

PORTAGE COUNTY COMMON PLEAS COURT  
DOMESTIC RELATIONS DIVISION  
LOCAL RULES OF COURT  
Effective September 23, 2022

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## **Rule 1    General Court Provisions and Policies**

### **1.1    Hours of Operation**

The Court shall be in session Monday through Friday from 8:00 a.m. until 4:00 p.m., unless otherwise ordered, and at any other time dictated by the Court.

### **1.2    Application of Rules of Court**

These rules apply to the Portage County Common Pleas Court, Domestic Relations Division; Mediation; “Children Are Forever” program; and any other area or medium designated or used by the Court (“Court area”).

### **1.3    Citation**

These rules shall be known as the “Portage County Common Pleas Court, Domestic Relations Division, Local Rules of Court” and cited as “Loc.R.”

### **1.4    Effective Date**

These rules shall be effective September 23, 2022, and supersede all previous rules promulgated by this Court.

### **1.5    Construction**

The Local Rules shall be construed to conform and operate in conjunction with the Ohio and United States Constitutions, the Ohio Revised Code (“R.C.”), the Ohio Rules of Civil Procedure (“Civ.R.”), and the Ohio Rules of Superintendence (“Sup.R.”).

### **1.6    Ex Parte Communication Prohibited**

No attorney or party shall discuss or attempt to discuss a case, either orally or in writing, with a Judge or a Magistrate outside the presence of opposing counsel or self-represented litigant.

### **1.7    Court Appearance**

Attorneys of record, parties, and witnesses are required to physically appear for all hearings and mediations, unless excused by the Court or permitted to appear by remote access.

### **1.8    Appropriate Attire**

Parties and witnesses must be appropriately dressed for all Court proceedings. Individuals inappropriately dressed will not be admitted in the Court area.

### **1.9    No Children at Court**

No person shall bring children to Court unless ordered to do so by the Court. In the event children must be brought to Court, adequate supervision must be provided. The Court will not provide childcare services.

**1.10 No Food or Drink**

No food or drink is allowed in the Court area other than bottled water.

**1.11 Security**

All persons entering the Court are subject to security screening.

**1.12 Cell Phones**

Attorneys, parties, and witnesses shall turn off cell phones before entering the courtroom, unless otherwise authorized by the Court.

**1.13 Cameras and Recording Devices**

No cameras or recording devices shall be utilized in the Court area, unless otherwise authorized by the Court.

**1.14 Etiquette**

Attorneys, parties, and witnesses are expected to behave in a professional, respectful, and civil manner. Undignified or discourteous conduct that is degrading to a Court proceeding may result in a finding of contempt or other sanctions.

**1.15 Compliance**

Failure to comply with Local Rules shall not serve as an automatic basis for extension of any time requirements mandated by these rules, state laws, or rules of procedure.

**1.16 Record of Proceedings**

Court proceedings shall be recorded manually, by audio and/or video means, or as otherwise specified by the Court and preserved as required by law.

**Rule 2 Special Accommodations and Circumstances**

**2.1 Translators**

When translator services are needed to assist limited English or non-English speaking persons communicating with the Court, the attorney or party requesting a translator ("requesting party") shall file a motion stating the language for which a translator is required. The motion shall be filed at least twenty (20) days prior to any scheduled hearing or no later than the Status Conference, whichever is earlier, subject to discretion of the Court. The requesting party shall provide the Court Administrator with a copy of the motion. The Court shall arrange for the translator to be present for the hearing. The requesting party shall immediately notify the Court if the translator is no longer needed.

**2.2 Interpreters**

When interpreter services are needed to assist hearing-impaired persons communicating with the Court, the attorney or party requesting an interpreter ("requesting party") shall file a motion stating the service for which an interpreter is required. The motion shall be filed at least twenty (20) days prior to any scheduled

hearing or no later than the Status Conference, whichever is earlier, subject to discretion of the Court. The requesting party shall provide the Court Administrator with a copy of the motion. The Court shall arrange for the interpreter to be present for the hearing. The requesting party shall immediately notify the Court if the interpreter is no longer needed.

### **2.3 Other Impairments**

When a specific accommodation is needed for any other reason, the attorney or party requesting the accommodation ("requesting party") shall file a motion stating the specific accommodation needed. The motion shall be filed at least twenty (20) days prior to any scheduled hearing or no later than the Status Conference, whichever is earlier, subject to discretion of the Court. The requesting party shall provide the Court Administrator with a copy of the motion.

### **2.4 Incarceration**

Any party who is incarcerated and wishes to participate in proceedings before the Court shall file a motion which shall state the manner by which the party wishes to participate. The motion shall be filed at least twenty (20) days prior to any scheduled hearing or no later than the Status Conference, whichever is earlier, subject to discretion of the Court. The Court shall consider the information provided in the motion and all other available evidence and rule accordingly. The Court may facilitate the party's participation via remote access if the Court denies a motion to participate in proceedings by being physically present or grants a motion to participate in proceedings by video conference.

### **2.5 Servicemembers Civil Relief Act**

- A. The Court shall advise a self-represented litigant who is an active member of the military service ("servicemember") pursuant to the Servicemembers Civil Relief Act of 1940 ("SCRA"), 50 USC 501, et seq., as amended, of the right to obtain counsel. The Court may appoint an attorney to advise the servicemember and assess and allocate the cost of the attorney as costs in the case.
- B. The Court may stay the proceedings pending the servicemember's availability for Trial. During that stay, the servicemember shall cooperate in all discovery procedures and notify the Court of availability.
- C. The Court may require a servicemember to make an allotment from pay and allowances for support in any case in which child support payments are owed.

### **2.6 Bankruptcy**

Any party participating in a bankruptcy shall immediately notify the Court and opposing party by filing a Notice of Bankruptcy.

### **Rule 3 Attorney of Record**

#### **3.1 Attorney Requirements**

An attorney who practices in the Court must be admitted to the practice of law, registered with the Supreme Court of Ohio, and in good standing. An attorney may be required to present a Supreme Court of Ohio registration card to the Court.

#### **3.2 Notice of Appearance**

An attorney shall file a Notice of Appearance in all cases in which that attorney participates.

#### **3.3 Withdrawal of Attorney**

The Court anticipates that an attorney who enters an appearance shall remain on the case until it is concluded. Any request to withdraw from representation shall be made in writing no less than seven (7) days prior to a hearing. The request shall comply with the Ohio Rules of Professional Conduct ("Prof.Cond.R."), specifically including, but not limited to, 1.16 and 6.2. The request shall include the reason (without divulging any confidential client information) and proof of service to the client. The Court has discretion to deny the request to withdraw. The Court may require attorneys of record and parties to appear prior to granting the request to withdraw to avoid unnecessary delays. An immediate substitution of attorney will negate the necessity for an appearance before the Court. Failure to appear by an attorney of record may subject the attorney to sanctions.

#### **3.4 Pro Hac Vice**

An attorney who is not registered in the State of Ohio and seeks temporary approval to practice in the Court shall file a request in the initial pleadings and comply with the requirements set forth in the Supreme Court Rules for the Government of the Bar of Ohio ("Gov.Bar R."), specifically Rule XII. The Court has the discretion to grant or deny a request.

### **Rule 4 Filing Fees**

#### **4.1 Schedule of Fees**

A current schedule of filing fees is available at the Portage County Clerk of Courts ("Clerk of Courts") website at [https://www.portagecounty-oh.gov/sites/g/files/vyhlf3706/f/uploads/domestic\\_relations\\_costs\\_effective\\_9.23.2022.pdf](https://www.portagecounty-oh.gov/sites/g/files/vyhlf3706/f/uploads/domestic_relations_costs_effective_9.23.2022.pdf).

#### **4.2 Payment of Filing Fee**

An attorney or self-represented litigant filing an original pleading, originating post-Decree motion, or other document shall remit the requisite filing fee at the time a pleading, motion, or other document is filed with the Clerk of Courts.

#### **4.3 Affidavit of Indigency**

A party who is unable to pay a filing fee shall file a completed, executed, and notarized Affidavit of Indigency. The Affidavit of Indigency is available at [https://www.portagecounty-oh.gov/sites/g/files/vyhlif3706/f/uploads/1\\_-\\_affidavit\\_of\\_indigency\\_4.pdf](https://www.portagecounty-oh.gov/sites/g/files/vyhlif3706/f/uploads/1_-_affidavit_of_indigency_4.pdf). The filing of an Affidavit of Indigency is not determinative of whether the Court will relieve a party of the responsibility for filing fees and court costs.

#### **4.4 Assessment of Costs**

- A. A Notice of Voluntary Dismissal or final Judgment Entry shall contain a provision for the assessment of court costs.
- B. In the absence of a Court order otherwise, the balance of costs shall be equally divided among the parties after application of all deposits.

#### **4.5 Electronic Copy of Final Judgment Entry**

The Clerk of Courts provides an electronic copy of the final Judgment Entry to the attorney of record or self-represented litigant, at no charge.

### **Rule 5 Pleadings: Format and Procedures**

#### **5.1 General Format**

All pleadings and filings shall be typed or legibly printed on white letter size (8 ½" x 11") paper, single-sided, paginated, and securely bound.

#### **5.2 Caption**

The caption of every pleading shall state the name of the Court, the full legal names of the parties, the case number, and the general nature of the pleading, for example:

- Complaint for Divorce with Children;
- Complaint for Divorce without Children;
- Petition for Dissolution with Children;
- Petition for Dissolution without Children;
- Complaint for Legal Separation with Children;
- Complaint for Legal Separation without Children;
- Complaint for Annulment with Children;
- Complaint for Annulment without Children;
- Motion for Temporary Orders;
- Complaint for Parentage, Allocation of Parental Rights and Responsibilities/Custody, and Parenting Time/Companionship or Visitation;
- Post-Decree Motion for Parental Rights and Responsibilities/ Custody, Parenting Time/Companionship or Visitation;
- Post-Decree Motion to Show Cause for Contempt;
- Post-Decree Motion for Modification;
- Petition for Civil Protection Order;
- Uniform Reciprocal Enforcement of Support Act ("URESА");

- Uniform Interstate Family Support Act (“UIFSA”); or
- Any other pleadings authorized by law.

The case caption on the original pleading shall remain the same for all subsequent pleadings and motions filed in the same case, except for identifying the general nature of the pleading.

### **5.3 Party Information**

- A. Original pleadings and originating post-Decree motions shall contain the parties’ full legal names, addresses (unless confidential), and dates of birth. A party who has a confidential address shall provide an address at which service of pleadings may be made.
- B. Attorneys of record and parties have a continuing obligation to file a Notice of Change of Address.

