

**Butler County  
Court of Common Pleas  
Domestic Relations Division**

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Hamilton, OH 45011  
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**LOCAL RULES OF PROCEDURE**

Judge Barbara Schneider Carter  
Judge Margot Halcomb

EFFECTIVE DATE  
June 11, 2015

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Note: Local Rules may be printed from the Domestic Relations Court web page.

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

**TITLE ONE: PLEADINGS AND GENERAL PROVISIONS**

**DR 1. Compliance with the Ohio Rules of Civil Procedure, Statutory Requirements, and Local Rules**

- (A) All pleadings shall comply in form and content with Title III of the Ohio Rules of Civil Procedure, requirements of the Ohio Revised Code (O.R.C.) and the local rules of the Butler County Domestic Relations Court.
- (B) All pleadings shall comply with Rule DR12.
- (C) A Family Information Sheet (Form DR729) containing the names, addresses, dates of birth, social security and telephone numbers of both parties and all children of the marriage shall be prepared and presented to the Domestic Relations Court Case Management Office with the filing of any original action or post-decree motion where the original action was heard in another jurisdiction.

In original filings the names, addresses and telephone numbers of the parties contained in the Family Information Sheet (Form DR729) shall match the names, addresses and telephone numbers of the parties contained in the case caption.

- (D) Every Complaint for Divorce, Annulment, Legal Separation or Parenting Complaint shall include a statement of whether the Defendant is in military service as defined in the Service Members Civil Relief Act, 59 U.S.C. 521.
- (E) Every Complaint for Divorce, Annulment, Legal Separation or Parenting Complaint shall include a statement of whether the parties ever resided during the marriage in the State of Ohio.
- (F) All pleadings set forth in Section (G) below, Family Information Sheets (Form DR729) and filings shall be initially submitted to the Domestic Relations Court Case Management Office for review and data entry. **Submission to any section of the Case Management Office is not a filing of the legal action.** All Domestic Relations Court filings must be done at the Clerk of Courts Office.
- (G) The following pleadings and filings shall be presented to the Case Management Office for review in date order of submission, unless the submitting party waits for an immediate review of the document and immediate review is available:
  - Answers
  - Complaints for Annulment, Divorce, and Legal Separation
  - Complaints for Parentage
  - Counterclaims
  - Motions (pre-decree, and post-decree)

The following pleadings and filings shall be presented to the Case Management Office for review in date order of submission:

- Agreed Entries
- Decrees for Annulments, Divorce, Legal Separation, Shared Parenting, and Dissolutions
- Petitions
- Separation Agreements
- Shared Parenting Plans

The following pleadings and filings shall be presented to the Judicial Case Manager:

- Continuances
- Objections
- Withdrawal of Counsel

- (H)** All pleadings related to any original action or post-decree motion where the original action was heard in another jurisdiction must have a completed Family Information Sheet (Form DR729) in order to initiate the review process. Any original action or post-decree motion where the original action was heard in another jurisdiction that does not have a completed Family Information Sheet (Form DR729), including pre-approval fax submittals, will not be reviewed.

For all pleadings and filings, except Agreed Entries, Decrees, Petitions for Dissolution, Separation Agreements and Shared Parenting Plans, the Case Management Office shall immediately review and approve pleadings that comply with the rules and, if necessary, set the matter for hearing. If the pleadings do not comply with the rules, then the submitting party shall receive notice of rejection and the reasons for rejection in writing.

For all Agreed Entries, Decrees, Petitions for Dissolution, Separation Agreements, and Shared Parenting Plans, Case Management shall review and approve all submissions that comply with the rules. If the submission is approved, Case Management will notify the submitting party. If the submission is not approved, then Case Management shall notify the submitting party and provide the reason for the rejection in writing.

Any filing which is filed directly with the Clerk of Courts without prior approval of the Case Management Office shall thereafter be reviewed by Case Management. If the filing fails to conform to the requirements of local rules, state law or the Ohio Rules of Civil Procedure, the Court may dismiss the filing on its own motion.

- (I)** Throughout these rules the designation of Plaintiff, Defendant, Petitioner, or Respondent shall mean the party and his/her attorney, if represented, and the party if unrepresented.
- (J)** 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.

- (K) Any request which deviates from the rules shall be accompanied by a completed Notice to Case Management (Form C16). Case Management is responsible for processing.

**DR 2. Juvenile Court Cases**

In cases where minor children of the marriage are under the jurisdiction of the Juvenile Division of the Butler County Common Pleas Court for custody and/or support, with NO allegations of abuse, neglect, or dependency, the parties may jointly request that the Juvenile Division review their case to determine whether the case is appropriate for certification to the Domestic Relations Division and certify the case(s) to the Domestic Relations Division under their divorce or custody action in Domestic Relations Division.

The cases that would be appropriate for certification are cases that were filed and adjudicated prior to enactment of O.R.C. Section 2301.03(K), which grants the Domestic Relations Division concurrent jurisdiction with that of the Juvenile Division to hear cases to determine the custody, support, or custody and support of a child who is born issue of the marriage, who is not the ward of another court, and cases commenced by a party of the marriage to obtain an order requiring support of any child when no action for divorce, dissolution of marriage, annulment, or legal separation has been filed.

**(A) Married Parties with Custody and Support Cases in both Courts.**

- (1) In cases where a married couple has custody/support case(s) (non-A/N/D) in Juvenile Court for one or more children and have other children of the marriage for whom custody/support is/are being addressed in Domestic Relations Court under O.R.C. Section 2301.03(K), (“DS” cases) and no divorce, dissolution, annulment or legal separation has been filed, the parties or counsel may file a joint motion requesting certification to the Domestic Relations Division to consolidate jurisdiction over all children of the marriage in one court. The motion shall include the “DS” number for the other children of the marriage for the Juvenile Court to include on all entries. The parties shall serve a copy of the motion to the Child Support Enforcement Agency.
- (2) In cases where a married couple has custody/support case(s) (non-A/N/D) in Juvenile Court for one or more children, and have other children of the marriage for whom custody/support is/are being addressed in Domestic Relations Court pursuant to a divorce, dissolution, annulment or legal separation action (“DR” cases), the parties or counsel may file a joint motion requesting certification to the Domestic Relations Court to consolidate jurisdiction over all children of the marriage in one court. The motion shall include the “DR” number for the other children of the marriage for the Juvenile Court to include on all entries. The parties shall serve a copy of the motion to certify to the Child Support Enforcement Agency.

In both cases, the parties or counsel shall include in their motion a request that the Juvenile Court order its Clerk to prepare a certified copy of the official JS file(s), including the entry certifying the case(s), and forward same to the Domestic Relations Court Administrator.

- (3) Once certified from the Juvenile Division with agreement of the parties, the Domestic Relations Division retains jurisdiction over the child(ren) and any final appealable order from Juvenile Court regarding those children, pursuant to statute. In the event a party dismisses their Complaint for Custody or Divorce, the Court will nonetheless retain the Juvenile Court order through the custody (“DS”) case for enforcement.

**DR 3. Attorney Requirements**

Attorneys who practice in the Domestic Relations Court must be admitted to the practice of law, registered with the Ohio Supreme Court, and in good standing. An attorney may be required to present his/her registration card to a hearing officer.

**DR 4. Supervision of Children**

In the event that children must be brought to court, adequate supervision must be provided for them. The Court cannot be responsible for the care of children during their parents’ hearing.

**DR 5. Mandatory Education**

- (A) In all cases in which there are minor children, both parents shall complete the class “Helping Children Succeed after Divorce.” An order requiring attendance (Notice of Requirement to Attend Mandatory Education Class - Form DR628) shall be filed with the Complaint for Divorce, Annulment, or Legal Separation. This form shall be served upon the Defendant along with the complaint. In cases of dissolution of marriage, the Notice of Requirement to Attend Mandatory Education Class (Form DR628) shall be filed along with the petition and the separation agreement. Each Plaintiff in a divorce action and both parties in dissolution of marriage action must schedule the education program within fifteen (15) days of the filing of the complaint or petition. Each Defendant must schedule the class within fifteen (15) days of being served with the complaint. This rule applies even if the children are under the jurisdiction of the Juvenile Court.
- (B) The class attendance required by this rule may be waived in extraordinary circumstances only by entry of a hearing officer. The Court may hold a status conference for the parents who do not attend the Mandatory Education Class.
- (C) The Court may refuse to hold a final hearing if either parent fails to attend the class. The Court may also deny parenting time or residential parent status to a parent who does not attend.

**DR 6. Financial Disclosure of Income, Property, and Expenses**

**(A) Privacy of Financial Information**

- (1) All parties **must** fully and accurately complete all financial affidavits, DR602 or equivalent Supreme Court forms. However, pursuant to the following rules, **in lieu of filing completed financial affidavits with the Clerk of Courts**, the parties shall exchange completed financial affidavits.



Counsel and unrepresented parties may also be required to present completed financial affidavits as an exhibit during hearings.

**(B) Affidavit of Income**

- (1) Each party in a Divorce, Annulment, Legal Separation action or post-decree motion that concerns child or spousal support shall complete an Affidavit of Income or Supreme Court Affidavit 1.

The parties shall exchange an Affidavit of Income within **thirty (30)** days of the filing of an Answer or Counterclaim pursuant to the Mandatory Disclosure Rule DR28(A).

- (2) Each party in a Dissolution action shall exchange an Affidavit of Income within **thirty (30)** days of the filing of the Petition for Dissolution.
- (3) **The parties may NOT waive the exchange or time requirements for the exchange of Affidavits of Income.**
- (4) **Failure to fully complete and exchange Affidavits of Income may result in the imposition of sanctions.**

**(C) Affidavit of Property**

- (1) Each party in a Divorce, Annulment, or Legal Separation action shall complete an Affidavit of Property or Supreme Court Affidavit 2.

The parties shall exchange Property Affidavits within **thirty (30)** days of the filing of an Answer or Counterclaim pursuant to the Mandatory Disclosure Rule DR28(A).

- (2) Each party in a Dissolution action shall exchange Property Affidavits within **thirty (30)** days of the filing of the Petition for Dissolution.
- (3) **The parties may NOT waive the exchange or time requirements for the exchange of Property Affidavits.**
- (4) **Failure to fully complete and exchange Property Affidavits may result in the imposition of sanctions.**

**(D) Affidavit of Expenses**

- (1) Each party in a Divorce, Annulment or Legal Separation action requesting an order of spousal support, whether temporary or final, or post-decree motion requesting an order of spousal support shall complete an Affidavit of Expenses or Supreme Court Affidavit 1.

The parties shall exchange an Affidavit of Expenses within **thirty (30)** days of the filing of an Answer or Counterclaim or Petition for Dissolution pursuant to the Mandatory Disclosure Rule DR28(A).

- (2) Each party in a Dissolution action when an obligation of spousal support is ordered shall exchange an Affidavit of Expenses within **thirty (30)** days of the filing of the Petition for Dissolution.
- (3) **The parties may NOT waive the exchange or time requirements for the exchange of Affidavits of Expenses.**
- (4) **Failure to fully complete and exchange Affidavits of Expenses may result in the imposition of sanctions.**

**(E) Character and Effect of Affidavits of Income, Property, and Expenses.**

The information contained in the above affidavit forms shall be treated as though it were obtained in answer to questions propounded by the Court and shall be subject to cross examination.

**All affidavits shall be signed and notarized under oath.**

**FALSIFICATION OF THIS DOCUMENT MAY RESULT IN A CONTEMPT OF COURT FINDING, WHICH COULD RESULT IN A JAIL SENTENCE AND FINE, AND FALSIFICATION OF THESE DOCUMENTS MAY ALSO RESULT IN CRIMINAL PENALTIES FOR PERJURY UNDER OHIO LAW.**

**DR 7. Withholding Order/Qualified Medical Child Support Order Information Sheet (Form DR201)**

**Withholding Order/Qualified Medical Child Support Order Information Sheet (Form DR201) is the form that implements withholding and health insurance orders. These orders cannot be activated until a Form DR201 has been completed and submitted to the Court. The Court will not process an order that establishes or modifies a support or health insurance obligation unless it is accompanied by a completed Form DR201.**

**(A) Initial Pleadings**

- (1) Each party to an initial action **involving children** shall submit to Case Management a completed Form DR201.

**A copy of all current health insurance cards shall be attached to the DR201.**

- (2) The parties shall complete and exchange Form DR201 within **thirty (30)** days of the filing of an Answer or Counterclaim pursuant to the Mandatory Disclosure Rule DR28(A).

**(B) Post-decree Motions**

- (1) With all post-decree motions **involving support or medical insurance for the children**, each party shall provide to Case Management a completed Form DR201 **and attach a copy of all current health insurance cards.**

- (2) The parties shall prepare Form DR201 prior to the first hearing and exchange the completed Form DR201 at the time of the first hearing.

**DR 8. Information for Parenting Proceeding Affidavit (Form DR616 or Supreme Court Affidavit 3)**

- (A) All pleadings and motions requesting a parenting order shall be accompanied by a fully and accurately completed Information for Parenting Proceeding Affidavit (Form DR616) or Supreme Court Affidavit 3. The affidavit shall be signed by the party initiating the pleading or motion and shall be notarized.

**DR 9. Guidelines for Parents Living in Different Homes (Form DR803)**

All original filings for cases involving children shall be accompanied by the Guidelines for Parents Living in Different Homes (Form DR803).

**DR 10. Filing Requirements for Child Support Calculation Sheets (Sole Residential Parent or Shared Parenting Order - Forms DR624, Split Parental Rights and Responsibilities - DR625, and Basic Child Support Schedule - DR626 and Supreme Court Affidavit 4)**

- (A) All original filings for Divorce, Annulment, Legal Separation, Dissolution or parenting complaints involving minor children shall be accompanied by a completed child support calculation sheet and Health Insurance Affidavit or Supreme Court Affidavit 4 unless the parties are still living in the same household.

The calculation sheet shall be signed by the person who prepared it. The calculation sheet shall also be signed by the party or parties submitting it. The calculation sheet and any Administrative Order or order from another court shall be attached, with language pursuant to DR21, if applicable.

**DR 11. Title IV-D Application (Form ODHS 7076)**

All original filings for cases involving support or medical insurance for minor children and any post-decree motions involving minor children shall be accompanied by a completed Title IV-D application. **Only the original IV-D application is needed.**

**DR 12. Style of Pleadings**

- (A) All pleadings and forms required by the Court shall be typewritten or printed legibly in ink.
- (B) All pleading and forms shall be printed on white letter size paper (approximately 8 1/2" by 11").
- (C) All pleadings and forms shall be printed on one side only, with 1" margins, and each page shall be numbered.
- (D) The caption of each pleading shall contain the following identifications: Court of Common Pleas, Butler County, Ohio, Domestic Relations Division, type of pleading, names of the parties, the name of the assigned judge, and the case number.

- (E) All entries and decrees shall include signature lines for the assigned judge and, if applicable, the magistrate who heard the case.

**DR 13. Number of Copies Required**

When submitting documents to the Case Management Office, the following numbers of copies are the **minimum** required.

- (A) Petitions for Dissolution, original plus **TWO** (2) copies, as well as an original plus **TWO** (2) copies of Separation Agreement and/or Shared Parenting Plan.

In Petitions for Dissolution where support is ordered in the Separation Agreement, **THREE** (3) copies of the Separation Agreement; if support is ordered through a Shared Parenting Plan, **THREE** (3) copies of the Shared Parenting Plan; One copy of these documents will be forwarded to the Court, upon filing, and one will be forwarded to the CSEA for a support order.

