

SCIOTO COUNTY COURT OF COMMON PLEAS
DOMESTIC RELATIONS DIVISION

JUDGE DAVID E. SPEARS

MAGISTRATE JAY S. WILLIS

Rules of Court

(Cite as: Scioto D.R. Rule ___)

Effective Date: January 2, 2004

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RULES OF COURT

ARTICLE 1: PLEADINGS AND GENERAL PROVISIONS

Rule 1.01 Adoption, Scope and Construction of Rules.

- (A) The Domestic Relations Division of the Court of Common Pleas for Scioto County, Ohio adopts the following Rules for the management of proceedings and other functions of the Court pursuant to Rule 9 of the Rules of Superintendence of the Common Pleas Courts. The Court may amend these Rules from time to time as needed or as required by law.
- (B) These Rules are intended to supplement and complement the Ohio Rules of Civil Procedure, the Superintendence Rules of the Supreme Court of Ohio, and other controlling statutes.
- (C) These Rules shall be applied, construed and enforced so as to avoid inconsistency with other rules of court and statutes governing proceedings of this Court. In their application, they shall be construed so as to provide fairness and to secure just, expeditious and cost-effective determination of all proceedings. They shall apply to proceedings pending at the time they take effect.
- (D) These Rules shall be cited as "Scioto D.R. Rule ___".
- (E) These Rules shall be effective January 2, 2004 and supersede all previous local rules promulgated by, or applying to this Court.

Rule 1.02 Compliance with Ohio Rules of Civil Procedure, Statutory Requirements and Local Rules; Mandatory Content and Style of Pleadings

- (A) All pleadings shall comply in form and content with the Ohio Rules of Civil Procedure, requirements of the Ohio Revised Code, and Local Rules of the Scioto County Domestic Relations Court.
- (B) All pleadings shall contain the names, current addresses, dates of birth and social security numbers of all parties involved in the matter. Pleadings shall also contain the telephone number of any party who is not represented by counsel.
- (C) All pleadings and forms required by the Court shall be typewritten or printed legibly in one-side only format, unless otherwise required by Rule, Statute, or other Order of the Court.
- (D) Failure to comply with the local rules is not a basis for extension of any time requirements mandated by local rule, state law or rules of procedure.

Rule 1.03 Jurisdiction of Court (Revised Code §2301.03(X))

The Scioto County Court of Common Pleas, Domestic Relations Division was created by the Ohio Legislature and derives its grant of jurisdiction from Ohio Revised Code §2301.03(X). Pursuant to Ohio Revised Code §2301.03(X), except in cases that for some special reason are assigned to another judge of the Court of Common Pleas, the Domestic Relations Court maintains jurisdiction over the following:

- Divorce, dissolution, legal separation and annulment cases.
- All cases arising under Ohio Revised Code Chapter 3111, otherwise known as determination of parentage.
- All proceedings involving child support.
- The allocation of parental rights and responsibilities for the care of children and the designation for the children of a place or residence and legal custodian.
- Visitation and Parenting Time.
- All post-decree proceedings and matters arising from those cases listed herein.

Rule 1.04 Attorney Requirements

- (A) All attorneys practicing in the Domestic Relations Court must be admitted to the practice of law and registered with the Ohio Supreme Court. An attorney may be required to present his or her registration card to a judge or magistrate.
- (B) This Court may permit any attorney, currently in good standing, who is admitted to practice in the courts of a foreign state, to appear *pro hac vice* and file pleadings, memoranda, briefs, or other documents or participate in hearings before this Court.
- (C) Admission *pro hac vice* will be allowed only on motion of an attorney admitted to practice in Ohio and registered with the Ohio Supreme Court for active status. The motion shall briefly and succinctly state the qualifications of the attorney seeking admission. It shall be filed with the first pleading or brief in which the attorney seeks to participate, or at least fifteen (15) days prior to hearing. This Court may withdraw admission *pro hac vice* at any time.
- (D) Nothing in these Rules shall be construed so as to prevent a party or parties from representing themselves.

Rule 1.05 Court Appearance, Preparation, Demeanor and Supervision Of Children

- (A) **Nonappearance.** If a party seeking relief fails to appear on the scheduled trial or hearing date, either in person or by counsel, the court may dismiss that party's claims for want of prosecution. If an opposing party was properly served and fails to appear for trial, either in person or by counsel,

the court may allow the party seeking relief to proceed on an uncontested basis.

- (B) **Nonappearance in Show Cause Actions.** In show cause actions, if an opposing party was properly served, subject to an Order to Appear and fails to appear for trial, the court may issue an attachment for the arrest of the opposing party, and continue the hearing until the opposing party appears before the court. Upon the opposing party's appearance the court may, in addition to any other contempt matters addressed, hold a hearing on the failure to appear pursuant to the show cause order, and impose separate sanctions for the failure to appear.
- (C) **Unprepared for Trial or Hearing.** Failure of a party or counsel to be prepared or to proceed with a pretrial conference, trial, or other hearing may result in the dismissal of that party's claims, a default proceeding against that party, and/or other sanctions.
- (D) **Trial Demeanor.** All parties, counsel, and witnesses appearing before any judge or magistrate of this court shall be appropriately dressed and shall maintain demeanor appropriate to court proceedings.
- (E) **Supervision of Children.** In the event that children must be brought to court, adequate supervision must be provided for them by the parents. The Court cannot, and will not be responsible for the care of children during their parent/guardian's hearing.

Rule 1.06 Court Costs

- (A) The Clerk of Courts shall not accept a domestic relations action for filing unless it is accompanied by a filing fee as established by the Court, or a Poverty Affidavit Form 12 duly sworn to before the Clerk of Courts, or other authorized Deputy Clerk, stating an inability to prepay court costs.
- (B) If, during the course of the proceedings, the Court learns that a party who filed an affidavit of inability to prepay court costs is able to pay the costs, the court may order that party to pay the court costs within a reasonable period of time.
- (C) Absent special circumstances, the Court will not sign final decrees until all costs have been either waived, or assessed. In the event a decree is filed without an assessment of costs, all costs shall be paid by the Plaintiff.
- (D) Persons who subpoena more than two witnesses shall post security for the cost of witness fees plus mileage for all witnesses subpoenaed.
- (E) Persons who move for the appointment of a Guardian Ad Litem shall deposit \$500.00 with the Clerk of Courts as security for the payment of guardian fees. Thereafter, each party required to pay said deposit shall provide the Court a copy of the Deposit Receipt within seven (7) days. This rule shall be read in conjunction with Rule 3.06.

Rule 1.07 Number of Copies Required

When submitting documents to the Clerk of Courts for filing, a minimum of four (4) copies of all pleadings must be submitted in addition to the original. If any attorney or party wants file-stamped copies of any pleading or filing, he/she must attach sufficient additional copies at the time of filing.

Rule 1.08 Copy to the Court

In addition to all copies of pleadings filed with the Clerk of Courts one copy of all pleadings must be submitted to the Court at the time of filing.

Rule 1.09 Electronic Transmission Filing

RESERVED.

Rule 1.10 Continuances

- (A) No continuance of any matter shall be granted without the filing of an appropriate Motion in compliance with these rules.
- (B) All motions for a continuance should be filed at least seven (7) days prior to a hearing, unless a legitimate emergency arises facilitating the need to request a continuance on less than seven (7) days' notice.
- (C) All Motions for a Continuance shall concisely state the reason for the request, the number of continuances previously granted in the matter currently pending, and shall state whether the opposing party, or attorney objects to the continuance. This requirement includes Pro Se litigants. Motions shall contain a certificate of service indicating that the party requesting the continuance has received a copy of the motion and has served the other party.
- (D) If a hearing in another Court is the primary reason for the request appropriate documentation (i.e., copies of hearing notices) must be attached.
- (E) If medical necessity is the primary reason for the request, appropriate documentation from a medical provider must be attached.
- (F) If the opposing party or attorney does not object, the motion and entry shall be submitted to the judge, or magistrate assigned to the case for approval. It is the sole responsibility of the moving party to determine if the continuance is granted or not.
- (G) No hearing shall be continued except by signed entry of the assigned judge or magistrate. If such an entry has not been signed and neither party appears for a scheduled hearing, the Court may dismiss.
- (H) NOTICE: NO CONTINUANCE SHALL BE CONSIDERED GRANTED BY SIMPLE VIRTUE OF THE FACT THAT THE PARTIES, OR THEIR ATTORNEYS, ARE IN AGREEMENT THAT THE MATTER BE CONTINUED. THE FINAL AUTHORITY FOR APPROVAL OF ALL CONTINUANCES RESTS WITH THE COURT.

Rule 1.11 Hearing Requests

- (A) All parties, or their attorneys, must file a Request for Hearing in substantial compliance with the Scioto County Hearing Request Form Number 1 in order to facilitate scheduling of any matter which requires a hearing before the Court. Filing a request for hearing is the sole responsibility of the moving party, or their attorney. No hearings will be scheduled without submission of a proper Hearing Request Form.
- (B) All Hearing Request Forms are to be submitted to the Court's Assignment Commissioners, including four (4) copies, along with a copy of the accompanying pleading, along with any other necessary paperwork, which is to be scheduled for hearing. The Assignment Commissioners will process the paperwork, complete the Hearing Request Form by scheduling the requested hearing and the Hearing Request Form will be filed with the Clerk of Courts by the Court.
- (C) All Hearing Request Forms must fully list all parties, attorneys and Guardian *Ad Litem*, if one has been appointed, along with complete addresses and phone numbers.