### **5.4 Child(ren) Information**

Original pleadings and originating post-Decree motions involving child(ren) born as issue of or adopted by the parties shall contain the child(ren)’s full legal names and dates of birth.

### **5.5 Social Security Number**

- A. No filing shall contain the Social Security number of any party or minor child(ren).
- B. If Social Security numbers are required for reference relating to support matters, including, but not limited to, health orders, spousal support orders, or child support orders, the parties shall complete a Child Support Enforcement Agency (“CSEA”) Support Payment Registration Form. The Form is available at [https://www.portagecounty-oh.gov/sites/g/files/vyhlf3706/f/uploads/3\\_-\\_csea\\_reg\\_2.pdf](https://www.portagecounty-oh.gov/sites/g/files/vyhlf3706/f/uploads/3_-_csea_reg_2.pdf) . The CSEA Form shall be attached only to service copies of pleadings to be served upon CSEA or any other entity requiring the Social Security numbers for reference.
- C. If Social Security numbers are required for reference relating to the division of a retirement account, the parties shall complete a personal information sheet which shall be attached only to service copies of pleadings to be served upon any entity requiring the Social Security numbers for reference.



## **5.6 Attorney or Self-Represented Litigant Information**

Pleadings and filings shall include a signature block which shall be fully completed in the following format:

Signature

Name

Ohio Supreme Court Number, if applicable

Attorney for Plaintiff/Defendant/Petitioner/Respondent **OR**

Plaintiff/Defendant/Petitioner/Respondent

Name of Law Firm, if applicable

Address

Telephone No.

Email

Fax No.

## **5.7 Active Military Service**

Every Complaint for Divorce, Annulment, or Legal Separation, Petition for Dissolution, Complaint for Parentage, Allocation of Parental Rights and Responsibilities/Custody, and Parenting Time/Companionship or Visitation, or post-Decree motion shall include a statement indicating whether a party is in the military service as defined in the SCRA and a Military Service Affidavit which is available at [https://www.portagecounty-oh.gov/sites/g/files/vyhlf3706/f/uploads/17\\_-\\_military\\_service\\_affidavit.pdf](https://www.portagecounty-oh.gov/sites/g/files/vyhlf3706/f/uploads/17_-_military_service_affidavit.pdf).

## **5.8 Motion Procedure**

Motions shall be accompanied by a proposed Judgment Entry or scheduled for a hearing as provided in Loc.R. 10.

## **5.9 Filing Procedure**

Except as provided by Civ.R. 5(E) or Loc.R. 7, the Court shall not accept the filing of any documents. Filings shall be submitted to the Clerk of Courts and processed pursuant to the rules and regulations of the Clerk of Courts.

# **Rule 6 Service**

## **6.1 Service Requirements**

All pleadings and filings shall include either an Instruction for Service **OR** Certificate of Service and be served in compliance with the Ohio Rules of Civil Procedure.

## **6.2 Appointment of Personal Process Server**

### **A. Motion and Affidavit**

An attorney, self-represented litigant, or other individual shall file a motion and affidavit in accordance with Civ.R. 4.1(B) and submit a proposed order when the appointment of a personal process server is requested.

**B. Content of Affidavit for One-Time Appointment**

An affidavit from an individual for a one-time appointment must:

- Identify the name, address, email, and telephone number of the individual to be appointed;
- Affirm that the individual is not less than 18 years of age;
- Affirm that the individual is not a party or attorney for a party in the action and does not have an interest in the action; and
- Affirm that the individual will comply with all requirements of Civ.R. 4 – 4.6, applicable Local Rules, and specific instructions for service of process as ordered by the Court.

**C. Content of Affidavit for Standing Appointment**

An affidavit from an individual for a standing appointment must:

- Identify the name, address, email, and telephone number of the individual to be appointed;
- Affirm that the individual is not less than 18 years of age;
- Affirm that the individual will not serve as a personal process server in a case in which the individual is a party, is an attorney for a party, or has an interest; and
- Affirm that the individual will comply with all requirements of Civ.R. 4 – 4.6, applicable Local Rules, and specific instructions for service of process as ordered by the Court in individual cases.

**D. Proposed Order**

The proposed Order shall state that the individual has complied with Civ.R. 4.1(B) and Loc.R. 6.2 and is appointed as either a personal process server in the instant case **OR** a standing personal process server authorized to make service of process until further order of the Court.

**6.3 Service by Publication**

**A. Service by Publication in a Newspaper**

An attorney or self-represented litigant shall file a Notice and Affidavit in accordance with Civ.R. 4.4(A)(1) when service of process of an original pleading or originating post-Decree motion is made by publication in a newspaper. The Notice shall include the date and time of the hearing.

**B. Service by Publication by Posting and Mail**

An attorney or self-represented litigant shall file a Notice and Affidavit in accordance with Civ.R. 4.4(A)(2) when service of process of an original pleading or originating post-Decree motion is made by publication by posting and mail. The Notice shall include the date and time of the hearing. The Clerk of Courts shall cause the Notice to be posted in a conspicuous place. The locations designated for posting of Notice shall be the Courthouse, 203 West Main Street, Ravenna, Ohio 44266; the County Administration Building, 449 South Meridian Street, Ravenna, Ohio 44266; and the Kent Municipal Court, 303 East Main Street, Kent, Ohio 44240; **OR** the website of the Clerk of Courts,

<https://www.portagecounty-oh.gov/portage-county-clerk-courts> in non-Civil Protection Order cases.

## **Rule 7 Facsimile and Electronic Filings**

### **7.1 Definitions**

The definition of facsimile filing is the use of telephone lines to submit a document for filing. The definition of electronic filing is the use of the internet to electronically submit a document for filing. A facsimile or electronic filing shall be considered an original and does not require a subsequent hard copy.

### **7.2 RESERVED FOR ELECTRONIC SIGNATURE**

### **7.3 Signature**

- A. Documents filed by facsimile or electronically with the Clerk of Courts that require an attorney's or filing party's signature shall be signed with a conformed signature of "*John Doe*." The conformed signature on a facsimile or electronically filed document is deemed to constitute a signature on the document for the purposes of signature requirements imposed by the Ohio Rules of Superintendence, Ohio Rules of Civil Procedure, and any other law. The correct format is as follows:

Signature

Name

Ohio Supreme Court Number, if applicable

Attorney for Plaintiff/Defendant/Petitioner/Respondent **OR**

Plaintiff/Defendant/Petitioner/Respondent

Name of Law Firm, if applicable

Address

Telephone No.

Email

Fax No.

- B. A signature on facsimile or electronically transmitted documents shall be considered that of the attorney or party it purports to be for all purposes. If it is established that the documents were transmitted without authority, the Court shall order the filing stricken.

### **7.4 Filing Timestamp**

A facsimile or electronic filing may be submitted to the Clerk of Courts twenty-four (24) hours per day, seven (7) days per week. A document submitted after 3:59 p.m. Eastern Time on any Court business day shall be deemed to be filed and timestamped on the Court's next business day.

## **7.5 Filing Fee**

The Clerk of Courts may reject a document filed by facsimile or electronically that requires a filing fee unless the filer has complied with the mechanism established by the Clerk of Courts for the payment of filing fees.

## **Rule 8 Clerk of Courts Files**

### **8.1 Public File and Confidential Family File**

The Clerk of Courts maintains a Public File and a Confidential Family File ("Family File") for each case as set forth herein in accordance with Sup.R. 44(C).

### **8.2 Public File**

The Clerk of Courts maintains case documents in a Public File. "Case document" means a document submitted to the Court or filed with the Clerk of Courts in a judicial action or proceeding, including pleadings, motions, orders, judgments, exhibits, and any documentation prepared by the Court or Clerk of Courts in the judicial action or proceeding, such as journals, dockets, and indices, subject to the exclusions set forth in Sup.R. 44(C)(2)(a) to (h).

### **8.3 Family File**

- A.** Documents submitted to the Court or filed with the Clerk of Courts excluded from the definition of "case document," as defined below, are kept in a separate Family File. The Clerk of Courts maintains the Family File in such manner and in such location as the Clerk of Courts deems appropriate.
- B.** The term "case document" does not include the following:
  - Health care documents, including, but not limited to, physical health, psychological health, psychiatric health, mental health, and counseling documents;
  - Drug and alcohol use assessments, pre-disposition treatment facility reports, and drug test reports;
  - Guardian ad Litem reports, including collateral source documents attached to or filed with the reports;
  - Home investigation reports, including collateral source documents attached to or filed with the reports;
  - Child custody evaluations and reports, including collateral source documents attached to or filed with the reports;
  - Domestic violence risk assessments;
  - Supervised parenting time or companionship or visitation records and reports, including exchange records and reports;
  - Financial disclosure statements regarding property, debt, taxes, income, and expenses, including collateral source documents attached to or filed with the reports and statements;
  - Asset appraisals and evaluations;
  - Health Insurance Affidavits;

- Parenting Proceeding Affidavits;
- Affidavits in support of motions which include specific references to information contained in the confidential documents set forth herein; and
- Documents in Juvenile Court transfer cases to the Court involving delinquency, abuse, neglect, or dependency actions.

#### **8.4 Notice of Filing**

An attorney or self-represented litigant shall file a Notice of Filing identifying and reflecting the filing of a document in the Family File. The Notice of Filing form is available at [https://www.portagecounty-oh.gov/sites/g/files/vyhlif3706/f/uploads/16\\_-\\_notice\\_of\\_filing\\_0.pdf](https://www.portagecounty-oh.gov/sites/g/files/vyhlif3706/f/uploads/16_-_notice_of_filing_0.pdf). The Notice of Filing is maintained by the Clerk of Courts in the Public File.

#### **8.5 Prohibited Attachments**

No attorney or self-represented litigant shall attach a document described in Loc.R. 8.3(B) to any pleading or filing in the Public File.

#### **8.6 Redaction and Removal**

Upon motion of a party or upon the Court's own motion, documents containing sensitive personal information may be ordered to be transferred to or maintained in the Family File. The Court shall order the Clerk of Courts to redact all Social Security numbers or other personal identifiers from documents in the Public File.

#### **8.7 Inspection of Family File**

- A. Court personnel, Guardians ad Litem, attorneys of record, and self-represented litigants may inspect the Family File.
- B. The Court may permit other individuals to inspect the Family File upon motion and for good cause shown.
- C. No document in the Family File shall be imaged, recorded, or disseminated to an unauthorized individual or removed from the office of the Clerk of Courts without order of the Court.

#### **8.8 Effective Date**

The provisions of this rule restricting public access to certain documents shall apply only to those relevant documents filed on or after January 1, 2016.

