

Common Pleas Court, Juvenile Division Local Rules

INTRODUCTION

It is ordered that the following rules be and are hereby adopted for the governance of the practice and procedures in the Court of Common Pleas, Juvenile Court Division, Greene County, Ohio, until otherwise provided pursuant to Article IV, Section (5) of the Ohio Constitution, to Section 2151.23 Ohio Revised Code, and to the Rules of Superintendence promulgated by the Supreme Court of Ohio.

ADOPTION, SCOPE AND CONSTRUCTION OF RULES

- A. The Juvenile Division of the Common Pleas Court for Greene County, Ohio, adopts the following Rules for the management of proceedings and other functions of the Court. The Court may amend the Rules from time to time as needed or required by law.
- B. These Rules are intended to supplement and complement the Ohio Rules of Juvenile Procedure, the Ohio Rules of Civil Procedure, the Superintendence Rules of the Supreme Court of Ohio, and controlling statutes.
- C. These Rules shall be applied, construed, and enforced so as to avoid inconsistency with other rules of Court and statutes governing proceedings of this Court. In their application, they shall be construed so as to provide fairness and to secure just, expeditious and inexpensive determination of all proceedings.
- D. These Rules shall be cited as “Greene Juv. Ct. Rule X”
- E. These Rules shall be effective and may be revised from time to time as is necessary.

1. SERVICE OF PROCESS

Pursuant to Rule 16 of the Rules of Juvenile Procedure, the Court hereby adopts the following Rule for service by publication. Service by publication may be made in any manner set forth in Juvenile Rule 16. Service by publication may be made by posting and regular mail. If service by publication was made by posting and mail, an affidavit shall be filed by the party or parties’ attorney requesting service pursuant to Juvenile Rule 16. The notice shall be posted in a conspicuous place in the Juvenile Courthouse, specifically in the lobby of the Juvenile Court reception area and in two additional public places in the county. The two additional public places shall be any two of the following: The lobby of the Greene County Common Pleas Courthouse at 45 N. Detroit Street, Xenia, Ohio 45385; the first-floor bulletin board of the Xenia Municipal Court located at 101 N. Detroit Street, Xenia, Ohio 45385; or at the Xenia Community Library, 76 East Market Street, Xenia, Ohio 45385.

The notice shall be posted at the required location for seven (7) consecutive days prior to the date of the hearing and the clerk shall cause the summons and accompanying pleadings to be mailed by ordinary mail, address correction requested, to the last known address of the party to be served, also pursuant to Juvenile Rule 16.

2. MEDIATION

Mediation is now available in this County for all custody and/or visitation cases pending before this Court through the Family and Children First Council, at 158 E. Main Street, Xenia, Ohio 45385 (937) 562-5600. At the request of any party and for good cause shown, or by the agreement of the parties, the Court may order the parties to submit to mediation or the Court may schedule a hearing to determine whether mediation would be in the best interest of the minor child.

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

3. ENTRY OF APPEARANCE OF COUNSEL

Any attorney who is retained by any party in any proceedings pending in this Court shall enter his or her appearance of counsel of record within forty-eight (48) hours of being retained by the party or as soon as possible prior to the next scheduled hearing if the attorney is retained less than forty-eight (48) hours before the scheduled hearing, whichever is sooner. Said appearance of counsel shall be filed with the Court and served upon all parties or attorneys of record.

4. CASE MANAGEMENT

4.1 Scheduling of Hearings. All hearings which have scheduling requirements imposed by The Ohio Revised Code, The Ohio Rules of Juvenile Procedure, The Ohio Rules of Civil Procedure, or The Ohio Rules of Criminal Procedure shall be so scheduled. All other cases shall be scheduled for hearing within 30 days of the filing of the complaint or motion.

4.2 Pre-Trial Conferences. Pre-trial conferences may be scheduled upon the motion of a party or upon the Court's directive. Discovery must be completed prior to the conference, unless good cause is shown for lack of completion.

4.3 Alternative Dispute Resolution. In all cases involving the allocation of parental rights and responsibilities, the parties may participate in mediation, either through a mediator mutually agreed to by the parties or through the Greene County Family and Children First Department. See Local Rule 2. Mediation.

4.4 Disposition of Cases. Cases shall be disposed of from the date the action is commenced, as follows:

- (A) Delinquency – 6 months
- (B) Traffic – 3 months
- (C) Dependency, Neglect or Abuse – 3 months
- (D) Unruly – 3 months
- (E) Adult cases – 6 months
- (F) Motion for Permanent Custody – 9 months
- (G) Custody, Change of Custody, Visitation – 9 months
- (H) Support Enforcement or Modification – 12 months

- (I) Parentage – 12 months
- (J) U.I.F.S.A. – 3 months
- (K) All Other Cases – 6 months

The Court staff will provide the Judge and Magistrates a monthly report identifying any case which is in jeopardy of exceeding its disposition time limit.

5. REQUIRED STATUTORY LANGUAGE IN CUSTODY, VISITATION, AND CHILD SUPPORT CASES

All journal entries which provide for the care, custody, control or support of a minor child shall contain the statutory required language, as appropriate. The required statutory language is attached as Appendix A to these Rules. In all cases involving child support, the parties shall complete and submit to the Court the Affidavit of Income and Expenses which is attached as Appendix B to these Rules. The Withholding Notice and Warning Concerning Duty to Provide Certain Information, which attached as Appendix C to these Rules, shall be appended to every order involving child support.