Rule 1.12 Affidavit in Compliance with Section 3109.27 of the Ohio Revised Code

All pleadings and motions requesting a parenting order shall be accompanied by a completed Affidavit in compliance with Ohio Revised Code § 3109.27. (See UCCJA Affidavit Form 2) The Completed Affidavit shall be signed by the party initiating the pleadings or motions and it shall be notarized.

Rule 1.13 Notice of Intent to Relocate

- (A) If a parent desires to move, he/she must notify, in writing, all of the following: the other parent, the Domestic Relations Court, and the Scioto County Child Support Enforcement Agency (CSEA). Notice must be sent within the following time frames:
 - (1) If relocating within Scioto County - at least thirty (30) days in advance of the move.
 - (2) If relocating outside Scioto County - at least sixty (60) days in advance of the move.
- (B) If either parent believes the move will require a change in the Parenting Time order, it is the responsibility of that parent to file a motion to review the Parenting Time order.
- (C) If a parent believes that the move requires a change in residential parent status, that parent may file a motion for change of residential parent or modification of a shared parenting plan, whichever is appropriate.

- (D) This rule shall be read in conjunction with the provisions of Scioto D.R. Rule 6.0, the Court's Standard Order of Parenting Time. No provision of this rule shall be construed to supersede the provisions of Scioto D.R. Rule 6.0.

Rule 1.14 Withdrawal of Counsel

Attorneys seeking to withdraw from a case shall present a motion and entry to the judge or magistrate assigned to the case in accordance with the Code of Professional Responsibility. The motion shall state the reasons for withdrawal and the entry must contain a certificate of service upon both the opposing party and the withdrawing attorney's client.

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

Rule 1.15 Court-Appointed Counsel

- (A) When it appears to the Court that a Respondent in a contempt proceeding is indigent and has not waived his, or her right to counsel, the Court shall appoint an attorney to represent the Respondent.
- (B) When it appears to the Court that an appropriate and eligible party in a Parentage action is indigent and has not waived his, or her right to counsel, the Court shall appoint an attorney to represent that party.
- (C) A Respondent requesting court-appointed counsel must return a notarized and completed Affidavit of Indigency Form 3 as required by the Ohio Public Defender's Office to the Court for eligibility determination no later than three (3) days prior to any previously scheduled hearing in which the Respondent may be entitled to representation by counsel. Failure to return a notarized and completed Affidavit of Indigency no later than three (3) days prior to hearing may be considered by the Court as a waiver of counsel unless good cause is shown as to the reason for the delay.
- (D) All counsel appointed by the Court shall be paid for their services by the County as provided herein. Payment for assigned services shall only be made in accordance with the procedures and policies approved and adopted by the County Commissioners pertaining to appointment of counsel for indigent defendants.

Rule 1.16 Child Support Calculation Filing Requirements

- (A) All original filings for divorce, annulment, legal separation, or dissolution shall be accompanied by a completed child support calculation sheet which substantially complies with the provisions of Ohio Revised Code

Section 3119.02 *et seq.* if there are minor children involved, unless the parties are still living in the same household.

- (B) All motions requesting modification of child support shall also be accompanied by a completed child support calculation sheet reflecting the movant's proposed modified child support obligation.
- (C) All calculation sheets shall be signed by the person who prepared it. All calculation sheets shall also be signed by the party, or parties submitting it and the signatures shall be notarized.
- (D) If both the income of a party and his or her employment is unknown, a statement must be submitted that the information necessary to complete the calculation sheet cannot be obtained by reasonable means.

Rule 1.17 Title IV-D Application

The obligee of a child support order shall complete an Application for Title IV-D Services Form 4 whenever a child support obligation is sought. The IV-D application shall be submitted contemporaneously with the complaint for divorce, answer, answer and counterclaim, complaint for legal separation, or petition for dissolution of marriage. A IV-D application shall also be filed by the obligee with any post-decree child support or health insurance motions. Only one (1) original is required.

Rule 1.18 Financial Disclosure

(A) Requirements for Initial Pleadings

- (1) The plaintiff shall file a completed Financial Disclosure Form 5 with the complaint for divorce, annulment, or legal separation. This form shall be served upon the defendant along with the complaint.
- (2) The defendant shall file a completed Financial Disclosure Form 5 with the answer. This form shall be served upon the plaintiff along with the answer.
- (3) Petitioners for Dissolution shall each file a completed Financial Disclosure Form with the Petition for Dissolution and the Separation Agreement.
- (4) The requirements regarding the filing of a Financial Disclosure Form may not be waived by agreement of the parties, but may be waived by leave of Court.
- (5) All Financial Disclosure Forms shall be signed and notarized.

(B) Requirements for Motions

- (1) In all cases in which a Financial Disclosure Form has not been filed or updated within the last six (6) months, the movant shall attach a completed Financial Disclosure Form to all motions which concern spousal support, child support, payment of expenses or any other

financial issue. The only exception to this requirement is the filing of a Motion for Contempt for non-payment of support when that is the only issue to be determined.

- (2) The party responding to the motion shall file a completed Financial Disclosure Form at least three (3) days prior to the hearing date.
- (3) All Financial Disclosure Forms shall be signed and notarized.

(C) **Character and Effect of Financial Disclosure Form Information**

- (1) The information contained in the Financial Disclosure Forms shall be treated as though it was obtained in answer to questions propounded by the Court and shall be subject to cross examination.

ARTICLE 2: GENERAL PROCEDURES

Rule 2.01 Mandatory Disclosure

- (A) Within sixty (60) days of the filing of an answer to a Complaint for Divorce each party shall disclose to the other all of the following:
 - (1) The identity of all pension, profit sharing, and retirement benefits, including IRA's.
 - (2) All COBRA benefits to which the other party may be entitled.
 - (3) Copies of all real estate deeds and vehicle titles.
 - (4) Copies of the last three (3) years income tax returns.
 - (5) Documentary proof of current income from all sources.
 - (6) Copies of the most recent statements on all bank accounts, mortgages, credit card accounts and other debts.
- (B) Failure to comply with this rule may result in sanctions pursuant to Civil Rule 37, including a contempt citation, dismissal of claims, and restrictions upon the submission of evidence.

Rule 2.02 Mutual Restraining Order

- (A) In all divorce cases, at the time the initial Complaint is filed, the Court shall issue an order restraining both parties from:
 - (1) Threatening, abusing, annoying, or interfering with the other party or the parties' child(ren);

- (2) Creating or incurring debt (such as a credit card) in the name of the other party or in the parties' joint names or cause a lien or loan to be placed against any of their real or personal property;
 - (3) Selling, disposing of, or dissipating any asset, real or personal property, including without limitation: bank accounts, tax refunds, and money (other than regular income) of either party or a child;
 - (4) Removing household goods and furniture from the marital residence without approval of the court or other party;
 - (5) Changing or failing to renew the present health, life, home, automobile or other insurance coverage; remove the other party as beneficiary on any life, health, or retirement benefits without further order of this court;
 - (6) Changing or establishing a new residence for the parties' minor children without the written consent of the other party or permission of the Court;
 - (7) Claiming the children as dependents on any income tax return without approval of the court or other party.
- (B) The above restraining order shall not prevent the payment of ordinary and necessary business and living expenses. These restraints shall be imposed by the Court's standard Mutual Restraining Order Form 6 which shall be accepted by Plaintiff upon filing the complaint and shall be served upon Defendant along with summons. Upon Plaintiff's filing of a complaint, Plaintiff is deemed to have notice of the Mutual Restraining Order.

Rule 2.03 Admissibility of Documents

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

- (A) If that document was provided to opposing counsel at least fourteen (14) days before the hearing, and
- (B) The party opposing introduction of the document into evidence has not filed a written objection to the introduction of the document at least seven (7) days before the hearing, setting forth the particular objection raised.

Rule 2.05 Evidence in Support of Attorneys Fees

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

- (1) It is supported by an affidavit from the moving party and his/her attorney. Such affidavit must contain an itemized statement describing:
 - (a) the services rendered;
 - (b) the time for such services;
 - (c) the requested hourly rate for in-court and out-of-court time.
- (2) It is submitted to opposing counsel within seven (7) days after trial and no written objection is filed.

Rule 2.06 Final Hearings, Exhibits and Witnesses

- (A) All hearings on all pending and post-decree matters shall commence promptly on the date assigned. Before the hearing begins, each party shall provide the Court with the following:
 - (1) All documents and exhibits intended to be introduced into evidence must be marked for identification and copies provided to opposing counsel fourteen (14) days prior to the day of trial. Plaintiff's exhibits shall be identified with numbers and Defendant's exhibits shall be identified with letters. Counsel for each party shall provide to the Court the day of trial, a typed list of exhibits to be offered.
 - (2) If child support or spousal support is an issue, each party shall provide opposing counsel, and the Court, seven (7) days prior to the day of trial, financial income documentation which shall include their complete federal income tax return for the prior year, all W-2 Forms for the previous tax year, paycheck stubs for the previous three (3) months, and bank or other financial statements for the last six (6) months that reflect the balance of any deposits/investments and any interest or dividend income.
 - (3) In ALL cases where child support is at issue, each party shall also provide opposing counsel, and the Court, fourteen (14) days prior to the day of trial, a brief statement containing the following information:
 - The party's tax filing status;
 - The party's current marital status;
 - Any itemized deductions, including amounts, which have been, or will be claimed for tax purposes;
 - Types of payroll taxes, if any (including, but not limited to social security, or government pensions)
 - (4) If motions regarding payment of, or reimbursement for medical expenses are at issue the movant shall provide opposing counsel copies of all bills in question prior to trial. Further, the Movant shall provide opposing counsel and the Court an itemized and

chronological list of all bills for which payment is requested, the name and address of each health care provider, the date of service, the nature of the service provided, and the name and date of birth of the person who received services. Documentation provided shall state all amounts that have been paid by insurance companies, the balances remaining and the amount sought to be reimbursed.