### **Rule 9 Required Affidavits**

#### **9.1 Financial Disclosure Affidavits**

- A. The initiating party shall file Financial Disclosure Affidavit(s) contemporaneously with initial filings in all original matters and in post-Decree matters involving child support or spousal support. A responding party shall file Financial Disclosure Affidavit(s) contemporaneously with an

Answer, Counterclaim, or any responsive pleading, or no less than ten (10) days prior to the first scheduled hearing, whichever is earlier.

- B. Both parties in a Dissolution action shall file Financial Disclosure Affidavit(s) contemporaneously with a Petition for Dissolution.
- C. The Court will accept the Affidavit of Basic Information, Income, and Expenses **AND** the Affidavit of Property and Debt approved by the Supreme Court of Ohio effective on June 1, 2021, **OR** the Court's Local Affidavit of Financial Disclosure (collectively referred to as "Financial Disclosure Affidavit(s)").
  - Affidavit of Basic Information, Income, and Expenses is available at <http://www.supremecourt.ohio.gov/JCS/CFC/DRForms/Affidavit1.pdf>;
  - Affidavit of Property and Debt is available at <http://www.supremecourt.ohio.gov/JCS/CFC/DRForms/Affidavit2.pdf>;
  - Local Affidavit of Financial Disclosure for Dissolution Only is available at [https://www.portagecounty-oh.gov/sites/g/files/vyhlf3706/f/uploads/7.5\\_-\\_affidavit\\_of\\_financial\\_disclosure\\_dissolution.pdf](https://www.portagecounty-oh.gov/sites/g/files/vyhlf3706/f/uploads/7.5_-_affidavit_of_financial_disclosure_dissolution.pdf);
  - Local Affidavit of Financial Disclosure for Divorce, Annulment, and Legal Separation cases is available at [https://www.portagecounty-oh.gov/sites/g/files/vyhlf3706/f/uploads/7\\_-\\_affidavit\\_of\\_financial\\_disclosure\\_0.pdf](https://www.portagecounty-oh.gov/sites/g/files/vyhlf3706/f/uploads/7_-_affidavit_of_financial_disclosure_0.pdf); and
  - Local Affidavit of Financial Disclosure for Parentage, Allocation of Parental Rights and Responsibilities/Custody, Parenting Time/Companionship or Visitation cases is available at [https://www.portagecounty-oh.gov/sites/g/files/vyhlf3706/f/uploads/7.75\\_affidavit\\_of\\_financial\\_disclosure\\_parentage.pdf](https://www.portagecounty-oh.gov/sites/g/files/vyhlf3706/f/uploads/7.75_affidavit_of_financial_disclosure_parentage.pdf)
- D. Parties may not waive the filing, exchange, or time requirements for the exchange of Financial Disclosure Affidavit(s).
- E. Each party is required to fully complete and update Financial Disclosure Affidavit(s). Failure to fully complete and update affidavit(s) may result in the imposition of sanctions.

## **9.2 Parenting Proceeding Affidavit**

The initiating party shall file a Parenting Proceeding Affidavit contemporaneously with initial filings in original and post-Decree matters involving custody proceedings. Other parties shall file a Parenting Proceeding Affidavit prior to the first hearing. The Parenting Proceeding Affidavit is available at <http://www.supremecourt.ohio.gov/JCS/CFC/DRForms/Affidavit3.pdf>.

## **9.3 Health Insurance Affidavits**

The initiating party shall file a Health Insurance Affidavit contemporaneously with initial filings in original and post-Decree matters involving custody or child support proceedings. The Health Insurance Affidavit is available at <http://www.supremecourt.ohio.gov/JCS/CFC/DRForms/Affidavit4.pdf>.

## **Rule 10 Scheduling of Hearing Dates**

### **10.1 Procedure**

An attorney or self-represented litigant shall obtain a hearing date from the Court for the following:

- An Uncontested Divorce, Annulment, or Legal Separation pursuant to Civ.R. 75(K);
- A Dissolution of Marriage pursuant to R.C. 3105.64;
- A Complaint for Parentage, Allocation of Parental Rights and Responsibilities/Custody, and Parenting Time/Companionship or Visitation; or
- A motion for which a hearing is required or requested.

### **10.2 Service of Notice of Hearing**

An attorney or self-represented litigant shall serve a Notice of Hearing contemporaneously with related pleadings to all attorneys of record or parties in accordance with the Ohio Rules of Civil Procedure.

### **10.3 Divorce, Annulment, and Legal Separation**

Pursuant to Civ.R. 75(K), no action for Divorce, Annulment, or Legal Separation may be heard and decided until the expiration of forty-two (42) days after service of process or twenty-eight (28) days after the last publication of notice of the Complaint. No action for Divorce, Annulment, or Legal Separation shall be heard and decided earlier than twenty-eight (28) days after service of a Counterclaim, which under this rule may be designated a Cross-Complaint, unless the Plaintiff files a written waiver of the twenty-eight (28) day period.

### **10.4 Dissolution**

Pursuant to R.C. 3105.64, a Dissolution of Marriage hearing shall be scheduled not less than thirty (30) days or more than ninety (90) days after the filing of the Petition for Dissolution of Marriage, except as provided by R.C. 3105.64(C).

### **10.5 Post-Decree**

The first scheduled hearing in a post-Decree matter involving a Motion to Show Cause or Motion for Modification of Parental Rights and Responsibilities/Custody/Companionship or Visitation shall be an Initial Hearing. The Court shall schedule the Evidentiary Hearing subsequent to the Initial Hearing.

## **Rule 11 Mutual Temporary Restraining Orders and Ex Parte Motions**

### **11.1 Mutual Temporary Restraining Order**

The Court shall issue a Mutual Temporary Restraining Order, sua sponte, upon the filing of a Complaint for Divorce, Legal Separation, or Annulment.

### **11.2 General Filing Requirements – Ex Parte**

A Motion for an Ex Parte Order must be made by separate request with a supporting affidavit. The affidavit must be signed by the moving party and state the reason(s) for requesting the Order. The moving party shall submit a proposed Order which provides the necessary relief in the least restrictive manner. The person whose rights may be adversely affected must be a party to the action.

### **11.3 Additional Filing Requirements - Emergency Ex Parte**

- A. A Motion for an Emergency Ex Parte Order may be filed if there is a risk of immediate or imminent irreparable harm.
- B. The moving party shall make a good faith effort to notify opposing attorney(s) and/or self-represented litigant(s) prior to filing the Motion. The Motion for an Emergency Ex Parte Order must be made by separate request with a supporting affidavit. The affidavit must be signed by the moving party and state the reason(s) for the requested Order. The moving party must be present at Court on the day the Motion is filed and able to present supporting evidence. The moving party shall submit a proposed Order which provides the necessary relief in the least restrictive manner. The person whose rights may be adversely affected must be a party to the action.

### **11.4 Orders**

The Court may modify a proposed Order. An Ex Parte Order may be issued by the Court pursuant to provisions of the Ohio Rules of Civil Procedure and Ohio law. An Ex Parte Order shall not restrain checking accounts utilized to pay customary and ordinary monthly household living expenses for the parties or business expenses.

### **11.5 Full Hearing**

A Motion for an Ex Parte Order shall be set for a Full Hearing in a timely fashion pursuant to Loc.R. 10.1.

### **11.6 Modification or Termination of an Ex Parte Order**

A party against whom an Ex Parte Order was granted may file a motion requesting that the Order be modified or terminated. The motion shall be accompanied by a supporting affidavit. The motion shall be set for hearing in a timely fashion pursuant to Loc.R. 10.1.

### **11.7 Ex Parte Temporary Order**

Notwithstanding Loc.R. 11, the Court will not issue an Ex Parte Temporary Order for child custody, child support, or spousal support without an Evidentiary Hearing unless such orders should be issued in the interest of justice and/or to protect the welfare of child(ren).



## **Rule 12 Domestic Violence and Dating Violence Civil Protection Orders**

### **12.1 Procedure**

The Court recommends that an individual seeking a Domestic Violence or Dating Violence Civil Protection Order (“Civil Protection Order”) pursuant to R.C. 3113.31 consult with the domestic violence advocate prior to filing a Petition. The domestic violence advocate can be reached at (330) 298-4229. A Petition for a Civil Protection Order filed after 3:00 p.m. Eastern Time on any Court business day shall be heard on the Court’s next business day.

### **12.2 Forms**

Forms relating to Civil Protection Orders are available at <https://www.portagecounty-oh.gov/portage-county-clerk-courts/pages/domestic-relations> .

### **12.3 Dismissal/Termination**

The Court shall not dismiss a Petition or terminate an Ex Parte Civil Protection Order, Full Hearing Civil Protection Order, or Consent Agreement and Civil Protection Order without a hearing.

### **12.4 Online Publication**

There shall be no public access to any Civil Protection Order docket through the Clerk of Courts’ website.

## **Rule 13 Case Management**

### **13.1 Default Uncontested Final Hearing**

A case shall proceed as uncontested when a Complaint is filed and served pursuant to the Ohio Rules of Civil Procedure and no responsive pleading is filed or appearance entered by the Defendant. The Court shall schedule a case for a default Uncontested Final Hearing no less than forty-two (42) days after service, or twenty-eight (28) days after the last publication of notice of the Complaint.

### **13.2 Temporary Hearing**

- A.** The Court shall schedule a case for a Temporary Hearing when either party files a Motion for Temporary Orders other than those provided in Civ.R. 75(I). The moving party shall serve the Motion and give notice of the hearing date to the responding party(ies) no less than seven (7) days prior to the hearing.
- B.** As applicable, the Court shall address issues including, but not limited to:
  - Temporary allocation of parental rights and responsibilities,
  - Temporary custody/companionship or visitation;
  - Temporary child support;
  - Temporary spousal support;
  - Temporary possession of the marital residence;
  - Temporary allocation of marital expenses;

- Discovery, including disclosures required by Civ.R. 26;
  - Pension and business evaluations;
  - Real estate and personal property appraisals; and
  - Mediation.
- C. The parties shall provide the Court with the following documents for matters regarding the allocation of parental rights and responsibilities, custody, and child support:
- Copy of the prior year's federal income tax return;
  - Current pay stub;
  - Cost of childcare; and
  - Cost of health insurance.

### **13.3 Case Management Order**

The Court shall issue a Case Management Order setting forth hearing dates subsequent to the Temporary Hearing or the filing of an Answer or responsive pleading when no Motion for Temporary Orders is filed. The Court shall send Notice of the dates and times of the hearings to attorneys of record and self-represented litigants.

