19MS0436

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

FILED
COMMON PLEAS COURT
SENECA COUNTY, OHIO
2019 DEC 19 A 11: 13
JEAN A. ECKELBERRY
CLERK

IN THE MATTER OF
THE ADOPTION OF
RULES OF COURT

JOURNAL ENTRY

The Supreme Court of Ohio, pursuant to Article IV, Section 5, of the Ohio Constitution, prescribes certain rules of practice and procedure. The Court finds it is necessary to adopt additional rules not inconsistent with the rules promulgated by the Supreme Court of Ohio.

It is hereby **ORDERED** in all instances where the Seneca County Common Pleas Court rules are in conflict with the Ohio Rules of Civil Procedure, the Ohio Rules of Criminal Procedure or the Rules of Superintendence for the Courts of Ohio, that the Ohio Rules of Civil Procedure, the Ohio Rules of Criminal Procedure or the Rules of Superintendence for the Courts of Ohio be, and they are hereby, in full force and effect.

It is further **ORDERED** the following shall be the rules for the regulation of practice and proceedings in the General and Domestic Relations Divisions of the Common Pleas Court of Seneca County, Ohio, until otherwise ordered by this Court. All previous rules are hereby repealed and rescinded.

NOW, THEREFORE, the following rules are adopted and effective the 1st day of January, 2020.

JUDGE MICHAEL P. KELBLEY

JUDGE STEVE C. SHUFF

FILED
COMMON PLEAS COURT
SENECA COUNTY, OHIO
2019 DEC 19 A 11: 14
JEAN A. ECKELBERRY
CLERK

RULES OF PRACTICE AND PROCEDURE FOR
THE COMMON PLEAS COURT OF
SENECA COUNTY, OHIO
GENERAL AND DOMESTIC RELATIONS DIVISIONS
EFFECTIVE JANUARY 1, 2020

The Court of Common Pleas, Seneca County, Ohio, shall be divided into divisions, which are the General Division, the Domestic Relations Division, the Probate Division, and the Juvenile Division. The Rules herein shall apply only to the General and Domestic Relations Divisions, except as otherwise specifically provided.

These Rules are divided into 5 parts. The first part is the General Rules of Practice and Procedure, which is applicable to all criminal, civil and domestic relations cases filed in the Seneca County Common Pleas Court. The second part contains the Civil Rules of Practice and Procedure. The third part contains the Criminal Rules of Practice and Procedure. The fourth part contains provisions related to Magistrates. The fifth part contains the Domestic Relations Rules of Practice and Procedure.

FILED
COMMON PLEAS COURT
SENECA COUNTY, OHIO
2019 DEC 19 A 11: 15
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TABLE OF CONTENTS

PART 1: GENERAL RULES OF PRACTICE AND PROCEDURE

Rule 1	General
Rule 1.01	Sessions of Court
Rule 1.02	General Guidelines
Rule 1.03	Court Records
Rule 1.04	*Ex Parte* Communications with Judge/Magistrate
Rule 1.05	Official Record of Proceedings
Rule 1.06	Photographing, Recording or Broadcasting of Proceedings
Rule 1.07	Facsimile Filing
Rule 1.08	Electronic Signatures
Rule 1.09	Records Management and Retention
Rule 1.10	Interpretation
Rule 2	Securities for Court Costs and Other Fees
Rule 2.01	Deposits for Costs
Rule 2.02	Inability to Pre-Pay Costs
Rule 2.03	Payment of Fines and Costs
Rule 2.04	Deposit for Guardian ad Litem Fees
Rule 2.05	Jury View
Rule 2.06	Cost of Civil Jury
Rule 2.07	Mediation
Rule 2.08	Expungement
Rule 2.09	Consent Judgment Entries
Rule 2.10	Refunds Applied to Unpaid Balances
Rule 3	Counsel of Record
Rule 3.01	General
Rule 3.02	Withdrawal of Counsel
Rule 3.03	Attorney Scheduling
Rule 4	Discovery
Rule 5	Selection of Jurors
Rule 6	Failure to Appear
Rule 7	Witness Fees
Rule 8	Motion for Contempt

PART 2: CIVIL RULES OF PRACTICE AND PROCEDURE

Rule 9	Civil Case Management Plan
Rule 9.01	Service by Civil Rules
Rule 9.02	Service by Posting
Rule 9.03	Service by Publication
Rule 9.04	All Pleadings and Motions

Rule 9.05 Affidavit of Indigence
Rule 9.06 Pretrial Statement
Rule 9.07 Pretrial Hearings
Rule 9.08 Continuances
Rule 9.09 Preparation of Judgment Entries and Orders
Rule 9.10 Service Members Civil Relief Act (SCRA)
Rule 9.11 Exhibits
Rule 9.12 Dismissal of Cases
Rule 9.13 Bankruptcy
Rule 9.14 Real Estate Proceedings and Appraiser's Fee
Rule 9.15 Publication for Service of Sale on Real Estate
Rule 9.16 Fees in Cognovit Cases
Rule 9.17 Fees of Counsel in Tax Sale Proceedings
Rule 9.18 Receiverships
Rule 9.19 Allowance to Fiduciaries for Service and Attorney Fees

PART 3: CRIMINAL RULES OF PRACTICE AND PROCEDURE

Rule10 Criminal Case Management Plan
Rule 10.01 Arraignment
Rule 10.02 Appointing Counsel
Rule 10.03 Accelerated Docket
Rule 10.04 Failure to Appear
Rule 10.05 Continuances
Rule 10.06 Response to Motions
Rule 10.07 Notification of Arrest Date
Rule 10.08 Notification of Speedy Trial Date
Rule 10.09 Criminal Case Time Limits Upon Bind Over

PART 4: MAGISTRATES

Rule 11 Magistrates
Rule 11.01 Objection to the Magistrate's Decision
Rule 11.02 Motion to Set Aside Magistrate's Order

PART 5: DOMESTIC RELATIONS RULES OF PRACTICE AND PROCEDURE

Rule 12 Domestic Relations Case Management Plan
Rule 12.01 Applicability
Rule 12.02 Required Education
Rule 12.03 Divorce
Rule 12.04 Dissolution
Rule 12.05 Minimum Requirements for Domestic Relations Agreements
Rule 12.06 Tax Returns
Rule 12.07 Post-Decree Motions
Rule 12.08 Allocation of Parental Rights and Responsibilities
Rule 12.09 Motions to Modify Parenting Time, Child Support, Custody, and Shared Parenting
Rule 12.10 Residential Parent – Notice of Intent to Relocate

Rule 12.11 Parenting Time/Visitation/Companionship
Rule 12.12 Child Support
Rule 12.13 Title IV-D Application
Rule 12.14 Guardian ad Litem

Rule 13 *Ex Parte* Protection Orders

APPENDIX

Parenting Time/Companionship Schedule

Preface

It is ordered that the following rules shall be adopted for the governance of the practice and procedures in the Court of Common Pleas, General and Domestic Relations Divisions, Seneca County, Ohio, until otherwise provided.

Adoption, Scope and Construction of Rules

The General and Domestic Relations Divisions of the Common Pleas Court for Seneca 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.

If an amended rule conflicts in any way with a prior Order of the Court, the Rules in existence at the time of the Order shall be followed unless otherwise directed by the Court.

These Rules are intended to supplement the Ohio Rules of Civil Procedure, the Ohio Rules of Criminal Procedure, the Superintendence Rules of the Supreme Court of Ohio, and controlling statutes.

These Rules shall be effective January 1, 2020 and until further Order.

PART 1: GENERAL RULES OF PRACTICE AND PROCEDURE

RULE 1 GENERAL

RULE 1.01 SESSIONS OF COURT

A. The General and Domestic Relations Divisions of the Seneca County Common Pleas Court shall be open for the transaction of judicial business daily Monday through Friday, from 8:30 a.m. to 12:00 p.m., and from 1:00 p.m. to 4:30 p.m., or at such other times and hours as the Administrative Judge thereof shall prescribe to meet special situations or conditions.

B. Each calendar year shall be divided into three (3) terms to be designated as the January, May and September terms of Court.

RULE 1.02 GENERAL GUIDELINES

A. For the purposes of these Rules, "court premises" shall mean the Justice Center complex, including, but not limited to any hallways, conferences rooms, courtrooms, stairwells, file storage facilities, or any other facility or building, which is being utilized by this Court to conduct court proceedings, whether temporary or otherwise, regardless of ownership.

B. Any person entering upon Court premises is subject to search at any time by any law enforcement officer or Court Bailiff. Any item, container, book bag, backpack, vehicle or possession, within the confines of the Court premises, shall be subject to search and inspection at any time by any law enforcement officer or Court Bailiff.

C. All persons involved in any case must report to the Court's bailiff upon arrival at the Court premises.

D. The Court shall not tolerate any inappropriate facial expressions, grimaces or gestures during any Court appearance. Rude and disrespectful behavior towards opposing counsel, parties, witnesses, jurors, Judges, Magistrates or Court staff shall not be tolerated. Any inappropriate talking, any outburst or other disruptions shall not be tolerated. Any of these actions may be considered by the Court as direct Contempt.

E. All parties, attorneys and witnesses shall appear on time for scheduled court proceedings. The Court shall wait fifteen minutes for the appearance of any attorney, party, or witness. After the fifteen minute waiting period, the Court may dismiss the case, proceed without the attorney, party, or witness, or proceed with appropriate contempt action, or the Court may issue a bench warrant at its discretion.

F. All parties, attorneys and witnesses should wear appropriate attire to Court. The Court considers appropriate attire as clothing Seneca County residents would wear to important events in their lives. Counsel should ensure that their clients and witnesses are appropriately attired. Failure of such may result in the hearing or trial being postponed and costs assessed. Hats shall be removed upon entering the Courtroom.

G. All parties to an action shall be present at all Court hearings, unless their presence is specifically waived by the Court.

H. Subject to the Court's discretion, on a case-by-case basis. No child shall be permitted to enter or remain in the Courtroom unless accompanied by an adult. Children shall not be brought to Court unless instructed by the Court.

I. All attorneys shall stand when addressing the Court.

J. Food, beverages, and smoking materials are prohibited in the Courtroom during all hearings. No smoking is permitted on the premises of the Seneca County Justice Center.

K. The Courtroom shall be cleared at all recesses unless instructed otherwise by the Court.

L. Representatives of the media shall under no circumstances question or converse with prospective or selected jurors concerning a case set for trial.

M. All cellular phones, recording devices and other communication devices are to be turned off by all persons before entering any courtroom. Cellular phones and other communication devices are to remain off during any Courtroom proceeding. The use of Text Messaging and E-Mails during Court hearings is prohibited by all persons unless authorized by the Court.

N. No person shall have on his or her possession, or under his or her control or direction, any dangerous ordnance other than law enforcement officer(s) and Court Bailiffs on official business. No firearms, deadly weapons, or dangerous ordnances are permitted on the Court premises or upon the property surrounding the Seneca County Justice Center, other than law enforcement officers, judges, magistrates, and court bailiffs on official business.

RULE 1.03 <u>COURT RECORDS</u>

A. For the purposes of these Rules, "court records" is defined as both a case document and an administrative document, regardless of physical form or characteristic, manner of creation, or method of storage.

B. For the purposes of these Rules, "case document" is defined as a document and information in a document submitted to this Court or filed with the Clerk of Courts in a judicial action or proceeding, including exhibits, pleadings, motions, orders, and judgments, and any documentation prepared by the Court or Clerk in the judicial action or proceeding, such as journals, dockets, and indices, subject to the following exclusions:

   a. A document or information in a document exempt from disclosure under state, federal, or common law;

   b. Personal identifiers, including health care documents, such as physical health, psychological and psychiatric health, mental health, and counseling documents; drug and alcohol assessments; guardian ad litem reports and supporting documentation; parenting time records and reports; financial disclosure statements regarding property, debt, taxes, income, and expenses and supporting documentation; and asset appraisals and evaluations;

c. Any document or information to which public access has been restricted by these Rules, or any rule or law in this State.

C. The Clerk of this Court shall not permit original files to be removed from the Clerk's Office by anyone other than Court personnel unless removal is authorized in writing by the Judge or Magistrate.

D. Uncertified copies of any public record may be obtained at the cost as determined in the most recent Judgment Entry as to fees and costs filed by the Court. Certified copies of any public record may be obtained at the cost determined in the most recent Judgment Entry as to fees and costs filed by the Court.

E. To the extent not covered by other statute or rule, the following records shall not be made available to the general public: psychological reports, guardian ad litem reports, home studies, drug/alcohol assessments, drug screen results, victim impact statements, school records, genetic testing, juvenile court records, competency reports, pre and post-sentence investigation reports, expungement reports, intervention in lieu of conviction reports, mental health reports, counseling reports, reports and records from the Seneca County Department of Job and Family Services, and any other documents containing personal identifying information, mental or physical health information, or financial information.