- (B) Complaints without children, original plus **THREE** (3) copies; and Complaints with children and *ex parte* support orders, original plus **FOUR** (4) copies.
- (C) Motions, original plus **THREE** (3) copies;
- (D) Final Divorce Decrees without children or spousal support, original plus **FIVE** (5) copies and Final Divorce Decrees with support paid through CSEA (child or spousal), original plus **SIX** (6) copies;
- (E) Agreed Entries, original plus **SIX** (6) copies;
- (F) Qualified Domestic Relations Order (QDRO), Division of Property Order (DOPO), or any other order dividing retirement plans, original plus **FIVE** (5).

**If an attorney or party wants file stamped copies of any pleading or filing, he/she must include additional copies.**

**DR 14. Assignment of Cases**

- (A) When a new case is filed, it shall be assigned by random computer selection to one of the two judges of this Court. Thereafter, full responsibility for that case rests with the assigned judge, whose last name shall appear in the caption of all further pleadings.
- (B) **Absent an emergency, entries should be signed only by the assigned hearing officer scheduled to hear a case.**

**DR 15. 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.

- (B) If a party wishes to file an initial filing or post-decree motion in the Clerk's Office **without** paying the filing fee, an *Ex parte* Motion and Entry to Proceed in forma pauperis with Affidavit and Supporting Documentation (Form DR824) must be secured from the Case Management Office of the Domestic Relations Court and completed fully and accurately for consideration.

If a hearing officer of the court is available, the motion and entry will be reviewed to determine if the filing fee may be waived based upon the financial status of the party.

At the time of submission, if no hearing officer is available to review the paperwork, a supervisor will maintain the packet until a hearing officer is available to review, approve or deny the request. The party will be notified by the Court of the outcome no later than one business day.

After a motion and entry is approved or denied, the party shall file the paperwork with the initial filing or the post-decree motion in the Clerk of Courts Office.

- (C) Pro Bono filings that are non-Volunteer Lawyer Program (VLP) and non-Legal Aid:

When an attorney accepts a pro bono case that is non-VLP and non-Legal Aid, the pro bono attorney and/or client will follow the same procedure as outlined in (B) above. The attorney shall provide an affidavit stating he/she has not received funds to represent the client.

- (D) VLP, Legal Aid and VLP Referral filings:

When an attorney files a case through VLP or Legal Aid, the attorney has fulfilled the qualification standard and is permitted to file the initial filing or post-decree motion as is the current practice. These filings contain a Poverty Affidavit from the client and a statement from the attorney that the cases are VLP or Legal Aid cases and no money has been exchanged for services. There is no hearing requirement or approval process for these cases to verify the facts of the affidavit.

- (E) If, during the course of the proceedings, the Court learns that a party is able to pay the costs, the Court may order that party to pay the court costs within a reasonable period of time.
- (F) Absent special circumstances, the Court will not sign Final Decrees and Agreed Entries until all costs have been either waived or paid in full. In the event a Decree or Agreed Entry is filed without an assessment of costs, all costs shall be paid as reflected in a cost out sheet from the Clerk of Courts.
- (G) When a request for a Guardian *ad litem* has been granted, the Court may order the appropriate party or parties deposit \$1,000.00 (one thousand dollars) with the Clerk of Courts as security toward the payment of guardian fees. Upon depletion of the deposit, the Court may order the deposit of additional monies.

## **DR 16. Facsimile Transmission Filing Procedure When Filing at the Clerk of Courts**

In conformity with Ohio Civil Rule 5(E), pleadings and other papers may be filed by facsimile transmission (“fax”, “faxes”, or “fax filings”) subject to the following conditions:

- (A) A document filed by fax with the Clerk of Court shall be accepted as the original filing, consistent with Ohio Civil Rule 5(E), provided that the person sending the fax complies with all of the requirements set forth in this local rule, and fax files the documents during the hours prescribed by the Clerk of Courts. The person making a fax filing need not file an original copy with the Clerk of Courts but must, however, maintain in his/her records and have available for production upon request of the Court the original copy of any document filed by fax, with original signatures as otherwise required under the applicable rules, together with the original copy of the facsimile cover sheet used for the subject filing.
- (B) Documents set forth in DR 1(G) to be filed by fax with the Clerk of Courts shall first be submitted to the Domestic Relations Court Case Management Office at fax number (513) 785-5337.
  - (1) If no review by the Case Management Office is required, the filing party shall deliver the document to the Clerk of Courts for filing.
  - (2) If the submission is approved, the Case Management Office will notify the submitting party. If the submission is not approved, then the Case Management Office shall notify the submitting party and provide the reason for the rejection in writing.
- (C) All faxed submissions shall be considered filed with the Clerk of Courts as of the date and time stamped by the Clerk of Court’s Office.
- (D) The person submitting a document by fax shall also provide a cover page containing the following information:
  - (1) The caption of the case;
  - (2) The case number;
  - (3) The assigned judge;
  - (4) A description of the document being filed;
  - (5) The date and time of the transmission;
  - (6) The transmitting fax number;
  - (7) The number of pages being transmitted.
- (E) **The following documents may not be filed by facsimile transmission:**
  - (1) Any filing commencing an action (i.e., a complaint or post-decree motion) for which the Clerk of Courts must collect an initial deposit against costs or a

specific filing fee and/or the Clerk is required to effectuate service and summons;

- (2) Any entry that must be signed by a hearing officer of this Court or any final entry that must be accompanied by costs owed to the Clerk of Courts.
- (F) The purpose of this rule is to provide an additional service to users of the Court. Neither the Clerk of Courts, nor the Domestic Relations Court, assumes any new or additional responsibilities, obligations, or liabilities by virtue of this rule except as expressly provided herein. Further, this rule pertains only to the method of filing; it does **not** override, alter, amend, revoke or otherwise change any local rule or Ohio Rule of Civil Procedure respecting the requirement of, for example, obtaining the consent of parties or counsel or obtaining signatures, or the authorization to sign for opposing counsel as to any filings.

**DR 17. Standing Process Server/Service by Posting**

**(A) Standing Special Process Server:**

An individual, or agent of a legal organization, may make application to be designated as a standing special process server. The applicant shall submit an affidavit and order for signature by the Administrative Judge of the Domestic Relations Division of the Common Pleas Court. (See Appendix D)

**(1) Contents of Affidavit and Order.**

The affidavit and order shall set forth the name, address and telephone number of the person to be appointed as a standing special process server and an affirmation that the person:

- (a) is eighteen (18) years of age or older;
- (b) is not a party to any action for which the person shall serve process;
- (c) has no familial relationship to any party in an action for which the special process server shall serve process;
- (d) has no felony criminal record;
- (e) shall carry out his or her duties in accordance with all applicable Local Rules and all applicable Ohio Rules of Procedure.

**(2) Awarding of Order.**

After the Administrative Judge has signed the order, the individual or agent of the legal organization shall file the affidavit and order with the Clerk of Courts. The Clerk of Courts shall record the affidavit and order on the “In Re – Miscellaneous” docket. Thereafter, the Clerk of Courts shall accept a time-stamped copy of the affidavit and order as proper designation of process server until the order expires or is vacated by the Court.

(3) **Expiration of Order.**

All affidavits and orders appointing standing special process servers shall expire two years from the date of filing.

(4) A legal organization whose agent is a standing special process server shall not represent or advertise that it is the Court's official process server.

(5) The fee for filing the affidavit and order is **\$25.00** (twenty-five dollars).

(B) In an action filed in Domestic Relations Court where Service of Process is perfected in accordance with Ohio Rule of Civil Procedure 4.4(A)(2), the Clerk of Courts shall cause notices to be posted in a conspicuous place in the Government Services Center, 7<sup>th</sup> Floor, Middletown Municipal Court, and the license registrar in the City of Hamilton.

**DR 18. Transcripts**

(A) A person requesting a transcript of a hearing shall call the Court's Administrative Office at (513) 887-3352 to contact the Transcript Coordinator or report to the court during regular business hours to make the request. The Transcript Coordinator or designee will estimate the cost of the transcript, determine the date by which a deposit must be paid and estimate the completion date of the transcript. The deposit shall be one-half the estimated cost and must be paid before the commencement of the transcription. It is the responsibility of the person requesting the transcript to pay the deposit at the same time the objection is filed.

Once the deposit has been made, the requesting party is held responsible for making the final payment. During the course of a hearing, the Court may allocate actual cost of transcripts upon oral or written motion by a party if presented with receipt of cost as an exhibit.

(B) The Transcript Coordinator will immediately forward the transcript request order, which includes the deposit amount, to the Clerk's Office to be filed. Parties shall not pay more than the deposit amount to the Clerk's Office due to the uncertainty of the final cost.

(C) Parties will be responsible for bringing the deposit receipt to the Transcript Coordinator as proof of the deposit payment.

(D) When the transcript is completed, the Transcript Coordinator or designee will notify the person of its availability and the balance due. The balance due shall be payable in full to the Clerk's Office before a transcript is released. Parties will be responsible for bringing the payment receipt to the Transcript Coordinator as proof of the final payment.

(E) All requests to cancel a transcript order shall be referred to the Transcript Coordinator or designee at (513) 887-3352. If transcription has already begun, the requesting party is responsible for the cost of **ALL** completed pages.



- (F) If a requesting party has overpaid for a completed transcript, the Transcript Coordinator or designee will prepare an order to the Clerk's Office to release these funds to the requesting party.
- (G) Any transcript costs not paid shall be taxed as costs against the requesting party. The Transcript Coordinator or designee shall complete an entry setting forth the amount to be taxed as costs and obtain the signature of the assigned case judge.
- (H) Any person may arrange to listen to the record of a hearing by contacting the Transcript Coordinator at (513) 887-3352. Arrangements will be made for the record to be listened to under the supervision of court staff. There is no charge for listening to a record of the hearing.
- (I) The cost of a typed transcript is **\$4.00** (four dollars) per page for the original and **\$.05** (five cents) per page for each additional copy provided by the Court. The cost for an expedited transcript is **\$7.00** (seven dollars) per page. The cost for a copy of an exhibit is **\$.05** (five cents) per page. An audio recording of a hearing may be provided upon request at no cost to the party.

All payments will be made to the Butler County Clerk of Courts. American Express, MasterCard and Discover Credit Cards, checks, money order and cash will be accepted. All checks and money orders shall be made payable to the Butler County Clerk of Courts.

**DR 19. Failure to Comply with Title One of These Rules**

If any person fails to properly file a form required by Title One, the Court may continue the matter in progress and entertain a motion for attorney fees occasioned by the delay or impose other appropriate sanctions.

**TITLE TWO: EX PARTE ORDERS**

**DR 20. Residential Parent Status**

**(A) When both parties remain in the same home**

If, at the time the Complaint is filed, both parties are living in the marital residence, the Plaintiff shall file with the Complaint an *ex parte* order which provides that the parents will share the rights and responsibilities regarding their children in accordance with the established practices of the household. The order shall further provide that, pending further order of the Court, each parent shall be the residential parent of the children.

**(B) When the parties are separated**

If, at the time the Complaint is filed, the parties live in separate households, the Plaintiff shall file with the Complaint a motion and *ex parte* order granting residential parent status to the person who has had actual, physical custody of the children the majority of the time through a regular and routine schedule preceding the filing of the Complaint. This order shall be filed even if the filing party is also

filing a motion requesting a change or modification by which he or she seeks to be granted residential parent status.

The Movant must fully and accurately complete the Supreme Court of Ohio Uniform Domestic Relations Form - Affidavit 3 or a Parenting Proceeding Affidavit (Form DR616). The Court has adopted a standard parenting time schedule (Form DR610.1.1) attached as an appendix to these rules. If the parties have entered into an informal agreement regarding parenting time that is regular and subject to routine, that schedule must be accurately set forth in the Supreme Court of Ohio Uniform Domestic Relations Form – Affidavit 3. The specific parenting time schedule shall be set forth in detail under the “Period of Residence” section in Affidavit 3, including the length of time the parties have followed the parenting time schedule, as well as the school district that the children attended in the current school year. If additional space is needed to set forth the parenting time schedule in detail, a supplemental parenting proceeding affidavit may be prepared to set forth the parenting schedule in detail.

If the filing party wishes to restrict or deny parenting time, an *ex parte* order must be obtained from a judge supported by an affidavit. If parenting time is denied or restricted by an *ex parte* order, notice of the restriction and notice of hearing shall be served upon the restricted party.

The Court shall review all affidavits before *ex parte* orders are granted and retains discretion pursuant to Civ.R.75 (N) and O.R.C. 3109.04 *ex seq.* The Court will order sanctions, including costs for misrepresentation, when a parent claims to have custody of a child at a time when no such custody existed.

A responsive pleading may contain a counter affidavit, such as Supreme Court of Ohio Uniform Domestic Relations Form – Affidavit 5. Any responsive pleading to set aside an *ex parte* order filed consistent with this rule shall be heard by the Court at the earliest possible date.

**(C) When the parties separate after the filing of an *ex parte* order**

*Ex parte* orders shall only be issued at the time of initial filing. If circumstances change after the filing of the *ex parte* order, the parties must seek a new order by motion and hearing or submit an Agreed Entry accompanied by a Notice to Case Management (Form C16).

**(D) When Juvenile Court or another court has jurisdiction over the children, or the children are subject to a parenting order from this Court pursuant to ORC 2301.03(K)**

Every Complaint for Divorce, Annulment, Legal Separation or Petition for Dissolution shall include a statement of whether the Juvenile Court, another court or this Court, pursuant to a parenting order, has jurisdiction over any of the children of a marriage. When Juvenile Court, another court or this Court pursuant to a parenting order has jurisdiction of any of the children of a marriage, the pleadings shall identify those children by name, include the case number(s), and what allocation of parenting rights and responsibilities (including parenting allocation of parenting time, child support, tax exemptions, and health insurance) are included in the order

from Juvenile Court, this Court pursuant to a parenting order or another court. A copy of the order shall be attached.

**(E) When parties are subject to a Domestic Violence Civil Protection Order, which contains parenting orders**

If, at the time of filing, there is a civil protection order containing a parenting order, the terms of that order shall be written and incorporated into a temporary parenting order. A copy of the most recent, entire civil protection order shall be attached.

- (F)** If the filing party wishes to restrict or deny parenting time, an *ex parte* order must be obtained from a judge supported by an affidavit. If parenting time is denied or restricted by an *ex parte* order, notice of the restriction and notice of hearing shall be served upon the restricted party.

**DR 21. Temporary Child Support Order**

**(A) When both parties remain in the same home**

If both parties remain in the marital residence, the Plaintiff shall file with the Complaint an *ex parte* order, which provides that each parent shall continue to provide support and maintain all current health insurance coverage for the minor children in accordance with the established practices of the household.

**(B) When Juvenile Court or this Court pursuant to a child support order through a “DS” case has jurisdiction over any of the children**

Every Complaint for Divorce, Annulment, Legal Separation or Petition for Dissolution shall include a statement of whether Juvenile Court or this Court, pursuant to a child support order through a “DS” case, has jurisdiction over any of the children of a marriage. When Juvenile Court or this Court, pursuant to a child support order through a “DS” case, has jurisdiction of some, but not all of the children of a marriage, the pleadings shall identify those children by name over which Juvenile Court or this Court pursuant through a “DS” case has jurisdiction and shall state the case number(s).

