-vacationing parent.

Holiday schedule: From 4:00 p.m. to 8:00 p.m. the day of the holiday, as follows: the non-residential parent is entitled to the following holidays in odd numbered years:

President's Day, Memorial Day, Labor Day, Beggar's Night.

And, the following holidays in even numbered years:

Martin Luther King Day, Easter or Passover, July 4th, Thanksgiving.

Mothers' / Fathers' Day: From 9:00 a.m. to 1:00 p.m. the day of the holiday

Christmas: The non-residential parent shall have the children in odd number years from 6:00 p.m. December 23rd to 6:00 p.m. December 24th. The residential parent shall have the children from 6:00 p.m. December 24th to

6:00 p.m. December 25th. In even number years the reverse schedule shall apply.

4 thru 6 yrs.

Mid-Week: Wednesday, 5:30 p.m. to 8:30 p.m. in the residential parent's home or the non-residential parent's home.

Weekend: Alternating, Saturday 6:00 p.m. to Sunday 6:00 p.m.

Birthdays: 3 hours in the non-residential parent's home, if not agreed which, hours will be from 5:00 p.m. to 8:00 p.m.

Parent's birthday (biological or adoptive) 4 hours in the celebrating parent's home; if not agreed which, hours will be from 5:00 p.m. to 9:00 p.m.

Vacation: Two weeks, not consecutively used; one phone contact at a prescribed time for non-vacationing parent, each week.

Holiday Schedule: From 6:00 p.m. the night before the holiday until 8:00 p.m. the day of the holiday, the non-residential parent is entitled to the following holidays in odd numbered years:

President's Day, Memorial Day, Labor Day, Beggar's Night.

And, the following holidays in even numbered years:

Martin Luther King Day, Easter or Passover, July 4th, Thanksgiving.

Mothers' / Fathers' Day: From 9:00 a.m. to 1:00 p.m. the day of the holiday

Christmas: The non-residential parent shall have the children in odd number years from 6:00 p.m. December 23rd to 6:00 p.m. to December 24th. The residential parent shall have the children from 6:00 p.m. December 24th to 6:00 p.m. December 25th. In even number years the reverse schedule shall apply.

7 thru 11 yrs.

Mid-Week: Wednesday, 5:30 p.m. to 8:30 p.m.

Weekend: Alternating, Friday 6:00 p.m. to Sunday 6:00 p.m.

Birthdays: 3 hours in the non-residential parent's home, if not agreed which, hours will be from 5:00 p.m. to 9:00 p.m.

Parent's birthday (biological or adoptive) 4 hours in the celebrating parent's home; if not agreed which, hours will be from 5:00 p.m. to 9:00 p.m.

Vacation: 4 Week total, with no more than 2 weeks used consecutively; one phone contact at a prescribed time for the non-vacationing parent, each week.

Holiday Schedule: Follow the schedule, ages 12-18 yrs.

APPENDIX D
POVERTY AFFIDAVIT

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

DOB: _____

PLAINTIFF

v.

DOB: _____

DEFENDANT

CASE NO. _____
JUDGE HURLEY

POVERTY AFFIDAVIT
[R.C. 2323.30, 2323.31 and
D.R. Rule 1.05]

I, _____, being duly sworn, says:

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

Signature

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

Notary Public

ATTORNEY CERTIFICATION (required if affiant is represented by counsel):

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

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

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

NAME OF ATTORNEY
123 NAME OF STREET
DAYTON, OH 45402
(513) 222-2222
SUPREME COURT NUMBER

APPENDIX E
FAXSIMILE FILING COVER PAGE

RECIPIENT INFORMATION:

NAME OF COURT: _____

FAX NUMBER: _____

SENDING PARTY INFORMATION

NAME: _____

SUPREME COURT
REGISTRATION NO. (if applicable): _____

OFFICE/FIRM: _____

ADDRESS: _____

TELEPHONE NO. _____

FAX NUMBER: _____

E-MAIL ADDRESS (if available): _____

CASE INFORMATION:

TITLE OF THE CASE: _____

CASE NUMBER: _____

TITLE OF THE DOCUMENT: _____

JUDGE: _____

FILING INFORMATION:

DATE OF FAX TRANSMISSION: _____

NUMBER OF PAGES (including this page): _____

STATEMENT EXPALINING HOW COSTS ARE BEING SUBMITTED, IF
APPLICABLE: _____

If a judge or case number has not been assigned please state that fact in the space provide

APPENDIX F
FACSIMILE EXHIBIT COVER PAGE

IN THE COURT OF COMMON PLEAS
_____ COUNTY, OHIO

JOHN SMITH, Plaintiff,

v.

Case No.: 1234567

BILL JONES, Defendant,

Judge: _____ (*in the alternative a notation here that the case is not yet assigned*)

PLAINTIFF SMITH'S NOTICE OF FILING EXHIBIT "G"
TO
PLAINTIFF SMITH'S RESPONSE TO DEFENDANT'S MOTION TO DISMISS

Plaintiff Smith, through counsel, hereby files Exhibit "G" to Plaintiff Smith's Response to Defendant's Motion to Dismiss. The referenced pleading was filed by facsimile transmission with the Court on [date]. Exhibit "G" could not be accurately transmitted by fax and is therefore being timely filed as a separate document with the Court pursuant to D.R. Rule 11.6.