F. Patchworks House observation reports may be transmitted to the Court at the discretion of Patchworks House unless a party requests an Order for reports to be sent to the Court. The reports shall be subject to Attorney review at the Court's discretion. Inspection by *pro se* litigants may be permitted only by leave of Court. All Patchworks House reports held by the Court at the conclusion of the case not admitted as evidence shall be destroyed in accordance with Ohio law.

G. In a proceeding to resolve a dispute over the custody of a child, records of a parent's supervised visitation with that child shall not be admitted without a proper predicate. The term "record" as used in this paragraph includes written observation reports, videotapes, and oral testimony by employees of visitation centers. Written reports may be introduced only when the party offering the report has demonstrated by clear and convincing evidence that the report's author is unavailable, and that the report is supported by substantial indicia of reliability. The above restrictions notwithstanding, the Court may, in its discretion, admit records of critical incidents at visitations. The term "critical incidents" means conduct which is defined by Patchworks House policy as a "critical incident" or conduct that, in the Court's discretion, is deemed a "critical incident" on a case-by-case basis.

RULE 1.04 *EX PARTE* COMMUNICATIONS WITH JUDGE OR MAGISTRATE

A. No attorney or party shall discuss, or attempt to discuss, the merits, either orally or in writing, of any litigation with any Judge or Magistrate presiding over the matter before final disposition thereof without the presence of opposing counsel, or the unrepresented party.

B. In civil and domestic relations cases, letters received by the Court shall not be accepted as an attempted form of direct communication with the Judge or Magistrate.

Any such letter, e-mail, or facsimile shall be destroyed, and shall not be made part of the record of any case.

RULE 1.05 OFFICIAL RECORD OF PROCEEDINGS

A. All matters heard by the Judge or the Magistrate shall utilize a digital recording system. All discussions, that are not part of official Court proceedings, should be held outside of the Courtroom in order to ensure the confidentiality of these discussions. Any communications on any recording which are not part of the proceeding shall not be transcribed for any reason.

B. Each judge may appoint an Official Court Reporter pursuant to Section 2301.18 of the Ohio Revised Code and memorialize such appointment through a journal entry.

C. No transcripts shall be prepared by the official court reporter unless a deposit is paid by the attorney or other person requesting the same or the entire cost of the estimate of said transcript is paid. The official court reporter may demand payment in full prior to the preparation of the transcript, except for prosecuting attorneys, indigent counsel, and indigents. The official court reporter shall be contacted and shall be retained by counsel or the party who is requesting the transcripts.

D. Official court reporters shall charge transcript fees not to exceed $6.40 per page for originals, and $0.10 per page for copies.

E. All exhibits admitted at trial or hearing shall be held for at least sixty (60) days after the issuance of a Final Appealable Order. Thereafter, the Court may contact counsel or parties by letter, sent via regular United States mail, informing them that they may pick up the exhibits within 30 days, and that all exhibits may be destroyed no sooner than thirty (30) days after issuance of the letter.

RULE 1.06 PHOTOGRAPHING, RECORDING OR BROADCASTING OF PROCEEDINGS

A. No radio or television transmission, voice recording device, imaging equipment, communication devices of the proceedings before the Court, other than a device used in making an official record or making and taking of photographs shall be permitted without the prior approval of the Judge.

B. The use of Text Messaging and E-Mails during Court hearings is prohibited by all persons unless authorized by the Court.

RULE 1.07 FACSIMILE FILING

All pleadings shall be filed in the original, with the appropriate deposit as determined in the most recent Judgment Entry as to fees and costs filed by the Court. Other papers may be filed with the Clerk of Courts by facsimile transmission [fax] to 419-443-7919 pursuant to the authority extended by Civil Rule 5(E). The Court adopts the following procedures for the acceptance of facsimile copies of pleadings and other papers subsequent to the original filing of the complaint.

A. A document filed by fax shall be accepted as the original filing. The person making the filing need not file any source document with the Court but must, however, maintain in his or her records and have available for production upon request by the Court, the document filed by fax, with original signatures as otherwise required and

under applicable rules, together with the source copy of the facsimile cover sheet used for the subject filing.

B. The document filed by fax shall be maintained by the person making the filing until the case is formally closed by the Court and all opportunities for post judgment relief are exhausted. The person making the filing shall also maintain the verification receipt that the transmission was completed without problems.

C. The person filing by fax shall include therewith a cover page containing pertinent information for the filing, and send an extra copy of the faxed document to be submitted to the assigned judge.

E. The Clerk's Office is not required to send any form of notice to the sending party of a failed fax filing. However, if practicable, the Clerk or Deputy Clerk may inform the sending party of a failed fax filing. Burden of confirming receipt of fax is on the sending party.

F. Subject to the provisions of these rules, all documents sent by fax and accepted by the Clerk or Deputy Clerk shall be considered filed with the Clerk's Office as of the date and time the Clerk or Deputy Clerk time-stamps the document received, as opposed to the date and time of the fax transmission. The office of the Clerk of Courts shall be deemed open to receive facsimile transmission of documents on the same days and time the Court is regularly open for business as set forth in Rule 1.01. The risks of transmitting a document by fax to the Clerk's Office shall be borne entirely by the sending party. Anyone using facsimile filing is urged to verify the Clerk received such filing.

RULE 1.08 ELECTRONIC SIGNATURES

Any document filed by an attorney and signed with an electronic signature of that attorney shall be construed as an original of that document, and the electronic signature shall be deemed as an original signature for all purposes.

RULE 1.09 RECORDS MANAGEMENT AND RETENTION

A. The Seneca County Common Pleas Court, General Division, hereby adopts Superintendence Rule 26, and any amendments thereto, in its entirety, and Sup.R. 26.01 and 26.03, (and any amendments thereto), which govern the administration of the records created by the Common Pleas Court. To this end, the following are specified as rules of this Court.

B. All indexes, dockets and journals as defined in Superintendence Rule 26; 26.01 and 26.03 shall be maintained in an electronic medium. These records shall be permanently retained. Electronic records and backups of the records shall be maintained until the records are microfilmed or otherwise preserved in accordance with Ohio law. Traditional paper or bound book records may be destroyed after having been microfilmed.

RULE 1.10 INTERPRETATION

These Local Rules shall be interpreted to achieve the prompt, efficient, and fair resolution of cases. In the event that any portion of a rule is found to be ambiguous, the rule shall be interpreted as follows:

A. To be consistent with the Ohio and United States Constitutions, the Ohio Rules of Civil Procedure, and the Ohio Rules of Criminal Procedure;

B. To be practical and efficient in their operation;

C. To be taken in context with the other portions of these rules.

RULE 2 SECURITIES FOR COURT COSTS AND OTHER FEES

RULE 2.01 DEPOSITS FOR COSTS

A. The Clerk's Office shall not accept any action or proceeding for filing without the requisite filing fee set forth in these Rules.

B. Any deposit on account that does not exceed $5.00 at the conclusion of the case may be retained by the Court and placed in the general fund of the Court.

RULE 2.02 INABILITY TO PRE-PAY COSTS

The Court may waive payment of the filing fee at the time of the filing of the pleading, if the party is found indigent. The party requesting waiver must file a Motion to File Without Payment of Costs accompanied by a completed and sworn affidavit of indigence. The substantive pleading is submitted to the Court at the same time. The filing of the Motion to File Without Payment of Costsdoes not relieve a party from liability for the filing fee. If the Motion is granted, the Court retains the authority to require a payment plan or to assess the filing fees against any party at the conclusion of the case. If the Motion is not granted, the party moving for waiver shall have fourteen days after the denial to remit the filing fee to the Court. If the party fails to do so, the substantive pleading submitted with the Motion to File Without Payment of Costs shall be returned to the party without further action.

RULE 2.03 PAYMENT OF FINES AND COSTS

In any case where fines and/or costs are assessed against a party, said fines and/or cost are due immediately unless otherwise ordered by the Court. Failure to pay can result in a citation for contempt or other collection efforts. Any over payment in excess of $5.00 shall be returned to the payer.

RULE 2.04 DEPOSIT FOR GUARDIAN AD LITEM FEES

Any party requesting appointment of a Guardian ad Litem in a proceeding involving the allocation of parental rights and/or parenting time shall, at the time of filing the request for appointment of a Guardian ad Litem, deposit with the court the sum as set forth in the most recent Judgment Entry as to fees and costs filed by the Court.

2.05 JURY VIEW

If any party in a civil or criminal action requests a jury view they shall pay a non-refundable fee to the Seneca County Clerk of Court in accordance with the fee schedule in the most recent Judgment Entry as to fees and costs filed by the Court. This deposit shall be applied by the Clerk for transportation costs and the amount applied shall be charged as court cost against the party ordered to pay costs.

2.06 COST OF CIVIL JURY

If a case is settled after 4:30 P.M. two calendar days immediately preceding the first day of trial, the Court may assess the costs of the jury to one or both parties.

2.07 MEDIATION

The Court has discretion to encourage parties to use mediation in any civil action filed in this court. A case may be submitted to mediation as provided in this rule. The Court may issue an order on its own motion, upon the motion of counsel, or upon the request of a party.

Mediation is prohibited in the following:

1. As an alternative to the prosecution or adjudication of domestic violence;
2. In determining whether to grant, modify, or terminate a protection order;
3. In determining the terms and conditions of a protection order;
4. In determining the penalty for a violation of a protection order.

Except as provided in sections 122.22 and 149.43 of the Revised Code, mediation communications are confidential to the extent agreed by the parties or provided by other sections of the Revised Code or rules adopted under any section of the Revised Code. Parties desiring confidentiality of mediation communications shall advise the mediator as soon as practical and all mediation participants shall execute any confidentiality agreement prior to the start of mediation. By participating in mediation, a nonparty participant, as defined by section 2710.01(D) of the Revised Code, submits to the Court's jurisdiction to the extent necessary for enforcement of this rule. Any nonparty participant shall have the rights and duties under this rule as are attributed to parties, except that no evidence privilege shall be expanded.

If mediation is ordered by the Court in any civil action upon request of either party or on the Court's own motion, each party shall be responsible for the payment of a non-refundable fee directly to the Common Pleas Court assigned to the case in accordance with the fee schedule included in these rules.

2.08 EXPUNGEMENT

If any party requests an expungement of any records of any criminal proceeding, they shall pay a non-refundable fee to the Seneca County Clerk of Courts in accordance with section 2953.32(C)(3) of the Revised Code and the fee schedule included in these rules as part of that request before such request shall be considered by the Court. Any outstanding court costs owed to the Seneca County Common Pleas Court must be paid in full before a petition for expungement shall be considered by the Court.

2.09 CONSENT JUDGMENT ENTRIES

If parties to any domestic relations action submit a proposed Consent Judgment Entry to the Court, the parties shall pay a non-refundable fee to the Seneca County Clerk of Courts in accordance with the fee schedule in the most recent Judgment Entry as to fees and costs filed by the Court as part of that request before such proposed Consent Judgment Entry shall be filed with the Clerk of Courts.

2.10 REFUNDS APPLIED TO UNPAID BALANCES

Any refund of court costs due to a party upon the conclusion of a case before the Court shall be applied to any past due court cost balances owed by that party.

RULE 3 COUNSEL OF RECORD

RULE 3.01 GENERAL

A. It is the duty of any attorney upon representation of a party in any action before the Court to immediately file an Entry of Appearance with the Clerk of Courts and notify the Court that they are representing a party.

B. Every party that has the right to be represented by counsel shall have the right to Court appointed counsel, if found to be indigent. Any party found eligible for Court appointed counsel shall pay an application fee per case to the Clerk of Courts within seven (7) days of determination of indigence, unless otherwise Ordered by the Court. In civil matters the parties shall need to retain counsel to represent them.

C. Each judge shall maintain a list of appointees qualified to serve in the capacity as designated by that judge. Appointments shall be made from said list taking into consideration the qualifications, skills, expertise, and caseload of the appointee in addition to the type, complexity, and requirements of the case. Any licensed Attorney in the State of Ohio may submit his/her name to the Court for consideration to be placed on the appointment list. Each judge may maintain a separate list for different types of appointments. In cases where counsel is appointed by the Court, representation shall continue until completion of the case or until an Order for Withdrawal is approved by the Judge or Magistrate.

D. Compensation for all court appointed counsel is set at the rate determined by the Seneca County Commissioners. Invoices for indigent legal representation shall be submitted within thirty (30) days after the last court date to be considered timely for Seneca County to seek reimbursement from the Office of the Ohio Public Defender.

E. Fees and expenses for representation shall be submitted to the Court on the forms as established by the Office of the Public Defender within sixty (60) days of final disposition. Motions for fees submitted after ninety (90) days shall not be paid.