- (5) The names and addresses of prospective lay and expert witnesses shall be provided to opposing counsel or an unrepresented party fourteen (14) days prior to the day of trial. Counsel for each party or an unrepresented party shall provide to the Court the day of trial a typed list of all witnesses expected to be called to testify.
- (B) Failure to comply with this rule may result in documents and exhibits not being admitted into evidence or witnesses not being permitted to testify.
- (C) The above items shall be prepared in advance. Parties shall provide all copies and exhibit labels. Domestic Relations Court copy machines are not to be used to comply with this rule. The Court may, upon its own motion, impose sanctions for violation of this rule.
- (D) If hospital records are desired from the adverse party, counsel will make a written request upon opposing counsel at least fourteen (14) days prior to trial. If counsel upon whom the demand is made considers the demand unduly onerous or unjust, upon application, the Court may require the expense of procuring the same to be paid all or in part, by the party making the request.
- (E) No physician shall be subpoenaed or called as a witness to testify in any proceedings, either personally or by deposition without prior conference with the attorney calling him concerning the subject of his testimony. Said attorney shall make arrangements for notifying the physician of the approximate time his appearance will be required at a hearing either by telephone or other personal contact.

Rule 2.07 Decrees and Judgment Entries; Mandatory Language

(A) General

Decrees and agreed orders shall provide the following:

- 1) Full names of parties;
- 2) Current addresses of parties;
- 3) Social security numbers;
- 4) Dates of birth;
- 5) Identity of employer, payroll address, and pay cycles; [or identity and

address of financial institution and account number]; and Health insurance information including medical, dental, and optical coverage.

(B) Copies to the Court for Filing

Sufficient copies to the Court in compliance with Scioto DR Rule 1.07 must be provided for processing and filing.

(C) Child Support Language

Child support provisions shall provide the following:

- 1) Monthly amount per child rounded to nearest dollar;
- 2) Effective date;
- 3) If arrearages present, monthly amount of payment;
- 4) Whether support is to be continued beyond child's nineteenth (19th) birthday or any other reason for termination as provided in R.C. 3119.86 and 3119.88; and
- 5) Payments may be made through either the local Ohio Department of Jobs and Family Services in person at 710 Court Street, Portsmouth, Ohio 45662, or by mail through the Office of Child Support, Ohio Child Support Payment Central (OCSPC), P.O. Box 182394, Columbus, OH 43218-2394 by cash, certified check, or money order, plus the two percent (2%) processing charge until such time as said amounts are withheld by the withholding notice.

(D) Spousal Support Language:

Spousal support provisions shall provide the following:

- 1) Monthly amount rounded to nearest dollar;
- 2) Effective date;
- 3) Duration of the obligation;
- 4) Grounds for termination; e.g., death, remarriage;
- 5) Whether continuing jurisdiction is retained and under what conditions;
- 6) If arrearages are present, monthly payment on arrearage;
- 7) Payments may be made through either the local Ohio Department of Jobs and Family Services in person at 710 Court Street, Portsmouth, Ohio 45662, or by mail through the Office of Child Support, Ohio Child Support Payment Central (OCSPC), P.O. Box 182394, Columbus, OH 43218-2394 by cash, certified check, or money order, plus the two percent (2%) processing charge until such time as said amounts are withheld by the withholding notice.
- 8) Exception to spousal support withholding requirement:

- (a) In a case in which spousal support is the only support ordered,

the parties may by agreement, with the court's permission, waive payment of the spousal support through the Ohio Child Support Payment Central (OCSPC), or the local CSEA. The parties must provide an independent record of payments, such as electronic transfers, automatic bank withdrawals or other method approved by the court.

(E) **Withholding Notice Language.** Decrees and agreed orders shall provide for the appropriate notice to withhold as required under R.C. 3121.03, 3121.04, and 3121.08 and shall identify the source of the withholding.

(F) **Mandatory Support Order Language** (Use of all these paragraphs--last paragraph should be in bold face and capital letters.)

“All support under this order shall be withheld or deducted from the income or assets of the obligor pursuant to a withholding or deduction notice or appropriate order issued in accordance with Chapter 3119, 3121, 3123, and 3125 of the Revised Code or a withdrawal directive issued pursuant to Sections 3123.24 to 3123.28 of the Revised Code and shall be forwarded to the obligee in accordance with Chapters 3119, 3121, 3123, of the Revised Code.

IT IS FURTHER ORDERED that obligor is restrained from making said payments directly to the obligee and the obligee is enjoined from accepting direct payments from the obligor. Any payments of support not made through the local CSEA, or OCSPC shall be deemed a gift.

IT IS FURTHER ORDERED that obligor and obligee notify the CSEA immediately, in writing, of their current mailing address, current residential address, current residence telephone number and current driver license number. This duty to notify the CSEA immediately of any change in addresses, phone numbers or driver's license numbers shall continue until further notice of the court.

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

IT IS FURTHER ORDERED that the obligor and obligee shall notify the CSEA immediately, in writing of any change in the status of the minor children of the parties which would terminate the duty of obligor to pay child support.

IT IS FURTHER ORDERED that the obligor and obligee shall notify the other party immediately, in writing, of any change in status which would affect child support and/or spousal support.

IT IS FURTHER ORDERED that if the obligee is to receive spousal support from the obligor, the obligee shall notify the CSEA immediately, in writing, of remarriage if the remarriage would terminate the obligation to pay spousal support.

EACH PARTY TO THIS SUPPORT ORDER MUST NOTIFY THE CHILD SUPPORT ENFORCEMENT AGENCY IN WRITING OF HIS OR HER CURRENT MAILING ADDRESS, CURRENT RESIDENCE ADDRESS, CURRENT RESIDENCE TELEPHONE NUMBER, CURRENT DRIVER'S LICENSE NUMBER, AND OF ANY CHANGES IN THAT INFORMATION. EACH PARTY MUST NOTIFY THE AGENCY OF ALL CHANGES UNTIL FURTHER NOTICE FROM THE COURT OR AGENCY, WHICHEVER ISSUED THE SUPPORT ORDER. IF YOU ARE THE OBLIGOR UNDER A CHILD SUPPORT ORDER AND YOU FAIL TO MAKE THE REQUIRED NOTIFICATIONS, YOU MAY BE FINED UP TO \$50 FOR A FIRST OFFENSE, \$100 FOR A SECOND OFFENSE, AND \$500 FOR EACH SUBSEQUENT OFFENSE. IF YOU ARE AN OBLIGOR OR OBLIGEE UNDER ANY SUPPORT ORDER ISSUED BY A COURT AND YOU WILLFULLY FAIL TO GIVE THE REQUIRED NOTICES, YOU MAY BE FOUND IN CONTEMPT OF COURT AND BE SUBJECTED TO FINES UP TO \$1,000 AND IMPRISONMENT FOR NOT MORE THAN 90 DAYS.

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

(G) **Health Care Provision.** Decrees and agreed orders related to child support shall contain a provision in accordance with R.C. 3119.30 that one or both of the parties shall provide health care coverage for any minor child or, if not available to either party at a reasonable cost, a provision requiring that coverage be obtained if it subsequently becomes available to either party at a reasonable cost. Specific language as follows shall be included:

If the person required to obtain health care insurance coverage for the children subject to this child support order obtains new employment and the health insurance coverage for the children is provided through the previous employer, the agency shall comply with the requirements of 3119.43 to 3119.44 of the Revised Code which may result in the issuance of a notice requiring the new employer to take whatever action is necessary to enroll the children in health care insurance coverage provided by the new employer.

- (H) **Parentage.** If the issue of a child's parentage has been raised by either party or the court, then the decree shall make the appropriate finding of paternity or non-paternity. The decree should identify the child by name and date of birth and should indicate whether the child was born during or prior to the marriage and how parentage has been determined, e.g., genetic testing, agreement, acknowledgment, adoption, or prior marriage. It should also direct the Ohio Department of Health to create a corrected birth record if ordered.
- (I) **Court Costs.** Decrees and agreed orders shall designate which party shall pay court costs. In the event costs are to be shared, percentages are to be identified with each named party. The provision allocating court costs shall require payment upon filing, unless otherwise provided by the court, and shall direct payment to the Clerk of Courts.
- (J) **Final Appealable Orders.** Any decree or post-decree agreed order shall be denoted as a Final Appealable Order directly beneath signatures as follows:

NOTICE OF FINAL APPEALABLE ORDER

Copies of the foregoing Entry and Order, which may be a final appealable order, were mailed to counsel of record and/or the parties indicated below, on the date indicated below by ordinary mail.

MILDRED THOMPSON, Clerk of the Common Pleas Court

_____, Deputy Date: _____

1. ____

Rule 2.08 Motion Practice

- (A) **Content of Motions**

All motions shall identify the Judge or Magistrate who is assigned to the case. All pleadings shall contain the names, addresses, dates of birth and social security numbers of both parties, as well as the phone number of any party not represented by counsel. Motions shall specify which child, or children are at issue.