6. DISCOVERY – DELINQUENCY AND TRAFFIC CASES

In all delinquency and traffic cases if requested, the prosecutor and defense shall provide the required discovery to the opposing party at least seven (7) days prior to the scheduled pre-trial. If no pre-trial is scheduled in a delinquency or traffic case, and if requested, the prosecutor and defense shall provide discovery to the opposing party at least fourteen (14) days prior to the scheduled trial. In all request for discovery, the requesting party shall serve the request on the opposing party at least seven (7) days prior to when the discovery is to be provided to the requesting party.

7. PRAECIPES AND SUBPOENAS

Attorneys shall not submit PRAECIPES to the clerk for the issuance of subpoenas in any case pending before this Court unless said PRAECIPES are submitted at least fourteen (14) days prior to the hearing to which the witnesses are subpoenaed. For good cause shown, PRAECIPES may be supplemented less than fourteen (14) days prior to the hearing.

Attorneys are encouraged to prepare, sign and serve their own subpoenas pursuant to the Juvenile Rules and Civil Rules.

8. CONDUCT IN COURT

Any person entering the Juvenile Court Facility area is subject to search. No person carrying a bag, case or parcel shall be permitted to enter or remain in any courtroom without first, if requested by the Court, submitting such bag, case or parcel to security personnel for inspection.

The general public may be excluded from the courtroom and only those persons who have a direct interest in the case are to be admitted.

No child shall be permitted to enter or remain in any courtroom unless accompanied by an adult.

Persons committing any violation of proper conduct shall be removed from the courtroom, hallway or entryway, security personnel charged with the enforcement of this rule.

Food, beverages and smoking is prohibited in the courtroom during all hearings. Smoking is prohibited throughout the entire Juvenile Court Facility.

9. RECORDS

Reports and records of the Probation Department, including social history or report of a mental or physical examination, shall be considered confidential information and shall not be made public. The inspection of probation records or other internal records by attorneys and interested parties shall be governed by Rule 32(C) of the Ohio Rules of Juvenile Procedure and §2151.14 of the Ohio Revised Code. No person shall be permitted to read the probation records or other internal record unless proper authorization is given by the Judge or Magistrate.

Official Court records of cases involving juveniles shall be open for inspection by the parent(s), guardian(s) or if deceased, next of kin, by counsel of record or any party, guardian ad litem of any child affected by any order of any proceedings, or by the prosecuting attorney. Otherwise, such records may be available to any person pursuant to Superintendence Rules 44 to 47.

Any individual or entity that is authorized by an order issued pursuant to RC §2151.14(D)(1) to obtain copies of specified records or specified information related to a particular child, may file a written request for copies of the records or information with any individual or entity required by the order to provide copies of the records or the information. The request shall be in writing, describe the type of records or the information requested, explain the need for the records or the information and be accompanied by a copy of the order.

The records of adult cases shall be public record as provided by law.

No person except a Judge of the Court, Magistrate or representative to either shall remove any documents or case files from the custody of the clerk.

Upon request and the payment of a photocopy fee, the clerk shall provide copies of an original document, except official transcripts, maintained by its office. Copies shall be provided during regular business hours within a reasonable period of time as determined by the Clerk of Courts. A reasonable period of time shall be based upon the extent of the request with efforts toward a 24-hour response time.

10. PHOTOGRAPHING, RECORDING, AND BROADCASTING OF COURT PROCEEDINGS

Radio or television transmission, voice-recording or the making or taking of pictures during hearings or trials shall be governed by Superintendence Rule 12.

11. OFFICIAL RECORDING OF PROCEEDINGS

Pursuant to Rule 37(a) of the Ohio Rules of Juvenile Procedure, a complete record of all testimony or other oral proceedings shall be taken in shorthand, stenotype or by any other adequate mechanical or electronic recording device.

No public use shall be made by any person, including a party, of any record or transcript thereof except in the course of an appeal or as authorized by the Court.

12. TRANSCRIPTS

Any party requesting a full or partial transcript of any proceeding shall, in writing, file the request with the Clerk of Juvenile Court.

All written requests for a transcript shall contain:

- 1) case name;
- 2) case number;
- 3) presiding Judge or Magistrate;
- 4) date of hearing;
- 5) reason for request;
- 6) number of copies, if any, in addition to the original;
- 7) payor of transcript;
- 8) date appeal was filed, where appropriate, and
- 9) the name, business address and telephone number of the Court Reporter who will be preparing the transcript.

The Court will then make the audiotapes of the proceeding available to the Court Reporter for transcription.

All original transcripts filed with the Court shall become part of the official record of the case. Any party wanting a copy of the transcript must make arrangements for such with the Court Reporter who prepared the original.

13. FACSIMILE FILING

APPLICABILITY

13.01: These rules apply to civil, criminal and juvenile proceedings in the Greene County Juvenile Court.

13.02: These rules do not apply to appellate proceedings. In these proceedings no facsimile of transmission of documents will be accepted.

