

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

MARY L. SWAIN
CLERK OF COURTS

MAR 25 2021

FILED in Common Pleas Court
BUTLER COUNTY, OHIO

IN RE: :
Order to Adopt :
Amendments to :
Local Rule DR21 and DR29 :
and :
Finding of :
Immediate Need :
Under Sup.R. 5(A)(2) :
and Civ.R. 83(B) :
: :
: : : : :

ENTRY and ORDER
IR: 2021 03 0733

It appearing to the court that there is an immediate need to adopt the amendments due to necessary and reasonable court procedural changes precipitated by the ongoing COVID-19 pandemic; and,

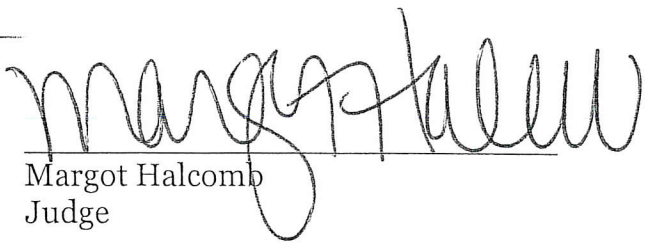
In consideration that the court will forthwith publish the amendments and accept comments thereon for no less than Twenty-Eight (28) days, and will duly consider all comments received;

Be it therefore **ORDERED** that the amendments, attached and incorporated as if fully rewritten herein, are adopted immediately and shall be effective and enforceable as of the date this Entry is filed.

IT IS SO ORDERED.



Barbara Schneider-Carter
Administrative Judge



Margot Halcomb
Judge

AMENDMENTS TO THE BUTLER COUNTY DOMESTIC RELATIONS LOCAL
RULES OF PROCEDURE

The following amendments to the Loc.R. (DR21(C)(4)(a)(i)(3) and DR29(A)):

Key to Proposed Amendments:

1. Unaltered language appears in regular type. Example: text
2. Language that has been deleted appears in strikethrough. Example: ~~text~~
3. New language that has been added appears in underline. Example: text

DR 21. Temporary Child Support Order

(C) When the parties are separated

[Existing language unaffected by the amendments is omitted]

(4) Child support shall be calculated in one (1) of the following manners:

(a) If an Administrative Order exists and:

(i) It ~~is not~~ has not been adopted by a court; the filing party shall:

(1) Attach the administrative order and calculation sheet.

(2) Provide language adopting the same order as the temporary order of support. The effective date of the order is set forth in the Administrative Order.

~~(3) If the administrative order was issued on or before March 27, 2019, provide a statement of the child support obligation stated in Appendix A—Child Support Language.~~

(3) If the most recent administrative order was issued on or before March 27, 2019, attach the administrative order and calculation worksheet.

Child support must be recalculated using the current statutory worksheet with updated current income for the parties and other information if known. Any deviation from guidelines support set forth the in the pre March 28, 2019 administrative order shall be applied to the recalculated support. The recalculated child support including any deviation shall be stated in Appendix 1(a) – Child Support and Health Insurance Language for EX PARTE ORDERS ONLY and the worksheet shall be attached.

- (4) If the most recent administrative order was issued after March 27, 2019, ~~the provide a~~ statement of the child support obligation stated in complete and attach Appendix 1(a) – Child Support and Health Insurance Language for *EX PARTE* ORDERS ONLY consistent with the support as calculated in the administrative order.

DR 29. Motion Practice

(A) ~~Time of Hearing Filing and Scheduling~~

- ~~(1) Motions shall be approved by the Case Management Office and shall contain a notice of the time, date, place of the hearing, the name of the hearing officer, and a statement of Service stating that the Movant has requested service on the other party pursuant to Civil Rules. Hearing dates may be obtained from the Case Management Office either over the phone or in person.~~

~~For expediency of docket scheduling, **all** motions shall be scheduled in concurrence with counsel's calendars.~~

~~When obtaining a hearing date over the telephone counsel or the *pro se* litigant shall initiate a telephone conference with the counsel of record. When obtaining a hearing date in person, counsel or *pro se* litigant shall inform Case Management whether the opposing party is represented by counsel.~~

- (1) A hearing date shall be obtained from the Case Management Office.

To avoid unnecessary delays or continuances, when possible the Case Management Office will schedule hearings shall will be scheduled with the opposing party, or their counsel of

~~record if represented. attorney's calendar if the opposing party has counsel of record or is otherwise known to be represented.~~

~~When possible, Case management will attempt to schedule When obtaining a hearing date over the telephone, counsel or the pro-se litigant shall initiate a telephone conference with the counsel of record for the adverse opposing party.~~

~~(2) Magistrates' hearings shall be scheduled in thirty (30) minute intervals. If more time is needed, the party shall request additional time when scheduling the hearing.~~

(2) All motions shall must be approved by the Case Management Office prior to filing with the Clerk of Courts.

~~(3) Parties filing cross motions that will require additional time shall request the same. If a continuance is required because of the failure to request sufficient time, the Court may entertain a motion for attorney fees or other sanctions.~~

(3) All motions must include one or more motion codes from the court's current list that accurately describe the purpose of the motion or relief sought.

~~(4) The party filing a motion shall submit a file stamped copy of the motion to the Case Management Office no later than ten (10) business days after obtaining a hearing date. Any failure to comply with this provision will result in the Case Management Office vacating the hearing date and sending a notice to all parties.~~

(4) All motions must include a notice of hearing. The notice shall state all of the following:

- (a) the time of the hearing,
- (b) date of the hearing,
- (c) location of the hearing
- (d) name of the judge or magistrate hearing the motion
- (e) the format of the hearing (i.e. telephone, video, in-person, etc.), and
- (f) in the case of a telephone or video hearing, a statement that the party to whom the motion is directed shall contact the Case Management Office a minimum of one business day in advance to confirm their phone and email information.

(5) All motions must include a Certificate of Service setting forth the method that is being requested or is to be used to serve the motion.

(6) The initial hearing for all motions before the magistrate shall be a thirty (30) minute telephone pre-trial.

(a) If the moving party wants the initial hearing to be scheduled for something other than a telephone pre-trial, the moving party must request this at the time of scheduling, if there has been service on the opposing party.

(b) If there has not been service, requests for additional time must be in writing by submitting a C16 Notice to Case Management Office. Such requests are at the sole discretion of the judge or magistrate.

(7) Once filed, the filing party must submit a filed-stamped copy of the motion to the Case Management Office within ten (10) business days of the date the moving party first obtained a hearing date.

(a) For a motion filed less than ten (10) days in advance of the hearing date, the filed-stamped copy must be submitted to the Case Management Office no later than when it is filed or two (2) business days in advance of the hearing.

(b) Failure to timely submit a filed-stamped copy of any motion may result in the hearing date being summarily vacated or continued by the hearing officer.

(8) If the parties reach a full agreement, they may request a video conference to place the agreement on the record. The parties shall comply with DR 30(B) in for submitting the written agreed entry in advance of the hearing and to schedule ~~scheduling~~ the video conference. ~~for their Agreed Entry prior to the hearing.~~