(B) Motions to Modify

- (1) All motions to modify prior orders of the Court shall contain a statement of the order sought to be modified, the nature of the modification sought, and the specific change in circumstances which justifies modification. Motions to modify child support orders shall be accompanied by completed child support calculation sheets according to Scioto D.R. Rule 1.16.
- (2) Any party filing a motion to modify child support in a case where administrative review and adjustment proceedings are pending shall serve a copy of the motion on the Scioto County CSEA by ordinary mail.

(C) Motions for Lump Sum Judgment

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

(D) Motions Regarding Health Care Expenses

- (1) All motions regarding payment of, or reimbursement for medical expenses shall contain an itemized and chronological list of all bills for which payment is requested, the name and address of each health care provider, the date of service, the nature of the service provided, and the name and date of birth of the person who received services. The motion shall state all amounts that have been paid by insurance companies, the balances remaining and the amount sought to be reimbursed. Payment Explanation of Medical Expenses Form 7 shall be submitted to the Court prior to hearing containing this information.
- (2) The motion shall also contain an assurance that the movant has previously forwarded the medical bills to the respondent and that payment has been refused.

(E) Motions in Contempt

Any motion to show cause (for Contempt) shall clearly state:

- 1) **Order Violated:** Each provision of a prior court order with which the party has failed to comply;

- 2) **Facts Alleged:** The facts constituting the violation;
- 3) **Affidavit:** The Motion shall be supported by an Affidavit signed by the party.
- 4) **Notice:** Every summons issued with a show cause motion shall include a Notice satisfying R.C. § 2705.031 [see Notice Form 8]
- 5) **Order to Show Cause:** Every Motion to Show Cause shall be filed with an "Order to Show Cause" [See Order to Show Cause Form 9]
- 6) **Motions for Nonsupport:** When a Motion alleges failure to comply with a support order it is the responsibility of the moving party to compel the attendance of a witness from the CSEA to provide a payment history.
- 7) **Attorney Fees:** Upon a finding of contempt the Court may award a standard attorney fee of \$350.00. If a higher award is sought, the attorney must request fees as part of the motion and comply with Scioto D.R. Rule 2.05.

(F) **Failure to Conform to Rule**

The Court may dismiss, on its own motion, any motion which does not comply with the provisions of this rule.

Rule 2.09 Agreed Entries

(A) **In General**

Whenever the parties, or their counsel inform the Court that they have reached an agreement on an issue previously in controversy, they shall submit an agreed entry to the Court within three (3) weeks of the original hearing date. Failure to submit an agreed entry within three (3) weeks may result in dismissal of the pending issues on the Court's own motion, subject to refile by the movant. The Court shall refuse to approve agreements which are not in the best interests of the parties, or the children. Final approval of all agreed entries rests within the sound discretion of the Court.

(B) **Shared Parenting Agreements**

In all cases in which the parents agree upon shared parenting, both parties shall sign and file the shared parenting plan, completed child support calculation sheets and affidavit in compliance with ORC§3109.27, all in compliance with the provisions of the Scioto County D.R. Rules prior to final hearing. The plan must include the following terms and provisions:

- (1) The physical living arrangements for the children and a statement that each parent shall be the residential parent when the child/ren are in his, or her care;

- (2) The amount of child support to be paid and all mandatory language required by Scioto D.R. Rule 2.07(B);
- (3) A provision for medical and dental care, including an order for maintenance of health insurance;
- (4) A provision for decisions regarding school placement;
- (5) A specific schedule of parenting time with each parent, including a statement as to the parent with whom the child/ren will be physically located during legal holidays, school holidays, and other dates of special importance;
- (6) If it is necessary for school or public assistance purposes, a designation of legal custodian;
- (7) A provision allocating the rights of the parents to claim the child/ren as tax exemptions;
- (8) A provision pertaining to filing a Notice of Intent to Relocate pursuant to the provisions of these rules

(C) **Agreed Modifications of Parental Rights and Responsibilities**

- (1) All changes in allocation of parental rights and responsibilities shall be initiated by the filing of an appropriate motion.
- (2) Agreements modifying parental rights shall address all issues relevant to the children including, but not limited to: physical custody, support, Parenting Time, health care, medical insurance and tax exemptions.
- (3) Approval of all agreed modification of parental rights and responsibilities are subject to final approval by the Court. Final approval shall always rest within the Court's sound discretion.

Rule 2.10 Court Appointment of Valuation Experts

- (A) **When Used.** Whenever the value of an asset is in dispute, the Court, may, upon motion of either party or upon the Court's own motion and for good cause shown, appoint an expert for the purpose of appraisal.
- (B) **Content of Order.** The order of appointment shall state specifically the property to be valued, the name of the expert, the allocation of any costs or fees, and what advancement, if any, is to be made to the expert. The order shall state that the parties are to cooperate fully with the expert.
- (C) **Expert's Fees.** The Court, in its discretion, shall allocate the responsibility for the payment for services of the expert to one or both of the parties. The issue of ultimate responsibility for the entire cost of the expert's services may be reserved for final hearing. The parties shall have the opportunity at the trial to examine the expert on the issue of the cost of services.

ARTICLE 3: GUARDIAN AD LITEM

Rule 3.01 Appointment

Upon motion of the Court, or either party, the Court shall appoint a Guardian Ad Litem to protect the best interests of the child/ren in accordance with Ohio Revised Code §3109.04.

Rule 3.02 Role of Guardian Ad Litem

The Guardian Ad Litem is to gather and assess all available, relevant information regarding the child, all relevant parties and people having an effect, or influence in the child's life. Further, the Guardian Ad Litem is to submit final recommendations to the Court regarding the issues before the Court involving the child/ren. The recommendation will focus on the best interests of the child/ren.

Rule 3.03 Duties

- (A) The Guardian Ad Litem shall exercise his or her duties taking into consideration the ages of the child/ren and the specific circumstances of each case.
- (B) The Guardian Ad Litem **may**:
 - (1) Interview each child and observe each parent with the child/ren.
 - (2) Consult with attorneys involved in the case.
 - (3) Investigate and interview all relevant persons.
 - (4) Obtain school, medical, psychological, protective agency and criminal records.
 - (5) Testify, upon the request of either party, or the Court, and subpoena and examine witnesses.
- (C) The Guardian Ad Litem **shall**:
 - (1) Review all relevant pleadings.
 - (2) Determine the reasoning ability of the child/ren and determine whether interviewing the minor child/ren would be appropriate.
 - (3) Attend all relevant proceedings, including, but not limited to hearings and depositions, unless excused in writing by the Court.
 - (4) Prepare a report and recommendation and submit the same to the Court at least seven (7) days prior to trial.

Rule 3.06 Fees

- (A) It is expected that an appointed Guardian Ad Litem will be compensated for the reasonable time expended on behalf of the appointment
- (B) The party requesting a Guardian Ad Litem shall deposit \$500.00 with the Clerk of Courts to secure payment of the Guardian Ad Litem's fees.
- (C) The standard fee to be paid the Guardian Ad Litem for services rendered shall be \$500.00. In extraordinary cases, the Court may increase the fee to

- be paid the Guardian Ad Litem and assess payment of the fee over and above the \$500.00 deposit as court costs.
- (D) At the conclusion of the *Guardian Ad Litem*'s service, the *Guardian Ad Litem* shall submit an appropriate Motion and Entry to the Court for payment of services. Thereafter, the Court shall make a finding whether the *Guardian Ad Litem* has satisfactorily completed his, or her duties and the Court shall order the Clerk to release the \$500.00 deposit as payment for all services rendered by the *Guardian Ad Litem*.
 - (E) The Court specifically reserves the right to order both parties to make a contribution to the initial deposit of the *Guardian Ad Litem* and reserves the right to apportion the final expense of the *Guardian Ad Litem* in any manner it deems fit.

ARTICLE 4: MAGISTRATE PROCEDURES

Rule 4.01 Magistrate Hearings

Magistrates shall be appointed in accordance with Civil Rule 53, and shall have all powers conferred by said Rule. Magistrates hear all matters referred by the Judge.

Rule 4.02 Decisions and Orders by Magistrates pursuant to Civil Rule 53

- (A) **Magistrate Orders.** Magistrates may enter orders, without judicial approval in pretrial proceedings under Civil Rule 16, in discovery proceedings under Civil Rules 26 to 37, temporary restraining orders under Civil Rule 75(H), in hearings under Civil Rule 75(M) and may make such other orders as are necessary to regulate the proceedings. All orders of the Magistrate shall be in writing and signed by the Magistrate. The order shall be captioned and identified as a "Magistrate Order". The Court shall journalize the Magistrate Order pursuant to Civil Rule 53(C)(3)(e) and the Clerk of Courts shall mail a copy of the Decision to all parties and/or counsel.
- (B) **Objections to Magistrate's Orders:** Either party may appeal to the Court from an Order of a Magistrate by filing a motion to set the order aside which shall state the party's objection with particularity. This motion shall be filed no later than ten (10) days after the Magistrate Order is entered. The pendency of such a motion shall not stay the effectiveness of the Magistrate Order unless the Magistrate or the Court grants a stay.
- (C) **Magistrate's Decision:** The Magistrate shall prepare a "Magistrate's Decision" based upon the evidence and testimony from witnesses submitted. The Court shall journalize the Magistrate's Decision pursuant to Civil Rule 53(E)(4)(c) and the Clerk of Courts shall mail a copy of the Decision to all parties and/or counsel. The timely filing of written objections operate as an automatic stay of execution of the judgment

pursuant to Civil Rule 53(E)(3) until the Court disposes of the objections, or issues an order otherwise lifting such a stay.