RULE 3.02 WITHDRAWAL OF COUNSEL

Unless otherwise ordered, the substitution or withdrawal of a trial attorney shall be permitted only upon filing with the Court, and service on all other parties, a Notice of Substitution of Trial Attorney signed by the withdrawing attorney, the client, and a substitute trial attorney; or upon written motion for substitution or withdrawal served upon the client and showing of good cause

and upon such terms as the Court shall impose. Unless otherwise ordered, a trial attorney shall not be permitted to withdraw at any time later than twenty (20) days in advance of a trial or the setting of a hearing on any motion. Unless otherwise ordered, the substitution of a trial attorney shall not serve as a basis for postponement of a trial or hearing.

RULE 3.03 ATTORNEY SCHEDULING

Each attorney shall cooperate fully with the Court in the scheduling of all appearances before the Court with consideration for prior scheduled appearances in other courts. Each attorney shall have a copy of his or her calendar available at all scheduling conferences, status conferences, pretrial conferences and hearings.

RULE 4 DISCOVERY

A. "Open discovery" facilitates settlement and timely preparation of the issues in controversy. Information, documents and material in the custody, control or possession of one party that are discoverable under Title V of the Ohio Rules of Civil Procedure are considered an "open file" for the purpose of discovery by another party, subject to the limitations/protections of Civil Rule 26(C).

B. Discovery authorized shall proceed upon the written request of one party to another without a prior court order. The party from whom discovery is requested shall produce for inspection, copying, or photographing, the discoverable items to the requesting party as follows or as otherwise agreed by the parties or instructed by the Court:

    1. If the requested party is nongovernmental and represented by counsel, at the office of the attorney for the requesting attorney;
    2. In child support proceedings where the requested party is the Seneca County Child Support Enforcement Agency, at the SCCSEA offices;
    3. In criminal cases where the prosecutor is the requested party, at the office of the Seneca County Prosecuting Attorney;
    4. When the discoverable materials are documents, any party may comply with a request for discovery by mailing accurate legible copies to the attorney of the requesting party or if unrepresented, to the party.
    5. If discoverable items are physical evidence or other evidence that is not readily copied, then the items shall be made available to the requesting party for inspection, photographing or other copying.

C. Counsel is ultimately responsible for the production of the discoverable material.

D. Parties shall have a continuing duty to disclose additional discoverable information or material subsequent to compliance with the original request for discovery without the necessity of filing a new request for more current information.

RULE 5 SELECTION OF JURORS

Juries shall be selected in accordance with the procedure delineated by each judge, but in no event shall jury selection procedures contravene Ohio law.

RULE 6 FAILURE TO APPEAR

If a moving party or counsel fails to appear within fifteen (15) minutes of the scheduled hearing time, the Judge or Magistrate may dismiss the action or the motion, without prejudice. If the responding party or counsel fails to appear within fifteen (15) minutes of the scheduled hearing time, the Judge or Magistrate may proceed to hear and determine all the issues. Failure of counsel or a party to appear may result in sanctions being imposed, including the issuance of a bench warrant at the Court's discretion.

RULE 7 WITNESS FEES

A party requesting the issuance of subpoenas for a witness shall, at the time of filing the request for subpoena, submit a check or checks payable to the witness or witnesses under the Witness Fee Statute (R.C. 2334.06 or as hereafter amended) for said witness with the Clerk. A check must be made out for the witness fee and mileage.

RULE 8 MOTION FOR CONTEMPT

A Motion for Contempt shall be commenced by the moving party filing the following:

A. Motion specifically stating the basis for the contempt citation;

B. Notice of Rights;

C. Brief in Support;

D. Supporting Affidavits;

E. Appropriate filing fee.

PART 2: CIVIL RULES OF PRACTICE AND PROCEDURE

RULE 9 CIVIL CASE MANAGEMENT PLAN

1. For the purposes of ensuring the readiness of cases for pretrials and trial, and maintaining and improving the timely disposition of cases, a Case Management Program is hereby adopted as follows:

    a. All initial pleadings shall include a completed Classification Form.

    b. The Court may set a preliminary pretrial hearing after an answer is filed, usually 45-60 days after the case is filed.

    c. At the preliminary pretrial hearing, discovery and motion deadlines, status and final pretrial hearing and trial dates are set.

    d. At any preliminary pretrial hearing and status pretrial hearings, counsel may attend by telephone upon the consent of the Court. Plaintiff's counsel shall initiate the conference telephone call for such telephone pretrial hearings.

    e. At the final settlement pretrial hearing, counsel and the parties must be present, or counsel must have full settlement authority.

    f. If a case is settled, the Court shall dismiss the case, but shall allow counsel leave to file a settlement or dismissal entry within 30 days.

    g. Cases and time limits are closely monitored by the Assignment Commissioner and Judge.

RULE 9.01 SERVICE BY CIVIL RULES

A. Service in any matter filed or pending before the Court shall be in accordance with the Rules of Civil Procedure.

B. A party requesting service by the Clerk of Courts must provide the current address of all parties to be served regardless of the form of service requested.

C. Unless otherwise requested, all service shall be by certified mail. It remains the responsibility of the party seeking the action or relief to secure service of process in accordance with the Ohio Rules of Civil Procedure.

RULE 9.02 SERVICE BY POSTING

A. Service may be completed by posting and mail consistent with the requirements of Ohio Civil Rule 4.4. The attorney or party filing the necessary affidavit shall, at the same time, furnish to the Clerk of Courts the form of notice of posting which is to be posted in accordance with this Rule.

B. Upon the filing of the praecipe and affidavit seeking service by posting, the Clerk shall cause service to be made pursuant to Rule 4.4 of Ohio Rules of Civil Procedure by posting within all of the following locations:

1. The Seneca County Justice Center, located at 103 E. Market St., Tiffin, OH 44883;

2. The Seneca County Sheriff's Office, located at 3040 S. St. Rt. 100, Tiffin, Ohio;

3. The Seneca County Department of Job and Family Services, located at 900 East County Road 20, Tiffin, OH 44883.

RULE 9.03 SERVICE BY PUBLICATION

B. In an action where service is to be made by publication as authorized by Civil Rule 4.4, the attorney or party filing the necessary affidavit shall, at the same time, furnish to the Clerk of Courts the form of notice of publication which is to be published in a newspaper of general circulation in Seneca County, Ohio.

C. Counsel or parties requesting publication shall pay for the costs of publication directly to the publisher before requesting service by publication through the Clerk of Courts. The Clerk shall request the publication and proof of service, and notify the publisher that costs are to be forwarded to the requesting party.

D. In proceedings in foreclosure, the Clerk of Courts shall request the publication and proof of service, and notify the publisher who is to pay costs of publication.

RULE 9.04 ALL PLEADINGS AND MOTIONS

A. All pleadings, motions, briefs and other similar documents that are filed with the Clerk shall be typewritten or printed, on white 8 1/2" x 11" paper, in at least a 12 point regular type font, and paginated sequentially. In all filings a blank space of at least two inches shall be left at the top of the first page for endorsements, time stamps and other identifying marks thereon and shall have appropriate side and bottom margins. Each consecutive page shall have appropriate top, bottom, and side margins. Filings that are not legible for any reason including poor handwriting or photocopying may be refused, or if filed, may be stricken unless there is a legibly typed copy attached thereto. The Court shall accept for filing only pleadings that are complete.

B. Every pleading, motion, and memorandum filed shall be served upon all opposing counsel, or upon all parties not represented by counsel, and shall have typed or printed thereon the name, address, supreme court number and telephone number of counsel filing the same. When counsel is a firm of attorneys, a particular attorney within the firm having primary responsibility for the case shall execute the document.

C. Before a new party can be joined to an existing case, a motion must be filed pursuant to Rules 19-21 of the Ohio Rules of Civil Procedure requesting same.

D. All Judgment Entries granting procedural motions shall be on a separate document.

E. All motions, unless made during a hearing or trial, shall be made in writing, unless otherwise permitted by the Court. All motions shall state with particularity the grounds and shall clearly state the relief or order sought.

F. The Court shall accept *pro se* Motions and schedule a hearing if all of the following apply:

1. The motion is completed on the Court's *pro se* form, available online at senecacocourts.org, or a comparable document, either of which shall include the case name and number; and

2. The motion is typed or prepared in a clearly legible manner; and

3. The original motion and one copy is provided to the Court; and

4. The motion states clearly the relief sought and with particularity the grounds for the relief; and

5. The motion is signed by the person seeking relief and properly notarized; and

6. A precipe for service is filed;

7. The Motion clearly identifies any existing custody Orders from Seneca County or any other Court.

G. If the motion does not include all of the above, the Court shall request a properly completed *pro se* Motion before scheduling a hearing. The Court cannot provide notary service.

H. Superintendence Rule 45 (D) provides that when submitting a case document to the Court, the filing party shall omit personal identifiers from the document. Additionally, the responsibility for omitting personal identifiers from a document submitted to the Court rests solely with the filing party. The Court is not required to review the document to confirm omission of personal identifiers, and shall not refuse to accept or file the document on that basis.

I. All Responses and Replies to motions filed with the Court shall be filed in accordance with the timelines set forth in the Ohio Rules of Civil Procedure.

RULE 9.05 AFFIDAVIT OF INDIGENCE

The Clerk of Courts may accept for filing any affidavit of a person's inability to make the required deposit of costs, in the absence of an Order of approval. All affidavits of indigency shall be submitted to a judge, completed by the party unable to make the required deposit, for a determination of the indigency by the Court. Determination of indigency by a judge is by assignment. Once a motion to file without the prepayment of court costs is approved by the Court, the Clerk shall file the pleading.

RULE 9.06 PRETRIAL STATEMENT

A. The pretrial order may provide for the filing of a pretrial statement by both parties to an action. If a pretrial statement is required, it shall contain:

1. A concise statement of the general claims and defenses of the parties;

2. Those facts established by admissions in pleadings, discovery, and stipulations;

3. Contested issues of fact;

4. Contested issues of law, together with each party's respective positions with regard to the applicable law, with citations of authority for counsel's position;

5. The names, addresses and qualifications of any expert witnesses expected to testify, together with a brief statement of each expert witness' expected testimony;

6. A list of exhibits each counsel intends to offer into evidence;

7. An itemization of all special damages being requested;

8. Each counsel's expected time of trial needed to present its side of the case;

9. The status of settlement negotiations;

10. Requested jury instructions (other than boilerplate);

11. Certification that copies of all exhibits to be introduced have been provided to opposing counsel.

B. The deadline for filing pretrial statements set by the Court is firm, and may only be extended by leave of the Court for good cause shown.

RULE 9.07 PRETRIAL HEARINGS

D. The Court may, on its own motion, set any matter for pretrial hearing. Any party may move, in writing, for a pretrial hearing. If the Judge or Magistrate determines that a case warrants a pretrial hearing, a date and time shall be set. All parties named in the action shall be present at the pretrial hearing unless their presence is excused, in advance, by the Judge or Magistrate. In that event, the parties shall be available by telephone.

B. It shall be the duty of counsel to come to the pretrial hearing fully prepared and authorized to negotiate toward settlement of the case. Failure to be prepared may result in dismissal of the case for want of prosecution, a default judgment, or other sanctions as the Judge or Magistrate deems appropriate.

RULE 9.08 CONTINUANCES

A. All Motions for Continuance must be in writing and state the specific reason for the continuance. All motions for continuance must be served upon the opposing party(ies) prior to the hearing as soon as possible. The Movant shall first attempt to secure consent of the opposing party(ies); set forth in the motion whether consent was obtained or denied; and shall state the number of prior continuances. No case shall be continued on the day of the hearing except for good cause shown. All continuances

shall contain the date on which the need for the continuance arose, the reason(s) for requesting the continuance, and the date in which all attorneys of record, parties and Guardians ad Litem were notified of the requested continuance. Ruling on a continuance request may be reserved until the scheduled hearing date where continuances on the record are necessary to preserve service or notice on parties.

B. The Court shall not grant continuances because a hearing previously scheduled in this Court conflicts with the scheduled appearance of the attorney in another case when that conflict was apparent when the attorney took the case. In cases where an attorney is already retained and the attorney is scheduled to appear in another case assigned for trial on the same date in the same or a different court, the case that was first set for trial shall have priority. The Court shall not, unless for good cause shown, consider any motion for continuance due to a conflict of trial assignment dates unless a copy of the conflicting assignment is attached to the motion and the motion is filed not less than ten days prior to the hearing.

C. When a continuance is requested by reason of the unavailability of a subpoenaed witness at the time of the scheduled hearing or trial, the Court may consider alternative methods of recording testimony.

RULE 9.09 PREPARATION OF JUDGMENT ENTRIES AND ORDERS

A. All preliminary matters decided by the Court prior to the final adjudicatory hearing which require journalization are the responsibility of counsel and all entries shall be drafted as designated by the Court.