**(C) When the parties are separated**

- (1) If the parties live in separate households and one party has been designated the residential parent of the children, the Plaintiff shall file with the Complaint an *ex parte* order which requires the non-residential parent to pay child support and, if applicable, a cash medical support order.
- (2) The filing party shall complete and file Supreme Court Affidavit 4 - Health Insurance Affidavit with the child support computation worksheet.
- (3) The amount of the child support order shall be calculated pursuant to O.R.C. 3119.01-3119.02, O.R.C. 3119.29-3119.32 and calculation sheets shall be attached to each temporary order. The child support obligation shall be stated in both the monthly amount when health insurance is provided and when health insurance is not provided. The order shall include a statement

that if health insurance is not provided the Obligor shall pay the monthly cash medical support and include the monthly amount of the cash medical support.

In addition the order shall state the amount of the child support obligation per child, per month when health insurance is provided and when health insurance is not provided.

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

(a) If an Administrative Order exists and:

- (i) It is not adopted by a court; the filing party shall attach the administrative order and calculation sheet and adopt the same order as the temporary order of support. The effective date of the order is set forth in the Administrative Order.
- (ii) It is adopted by a Juvenile Court then the filing party shall attach the adopted order and calculation sheet and shall provide the case number of the Juvenile Court case, provide language that the obligation of support is pursuant to the Juvenile Court order and the order is subject to the continuing jurisdiction of the Juvenile Court.
- (iii) It is adopted through the Domestic Relations Court via a DS case pursuant to O.R.C. 2301.03(K), then the filing party shall attach the adopted order and calculation, shall provide the “DS” case number, provide language that the obligation of support is pursuant to the “DS” case and the order is subject to the continuing jurisdiction of the Domestic Relations Court in the “DS” case, until a final appealable order issues in the “DR” divorce case.

(b) If the income of the Obligee and Obligor is known, and:

- (i) The combined gross annual income of both parents is \$150,000.00 (one hundred fifty thousand dollars) or less, child support shall be calculated in accordance with the statutory guidelines and worksheet and stated in total monthly and per child, per month terms.
- (ii) The combined gross annual income of both parents is greater than \$150,000.00 (one hundred fifty thousand dollars), child support shall be in accordance with the statutory guidelines and worksheet; **except**, the combined child support obligation shall be limited to the amounts set forth in the basic child support schedule for combined gross incomes of \$150,000.00 (one hundred fifty thousand dollars). The support shall be stated in total monthly and per child, per month terms.

(c) If the income of the Obligee or Obligor is unknown, but the employment is known, a statement that child support cannot be calculated at this time and the information is being obtained by subpoena *duces tecum*;

- (d) If both the income and employment of the Obligee or Obligor is unknown, a statement that the information cannot be obtained by reasonable means and that child support was calculated in one (1) of the following manners:
- (i) The filing party has made a good faith estimate based upon the past income information of the Obligee's or Obligor's income and calculated child support in accordance with the guidelines, subject to the limit imposed by subsection (b)(ii) above if the estimated combined gross income of the parties is more than \$150,000.00 (one hundred fifty thousand dollars) or
  - (ii) The filing party does not know if the Obligee or Obligor has any income and child support is in accordance with the statutory minimum support order and the Obligor shall seek work.
- (e) If the Obligor has no income, the order will provide that the Obligor seek work and pay the statutory minimum support order (currently \$50.00 (fifty dollars) per month for all children subject to the order). If the Obligor has no income and the filing party believes the Obligor is voluntarily unemployed or underemployed, then the filing party may request a hearing for the Court to impute income.
- (5) All child support obligations shall be stated pursuant to Appendix A – Child Support Language.
- (6) If there is a request for a deviation from guideline child support, the submitting party shall comply with the mandatory language requirements in Appendix A and shall be accompanied by a Notice to Case Management (Form C16). Case Management is responsible for processing.
- (7) Temporary child support orders shall be effective the first Friday following service upon the non-filing party.
- (8) All temporary child support orders shall be administered and are payable through the Butler County CSEA.
- (a) All temporary child support orders shall contain the following language regarding payments made through the CSEA;

“To make payments through the Butler County CSEA:

Make cash or credit card payments **only** at the following location: Butler County Child Support Enforcement Agency, Government Services Center, 315 High Street, 7<sup>th</sup> Floor, Hamilton, Ohio 45011.

Acceptable methods of payment are as follows: Visa, MasterCard, ATM, and Cash payments may be made locally in person only. **Do not send cash by mail. Personal checks will not be accepted by the Butler County CSEA.”**

“To make payments to the Ohio Child Support Payment Central (OCSPC):

The Obligor shall send payments to the following location: Ohio Child Support Payment Central, P.O. Box 182372, Columbus, Ohio 43218.

The employer shall send payments to the following location: Ohio Child Support Payment Central, P.O. Box 182394, Columbus, Ohio 43218.

Acceptable methods of payment to OCSPC are as follows: certified check, cashier’s check, personal check, or money order.”

- (b) Upon submission of a filed Complaint containing a previously approved *ex parte* child support order to the Case Management Office, the Court will forward a copy, along with the completed IV-D application (see Rule DR11) and Withholding Order/Qualified Medical Child Support Order Information Sheet (Form DR201) (see Rule DR7) to the CSEA.
- (c) The CSEA will begin administrative enforcement of the temporary order after verifying service in accordance with Section (8) of this Rule.
  - (i) If, upon receipt of a temporary order, the CSEA determines it is unable to administer the order, the CSEA shall promptly send a written notice to the Court, and the parties (or counsel if represented), specifying the issue or issues causing the temporary order to be unenforceable. CSEA will take no further administrative enforcement action on the temporary order absent further direction from the Court.
  - (ii) The child support Obligor (i.e. person ordered to pay) shall make self-payments directly to the CSEA/OCSPC unless or until support is being deducted by the Obligor’s employer or other income provider.
  - (iii) Self-payments shall be made regularly such that the ordered amount of child support is paid timely and in full each month.
- (d) CSEA will not administratively modify, or file judicial enforcement actions related to, temporary child support orders. Any modification or judicial enforcement actions concerning temporary child support orders shall be by motion only.
- (9) All temporary child support orders shall include orders addressing the health care insurance and uncovered medical expenses of the children.
  - (a) If either or both parents currently have health insurance policies covering the children, a statement that the existing policies shall not be changed or cancelled.

- (b) A statement that uninsured or uncovered medical expenses of the children shall be paid in accordance with the prior existing practices of the household.

**DR 22. Temporary Order for Payment of Debts**

- (A) If, at the time of the filing, the parties are living in the same household, the plaintiff shall file with the complaint a motion, supported by affidavit and order providing that the parties shall continue to pay their marital debts and obligations in accordance with the established practices of the household.
- (B) If, at the time of the filing, the parties are living in separate households, either party may file a motion for a temporary order allocating debts and expenses.

**DR 23. Temporary Spousal Support**

There shall be no *ex parte* orders for temporary spousal support. Spousal support may be awarded only upon motion and hearing or an Agreed Entry.

**DR 24. Mutual Temporary Restraining Orders**

An *ex parte* temporary restraining order may be obtained by either party at or after the commencement of a case so long as it is accompanied by a motion and supporting affidavit. The affidavit shall set out specific facts which justify the issuance of the restraining order. Only the following language will be approved *ex parte*. Any other request for a restraining order shall be awarded only upon motion and hearing.

- (A) Defendant and Plaintiff are hereby restrained from striking, abusing, harassing, stalking, threatening, or injuring Plaintiff/Defendant.
- (B) Defendant and Plaintiff are hereby restrained from permanently removing the minor child(ren) from the State of Ohio.
- (C) Defendant and Plaintiff are hereby restrained from damaging, moving, selling, giving away, transferring, withdrawing, disposing of, or encumbering any interest which either party may have in real property, personal property, funds, accounts, business interests, safe deposit boxes, investments or any other asset.
- (D) Defendant and Plaintiff are hereby restrained from interfering with the other party's use of the vehicle currently used primarily by him/her.
- (E) Defendant and Plaintiff are hereby restrained from incurring any debt or making any credit card purchases on any account which is either in the other party's name or in joint names.
- (F) Defendant and Plaintiff are hereby restrained from terminating, modifying, or changing the beneficiaries on any policy of life, health, automobile, or other insurance which covers a party or a minor child of the parties, in accordance with O.R.C. 3105.71

- (G) Defendant and Plaintiff are hereby restrained from claiming any minor child(ren) of the marriage for tax purposes until further order of the Court.
- (H) Defendant / Plaintiff, who has been voluntarily absent from the marital residence for a period of at least thirty (30) consecutive days, is hereby restrained from re-entering the marital residence.

If an *ex parte* temporary restraining order is sought, it shall be mutual and shall contain a statement that the orders are reciprocal, with the exception of a motion for exclusive use of the marital residence pursuant to DR24(H).

**DR 25. Relief from Pre-Decree *Ex Parte* Orders**

- (A) Any party who believes an *ex parte* order filed in accordance with these rules is incorrect or inappropriate may file a motion for relief. The filing party shall obtain the first available hearing date before the assigned magistrate from the Case Management Office. Motions shall contain a notice of the date, time and place of the hearing and shall be served in accordance with Ohio Civil Rule 5.
- (B) Motions for relief from *ex parte* temporary orders shall be given priority upon request on the Court's docket. In the event an *ex parte* order is found to be incorrect or inappropriate, any modification may be made retroactive to the effective date of the order and the Court may grant attorney fees or other relief to the other party.

**TITLE THREE: PROCEDURE**

**DR 26. Dissolution of Marriage**

- (A) A Dissolution of Marriage must contain the following:
  - (1) A Family Information Sheet (Form DR729);
  - (2) A Petition for Dissolution of Marriage;
  - (3) A separation agreement;
  - (4) A Decree of Dissolution of Marriage;
  - (5) If applicable, a Shared Parenting Plan, a Decree of Shared Parenting, a Notice of Requirement to Attend Mandatory Education Class (Form DR628), an Information for Parenting Proceeding Affidavit (Form DR616), a Title IV-D Application (Form ODHS 7076), a Guidelines for Parents Living in Different Homes (Form DR803), and Statutory Child Support Calculation Sheets and Withholding Order/Qualified Medical Child Support Order Information Sheet (Form DR201) , with copies of all health insurance cards.
  - (6) Each party shall complete and exchange Affidavits of Property (Form DR602B or Supreme Court Form Affidavit 2) within thirty (30) days of the filing of the Petition for Dissolution.



- (7) If child or spousal support is ordered, each party shall complete and exchange Affidavits of Income and Expenses (Form DR602A and C or Supreme Court Affidavit 1) within thirty (30) days of the filing of the Petition of Dissolution.
- (8) If spousal support is ordered, each party shall complete and exchange Affidavits of Expenses (Form DR602C) within thirty (30) days of the filing of the Petition for Dissolution.
- (B) If applicable, both parties must schedule the mandatory parent education class within fifteen (15) days of the filing of the petition. The class must be completed prior to the final hearing.
- (C) The Case Management Office will notify both *pro se* parties and counsel of record of a final hearing date.
- (D) Both parties must appear at the final hearing and be in complete agreement on all issues before the dissolution is granted.
- (E) The Petition of Dissolution, original, plus two (2) copies, Separation Agreement, original, plus two (2) copies, if support is ordered through a Shared Parenting Plan, original and three (3) copies of the Shared Parenting Plan and Decree of Dissolution, original, plus five (5) copies without children, and original, plus six (6) copies with children, shall be submitted to the Case Management Office for review.
- (F) If the decree is approved, Case Management shall notify the submitting party. The decree, with copies, shall be placed in the case card and held for final hearing.

If the decree is not approved, Case Management shall notify the submitting party and provide the reason for rejection in writing. If the resubmitted decree is approved, Case Management shall notify the submitting party.

- (G) Upon completion of the hearing, the Domestic Relations Court Judicial staff will file the original decree and copies with the Clerk of Courts.
- (H) A final dissolution hearing must be held no later than ninety (90) days after the dissolution is filed. If the hearing is not held within ninety (90) days, the petition shall be dismissed. A motion may be filed within the ninety (90) days to convert the Petition for Dissolution to a Complaint for Divorce.

**THE DISSOLUTION HEARING SHALL NOT PROCEED WITHOUT THE PRE-APPROVED DECREE AND COPIES.**

**DR 27. Non-Contested Divorce Cases**

- (A) If a timely answer is not filed, the Court will schedule a non-contested hearing and notify both parties and counsel of record of the day and time.
- (B) Counsel and *pro se* party shall attach a Military Affidavit (Form DR04) to the decree at the time the decree is presented to Case Management for review.

The Plaintiff shall mail a copy of the proposed decree(s), which have already been approved by the Case Management Office, to the Defendant at least fourteen (14) days prior to the final hearing date **UNLESS** the Plaintiff specifically alleged in his/her Complaint for Divorce and the Decree(s) provides for the following:

- (1) The parties have no minor children;
  - (2) The parties own no real estate;
  - (3) The parties own personal property of equity less than five thousand dollars, (\$5,000.00); and
  - (4) There is no request or award for spousal support.
- (C) The Plaintiff shall serve the approved proposed decree by ordinary mail. A certificate of service shall be filed with the Clerk of Courts.
- (D) Mailing of a proposed decree shall not be required when the Defendant was served by posting or publication and his/her whereabouts continue to be unknown to the Plaintiff.
- (E) In all non-contested cases, an original Decree of Divorce, plus five (5) copies without children and an original, plus six (6) copies with children, shall be submitted to the Case Management Office for review fourteen (14) days prior to the final hearing.
- (F) If the decree is approved, Case Management shall notify the submitting party. The decree, with copies, shall be placed in the case card and held for final hearing.

If the decree is not approved, Case Management shall notify the submitting party and provide the reason for rejection in writing. Any decree that is not approved must be corrected and resubmitted, with appropriate copies, fourteen (14) days prior to final hearing. If the resubmitted decree is approved, Case Management shall notify the submitting party. The decree, with copies, shall be placed in the case and held for final hearing.

- (G) The Plaintiff and a witness who has personal knowledge of the circumstances must appear at the time of the final hearing.
- (H) Upon completion of the hearing, the Domestic Relations Court Judicial staff will file the original decree and copies with the Clerk of Courts.

**THE NON-CONTESTED HEARING SHALL NOT PROCEED WITHOUT THE PRE-APPROVED DECREE AND COPIES.**

**DR 28. Contested Divorce Cases**

**(A) Mandatory Disclosure**

Within thirty (30) days of the filing of an answer or a counterclaim, each party shall disclose to the other, upon the hearing, of all of the following:

- (1) All pension, profit sharing, and retirement benefits, including IRAs;
- (2) All COBRA benefits to which the 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;
- (7) Completed Affidavits of Income, Property, Expenses (Forms DR602A, B, C) as required by these rules (Rule DR6);
- (8) Completed Withholding Order/Qualified Medical Child Support Order Information Sheet (Form DR201) as required by these rules (Rule DR7).
- (9) A statement from their employer as to the availability of health insurance. If available, the cost of coverage for the employee, and the cost of the coverage for the employee and the children of the marriage;
- (10) If the children are receiving medical benefits through a state medical program, or a private program, then the parties shall exchange a copy of the medical card.

Failure to comply with Rule DR28(A) may result in sanctions under Civil Rule 37, including a contempt citation, dismissal of claims, and restrictions upon the submission of evidence.