- (D) **Magistrate Decision and Interim Orders.** If the Court makes an Interim Order, pursuant to Civil Rule 53(E)(4)(c), the Interim Order shall remain in effect for twenty-eight (28) days from the date of its entry. The timely filing of written objections does not operate as an automatic stay of execution of the Interim Order, until the Court disposes of the objections. An interim order shall not extend more than twenty-eight (28) days from the date of its entry unless, within that time and for good cause shown, the Court extends the interim order for an additional twenty-eight (28) days.
- (E) **Objections to Magistrate's Decisions.**
- (1) A decision of a Domestic Magistrate may be reviewed by the assigned Judge of this Court by filing an objection in accordance with Rule 53 of the Ohio Rules of Civil Procedure with the Clerk. The party filing an Objection shall submit a copy of said Objection to the Court within seven (7) days of filing.
 - (2) The objection should be accompanied by supporting memorandum. If a finding of fact or weight of the evidence is part or all of the basis for objection, a transcript of the testimony is necessary to support the objection to the Magistrate's decision and must be filed with the Court.
 - (3) The request and deposit for said transcript shall be submitted to the proper court reporter within three (3) days after the filing of said objections. The cost of same shall be as the Court shall from time to time determine at a per page amount. At the time a transcript is ordered, the ordering counsel or party shall arrange for payment to the proper official Court Reporter. An advance deposit shall be posted with the Court Reporter by the ordering counsel or party, with the balance due prior to delivery of a copy or the filing of an original with the Court.
 - (4) All original transcripts shall be filed by the Official Court Reporter with the Clerk of Courts and shall thereby become part of the official record of the case. A copy will be provided to the ordering party, upon request, at a cost which shall be determined by the Court.
 - (5) Failure to file a transcript when one is required by this Rule is a basis for dismissal of the objection.
 - (6) Memoranda contra objections may be filed by any party within ten (10) days of the filing of said objections.

ARTICLE 5: SPECIAL ACCOMODATIONS

Rule 5.01 Disabled Persons

Any person who requires special accommodations because of a handicap or disability shall notify the Court of his or her special requirements at least ten (10) days before a scheduled court appearance. The Court shall comply with all reasonable requests for assistance.

ARTICLE 6: PARENTING TIME AND CUSTODY ISSUES

Rule 6.00 Standard Parenting Time Order

(A) Preface

Children require the continued and regular involvement of both parents despite the termination of a relationship. No standard Parenting Time schedule can possibly meet the needs of every parent-child relationship and therefore the Court encourages parties to submit agreements of parenting times which will meet their specific circumstances.

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” following divorces are those families which maintain lower levels of conflict. The absence of conflict is just as important as the amount of time either parent spends with the child.

The Court adopts this Standard Parenting Time Schedule in the hopes that it is unnecessary. It is only when the parents cannot agree that the Court will require the provisions of this Standard Parenting Time Schedule to be utilized. In such cases where the parents cannot agree to parenting times, the Court’s Standard Parenting Time Schedule will be considered controlling and the Court encourages the parties to minimize conflicts as much as possible. Specific items in the Journal Entry take precedence over this schedule. This schedule in no way affects support obligations or payments.

When a journal entry or divorce decree confers “the right of reasonable Parenting Time” upon the non-residential parent, this rule shall be considered incorporated by reference and made a part of the entry or decree. Attorneys shall provide copies hereof to clients involved in any child custody/Parenting Time litigation.

(B) Types of Parenting Times

Careful consideration has been given to fostering Parenting Time between the child(ren) and the non-residential parent after the parents terminate their relationship. The frequency of contact depends upon a multitude of factors, but the two most important factors considered by the Court are the age of the child and the distance between the respective homes of the parents. The Court has divided and established three distinct schedules according to travel time/distance and each schedule is further detailed according to the child’s age.

- (1) **Schedule A (LOCAL):** The Local schedule is applicable to those situations where the parties live relatively near to each other, (i.e. one way driving time of approximately 1 hour, or approximately within a 60 mile radius).
- (2) **Schedule B (REGIONAL):** The Regional schedule is applicable to those situations where the parents reside over 1 hour away (one way) to approximately 2 ½ hours away (one way), (approximately 61-150 miles away).

- (3) **Schedule C (LONG DISTANCE):** The Long Distance schedule is applicable to those situations where the parents reside over 2 ½ hours away (one way), (approximately beyond 151 miles).

(C) **The Basic Principles for each Age Division for each Schedule are as follows:**

(1) Birth - Five Years:

- Particularly with very young children, the more frequently the non-residential parent sees the child(ren), 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 child, short periods of parenting time must precede extended periods.
- With children over the age of 3 months, and particularly with children in the preschool years, more overnight time may be appropriate, subject to the temperament of the child and the circumstances of each family.
- The Court recognizes the difficulties of non-residential parents living great distances from very young children. However, at an extremely early developmental age, the non-residential parent will necessarily be expected to bear a greater burden in attempting to establish and maintain the parent-child relationship.

(2) Six - Eleven Years:

- Elementary school age children can adapt to longer periods of separation from their principal caretakers than younger children.
- The needs of the 6-11 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. It may, therefore, be necessary to simplify other aspects of a child's life, e.g. by reducing the number of outside activities.
- The Court recognizes that non-residential parents living greater distances from their children should begin to have more frequent and longer contact with the child away from the primary caretaker, assuming the non-residential parent has established an appropriate relationship with the child. This requires a shift of more responsibility and flexibility on the part of the primary caretaker (residential parent) in encouraging and facilitating Parenting Time.

(3) Age Twelve - Teenage years:

- Parents should respect a teenager's need to spend time with peers and in organized activities, and less time with each parent, especially during weekends and summer holidays. Quality of time is more important than a rigid schedule. Flexibility in scheduling is necessary.

Despite these divisions, the primary goal is to maintain parental involvement between the non-residential parent and the child(ren). Optimistically, the parties would establish as much flexibility as possible to accommodate each other. However, where that is not possible, these schedules provide for MINIMAL parental contact. For the best interests of the child(ren) parents are encouraged to establish additional parenting times for the non-residential parent.

(D) **Parenting Time Schedules**

- (1) **Schedule A (LOCAL):** The non-residential parent shall have Parenting Time as follows:

- (a) Age: Birth-3 Months: Frequent short visits in the baby's home, unless otherwise specified. If the residential parent is not employed outside the home, daily from 6:00 p.m. until 8:00 p.m.. If the residential parent is employed outside the home, every other day from 6:00 p.m. until 8:00 p.m. The non-residential parent may take the child out for walks or drives if sleeping and feeding are provided for.

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- (b) Age: 3 Months-3 years: Frequent shorter visits per agreement, or, Tuesday and Thursday evenings from 5:30 p.m. until 8:00 p.m. One day every weekend, alternating Saturday/Sunday from 10:00 a.m. until 6:00 p.m. *(Beginning at 12 months, the Saturday Parenting Time will begin on Friday at 6:00 p.m. and extend through Saturday at 6:00 p.m.

	MON.	TUES.	WED.	THURS.	FRI	SAT.	SUN.
WEEK 1		X		X			D
WEEK 2		X		X		D*	
WEEK 3		X		X			D
WEEK 4		X		X		D*	

X=Evenings
D=10:00 a.m. to 6:00 p.m.

- (c) Age: 3-5 years: Tuesday and Thursday evenings from 5:30 p.m. until 8:30 p.m. plus a rotating four week schedule as follows:

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

	MON.	TUES.	WED.	THURS.	FRI	SAT.	SUN.
WEEK 1		X		X	O		
WEEK 2		X		X		O	
WEEK 3		X		X	O	O	
WEEK 4		X		X			

X=Evenings
O=Overnights

- (d) Age: 6- 11 years: Alternate weekends from Friday evening at 6:00 p.m. until Monday morning before school, or summer care. Non-residential parent responsible for getting child to school on Monday mornings as part of their alternate weekend. Plus, overnight on the Thursday evening following that weekend from 6:00 p.m. to before school, or summer care, with non-residential parent responsible for getting child to school on Friday and from 6:00 p.m. to 8:00 p.m. on the following Tuesday evening.

	MON.	TUES.	WED.	THURS.	FRI	SAT.	SUN.
WEEK 1		X			O	O	O
WEEK 2				O			
WEEK 3		X			O	O	O
WEEK 4				O			

X=Evenings
O=Overnights

- (e) Age: 12-18 years: Tuesday and Thursday evenings from 5:30 p.m. until 8:30 p.m. Plus, a rotating four week schedule as follows:

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- Week 1: Friday 6:00 p.m. until Saturday at 6:00 p.m.
- Week 2: Saturday 6:00 p.m. until Sunday at 6:00 p.m.
- Week 3: Friday 6:00 p.m. until Sunday at 6:00 p.m.
- Week 4: Residential parent’s weekend.