B. In any civil or domestic relations matter, the Court may order or direct either party to prepare a judgment entry. When so ordered, the party shall prepare a proper judgment entry and submit it to the opposing party within 14 days, unless the time is extended by the Court. The opposing party shall have 14 days in which to approve or reject the judgment entry. If the opposing party fails to take any action on the judgment entry within 14 days, the preparer shall submit the entry with the notation, "Submitted but not returned."

C. In the event of rejection or if the parties are unable to agree, each party may prepare their version for consideration. The Court may:

1. Sign the entry that it deems a proper statement of the parties' agreement or the Court's decision;

2. Prepare their own entry without submitting same to counsel for approval; or

3. Schedule the matter for hearing.

D. If no entry is furnished to the Court as directed within 30 days of the Court's decision, upon notice of such failure to the parties and their counsel, the Court may:

1. Dismiss the action for want of prosecution;

2. Schedule a hearing on sanctions;

3. Make such other Order as deemed appropriate under the circumstances.

E. Consent judgment entries may be presented to the Court on or before the date of hearing. In the event the parties notify the Court that an agreement has been reached and they wish to vacate the hearing date, the entry shall be submitted within 7 days of the vacated date. All consent judgment entries shall include the initials of all parties and counsel at the bottom of each page of the submitted entry, indicating that each party has reviewed and approved of that page of the submitted entry.

F. All Judgment Entries or other Court Orders prepared by an attorney on behalf of the Court shall contain the following:

1. A certificate of service stating the names and address of the attorneys or parties to be served with the Court order and directing the Clerk of Courts to complete such service;

2. The hearing date before the Court, if applicable;

3. Appropriate Civil Rule 54 language if the Court order is a final appealable order;

4. The party who is responsible for payment of the court costs. In the absence of such language, court costs shall be assessed against the Movant;

5. Any required statutory language, child support worksheets or attachments;

6. If child support is Ordered, the appropriate SETS number should be set forth in the caption;

7. Language waiving further findings of fact and conclusions of law, and waivers of separate Magistrate's Decisions and applicable objection periods, where appropriate.

RULE 9.10 SERVICE MEMBERS CIVIL RELIEF ACT (SCRA)

In any civil or domestic relations action commenced in this Court against an unrepresented party who is a member of the military service, the Court may appoint an attorney to represent that party pursuant to the Service members Civil Relief Act (SCRA), as set forth at 50 U.S.C Section 501-597, and may assess and allocate the cost of said counsel as costs in the case. The Court may stay the proceedings until such time as the party in the military service is available for trial. During the pendency, the party may be Ordered to cooperate in all discovery procedures and to notify the Court upon his/her return.

RULE 9.11 EXHIBITS

All exhibits must be marked and identified if referred to on the record. Once marked, all exhibits shall be maintained in the sole possession of the Court for at least sixty (60) days after the issuance of a Final Appealable Order. Thereafter, the Court may contact counsel or parties by letter, sent via regular United States mail, informing them that they may pick up the exhibits within 30 days, and that all exhibits may be destroyed no sooner than thirty (30) days after issuance of the letter.

RULE 9.12 DISMISSAL OF CASES

A. Upon failure to comply with any local rule, statute, order, civil rule, or failure to timely journalize, the Court may, after notice to the attorney of record or a party, exercise any sanction provided by the Ohio Rules of Civil Procedure, including dismissal of an action.

B. If the plaintiff or movant fails to obtain service upon the Complaint, motion or other pleading within ninety (90) days of filing, the Court may dismiss same for want of prosecution.

C. The unexcused failure of an attorney and/or party to appear for a hearing at the scheduled time may result, within the discretion of the Court, in subjecting the offending person to any appropriate sanctions, including dismissal of the action or the assessment of fines.

D. The Court may dismiss an action upon a showing that either party has failed to comply with pretrial orders.

RULE 9.13 BANKRUPTCY

A. Whenever any party to an action pending in this Court files bankruptcy, the attorney of record or the party, if acting in a *pro se* capacity shall, within fifteen (15) days after filing bankruptcy, file written notice of bankruptcy with the Clerk.

B. Such attorney or party shall likewise give such notice to other counsel or *pro se* parties of record in such pending litigation.

C. In all of these cases, if the Clerk is unable to collect court costs from the parties ordered to pay, court costs may be taken from the original deposit.

D. The Court may dismiss the action without prejudice, but such case may be reactivated upon proper motion within ninety (90) days after termination of the bankruptcy stay.

RULE 9.14 REAL ESTATE PROCEEDINGS AND APPRAISER'S FEE

A. In any action wherein the title to real estate shall be affected, such as actions for the marshaling and foreclosure of liens, actions to quiet title, actions for the partition of real estate, actions based upon use restrictions, etc., the Plaintiff shall file with the Clerk at the time of filing of the Complaint a policy of title insurance, guaranteed statement of title, or other adequate statement of title showing the record condition of the title to the premises concerned in the action and/or such other matters apparent from the county records, as may be necessary or convenient for the accurate determination of the issues in the action. Such indicia of title shall be prepared by an attorney or licensed title agent and shall be extended to a date not more than thirty (30) days preceding commencement of the action. Any party submitting a legal description of real property to the Court shall have said legal description stamped/approved by the Seneca County Tax Map Office and the Seneca County Auditor's Office prior to submission to the Court.

B. If the Plaintiff fails to comply with the foregoing, any Defendant may cause such indicia of title to be prepared and filed with the Clerk.

C. No orders, judgments, or decrees affecting the title to such real estate shall be made and entered in the case until such indicia of title is filed with the Clerk, and if the Plaintiff and/or Defendant shall fail to supply such indicia of title, the case may be dismissed for want of prosecution, but without prejudice.

D. If the action shall result in a change of ownership of the real estate concerned, or if the title on said real estate or part thereof shall be quieted, the attorney or title agent who prepared such indicia of title shall, after the recording of the deed covering such real estate, or after the entry of the order quieting title, extend such indicia of title to include such deed or order quieting title.

E. The attorney requesting a sale of real property through either the Sheriff or a private selling officer shall prepare all the necessary documentation with connection thereto, including but not limited to the order of sale to either the Sheriff or the private selling officer authorized by the Court, the order of appraisal, certificate of release of mortgage form, deeds, the completed Seneca County Sheriff Property Description Approval Form, including a legal description with an original stamped approval by the Seneca County Tax Map Office and the Seneca County Auditor's Office. For any alias order of sale, it shall be the responsibility of the preparing attorney to add a notation to the order of sale if the property should not be reappraised. It shall be the responsibility of the attorney to ensure such documentation is correct in all respects.

F. In foreclosure cases where property was purchased by the Plaintiff, sufficient costs as determined by the Clerk of Courts shall be deposited with the Clerk of Courts before the Sheriff shall issue the deed.

G. In all entries of confirmation following foreclosure actions, counsel shall describe in detail the release of any liens and mortgages, including the volume and page number of any such release. It shall be the responsibility of the attorney to directly contact the Seneca County Recorder and pay recording fees for all releases filed with the Recorder.

H. The Clerk of Courts shall not act as receiver, trustee, or agent for the collection or disbursement of funds including rental and lease fees.

I. Appraiser's fees shall be as determined in the most recent Judgment Entry as to fees and costs filed by the Court

J. With reference to foreclosure sales the following rules shall apply:

1. The property shall be appraised, advertised and sold within sixty (60) days.

2. Attorneys are responsible for preparing the order of sale, appraisal form, advertisement form, Sheriff's Deed and other legal documents. These forms shall include the complete legal description and the permanent tax parcel

number. The address of the property should also be included, and, if none, a location of the parcel on the appraisal form and advertisement. The appraisal form and advertisement form prepared by the attorney shall accompany the order of sale or be forwarded directly to the Sheriff.

3. The opinion of title or the title insurance policy and two (2) copies of the Judgment Entry of Foreclosure shall accompany the Order of Sale which is forwarded to the Sheriff by the Clerk of Courts. The Clerk requires that one copy be returned with the Order of Sale, and to the other copy is retained by the Sheriff.

4. The Judgment Entry of Foreclosure shall contain the name, address, and telephone number of the attorney for the Plaintiff.

5. When an Order of Confirmation is prepared, and the Sheriff's Office did not collect poundage because the first lien holder purchased the real estate, the Entry shall reflect who is responsible for payment of the liens, court costs, and taxes.

6. When the Sheriff's Office does not collect or disburse funds, the Confirmation Order shall contain language that the Sheriff's Deed shall not be released until such time as the Sheriff's Office receives proof of payment of taxes and court costs. If no taxes are due, the Confirmation Order shall contain that information.

K. The provisions of (A) through (E) above shall not apply to any tax foreclosure actions initially brought and filed in the name of the Seneca County Treasurer to recover delinquent land taxes if the Ohio Revised Code does not specifically require such a title examination.

RULE 9.15 PUBLICATION FOR SERVICE ON SALE OF REAL ESTATE

Counsel or parties requesting publication shall pay for the costs of publication directly to the publisher except foreclosures. The Clerk of Courts shall request the publication and proof of service, and notify the publisher who is to pay costs of publication.

RULE 9.16 FEES IN COGNOVIT CASES

An attorney appearing in open court and entering the appearance of the Defendant and confessing judgment by virtue of a power of attorney attached to a promissory note shall be allowed a reasonable fee as determined in the most recent Judgment Entry as to fees and costs filed by the Court for which said judgment is rendered.

RULE 9.17 FEES OF COUNSEL IN TAX SALE PROCEEDINGS

A. In those situations involving sales of land under R.C. 5721.18 et. seq., the Court shall allow reasonable attorney fees as determined in the most recent Judgment Entry as to fees and costs filed by the Court

B. Counsel shall prepare and submit itemized cost bills justifying their fee. Upon approval, the fee shall be taxes as costs in the case.

RULE 9.18 RECEIVERSHIPS

A. When a motion is made for the appointment of a Receiver, the hearing thereon shall be ordered by an entry and notice to interested parties. Unless otherwise orderd, a schedule of secured and unsecured creditors shall be filed within five (5) business days from the time the motion for a Receiver is filed, to ensure the record shows all interested parties.

B. Unsecured creditors and secured creditors whose security is threatened shall have their recommendations as to the appointment of the Receiver carefully considered.

C. The Receiver shall post bond as ordered by the Court and file an inventory not later than thirty (30) days from appointment. Unless otherwise ordered, the practice prescribed by statute in the administration of decedent's estate shall be followed as to notice and hearings on exceptions to such inventory.

D. As to accounts, unless otherwise ordered, the procedure prescribed by statute for decedent's estates shall govern.

E. The Clerk's Office shall keep a docket of all cases in which a Receiver is pending.

F. All Receivers appointed by this Court shall file, every thirty (30) days, a written report itemizing all expenses paid, income received, and any court action taken by the Receiver, including Complaints and other pleadings filed, evictions, and collections on behalf of the asset under Receivership. Failure to file the required report in accordance with this Rule may result in a *sua sponte* order from the Court removing the Receiver.

RULE 9.19 ALLOWANCE TO FIDUCIARIES FOR SERVICE AND ATTORNEY FEES

A. In any matter pending in this Court in which a Receiver or other fiduciary has been appointed by this Court, and such fiduciary desires to secure from the Court an allowance of compensation for services and/or for attorney fees for services rendered, such fiduciary shall file in this Court a written motion for such allowance, which said motion shall contain notice of the time and date for the hearing of the same, which shall not be less than five (5) days from the filing of such motion and shall file a sufficient number of copies of such motion so that one of such copies shall be available to each counsel. At or after the time and date of hearing such motion, the Court shall make such order and judgment as it may deem proper.

B. The provisions of this rule shall not apply to motions for compensation where the amount requested is less than Five Hundred ($500.00) Dollars; nor shall the rule be applicable to actions wherein such fees or compensation are fixed in journal entries which are approved by counsel of the other parties in the case in question.