Respectfully Submitted,

Attorney Name (Sup. Ct. Reg. No.)
Office/Firm
Address
Telephone
Facsimile
E-mail

Counsel for Plaintiff John Smith

CERTIFICATE OF SERVICE

I certify that a copy of this Notice of Filing Exhibit "G" was sent by ordinary U.S. mail on [date] to counsel for defendant Bill Jones, [name and address of recipient].

If a judge or case number has not been assigned please state that fact in the space provided

APPENDIX G

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

First Petitioner

CASE # _____

And

Second Petitioner

Notice of Hearing

This case will come on for hearing on the _____ day of _____, 200____,
at _____ a.m./p.m. before the Honorable Judge/Magistrate _____
at Greene County Domestic Relations Court, 595 Ledbetter Road, Xenia, Ohio..

If there are children in the case, both parties MUST have attended the Parents
Succeeding after Divorce Seminar in order for the final hearing to take place.

Both parties are required to appear.

Assignment Commissioner

Copy, by regular mail to:

_____ First Petitioner

_____ Second Petitioner

_____ Attorney

_____ Attorney

APPENDIX H
GLOSSARY OF TERMS

AFFIDAVIT: A written, voluntary statement of fact.

ANNULMENT: To do away with a marriage as if the marriage never occurred.

APPEAL: Asking a higher Court to review the decision of the lower Court.

ASSIGNMENT COMMISSIONER: Person responsible for scheduling hearings.

BAILIFF: Person who maintains security and order in the Courtroom and administers the solemn oath.

CHILD SUPPORT: Money paid by the parent who is not the residential parent to the residential parent for expenses of a child.

CSEA: Child Support Enforcement Agency; collects and distributes money for child support and spousal support.

COHABITATION: A male and a female who live together as husband and wife who may not be married.

COMMON-LAW MARRIAGE: A male and female who live together as husband and wife without the benefits of a marriage contract. No longer recognized in the state of Ohio.

CONTEMPT: An action filed against someone who disobeys a Court order. May result in a fine or imprisonment.

DECREE: A sentence or Order of the Court which announces the decision based upon evidence.

DEFENDANT: The person against whom an action or lawsuit is filed.

DISCOVERY: The disclosure of something that was previously hidden or unknown. A request from one party to another party or parties to divulge what information the other party has.

DISSOLUTION: The termination of a marriage pursuant to an agreement between the spouses.

DIVORCE: The termination of a marriage by Court order.

EMANCIPATION: A point in time in which the parents no longer have any legal responsibility for their offspring.

EX PARTE: By or for one party; done for, or in behalf of, or on the application of, one party only. A decision made by the Court on behalf of one of the interested parties with only that party's participation and knowledge of the proceeding.

EX PARTE DIVORCE: Divorce proceedings in which only one spouse participates.

GUARDIAN AD LITEM: A person, usually an attorney, appointed by the Court to represent and act for, or on behalf of, a minor child in a particular pending litigation.

IMPOUND: To seize and take into the custody of the law.

IMPUTED INCOME: An amount of gross income attributed to a parent by the Court as that amount of money the parent should be earning to support his or her child.

INDEMNIFY: To reimburse a loss already incurred.

JUDGE: An elected and/or appointed official who decides cases, sorts out the facts and renders decisions based on facts, law and legal evidence submitted in Court.

LEGAL BRIEF: A document containing a brief statement of facts of a case, issues and arguments. It is used most commonly on appeal but also at the trial level when requested by a trial judge.

LITIGANT: a party to a lawsuit; a plaintiff or defendant.

MAGISTRATE: Performs duties of a judge but can only make a recommendation rather than a final decision.

MOTION: An application made to a Court or judge for the purpose of obtaining a rule or order directing some act to be done in favor of the applicant.

MOVANT: One who makes a motion before the court.

OATH: A declaration that one will speak the truth.

OBJECTION: Used to call the Court's attention to possible improper evidence or procedures.

OBLIGEE: The person who receives payments, such as child support.

OBLIGOR: The person obligated to make payments, such as child support.

OVERRULE: To disallow.

PARALEGAL: A person qualified through education in legal studies that is employed by a lawyer or government entity to perform substantial legal work.

PERJURY: Not telling the truth while under oath in a Court of law.

PETITIONER: One who presents a formal written request to an officer of the Court for action to be taken on a certain matter.

PLAINTIFF: A person who files a lawsuit, bringing a complaint against another.

PRECIPE: a written request seeking some court action (also spelled PRAECIPE)

PRO SE: Appearing for oneself. Someone who does not retain a lawyer and appears for himself in Court.

PROTECTIVE ORDER: A Court order to protect a person from further harassment.

QUALIFIED DOMESTIC RELATIONS ORDER: A Court order determining retirement benefits.

QUASH: To overthrow or make void.

QUITCLAIM DEED: A deed releasing or relinquishing a claim or title.

RESIDENTIAL PARENT: Previously know as custodial parent.

RESPONDENT: The party who answers a complaint.

RESTRAINING ORDER: A Court order which forbids the defendant from doing a threatened act.

SEPARATION: The living apart of a husband and wife. A legal separation if ordered by the Court.

SHARED PARENTING: Previously called joint custody. Involves both parents sharing responsibility and authority with respect to the children.

SPOUSAL SUPPORT: Money paid by one former marriage partner to another. Formerly called alimony.

SUBPOENA: A command to appear at a certain time and place to give testimony.

SUBPOENA DUCE TECUM: Requires the production of certain relevant items which are in issue in a pending judicial proceeding.

SUSTAIN: When the judge agrees with an objection given to testimony or evidence in a hearing.

WAIVER: The intentional or voluntary relinquishment of a known right.