	MON.	TUES.	WED.	THURS.	FRI	SAT.	SUN.
WEEK 1		X		X	O		
WEEK 2		X		X		O	
WEEK 3		X		X	O	O	
WEEK 4		X		X			

X=Evenings
O=Overnights

(2) **Schedule B (REGIONAL):** The non-residential parent shall have Parenting Time as follows:

- (a) Age: Birth-3 Months: Same as Schedule A
- (b) Age: 3 Months-3 years: Frequent shorter visits per agreement, or, Tuesday evenings from 5:30 p.m. until 7:30 p.m. One day every weekend, alternating Saturday/Sunday from 10:00 a.m. until 6:00 p.m. *(Beginning at 12 months, the Saturday Parenting Time will begin on Friday at 6:00 p.m. and extend through Saturday at 6:00 p.m.

	MON.	TUES.	WED.	THURS.	FRI	SAT.	SUN.
WEEK 1		X					D
WEEK 2		X				D*	
WEEK 3		X					D
WEEK 4		X				D*	

X=Evenings
D=10:00 a.m. to 6:00 p.m.

(c) Age: 3-5 years: Tuesday evenings from 5:30 p.m. until 7:30 p.m. plus alternate weekend overnight Parenting Time as follows:

- Week 1: Friday 6:00 p.m. until Saturday at 6:00 p.m.
- Week 2: Saturday 6:00 p.m. until Sunday at 6:00 p.m.
- Week 3: Friday 6:00 p.m. until Sunday at 6:00 p.m.
- Week 4: Residential parent’s weekend.

	MON.	TUES.	WED.	THURS.	FRI	SAT.	SUN.
WEEK 1		X			O		
WEEK 2		X				O	
WEEK 3		X			O	O	
WEEK 4		X					

X=Evenings
O=Overnights

- (d) Age: 6- 11 years: Tuesday evenings from 5:30 p.m. until 8:00 p.m. plus alternate weekends from Friday evening at 6:00 p.m. until Monday morning before school, or summer care. Non-residential parent responsible for getting child to school on Monday mornings as part of their alternate weekend.

	MON.	TUES.	WED.	THURS.	FRI	SAT.	SUN.
WEEK 1		X			O	O	O
WEEK 2		X					
WEEK 3		X			O	O	O
WEEK 4		X					

X=Evenings
O=Overnights

- (e) Age: 12-18 years: Tuesday evenings from 5:30 p.m. until 8:30 p.m. Plus, a rotating four week schedule as follows:

Week 1: Friday 6:00 p.m. until Saturday at 6:00 p.m.
 Week 2: Saturday 6:00 p.m. until Sunday at 6:00 p.m.
 Week 3: Friday 6:00 p.m. until Sunday at 6:00 p.m.
 Week 4: Residential parent’s weekend.

	MON.	TUES.	WED.	THURS.	FRI	SAT.	SUN.
WEEK 1		X			O		
WEEK 2		X				O	
WEEK 3		X			O	O	
WEEK 4		X					

X=Evening
O=Overnight

- (3) **Schedule C (LONG DISTANCE):** The non-residential parent shall have Parenting Time at such times and places as the parties may agree, or if no agreement, then no less than as follows:

- (a) Age: Birth-3 Months: The non-residential parent shall be entitled to the same Parenting Time times as listed in Schedule A as restricted herein. However, the Court recognizes the impracticality of a long distance parent exercising such rights. Therefore, the non-residential parent shall be entitled to the same times listed in Schedule A so long as reasonable notice (i.e. twenty-four hours, if possible) is given to the residential parent.
- (b) Age: 3 Months-3 years: Frequent shorter visits per agreement, or, on a four week schedule, one day on both week 1 and week 4 weekends, being Saturday from 10:00 a.m. until 6:00 p.m., provided the child(ren)’s travel time does not exceed three hours one way. The residential parent must be notified at least one week in advance. *(Beginning at 12 months, the Saturday Parenting Time will begin on Friday at 6:00 p.m. and extend through Saturday at 6:00 p.m.). Further, the non-residential parent shall be entitled to any reasonable additional Parenting Time any time the non-residential parent will be in the LOCAL area (as defined in Schedule A) provided the residential parent is notified at

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least 2 days in advance. Absent extraordinary circumstances this additional Parenting Time shall occur.

	MON.	TUES.	WED.	THURS.	FRI	SAT.	SUN.
WEEK 1						D*	
WEEK 2							
WEEK 3							
WEEK 4						D*	

X=Evenings
D=10:00 a.m. to 6:00 p.m.

(c) Age: 3-5 years: Weekend overnight Parenting Time as follows:

Week 1: Friday 6:00 p.m. until Saturday at 6:00 p.m.

Week 2: Residential parent

Week 3: Residential parent

Week 4: Friday 6:00 p.m. until Sunday at 6:00 p.m.

Further, the non-residential parent shall be entitled to any reasonable additional Parenting Time any time the non-residential parent will be in the LOCAL area (as defined in Schedule A) provided the residential parent is notified at least 2 days in advance. Absent extraordinary circumstances this additional Parenting Time shall occur.

	MON.	TUES.	WED.	THURS.	FRI	SAT.	SUN.
WEEK 1					O		
WEEK 2							
WEEK 3							
WEEK 4					O	O	

X=Evenings
O=Overnights

(d) Age: 6- 11 years: A rotating four week schedule as follows:

Week 1: Friday at 6:00 p.m. until Sunday at 6:00 p.m.

Week 2: Residential parent weekend

Week 3: Residential parent weekend

Week 4: Friday 6:00 p.m. until Sunday at 6:00 p.m.

	MON.	TUES.	WED.	THURS.	FRI	SAT.	SUN.
WEEK 1					O	O	
WEEK 2							
WEEK 3							
WEEK 4					O	O	

O=Overnights

(e) Age: 12-18 years: A rotating four week schedule as follows:

Week 1: Saturday at 10:00 a.m. until Sunday at 6:00 p.m.

Week 2: Residential parent weekend
 Week 3: Residential parent weekend
 Week 4: Friday 6:00 p.m. until Sunday at 6:00 p.m.

	MON.	TUES.	WED.	THURS.	FRI	SAT.	SUN.
WEEK 1						O	
WEEK 2							
WEEK 3							
WEEK 4					O	O	

(E) Holiday and Extended Periods of Parenting Time

- (1) **Holiday Parenting Time Schedule:** In odd numbered years, mother has New Year’s Day, Memorial Day, Labor Day, Christmas Eve. In odd-numbered years, father has Martin Luther King’s Day, Easter, 4th of July, Thanksgiving, Christmas Day. In the even numbered years, the schedules are reversed. For any holiday falling on a Thursday or Friday, if a Parenting Time period immediately precedes, or follows the holiday and the holiday Parenting Time is spent with the same parent, there is no need for that parent to return the child(ren) to the other parent that evening and then pick them up the next morning. Other days of special meaning, such as Religious Holidays, etc. should be decided together, written into the Court Order, and alternated as above. These do not have to be made up.
- (2) **Holiday Parenting Time and Overnights:** If a parent is not entitled to parenting time overnight pursuant to the regular Parenting Time Schedule, no overnight parenting time shall be allowed during the Holiday Schedule. In other words, there is no overnight parenting time during holidays for children under age twelve (12) months unless agreed by the parties.

HOLIDAYS	EVEN # YEARS	ODD # YEARS	AS AGREED, OR
New Year’s Eve/Day	Father	Mother	12/30 6:00 p.m.-1/1 6:00 p.m.
Martin Luther King Day	Mother	Father	Sun. 6:00 p.m.-Mon. 6:00 p.m.
President’s Day	Father	Mother	Sun. 6:00 p.m.-Mon. 6:00 p.m.
Easter	Mother	Father	Sat. noon-Sun. 6:00 p.m.
Memorial Day	Father	Mother	Sun. 6:00 p.m.-Mon. 6:00 p.m.
Fourth of July	Mother	Father	9:00 a.m.-9:00 a.m. the next day
Labor Day	Father	Mother	Sun. 6:00 p.m.-Mon. 6:00 p.m.
Halloween	Mother	Father	4:30 p.m.-8:00 p.m.
Thanksgiving	Mother	Father	Wed. 6:00 p.m.-Fri. 6:00 p.m.
Christmas Eve	Father	Mother	12/23 noon-12/24 10:00 p.m.
Christmas Day	Mother	Father	12/24 10:00 p.m.-12/26 6:00 p.m.

Mother's Day	Mother	Mother	10:00 a.m.-7:00 p.m.
Father's Day	Father	Father	10:00 a.m.-7:00 p.m.
Mother's Birthday	Mother	Mother	5:30 p.m.-7:30 p.m.
Father's Birthday	Father	Father	5:30 p.m.- 7:30 p.m.
Child's Birthday (school)	Father	Mother	5:30 p.m.- 7:30 p.m.
Child's Birthday (no school)	Father	Mother	10:00 a.m.-7:30 p.m.

- (3) **Extended Periods of Parenting Time** Under the age of two there will be no extended periods. When a child reaches age two, the non-residential parent shall be entitled to eight (8) weeks of additional time each year herein designated "extended periods of Parenting Time." For children ages 2-5 said extended periods may be exercised in one week increments. After the age of 5 consecutive two week extended periods may be exercised. These extended periods of Parenting Time may be exercised during the summer, the child's spring break from school (every other year), or at any other appropriate time during the year. Extended periods of Parenting Time may also be exercised during the child's school break at Christmas (every other year), but under no circumstances shall the additional extended time commence before December 26 and continue past 6:00 p.m. on December 31. Further, extended periods of Parenting Time shall not interfere with, or conflict with the holiday schedule, unless agreed to by the parties.