ORIGINAL FILING

13.03: A document filed by fax shall be accepted as the effective original filing. The person making a fax filing need not file any source (original) document with the Clerk of Juvenile Court 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.

13.04: 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.

DEFINITIONS

As used in these rules, unless the context requires otherwise:

13.05: 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.

13.06: A “facsimile machine” means a machine that can send and receive a facsimile transmission.

13.07: “Fax” is an abbreviation for “facsimile” and refers, as indicated by the context, to facsimile transmission or to a document so transmitted.

COVER PAGE

13.08: The person filing a document by fax shall also provide therewith a cover page containing the following information [See appendix 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 Defendant’s 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.

13.09: If a document is sent by fax to the Clerk of Juvenile Court without the cover page information listed above, the clerk may, at its discretion:

- (I) enter the document in the case docket and file the document; or
- (II) deposit the document in a file or 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 Juvenile Court.

13.10: The Clerk of Juvenile Court is not required to send any form of notice to the sending party of a failed fax filing. However, if practicable, the Clerk of Juvenile Court may inform the sending party of a failed fax filing.

SIGNATURE

13.11: A party who wishes to file a signed source document by fax shall either:
(I) fax a copy of the signed source document; or
(II) fax a copy of the document without the signature but with the notation “/s/” followed by the name of the signing person where the signature appears in the signed source document.

13.12: A party who files a signed document by fax represents that the physically signed source document is in his/her possession or control.

Commentary: 13.11 (II) addresses those instances where the fax transmission is generated by the sending party’s computer and therefore the document is not printed and capable of being signed prior to transmission.]

EXHIBITS

13.13: 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 exhibits as required by this paragraph may result in the Court striking the document and/or exhibit.

13.14: 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 “G” 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 this Court. [See appendix for sample of exhibit cover sheet.]

TIME OF FILING

13.15: 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 Juvenile Court as of the date and time the clerk time-stamps the document received, as opposed to the date and time of the fax transmission. The office of the Clerk of Juvenile 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.

13.16: Fax filings may NOT be sent directly to the Court for filing but may only be transmitted directly through the facsimile equipment operated by the Clerk of Juvenile Court.

13.17: The Clerk of Juvenile Court may, but need not, acknowledge receipt of a facsimile transmission.

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

FEES AND COSTS

13.19: Court costs and fees may be paid by cash, money order or personal checks, and must be paid to the Court within (5) calendar days of the file-stamp date on the document. For cases in which a party is requesting the issuance of an ex parte order, the court costs must be paid on the day the document is file-stamped.

Failure to pay the court costs or fees within the time-frames provided in this Rule will because for the Court to have the document stricken and/or dismiss the case.

13.20: No additional fee shall be assessed for facsimile filings.

LENGTH OF DOCUMENT

13.21: Facsimile filings shall not exceed fifteen (15) pages in length. The filer shall not transmit service copies by facsimile.

EFFECTIVE DATE

13.22: These local rules shall be effective December 1, 2008, and shall govern all proceedings in actions brought after they effect and also further proceedings 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.

14. JURY MANAGEMENT PLAN

The selection of jurors for Greene County Common Pleas Court, Juvenile Division, shall be in accordance with Rule 1.21 of the Local Rules of Practice and Procedure of the General Division of the Greene County Common Pleas Court.

15. COST

No civil action or proceeding, initiated by a person or non-governmental agency, shall be accepted for filing unless the party offering the same for filing shall have first deposited a sum to secure the payment of the costs that may accrue in such action or proceeding, except as otherwise provided by law. Such advance deposit shall be in accordance with the following schedule:

Custody: \$95.00

Visitation: \$95.00

Child Support: \$80.00

Parental Rights and Responsibilities: \$95.00

Paternity: \$95.00

Rescind Acknowledgement of Paternity: \$80.00

Vacate Prior Determination of Paternity: \$80.00
Permanent Surrender of Parental Rights: \$90.00
Permanent Custody: \$90.00
Unruly Child: \$25.00
Sealing of Adult Record: \$50.00
Registration of Foreign Judgments: \$50.00
Objections to an Administrative Order: \$40.00

A poverty affidavit filed in lieu of a cash deposit must state the reasons for the inability to pay costs and is subject to Court review at any state of the proceedings. The clerk shall refuse to accept a civil action or proceeding and the poverty affidavit until the party offering same completes and files a sworn Affidavit of Income and Expenses and Financial Disclosure for the clerk's review and determination of sufficiency. The Affidavit of Income, Expenses and Financial Disclosure will be provided by the clerk to any party requesting same.

The deposit schedule may be revised by the Court to include amounts sufficient to cover costs of the action or proceeding, or as required by law or Court order.

16. RETURN BINDOVER

A motion filed pursuant to Ohio Revised Code Section 2152.121(B)(3)(b) must be filed within fourteen days of the issuance of the order of the General Division of the Common Pleas Court transferring a case to Juvenile Court pursuant to Ohio Revised Code Section 2152.121(B)(3).