**(B) Scheduling Conferences**

- (1) When an answer to a complaint is filed, the Court will set the case for a scheduling conference and notify counsel and *pro se* parties of the date and time. The purpose of the scheduling conference is to identify the issues in controversy, establish a timetable for discovery, and set appropriate pretrial conference dates or, if pretrial is not warranted, trial dates. At the conclusion of the scheduling conference, a scheduling order will be issued. Attorneys and *pro se* parties shall bring their calendars or their cell phones to all scheduling conferences.

In cases where there are minor children, the parties are required to attend the scheduling conference unless the Court instructs otherwise. In cases where there are no minor children, any party may attend the scheduling conference.

The Court may conduct a scheduling conference in conjunction with any hearing on a temporary motion in order to expedite the case.

- (2) The following property issues will be addressed and appropriate orders issued at the scheduling conference:
- (a) Compliance with mandatory disclosure set forth in Rule DR28(A), including, but not limited to, exchange of all applicable Affidavits of Income, Property, Expenses (Forms DR602A, B, C);
  - (b) The valuation date of marital property will be presumed the last day of the calendar quarter following the filing of the complaint unless a party, at least seven (7) days prior to the pretrial, files a motion to establish an alternate date. Nothing in this rule is intended to preclude the trial court from using a different valuation date when equity so requires.  
  
Any party filing a motion to establish an alternate date of valuation shall obtain a hearing date from the Case Management Office. The motion shall contain the date, time, and place of hearing;
  - (c) Real estate, including whether any appraisals are required and who will pay for them;
  - (d) Vehicles and the method of valuation;
  - (e) How to value and divide personal property and household goods/furnishings, including issuing a Household Goods and Furnishings (Form DR142), if necessary;
  - (f) Orders regarding business valuations;
  - (g) How and when asset disclosure shall take place;
  - (h) How and when debt disclosure shall take place;
  - (i) The basis of any request for spousal support;
  - (j) Any other property issues, including, but not limited to, the date of valuation for purposes of property division and issues as to whether specific property is marital or separate;
  - (k) A date will be set for attorney(s) and parties to meet for a settlement conference. If all issues are settled, the pretrial date will be used for a non-contested divorce hearing;
  - (l) Any stipulations or agreements made at the settlement conference shall be reduced to writing and signed by both counsel and parties to place on record at the pretrial or trial. The stipulations shall contain agreed upon figures and issues, as well as issues to be presented at trial.
- (3) At the scheduling conference, the Court will determine whether there are disputed issues regarding the allocation of parental rights and responsibilities. If parenting issues are disputed or if either party intends to request shared parenting, the Court will address those issues in the

scheduling order. It is the intention of the Court to identify those cases in which there are issues pertaining to children, and to give them priority so that children's issues may be promptly resolved.

The scheduling order shall contain:

- (a) Dates for the parties to attend mandatory education classes;
- (b) If applicable, an order that the party requesting shared parenting shall file a Shared Parenting Plan at least thirty (30) days prior to trial and that a response plan or pleading must be filled within fourteen (14) days thereafter;
- (c) If applicable, a request for psychological evaluations and/or home investigations. If requested, these must be completed and submitted to the Court within forty-five (45) days of the scheduling conference;
- (d) If applicable, an order appointing a guardian *ad litem* and an order for deposit of costs for the guardian;
- (e) A date will be set for attorney(s) and parties to meet for a settlement conference. If all issues are settled, the pretrial date will be used for a non-contested divorce hearing.

### **(C) Pretrial Conferences**

#### **(1) Stipulations**

The parties shall present written stipulations reached prior to pretrial, and enter them into the record.

#### **(2) Parenting**

At the pretrial the Court will review the reports of investigators, psychologists, and guardians *ad litem*, and the parenting plans of the parties. If the parenting issues cannot be resolved, the matter will be tried on the date previously established.

#### **(3) Property**

- (a) Attorneys and *pro se* parties shall complete all discovery before the pretrial.
- (b) If a Household Goods and Furnishings (Form DR142) was ordered at the scheduling conference, the completed inventory must be presented at the pretrial.

**(D) Final Hearings, Exhibits, and Witnesses**

Final hearings on all pending and post-decree matters shall begin promptly on the date assigned. Before the hearing begins, each party shall provide the Court with the following:

- (1) An original, plus one (1) copy of an Itemized Evidence Inventory (Form DR215); which states the correct date(s) of hearing, hearing officer and attorneys of records.
- (2) A tabbed index of exhibits; the parties should utilize separate divider pages to index evidence instead of securing tabs directly to evidence pages. Parties will not be charged for the divider pages when copies are requested.
- (3) An original and **three** (3) sets of photocopies of all exhibits, pre-marked, with the Plaintiff's exhibits identified by numbers and the Defendant's exhibits identified by letters. All multi-page exhibits shall be numbered.
- (4) A list of names and addresses of all witnesses.

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.

**(E) Admissibility of Documents**

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

- (1) If that document was provided to opposing counsel or the opposing party, if *pro se*, at least fourteen (14) days before the hearing, and;
- (2) 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 out the particular objection raised.
- (3) Evidence in Support of Motion for Attorney Fees

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

- (a) It is supported by an affidavit from the moving party and his/her attorney. Such affidavit must contain an itemized statement describing:
  - (i) the services rendered;
  - (ii) the time expended performing such services;
  - (iii) the requested hourly rate for in-court time and out-of-court time.

- (b) It is submitted to opposing counsel or opposing party, if *pro se*, within seven (7) days after trial and no written objection is filed.

Should the opposing party object in writing within fourteen (14) days of its submission to counsel, the objection shall include a notice of hearing, including the date, time, place, and name of hearing officer. Independent evidence submitted as to the reasonableness of the fees based upon current standards in Butler County, Ohio for family law practitioners. Failure to comply with the provisions of this rule will result in the denial of a request for attorney fees, unless jurisdiction to determine the issue of fees is expressly reserved in any order resulting from the hearing.

**(F) Witness List**

- (1) Parties shall exchange witness lists at least fourteen (14) days in advance of final hearing in all pending and post-decree matters.

**(G) Decrees and Judgment Entries**

- (1) The plaintiff shall prepare and file a final judgment entry or decree, unless the parties mutually agree that the defendant will do so. The decree shall be filed within thirty (30) days of the decision of the Court. At the time of the final hearing, the attorney(s) or *pro se* litigant(s) will be assigned a hearing date for enforcement of this filing requirement. Attorney(s) or *pro se* litigant(s) do not have to appear if the Judgment Entry and Decree of Divorce has been:

(a) Approved by the Case Management Office, and;

(b) Filed in the Clerk of Court's Office by Court staff, once approved.

- (2) All final entries shall identify the judge assigned to the case, the date the case was heard, the date of the decision, and the hearing officer who heard the case.
- (3) If the final hearing is heard by a magistrate, the final entry or decree shall also contain a waiver of findings of fact and conclusions of law, and a waiver of the fourteen (14) day objection period, if applicable, unless a Waiver of Magistrate's Findings of Fact and Time Period for Filing Objections (Form DR18) is attached. Those entries shall also contain a signature line for the Magistrate.
- (4) Parties/attorneys who fail to comply with the thirty (30) day filing requirement of Rule DR28(G)(1) may be found in contempt of court.

- (H)** When a docketed matter is dismissed, the attorney for the Plaintiff or the Movant shall notify the Case Management Office or Judicial staff immediately so that the court time can be reassigned.

## **DR 29. Motion Practice**

### **(A) Time of Hearing**

- (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 Certificate 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.

- (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.
- (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.
- (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.

### **(B) Hearings on Motions/Admissibility of Documents/Attorney Fees**

Rule DR28(E) applies to motion practice as well as contested cases.

### **(C) Content of Motions**

Motions shall be captioned from the choices on the approved Motion Code List (Form DR722) so that each motion may be identified correctly and that the appropriate amount of time is scheduled for hearings.

Motions shall identify the judge who is assigned to the case and the hearing officer before whom the motion is set. Motions shall contain the names and addresses of the parties. Parenting motions shall specify which child or children are at issue and their dates of birth. Motions shall state with particularity the relief sought pursuant to Civil Rules.



When a docketed matter is dismissed, the attorney for the plaintiff or the movant shall notify the Case Management Office or Judicial staff immediately, so that the court time can be reassigned.

(1) **Motions to Modify**

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 that justifies modification.

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 CSEA by ordinary mail addressed to Administrative Modification Investigator, 315 High Street, 7<sup>th</sup> Floor, Hamilton, OH 45011.

(2) **Motions for Lump Sum Judgment**

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 administered through the CSEA, CSEA records shall be presented at the hearing.

(3) **Motions for Interest on Arrearage**

Regarding support orders that were issued or modified after July 1, 1992, the Court shall assess interest pursuant to O.R.C. 3123.17 where the failure to pay is proved willful. The interest rate shall be per statute. Interest shall be simple, not compound. Motions requesting an award of interest shall be accompanied by an interest calculation. The CSEA or moving party shall provide interest calculations upon request. The request must be made three (3) weeks in advance of hearing.

(4) **Motions Regarding Health Care Expenses**

(a) A motion for reimbursement of health care expenses shall state with specificity:

- (i) The amounts paid by the insurance companies toward the outstanding medical bills.
- (ii) The cash medical support paid, if known, against the outstanding medical bills.
- (iii) The balance owed by the party(ies) for the medical bills after the insurance company payments and cash medical payments have been deducted from the outstanding balance.
- (iv) The alleged final amount due and owing to the moving party.

- (v) A statement indicating the date the moving party sent his or her request to the opposing party for reimbursement, copies of the health care bills (and associated Explanation of Benefits, if in the moving party's possession) and notification if payment has not been made within the preceding thirty (30) days.
- (b) To support a motion for reimbursement of health care expenses, the moving party shall include:

- (i) A separate itemization and chronological list of all bills for which payment is requested.

The itemized list shall be presented to the Court as an exhibit at the time of the hearing and shall not be filed with Case Management or the Clerk of Court's office.

The moving party shall send a copy of the itemized list to the opposing party no later than fourteen (14) days prior to the scheduled hearing.

The moving party shall utilize an Explanation of Medical Bills (Form C33) for their itemized list.

- (ii) The name and address of each health care provider.
- (iii) The name and date of birth of the person who received the services.

## **(5) Motions in Contempt**

Motions requesting a finding in contempt shall contain a statement of the Court order alleged to have been violated and the facts constituting the violation. A Summons in Contempt – Order to Appear (Form DR821) shall be attached to the motions.

Motions for Contempt of a Support Order, which has at any time been payable through the Butler County Child Support Enforcement Agency (CSEA) or the Ohio Child Support Payment Central (OCSPC), shall contain a statement that an affidavit of arrearage has been requested from the CSEA at least three (3) weeks prior to the hearing. The affidavit itself shall be presented to the Court at the time of the hearing.

If a motion is filed requesting court costs and/or attorneys fees, the Court may order such release upon a finding of contempt.

The attorney must request fees as a part of the motion and comply with Rule DR28(E)(3).

## **(6) Motion for Clarification**

The Domestic Relations Court will not entertain motions for reconsideration.

The Court will hear motions for clarification or motions to correct a factual error or omission in a decision. The purpose of these motions is to provide a remedy for mathematical errors, failure to address an issue or an item of property, and similar mistakes. This is a limited review process for decisions containing one or two errors, omissions or instances of confusing language.

If, in your opinion, the decision is replete with error, the proper recourse remains an objection, in the case of a magistrate's decision, or an appeal in the case of a judge's decision. Motions for clarification or motions to correct a factual error shall be filed within fourteen (14) days of the filing of the decision and shall be set before the issuing hearing officer.

**(D) Failure to Conform to Rule DR29**

The Court may dismiss, on its own motion, any motion that does not comply with the requirements of Rule DR29.

**DR 30. Agreed Entries**

**(A) Mandatory Language Requirements**

**The mandatory language shall be used as written in these Rules. Any deviation from the mandatory language requires notice to the other party and permission of a hearing officer.**

The requesting party shall submit an original Notice to Case Management (Form C16). The requesting party shall set forth every deviation from the mandatory language for consideration. The requesting party shall send a copy of the completed Form C16 to opposing counsel or *pro se* litigant with the Agreed Entry. After review by opposing counsel or *pro se* litigant, the requesting party shall provide the original completed Form C16 to Case Management with the Agreed Entry. The hearing officer shall review the request and will approve or reject the deviation on the original Form C16. At the discretion of the hearing officer, a copy of the completed Form C16 may be sent to both parties and counsel.

A violation of Rule DR30 may result in the imposition of sanctions at any time.

**(B) In General**

Whenever an agreement is reached before the scheduled hearing date, counsel or the movant shall reduce the agreement of the parties to writing. Counsel or the movant may contact the Case Management Office or in cases scheduled before a judge, the judge's judicial assistant to request a hearing in advance of the scheduled hearing. At that hearing the Court may adopt the agreement of the parties and vacate the scheduled hearing date, if applicable.

**Case Management will not vacate the scheduled hearing date.**

If an agreement is reached before the scheduled hearing date, but there is insufficient time to reduce the agreement of the parties to writing, counsel and parties may be

permitted to appear at the scheduled hearing date and set forth their agreement on the record. Upon acceptance of the agreement the Court shall set the matter for a show cause hearing in order for the presentation of the Agreed Entry.

Attorneys and *pro se* litigants do not have to appear at the show cause hearing **IF** the Agreed Entry has been approved by Case Management and filed in the Clerk of Courts.

If the parties or counsel do not appear at the scheduled hearing then the underlying motion(s) will be **DISMISSED**.

**(C) Agreed Entries No Hearing Required**

An Agreed Entry can be filed without a hearing in the following circumstances:

- (1) Agreed temporary orders for spousal support.
- (2) Agreed Entry regarding modification of child support and the agreed amount is in compliance with the Ohio child support guidelines.
- (3) Agreed Entry regarding modification of health insurance responsibilities for child(ren). As long as the parties have also calculated in compliance with the Ohio child support guidelines and its agreed amount is in compliance with the Ohio child support guidelines.
- (4) Agreed Entry modifying the prior Shared Parenting Plan to change the parent designated as residential parent for school purposes only.
- (5) Pre decree agreed entries resolving temporary property issues.

Agreed Entry Final Appealable Order (Form DR716) is available in Case Management to file any of the Agreed Entries listed above.

**(D) Contents of Agreed Entries**

- (1) If an Agreed Entry resolves a pending motion(s), the Agreed Entry shall set forth the motion code(s), name of motion(s), date the motion(s) were filed, and the resolution of the motion(s) (i.e. granted, denied, dismissed, withdrawn, or by agreement).
- (2) If an Agreed Entry resolves a post-decree motion, the Agreed Entry shall set forth how court costs are paid. Absent special circumstances, the Court will not sign Agreed Entries until all costs have been either waived or paid in full. In the event an Agreed Entry is filed without an assessment of costs, all costs shall be paid by the plaintiff.

**(E) Allocation of Parental Rights and Responsibilities or Modifications of Parental Rights and Responsibilities and Agreed Establishment of Paternity**

- (1) Because the Court must determine that parenting plans are in the best interest of the child(ren), all agreements or agreed changes in allocation of parental

rights and responsibilities shall be initiated by the filing of a motion. The motion shall contain a notice of the date, time, and place of hearing, as well as the name of the hearing officer assigned to hear the motion. The motion and agreement shall be submitted to the Case Management Office for review.