The residential parent shall be entitled to two weeks of consecutive time, an extended period of Parenting Time, with the child(ren) each year. Each parent shall notify the other parent, in writing, within a reasonable amount of time prior to exercising extended periods of Parenting Time. In no event shall reasonable notice be given less than thirty days in advance of the date an extended period of Parenting Time is intended to begin. Where there is a conflict between parents as to extended periods of Parenting Time, the schedule of the parent who first gives written notice to the other parent shall prevail..

(F) Conflict between Parenting Time Schedules

- (1) In the event of a conflict, the following is the order of precedence: 1st Holidays; 2nd Extended Periods; 3rd Weekends; and 4th Midweek days. Consistent with Paragraph (E)(2) above this provision does not confer overnight parenting time with children under age twelve (12) months, unless agreed by the parties.
- (2) 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 youngest child may fall for all children at issue, unless otherwise agreed by the parties, or otherwise ordered by the Court.

(G) Miscellaneous Provisions

- (1) **Telephone Contact:** The non-residential parent shall be entitled to telephone each child(ren) twice (2) per week, not to exceed fifteen (15) minutes with each child, if there is more than one child. If there is only one child the time period is twenty (20) minutes.

The non-residential parent shall choose the time and day that the calls will be made within reason. However, the Court strongly encourages cooperation of both parents in setting this time schedule. Where the child(ren) is not available for the call, the residential parent MUST provide a new time within 24 hours when the child will be available. The other parent shall not participate in such calls. The party with whom the child(ren) are residing at the time of the call shall bear any expense associated with telephone calls unless the other parent has given permission to be phoned collect. The child(ren) may call either parent, collect, with the agreement of the parent being called, at any and all reasonable times as the child wishes

- (2) **Extra-curricular activities:** Regardless of where the child(ren) are living, their continued participation in extra-curricular activities, school related, or otherwise, shall continue uninterrupted. It shall be the responsibility of the parent with whom they are residing at the time of the activity to provide physical and economic cost of transportation to these activities. The residential parent/legal custodian shall provide the non-residential parent with notice of all extra-curricular activities, school related, or otherwise, in which the child(ren) participate. Schedules of all extra-curricular activities and the name of the activity leader (including address and telephone number if reasonably available) shall be given to the non-residential parent.
- (3) **Waiting for Parenting Time exchange:** The child(ren) and/or residential parent have no duty to wait for the non-residential parent to arrive for more than thirty (30) minutes. The non-residential parent who is more than thirty (30) minutes late for a particular period of time shall forfeit that period of time. Exception shall be made if, and only if, the tardiness of the non-residential parent is for just cause and the residential parent receives both prompt notification and a reasonable estimated arrival time.
- (4) **Cancellation of Parenting Time period:** The non-residential parent should give twenty-four hour notice to cancel. Any time canceled by the non-residential parent is considered forfeited.
- (5) **Illness:** If a child(ren) is ill, the residential parent should give 24 hour notice, if possible, so appropriate plans can be made. However, if more than one day of any Parenting Time period is missed due to non-emergency and/or non-critical illness, then any missed Parenting Time shall be made up as soon as practicable.
- (6) **Car Seat:** For any and all child(ren) required by law to ride in a car seat, the parents shall transfer the car seat with the child(ren) as Parenting Time exchanges occur.
- (7) **Current address and phone number:** Each parent must keep the other informed of his/her current address and telephone number at all times. Any change of address, or phone number is to be reported to the other parent within 48 hours.
- (8) **Moving:** Upon either parent learning of, or determining that he/she will be moving, whichever occurs first, he/she shall immediately notify the other parent except in those circumstances wherein notice is not required by R.C. 3109.051 (G) and provide the other parent with the moving date, new residence address and telephone number, and such other pertinent information necessary to effectuate a smooth transition for the child(ren). The parents shall attempt, in good faith, to renegotiate an appropriate and beneficial new Parenting Time schedule. However, in the event the parties are unable to do so, the non-residential parent shall, at a minimum, automatically be entitled to Parenting Time under the appropriate schedule as established within this rule, to be determined by distance

between the parties and the child's age until a Court Order modifying Parenting Time is entered. Neither parent may remove the child(ren) from Scioto County or its contiguous Ohio counties and establish residence for them in another county without a court order or an agreement signed by the parents and filed with the Court. This rule shall not be construed to contradict any provision contained in the Court's Local Rules. Specifically, this provision is to be read in conjunction with the provisions of Scioto D.R. Rule 1.13.

- (9) **Access to records:** Both parents shall have access to all medical, dental, optometric, psychiatric and psychological records of the minor child(ren) and may consult with any treating physician, dentist, or other health care provider to the child(ren). Both parents shall execute any authorizations or releases necessary to release these records and documents to the other. Both parents shall retain the authority to consent to any necessary emergency medical treatment for the child(ren). Each parent shall promptly notify each other of any health problems of the child(ren).

Both parents shall have access to the child(ren)'s school records. Both parents shall have the right to participate in parent-teacher conferences, school trips, school programs, and other school activities and events in which parents are invited to participate. The parent receiving the grade card shall give a copy to the other parent within three (3) days of receipt.

Both parents shall have access to baby-sitting, day care, nursery school and/or latchkey records of the child(ren). Both parents shall be entitled to communicate with all physical care providers for the child(ren). Either parent shall execute any authorizations or releases necessary to release the records to the other. Both parents shall have access to all religious records of the child(ren). Both parents shall have the right to participate and attend all religious activities of the child(ren).

- (10) **Clothing:** The residential parent is responsible for providing sufficient, appropriate, clean clothing for every Parenting Time period, based on the lifestyle of the residential parent and the child(ren). If the planned Parenting Time activities require special or unusual clothing needs, the non-residential parent must notify the residential parent at least two (2) days in advance of the Parenting Time period. If the child(ren) does not have the type of clothing requested, the residential parent is under no obligation to comply with the request. All clothing sent by the residential parent must be returned immediately after the Parenting Time period. The non-residential parent is not required to return the clothing washed and cleaned, unless the non-residential parent has Parenting Time with the child(ren) for a period in excess of four (4) days. Additionally, any clothing purchased by the non-residential parent and which the child(ren) are wearing upon their return to the residential parent after Parenting Time, shall be returned, washed and cleaned, by the residential parent to the non-residential parent at the next Parenting Time period.
- (11) **Transportation:** Responsibility for transportation and any associated costs should be decided in advance and a plan written into an Order of the Court. The costs of transportation, in the appropriate case, may be a basis for deviation from the calculation of child support pursuant to the Child Support Guidelines. In the event the parents cannot agree as to who bears the responsibility for transportation of the minor children to and from exchanges, both parties shall be equally responsible for said transportation of the minor children.

(H) ANY KEEPER OF RECORDS WHO KNOWINGLY FAILS TO COMPLY WITH THIS ORDER, OR DIVISION (H) OF SECTION 3109.051 OF THE OHIO REVISED CODE, AND ANY SCHOOL OFFICIAL OR EMPLOYEE WHO KNOWINGLY FAILS TO COMPLY WITH THIS ORDER OR DIVISION (J) OF SECTION 3109.051 OF THE OHIO REVISED CODE IS IN CONTEMPT OF COURT. WILLFUL NON-COMPLIANCE BY A PARENT WITH THIS ORDER MAY RESULT IN A FINDING OF CONTEMPT RESULTING IN THIRTY (30) TO NINETY (90) DAYS INCARCERATION, A \$250.00 TO \$1,000.00 FINE, OR BOTH AND AN AWARD OF THE MOVING PARENT'S ATTORNEY FEES AND COSTS.

Rule 6.01 Interview of Child by Court

- (A) Any interview of a minor child shall be conducted pursuant to Ohio Revised Code § 3109.04 with the best interests of the child/ren in mind.
- (B) All interviews of minor children conducted by the Court shall be scheduled according to the Court's docket at a separate time other than the time the pertinent issue is scheduled for hearing, unless the Judge, or Magistrate assigned to the case decides otherwise.
- (C) A separate Hearing Request Form for an *in camera* interview of a minor child shall be filed to facilitate the scheduling of said interview. Interviews of minor children shall not be scheduled without a proper Hearing Request Form being submitted to the court.
- (D) The parties to custody and parenting time/visitation litigation are strongly encouraged NOT to bring the minor children to Court on the day of a scheduled hearing, unless the child is to be called as a witness.

ARTICLE 7: SPECIAL PROCEEDINGS

Rule 7.01 Soldiers' and Sailors' Relief Act

In any action or proceeding commenced in this Court against an unrepresented party who is a member of the military service, the Court may appoint an attorney to advise that party pursuant to the Soldiers' and Sailors' Civil Relief Act of 1940, 50 USC 501, *et seq.* as amended, and may set a fee for the attorney's services.

The Court will stay the proceedings pending the party's availability for trial, and during that pendency the party will be ordered to cooperate in all discovery procedures, and to notify the Court upon his return. The party will be advised of the right to obtain counsel and will be directed to file any motion or responsive pleading with respect to jurisdiction or any other issues.