17. COMPETENCY PROCEEDINGS

(A) General Purpose: The purpose of these rules is to expedite proceedings under sections 2152.51 to 2152.59 of the Revised Code, to ensure that proper notice of competency hearings is provided to the appropriate persons, and to ensure that any proceedings on an underlying complaint are stayed pending the determinations under these sections.

(B) Expedited Hearing: Juvenile competency proceedings shall be scheduled and heard on an expedited basis. Hearings in juvenile competency proceedings shall be held in strict compliance with applicable deadlines as established by statute or by this rule.

(C) Notice: Upon the conclusion of each hearing, the court shall provide written notice to the prosecuting attorney, the child's attorney, the child's guardian ad litem, and the child's parents, guardian, or custodian of the date, time, and place of the next scheduled hearing. Mailed notice shall not be required for any party or other individual designated in this rule to whom notice of the next hearing was provided in writing upon conclusion of the immediately preceding hearing.

(D) Stay of Proceedings: Upon the filing of a motion for a determination regarding a child's competency or upon the court's own motion the court shall stay all delinquency proceedings pending a determination of competency. If, upon a determination of competency, the court determines that the child is not competent but could likely attain competency, the court order staying the delinquency proceedings shall remain in effect until such time as the child attains competency or the proceeding is dismissed.

18. USE OF JUVENILE'S INITIALS

Except in an abuse, neglect, or dependency case, a party may use either a juvenile's name or the juvenile's initials in any document filed with the Court. If the juvenile's initials are used, the party shall submit or file the juvenile's name on a separate form provided by the Court. In an abuse, neglect or dependency case, the party shall comply with rules 44 and 45 of the Rules of Superintendence regarding the use of a juvenile's name in Court documents.

19. ELECTRONICALLY PRODUCED TICKETS

The use and filing of a ticket that is produced by computer or other electronic means is hereby authorized. The electronic ticket shall conform in all substantive respects of the "Ohio Uniform Traffic Ticket." If the electronic ticket is issued at the scene of an alleged offense, the issuing officer shall provide the alleged juvenile traffic offender with a paper copy of the ticket in accordance with Traffic Rule 3(E) and in a format approved by the Court. The ticket that will be filed with the Court must be in paper form.

20. RESTRAINTS

Restraints shall be removed prior to the commencement of a proceeding unless the Court determines on the record, after providing any party to be heard on the issue of physical restraint for that child at that hearing, that there is no less restrictive alternative to the use of physical restraint and that the physical restraint of the child is necessary because either of the following:

- a. The child represents a current and significant threat to the safety of the child's self or other persons in the courtroom;
- b. There is a significant risk the child will flee the courtroom.

If the Court finds physical restraint to be necessary, the restraint shall be the least restrictive necessary to meet the risk requiring the restraint and in a manner which does not unnecessarily restrict the movement of the child's hands.

APPENDIX

1. Sample Facsimile Filing Cover Page
2. Sample Exhibit Cover Page

FACSIMILE 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 applicable): _____

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): _____

*If a Judge or case number has not been assigned, please state that fact in the space provided.

IN THE COURT OF COMMON PLEAS

_____, COUNTY, OHIO

JOHN SMITH, PLAINTIFF

Case No. 1234567

v.

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 REPOSENSE TO DEFENDANT'S MOTION TO DISMISS

Plaintiff's 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 Local Rule XXX.

Respectfully submitted,

Attorney Name (Sup. Crt. 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].

Attorney Name
Counsel for Plaintiff John Smith

Appendix A

EXAMPLE OF MANDATORY SUPPORT LANGUAGE FOR CHILD SUPPORT ORDERS

For purposes of this order Plaintiff/ Defendant/1' Petitioner/2" Petitioner is the Child Support Obligor and Plaintiff/Defendant/Is' Petitioner/2" Petitioner is the Child Support Oblige.

This order for child support and cash medical support is effective _____

The worksheet used to compute child support and cash medical support under Ohio Revised Code 3119.022 or 3119.023 is attached as Exhibit ____.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that when private health insurance IS being provided by a party in accordance with this order for the child(ren) named above, the Child Support Obligor shall pay **child support** for the minor child(ren) in the sum of \$ _____per month, to the Child Support Oblige, **plus the 2% processing charge.** (Line 29, Child Support Computation Worksheet — Sole Residential Parent or Shared Parenting Order or Line 27, Child Support Computation Worksheet — Split Parental Rights and Responsibilities)

(use this language if applicable)

The above child support deviates from the amount of child support that would otherwise result from the use of the Basic Child Support Schedule and the applicable worksheet, through the line establishing the actual annual obligation because, pursuant to Ohio Revised Code 3119.22.the amount would be unjust and inappropriate and would not be in the best interest of the minor child(ren) for the following reason(s):

IT IS FURTHER ORDERED ADJUDGED AND DECREED that when private health insurance IS NOT being provided by a party in accordance with this order for the child(ren) named above, the Child Support Obligor shall pay cash **medical support** in the sum of \$ _____ per month, **plus 2% processing charge.** (Line 31, Child Support Computation Worksheet-Sole Residential Parent or Shared Parenting Order or Line 29, Child Support Computation Worksheet-Split Parental Rights and Responsibilities)

If private health insurance coverage is being provided and becomes unavailable or is terminated, the Child Support Obligor SHALL BEGIN paying cash medical support commencing the first day of the month immediately following the month in which private health insurance coverage became unavailable or is terminated, and SHALL CEASE paying cash medical support on the last day of the month immediately preceding the month in which private health insurance coverage begins or resumes. Cash medical support shall be paid in addition to child support.