- (2) All agreements or agreed changes to modify parental rights must include the following:
  - (a) The physical living arrangements for the child(ren) and a designation of which parent is the residential parent.
  - (b) In cases involving shared parenting, there shall be a separate Decree of Shared Parenting (if applicable) and a Shared Parenting Plan shall include:
    - (i) A provision that both parents are residential parent of the child(ren); and
    - (ii) A provision designating the residence used for establishing school placement.
  - (c) A specific schedule of parenting time with each parent, including a statement as to the parent with whom the children will be physically located during legal holidays, school holidays, and other dates of special importance [O.R.C. 3109.04 (G)(1)].
    - (i) The Court has adopted a standard parenting time schedule. That schedule is attached hereto as the current version of Guidelines for Parenting Time (Form DR610.1.1). Form DR610.1 is intended to be used when the parties cannot otherwise agree upon a specific schedule of parenting time.
    - (ii) A copy of Form DR610.1 shall be attached to each entry and decree in which it is adopted as the schedule of the parties.
  - (d) A statement of the child support obligation stated pursuant to Appendix A – Child support language.
  - (e) The child support language shall also include:
    - (i) A statement as to whether or not the support order conforms to the schedule of support contained in O.R.C. 3119.021;
    - (ii) A statement that such support and cash medical support, if applicable, plus a 2% processing fee, is to be paid through the Butler County Child Support Enforcement Agency (CSEA) or the Ohio Child Support Payment Central (OCSPC); and
    - (iii) A statement that such payments shall be made payable in increments per child per month.
  - (f) The entry shall include:

- (i) An affirmative statement as to whether health insurance is provided;
  - (ii) A statement that the cash medical support order is not subject to deviation, if applicable;
  - (iii) If health insurance is NOT provided and the child(ren) do NOT receive State or Federal medical benefits, that the cash medical support order, plus 2% processing fee shall be paid to CSEA for disbursement to the Obligee; or
  - (iv) If health insurance is NOT provided and the child(ren) DO receive State or Federal medical benefits, that the cash medical support order, plus 2% processing fee shall be paid to CSEA.
  - (v) An affirmative statement that “any party ordered to provide health insurance or cash medical order shall immediately notify the CSEA of any change in status regarding the availability of health insurance”.
- (g) The monthly figure must be listed in the decree, final order, or entry and is presumed to be correct, regardless of whether the payment amount on the child support calculation sheets corresponds.
- (h) Every Agreed Entry that deviates from the support guidelines shall be accompanied by a Notice to Case Management (Form C16). Case Management is responsible for processing.
- (i) Every Agreed Entry must set forth the commencement date of the obligation of support.
- (j) All Agreed Entries which provide for the payment of child support shall have the following language:
- (i) “IT IS FURTHER ORDERED the duty of support shall continue beyond the age of majority as long as the child continuously attends on a full-time basis any recognized and accredited high school. A child support order shall not remain in effect after the child reaches nineteen years of age unless the order provides that the duty of support continues under circumstances described O.R.C. 3119.86(A)(1)(a) or (b).”
  - (ii) “IT IS FURTHER ORDERED 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 Court order issued in accordance with sections 3121.02 to 3121.07 of the O.R.C. or a withdrawal directive issued pursuant to section 3123.37 of the O.R.C. and shall be forwarded to the Obligee in accordance with section 3121.50 of the O.R.C..”

- (iii) "IT IS FURTHER ORDERED that until such time as a withholding or deduction order is in effect, the Obligor shall discharge his or her obligation by making payments directly to the CSEA or the division of child support in the Ohio Department of Job and Family Services, as appropriate."
- (iv) "IT IS FURTHER ORDERED that the Obligor is restrained from making said payments directly to the Obligee and the Obligee is enjoined from accepting direct payments from the Obligor. Any payments of support not made through the CSEA or the division of child support in the Ohio Department of Job and Family Services, as appropriate, shall be deemed a gift."
- (v) **"EACH PARTY TO THIS SUPPORT ORDER MUST NOTIFY THE CHLD 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. IF YOU ARE THE OBLIGOR UNDER A CHILD SUPPORT ORDER AND YOU FAIL TO MAKE THE REQUIRED NOTIFICATIONS YOU MAY BE FINED UP TO \$50.00 FOR A FIRST OFFENSE, \$100.00 FOR A SECOND OFFENSE, AND \$500.00 FOR EACH SUBSEQUENT OFFENSE. IF YOU ARE AN OBLIGOR OR OBLIGEE UNDER ANY SUPPORT ORDER AND YOU WILLFULLY FAIL TO MAKE THE REQUIRED NOTIFICATIONS YOU MAY BE FOUND IN CONTEMPT OF COURT AND BE SUBJECTED TO FINES UP TO \$1,000.00 AND IMPRISONMENT FOR NOT MORE THAN NINETY (90) DAYS.**

**IF YOU ARE AN OBLIGOR AND YOU FAIL TO MAKE THE REQUIRED NOTIFICATIONS YOU MAY NOT RECEIVE NOTICE OF THE FOLLOWING ENFORCEMENT LIENS 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."**

- (vi) "IT IS FURTHER ORDERED that the Obligor and Obligee immediately notify the CSEA in writing of any change in the Obligor's income source and of the availability of any other sources

of income that can be the subject of a withholding or deduction order. This duty to notify the CSEA shall continue until further notice from the Court. A failure to provide such notification may make the Obligor liable for retroactive support that would otherwise have been ordered.”

(vii) “IT IS FURTHER ORDERED that the Obligor and Obligee shall immediately notify the CSEA, in writing, of any change in the status of the minor children of the parties which would terminate or modify the duty of the Obligor to pay child support.”

(viii) “To make payments through the Butler County CSEA:

Make cash or credit card payments *only* at the following location:  
Butler County Child Support Enforcement Agency, Government  
Services Center, 315 High Street, 8<sup>th</sup> floor, Hamilton, Ohio 45011.

Acceptable methods of payment are as follows: Visa, MasterCard, ATM, and Cash payments may be made locally in person only. **Do not send cash by mail. Personal checks will not be accepted by the Butler County CSEA.**”

(ix) “To make payments to the Ohio Child Support Payment Central (OCSPC):

(aa) The Obligor shall send payments to the following location:  
Ohio Child Support Payment Central, P.O. Box 182372,  
Columbus, Ohio 43218.

(bb) The employer shall send payments to the following location:  
Ohio Child Support Payment Central, P.O. Box 182394,  
Columbus, Ohio 43218

Acceptable methods of payment to the OCSPC are as follows:  
certified check, cashier’s check, personal check, or money  
order.”

(k) The Agreed Entry shall specifically identify the deduction order to be issued. If the Obligor is receiving income from a payor as defined in section 3121.01(E) of the O.R.C., an income withholding notice shall issue. If the Obligor’s income is not subject to withholding, a bank account deduction notice shall issue. If the Obligor has no income, but is able to post bond, an order to post bond shall issue. If the Obligor is unemployed and has no funds from which support can be paid, an order to seek work shall issue and the Obligor shall pay the current statutory minimum support order (currently fifty dollars (\$50.00) per month for all the children subject to the order). The Court may waive or modify the minimum order in appropriate circumstances.

(l) A statement as to whether there are child support arrears is required.



(m) The Agreed Entry shall specify any child(ren) that either parent shall be entitled to claim as dependent(s) for federal income tax purposes. The Agreed Entry shall also specify the tax year(s) for which the child(ren) may be claimed as dependents, the name of the person who may claim them and the requirement that the person claiming them shall be substantially current in payment of child support for any tax year for which the child(ren) are claimed as dependents. A child support Obligor shall be substantially current in payment of child support if less than one hundred dollars (\$100.00) arrears are owed for the tax year for which the child(ren) are to be claimed as dependents, on or before January 31<sup>st</sup> of the following year (O.R.C. 3119.82).

(n) The Agreed Entry shall contain:

- (i) A statement specifically designating that both the Obligor and Obligee are liable for health care of the children who are not covered by private health insurance or cash medical support;
- (ii) A statement pursuant to O.R.C. 3119.32 that “any person providing health insurance coverage shall provide to the other parent, not later than thirty (30) days after issuance of the order, provide all information regarding benefits, limitations and exclusions of the coverage, copies of any insurance forms necessary to receive reimbursement, payment, or other benefits under the coverage, and a copy of any necessary insurance cards”;
- (iii) A statement that any person ordered to provide health insurance coverage for children, must notify the CSEA within thirty (30) days of said order of the following: the full name and address of the health insurance company, and the plan type, policy number, group number and effective date of the health insurance;
- (iv) A statement providing the name, address, and telephone number of the individual reimbursed for out-of-pocket medical, optical, hospital, dental, or prescription expenses for each child;
- (v) A statement that the health plan administrator may continue making payment for medical, optical, hospital, dental, or prescription services directly to any health care provider in accordance with the plan;
- (vi) A statement that any person required to provide health insurance coverage for children shall designate the child(ren) as covered dependents under any private health insurance policy, contract, or plan;
- (vii) A statement that conforms with one of the provisions in Appendix C – Health Insurance Language.
- (viii) The Agreed Entry shall state that the parties must comply with any obligations concerning health insurance coverage imposed under

O.R.C. 3119.30 to 3119.31 no later than thirty (30) days after the applicable order is issued.

- (ix) The Agreed Entry shall state that any party ordered to provide health insurance or a cash medical order, shall immediately notify the CSEA of any changes in status of the availability of health insurance.

The Agreed Entry shall state that any person who fails to provide health insurance as ordered may be punished for contempt of court and shall be solely responsible for the payment of all health care expenses incurred on the child(ren)'s behalf as a result of the failure to provide insurance.

The Agreed Entry shall further state that if the Obligor is found in contempt for failing to provide health insurance coverage and he/she has previously been found in contempt under Chapter 2705 of the O.R.C., the Court shall consider the Obligor's failure to comply with the order as a change of circumstances for the purpose of modification of the amount of support due under the child support order that is the basis of the order issued under O.R.C. 3119.30 to 3119.31.

- (o) An order that any person who is the residential parent of a child, including any party to a Shared Parenting Decree, and any other legal custodian shall notify, **in writing, by the appropriate court form, and filed with the Clerk of Courts (see below):**
  - (i) the other parent, Certificate of Service must be provided.
  - (ii) the Domestic Relations Court Case Management Office;
  - (iii) the Butler County Child Support Enforcement Agency (CSEA).
  - (iv) Notice must be sent within the following time frames:
    - (1) If relocating within Butler County – at least **thirty (30)** days in advance of the move;
    - (2) If relocating outside Butler County – at least **sixty (60)** days in advance of the move.
  - (v) A file stamped copy must be submitted to the Case Management Office on Form C13 if relocating within Butler County and on Form C13A if relocating outside Butler County.
  - (vi) If either parent believes the relocation will require a change in the allocation of parenting time, it is the responsibility of that parent to
  - (vii) file a motion to review the allocation of parenting time.

(viii) 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 the Shared Parenting Plan, in accordance with Rule DR39.

(p) The Agreed Entry shall require that each parent, or other legal custodian, shall have equal access to the child(ren)'s school, daycare center, medical or educational records and extracurricular or recreational activities, or an order limiting a parent's access to specific areas. Any order limiting a parent's access shall contain specific findings of fact, which support such limitation. The order shall contain a notice to school and daycare officials and to all keepers of records that their knowing failure to comply with the order may be punishable as contempt of court.

**(F) Post-decree Agreed Modification of Support Arrearages**

All agreements to waive support arrearages shall be initiated by the filing of a motion. The motion must include a statement of arrears from the CSEA, if at any time support was paid through the CSEA, or a statement that a request for same has been made. The statement must be requested three (3) weeks prior to the hearing date. The motion shall contain a notice of the date, time, place of hearing, and name of the hearing officer, along with a request that the Clerk of Courts serve the CSEA with the motion and notice of hearing by certified mail. The motion and agreement shall be submitted to the Case Management Office for review. If the agreement is not approved as to form, Case Management shall notify the submitting party and provide the reason for rejection in writing. If it is approved, both parties shall attend the scheduled hearing.

**DR 31. Objection to Magistrates' Decisions**

- (A) Persons filing objections to magistrate's decisions shall comply with **Civil Rule 53** and immediately obtain a hearing date from the Judicial Case Manager. All objections shall contain a notice of the date, time, place of the hearing, the name of the judge assigned to hear the objection and the basis for the objection. Anyone objecting to a magistrate's findings of fact shall provide the Court with a transcript of the proceedings.
- (B) If a transcript is required, the transcript shall be requested and deposit paid at the same time the objection is filed. Transcripts shall be ordered and paid in accordance with Rule DR18.
- (C) All magistrates' hearings shall be recorded.

**DR 32. Notice of Bankruptcy**

Upon filing of a bankruptcy petition, counsel or party shall submit a copy of the Notice of Bankruptcy Case Filing to the Case Management Office and the CSEA Legal Unit located at 315 High Street, 7<sup>th</sup> Floor, Hamilton, Ohio 45011.

11 U.S.C. §362(a)(1) through (8) permits the Court to proceed with any hearings and conferences that do not affect the petition pending in the Bankruptcy Court.

## DR 33. Continuances

- (A) The following hearings may be continued once by the non-filing party: a scheduling conference, a final dissolution hearing, a domestic violence hearing, or the **first** hearing date of any motion for good cause shown **if both parties** agree. A continuance under this section does not require approval by the assigned hearing officer and it does not have to be reviewed by the Judicial Case Manager. A continuance under (A) may be obtained **by telephone**, as follows, **or by procedures under (D) below**:

### Telephone Procedures

- (1) Attorney/party sets up a conference call with other attorney/party and the Judicial Case Manager.
  - (2) The Judicial Case Manager sets a new date, fills out a continuance form, files the form with the Clerk of Courts and faxes copies to attorneys/parties, or mails copies if fax is not available. **If any of the information on the form is in error, it is the responsibility of the attorney/party requesting the continuance to correct the error(s) by submitting a written motion per (D).**
  - (3) All requests for continuances under (A) **shall** be made at least seven (7) days prior to hearing, three (3) days for domestic violence hearing. If requests are not made in accordance with these time frames, the procedures under (D) must be followed
- (B) A final non-contested hearing may be continued **once without the agreement of the defendant** so long as the defendant has filed no answer **or made any appearance in the case**. This continuance may be obtained by using the procedures outlined in (A) or (D).
- (C) A first setting of a Show Cause Hearing for Agreed Entry or Decree may be continued once so long as the continuance does not cause the case to violate the Supreme Court Time Guidelines. This continuance may be obtained by using the procedures outlined under the Telephone Procedures. This continuance may be obtained within seven (7) days of the hearing.
- (D) All other requests for continuances shall be by written motion, as follows:

### Written Motion Procedures

- (1) The motion for a continuance should be filed at least seven (7) days prior to a hearing, three (3) days for domestic violence hearings, and shall state the reason for the request, the hearing officer assigned to the case, the date, time, and place of the hearing, the number of continuances previously granted, and shall state whether the opposing party objects or agrees to the continuance. This includes *pro se* parties. Motions shall contain a certificate of service indicating that the party requesting the continuance has received a copy of the motion for continuance and has served the other party.