Rule 7.02 Domestic Violence

- (A) Any person who qualifies as a family or household member under Ohio Revised Code §3113.31 may file a petition for an *ex parte* temporary Civil Protection Order

- (B) No court costs or filing fee shall be charged for filing or processing the petition.
- (C) All Domestic Violence Petitions must be completed on the forms and pursuant to the procedures adopted and mandated by the Supreme Court of Ohio. Only properly drafted and notarized Petitions will be accepted for filing.
- (D) All Petitioners must also complete the NCIC FORM 10 and the SCIOTO COUNTY SHERIFF'S DEPARTMENT FORM 11 prior to the Ex Parte Hearing. Said forms must be submitted to the Court at the time of the Ex Parte hearing.
- (E) The Court shall hold a hearing on the same day the Petition for an Ex Parte Civil Protection Order is filed.
- (F) The Petitioner shall be required to appear in Court for the Ex Parte hearing and all subsequent proceedings.
- (G) Failure of a Petitioner to appear after proper notice of the time, date and location of a hearing may result in dismissal of the case.

Rule 7.03 Parentage proceedings

- (A) **Establishment of Parentage** All parentage proceedings in the Scioto County Domestic Relations Court shall be initiated in accordance with the provisions of the Scioto D.R. Rules and pursuant to the provisions of Ohio Revised Code Section 3111.01 *et seq.*
- (B) **Parentage by Default** Failure of a party, duly served according to law, to answer, defend, or otherwise plead to a properly filed Complaint to Determine Parentage may result in a determination of parentage by Default pursuant to the provisions of Ohio Civil Rule 55.

Rule 7.04 Registration of foreign support order

- (A) **When Applicable.** A child support order issued by another state or country may be registered in this court for purposes of enforcement and/or modification in accordance with R.C. 3115.01 *et seq.*
- (B) **Procedure.** An action to register a child support order which was issued by another state or country is initiated with the filing of a verified petition to register a foreign support order or verified registration statement. The pleading must set forth the nature of the remedy sought. The following items shall be included in and/or attached to the petition:
 - (1) The name, address and social security number of the obligee. If payments are not be remitted to the obligee; a statement listing any

agency or person to whom child support payments are to be sent;

- (2) The name, address and social security number of the obligor; the obligor's, employer (if known) and a list of any property located in Ohio which is owned by obligor and is not exempt from execution;
 - (3) The name, address, sex, social security number and date of birth of each child for whom support is sought;
 - (4) A certified copy of all orders to be registered, including any order which modified a previous order;
 - (5) An affidavit of the party seeking registration, or of the custodian of the records, stating the amount of any arrearage;
 - (6) A statement notifying the obligor of his or her right to contest the validity and/or enforcement of the foreign child support order pursuant to R.C. 3115.42 (B); and
 - (7) A notice of hearing.
- (C) **Spousal Support.** Pursuant to R.C. 3115.01(T) spousal support may be subject to an action under UIFSA
- (D) **Contest of Registration.** The obligor may contest the validity and/or the enforcement of the foreign support order at the hearing or in accordance with R.C. 3115.43.
- (E) **Modification of Child Support Order.** Modification of a foreign child support order shall be strictly governed by R.C. 3115.48 et seq.
- (F) **Procedure when both parties reside in Ohio.** When both parties to a support order issued by another state or country reside in the State of Ohio, this court has jurisdiction to enforce or modify the issuing state or country's child support order in a proceeding to register such order.

Rule 7.05 Establishment of child support order--foreign decree

- (A) **When Applicable.** In the event a court of another state or country conducts a divorce or similar proceeding dissolving a marriage but does not issue a child support order a verified petition for a temporary or permanent child support order may be filed in this court pursuant to R. C. 3115.31.

- (B) **Procedure.** A petition requesting the establishment of a child support order shall contain a description of the relief sought and shall include the following:
- (1) The name and address of the party seeking establishment of a child support order;
 - (2) The name and address of the party from whom the child support is sought;
 - (3) A statement indicating either that the party seeking the child support order resides in another state or country, or, that the child support order is being sought by the support enforcement agency of another state;
 - (4) An Affidavit of Financial Disclosure or approved UIFSA form;
 - (5) Certified copies of any court orders which relate to child custody, paternity, or prior support orders; and
 - (6) A hearing notice.

Rule 7.06 Special rules of evidence and procedure--foreign support orders

- (A) **Telephonic Presentation of Evidence.** Pursuant to R.C. 3115.27 (F), a party or witness in another state may be deposed or testify by telephone, audiovisual means, or other electronic means at a designated tribunal or other location in that state. The witness shall be placed under oath by an appropriate officer physically present with the witness.
- (B) **Certified Copy of Payment Records.** A certified copy of any out-of-state payment record provided by the custodian of the records is admissible as evidence of whether payments were made.
- (C) **Attorney Fees and Costs.** An obligee who files a petition pursuant to R.C. 3115.01 et seq. is not required to pay a filing fee or other costs. If the obligee prevails the court may award the obligee his or her attorney fees, costs, and necessary travel expenses incurred by the obligee and/or the obligee's witnesses.

Rule 7.07 Uniform child custody jurisdiction

(A)**When Applicable.** A parenting decree from another state may be filed in accordance with R.C. 3109.21 et seq. in order to enforce or modify orders pertaining to custody, parenting time, or other matters set forth in R.C. 3109.21(B). Pursuant to R.C. 3109.21(B), orders pertaining to child support or any other monetary obligation of any person are not included in a proceeding under this **rule**.

(B) **Procedure.** A verified petition requesting enforcement or modification of a parenting decree of another state shall be filed with the clerk. The petition shall set forth the nature of the relief sought. The petition shall also state whether there is a pending parenting proceeding in any other state.

Attached to the petition shall be the following:

(1) A certified copy of the parenting decree; and

(2) An Information for Parenting Proceeding Affidavit Form 2.

(3) A notice of hearing with a hearing date which is not less than twenty (20) days after the date of service.

(C)**Notice to Respondent.** Notice of filing of a parenting decree from another state shall be made in strict accordance with R.C. 3109.23.

(D)**Motions.** A motion for relief shall be filed at the same time the petition for registration is filed, unless otherwise ordered.

Rule 7.08 Procedures upon death of a party

(A)**Death of Custodial Parent.** Upon the death of a custodial parent, custody of the parties' minor child(ren) may be awarded to the surviving parent by filing an Entry and Order of Custody Upon Death of a Party signed by the judge, and shall include the following:

(1) The date of the orders awarding custody, the names and dates of birth of the children, the amount of the last child support ordered, and the date of death of the custodial parent;

(2) An assertion there is no other custody proceeding pending in any court;

(3) An attached certified copy of the death certificate or if a death certificate is not available such other proof of death, as may be approved by the court; and

(4) Appropriate language awarding custody, terminating child support and wage withholding notices and an order that costs be paid.

(B) Dismissal of Pending Divorce, Dissolution, Legal Separation or Annulment Procedures. Upon the death of a party to a pending divorce, dissolution, legal separation or annulment, the case will be dismissed by filing an Entry and Order of Dismissal Upon Death of a Party which is signed by the judge, and shall include the following:

(1) Date of the filing of the pending proceeding with an assertion that the case has not been decreed, or a Decision issued;

(2) An attached certified copy of the death certificate or if a death certificate is not available, such other proof of death as may be approved by the Court; and

(3) Appropriate language dismissing the proceeding and vacating any temporary orders therein.

(4) **No service or hearing is required in this proceeding.**

Rule 7.09 Emergency ex parte motions and orders.

(A) Ex Parte Orders will not be granted except upon the showing of extreme emergency by properly executed Affidavit. Such Affidavit shall describe the alleged emergency with specificity.

(B) **Property Issues.** The Court may issue emergency ex parte orders when it appears to the Court, by motion and affidavit, that a party or a third party is about to dispose of, or encumber property so as to defeat the interest of a party in obtaining spousal support, to defeat an equitable division of marital property, and/or to effectuate or enforce a prior court order.

(C) **Children's Issues:** The Court may issue emergency ex parte orders when it appears to the Court, by motion and affidavit, that:

- (1) A child is about to suffer irreparable harm, including but not limited to, physical abuse, bodily injury, or domestic violence by the other party.
 - (2) A residential parent is unavailable due to hospitalization or other emergency.
 - (3) A residential parent is about to move out of the jurisdiction.
- (A) The Court may issue an emergency ex parte order with or without a hearing. If the Court holds an ex parte emergency hearing, the party who files a motion for an emergency ex parte order shall make a good faith effort to provide opposing counsel or the unrepresented opposing party with immediate notice of the emergency hearing date.
- (B) An emergency ex parte order shall remain in force until there is a hearing on the action unless the Court orders otherwise. Whenever emergency ex parte relief is granted without a hearing, the motion shall be set for an evidentiary hearing within fourteen (14) business days, if at all practicable, according to the Court's Docket.
- (C) **Movant must be available:** Whenever an ex parte order is requested the moving party must be available to the Court for immediate examination under oath.

Appendix A: Summary of Forms

- Scioto County DR Form 1: Hearing Request
- Scioto County DR Form 2: UCCJA Affidavit §3109.27
- Scioto County DR Form 3: Affidavit of Indigency for Appointed Counsel
- Scioto County DR Form 4: IV-D Application for Child Support Services
- Scioto County DR Form 5: Financial Disclosure Affidavit
- Scioto County DR Form 6: Mutual Restraining Order
- Scioto County DR Form 7: Payment Explanation of Medical Expenses
- Scioto County DR Form 8: Contempt Notice
- Scioto County DR Form 9: Order to Show Cause
- Scioto County DR Form 10: CPO Notice to NCIC
- Scioto County DR Form 11: Scioto County Sheriff Victims Information Questionnaire
- Scioto County DR Form 12: Poverty Affidavit