Total monthly order is \$ _____ when health insurance is provided.

- This includes: \$ _____ current child support (including 2% processing charge)**
- _____ current spousal support (including 2% processing charge)**
- _____ arrearage payment (including 2% processing charge)**

Total monthly order is \$ _____ when health insurance is not provided.

- This includes:\$ _____ current child support (including 2% processing charge)**
- _____ current spousal support (including 2% processing charge)**
- _____ current cash medical support (including 2% processing charge)**
- _____ arrea rage payment (including 2% processing charge)**

The Employer shall make payments through the Ohio CSPC, P.O. Box 182394, Columbus, OH 43218-2394 once the withholding notice is in effect. The Obligor shall make said payments through the Ohio CSPC, P.O. Box 182372, Columbus, Ohio 43218, and OBLIGOR SHALL MAKE SAID PAYMENTS by personal check, money order or certified check, plus 2% service fee to the CSPC UNTIL SUCH TIME AS SAID AMOUNTS ARE WITHHELD BY THE WITHHOLDING NOTICE ISSUED HEREWITH.

The Obligor is employed and Notice to Withhold shall issue to the Obligor's employer: _____

EACH PARTY TO THIS SUPPORT ORDER MUST NOTIFY THE CHILD SUPPORT ENFORCEMENT AGENCY IN WRITING OF HIS OR HER CURRENT MAILING ADDRESS, CURRENT RESIDENCE ADDRESS, CURRENT RESIDENCE TELEPHONE NUMBER, CURRENT DRIVER'S LICENSE NUMBER, AND OF ANY CHANGES IN THAT INFORMATION. EACH PARTY MUST NOTIFY THE AGENCY OF ALL CHANGES UNTIL FURTHER NOTICE FROM THE COURT OR AGENCY, WHICHEVER ISSUED THE SUPPORT ORDER. IF YOU ARE THE OBLIGOR UNDER A 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 ISSUED BY A COURT AND YOU WILLFULLY FAIL TO GIVE THE REQUIRED NOTICES, YOU MAY BE FOUND IN CONTEMPT OF COURT AND BE SUBJECTED TO FINES UP TO \$1,000.00 AND IMPRISONMENT FOR NOT MORE THAN. NINETY (90) DAYS.

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

All support Ordered by the Court shall be withheld or deducted from the income or assets of the Obligor pursuant to a withholding or deduction notice or appropriate order issued in accordance with Chapters 3119, 3121, 3123, and 3125 of the Ohio Revised Code and shall be forwarded to the Obligee in accordance with Chapters 3119, 3121, 3123, and 3125 of the Revised Code.

Regardless of the frequency or amount of child support payments to be made under the Order, the CSEA that is required to administer the Order shall administer it on a monthly basis, in accordance with Sections 3121.51 to 3121.54 of the Revised Code. Payments under the Order are to be made in the manner Ordered by the Court, and if the payments are to be made other than on a monthly basis, the required monthly administration by the agency does not affect the frequency or the amount of the child support payments to be made under the Order.

The specific withholding or deduction requirements or other appropriate requirements to be used to collect the support shall be set forth in and determined by reference to the notices that are mailed by the Court or CSEA in accordance with the Revised Code and shall be determined without the need for any amendment to the support order. The notices and Court Orders, plus the notices provided by the Court or the CSEA, that require the person who is ordered to pay support to notify the CSEA of any change in his employment status or any other change in the status of his assets, are final and enforceable by the Court.

IT IS 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 payment of support not made through the Ohio CSPC shall be deemed a gift.

Notwithstanding section 3109.01 of the Revised Code and to the extent provided in section 3119.86 of the Revised Code, the parental duty of support to the child shall continue beyond the age of majority so long as the child continuously

attends on a full-time basis any recognized and accredited high school, but no later than the age nineteen. That duty of support shall continue during seasonal vacation periods.

IT IS FURTHER ORDERED that Obligor and Obligee immediately notify the CSEA in writing of any change in mailing and/or residential address. This duty to notify the CSEA of any change in either address shall continue until further notice of the court. A willful failure to supply a correct mailing or residence address or to provide the CSEA with all changes in either address is contempt of court.

IT IS FURTHER ORDERED that the Obligor shall immediately notify the CSEA in writing of any change in employment status or employer. This duty to notify the CSEA shall continue until further notice of the court, and a failure to provide such notification may make the Obligor liable for retroactive support that would have been ordered.

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 Obligor to pay child support.

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.

NON-RESIDENTIAL PARENT ACCESS

The Court ORDERS that the non-residential parent of the child(ren) is entitled to access, under the same terms and conditions under which access is provided to the residential parent to any record and to any student activity that is related to the child and to which the residential parent of the child legally is provided access, and to any child daycare provider that is, or that in the future may be, attended by the child(ren) with whom the right of parenting time is granted.

NOTICE: Any keeper of a record who knowingly fails to comply with the Order or ORC 3109.05.1(11) is in contempt of Court.