### **13.4 Status Conference**

- A. As applicable, the Court shall address and/or review issues relating to allocation of parental rights and responsibilities/custody, parenting time/companionship or visitation, discovery, pension and business evaluations, real estate and personal property appraisals, mediation, and pretrial procedures as set forth in Civ.R. 16.
- B. A party requesting a home study, psychological evaluation, custody evaluation, in camera interview, or Guardian ad Litem appointment shall file the appropriate motion no less than seven (7) days prior to the Status Conference. Thereafter, leave of Court is required.

### **13.5 Pre-Trial**

#### **A. Purpose**

As applicable, the Court shall address issues including, but not limited to:

- Admission of facts not in dispute;
- Stipulations regarding assets and debts, spousal support, parental rights and responsibilities/custody, parenting time/companionship or visitation, and child support;
- Stipulations to the authenticity of documents and other exhibits to be introduced at Trial/Evidentiary Hearing; and
- Identification of factual and legal matters in dispute.

#### **B. Requirements**

Parties shall complete the following no less than seven (7) days prior to the Pre-Trial:

- File amended Financial Disclosure Affidavits with updated information;

- Conclude discovery;
- Exchange business and pension evaluations, real estate and personal property appraisals, and other expert reports;
- Exchange all exhibits; and
- File a Pre-trial Statement, which includes a list of witnesses, list of exhibits, proposed stipulations, and issues for the Court's consideration.

**C. Request for Parenting Plan/Shared Parenting Plan**

A pleading or motion to adopt a parenting plan or shared parenting plan shall be filed in accordance with the Ohio Revised Code and Loc.R. 18.

**D. Request for Attorney Fees**

1. A request for attorney fees and expenses to prosecute or defend an action shall be made by written motion or may be combined with any other pleading.
2. A request for attorney fees shall be filed no later than fourteen (14) days prior to the Trial/Evidentiary Hearing.
3. A party seeking attorney fees shall present evidence which shall include a minimum of the following:
  - a. The basis of the request for attorney fees;
  - b. An itemized statement describing the services rendered, the time devoted for each service, and the requested hourly rate;
  - c. Testimony or affidavit of counsel regarding the attorney's years in practice and experience in domestic relations court cases; and
  - d. Except as provided in Loc.R. 26.5, expert testimony to support the reasonableness of the attorney's hourly rate and the necessity of the services rendered regarding the issues involved in the case.

**E. Request for Extension of Time**

A party must request leave of Court to extend any of the aforesaid deadlines.

**13.6 Trial/Evidentiary Hearing**

**A. Uncontested Hearing Procedure**

1. A written settlement agreement or Agreed Judgment Entry shall be submitted to the Court's Compliance Officer for review no less than fourteen (14) days prior to Trial/Evidentiary Hearing.
2. The reviewed and approved executed settlement agreement or Agreed Judgment Entry shall be submitted to the Court no less than seven (7) days prior to the Trial/Evidentiary Hearing.
3. Oral settlement agreements shall be read into the Court's record at the hearing under oath.

**B. Contested Hearing Procedure**

1. Trial/Evidentiary Hearing exhibits shall be pre-marked. Plaintiff/Petitioner 1 shall use numbers and Defendant/Petitioner 2/Respondent shall use letters.
2. Courtesy copies of exhibits shall be provided to opposing counsel and self-represented litigants no less than seven (7) days prior to the

Trial/Evidentiary Hearing and to the Court on the day of the Trial/Evidentiary Hearing.

3. Attorney(s) of record, parties, and witnesses shall physically appear at the Trial/Evidentiary Hearing unless otherwise ordered by the Court.
4. Attorney(s) of record and parties shall be prepared to proceed.
5. Failure to appear or be prepared may result in the case being dismissed for failure to prosecute.
6. The Court may order sanctions or take other appropriate measures when an attorney or party unnecessarily causes undue delay or conflict or fails to abide by these rules or the Ohio Rules of Civil Procedure. Undue delay or conflict includes, but is not limited to, unreasonable tardiness, failure to attend a hearing, failure to be prepared, engaging in conduct which is disruptive to a Court proceeding, or undignified or discourteous conduct that is degrading to the Court proceeding.

#### **Rule 14 Continuances**

- 14.1** No hearing shall be continued without approval of the Court.

An attorney or self-represented litigant filing a Motion for Continuance shall remit a Ten Dollar (\$10.00) fee to the Clerk of Courts in addition to all other costs assessed. Failure to remit the fee may result in the denial of the Motion as not being properly filed.

- 14.2** An attorney or self-represented litigant shall file a Motion for Continuance no later than fourteen (14) days prior to a hearing or within seven (7) days of receipt of notice for the same, whichever occurs last. The Court reserves the right to grant any Motion filed due to an emergency or unforeseen event.
- 14.3** The Motion for Continuance shall set forth how many continuances were previously granted and at whose request.
- 14.4** The Motion for Continuance shall clearly state the basis for the request. If the basis for the Motion is due to a conflict of hearing assignment dates, the attorney shall attach a copy of the conflicting assignment notice, unless confidential.
- 14.5** The Motion for Continuance shall include the written endorsement of the movant. The requirement that the movant endorse the Motion may be waived provided the Motion includes a statement that the attorney personally contacted and notified the movant of the Motion for Continuance.
- 14.6** The Motion for Continuance shall include a statement that the attorney or self-represented litigant personally contacted opposing counsel or self-represented

litigant(s) and an indication whether opposing counsel or self-represented litigant(s) consented or objected to the Motion.

- 14.7 A copy of the Motion for Continuance shall be served upon opposing counsel or self-represented litigant(s). In the event the Court denies the Motion, the hearing shall proceed as originally scheduled.
- 14.8 The movant shall submit a proposed Order. The Order shall have space provided for a new hearing date to be assigned.
- 14.9 No attorney or party shall presume that a Motion for Continuance is granted. The movant is responsible to confirm whether the Court granted or denied the Motion.
- 14.10 Attorneys shall submit notice of vacation no less than thirty (30) days in advance to preserve their right to seek a continuance for that reason.

## **Rule 15 Mediation**

### **15.1 Definition and Purpose**

- A. Mediation is a voluntary and informal process in which a Mediator facilitates communication and negotiation between parties to assist them in reaching an agreement. The objectives of Mediation are to minimize lasting emotional damage to the parties and their child(ren); avoid needless conflict; encourage productive and cooperative problem-solving; improve communication; and reduce litigation expenses. Mediation shall not be requested or utilized to delay the final resolution of a pending case.
- B. A Mediator cannot provide legal advice.

### **15.2 Scope**

#### **A. Eligible Cases**

Parties may utilize mediation to address any contested issue in a pending case, including, but not limited to, parentage, allocation of parental rights and responsibilities/custody, parenting time/companionship or visitation, child support, division of marital property and debts, spousal support, and post-Decree matters, except as provided in Sup.R. 16.21(A)(4).

#### **B. Ineligible Cases**

Mediation is prohibited as an alternative to the prosecution or adjudication of domestic violence; in determining whether to grant, modify, or terminate a Civil Protection Order; and in determining the penalty for a violation of a Civil Protection Order, as provided by Sup.R. 16.21(A)(4).

### **15.3 Compliance**

Mediation sessions shall be conducted in compliance with the "Uniform Mediation Act" (UMA) under R.C. Chapter 2710; "Mediation of Differences as to the Allocation of Parental Rights and Responsibilities" under R.C. 3109.052; and Sup.R. 16.

#### **15.4 Referral to Mediation**

##### **A. Request Mediation**

An attorney or self-represented litigant may request mediation by filing a motion and identifying the issues to be referred to mediation.

##### **B. Existing Order of Protection**

An attorney or self-represented litigant must advise the Court of an existing order of protection (i.e., Temporary Protection Order or Civil Protection Order) and obtain a modification of the order of protection when requesting mediation.

##### **C. Referral to Mediation**

The Court may refer any case to mediation at any time after service of summons in an action for Divorce, Legal Separation, or Annulment, Parentage, Allocation of Parental Rights and Responsibilities/Custody, and Parenting Time/Companionship or Visitation, or at any time after service of a post-Decree motion.

#### **15.5 Screening for Domestic Violence**

A. Parties and attorneys shall advise the Court and Mediator of any domestic violence allegations. The Mediator shall submit a screening questionnaire to each party to assess for issues of domestic violence, the suitability of mediation as a means to resolve issues, and the ability of each party to safely, effectively, and independently participate in mediation.

B. The Mediator shall take reasonable precautions to create a safe environment for participants and continue to screen for domestic violence throughout the mediation process. The Mediator may terminate mediation if the Mediator thinks that a party does not have the capacity to mediate without fear of coercion and/or control.

C. A person who is or may be the victim of domestic abuse or domestic violence must be informed about the mediation process, the right to decline participation in the mediation process, and the option to have a support person, in addition to an attorney, present at mediation.

#### **15.6 Mediator's Qualifications**

Court approved Mediators must complete education and training in compliance with Sup.R. 16.23(A) and (B)(1).

#### **15.7 Conflicts of Interest**

A. A Mediator shall avoid any actual or apparent conflicts of interest arising from any relationship or activity, including, but not limited to, those of employment or business or from professional or personal contacts with parties or others involved in the dispute. A Mediator shall avoid self-dealing or association from which the Mediator might directly or indirectly benefit, except from compensation for services as a Mediator.

- B. A Mediator shall notify the parties as soon as practicable upon becoming aware of any actual or apparent conflict of interest. The Court may refer a case to an alternate Mediator if the assigned Mediator has a conflict of interest or is unavailable.
- C. The requirements of this rule are in addition to and do not supersede the requirements of R.C. 2710.08. The statute shall control wherever a conflict exists between this rule and R.C. 2710.08.

#### **15.8 Confidentiality**

R.C. Chapter 2710 shall govern issues of confidentiality and privilege. Statements made during mediation screening or sessions are not admissible as evidence in any Court proceeding unless the holder of the privilege waives it or is precluded from asserting it. This rule does not require the exclusion of any evidence which is otherwise discoverable merely because it is presented during mediation. Communications made during mediation are considered compromise negotiations, are not admissible as evidence, and are subject to the other rules and provisions of R.C. 3109.052. The foregoing confidentiality requirements shall not be construed to exempt any person from the statutory duty to report child abuse pursuant to R.C. 2151.421 or the commission of a felony pursuant to R.C. 2921.22.

#### **15.9 Process of Mediation**

- A. Mediation sessions shall occur during the Court's hours of operation. A session shall be scheduled for no less than one and one-half (1 ½) hours, no more than three (3) hours, and no later than seven (7) days prior to any hearing, subject to the Mediator's discretion.
- B. The Mediator shall review the rules and goals of mediation with parties at the initial session. Mediation sessions may be reconvened until issues are resolved unless the Mediator determines that continued efforts would not be productive.