- (2) If the opposing party does not object, the motion and entry shall be submitted to the hearing officer assigned to the case for approval. If the hearing officer does not approve the request for continuance, the Judicial Case Manager will advise the attorneys or parties by telephone. It is the responsibility of the moving party to verify with the Judicial Case Manager whether or not the continuance is granted.
  - (3) If the opposing party does object to the continuance, the moving party shall arrange a conference call or a hearing before the assigned hearing officer. If the motion is granted for good cause shown, the moving party shall be required to accommodate the calendar of the Court and other party.
  - (4) No hearing shall be continued under (D) except by signed entry of the assigned hearing officer. If such an entry has not been signed and neither party appears for a scheduled hearing, the Court may dismiss.
- (E) NOTICE: PARTIES OR THEIR ATTORNEYS MAY NEVER CONTINUE A FINAL CONTESTED DIVORCE HEARING, A FINAL PARENTING HEARING (EITHER PRE- OR POST-DECREE) OR ANY HEARING SET FOR TWO (2) DAYS OR LONGER WITHOUT THE WRITTEN APPROVAL OF THE HEARING OFFICER ASSIGNED TO HEAR THE CASE.**

**DR 34. Notice of Intent to Relocate**

- A. If a parent or other legal custodian desires to move, he/she must notify, in writing, by the appropriate court form, (see C below) and filed with the Clerk of Courts (see below):**
- (1) the other parent, Certificate of Service must be provided.
  - (2) the Domestic Relations Court Case Management Office;
  - (3) the Butler County Child Support Enforcement Agency (CSEA).
- B. Notice must be sent within the following time frames:**
- If relocating within Butler County – at least **thirty (30)** days in advance of the move;
- If relocating outside Butler County – at least **sixty (60)** days in advance of the move.
- C. A file stamped copy must be submitted to the Case Management Office on Form C13 if relocating within Butler County and on Form C13A if relocating outside Butler County.**
- D. If either parent believes the relocation will require a change in the allocation of parenting time, it is the responsibility of that parent to file a motion to review the allocation of parenting time.**

- E. 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 the Shared Parenting Plan, in accordance with Rule DR39(B).

**DR 35. Withdrawal of Counsel**

Attorneys seeking to withdraw from a case shall present a motion and entry to the Judicial Case Manager. 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. The entry shall provide two (2) check boxes entitled "granted" and "denied." The entry shall also provide sufficient space for a hearing officer to set forth reasons for the decision. The Judicial Case Manager shall present the motion and entry to the hearing officer assigned to hear the case.

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

**DR 36. Scheduling**

Each attorney or *pro se* party is responsible for his/her own calendar. Attorneys or *pro se* parties shall request adequate court time for all hearings and shall avoid scheduling overlapping hearings. Attorney or *pro se* parties shall bring their calendars or their cell phones to all scheduling conferences.

**DR 37. Post Decree *Ex Parte* Relief**

Post decree motions requesting *ex parte* orders that affect children are discouraged. However the Court will issue such orders only where it is shown that irreparable harm will occur to the child unless immediate action is taken, and the moving party has also filed and scheduled for hearing a motion requesting the allocation of parental rights and responsibilities or for restriction of parenting time. Such motion for *ex parte* orders shall have supporting affidavits that clearly delineate the expected harm.

Any *ex parte* order for change in the residential parent status or restriction of parenting time shall include a provision for immediate notice of the *ex parte* order to the opposing party, the date of the scheduled hearing, and a statement that the order shall expire on the scheduled hearing date.

**DR 38. Time Limitations**

Pursuant to O.R.C. 3125.58 all actions, which require the establishment or modification of a child support order shall be completed within the following time limits:

- (A) Seventy-five percent (75%) of all cases shall be completed within six (6) months of their initial filing.
- (B) Ninety percent (90%) of all cases shall be completed within twelve (12) months of their initial filing.

**DR 39. Expedited Process: Allocation of Parental Rights**

Attorneys will be expected to give priority to cases involving children's issues. In an effort to resolve children's issues as timely as possible, continuances may require verification of counsel's and/or party's unavailability.

**(A) Pre-decree Allocation of Parental Rights and Responsibilities, and Establishment of Paternity**

- (1) In pre-decree cases when an *ex parte* order has been issued, motions to set aside *ex parte* allocation(s) of parental rights and responsibilities shall be set for hearing pursuant to DR25.
- (2) In pre-decree establishment of paternity and allocation of parental rights and responsibility cases, the matter shall be set for parenting pretrial. At the pretrial the Court shall address: (1) the need for DNA testing; (2) the temporary allocation of parental rights and responsibilities and the non-residential parent's temporary parenting time; (3) the temporary obligation of child support or set a hearing to determine the temporary obligation of child support; (4) the need for home investigations, psychological evaluations, and appointment of guardian *ad litem*.
- (3) If objections are filed to a magistrate's decision for temporary allocation, the hearing shall be set based upon the type of requested service. If a transcript is requested, it shall be prepared within that time (See Rules DR18 and DR31).

**(B) Post-decree or Motions to Modify/Terminate Custody or Allocation of Parental Rights and Responsibility:**

- (1) The moving party shall set the motion for an initial pretrial hearing to be held prior to setting a date for a change of circumstances hearing and shall set forth in their motion, with specificity, the change in circumstances. The initial pretrial hearing shall be set based upon type of requested service.

If the only change of circumstances is the desire of the child(ren) to live with the other parent, the motion may be dismissed without a hearing.

**Juvenile Court has exclusive and original jurisdiction over all allegations of abuse, neglect, or mistreatment of a child. Any allegation of abuse, neglect, or mistreatment of a child shall be filed in Juvenile Court.**

- (2) At the initial pretrial hearing, the Court shall set a change of circumstances hearing, if required.

Attorney(s) and parties **must** appear for the pretrial hearing.

- (3) If the change of circumstances hearing proceeds, the moving party has the burden of proof. If a change of circumstance is not proven the motion shall be dismissed. Objections to a magistrate's decision shall be set for hearing

within fourteen (14) days of the filing of the objection to the dismissal. If a transcript is requested it shall be prepared within that time.

- (4) If a change of circumstances is proven, the Court will set the case for a pretrial within fourteen (14) days of the decision of the Court. The purpose of the pretrial is to determine if a guardian *ad litem* is to be appointed, review requests for psychological evaluations and cost allocation, and review requests for home investigations. Attorney(s) and parties must appear for the pretrial hearing

At the pretrial the Court will set the best interest hearing.

- (5) If objections are filed to a magistrate's decision pursuant to Civ. R 53(D)(3)(b) regarding the best interests of the child, the objection shall be set for hearing within thirty (30) days. If a transcript is requested, it shall be ordered by the objecting party at the time the objection is filed, and prepared within thirty (30) days. (See Rules DR18 and DR31)

#### **DR 40. Genetic Tests**

The Domestic Relations Court will accept DNA test results from any certified lab.

- (A) A hearing officer shall issue all orders for genetic testing on a completed Genetic Testing Order (Form DR145) and:
  - (1) State the name of the testing facility;
  - (2) State the date on which the test shall be conducted;
  - (3) List the names of all persons to be tested;
  - (4) List the birth date(s) of minor child(ren) to be tested;
  - (5) Contain an order concerning payment of the cost of testing.
- (B) All results of genetic testing shall be returned by the testing facility to: Case Management Office, Domestic Relations Court, 2<sup>nd</sup> Floor, Government Services Center, 315 High Street, Hamilton, Ohio 45011.
- (C) Upon receipt of the results of genetic testing, the Case Management Office shall notify the attorney(s) of record and any parties in writing that the results have been received and that copies of the results may be obtained as follows:
  - (1) Any attorney of record or party must contact the Case Management Office at least twenty-four (24) hours in advance to request a copy of the test results.
  - (2) The attorney or party must appear in person, with photo identification, to obtain a copy of the test results from the Case Management Office.
  - (3) One copy of the test results will be provided to each attorney or party.



- (4) Genetic test results will not be released without a court order to anyone other than an attorney of record or party.

(D) The Court may seal genetic test results upon motion or in the Court's discretion.

**DR 41. Drug Tests**

(A) A hearing officer shall issue all orders for drug testing on a completed Entry Ordering Drug Test (Form DR214) and :

- (1) Name the parties to be tested;
- (2) State the date on which the test(s) shall be completed;
- (3) List the type(s) of drugs to be tested for;
- (4) Contain an order as to the payment of costs.

(B) All results of drug testing shall be returned by the testing facility to: Case Management Office, Domestic Relations Court, 2<sup>nd</sup> Floor, Government Services Center, 315 High Street, Hamilton, Ohio 45011.

(C) Upon receipt of the results of the drug testing, the Case Management Office shall notify the attorney(s) of record or any parties in writing that the results have been received and that copies of the results may be obtained as follows:

- (1) Any attorney of record or party must contact the Case Management Office at least twenty-four (24) hours in advance to request a copy of the test results.
- (2) The attorney or party must appear in person, with photo identification, to obtain a copy of the test results.
- (3) One copy of the test results will be provided to each attorney or party.
- (4) Drug test results will not be released to anyone other than an attorney of record or party without a court order.
- (5) Court ordered drug test results shall not be filed with the Clerk of Courts unless they are admitted as evidence in the case.

**DR 42. Family Unit**

The Domestic Relations Court Family Unit is available for home investigations and supervised parenting/visitation referrals. Referrals are made only by court order from a Butler County Domestic Relations Court hearing officer.

(A) **Home Investigation**

The purpose of the home investigation is to assess the adequacy of the home environment and living conditions in order to determine if they meet the needs of the children.

**(B) Supervised Parenting/Visitation**

The purpose of supervised parenting or visitation is to allow a parent, or other person entitled to contact, to have an opportunity for parenting or visitation when no other options exist and when that person would otherwise be denied contact.

Supervised parenting/visitation by the Family Unit will only be ordered in cases of extreme need where there is no other suitable supervisor available. Due to limited resources, the services of the Family Unit must be conserved. If there is any other suitable person or agency that can provide supervision, then those services must be used.

**(C) Reports**

After the completion of all home investigations and after each supervised parenting or visitation, or upon the order of the court, a written report will be prepared and provided to the Court, the attorney(s), parties, and the guardian *ad litem*.

**(D) Appearance of Family Unit Staff**

If the appearance of a member of the Family Unit staff is necessary for a hearing, the party desiring the appearance shall issue a subpoena.

**DR 43. Appointment of Guardian *ad litem* (GAL):**

**(A)** Upon the motion of the Court or either party, the Court shall appoint a guardian *ad litem* (GAL) to protect the interest of the child. All parties shall cooperate with the GAL.

**(1) Qualifications**

- (a)** The GAL shall be an attorney who is a member in good standing of the Ohio Bar and in compliance with the rules of the Ohio Supreme Court.
- (b)** At least twenty-five percent (25%) of the applicant's practice during the last two (2) years shall be in the area(s) of domestic relations and/or juvenile law.
- (c)** The GAL is responsible for complying with Rule 48 of the Rules of Superintendence which outlines the specific training requirements.

**(2) Procedures**

- (a)** The Court shall appoint the GAL from a rotating list of eligible candidates maintained by the Domestic Relations Court.
  - (i)** The Court shall compile a list of candidates after screening applicants.

- (ii) Any attorney interested in being a GAL shall submit a resume outlining the requirements indicated in this rule to the Administration Office of the Court.
- (b) Compensation will be at the rate of one hundred dollars (\$100.00) per hour for both in-court and out-of-court billable time.
- (c) The Court may order the payment of a minimum deposit of one thousand dollars (\$1,000.00) through the Clerk of Courts, to be used to pay for GAL services. Unless the deposit has been waived by the Court, the Court shall appoint the GAL once the deposit has been made. The Court may require additional deposits during the pendency of the matter.
- (d) GALs must submit interim billing up to the time of each hearing. This may allow for the Court to require additional funds to be placed on deposit and, if necessary, order disbursement of any funds already on deposit with the Clerk of Courts.
- (e) GALs must agree to accept one pro bono assignment per year. Refusal of this assignment shall result in removal from the list of eligible GALs.
- (f) Parties or their counsel shall forward all relevant pleadings or documents to the GAL and shall provide the GAL with any relevant information regarding either the child(ren) or any issues in the case.

**(B) Role of GAL**

The role of the GAL is to gather and assess all available relevant information regarding the child(ren) and to submit final recommendations to the Court. The recommendations will focus on the best interests of the child(ren), as distinguished from merely advocating the wishes of the child(ren).

**(C) Duties of GAL**

- (1) In addition to complying with Rule48, the GAL **shall**:
  - (a) Attend all relevant depositions.
  - (b) Attend all hearings pertaining to the child(ren), unless excused in writing by the hearing officer.
  - (c) Prepare a report and recommendations and submit them to the Domestic Relations Court Case Management Office at least seven (7) days prior to trial. The Case Management Office will send a copy by fax or by ordinary mail to all counsel of record or parties.

**(D) Payment of GAL fees**

At the conclusion of each hearing, an order will be written directing payment of fees.

- (1) It is the GAL's responsibility to prepare an order for payment of the final bill.
- (2) In the event that the final bill is not paid as ordered, the GAL may file a motion in contempt. The filing fee for this motion will be waived.

**DR 44. Interview of Child by Court**

All interviews of children will be *in camera* and conducted in accordance with O.R.C. 3109.04(B)(2)(c). The interviews will be recorded and the record sealed. The interviews will be conducted so that the interview does not interfere with the children's school day or other activities.

**DR 45. Court Appointment of Counsel**

When it appears to the Court that a respondent in a contempt proceeding is indigent and has not waived his/her right to counsel, the Court shall appoint an attorney to represent the respondent through the Butler County Public Defender Office.

**(A) Public Defender Assignment**

Two Public Defenders are assigned to Domestic Relations Court for CSEA (contempt on non-support cases and Non-CSEA (contempt on DR, DV, DS cases).

Prior to the beginning of each calendar year, a schedule is created assigning the Public Defender attorneys to specific months during the year. The attorneys rotate their assigned months and cover cases for one another when necessary. Specific docket time is set aside each month for Public Defender cases in order to accommodate the assigned attorney's schedule.

**(B) Procedure for Public Defender**

Court hearing officers assign Public Defender attorneys on CSEA contempt cases contingent upon the Defendant meeting poverty guidelines and the monthly attorney assignment.

For Non-CSEA cases, hearing officers attempt to contact the assigned Public Defender from the courtroom with parties present in order to set a future trial date that will work with his/her schedule.

On rare occasions, the Public Defender attorneys have a conflict with the Defendant. In those instances a court staff member refers to a Court Appointed Attorney master list and contacts the first available attorney to take the case.

**(C) Assigned Counsel Fees**

Public Defender attorneys are paid through the Butler County Public Defender Office.

Court appointed counsel services are paid through the submission of attorney fee applications to the Court and designated court budgetary funds. Payment for

assigned services shall be on the basis of fifty dollars (\$50.00) per hour for time in court and forty dollars (\$40.00) per hour for time out of court, up to a maximum of five hundred dollars (\$500.00). An attorney may be reimbursed for expenses incurred up to one hundred dollars (\$100.00). These rates have been set pursuant to the Ohio Public Defender Standards and Guidelines & State Maximum Fee Schedule for Appointed Counsel Reimbursement and a resolution of the Board of Butler County Commissioners.

**(D) Removal from Court Appointed List**

All eligible court appointed counsel appointees are subject to removal from the master list at the discretion of the Court. Refusal to accept an appointment other than for good cause such as a conflict of interest or unavailability may result in removal from the master list.