PART 3: CRIMINAL RULES OF PRACTICE AND PROCEDURE

RULE 10 CRIMINAL CASE MANAGEMENT PLAN

1. For the purposes of ensuring the readiness of cases for pretrial conferences and trial, and maintaining and improving the timely disposition of cases, a Case Management Program is adopted as follows, at the discretion of the judge assigned to any particular case:

    a. Arraignment is scheduled approximately 10-14 days after indictment. The date of arraignment is on the summons or warrant that is served on the defendant. If a summons on indictment is issued to a defendant and no service is obtained at the time of arraignment, this matter is brought to the Prosecutor's attention. If a warrant on indictment is issued for a defendant and the defendant is not served prior to the arraignment date, a new arraignment date is given to the defendant in open Court at the time of the bond hearing, after the defendant is arrested. Cases and time limits are closely monitored by the Assignment Commissioner and Judge.

    b. The State shall have a completed discovery packet to deliver to counsel for the Defendant, or to the Defendant if appearing *pro se*, at the time of arraignment, to enable the efficient resolution of the case.

    c. Immediately following the arraignment, retained defense counsel and court appointed defense counsel shall have his/her calendar available to set dates with the Assignment Commissioner for a pretrial conference (approximately 30 days after arraignment), and for a plea date (approximately 60 days after arraignment). The jury trial is also scheduled (approximately 90 days after arraignment). Cases set on the Court's accelerated docket shall be scheduled for a firm pretrial/plea date within 30 days after arraignment. The Court Notice shall be sent to the Prosecutor, Defense Counsel, the Adult Parole Authority, Sheriff and Victim Advocate and any other appropriate person for all dates.

    d. The pretrial conference is scheduled for Defense Counsel and the Prosecutor assigned to the case. The Judge shall not take part in the pretrial conference. The pretrial conference shall be held at the Seneca County Justice Center unless both counsel agree otherwise.

    e. On the date scheduled as a plea date, counsel and the defendant shall be present. If the defendant wishes to enter a plea of guilty, the plea shall take place at that time. If the defendant does not wish to enter a plea of guilty, that decision is placed on the record. After this date the Court shall accept no plea except to the original charge(s). If the defendant does not enter a plea on the plea date, the jury trial shall proceed as scheduled.

    f. Prior to sentencing, both parties shall submit to the Court whatever information is available to them at that time for the Adult Parole Authority or

other neutral party as the court designates to determine the total restitution amount owed and to whom.

g. At sentencing, both parties shall also provide to the Court the total number of jail days to be credited to the defendant for time served in the case.

h. Cases and time limits are closely monitored by the Assignment Commissioner and the Judge.

RULE 10.01 ARRAIGNMENT

A. At the discretion of the assigned judge, each judge may hold regularly scheduled arraignments at least twice monthly.

B. Upon a case being assigned to a judge, arraignment may be set for the next regular arraignment day and continued only upon motion of Defendant or of the State for good cause shown.

RULE 10.02 APPOINTING COUNSEL

A. If a Defendant appears without counsel at a bond hearing, the Court shall refer the Defendant to counsel on the Court's approved court-appointed attorney list for completion of the Financial Disclosure/Affidavit of Indigency to determine whether the Defendant qualifies for court-appointed counsel.

B. Each Judge shall maintain a list of counsel approved for appointment as counsel in criminal cases.

RULE 10.03 ACCELERATED DOCKET

A. When deemed appropriate by the Court based upon the speedy trial time remaining at the time of arraignment, the Court may set any criminal case upon the "Accelerated Docket."

B. Cases designated for scheduling on the "Accelerated Docket" shall be set for a firm pretrial/plea date within thirty (30) days of the date of arraignment. If the case is not settled at the scheduled pretrial/plea date, it shall be set for trial at the Court's earliest convenience, but in no circumstances outside of the time period prescribed by a Defendant's right to a speedy trial.

RULE 10.04 FAILURE TO APPEAR

If at any stage in the proceedings the Defendant fails to appear as ordered, the Court may issue a warrant for the arrest of the Defendant. Upon issuance of a warrant an Order may be filed setting forth that the Defendant is unavailable for trial and removing the case from the active docket.

RULE 10.05 CONTINUANCES

All motions to continue any scheduled event must comply with Rule 41 of the Rules of Superintendence for the Courts of Ohio and shall set forth the reason for the request. If the reason is another case scheduled on the same date in another court, the motion shall include a copy of the scheduling order of the other court, and the date the conflicting event was scheduled.

RULE 10.06 RESPONSE TO MOTIONS

Any motion not decided *ex parte* by the Court or not set for hearing shall be responded to within seven (7) days after the motion was filed, or as otherwise ordered by the Court, unless the response time is otherwise fixed by any rules promulgated by the Supreme Court of Ohio.

RULE 10.07 NOTIFICATION OF ARREST DATE

The arresting law enforcement agency shall provide to the Prosecutor the arrest date; and the Prosecutor shall notify the Court of the arrest date at or before arraignment.

RULE 10.08 NOTIFICATION OF SPEEDY TRIAL DATE

Upon the filing of an indictment, the Prosecutor shall advise the Court of all dates, periods of incarceration, and all other matters required to establish a speedy trial date, along with the speedy trial date calculated by the Prosecutor. The Prosecutor shall promptly notify the Court if any trial date scheduled by the Court would be beyond the limits of R.C. 2945.71.

RULE 10.09 CRIMINAL CASE TIME LIMITS UPON BIND OVER

In accordance with Sup.R. 39, when an accused has been bound over to grand jury and no final action is taken by the grand jury within sixty (60) days after the date of the bind over, the Court shall dismiss the charge unless for good cause shown the Prosecutor is granted a continuance for a definite period. Costs of such dismissal shall be assessed to the State.

PART 4: MAGISTRATES

RULE 11 MAGISTRATES

The power and duties of Magistrates are defined in Rule 19 (Ohio Rules of Criminal Procedure); and Rules 53 and 65.1 (Ohio Rules of Civil Procedure), and Orders of Appointment and Reference. Where any party of interest may request a hearing by a Judge rather than by a Magistrate to whom such case has been previously assigned, such request must be in writing seven (7) days before the date originally set for the hearing. All decisions of the Magistrate shall be in writing. Magistrate's Orders shall take effect immediately unless stayed by a court order. Decisions of the Magistrate shall have full force and effect upon being adopted by the Court unless a timely written objection is filed.

RULE 11.01 OBJECTION TO THE MAGISTRATE'S DECISION

A. Any party to the action may file written objections to a Decision of the Magistrate. The filing date of the Objection shall be within fourteen (14) days of the file stamped date of the Magistrate's Decision.

B. The Judge may affirm, reject, or modify the Magistrate's Decision only upon the timely filing of an objection or appeal. The Judge may hear additional evidence at his/her discretion. The objection or appeal should be accompanied by a supporting memorandum. If a finding of fact or weight of the evidence argument is part or all of the basis for the objection, a transcript of testimony is necessary to support the objection to the Magistrate's Decision and must be filed with the Court by the moving party within thirty (30) days after the filing of the objections, unless the Judge, in writing, extends the time period. Partial transcripts may be permitted upon leave of the Court. If a transcript is necessary, a party may file a Motion for Extension of Time to File Objections or Appeal to allow for preparation of transcript. Failure to file a transcript when one is required by this Rule is basis for dismissal of the objections.

C. Objections or appeals may be set for oral hearing upon the request of any party at the sole discretion of the Court. A memorandum in response may be filed by any party within seven (7) days of the filing of the memorandum in support of the objections or appeal.

RULE 11.02 MOTION TO SET ASIDE MAGISTRATE'S ORDER

A. Magistrates may issue Orders as provided by Civil Rule 53. Parties may file a Motion to Set Aside Magistrate's Order, which shall be heard by a Judge or Magistrate. The Motion shall be filed no later than ten (10) days after the Magistrate's Order is entered.

B. The Motion to Set Aside shall be accompanied by a memorandum stating the party's position with particularity. The filing of a Motion to Set Aside does not automatically stay the Magistrate's Order. A separate Motion to Stay may be filed, and may be approved or modified by either the Judge or the Magistrate who issued the Order.

PART 5: DOMESTIC RELATIONS RULES OF PRACTICE AND PROCEDURE

RULE 12 DOMESTIC RELATIONS CASE MANAGEMENT PLAN

1. For the purposes of ensuring the readiness of cases for pretrial conferences/hearings and trial, and maintaining and improving the timely disposition of cases, a Case Management Program is adopted as follows:

    a. All initial pleadings shall include a completed Classification Form.

    b. All documents filed should include an original, a copy for the Court, a copy for each party, and a copy for the Seneca County Child Support Enforcement Agency, if applicable.

    c. All documents shall only contain the last four digits of the parties' social security numbers and the date of birth of the minor child(ren).

    d. The Court may schedule a pretrial conference/hearing in any matter at its discretion, usually within 14 days after service is obtained. At the pretrial conference/hearing, all parties and counsel shall be required to appear in court, and to have available their scheduling calendars.

    e. At the pretrial conference/hearing, the Court shall schedule dates for pretrial conferences/hearings, temporary orders hearings (if applicable), discovery deadlines, motion deadlines, briefing deadlines, and a final hearing.

    f. Parties requesting the appointment of a guardian ad litem should inform the Court at the pretrial conference/hearing of that request, and should file a written motion, including the applicable deposit, no later than 14 days after the initial pretrial conference/hearing.

    g. All parties and counsel shall appear in Court for all scheduled dates, unless they have received prior written permission from the Court to appear by telephone.

    h. Petitions for Dissolution shall be scheduled for a final hearing no sooner than 30 days and no later than 90 days after the filing of the Petition. Any attorney appearing on behalf of a party at a dissolution hearing shall bring to the final hearing a proposed Magistrate's Decision/Judgment Entry for that case, including any necessary separation agreements, parenting plans, or child support calculations.

    i. Cases and time limits are closely monitored by the Assignment Commissioner and the Magistrate.

RULE 12.01 APPLICABILITY

This rule is applicable to all domestic relations matters. Other Local Rules of this Court shall apply to domestic relations matters when not inconsistent with this Rule.

RULE 12.02 REQUIRED EDUCATION

A. In any action concerning custody and/or visitation, all parents are required to attend the Children in the Middle classes (CIM Program), and all children who are of school age shall attend a Children's Workshop. This requirement shall include matters for divorce and dissolution. Attendance must be completed within six (6) weeks of filing the action. The Court may waive attendance, if the party has recently attended a substantially similar education program. Times and dates for the required classes may be obtained from the office of the judge of the Domestic Relations Division assigned to the case.

B. No final hearing shall be held until proper certificates of attendance are filed with the Court. Failure to attend within the time period required without good cause may be cause for contempt of court, or other appropriate sanction, including dismissal of an action for failure to prosecute.

RULE 12.03 DIVORCE

A. A divorce case shall be commenced by the filing of the following documents with the Clerk of Courts:

1. Classification Form;
2. Notice of Filing in Family File;
3. Complaint;
4. Affidavit of Income and Expenses;
5. Affidavit of Property;
6. Health Insurance Affidavit, if applicable;
7. Parenting Proceeding Affidavit, if applicable;
8. Child support worksheet, if applicable;
9. Motion for Temporary Orders, including support, if applicable;
10. Completed Title IV-D Application, if applicable;
11. Request for Service.

B. Upon the filing of the appropriate documents in accordance with Rule 12.03(A) above, the Clerk of Courts shall serve the Defendant in accordance with Ohio law with a copy of the following:

1. The Summons and Motion for Temporary Orders;
2. The Complaint, and copies of the forms completed by Plaintiff, except the Title IV-D Application;
3. Any other documentation provided by Plaintiff;

4. If applicable, blank copies of the Parenting Proceeding Affidavit, the Affidavit of Income and Expenses, the Health Insurance Affidavit, the Affidavit of Property, and the Notice of Filing in Family File.

C. The Defendant shall have fourteen (14) days from the date the above documents are served to complete and return the form affidavits.

RULE 12.04 DISSOLUTION

A dissolution case shall be commenced by the filing of the following documents with the Clerk of Courts:

1. Classification Form;
2. Notice of Filing in Family File;
3. Petition for Dissolution;
4. Separation Agreement;
5. Affidavit of Income and Expenses;
6. Affidavit of Property;
7. Health Insurance Affidavit, if applicable;
8. Parenting Proceeding Affidavit, if applicable;
9. Child support worksheet, if applicable;
10. Parenting Plan or Shared Parenting Plan, if applicable;
11. Completed Title IV-D Application, if applicable;
12. Request for Service.

RULE 12.05 MINIMUM REQUIREMENTS FOR DOMESTIC RELATIONS AGREEMENTS

A. All separation agreements filed in any domestic relations action shall include, at minimum:

1. An itemized listing of all personal property, and a description of how that property shall be divided between the parties, and deadlines for the completion of all property transfers, no later than 30 prior to the date of the final hearing scheduled by the Court;
2. An itemized listing of all joint bank accounts, identified by institution, account type, the last four digits of the account number, and the balance of funds within the account;
3. An itemized listing of all real property, both individual and marital, including legal descriptions of the property, and descriptions of any debts secured by the property, including creditor name, debtors obligated on the debt, and the balance of the debt;

4. An itemized list of all motor vehicles owned by either party, identified by year, make model, VIN#, titled owner, and descriptions of any debts secured by the motor vehicle, including creditor name, debtors obligated on the debt, and the balance of the debt;

5. An itemized listing of all pensions, 401(k)s or other retirement accounts held by each party, including institution, and amount of benefit, with an agreement by the parties specifically delineating the benefits entitled to each party;

6. An itemized listing of all life insurance policies held by each party, including institution, and an agreement by the parties as to payment of any benefits;

7. An agreement of the parties concerning whether spousal support shall be paid by either party, and language concerning the continuing jurisdiction of the Court regarding spousal support;

8. Language liquidating all joint real property, with a specific agreement of the parties as to payment of claims on the property, and deed transfer timelines. All payments contemplated for the liquidation of real property shall be completed in full no later than the date of the final hearing, unless otherwise Ordered by the Court.