#### **15.10 Participation of Third-Party Attendees**

- A. Parties are encouraged to consult with their attorney to prepare for mediation prior to the first session. Notwithstanding, parties are encouraged to participate in mediation without their attorney in attendance, except as provided in Loc.R. 15.5.
- B. Third parties participating in mediation shall abide by the rules of mediation. Third parties shall sign the Statement of Confidentiality and Agreement to Mediate. They will be prohibited from interrupting for any business not specifically related to the mediation.
- C. A Guardian ad Litem shall attend mediation if requested by the Court, the Mediator, or either party. The Guardian ad Litem shall participate in the mediation to encourage an agreement which is in the best interest of the child(ren).
- D. Any attorney attending mediation is present primarily to observe. Mediation is intended to involve direct and active participation of the parties and the

Mediator. An attorney may participate in the mediation only to the extent approved by the Mediator. A party may consult with counsel at any time.

- E. A party may request that a support person be present during mediation. The Mediator may exclude a support person if the support person attempts to participate, acts as an advocate, or disrupts mediation.

#### **15.11 Referral to Legal Counsel and Other Support Services**

The Mediator shall refer a party to legal counsel, appropriate neutral experts (CPAs, appraisers, etc.), or other support services, including advocates for victims and suspected victims of domestic violence, if appropriate.

#### **15.12 Agreements**

- A. The Mediator shall prepare a written Memorandum of Understanding (“MOU”) memorializing the parties’ agreement. Parties shall sign the MOU prior to submission to the parties’ attorney(s) for review. The MOU will not be privileged pursuant to R.C. 2710.05(A)(1) once signed.
- B. The Mediator shall submit a copy of the executed MOU to the parties’ attorney(s) for review and approval. The attorney(s) shall prepare an Agreed Judgment Entry incorporating the approved terms of the MOU and including all language required to conform with Local Rules. The Agreed Judgment Entry shall be presented to the Court pursuant to Loc.R. 13.6.
- C. The Mediator shall not submit a copy of the executed MOU to the Court, unless requested by the parties in writing or on the record. Any agreement reached during mediation shall not be binding upon the parties until it is approved by the Court.

#### **15.13 Mediator’s Report**

The Mediator shall file a Mediator’s Report at the conclusion of mediation in compliance with R.C. 2710.06. The Mediator’s Report shall inform the Court of the status of mediation and include the following information: a) attendance of the parties; b) whether mediation occurred or was terminated; and c) whether a settlement was reached on all, some, or none of the issues.

#### **15.14 Fees and Costs**

- A. The Court’s Mediation program is available at no additional cost.
- B. The cost of private mediation, if any, shall be shared equally between the parties, unless otherwise agreed. The Court shall not order private mediation in a case where a party is indigent unless the mediation is available at no cost to the party.

#### **15.15 Sanctions**

The Court may impose sanctions which may include, but are not limited to, the award of attorney fees and other costs, contempt, or other appropriate sanctions if an individual fails to attend Court ordered mediation, without good cause.



## **Rule 16 Parenting Seminar**

### **16.1 Mandatory Participation**

- A. Parties shall complete the “Children Are Forever” or some other pre-approved parenting seminar in all cases in which there are minor child(ren), unless otherwise authorized by the Court. This rule applies even if the child(ren) are under the jurisdiction of another court.
- B. Parties to a Divorce, Annulment, Legal Separation, Parentage, Allocation of Parental Rights and Responsibilities/Custody, and Parenting Time/Companionship or Visitation case must complete the seminar within sixty (60) days of service of the Complaint and may not attend the same parenting seminar without Court authorization.
- C. Parties to a Dissolution must complete the seminar within thirty (30) days of filing the Petition for Dissolution and may attend the same parenting seminar.

### **16.2 Discretionary Participation**

The Court may order parties to attend the “Children Are Forever” seminar or some other pre-approved parenting seminar in post-Decree matters involving child(ren).

### **16.3 Information and Registration**

Information about the “Children are Forever” seminar is available at <https://www.portagecounty-oh.gov/portage-county-domestic-relations-court/pages/children-are-forever-parenting-seminar> . Parties shall register for the seminar by calling (330) 298-3333.

### **16.4 Sanctions**

- A. A party may be removed from the “Children Are Forever” seminar based upon inappropriate behavior.
- B. A party may be ordered to retake a parenting seminar in the event of unsatisfactory participation.
- C. A party’s failure to attend and complete a parenting seminar may be a basis for the Court continuing a Trial/Evidentiary Hearing or denying parenting rights to the non-complying party.

## **Rule 17 Guardians Ad Litem**

### **17.1 Governing Authority**

The Court fully adopts Sup.R. 48. Every Guardian ad Litem appointed by this Court shall comply with Sup.R. 48.

### **17.2 Qualifications**

Guardians ad Litem shall have the following qualifications:

- Possession of a law degree or a graduate degree in psychology, psychiatry, or social work;

- Possession of a Certificate of Good Standing from the appropriate board or other licensing body;
- Completion of initial training and continuing education that complies with Sup.R. 48; and
- Maintenance of the minimum amount of malpractice insurance recommended by the field of licensure.

### **17.3 Application Process and Ongoing Certification**

- A. Any individual who meets the qualifications in Loc.R. 17.2 and seeks to be placed on the Guardian ad Litem list shall submit an application to the Court. The individual may be interviewed.
- B. All Guardians ad Litem shall annually certify that they are unaware of any circumstances that would disqualify them from continuing to serve and that they completed training as required by Sup.R. 48.
- C. A Guardian ad Litem shall immediately notify the Court, in writing, if any of the following occurs:
  - An arrest, indictment, plea of guilty, or conviction for any criminal offense involving any action that resulted in a child being abused or neglected;
  - A violation of R.C. 2919.25;
  - A sexually oriented offense involving a child;
  - A civil case in which the Guardian ad Litem is a named party;
  - A pending professional disciplinary action;
  - A civil protection order case in which the Guardian ad Litem is named as a respondent; or
  - A charge of domestic violence in any court.

### **17.4 Appointment**

In a case involving the allocation of parental rights and responsibilities/custody, parenting time/companionship or visitation, the Court shall appoint a Guardian ad Litem for a child from its approved list upon a party's request or at the Court's discretion. Whenever appropriate, the Court shall reappoint a Guardian ad Litem for a child in any subsequent action relating to the best interest of the child. The appointment of a Guardian ad Litem shall be made by an Order of Appointment.

### **17.5 Order of Appointment**

- A. The Order of Appointment shall state the Guardian ad Litem's name and contact information.
- B. The Order of Appointment shall require the parties to pay a deposit of One Thousand Dollars (\$1,000.00), subject to modification by the Court. The Court shall allocate the amount of the deposit to be paid by each party. The Court reserves ruling as to the ultimate allocation of Guardian ad Litem fees until the final hearing.
- C. The Order of Appointment shall require parties to fully cooperate with the Guardian ad Litem and provide the Guardian ad Litem with a written

statement within fourteen (14) days which shall include, but not necessarily be limited to, the following:

- The nature of the issues in the case;
- Names of and contact information for any individuals who may have relevant information; and
- A list of tasks deemed practicable and advisable for the Guardian ad Litem to undertake to provide the Court with relevant information and an informed recommendation as to the child's best interest.

#### **17.6 Responsibilities and Duties**

- A. A Guardian ad Litem shall comply with all responsibilities and duties stated in Sup.R. 48.
- B. A Guardian ad Litem shall provide a monthly statement of fees and expenses to the parties.
- C. A Guardian ad Litem shall file an itemized statement and accounting with the Court and provide a copy to each party or other entity responsible for payment prior to any hearing and upon the conclusion of those responsibilities.

#### **17.7 Report**

- A. The Guardian ad Litem report must be filed seven (7) days prior to a Trial/Evidentiary Hearing, unless otherwise ordered.
- B. The Guardian ad Litem's report shall include all of the information detailed in Sup.R. 48.06.
- C. The Guardian ad Litem report shall include the following language: "The Guardian ad Litem report shall be provided to the Court, unrepresented parties, and attorneys. Any other disclosure of the report must be approved in advance by the Court. Unauthorized disclosure of the report may be subject to court action, including the penalties for contempt, which include fine and/or incarceration."
- D. The Guardian ad Litem report shall be admitted into evidence at the Trial/Evidentiary Hearing.

#### **17.8 Disclosure**

Any disclosure of information contained in a Guardian ad Litem report, without prior authorization of the Court, may result in a finding of contempt.

#### **17.9 Compensation**

- A. The Guardian ad Litem hourly fee shall not exceed One Hundred Fifty Dollars (\$150.00).
- B. The Court shall determine appropriate fees and assess fees to the parties unless an objection to fees is filed within ten (10) days from receipt of the fee statement.
- C. The release of monies on deposit shall be made based upon agreement of the parties and/or order of the Court.

#### **17.10 Complaint Against a Guardian ad Litem**

- A. Written comments or complaints relating to the performance of a Guardian ad Litem shall be directed to the Court Administrator. The Court Administrator shall forward the written comments or complaints to the Guardian ad Litem and to the Judge for consideration and appropriate action.
- B. The Judge shall provide the Guardian ad Litem an opportunity to respond to the written comments or complaints.
- C. The Judge shall process, consider, and dispose of the written comments or complaints in accordance with Sup.R. 48 in a timely manner.
- D. The Court shall notify the individual who submitted the written comments or complaints and the Guardian ad Litem of the disposition.
- E. The Court shall maintain a written record in the Guardian ad Litem's file regarding the nature and disposition of any comment or complaint.

#### **Rule 18 Allocation of Parental Rights and Responsibilities/Custody - Parenting Time/Companionship or Visitation**

##### **18.1 Purpose**

- A. The best interest of the child(ren) is paramount in allocating parental rights and responsibilities/custody, and parenting time/companionship or visitation.
- B. The allocation of parental rights and responsibilities/custody, and parenting time/companionship or visitation shall take the safety of the child(ren), parents, and legal custodians into consideration.
- C. The allocation of parental rights and responsibilities/custody, and parenting time/companionship or visitation shall address the shared responsibility of raising the child(ren) and enable the child(ren) to enjoy a meaningful relationship with the parents.

##### **18.2 Procedure**

Any pleading or motion to adopt a parenting plan or a shared parenting plan shall be filed no later than the final Pre-Trial or thirty (30) days prior to the Trial/Evidentiary Hearing, whichever is later.