**DR 46. Retention and Disposal of Exhibits:**

**(A)** Per Rule 26 of the Rules of Superintendence for the Courts of Ohio, at the conclusion of litigation, all exhibits, depositions, and transcripts may be destroyed after the following conditions have been satisfied:

- (1) The Court notifies the party that tendered the exhibits, depositions, or transcripts in writing that the party may retrieve said items within sixty (60) days from the date of the written notification;
- (2) The written notification informs the party that tendered the exhibits, depositions, or transcripts that these items will be destroyed if not retrieved within sixty (60) days of the notification;
- (3) The written notification informs the party that tendered these items of the location for retrieval of said items;
- (4) The party that tendered said items does not retrieve them within sixty (60) days from the date of the written notification.

**DR 47. Conditions for Broadcasting and Photographing Court Proceedings.**

**(A) Judge or Magistrate.** The judge or magistrate assigned to the trial or hearing shall permit the broadcasting or recording by electronic means and the taking of photographs in court proceedings that are open to the public as provided by Ohio law. After consultation with the media, the judge shall specify the place or places in the courtroom where the operators and equipment are to be positioned. Requests for permission for the broadcasting, televising, recording, or taking of photographs in the courtroom shall be in writing and the written order of the judge shall be made a part of the record of the proceedings.

**(B) Permissible equipment and operators.**

- (1) Use of more than one portable television, videotape, or movie camera with one operator shall be allowed only with the permission of the judge.

- (2) Not more than one still photographer shall be permitted to photograph trial proceedings without permission of the judge. Still photographers shall be limited to two cameras with two lenses for each camera.
- (3) For radio broadcast purposes, not more than one audio system shall be permitted in court. Where available and suitable, existing audio pickup systems in the court facility shall be used by the media. If existing audio pickup systems are not available, microphones and other electronic equipment necessary for the audio pickup shall be as inconspicuous as possible but shall be visible.
- (4) Visible audio recording equipment may be used by news media reporters with the prior permission of the judge.
- (5) Arrangements between or among media for “pooling” of equipment shall be the responsibility of the media representative authorized to cover the proceeding. “Pooling” arrangements are to be made outside the courtroom and without imposing on the judge or court personnel. If disputes arise over arrangements between or among media representatives, the judge may exclude all contesting representatives from the proceedings.
- (6) The judge shall prohibit the use of electronic or photographic equipment that produces distracting sound or light. No artificial lighting other than that normally used in the courtroom shall be employed, provided that, if the normal lighting in the courtroom can be improved without becoming obtrusive, the judge may permit modification.
- (7) Still photographers and television and radio representatives shall be afforded a clear view but shall not be permitted to move about in the courtroom during court proceedings from the places where they have been positioned by the judge, except to leave or enter the courtroom.

**(C) Limitations.**

- (1) There shall be no audio pickup or broadcast of conferences conducted in a court facility between attorneys and clients or co-counsel or of conferences conducted at the bench between counsel and the judge.
- (2) The judge shall inform victims and witnesses of their right to object to being filmed, videotaped, recorded, or photographed.
- (3) This rule shall not be construed to grant media representatives any greater rights than permitted by law.
- (4) Media representatives shall not be permitted to transmit or record anything other than the court proceedings from the courtroom while the court is in session.

**(D) Revocation of permission.** Upon the failure of any media representative to comply with the conditions prescribed by this rule or the judge, the judge may revoke the permission to broadcast or photograph the trial or hearing.

## TITLE FOUR: DECREES AND FINAL ORDERS

### DR 48. Domestic Relations Court Case Management Office

- (A) Dissolution - The Petition of Dissolution, original, plus two (2) copies, Separation Agreement, original, plus two (2) copies, and Decree of Dissolution, original, plus five (5) copies without children. In Petitions where support is ordered in the Separation Agreement, three (3) copies of the Separation Agreement, if support is ordered through a Shared Parenting Plan, three (3) copies, the Decree of Dissolution, original, plus six (6) copies with children, shall be submitted to the Case Management Office for review.

If the decree is approved, the Case Management Office shall notify the submitting party. The decree, with copies, shall be placed in the case card and held for final hearing.

If the decree is not approved, the Case Management Office shall notify the submitting party and provide the reason for rejection in writing. Any decree that is not approved must be corrected and resubmitted with appropriate copies. If the resubmitted decree is approved, the Case Management Office shall notify the submitting party then place the decree in the case card and hold for final hearing.

- (B) Non-contested Divorce Decrees, including original and five (5) copies without children and original and six (6) copies with children, shall be submitted to the Case Management Office for review fourteen (14) days prior to the final hearing.

If the decree is approved, the Case Management Office shall notify the submitting party. The decree, with copies, shall be placed in the case card and held for final hearing.

If the decree is not approved, the Case Management Office shall notify the submitting party and provide the reason for rejection in writing. Any decree that is not approved must be corrected and resubmitted, with appropriate copies. If the resubmitted decree is approved, the Case Management Office shall notify the submitting party. The decree, with copies, shall be placed in the case card and held for final hearing (See Rule27).

- (C) Decrees and post-decree entries shall be accompanied by the following forms when applicable:
- (1) Child Support Calculation Sheet;
  - (2) Withholding Order/Qualified Medical Child Support Order Information Sheet (Form DR201);
  - (3) Guidelines for Parenting Time (Form DR610.1).
- (D) If counsel cannot secure a signature on the decree or on a required form, he or she shall request a waiver of signature and Notice to Case Management (Form C16)

from the hearing officer assigned to the case. Upon receipt of the approved notice, the Case Management Office shall accept documents.

- (E) Upon completion of the hearing, the Domestic Relations Court Judges' staff will file the original and copies with the Clerk of Courts.

**DR 49. Mandatory Language**

**(A) Mandatory Language Requirements**

The mandatory language shall be used as written in these Rules. Any deviation from the mandatory language requires notice to the other party and permission of a hearing officer.

The requesting party shall submit an original Notice to Case Management (Form C16). The requesting party shall set forth every deviation from the mandatory language for consideration. The requesting party shall send a copy of the completed Form C16 to opposing counsel or *pro se* litigant with the Decree. After review by opposing counsel or *pro se* litigant, the requesting party shall provide the original completed Form C16 to Case Management with the Decree. The hearing officer shall review the request and will approve or reject the deviation on the original Form C16. At the discretion of the hearing officer, a copy of the completed Form C16 may be sent to both parties and counsel.

**(B) In All Cases:**

- (1) All decrees and final orders shall comply with Ohio Civil Rule 10(A) and additionally shall contain the following within the caption:
  - (a) The name of the judge assigned to the case;
  - (b) The name of the hearing officer who heard the case, if applicable;
  - (c) The words "Final Appealable Order";
  - (d) The names, addresses, and dates of birth of all parties, including children born issue of the marriage.
  - (e) Every Decree of Divorce shall contain a statement of whether or not the defendant is a member of the armed services.
  - (f) Counsel and *pro se* party shall attach a Military Affidavit (Form DR 04) to the decree at the time the decree is presented to the Case Management Office for review.
- (2) All final entries shall state the date the case was heard and the date of the decision.
- (3) A statement regarding the grounds for the divorce; if applicable.



- (4) A finding of fact regarding the duration of the marriage, or a specific waiver of such finding;
- (5) Findings of fact regarding the nature of all property, distributed as separate or marital, or a specific waiver of such a finding;
- (6) A statement whether either party owns real estate, whether the real estate is a separate or marital property, the value of the real estate, allocation of sale of real estate and payment of any lien or mortgage.
- (7) A statement whether either party has bank accounts, stock, cash value life insurance policies, or any other financial account(s), a list of the account(s), whether the accounts or policies are marital or separate property and allocation or division of the accounts.

- (8) A statement regarding division of personal property, as follows:

A statement as to whether the vehicles are to be transferred. The decree must contain the Vehicle Identification Number (VIN) of all vehicles to be transferred. If vehicles are not transferred, then the decree must contain a statement that the vehicles are already titled to the receiving party.

**If personal property has been divided and exchanged:**

“All personal property has been divided and exchanged.”

**If personal property has not been divided and exchanged:**

“The parties shall exchange and divide all personal property no later than ninety (90) days after the filing date of the final decree. If the parties cannot agree upon a date to conduct this division and exchange, the date for the division and exchange of personal property shall be at 12:00 noon on the 90<sup>th</sup> day following the filing of the decree. If either party fails to abide by the terms of the final decree regarding the division and exchange of personal property, the Court shall entertain a motion for contempt or a motion to compel the division or exchange of personal property. The Court will only entertain these motions if filed by a party on or before the 60<sup>th</sup> day after the expiration of the 90-day period.”

- (9) A statement whether either party has debts, a listing of such debts, whether the debts are marital or separate property, whether any debts have been discharged in bankruptcy proceedings and allocation or division of debts.
- (10) A statement as to whether spousal support is to be paid, findings of fact which justify such an award, a clear statement of the term of the award, and a clear statement as to whether the Court will retain jurisdiction to modify the award.
- (11) All decrees which provide for the payment of spousal support shall contain a statement of the amount of the spousal support obligation with an effective date and a statement of arrearages, if applicable. Decrees must also contain a clear statement whether payment is to be made directly, or through the Butler County Child Support Enforcement Agency (CSEA) or the Ohio Child

Support Payment Central (OCSPC). If spousal support is to be paid through the CSEA or the OCSPC, decrees must also include a two percent (2%) processing fee, and state that the support should be made payable in increments which coincide with the Obligor's pay periods.

All decrees which provide for the payment of spousal support through the CSEA or OCSPC shall also contain the following language:

- (a) "IT IS FURTHER ORDERED 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 court order issued in accordance with sections 3121.02 to 3121.07 of the O.R.C. or a withdrawal directive issued pursuant to section 3123.37 of the O.R.C. and shall be forwarded to the Obligee in accordance with section 3121.50 of the O.R.C."
- (b) "IT IS FURTHER ORDERED that until such time as a withholding or deduction order is in effect, the Obligor shall discharge his or her obligation by making payments directly to the CSEA or the division of child support in the Ohio Department of Job and Family Services, as appropriate."
- (c) "IT IS FURTHER ORDERED that the Obligor is restrained from making said payments directly to the Obligee, and the Obligee is enjoined from accepting direct payments from the Obligor. Any payments of support not made through the CSEA or the division of child support in the Ohio Department of Job and Family Services, as appropriate, shall be deemed a gift."
- (d) **"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. IF YOU ARE THE OBLIGOR UNDER A CHILD SUPPORT ORDER AND YOU FAIL TO MAKE THE REQUIRED NOTIFICATIONS YOU MAY BE FINED UP TO \$50.00 FOR A FIRST OFFENSE, \$100.00 FOR A SECOND OFFENSE, AND \$500.00 FOR EACH SUBSEQUENT OFFENSE. IF YOU ARE AN OBLIGOR OR OBLIGEE UNDER ANY SUPPORT ORDER AND YOU WILLFULLY FAIL TO MAKE THE REQUIRED NOTIFICATIONS YOU MAY BE FOUND IN CONTEMPT OF COURT AND BE SUBJECTED TO FINES UP TO \$1,000.00 AND IMPRISONMENT FOR NOT MORE THAN NINETY (90) DAYS.**

**IF YOU ARE AN OBLIGOR AND YOU FAIL TO MAKE THE REQUIRED NOTIFICATIONS YOU MAY NOT RECEIVE NOTICE OF THE FOLLOWING ENFORCEMENT LIENS**

**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.”**

(e) “IT IS FURTHER ORDERED that the Obligor and Obligee immediately notify the CSEA in writing of any change in the Obligor’s income source and of the availability of any other sources of income that can be the subject of a withholding or deduction order. This duty to notify the CSEA shall continue until further notice from the Court. A failure to provide such notification may make the Obligor liable for retroactive support that would otherwise have been ordered.”

(f) “IT IS FURTHER ORDERED that if the Obligee is to receive spousal support from the Obligor, the Obligee shall immediately notify the CSEA, in writing, of remarriage if the remarriage would terminate the obligation to pay spousal support.”

(g) “To make payments through the Butler County CSEA:

(i) Make cash or credit card payments *only* at the following location: Butler County Child Support Enforcement Agency, Government Services Center, 315 High Street, 7<sup>th</sup> Floor, Hamilton, Ohio 45011.

Acceptable methods of payment are as follows: Visa, MasterCard, ATM, and Cash payments may be made locally in person only. **Do not send cash by mail. Personal checks will not be accepted by the Butler County CSEA.”**

(h) “To make payments to the Ohio Child Support Payment Central (OCSPC):

(i) The Obligor shall send payments to the following location: Ohio Child Support Payment Central, P.O. Box 182372, Columbus, Ohio 43218.

(ii) The employer shall send payments to the following location: Ohio Child Support Payment Central, P.O. Box 182394, Columbus, Ohio 43218.

Acceptable methods of payment to OCSPC are as follows: certified check, cashier’s check, personal check, or money order.”

(12) All decrees shall contain a statement that all retirement plans have been disclosed and a statement as to how they are to be divided.

- (13) If a Qualified Domestic Relations Order (QDRO), Division of Property Order (DOPO), or any other order dividing retirement plans is issued, the decree shall contain a provision that the intent of the order is to fairly distribute to the alternate payee his/her share of the marital portion of the retirement plan. The decree shall further provide that, in the event there is a defect in the wording of the QDRO, DOPO, or other order dividing the plan, which precludes that intended outcome, the Court shall retain jurisdiction to modify the QDRO, DOPO, or other order.
- (14) Unless otherwise specified, if a QDRO, DOPO, or any other order dividing a retirement plan is issued, the decree shall contain an order requiring that Alternate Payee and the Alternate Payee's trial counsel to prepare all documents required by the Plan Administrator, or any other named account holder. The Plan Participant and the Plan's Participants Trial Counsel shall cooperate to facilitate the preparation of the QDRO, DOPO, or any other order dividing a retirement plan.

Both parties and attorneys shall sign the QDRO, DOPO, or any other order dividing a retirement plan prior to submission to the Case Management Office with five (5) copies as needed by the parties, counsel and plan administrator.

The QDRO, DOPO, or any other order dividing a retirement plan shall be consistent with the terms of the division of retirement plan set out in the Separation Agreement or Divorce Decree. The QDRO, DOPO, or any other order dividing a retirement plan shall be filed within forty-five (45) days of the file stamped date of Judgment Entry and Decree of Dissolution, Divorce, or Legal Separation.

The Court specifically reserves jurisdiction over the filing of the QDRO, DOPO, or other order dividing retirement plans.

- (15) The Court also reserves the jurisdiction to impose all costs, including attorney fees, upon a party and/or attorney not complying with section (B)(9), (10), or (11) of this rule.
- (16) Absent special circumstances, the Court will not sign final decrees and Agreed Entries until all costs have been either waived or paid in full. In the event a decree or Agreed Entry is filed without an assessment of costs, all costs shall be paid by the plaintiff.

**(C) When There are Minor Children**

When the parties have minor children, all decrees and final orders shall, in addition to the requirements above, contain the following as applicable:

- (1) If a Juvenile Court has exclusive continuing jurisdiction over one or more of the children, every decree and final order for divorce, annulment or legal separation shall identify those children by name, include the case number(s), and what allocation of parenting rights and responsibilities (including parenting allocation of parenting time, child support, tax exemptions, and

health insurance) are included in the order from Juvenile Court. A copy of the order shall be attached.