B. All parenting plans filed in any domestic relations action shall include, at minimum:

1. Specific designations of who is residential parent and who is non-residential parent;

2. Specific provisions as to parenting time, including dates and times of transfers of children for parenting time, and who is responsible for transportation at specific times;

3. Specific provisions as to the parent who shall receive the child(ren) during all holidays and days of special meaning, including the child(ren's) birthday(s).

4. Specific agreements as to tax exemptions;

5. Specific agreements as to child support, including statutory deviation findings, if applicable, and language concerning cash medical support and health insurance;

RULE 12.06 <u>TAX RETURNS</u>

No party shall cause a tax return, whether jointly filed or filed individually, to be filed with the local, state, or federal government while any action concerning that party is pending in the Domestic Relations Division of the Common Pleas Court, without the prior written permission of the Court.

RULE 12.07 <u>POST-DECREE MOTIONS</u>

Any post-decree motion, including but not limited to Motions for Modification of Parental Rights and Responsibilities, Motions for Change of Parenting Time, and Motions for

Modification of Child Support or Health Insurance Orders shall be commenced by the filing of the following documents with the Clerk of Courts:

1. Classification Form;
2. Notice of Filing in Family File;
3. Motion;
4. Memorandum in Support;
5. Affidavit of Income and Expenses;
6. Health Insurance Affidavit, if applicable;
7. Parenting Proceeding Affidavit, if applicable;
8. Child support worksheet, if applicable;
9. Completed Title IV-D Application, if applicable;
10. Request for Service.

RULE 12.08 ALLOCATION OF PARENTAL RIGHTS AND RESPONSIBILITIES

A. *Ex Parte* Orders

1. There shall be no *ex parte* orders designating a residential parent, except upon a showing of good cause and supported by adequate affidavits indicating an immediate or imminent risk to the health, safety and welfare of the child if the requested relief is not granted.
2. All motions for *ex parte* relief shall be served upon the opposing party by personal service.
3. A respondent may request an oral-hearing, in writing, to modify such *ex parte* temporary order.

B. Temporary Orders

Requests for temporary allocation of parental rights and responsibilities made by either parent, shall include the following:

1. The Summons and Motion for Temporary Orders;
2. The Complaint, and copies of the forms completed by Plaintiff, except the Title IV-D Application;
3. Any other documentation provided by Plaintiff;
4. If applicable, blank copies of the Parenting Proceeding Affidavit, the Affidavit of Income and Expenses, the Health Insurance Affidavit, the Affidavit of Property, and the Notice of Filing in Family File.

C. If either party wishes to contest a temporary order granting temporary residential parent status, the party shall file a motion for relief or motion to set aside, as appropriate. Copies of the motion shall be served in accordance with the Rules of Civil Procedure.

RULE 12.09 MOTIONS TO MODIFY PARENTING TIME, CHILD SUPPORT, CUSTODY, AND SHARED PARENTING

A. All Motions shall be commenced by the filing of the following:

1. Classification Form;
2. Notice of Filing in Family File;
3. Motion;
4. Memorandum in Support;
5. Affidavit of Income and Expenses;
6. Health Insurance Affidavit, if applicable;
7. Parenting Proceeding Affidavit, if applicable;
8. Child support worksheet, if applicable;
9. Completed Title IV-D Application, if applicable;
10. Request for Service.

B. Upon the receipt of the proper paperwork and court cost deposit, the Court may set said Motion for pretrial conference/hearing. All parties are to attend the pretrial conference/hearing. If the matter is not settled, a trial date shall be set.

C. Shared Parenting. Where a party seeks shared parenting, shared parenting plans shall be filed in accordance with R.C. 3109.04. Any request for deviation of child support shall comply with R.C. 3119.22 and R.C. 3119.23. If a court has previously determined paternity or made orders regarding child support, health insurance, medical expenses or tax exemptions, the shared parenting plan shall reference the case number and court in which such determinations or orders were made, but the shared parenting plan shall not modify such orders.

D. Change of Circumstances. Where a showing of a change of circumstances is required for a motion to change custody or to modify a shared parenting plan, the alleged change of circumstances shall be generally identified in the motion. It shall not be sufficient to simply state that "a change of circumstances has occurred."

RULE 12.10 RESIDENTIAL PARENT – NOTICE OF INTENT TO RELOCATE

A. A residential parent shall file a notice of intent to relocate with the Clerk of this Court and the Child Support Enforcement Agency (herein CSEA) thirty (30) days prior to moving. The notice shall contain the name and address of the residential parent, names

of the child(ren), proposed residence, and the name and address of the non-residential parent, accompanied by proof of service to the non-residential parent.

B. Pursuant to R.C. 3109.051 (G)(1), 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.

RULE 12.11 PARENTING TIME/VISITATION/COMPANIONSHIP

A. Unless otherwise Ordered, the Court utilizes the Standard Parenting Time Order, which is included as the Appendix to these Local Rules. The Court may alter this Standard Companionship Order if it finds that such order is not in the best interests of the child(ren).

B. Orders allocating parental rights shall include the following notices:

1. RELOCATION NOTICE: Pursuant to R.C. 3109.051(G), the parties are hereby notified as follows:

a. 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 residential parent is required to file a Notice of Intent to Relocate with this Court, addressed to the attention of the Clerk of Court. Unless otherwise Ordered pursuant to R.C. 3109.051(G)(2),(3) and (4), a copy of such notice shall be mailed by the Court to the parent who is not the residential parent. The Court shall not normally schedule a hearing on the notice unless the non-residential parent requests the same in writing. The purpose of any such scheduled hearing shall be to determine whether it is in the best interest of the child(ren) to revise the parenting time schedule. If after sixty (60) days, no objection has been raised by the non-residential parent, the Court may issue an entry modifying the parenting time as requested by the residential parent in the Notice of Intent to Relocate.

b. RECORDS ACCESS NOTICE: Pursuant to R.C. 3109.051(H) and R.C. 3319.310(B) (5)(a) the parties are hereby notified as follows:

1. Except as specifically modified or otherwise limited by Court Order, and subject to R.C. 3125.16 and R.C. 3319.32 (F), the parent who is not the residential parent, is entitled access to any record that is related to the child, under the same terms and conditions as the residential parent, to any student activity that is related to the child and to which the residential parent of the child is legally provided access. Any keeper of a record who knowingly fails to comply with this Order is in contempt of Court.

2. DAY CARE CENTER ACCESS NOTICE: Pursuant to R.C. 3109.051(I), the parties are hereby notified as follows:

Except as specifically modified or otherwise limited by Court Order and in accordance with R.C. 5104.011, the parent who is not the residential parent, is entitled to access to any day care center that is or shall be attended by the child with whom parenting time is granted, to the same extent that the residential parent is granted access to the center.

3. SCHOOL ACTIVITIES NOTICE: Pursuant to R.C. 3109.051(J), the parties are hereby notified as follows:

   Except as specifically modified or otherwise limited by Court Order, and subject to R.C. 3319.310(F), the parent who is not the residential parent is entitled to access to the school, under the same terms and conditions under which access is provided to the residential parent. Any school employee or official who knowingly fails to comply with this Order is in contempt of Court.

C. All shared parenting plans or decrees shall include information regarding the relocation of either parent from the residence in the original shared parenting plan or decree.

RULE 12.12 CHILD SUPPORT

Schedule of Support

A. In every case in which child support is ordered, the amount of support shall be calculated in accordance with the schedule of support set forth in Chapter 3119 of the Revised Code, subject to the permissible statutory deviations.

B. All support payments for child support are ordered payable through the Child Support Enforcement Agency and shall include an administrative fee on each payment in accordance with the Ohio Revised Code.

C. Both parties shall complete an Affidavit of Income and Expenses and a Notice of Filing in Family File and submit it to the Court within five (5) working days after requested by the Court.

D. Child Support shall be computed and a copy of the Guideline worksheet shall accompany the Judgment Entry addressing the issue of child support with the appropriate effective date.

E. All payments made by the obligor directly to the obligee shall be considered a gift, unless the payment is made to discharge an obligation other than support.

RULE 12.13 TITLE IV-D APPLICATION

In any case involving a child support order, the Obligee under the order shall be required to sign an application for Title IV-D Services. The executed application shall be submitted to the Court.

RULE 12.14 GUARDIAN AD LITEM

A. The Court may appoint an Attorney Guardian ad Litem to represent the best interests of a minor child in proceedings consistent with Ohio law. Whenever feasible, the same Guardian ad Litem shall be appointed for a specific child in any subsequent case relating to the best interest of the child.

B. Any party requesting appointment of a Guardian ad Litem shall, at the time of filing of the written motion, deposit with the Clerk of Courts the fee (as determined in the most recent Judgment Entry as to fees and costs filed by the Court) to be applied toward the satisfaction of the fees for the Guardian ad Litem. The appointment of a Guardian ad Litem does not take effect, nor does it bind the attorney to any duty or legal obligation, until such time as the fee is deposited.

C. All Guardians ad Litem shall comply with the provisions set forth in Superintendence Rule 48.

D. If a Guardian ad Litem is requested, the Guardian ad Litem shall be selected by the Judge or Magistrate.

E. Attorneys appointed to serve as Guardians ad Litem shall be entitled to fees at the minimum rate of $45.00 per hour for out-of-court time, and $55.00 per hour for in-court time.

F. Prior to any final adjudication of the matter on which the Guardian ad Litem has been appointed, the Guardian ad Litem shall submit an affidavit of fees to the Court for approval. If approved by the Court, said fees shall be made a part of the final entry, to be paid before final journalization of said Entry. Nothing herein shall delay the filing of said entries, and they shall be filed in accordance with the Ohio Rules of Civil Procedure and Superintendence.

G. The Court shall have the discretion to issue a lump sum judgment against the party or parties in the action for which the Guardian ad Litem was appointed for the fees due and owing at final adjudication.

H. The Court shall maintain a list of attorneys willing to accept appointment as Guardian ad Litem while maintaining individual privacy under Rule 48 of the Rules of Superintendence.

I. All Guardians ad Litem must successfully complete a pre-service training course to qualify for appointment and thereafter, successful completion of continuing education in each succeeding year as established in Rule 48 of the Rules of Superintendence. All Guardians ad Litem are required to file proof of compliance with the Court.

J. The Guardian Ad Litem shall prepare a written report, including recommendations to the Court. The report shall detail the activities performed, hearings attended, persons interviewed, documents reviewed, experts consulted and all other relevant information considered by the Guardian ad Litem in reaching the Guardian ad Litem's recommendations and in accomplishing the duties required by statute, by court rule, and in the court's Order of Appointment.

K. Unless waived by all parties or unless the due date is extended by the Court, the final report shall be submitted to the Court no less than seven days before the dispositional hearing.

J. The Court shall allow inspection of the report of the Guardian Ad Litem only by a party's attorney or an unrepresented party. The report shall not be copied whatsoever except by Court personnel. The reports shall not be removed from the Seneca County Justice Center. Any copies of the report provided by the Court for purposes of inspection shall be collected and destroyed at the conclusion of the inspection process.

K. A Guardian Ad Litem shall be available to testify at the dispositional hearing and may orally supplement the final report at the conclusion of the hearing.

L. The Guardian ad litem shall represent the best interest of the minor child(ren) until discharged by the court.

RULE 13 *EX PARTE* PROTECTION ORDERS

All petitions for *ex parte* protection orders filed in accordance with Sections 3113.31 or 2903.214 of the Ohio Revised Code shall be filed prior to 2:30 p.m. The Court may allow petitions filed after 2:30 p.m. based upon exigent circumstances. All petitions shall be accompanied by a classification form, a Civil Protection Order Information Sheet (for the Sheriff's Office), and a Personal Identifier form, and shall include a date of birth or social security number of the Respondent, and an address where the Respondent may be served.

APPENDIX

PARENTING TIME/VISITATION/COMPANIONSHIP

Visitation is the time to enjoy companionship with the non-residential parent. Parents can effectively use this time by spending time with their children, developing a hobby, teaching them skills, and helping them meet friends in the neighborhood.

If a child indicates a strong opposition to being with the other parent, it is the responsibility of each parent to appropriately deal with the situation, by calmly talking to the child as to the child's reasons, to work with the other parent to do what is in the child's best interests, and particularly to avoid confrontation or unpleasant scenes. If the matter is not settled, either parent should seek the immediate assistance of a mental health professional or file a motion with the Court. As uncomfortable as this issue may be for a parent, this issue should not go unresolved. IT IS THE ABSOLUTE AFFIRMATIVE DUTY OF THE RESIDENTIAL PARENT TO MAKE CERTAIN THAT HIS OR HER CHILD GOES FOR THE PARENTING TIME PERIOD.