NOTICE: Any school official or employee who knowingly fails to comply with the Order or ORC 3109.05.1(3)(1) is in contempt of Court.

RELOCATION NOTICE

If the residential parent intends to move to a residence other than the residence specified in the parenting time order or decree of the court, the parent shall file a notice of intent to relocate with the court that issued the order or decree. Except as provided in divisions (G)(2), (3), and (4) of this section, the court shall send a copy of the notice to the parent who is not the residential parent. Upon receipt of the notice, the court, on its own motion or the motion of the parent who is not the 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 for the child. [ORC 3109.05.1(G)(1)]

ORDER FOR CHILD SUPPORT AND MEDICAL SUPPORT

PROVISIONS FOR CHILD SUPPORT

It is hereby ORDERED that:

- (A) The effective date of this Order for Child Support and Medical Support is <effective date>.
- (B) <obligor first and last name> shall be the Child Support Obligor.
- C(1) Starting on the first day of the month in which private health insurance is being provided in accordance with this order for the child(ren) named above, the Child Support Obligor shall pay \$<monthly child support obligation when health insurance is provided> per month for current child support plus 2% processing charge, for a total of \$ <monthly child support obligation when health insurance is provided + 2%> per month (*Guidelines Worksheet attached*).
- C(2) Starting on the first day of the month in which either private health insurance is no longer being provided in accordance with this order for the child(ren) named above OR a Health Insurance Obligor has not yet been identified as indicated below, the Child Support Obligor shall pay \$<monthly child support obligation when health insurance is not provided> per month for current child support, and \$<monthly cash medical support obligation> per month for cash medical support plus 2% processing charge, for a total of \$<monthly child support obligation when health insurance is not provided + monthly cash medical support obligation + 2%> per month (*Guidelines Worksheet attached*).
- C(3) The Child Support Obligor shall pay \$<monthly payment on arrears> per month plus 2% processing charge as payment on arrears.
- (D) The duty of support imposed pursuant to this order shall continue beyond the child's eighteenth birthday only if the child continuously attends a recognized and accredited high school on a full-time basis on and after the child's eighteenth birthday. The order shall not remain in effect after the child reaches age nineteen. The obligor shall continue to pay support under the order, including during seasonal vacation periods, until the order terminates.
- (E) The Child Support Obligor shall continue to pay any other existing orders which are not expressly modified herein.
- (F) Payments are to be paid to Ohio Child Support Payment Central, P.O. Box 182372, Columbus, OH 43218. The Child Support Obligor shall make payments by certified check, money order, personal check, or traveler's check until such time as the payments are withheld by an income withholding or deduction notice. Include the case number and order number on all payments.
- (G) Pursuant to Ohio Revised Code (ORC) section 3121.27, all support under this order shall be withheld or deducted from the income or assets of the Child Support Obligor pursuant to a withholding or deduction notice or appropriate order issued in accordance with ORC Chapters 3119., 3121., 3123., and 3125. or a withdrawal directive issued pursuant to ORC sections 3123.24 to 3123.38 and shall be forwarded to the Child Support Oblige in accordance with ORC Chapters 3119., 3121., 3123., and 3125..
- (H) The specific withholding or deduction requirements to be used to collect the support shall be set forth and determined by reference to the notices that are sent out by the Child Support Enforcement Agency (CSEA) in accordance with ORC section 3121.03 and shall be determined without the need for any amendment to the child support order. Those notices, plus the notices provided by the CSEA that require the Child Support Obligor to notify the CSEA of any change in his/her employment status or of any other change in the status of his/her assets, are final and are enforceable by the court. Each withholding notice shall be for the current child support, current cash medical support, any arrearage payment required under the child support order, and processing charges.
- (I) Pursuant to ORC section 3121.28, the Child Support Obligor and Child Support Oblige are hereby notified that, regardless of the frequency or amount of support payments to be made under the order, the CSEA shall administer the support order on a monthly basis, in accordance with ORC sections 3121.51 to 3121.54. For the purpose of monthly administration of support payments that are to be made other than on a monthly basis, the CSEA will calculate the monthly amount due in the following manner:
- (1) If the support is to be paid weekly, the CSEA will multiply the weekly amount of support due under the support order by fifty-two and divide the resulting amount by twelve.
 - (2) If the support is to be paid biweekly, the CSEA will multiply the biweekly amount of support due under the support order by twenty-six and divide the resulting amount by twelve.

- (3) If the support is to be paid periodically but not weekly, biweekly, or monthly, the CSEA will multiply the periodic amount of support due by an appropriate number to obtain the annual amount of support due under the support order and divide the annual amount of support by twelve.

If payments are to be made other than on a monthly basis, the required monthly administration of the support order shall not affect the frequency or the amount of the support payments to be made under the support order.

- (3) Pursuant to ORC section 3121.45, any payment of money by the Child Support Obligor to the Child Support Obligees that is not made through Ohio Child Support Payment Central or the CSEA administering the support order shall not be considered a payment of support under the support order and, unless the payment is made to discharge an obligation other than support, shall be deemed to be a gift.