- (2) When the children are subject to a parenting order through a “DS” case from this Court pursuant to O.R.C. 2301(K), every decree and final order for divorce, annulment or legal separation shall include:
  - (a) A statement that this Court, through case number “DS\_\_\_\_\_” has jurisdiction over some or all of the children of a marriage and identify those children by name.
  - (b) That the parenting order adopted in the decree and final order addresses all parenting issues.
  - (c) A statement that “DS\_\_\_\_\_” shall be dismissed upon filing of the decree and final order, and that all further parenting issues will be addressed in the “DR” case.
- (3) The physical living arrangements for the child(ren) and a designation of which parent is the residential parent.
- (4) In cases involving shared parenting, there shall be a separate Decree of Shared Parenting (if applicable) and a Shared Parenting Plan shall include:
  - (a) A provision that both parents are residential parent of the child(ren) and;
  - (b) A provision designating the residence used for establishing school placement.
- (5) A specific schedule of parenting time with each parent, including a statement as to the parent with whom the children will be physically located during legal holidays, school holidays, and other dates of special importance [O.R.C. 3109.04(G)(1)].
  - (a) The Court has adopted a standard parenting time schedule. That schedule is attached hereto as the current version of a Guidelines for Parenting Time (Form DR610.1). Form DR610.1 is intended to be used when the parties cannot otherwise agree upon a specific schedule of parenting time.
  - (b) A copy of Form DR610.1 shall be attached to each entry and decree in which it is adopted as the schedule of the parties.
- (6) A statement of the child support obligation stated pursuant to Appendix A – Child Support Language.
- (7) The child support language shall also include:
  - (a) a statement as to whether or not the support order conforms to the schedule of support contained in O.R.C. 3119.021;

- (b) a statement that such support and cash medical support, if applicable, plus a 2% processing fee, is to be paid through the Butler County Child Support Enforcement Agency (CSEA) or the Ohio Child Support Payment Central (OCSPC).
- (8) The decree or entry shall include:
- (a) an affirmative statement as to whether health insurance is provided;
  - (b) a statement that the cash medical support is not subject to the deviation if applicable;
  - (c) if health insurance is NOT provided and the child(ren) do NOT receive State or Federal medical benefits, that the cash medical support order, plus two-percent (2%) processing fee shall be paid to CSEA for disbursement to the Obligee; or
  - (d) if health insurance is NOT provided and the child(ren) DO receive State or Federal medical benefits, that the cash medical support order, plus two- percent (2%) processing fee shall be paid to CSEA.
  - (e) An affirmative statement that “any party ordered to provide health insurance or cash medical order shall immediately notify the CSEA of any change in status regarding the availability of health insurance”.
- (9) A decree or entry which deviates from support guidelines shall be accompanied by a completed Notice to Case Management (Form C16). Case Management is responsible for processing.
- (10) Every decree or entry must set forth the commencement date of the obligation of support.
- (11) All decrees, final orders, and entries which provide for the payment of child support shall have the following language:
- (a) “IT IS FURTHER ORDERED the duty of support shall continue beyond the age of majority as long as the child continuously attends on a full-time basis any recognized and accredited high school. A child support order shall not remain in effect after the child reaches nineteen years of age unless the order provides that the duty of support continues under circumstances described in O.R.C. 3119.86(A)(1)(a) or (b).”
  - (b) “IT IS FURTHER ORDERED 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 Court order issued in accordance with sections 3121.02 to 3121.07 of the O.R.C. or a withdrawal directive issued pursuant to section 3123.37 of the O.R.C. and shall be forwarded to the Obligee in accordance with section 3121.50 of the O.R.C.”

(c) "IT IS FURTHER ORDERED until such time as a withholding or deduction order is in effect, the Obligor shall discharge his or her obligation by making payments directly to the CSEA or the division of child support in the Ohio Department of Job and Family Services, as appropriate."

(d) "IT IS FURTHER ORDERED the Obligor is restrained from making said payments directly to the Obligee, and the Obligee is enjoined from accepting direct payments from the Obligor. Any payments of support not made through the CSEA or the division of child support in the Ohio Department of Job and Family Services, as appropriate, shall be deemed a gift."

(e) **"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. IF YOU ARE THE OBLIGOR UNDER A CHILD SUPPORT ORDER AND YOU FAIL TO MAKE THE REQUIRED NOTIFICATIONS YOU MAY BE FINED UP TO \$50.00 FOR A FIRST OFFENSE, \$100.00 FOR A SECOND OFFENSE, AND \$500.00 FOR EACH SUBSEQUENT OFFENSE. IF YOU ARE AN OBLIGOR OR OBLIGEE UNDER ANY SUPPORT ORDER AND YOU WILLFULLY FAIL TO MAKE THE REQUIRED NOTIFICATIONS YOU MAY BE FOUND IN CONTEMPT OF COURT AND BE SUBJECTED TO FINES UP TO \$1,000.00 AND IMPRISONMENT FOR NOT MORE THAN NINETY (90) DAYS.**

**IF YOU ARE AN OBLIGOR AND YOU FAIL TO MAKE THE REQUIRED NOTIFICATIONS YOU MAY NOT RECEIVE NOTICE OF THE FOLLOWING ENFORCEMENT LIENS 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."**

(f) "IT IS FURTHER ORDERED that the Obligor and Obligee immediately notify the CSEA in writing of any change in the Obligor's income source and of the availability of any other sources of income that can be the subject of a withholding or deduction order. This duty to notify the CSEA shall continue until further notice from the Court. A failure to provide such notification may make the Obligor liable for retroactive support that would otherwise have been ordered."

(g) "IT IS FURTHER ORDERED that the Obligor and Obligee shall immediately notify the CSEA, in writing, of any change in the status of the minor children of the parties which would terminate or modify the duty of the Obligor to pay child support."

(h) "To make payments through the Butler County CSEA:

(i) Make cash or credit card payments *only* at the following location: Butler County Child Support Enforcement Agency, Government Services Center, 315 High Street, 7<sup>th</sup> Floor, Hamilton, Ohio 45011.

Acceptable methods of payment are as follows: Visa, MasterCard, ATM, and Cash payments may be made locally in person only. **Do not send cash by mail. Personal checks will not be accepted by the Butler County CSEA.**"

(i) "To make payments to the Ohio Child Support Payment Central (OCSPC):

(i) The Obligor shall send payments to the following location: Ohio Child Support Payment Central, P.O. Box 182372, Columbus, Ohio 43218.

(ii) The employer shall send payments to the following location: Ohio Child Support Payment Central, P.O. Box 182394, Columbus, Ohio 43218.

Acceptable methods of payment to OCSPC are as follows: certified check, cashier's check, personal check, or money order."

(12) The decree shall specifically identify the deduction order to be issued.

(a) If the Obligor is receiving income from a payor as defined in section 3121.01(E) of the O.R.C., an income withholding notice shall issue.

(b) If the Obligor's income is not subject to withholding, a bank account deduction notice shall issue.

(c) If the Obligor has no income, but is able to post bond, an order to post bond shall issue.

(d) If the Obligor is unemployed and has no funds from which support can be paid, an order to seek work shall issue and the Obligor shall pay the current statutory minimum support order (currently fifty dollars (\$50.00) per month for all the children subject to the order). The Court may waive or modify the minimum order in appropriate circumstances.

(13) All decrees or entries shall include whether child support arrears exist in this or any other related case, the disposition of such arrears, and the amount as of a date certain.



- (14) The decree shall specify any child(ren) that either parent shall be entitled to claim as dependent(s) for federal income tax purposes. The decree shall also specify the tax year(s) for which the child(ren) may be claimed as dependent(s), the name of the person who may claim them and the requirement that the person claiming them shall be substantially current in payment of child support for any tax year for which the child(ren) are claimed as dependents. A child support Obligor shall be substantially current in payment of child support if less than one hundred dollars (\$100.00) arrears are owed for the tax year for which the child(ren) are to be claimed as dependent(s), on or before January 31<sup>st</sup> of the following year. (O.R.C. 3119.82)
- (15) The decree shall contain:
- (a) A statement specifically designating that both the Obligor and Obligee are liable for health care of the children who are not covered by private health insurance or cash medical support;
  - (b) A statement pursuant to O.R.C. 3119.32 that “any person providing health insurance coverage shall provide to the other parent, not later than thirty (30) days after issuance of the order, provide all information regarding benefits, limitations and exclusions of the coverage, copies of any insurance forms necessary to receive reimbursement, payment, or other benefits under the coverage, and a copy of any necessary insurance cards”;
  - (c) A statement that any person ordered to provide health insurance coverage for children, must notify the CSEA within thirty (30) days of said order of the following: the full name and address of the health insurance company, and the plan type, policy number, group number and effective date of the health insurance;
  - (d) Statement providing the name, address, and telephone number of the individual reimbursed for out-of-pocket medical, optical, hospital, dental, or prescription expenses for each child;
  - (e) A statement that the health plan administrator may continue making payment for medical, optical, hospital, dental, or prescription services directly to any health care provider in accordance with the plan;
  - (f) A statement that any person required to provide health insurance coverage for children shall designate the child(ren) as covered dependents under any private health insurance policy, contract, or plan;
  - (g) A statement that conforms with one of the provisions in Appendix C – Health Insurance Language.
  - (h) The decree shall state that the parties must comply with any obligations concerning health insurance coverage imposed under section 3119.30 to 3119.31 of the O.R.C. no later than thirty (30) days after the applicable order is issued.

- (i) The decree shall state that any party ordered to provide health insurance or a cash medical order, shall immediately notify the CSEA of any changes in status of the availability of health insurance.

The decree shall state that any person who fails to provide health insurance as ordered may be punished for contempt of court and shall be solely responsible for the payment of all health care expenses incurred on the child(ren)'s behalf as a result of the failure to provide insurance.

The decree shall further state that if the Obligor is found in contempt for failing to provide health insurance coverage and he/she has previously been found in contempt under Chapter 2705 of the O.R.C., the Court shall consider the Obligor's failure to comply with the order as a change of circumstances for the purpose of modification of the amount of support due under the child support order that is the basis of the order issued under O.R.C. 3119.30 to 3119.31.

- (16) An order that any person who is the residential parent of a child, including any party to a Shared Parenting Decree, and any other legal custodian, shall send a notice of intent to relocate to the Domestic Relations Court Case Management Office, as follows:
  - (a) the other parent, Certificate of Service must be provided.
  - (b) the Domestic Relations Court Case Management Office;
  - (c) the Butler County Child Support Enforcement Agency (CSEA).
  - (d) Notice must be sent within the following time frames:
    - i. If relocating within Butler County – at least **thirty (30)** days in advance of the move;
    - ii. If relocating outside Butler County – at least **sixty (60)** days in advance of the move.
  - (e) A file stamped copy must be submitted to the Case Management Office on Form C13 if relocating within Butler County and on Form C13A if relocating outside Butler County.
  - (f) If either parent believes the relocation will require a change in the allocation of parenting time, it is the responsibility of that parent to file a motion to review the allocation of parenting time.
  - (g) 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 the Shared Parenting Plan, in accordance with Rule DR39

(17) The decree shall require that each parent, or other legal custodian, shall have equal access to the children's school, daycare center, medical or educational records and extracurricular or recreational activities, or an order limiting a parent's access to specific areas. Any order limiting a parent's access shall contain specific findings of fact which support such limitation. The order shall contain a notice to school and daycare officials and to all keepers of records that their knowing failure to comply with the order may be punishable as contempt of court.

**(D) When a Magistrate Hears a Dissolution or Non-Contested Divorce**

If a final non-contested divorce or dissolution is heard by a Magistrate, the final decree shall contain a waiver of the fourteen (14) day objection period and a waiver of findings of fact and conclusions of law, if applicable, unless a Waiver of Magistrate's Findings of Fact and Time Period for Filing Objections (Form DR18) is filed.

**(E) Avoiding Repetition of Mandatory Language**

When multiple documents are filed in a single case, the mandatory language shall appear only once. In dissolutions it shall appear in the separation agreement and be incorporated by reference into the decree. In divorces in which there are separation agreements it shall appear in the separation agreement and be incorporated by reference into the decree. In divorces and dissolutions in which there are shared parenting plans the mandatory language and requirements contained in Rule DR49(C) shall appear in the Shared Parenting Plan and be incorporated by reference into the Shared Parenting Decree. In divorces without Separation Agreements and without Shared Parenting Plans it shall appear in the decree. The mandatory language need not be repeated separately in Shared Parenting Decrees.

**TITLE FIVE: DOMESTIC VIOLENCE**

**DR 50. Procedure**

- (A) Any person who qualifies as a family or household member under O.R.C. 3113.31 may file a petition for an *ex parte* civil protection order.
- (B) Unless authorized by statute, no court costs or filing fee shall be charged in connection with any domestic violence case.
- (C) The Court shall hold a hearing on the same day the petition is filed.
- (D) The petitioner is expected to appear in court for the final protection order hearing and all further proceedings.
- (E) Failure of the petitioner to appear after proper notice of the time, date, and location of a hearing may result in dismissal of the case.
- (F) Objections to Magistrates' decisions shall be governed by Rules DR18 and DR31.
- (G) Continuances shall be governed by Rule DR33.

- (H) Several final Civil Protection Order hearings are scheduled per hour. If a party or attorney expects more than fifteen (15) minutes are needed for a hearing, that party is expected to request a continuance and schedule the hearing for an appropriate amount of time.

## **TITLE SIX: SPECIAL ACCOMMODATIONS**

### **DR 51. Disabled Persons**

Any person who requires special accommodations because of a handicap or disability shall notify the Administrative Office of the Court by calling (513) 887-3352 of his/her special requirements at least ten (10) days before a scheduled court appearance. The Court shall comply with all reasonable requests for assistance, including providing interpreters, without additional cost, except as described in Rule DR52.

### **DR 52. Interpretive Services**

When interpretive services are needed, the attorney or party requesting an interpreter shall complete a Request for Interpreter (Form DR627) and submit it to the Administrative Office of the Court at least ten (10) days before the scheduled hearing. The Court will arrange for a certified interpreter (when reasonably possible) to be present for the hearing and will inform the requesting attorney/party of the name and address of the interpreter selected. It is the responsibility of the requesting party to notify the interpreter, in writing, if there is any change in the date or time of the hearing. Failure to comply with this rule may result in a party being held responsible for payment of the interpreter's fee.

## **TITLE SEVEN: ALTERNATIVE DISPUTE RESOLUTION**

### **DR 53. Mediation – (Suspended and Reserved)**

## **TITLE EIGHT: SPECIAL PROJECTS**

### **DR 54. Special Project Fees**

Pursuant to O.R.C. 2303.201(E)(1) the Court has determined, for efficient operation, that additional funds are necessary to acquire and pay for special projects, including but not limited to, the Family Unit, the Employment Services Program, and acquisition and rehabilitation of facilities, acquisition of equipment, the hiring and training of staff, employment of magistrates, the training and education of judges and magistrates, employment of a Family Unit Specialist and Parenting Coordinator, Employment Services Aide and other related services.

Pursuant to O.R.C. 2303.201(E)(1), a fee ordered by this Court, through the Clerk of Courts in addition to the fees and costs authorized under O.R.C. 2303.20, will be charged and collected by the Clerk of Courts upon the filing of each new civil action in this Court and upon the filing of each post-decree motion. All fees collected under this Rule shall be paid to the Clerk of Courts for deposit with the County Treasurer for deposit into a special projects fund. Monies from that fund shall be disbursed upon order of this Court in an amount no greater than the actual cost of the special project stated above or for any other special project that this Court from time to time might deem necessary for its efficient operation.