SCHOOLING INFORMATION

(A) The residential parent shall take the necessary action with school authorities of the schools in which the child(ren) are enrolled to:

1. List the non-residential parent as a parent of the child(ren).

2. To authorize the school to release to the non-residential parent any and all information concerning the child(ren).

3. To insure that the non-residential parent receives copies of any notice regarding the child(ren).

(B) The residential parent shall promptly transmit to the non-residential parent any information received concerning parent-teacher meetings, school club meetings, school programs, athletic schedules, and any other school activities in which the child(ren) may be engaged or interested.

(C) The residential parent shall promptly after receipt of same, furnish to the non-residential parent a photo copy of the child(ren)'s grade or report card and copies of any other reports concerning the child(ren)'s status or progress.

(D) The residential parent shall, when possible, arrange appointments for parent-teacher conferences at a time when the non-residential parent can be present and whenever possible they shall be attended by both parents.

(E) The residential parent shall promptly inform the non-residential parent of any illness of the child(ren) which shall require medical attention. Elective surgery shall only be performed after consultation with the non-residential parent. Emergency surgery necessary for the preservation of life or to prevent further serious injury or condition may be performed without consultation provided, however, if time permits, the non-residential parent shall be consulted and in any event the non-residential parent shall be informed as soon as possible.

GUIDELINES FOR PARENTING TIME OR VISITATION

This schedule is merely a guideline for parenting time. It is the parties' responsibility to tailor this schedule as necessary to meet the best interests of their children and their situation before the schedule becomes a court order.

Children require the continued and regular involvement of both parents despite the termination of their parent's relationship. No standard Parenting Time schedule can possibly meet the needs of every parent-child relationship and therefore the Court encourages parties to develop parenting plans which meet the specific needs of their child(ren). This includes the importance of keeping cultural and religious celebrations in mind when creating a schedule.

During and after the termination of a family relationship, there is often a crisis period during which families are under great stress because of loss, conflict and change. Unfortunately, whether intentional, or otherwise, children tend to become pawns in a struggle between their parents. Most studies indicate, and psychologists uniformly agree, that the children who "do best" are those whose parents are able to maintain a low level of conflict. The absence of conflict is just as important as the amount of time either parent spends with the child(ren).

The Court adopts this minimum Parenting Time Schedule in the hopes that it is unnecessary. In cases where the parents cannot agree to parenting times, the Court's Standard Parenting Time Schedule will be considered the minimum parenting time for a non-residential parent absent a showing of danger to the child(ren), and the Court encourages the parties to minimize conflicts as much as possible.

Careful consideration has been given to fostering Parenting Time between the child(ren) and both parents. The Court has established distinct schedules according to the distance between the parents and the age of child(ren). These parenting time schedules were developed to provide children with continuing contact with both parents while being sensitive to the children's ages and developmental needs. These schedules may not be appropriate for all families.

Liberal parenting time arrangements are encouraged, as contact with both parents is important to the children. Specific items in the Journal Entry take precedence over this schedule. Changes or modifications can be made by the Court if need for such is shown.

Activities you engage in with your children, skills you teach them, or friends you help them make will make their time with you more rewarding. Additionally, regardless of how much time each parent spends with the children, there are many opportunities to be involved in their lives, such as participation and attendance at their school, sporting and extracurricular activities.

PARENTING TIME BETWEEN THE CHILDREN AND THE PARENTS SHALL TAKE PLACE AT SUCH TIMES AND PLACES AS THE PARTIES MAY AGREE, BUT IN ABSENCE OF AGREEMENT SHALL BE AS FOLLOWS:

REGULAR PARENTING TIME

Local (for parents that live within 45 miles of each other)
Particularly with very young children, the more frequently the non-residential parent sees the children, the more appropriate it is to have longer periods of time with the non-residential parent.

If the non-residential parent has not had regular contact with the children, short periods of parenting time must precede extended periods.

Parents shall adjust parenting time to allow for frequent contact for the non-residential parent to accommodate their work schedules.

1. **Birth until 1 year.**

The non-residential parent shall have parenting time three times a week throughout the year, twice for 3 to 6 hours and once for 8 hours. If the parents cannot agree, parenting time shall take place every Tuesday and Thursday from 5:00 p.m. until 8:00 p.m. and one day every weekend, alternating Saturday/Sunday from 10:00 a.m. until 6:00 p.m.

Birth to 1 year – Parenting Schedule							
	Mon.	Tues.	Weds.	Thurs.	Fri.	Sat.	Sun.
Wk 1		X		X			D
Wk 2		X		X		D	
Wk 3		X		X			D
Wk 4		X		X		D	
X= Evenings, D = 10:00 a.m. to 6:00 p.m.							

The parties shall communicate regarding sleep schedules, feeding schedules, and any special dietary or other considerations for the child. The non-residential or non-custodial parents shall follow these schedules and considerations so as to make the transition between homes as seamless as possible for the infant child.

2. **1 year to 3 years.**

The non-residential parent shall have parenting time as follows: Tuesday and Thursday evenings from 5:00 p.m. until 8:00 p.m. and a rotating four week schedule as follows:

Week 1 – Friday at 6:00 p.m. until Saturday at 6:00 p.m.
Week 2 – Saturday at 6:00 p.m. until Sunday at 6:00 p.m.
Week 3 – Friday at 6:00 p.m. until Sunday at 6:00 p.m.
Week 4 – Residential Parent's weekend

1 to 3 years – Parenting Schedule							
	Mon.	Tues.	Weds.	Thurs.	Fri.	Sat.	Sun.
Wk 1		X		X	O		
Wk 2		X		X		O	
Wk 3		X		X	O	O	
Wk 4		X		X			
X= Evenings, O = Overnight							

3. **3 through 5 years:**

The non-residential parent shall have parenting time on a rotating schedule as follows:

Weeks 1 & 3 – Tuesday at 5:00 p.m. until 8:00 p.m. plus Friday evening at 6:00 p.m. to Sunday at 6:00 p.m.

Weeks 2 & 4 – Tuesday at 5:00 p.m. until 8:00 p.m. plus Thursday at 5:00 p.m. until Friday morning before school

3 to 5 years – Parenting Schedule							
	Mon.	Tues.	Weds.	Thurs.	Fri.	Sat.	Sun.
Wk 1		X			O	O	
Wk 2		X		O			
Wk 3		X			O	O	
Wk 4		X		O			
X= Evenings, O = Overnight							

4. **6 through 15 years:**

Elementary school age children can adapt to longer periods of separation from their principal caretakers than younger children can. The needs of the 6-15 year old child with regard to school schedules, homework, and extra-curricular activities must be respected.

Adjusting to and moving back and forth between two households increases the complexity of life for a child in a divorce situation. It may, therefore, be necessary to simplify other aspects of a child's life, e.g. by reducing the number of outside activities.

The non-residential parent shall have parenting time as follows:

Weeks 1 & 3 – Tuesday from 5:00 p.m. until 8:00 p.m. and Friday at 6:00 p.m. until Monday morning before school.
Weeks 2 & 4 – Tuesday from 5:00 pm until 8:00 pm and Thursday at 6:00 p.m. until Friday morning before school.

6 through 15 years – Parenting Schedule							
	Mon.	Tues.	Weds.	Thurs.	Fri.	Sat.	Sun.
Wk 1		X			O	O	O
Wk 2		X		O			
Wk 3		X			O	O	O
Wk 4		X		O			
X= Evenings, O = Overnight							

5. **16 years and above:**

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

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

The non-residential parent shall have parenting time as follows:

Weeks 1 & 3 – Friday at 6:00 p.m. until Monday morning before school.

16 years and above – Parenting Schedule							
	Mon.	Tues.	Weds.	Thurs.	Fri.	Sat.	Sun.
Wk 1					O	O	O
Wk 2							
Wk 3					O	O	O
Wk 4							
O = Overnight							

6. **Siblings in different age groups.** If a family has children in different age groups, parents are encouraged to adopt a single schedule to promote consistency and balance the needs of all the children. If parents are unable to agree on a single schedule, parenting time will be controlled by the age category in which the oldest child falls, unless otherwise ordered by the Court. Children under 1 shall always follow the regular schedule for their age group.

7. **Regional (parents who live more than 45 miles apart but less than 200 miles)**

Parents shall follow the local schedule based on the age of the child except that any midweek parenting time shall be exercised in the county of the children's residence and the non-residential parent shall be responsible for all midweek transportation. Midweek parenting time shall be Tuesday from 5:00 p.m. until 8:00 p.m. **The weekend parenting time shall end at 6:00 p.m. on Sunday instead of extending through Monday morning once the children begin attending school.**

8. **Summers:** The parties shall exercise summer parenting time in alternating one week increments beginning the first Friday after the last day of school. Each period shall begin on Friday at 6:00 p.m. until the following Friday at 6:00 p.m. In all cases, this summer schedule ends at 6:00 p.m. the Friday before classes resume. That Friday the children shall be returned to the residential parent. Effective that Friday, regular weekend and weekday parenting time resumes. In the odd numbered years, the non-residential parent shall start the first week. In the even numbered years, the residential parent shall start the first week.

If either party is employed by an employer that has an annual mandatory shut-down, that party shall have priority for parenting time during that period. If both parents have an identical shut-down period, the non-residential parent shall have priority. If the mandatory shut-down period creates a conflict with the alternating weekly schedule, the parties shall trade an equal amount of time as make-up for the lost shut-down parenting time.

Mid weekday and alternating weekend parenting time shall be suspended during summer vacation parenting time. Child support will not be reduced during summer parenting time.

9. **Vacations:** Each parent may arrange an uninterrupted vacation of not more than two (2) weeks with the children. Each parent shall schedule this vacation during his/her time during the summer (each parent may arrange either two one-week vacations to take place only during his/her time or they may arrange one two-week vacation using one week of each parent's time, which shall only be permitted if a two-week vacation is scheduled). The vacationing parent shall notify the other parent and provide a general itinerary of the vacation to the other parent, including dates, locations, addresses, and telephone numbers, no later than thirty (30) days prior to the scheduled vacation. Holiday and birthday celebrations with either parent shall not be missed, requiring scheduling of the vacation around these events. If parenting time with the other parent is missed during vacation, there is no requirement that it be made up. **Parents shall notify each other of their vacation plans by May 1 each year, and in the event of a conflict, non-residential parent's schedule shall prevail in odd-numbered years; residential parent's schedule shall prevail in even-numbered years.**

10. **Holidays:** Parents are encouraged to agree to a holiday schedule based upon legal and religious holidays they observe. If the parents cannot agree, holiday parenting time shall take place according to the following schedule.

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

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

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

*** If the residential and non-residential parent are the same gender, the non-residential parent will have parenting time from 10:00 a.m. to 9:00 p.m. on Mother's Day in even years and Father's day in odd years, and the residential parent will have parenting time from 10:00 a.m. to 9:00 p.m. on Mother's Day in odd years and Father's Day in even years.

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

11. **School Breaks** Unless the parties agree otherwise, all breaks from school (summer, winter,
spring, etc.) commence on the last day of school, and end the day before school resumes.

    a. **Winter Break** The parents will equally divide the children's winter break. This paragraph should be read in conjunction with the holiday schedule above. The parents will discuss and agree upon the allocation of the break at least 30 days prior to the commencement of the break. If the parents cannot agree on the schedule for the break, the break will be divided equally.

If there is no agreement, the parent who is scheduled to celebrate Christmas Eve shall have the children from the day school is adjourned for the winter break through the scheduled Christmas Eve holiday, and the parent who is scheduled to have Christmas day will have the children for an equal number of days. The remaining days of the break shall also be equally divided with the parent scheduled to have the children for the New Year's holiday including that time in their half of the remaining days.

    b. **Spring Break** The parents shall annually alternate Spring break with the residential parent having the break in odd numbered years and non-residential parent having the break in even numbered years.

12. **Order of Preference** In the event of a conflict, the following is the order of preference: (1) holidays; (2) vacations; (3) weekly schedule.

13. **Long Distance (parents who live more than 200 miles apart)**
(Excerpts from Planning for Parenting Time: Arizona's Guide for Living Apart)

Parents must be aware of the impact of relocation on their child and that relocation may require the permission of a judge. Long-distance parenting rules apply whenever the move between homes is more than 200 miles.

Disagreements about long-distance parenting time often result in the judge or magistrate making a decision. Unfortunately, a decision by a judge or magistrate may not please either party. Each relocation case is unique, and the right decision is based on the specific facts for each family. Parents should make a serious effort to resolve a parenting time dispute themselves or with the help of a mediator, or an attorney. Any reasonable agreement between the parents negotiated in good faith is usually better than having a judge decide the matter after the expense and stress of a court hearing.