##### **18.3 Parenting Time**

- A. The best parenting time schedule is that to which the parties agree. The parenting time schedule should facilitate frequent and consistent contact between the child(ren) and their parents.
- B. The Court encourages parties to facilitate frequent telephone/video contact between the child(ren) and the parent who does not have physical possession of the child(ren).
- C. The Court's sample parenting time schedules are provided to assist parties in developing a schedule that will strengthen and nurture the parent-child relationship. The sample schedules are found at Appendix A. The sample

schedules presume that the parties shall exercise parenting time in accordance with the age of the oldest child. Additional information regarding parenting time is available at <https://www.supremecourt.ohio.gov/docs/Publications/JCS/parentingGuide.pdf>.

- D. In the event parties cannot agree on a parenting time schedule, the Court shall consider the unique circumstances of each family to determine a parenting time schedule that is in the child(ren)'s best interest.
- E. Court-ordered parenting time is a minimum schedule of parenting time. Parties may agree to other parenting time deemed to be in their child(ren)'s best interest.
- F. Parenting time does not mean picking up the child(ren) and leaving them with someone else, except for normal childcare.
- G. Holidays and other days of special meaning shall take precedence over the summer break schedule and the normal weekly schedule.

#### **18.4 Grandparent or Person Other Than a Parent Companionship or Visitation Schedule**

The Court may grant companionship or visitation to a grandparent or person other than a parent if deemed in the best interest of the child(ren) as provided in R.C. 3109.051.

#### **18.5 Transportation and Travel**

- A. The party receiving the child(ren) shall bear the responsibility and costs of transportation unless otherwise agreed in writing or as determined by the Court.
- B. The child(ren) and the party in possession of the child(ren) have no duty to wait more than thirty (30) minutes for the other party for the scheduled parenting time/companionship or visitation exchange. A party more than thirty (30) minutes late shall forfeit that time.

#### **18.6 Access to Records, Day Care and Activities - R.C. 3109.051 (H), (I), (J)**

Each parent is entitled to access to the following documents under the same terms and conditions under which access is provided to the residential parent:

- any school, health or agency records or reports that are related to the child(ren);
- any child day care center that the child(ren) attend; and
- any student activity in which the child(ren) participate.

#### **18.7 Notification of Contact Information**

Each party shall timely notify the other of any change in address, telephone number, email, or other contact information.

#### **18.8 Notification of Change of Address - R.C. 3109.051 (G)(1)**

- A. A relocation of a parent, legal custodian, or child(ren)'s residence occurs when there is a change of address.

- B. A relocating parent or legal custodian shall file a Notice of Intent to Relocate with the Clerk of Courts and serve the Notice on all other parties no later than thirty (30) days prior to the date of the intended relocation or within ten (10) days after the relocating parent or legal custodian became aware of the intended relocation, absent exigent circumstances.

## **Rule 19 CSEA Information Requests**

### **19.1 CSEA Support Computation**

A request for a child support or spousal support accounting shall be made by requesting a Support Computation from CSEA by subpoena or other method approved by CSEA.

## **Rule 20 Child Support and Dependency for Tax Purposes**

### **20.1 CSEA Support Payment Registration Form and Title IV-D Application**

Parties shall submit a completed CSEA Support Payment Registration Form and Title IV-D Application concurrent with all initial filings for Divorce, Legal Separation, Annulment, Dissolution, Parentage, Allocation of Parental Rights and Responsibilities/Custody and Parenting Time/Companionship or Visitation, and post-Decree motions in cases with minor child(ren). A CSEA Support Payment Registration Form is available at [https://www.portagecounty-oh.gov/sites/g/files/vyhlf3706/f/uploads/3\\_-\\_csea\\_reg\\_2.pdf](https://www.portagecounty-oh.gov/sites/g/files/vyhlf3706/f/uploads/3_-_csea_reg_2.pdf) . A Title IV-D Application is available at [https://www.portagecounty-oh.gov/sites/g/files/vyhlf3706/f/uploads/15\\_-\\_title\\_iv-d\\_application\\_0.pdf](https://www.portagecounty-oh.gov/sites/g/files/vyhlf3706/f/uploads/15_-_title_iv-d_application_0.pdf) .

### **20.2 Child Support Requirements**

- A. Parties shall submit a completed Child Support Computation Worksheet with any proposed Separation Agreement, Shared Parenting Plan, Parenting Plan, or Judgment Entry in all cases involving a child(ren).
- B. Parties shall identify the specific factor(s) in R.C. 3119.23 relied upon in requesting a deviation in child support from the amount reflected in the Child Support Computation Worksheet.
- C. All support orders issued or modified by the Court shall contain required support language.
- D. The required language for a dissolution case is available for download at <https://www.portagecounty-oh.gov/portage-county-domestic-relations-court/pages/domestic-relations-forms> .
- E. The required language for a divorce, legal separation, allocation of parental rights and responsibilities/custody, and parenting time/companionship or visitation cases is available for download at <https://www.portagecounty-oh.gov/portage-county-domestic-relations-court/pages/domestic-relations-forms> .

### **20.3 Designation of Dependency for Tax Purposes**

The Court shall designate which party may claim the child(ren) who are the subject of the child support order as dependent(s) for federal income tax purposes as provided in R.C. 3119.82.

### **20.4 Substantial Compliance**

A child support obligor awarded the right to claim the child(ren) as dependent(s) for tax purposes must be in “substantial compliance” with the child support order to utilize the dependency award. “Substantial compliance” is defined as payment of at least 90% of the annual amount owed for the calendar year in which the exemption is requested.

### **20.5 Execution of Federal Tax Form(s)**

Parties shall take whatever action is necessary pursuant to §152 of the “Internal Revenue Code of 1986,” 100 Stat. 2085, 26 U.S.C. 1, as amended, to enable the party, who has been awarded the right, to claim the child(ren) as (a) dependent(s) for federal income tax purposes in accordance with this order, including, but not limited to, executing and delivering Internal Revenue Service Form 8332, or its successor, together with any other required forms set out in §152 of the Internal Revenue Code, as amended, on or before February 15 of the year following the tax year. Failure of a party to comply with the order may be considered contempt of court.

## **Rule 21 Experts and Professional Evaluators**

### **21.1 Court-Appointed Experts**

- A. Upon motion of a party or on its own motion and for good cause shown, the Court may appoint an expert for purposes of conducting a medical or psychological evaluation; drug/alcohol, anger management, or vocational assessment; or asset evaluation/appraisal by an Order of Appointment.
- B. Custody evaluations shall be governed by Sup.R. 91 and Loc.R. 22.
- C. The Order of Appointment shall specify the nature of the assessment to be conducted, the party or parties to be evaluated, and the contact information of the expert. The Order shall state that the parties are to cooperate with the expert. The Order shall notify the expert that the report shall be remitted to the Court, only. The expert shall not provide a copy of the report to counsel, the Guardian ad Litem, or the parties. The report shall be filed no less than thirty (30) days prior to the final hearing.
- D. The Order shall also allocate the advancement of the cost of the evaluation. The Court reserves ruling as to the ultimate allocation of expert fees until the final hearing.
- E. The Court shall issue a Notice of Receipt notifying attorneys of record, the Guardian ad Litem, and self-represented litigants of receipt of the report.

- F. Any further disclosure of a medical or psychological evaluation report must be approved in advance by the Court. Unauthorized disclosure of the report may be subject to court action, including the penalties for contempt.
- G. The report shall be received into evidence in the absence of a subpoena issued to the author of the report filed no less than fourteen (14) days before the hearing or Trial.
- H. Reports shall be maintained in the Court's Family File.

#### **21.2 Privately Retained Experts**

- A. Upon motion of a party and for good cause shown, the Court may order a party to submit to a medical or psychological evaluation; drug/alcohol, anger management, or vocational assessment; or asset evaluation/appraisal to be conducted by a privately retained expert.
- B. The Court shall assign responsibility for the advancement of the cost of the evaluation. The Court reserves ruling as to the ultimate allocation of expert fees until the final hearing.
- C. A party must provide opposing parties with a copy of the report no less than seven (7) days prior to the Pretrial Hearing if the party intends to utilize the report, unless otherwise ordered by the Court, and subject to the Rules of Evidence.

### **Rule 22 Custody Evaluators**

#### **22.1 Governing Authority**

The Court fully adopts Sup.R. 91. Every Custody Evaluator appointed by this Court shall comply with Sup.R. 91.

#### **22.2 Qualifications**

- A. A Custody Evaluator shall be one of the following:
  - 1. An Ohio licensed psychologist or a psychologist licensed in another jurisdiction and authorized by the Ohio Board of Psychology to practice psychology in this state on a temporary basis;
  - 2. An Ohio licensed social worker, professional clinical counselor, or marriage and family therapist, or a professional with an equivalent level of licensure issued by another jurisdiction and authorized by the Ohio Counselor, Social Worker, and Marriage and Family Therapist Board to practice in this state on a temporary basis;
  - 3. A physician licensed in any state and board-certified in psychiatry or who has completed a psychiatry residency accredited by the Accreditation Council for Graduate Medical Education or a successor to that Council; or
  - 4. A court-connected evaluator who has a minimum of a master's degree in a mental health field that includes formal education and training in the legal, social, familial, and cultural issues involved in custody decisions.



- B. A Custody Evaluator shall complete initial training and continuing education that complies with Sup.R. 91.

### **22.3 Application Process and Ongoing Certification**

- A. Any individual who meets the qualifications in Loc.R. 22.2 and seeks to be placed on the Custody Evaluator List shall submit an application and resume to the Court. The resume shall document compliance with custody evaluator qualifications and completion of initial training. The individual may be interviewed.
- B. All Custody Evaluators shall submit a list of continuing education training completed during the previous calendar year pursuant to Sup.R. 91 on or before January 1<sup>st</sup> of each year. The list shall include the name, title, date, and location of each education training.
- C. All Custody Evaluators shall submit updated resume information, if any, on or before January 1<sup>st</sup> of each year.
- D. A Custody Evaluator shall immediately notify the Court, in writing, if any of the following occur:
- A change of business address, telephone number, or email address;
  - A change in licensure status, including disciplinary actions;
  - A pending professional disciplinary actions;
  - An arrest, indictment, plea of guilty, or conviction for any criminal offense involving any action that resulted in a child being abused or neglected;
  - A violation of R.C. 2919.25;
  - A sexually oriented offense involving a child;
  - A civil protection order case in which the Custody Evaluator is named as a respondent; or
  - A charge of domestic violence in any court.

### **22.4 Appointment**

In cases involving allocation of parental rights and responsibilities/custody and parenting time/companionship or visitation, the Court may appoint a Custody Evaluator from its approved list upon the request of a party, Guardian ad Litem, or attorney for a child, or at the Court's discretion. The Court shall not appoint the Guardian ad Litem to serve as the Custody Evaluator. The appointment of a Custody Evaluator shall be made by an Order of Appointment.