PROVISIONS FOR MEDICAL SUPPORT

In accordance with ORC section 3119.30 or 3119.32, the **Child Support Obligor shall pay <percentage>% and the Child Support Obligees shall pay <parentage>% of the** costs of the health care needs of the child(ren) named above that exceeds the amount of cash medical support ordered to be paid, if any, when private health insurance coverage is not available as indicated below, **OR of** the uninsured health care costs or co-payment or deductible costs required under the health insurance policy, contract, or plan that covers the child(ren) named above, when private health insurance coverage is available as indicated below.

- If this box is checked, private health insurance coverage that is accessible and reasonable in cost through a group policy, contract, or plan is available to <obligor's name, if sole person to provide health insurance> <obligor and obligee names if both ordered to provide health insurance> <obligee's name, if sole person to provide health insurance>.

Therefore, in accordance with ORC section 3119.30, it is hereby ORDERED that, no later than thirty days after the issuance of this support order, <obligor's name, if sole person to provide health insurance> <obligor and obligee names if both ordered to provide health insurance> <obligee's name, if sole person to provide health insurance> shall secure and maintain private health insurance for the child(ren) named above and shall hereafter be referred to as the Health Insurance Obligor.

In accordance with paragraph (C) of ORC section 3119.30, it is further ORDERED that the Child Support Obligor shall pay cash medical support during any period in which the child(ren) named above are not covered by private health insurance pursuant to the support order.

In accordance with paragraph (I) of ORC section 3119.32, upon receipt by the CSEA of notice that private health insurance coverage is not available at a reasonable cost to the Health Insurance Obligor, cash medical support shall be paid in the amount as determined by the child support computation worksheet pursuant to ORC section 3119.022 or 3119.023. The CSEA may change the financial obligation of the parties to pay child support and cash medical support without a hearing or additional notice to the parties.

- If this box is checked, the costs of private health insurance exceed the health insurance maximum indicated on line 7b of the Child Support Guidelines Computation Worksheet and:

- If this box is checked, the private health insurance is considered accessible when primary care services are not located within thirty miles of the child(ren)'s residence but are located farther than thirty miles from the child(ren)'s residence because residents in part or all of the child(ren)'s immediate geographic area customarily travel farther distances than thirty miles for primary care services.

- If this box is checked, the custodial parent is dependent upon public transportation; therefore, private health insurance must also provide primary care services that are available by public transportation in order to be considered accessible.

- If this box is checked, private health insurance coverage that is accessible and reasonable in cost is not available through any group policy, contract, or plan available to the Child Support Obligor or Child Support Obligees.

Therefore, in accordance with ORC section 3119.30, it is hereby ORDERED that if, after the issuance of this order, private health insurance coverage for the child(ren) named above becomes available through any group policy,

contract, or plan available to the Child Support Obligor or Child Support Oblige, **the Child Support Obligor or Child Support Oblige to whom the coverage becomes available SHALL IMMEDIATELY INFORM THE CSEA OF THE AVAILABLE COVERAGE.** When the CSEA becomes aware through reporting by either party or by any other means that private health insurance may be available, the CSEA will then determine whether the private health insurance coverage is reasonable in cost. When the CSEA determines that the private health insurance coverage is reasonable in cost, the CSEA shall notify both parties that the person to whom the coverage is available is now the Health Insurance Obligor and is ordered to secure and maintain private health insurance for the child(ren) named above and to meet the requirements identified under "Notice to the Health Insurance Obligor" without an additional order or hearing.

In accordance with paragraph (C) of ORC section 3119.30, it is further ORDERED that the Child Support Obligor shall pay cash medical support during the period in which the child(ren) named above are not covered by private health insurance **and a health insurance obligor has not been identified.** If a health insurance obligor is identified, the Child Support Obligor shall pay cash medical support during any period in which the child(ren) above are not covered by private health insurance pursuant to the support order. The cash medical support shall be paid in the amount as determined by the child support computation worksheet pursuant to ORC section 3119.022 or 3119.023.

NOTICE TO THE HEALTH INSURANCE OBLIGOR

1. **Within** thirty days of the date of this support order, the Health Insurance Obligor must designate the child(ren) named above as covered dependents under any health insurance policy, contract, or plan for which the Health Insurance Obligor contracts.
2. The individuals who are designated to be reimbursed by the health plan administrator for covered out-of-pocket medical, optical, hospital, dental, or prescription expenses paid for the child(ren) named above are:

Name:	<u><obligor first and last name></u>
Address:	<u><obligor address, unless EVI></u>
Phone:	<u><obligor phone ff, unless FVI></u>
Name:	<u><obligee first and last name></u>
Address:	<u><obligee address, unless FYI></u>
Phone:	<u><obligee phone ff, unless EVI></u>
3. The health plan administrator that provides the health insurance coverage for the child(ren) named above may continue making payment for medical, optical, hospital, dental, or prescription services directly to any health care provider in accordance with the applicable health insurance policy, contract, or plan.
4. The Health Insurance Obligor may be required to pay the co-payment or deductible costs required under the health insurance policy, contract, or plan that covers the child(ren) named above.
5. The Health Insurance Obligor's employer is required to release to the other parent, any person subject to an order issued under ORC section 3109.19, or the CSEA on written request any necessary information on the private health insurance coverage, including the name and address of the health plan administrator and any policy, contract, or plan number, and to otherwise comply with ORC section 3119.32 and any order or notice issued under ORC section 3119.32.
6. If the Health Insurance Obligor obtains new employment, the CSEA shall comply with the requirements of ORC section 3119.34, which may result in the issuance of a notice requiring the new employer to take whatever action is necessary to enroll the child(ren) named above in private health care insurance coverage provided by the new employer.