A parent who wants to move a long distance with, or without, a child should think about many things before making a decision. Long distances often weaken the relationships between children and parents. If the move is necessary, parents might want to consider relocating both households to the same city. If it isn't possible, parenting time for the distant parent must be at regular and frequent times during the year. The court considers many factors, and parents should think about these factors. Each parent should take a moment and "stand in the other parent and the child's shoes." What is their point of view? How would I feel if my child moved away to another city?

Think about all the facts including the age and maturity of the child, the child's developmental needs, sibling bonds, school and work schedules, transportation costs, the presence of supportive family and friends in each city, and the gains or loss of extended family.

For most children, a long-distance move may result in less regular contact with both parents. If both parents are within a reasonable distance of each other, the child will benefit. When parents live far apart, a child's daily and weekly contact is reduced and large gaps of time without physical contact between the child and parent develop. When both parents move to the same general area, it is less disruptive. No matter the distance, a child will benefit from as much regular and frequent physical contact with each parent as possible.

If the parties have more than one child and the children fall into different age categories, parenting time will be controlled by the age category in which the oldest child falls for all children at issue, unless otherwise agreed by the parties or ordered by the Court.

a. Birth to Kindergarten

This is an important time for bonding between parents and children. For most children, the loss of a strong bond is a lifelong issue. In contrast, building a strong bond creates a sense of belonging, encourages active and committed parents, causes healthy adult relationships with both genders, facilitates co-parenting, and improves communication between parents and a growing child. If possible, the long distance separation should be delayed so that both parents and children can make the best use of their time together during these formative years. If the move can't be delayed, the parenting time schedule should be designed to provide the most direct and frequent physical contact between the child and both parents that time and money permit. If the parents cannot agree, the following schedule shall control.

Upon thirty (30) day notice to the residential parent the non-residential parent may exercise any of the times granted under the Local schedule.

Up to eight (8) weeks per year in four (4) separate blocks of time lasting two (2) weeks each. Unless otherwise agreed, parenting time shall occur February 1st through 14th, May 1st through 14th, and August 1st through August 14th.

Additionally, parenting time shall occur in odd numbered years from December 1st through 14th and in even numbered years from December 14th through December 28th.

b. Kindergarten to Age 18

The parties should continue to make the most of the time each parent has with the child. The schedule should be adjusted to follow closely the child's regular school schedule. The school year parent must sacrifice frequent physical contact during non-school times such as the summer and holidays, while the non-school parent must sacrifice frequent physical contact during the school semesters. Some schools have year-round or modified year-round schedules that provide

for more frequent or longer breaks with the distant parent. If parents can find a school with such a schedule, this will be of assistance to children.

Parents need to remember that as children get older they may be less likely to be in favor of spending large blocks of time due to their own activities. It is important to consider the child's wishes, concerns, and ideas in developing a long distance plan. If the parents cannot agree, the following schedule shall control.

Upon thirty (30) day notice to the residential parent the non-residential parent may exercise any of the times granted under the Local schedule.

Up to five (5) weeks during the summer break commencing a week after the last day of school and ending no later than a week before school resumes in the fall.

Every spring break from 6:00 PM on the last day of school before the break until 6:00 PM the day before school resumes.

One half of every winter break. The non-residential parent shall exercise parenting time the first half of winter break in even numbered years and the second half of winter break in odd numbered years.

14. Absent Parent Reunification

Some children may have a parent who wants to become part of their lives after years, or a lifetime, of not being involved with them. Other children may have a parent who was in their lives at one time but left, and then, after many months or years, wants to be part of their lives again. The emotional issues for both children and the custodial parent are often very complicated and difficult to understand. Most children and parents need professional help to build trust between the child and the absent parent. This kind of help is called reunification counseling. The time it takes for the counseling to be successful will depend in part on the child's age and personality. Counseling also can help parents learn to communicate and cooperate. This kind of counseling is called co-parent counseling.

The Court, on a case by case basis, may order reunification counseling and co-parent counseling.

For parents who live within 45 miles of each, the absent parent will be permitted contact with the minor child(ren) to begin to reestablish a relationship.

The non-residential parent will be permitted to contact the child(ren), by telephone, one time per week for a period of 8 weeks. After 8 weeks of telephone contact, the non-residential parent will be permitted 1 day per week of parenting time for a period of 2 hours. If the parties are unable to agree, the parenting time shall be on a Saturday or Sunday from 2:00 p.m. until 4:00 p.m. After 4 weeks of the 2 hour parenting time, the non-residential parent shall be permitted 6 hours of parenting time on Saturday or Sunday, every other weekend. Any additional parenting time shall be by specific Order of the Court.

15. MISCELLANEOUS

A. **Transportation**: Unless otherwise provided in these rules or as the parents agree, transportation shall be shared equally by the parents. The parent beginning to exercise parenting time must provide transportation at the beginning of his/her parenting time. For example, the non-residential parent picks up children on Friday evening and residential parent picks up the children on Monday after school. For midweek times, the non-residential parent shall pick the children up and drop them off.

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

B. **Phone Contact and Electronic Communication**: Each parent may have reasonable telephone and electronic contact with the child. Contact includes phone calls and all other electronic communication, including email, texting, Skype, Facetime, videoconferencing and social networking. The children may contact, whether by phone or by other electronic device, either parent at any and all reasonable times as the children wish.

The frequency of telephone contact shall be reasonable, defined as once per day, or as the parents agree. Phone calls shall be reasonable in duration and not disruptive to the parent with the children. The other parent shall not participate in these calls. If the children are not available when the parent calls, the parent with the children shall have them return the other parent's call as soon as possible.

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

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

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

F. Either parent may request a modification of parenting time by filing a motion to modify. This Court will modify a parenting schedule based upon the best interest of the child. Whether a parent is exercising his/her parenting time, whether there are conflicts during the parenting time

exchanges, and whether a parent is prompt in the pickup and return of the child are examples of factors that this Court will consider in determining what is in the child's best interest.

G. **Illness of Child**: Parenting time with the non-residential parent shall take place even if the child is ill unless the child is hospitalized or a physician has recommended that the child not be removed from the residential parent's home, in which case immediate notice shall be given to the non-residential parent. All parenting time that is missed under this provision shall be made up as soon as the child recovers. All prescribed medication shall be exchanged between the parents.

If a child becomes ill or injured during parenting time warranting emergency medical or dental care, the parent with the child shall secure appropriate treatment and notify the other parent as soon as possible.

H. **Clothing**: The residential parent shall provide sufficient, appropriate, clean clothing for every parenting time consistent with the lifestyle of the residential parent and the children. IF the planned parenting time activities require special or unusual clothing needs, the non-residential parent shall notify and request such clothing from the residential parent at least two days in advance of the parenting time. The residential parent is under no obligation to comply with the request if the children do not have the type of clothing requested. All clothing sent by either parent shall be returned immediately after the parenting time.

The non-residential parent shall return the clothing washed and cleaned if his or her parenting time exceeds four days.

I. **Travel notification**: IF either parent intends to travel with the children, he or she shall give the non-traveling parent at least 21 days advance written notice of the travel dates; written detailed information as to the destination, accommodations, method of travel (including name of airline and flight number of other such detailed information depending on the mode of travel); and a telephone number where the traveling parent or the children may be reached while away from home.

J. **Contact information and access to records**: Each parent shall keep the other informed of the names, addresses, telephone numbers of the children's health care, schools, and consistent child care providers.

Both parents shall have access to the children's medical, dental, optometric, psychiatric and psychological records.

Both parents shall have access to the children's school records.

Both parents shall have access to the children's baby-sitting, day care, preschool, and/or latchkey records.

Both parents shall have access to the children's religious records.

K. **Extracurricular activities**: The children are entitled to participate in a reasonable amount of activities, school related or otherwise. Parents should communicate and cooperate in order to support their children's activities. Parents are encouraged to attend their children's activities. Scheduled parenting time shall not be delayed or denied because children have other scheduled activities (with friends, work, lessons, sports, etc.). Each parent shall provide the other parent with notice of all activities, school related or otherwise, in which the children participate. Schedules of all activities and the name of the activity leader (including address and telephone number if reasonably available) shall be given to the other parent.

L. **Car/Booster Seat**: Each parent should have a car/booster seat for any child required by law to ride in one. If the parents are unable to provide separate car/booster seats, the parents shall transfer the car/booster seat when parenting time exchanges occur.

M. **Current address and phone number**: Except as otherwise ordered by the Court, each parent shall keep the other informed of his or her current address and telephone number at all times. Any change of address, or phone number shall be reported to the other parent within 48 hours.

N. **Schoolwork**: Parents shall provide time for the children to study, complete homework assignments, papers, or other school assigned projects, even if completion of this work interferes with the parent's plans with the children. If schoolwork is assigned by the school prior to the parenting time, the residential parent shall inform the other parent of the work to be done and it must be completed during the parenting time.

O. **Physical Appearance**: The non-residential parent shall not alter the physical appearance of the children, including cutting or coloring hair, piercing the body and permanent tattooing, without the prior written consent of the residential parent.

IN THE COURT OF COMMON PLEAS OF SENECA COUNTY, OHIO

In Re: Cash Deposits and Fees
In the General and Domestic
Relations Divisions

Case No. ~~20 MS~~ 19MS0437

Judge Steve C. Shuff
Judge Michael P. Kelbley

JUDGMENT ENTRY

The Seneca County Clerk of Courts shall collect the following cash deposits as security for costs and fees in cases filed in the General and Domestic Relations Divisions effective June 1, 2020:

FILED
COMMON PLEAS COURT
SENECA COUNTY, OHIO
2020 JUN -8 P 2:13
JEAN A. ECKELBERRY
CLERK

FEES AND DEPOSITS IN CIVIL CASES

1. Civil Action:	$450.00
2. Complaint for Foreclosure:	$1,100.00
3. Re-activation of Foreclosure:	$1,100.00
4. Counterclaim and Cross-Claim:	$250.00
5. Debtor's Examinations:	$250.00
6. Garnishments and Attachments:	$175.00
7. Writs of Possession and Executions:	$175.00
8. Post-Judgment Motions:	$350.00
9. Foreign Judgments:	$250.00
10. Jury View Fee:	$100.00
11. Mediation Fee:	$100.00 per party

12. Certificate of Qualifying Employment $50.00 Non-Refundable

FEES AND DEPOSITS IN DOMESTIC RELATIONS CASES

1. Complaint in Divorce: $450.00
2. Complaint for Legal Separation: $450.00
3. Counterclaim: $250.00
4. Petition for Dissolution: $450.00
5. Post-Decree Motions: $350.00
6. Motion for Appointment of Guardian Ad Litem (GAL): $1,000.00
7. Consent Judgment Entry: $50.00

MISCELLANEOUS FEES AND COSTS

1. Preparing Certificate of Judgment: $6.00
2. Filing Certificate of Judgment: $30.00
3. Prepare and file Certificate of Judgment: $36.00
4. Release Certificate of Judgment: $5.00
5. Release State of Ohio Certificate of Judgment: $30.00
6. Local Court Rules: $10.00
7. Copies of Filings (Not Certified): $.10/page
8. Certification of Any Document: $1.00/certification
9. Fax filing: $.10/page

10. Fax requested documents:	$2.00
11. Service of Foreign Subpoena:	$100.00
12. Filing of Commission:	$6.00
13. Appraiser's Fee for Real Estate:	$75.00 per appraiser
14. Appraiser's Fee for Motor Vehicles:	$75.00 per appraiser
15. Appraiser's Fee for Trailers:	$75.00 per appraiser
16. Appraiser's Fee for Personal Property and chattels:	$35.00 per hour (maximum $200.00 per day, or a minimum of $75.00 per appraiser)
17. Cognovit Confession of Judgment:	$25.00
18. Attorney Fee in Tax Sales:	**$250.00** for title examination of each parcel.
19. Expungement/Sealing of the Record:	$50.00 non-refundable
20. Returned check fee:	$20.00

IT IS FURTHER ORDERED that any refunds of court costs due in any case shall be applied to past due costs owed by that party. Upon the termination of any case, the Seneca County Clerk of Courts shall not bill for costs with any balance less than $5.00.

The Seneca County Clerk of Court shall have the discretion to request additional deposits in any civil or domestic relations case as determined necessary by the Clerk of Courts.

Any unpaid court costs at the conclusion of any case may be collected by the Seneca County Clerk of Courts in accordance with its policies.

IT IS SO ORDERED.

FILED
COMMON PLEAS COURT
SENECA COUNTY, OHIO
2020 JUN -8 P 2:13
JEAN A. ECKELBERRY
CLERK

JUDGE STEVE C. SHUFF

JUDGE MICHAEL P. KELBLEY