### **22.5 Order of Appointment**

- A. The Order of Appointment shall state the Custody Evaluator's name, business address, licensure, and telephone number.
- B. The Order of Appointment shall include a provision for the payment of the deposit for the Custody Evaluator's fees, subject to modification by the Court. The Court shall allocate the amount of fees to be paid by each party. The Court reserves ruling on the ultimate allocation of the Custody Evaluator's fees until the final hearing.

- C. The Order of Appointment shall require the parties to fully cooperate with the Custody Evaluator and provide the Custody Evaluator information promptly, when requested.
- D. The Order of Appointment shall grant the Custody Evaluator the right to access information as authorized in the appointment.
- E. The Order of Appointment shall include the following information:
  - 1. The purpose and scope of the appointment;
  - 2. The term of the appointment;
  - 3. A provision that a written report is required, and oral testimony may be required;
  - 4. Notice of any deadlines pertaining to the submission of reports to the Court, including the dates of Trials, Evidentiary Hearings, or other hearings associated with submitting a report;
  - 5. Notice of any provision the Court deems necessary to address the safety and protection of all parties, the child(ren) of the parties, any other child(ren) residing in the home of a party, and the Custody Evaluator; and
  - 6. Notice of any other information deemed necessary or appropriate by the Court.
- F. The Order of Appointment shall notify the Custody Evaluator that the report shall be remitted to the Court, only. The Custody Evaluator shall not provide a copy of the report to counsel, the Guardian ad Litem, or the parties.

## **22.6 Responsibilities and Duties**

- A. A Custody Evaluator shall comply with all responsibilities and duties stated in Sup.R. 91.
- B. Upon order of the Court, a Custody Evaluator may rely upon another qualified neutral professional for assistance in gathering information when a party resides in another jurisdiction.
- C. A Custody Evaluator may communicate with the Court when necessary to amend the scope or time frame of the Order of Appointment.

## **22.7 Report**

- A. The Custody Evaluator's report must be filed no later than thirty (30) days prior to the Trial/Evidentiary Hearing, unless otherwise ordered.
- B. The Custody Evaluator's report shall include all of the information detailed in Sup.R. 91.04(B).
- C. The Custody Evaluator's report shall provide a detailed analysis of the relative strengths and areas in need of improvement of the parties with respect to meeting the needs of the child(ren), as well as a comparative analysis of different parenting or companionship plans under consideration. The report shall not be considered an investigation pursuant to Civ.R. 75(D).
- D. The Custody Evaluator's report shall include the statement "The custody evaluator's report shall be provided to the Court for distribution to unrepresented parties and legal counsel. Unauthorized disclosure or

distribution of the report may be subject to court action, including the penalties for contempt which include fines and/or incarceration.”

- E. The Court shall issue a Notice of Receipt notifying attorneys of record, the Guardian ad Litem, and self-represented litigants of receipt of the report.
- F. The Custody Evaluator’s Report shall be maintained in the Court’s Family File.

## **22.8 Disclosure**

A party may copy a Custody Evaluator’s report but may not disseminate the report by any means, unless otherwise ordered. In particular, the Custody Evaluator’s report and information contained therein shall not be shared with the minor child(ren) who are the subject of a Court action. Unauthorized distribution of the Custody Evaluator’s report or disclosure of information contained therein may subject an individual to court action, including the penalties for contempt which include fines and/or incarceration.

## **22.9 Discovery and Public Access**

- A. The Custody Evaluator’s report shall be subject to the Ohio Rules of Civil Procedure applicable to discovery in civil actions.
- B. The Custody Evaluator’s report shall not be available for public access pursuant to Sup.R. 44 through 47.

## **22.10 Custody Evaluator’s Report as Exhibit and Testimony of Custody Evaluator**

- A. The Custody Evaluator’s report shall be admitted into evidence at the Trial/Evidentiary Hearing. The report shall be admitted as the Court’s exhibit in the form of the Custody Evaluator’s expert direct testimony.
- B. A party challenging the report shall subpoena the Custody Evaluator to appear at the Trial/Evidentiary Hearing. The subpoena must be issued no less than fourteen (14) days prior to Trial/Evidentiary Hearing.
- C. The Custody Evaluator shall be available to testify on cross-examination regarding the report if subpoenaed by a party no less than fourteen (14) days prior to the Trial/Evidentiary Hearing.

## **22.11 Removal and Resignation**

- A. The Court may remove a Custody Evaluator upon a showing of good cause.
- B. A Custody Evaluator may resign prior to completing the evaluation only with the approval of the Court and upon a showing of good cause, notice to the parties, and an opportunity to be heard.

## **22.12 Complaint Against the Custody Evaluator**

- A. Written comments or complaints relating to the performance of a Custody Evaluator shall be directed to the Court Administrator. The Court Administrator shall forward the written comments or complaints to the Custody Evaluator and to the Judge for consideration and appropriate action.

- B. The Judge shall provide the Custody Evaluator an opportunity to respond to the written comments or complaints.
- C. The Judge shall process, consider, and dispose of the written comments or complaints in accordance with Sup.R. 91 in a timely manner.
- D. The Court shall notify the individual who submitted the written comments or complaints and the Custody Evaluator of the disposition.
- E. The Court shall maintain a written record in the Custody Evaluator's file regarding the nature and disposition of any comment or complaint.

## **Rule 23 Magistrates**

### **23.1 Powers**

Magistrates shall be awarded all powers set forth in the Ohio Rules of Civil Procedure, including, but not limited to, Civ.R. 53, Civ.R. 65.1, and as set forth in the statutes of the State of Ohio and Local Rules.

### **23.2 Magistrate Orders**

#### **A. Magistrate's Order**

A Magistrate may enter orders necessary to regulate the proceedings and not dispositive of a claim or defense of a party.

#### **B. Motion to Set Aside**

A party may file a Motion to Set Aside a Magistrate's Order. The Motion shall state with specificity the reason for its filing. The Motion shall be filed no later than ten (10) days after the Magistrate's Order is journalized and served on all parties. The party filing the Motion to Set Aside shall also request a transcript as provided in Loc.R. 23.4.

#### **C. Effect of Motion to Set Aside**

The filing of a Motion to Set Aside does not stay the effectiveness of the Magistrate's Order. Upon proper motion, the Magistrate or the Court may order a stay of the effectiveness of a Magistrate's Order.

#### **D. Response to Motion to Set Aside**

Any party may file a Response to a Motion to Set Aside within ten (10) days.

#### **E. Court's Action on a Motion to Set Aside**

The Court may grant or deny a Motion to Set Aside in whole or in part, with or without modification.

### **23.3 Magistrate Decisions**

#### **A. Magistrate's Decision**

Subject to the terms of the relevant reference, a Magistrate's Decision may be general unless findings of fact and conclusions of law are timely requested by a party or otherwise required by law.

#### **B. Findings of Fact and Conclusions of Law**

A party may file a request for findings of fact and conclusions of law. The request shall be made either before the entry of a Magistrate's Decision or within seven (7) days after the journalization of a Magistrate's Decision. The

Magistrate may require any or all parties to submit proposed findings of fact and conclusions of law in the event a request for findings of fact and conclusions of law is timely made.

**C. Objections**

A party may file written Objections to a Magistrate's Decision. If a party makes a timely request for findings of fact and conclusions of law, the time for filing Objections begins to run when the Magistrate files a Decision that includes findings of fact and conclusions of law. An Objection to a Magistrate's Decision shall be specific and state with particularity all grounds for Objection. Objections shall be filed within fourteen (14) days of the journalization of the Magistrate's Decision and served upon all parties. If any party timely files Objections, any other party may file Objections no later than ten (10) days after the first Objections are filed.

**D. Effect of Objections**

A Magistrate's Decision is not effective unless adopted by the Court.

**E. Response to Objections**

A party may file a Response to Objections within ten (10) days.

**F. Court's Action on a Magistrate's Decision**

1. The Court may adopt or reject a Magistrate's Decision in whole or in part, with or without modification. The Court may hear a previously referred matter, take additional evidence, or return a matter to a Magistrate.
2. The Court may adopt a Magistrate's Decision when no timely Objections are filed, unless it determines that there is an error of law or other defect evident on the face of the Magistrate's Decision.
3. The Court shall rule on timely filed Objections. The Court shall undertake an independent review of the objected matters to determine whether the Magistrate properly determined factual issues and appropriately applied the law. The Court may hear additional evidence if the objecting party demonstrates that the party could not, with reasonable diligence, have produced that evidence to the Magistrate for consideration.
4. The Court shall enter a Judgment or Interim Order upon its adoption, rejection, or modification of a Magistrate's Decision as provided in Civ.R. 53.

**23.4 Requirement of Transcript**

A party shall request a transcript of the proceedings contemporaneously with filing a Motion to Set Aside a Magistrate's Order or Objections to a Magistrate's Decision as provided in Loc.R. 28.

**23.5 Hearing**

The Court may, but is not required to, conduct an oral hearing on a Motion to Set Aside a Magistrate's Order or Objections to a Magistrate's Decision.

## **Rule 24 Judgment Entries**

### **24.1 Final Appealable Judgment Entry**

A Judgment Entry as required by Civ.R. 58 or Civ.R. 65.1 shall reflect the Court's ruling on all pending matters.

### **24.2 Mandatory Language**

- A. All Judgment Entries shall contain language required by the Ohio Revised Code, the Ohio Rules of Civil Procedure, and Local Rules. Suggested language which comports with the requirements of the Ohio Revised Code, the Ohio Rules of Civil Procedure, and Local Rules may be obtained from the Court's Compliance Officer.
- B. All Judgment Entries shall include an allocation of court costs.

### **24.3 Order to Prepare Proposed Judgment Entry**

The Court may order an attorney to prepare and present a proposed Judgment Entry to opposing counsel or party within fourteen (14) days of the hearing.

### **24.4 Processing of Proposed Judgment Entry**

A proposed Judgment Entry shall be approved by the Court's Compliance Officer prior to signing.

- A. Opposing counsel or party shall have ten (10) days within which to approve or reject the proposed Judgment Entry.
- B. If approved, opposing counsel and/or party shall execute the proposed Judgment Entry and submit it to the Court for journalization.
- C. In the event opposing counsel or party rejects the proposed Judgment Entry, a Hearing to Settle Judgment Entry shall be requested within twenty-four (24) days of the Hearing at issue. The proposed Judgment Entry, as originally tendered, shall be submitted to the Court no less than seven (7) days prior to the Hearing to Settle Judgment Entry. The opposing counsel or party shall file a statement identifying objections to the proposed Judgment Entry no less than seven (7) days prior to the Hearing to Settle Judgment Entry.
- D. In the event opposing counsel or party neither approves nor rejects the proposed Judgment Entry, the document as originally tendered shall be submitted to the Court with certification of the date the document was tendered and verification that no response was received. Upon determining that it is consistent with the terms of the agreement read into the record, the Court shall accept and journalize the proposed Judgment Entry.