7. Within thirty days of the date of this support order, the Health Insurance Obligor must provide to the other party information regarding the benefits, limitations, and exclusions of the coverage, copies of any insurance forms necessary to receive reimbursement, payment, or other benefits under the coverage, and a copy of any necessary insurance cards.

**APPENDIX B
GREENE COUNTY JUVENILE COURT
AFFIDAVIT OF INCOME AND EXPENSES**

State of Ohio
County of Greene, ss:

Case No. _____

_____, being first duly cautioned and sworn, hereby states that the following information is true to the best of my knowledge.

Name of child(ren) for which child support is being determined:

Affiant's Name:

Address: _____ Apt.# _____ City: _____

State: _____ Zip Code: _____ Phone: _____

Employer's Name:

Employer's Address:

Hourly Wage: _____ Date Employment Commenced:

Annual Gross Income: _____ # of Pay Periods Per Year:

Attached hereto are copies of my three (3) most recent pay stubs

Amount of Overtime and Bonuses:

Last Calendar Year:

Two Years Ago:

Three Years Ago:

All others Sources of income (interest, dividends, unemployment compensation, workers compensation, etc.):

Source: _____ Amount:

Source: _____ Amount:

Amount of Local, City, School District Taxes, Etc.:

Annual Court-Ordered support paid for other children:

Name of Court, Case Caption, and Case Number for said Order:

Any non-means-tested benefits, including social security and veteran's benefits, paid to and received by a child or a person on behalf of the child due to death, disability, or retirement of the parent.

Monthly Benefit Amount _____ Source of Benefit _____

Mandatory work-related deductions such as union dues, uniform fees, etc. (Please identify)

Name and Location of Day Care:

_____ Annual Cost of Day Care:

Name of Health Insurer: _____ Policy No.

Monthly Cost of Health Insurance Premiums to add child(ren) to Insurance Plan:

Minor Child(ren) living with me, which is/are my natural child(ren) and the child(ren) of another parent (not the child(ren) who is/are the subject of this case.)

Name of Child: _____ Age:

Name of Child: _____ Age:

Name of Child: _____ Age:

Annual Child Support received for said child(ren):

Annual Court-Ordered spousal support (alimony) paid to former spouse:

Name of Court, Case Caption, and Case Number for said order:

Self-employed individuals must attach a copy of Schedule C of IRS Form 1040.

Affiant's Signature

Sworn to and subscribed before me this _____, day of _____
20_____.

Notary Public/Deputy Clerk

**APPENDIX C
WITHHOLDING NOTICE
OHIO R.C. SECTION 3121.27**

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 order issued in accordance with Chapters 3119., 3121., 3123 and 3125. of the Revised Code or a withdrawal directive issued pursuant to sections 3123.24 to 3123.38 of the Revised Code and shall be forwarded to the obligee in accordance with Chapters 3119., 3121., 3123., and 3125. of the Revised Code.

**WARNING CONCERNING DUTY TO PROVIDE CERTAIN
INFORMATION
OHIO R.C. SECTION 3121.29**

EACH PARTY TO THIS SUPPORT ORDER MUST NOTIFY THE CHILD SUPPORT ENFORCEMENT AGENCY IN WRITING OF HIS OR HER CURRENT MAILING ADDRESS, CURRENT RESIDENCE ADDRESS, CURRENT RESIDENCE TELEPHONE NUMBER, CURRENT DRIVER'S LICENSE NUMBER, AND OF ANY CHANGES IN THAT INFORMATION. EACH PARTY MUST NOTIFY THE AGENCY OF ALL CHANGES UNTIL FURTHER NOTICE FROM THE COURT OR AGENCY, WHICHEVER ISSUED THE SUPPORT ORDER. IF YOU ARE THE OBLIGOR UNDER A CHILD SUPPORT ORDER AND YOU FAIL TO MAKE THE REQUIRED NOTIFICATIONS, YOU MAY BE FINED UP TO \$50.00 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 ISSUED BY A COURT AND YOU WILLFULLY FAIL TO GIVE THE REQUIRED NOTICES, YOU MAY BE FOUND IN CONTEMPT OF COURT AND BE SUBJECTED TO FINES UP TO \$1,000.00 AND IMPRISONMENT FOR NOT MORE THAN 90 DAYS.

IF YOU ARE AN OBLIGOR AND YOU FAIL TO GIVE THE REQUIRED NOTICES, YOU MAY NOT RECEIVE NOTICE OF THE FOLLOWING ENFORCEMENT ACTIONS AGAINST YOU: IMPOSITION OF LIENS AGAINST YOUR PROPERTY; LOSS OF YOUR PROFESSIONAL OR OCCUPATIONAL LICENSE, 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.