### **24.5 Failure to Submit a Proposed Judgment Entry**

Failure to submit a proposed Judgment Entry in accordance with Local Rules, or as directed by the Court, may result in the dismissal of the action or scheduling of a Hearing to Settle the Judgment Entry or a Hearing to Produce or Dismiss the Judgment Entry.

## **24.6 Post-Decree Agreed Judgment Entry**

A post-Decree Agreed Judgment Entry must reflect the parties' joint motion and waiver of service under Civ.R. 4 to 4.6, and otherwise comply with Civ.R. 75(J) as applicable.

## **Rule 25 Qualified Domestic Relations Orders/Division of Property Orders**

### **25.1 Preparation**

- A. The Alternate Payee granted an interest in a pension or retirement plan shall prepare the Qualified Domestic Relations Order ("QDRO")/Division of Property Order ("DOPO") for submission to the Court, unless otherwise ordered by the Court.
- B. The Participant shall execute all required documents and cooperate to facilitate the preparation, approval, and filing of the QDRO/DOPO.
- C. The costs associated with the preparation, approval, and filing of the QDRO/DOPO shall be divided equally between the parties, unless otherwise stated.
- D. Whenever parties agree to divide a pension or retirement account by a QDRO/DOPO, they or their counsel shall sign and approve the original QDRO/DOPO submitted to the Court and any subsequent QDRO/DOPO, unless waived by the Court.
- E. The QDRO/DOPO shall be timely prepared and submitted to the Court.

### **25.2 Assumptions**

#### **A. Defined Benefit Retirement Account**

A QDRO/DOPO for a defined benefit plan shall be governed by the following assumptions and contain the following provisions, unless otherwise agreed to or ordered by the Court:

1. The QDRO/DOPO shall be a separate interest QDRO/DOPO, meaning the Alternate Payee's benefits shall be independent of those of the Participant.
2. The division of benefits shall be based on the language of the case of **Hoyt v. Hoyt**, 53 Ohio St.3d 177 (1999) and its progeny.
3. Benefits assigned to the Alternate Payee shall include all temporary and supplemental benefits, including, but not limited to, cost of living adjustments, and all early retirement subsidies. Should the Alternate Payee commence receipt of benefits prior to the Participant's retirement, the Alternate Payee's benefits shall be recalculated to reflect the subsidy.
4. The Alternate Payee shall be deemed to be the surviving spouse of the Participant to the extent of benefits assigned for the purpose of a pre-retirement survivor annuity.
5. The division of benefits shall be the date the final Judgment Entry is journalized, unless otherwise specifically stated.

**B. Defined Contribution Retirement Account**

A QDRO for a defined contribution plan shall be governed by the following assumptions and contain the following provisions, unless otherwise agreed to or ordered by the Court:

1. The QDRO shall allow for an immediate lump sum distribution of the Alternate Payee's benefits.
2. Any loans from the plan shall be charged to the Participant's benefits and shall remain the obligation of the Participant.
3. The Alternate Payee's share of benefits shall be credited with investment earnings and/or losses from the date of division of benefits until distribution.
4. The Alternate Payee's share of benefits shall not reflect any credit for sums deposited into the plan after the date of division of benefits, which are based on service for periods prior to the date of division.
5. The division of benefits shall be the date the final Judgment Entry is journalized, unless otherwise specifically stated.

**25.3 Mandatory Language**

**A. Mandatory Language in Final Judgment Entry**

A final Judgment Entry shall contain the following language in all cases in which a QDRO/DOPO is to be issued:

1. "The Court retains jurisdiction with respect to the QDRO/DOPO to the extent required to maintain its qualified status and the original intent of the parties. The Court also retains jurisdiction to enter further orders as are necessary to enforce the assignment of benefits to the Alternate Payee as set forth herein, including the recharacterization thereof as a division of benefits under another plan, as applicable, or to make an award of spousal support, if applicable, in the event that the Participant fails to comply with the provisions of the order."
2. "The Participant shall not take actions, affirmative or otherwise, that may circumvent the terms and provisions of the QDRO/DOPO or diminish or extinguish the rights and entitlements of the Participant or Alternate Payee."

**B. Mandatory Language in QDRO/DOPO**

All QDRO/DOPOs shall contain the following mandatory language:

"The Participant shall not act, or refuse to act, in any manner that could diminish the Alternate Payee's right to the plan benefits assigned in the division of benefits order. If the Participant takes such action or inaction, the Participant shall make payments directly to the Alternate Payee to the extent necessary to restore the Alternate Payee to the position they would otherwise have been absent the Participant's action or inaction."



## **Rule 26 Motions to Show Cause for Contempt**

### **26.1 Motion to Show Cause**

- A. The Motion to Show Cause shall include the following information:
- The date of the Judgment Entry alleged to have been violated;
  - The specific provision(s) of the Judgment Entry alleged to have been violated;
  - The specific facts constituting noncompliance;
  - The amount of accrued arrearages if the Motion pertains to failure to pay periodic child support or spousal support; and
  - The amount of unpaid expenses if the Motion pertains to failure to pay out-of-pocket healthcare or extracurricular expenses.
- B. Healthcare expense documentation, health insurance Explanation of Benefits, and extracurricular/other out-of-pocket expense documentation shall not be attached to the Motion to Show Cause.
- C. The Motion to Show Cause shall be supported by an affidavit.

### **26.2 Affidavit**

#### **A. General Declarations**

The affidavit shall include the following information:

- The date of the Judgment Entry alleged to have been violated;
- The specific provision(s) of the Judgment Entry alleged to have been violated;
- The specific facts constituting noncompliance; and
- The amount of accrued arrearages if the Motion pertains to failure to pay periodic child support or spousal support.

#### **B. Specific Declarations Regarding Unpaid Healthcare Expenses or Extracurricular/Other Expenses**

In addition to the General Declarations, the affidavit shall include the following information if the Motion pertains to failure to pay healthcare expenses or extracurricular/other expenses:

- The amount of unpaid out-of-pocket healthcare or extracurricular/other expenses;
- Affirmation that a completed "Explanation of Healthcare Expenses" or "Explanation of Extracurricular/Other Expenses" was submitted to the opposing party. The "Explanation of Healthcare Expenses" is available at [https://www.portagecounty-oh.gov/sites/g/files/vyhlf3706/f/uploads/4\\_-\\_explanation\\_med\\_bills.pdf](https://www.portagecounty-oh.gov/sites/g/files/vyhlf3706/f/uploads/4_-_explanation_med_bills.pdf). The "Explanation of Extracurricular/Other Expenses" is available at [https://www.portagecounty-oh.gov/sites/g/files/vyhlf3706/f/uploads/4.5\\_-\\_explanation\\_extracurricular\\_expenses.pdf](https://www.portagecounty-oh.gov/sites/g/files/vyhlf3706/f/uploads/4.5_-_explanation_extracurricular_expenses.pdf).
- Affirmation that healthcare expense documentation, health insurance Explanation of Benefits, and extracurricular/other out-of-pocket expense documentation was submitted to the opposing party;

- The date upon which the "Explanation of Healthcare Expenses" or "Explanation of Extracurricular/Other Expenses" and healthcare expense documentation, health insurance Explanation of Benefits, and extracurricular/other out-of-pocket expense documentation was submitted to the opposing party; and
- Affirmation that the Motion to Show Cause is filed within thirty (30) months of the initial billing of the healthcare or extracurricular/other out-of-pocket expense.

### **26.3 Order to Appear**

- A. An Order to Appear may accompany a Motion to Show Cause.
- B. The Order to Appear shall include Notice of Hearing on the Motion to Show Cause.
- C. The Order to Appear shall include the following language:
  1. Failure to appear as ordered may result in the issuance of a bench warrant for an immediate arrest.
  2. Failure to appear may result in an immediate income withholding or deduction.
  3. You have the right to be represented by an attorney.
  4. If you cannot afford an attorney, you must apply for a public defender or appointed counsel, as appropriate, within three business days after receipt of this Order to Show Cause.
  5. The Court may not grant a continuance to obtain counsel if you have made no good faith effort to secure one.
  6. If found guilty, you may be sentenced as follows:
    - a. First offense – a fine of not more than \$250.00 and/or a definite term of imprisonment of not more than thirty (30) days in jail or both.
    - b. Second offense – a fine of not more than \$500.00 and/or a definite term of imprisonment of not more than sixty (60) days in jail or both.
    - c. Third offense – a fine of not more than \$1,000.00 and/or a definite term of imprisonment of not more than ninety (90) days in jail or both.
  7. The Court may grant limited driving privileges under R.C. 4510.021 if your driver's license was suspended based on a notice issued by a child support enforcement agency because you are in default under a child support order or you have failed to comply with a subpoena or warrant issued by a court or agency with respect to a proceeding to enforce a child support order. You must request limited driving privileges and your request must be accompanied by a recent copy of your driver's abstract driving record from the registrar of motor vehicles.

### **26.4 Interest**

A party seeking interest on unpaid periodic support pursuant to R.C. 1343.03 shall file an accounting of the interest no less than seven (7) days prior to the Hearing. Interest awarded on a judgment for unpaid periodic support shall be simple interest.

## **26.5 Attorney Fees**

Attorney fees may be awarded in a contempt action and shall be awarded as required by statute. A request for attorney fees shall be made in compliance with Loc.R. 13.5. A fee of Seven Hundred Fifty Dollars (\$750.00) shall be presumed to be a reasonable fee in a contempt proceeding without the necessity of formal proof, absent evidence to the contrary.

## **Rule 27 Post-Decree Motions to Modify**

### **27.1 Requirements**

- A. Any Motion to Modify an existing order shall set forth the date of the order sought to be modified, the specific language of the order sought to be modified, the detailed reasons for the requested modification, and the specific relief requested.
- B. Any party filing a Motion to Modify an existing order allocating parental rights and responsibilities/custody, parenting time/companionship or visitation, child support, or spousal support shall also file required affidavits as set forth in Loc.R. 9.
- C. The parties shall provide the Court with the following documents at the Evidentiary Hearing:
  - Copy of the prior year's federal income tax return;
  - Current pay stub;
  - Cost of childcare; and
  - Cost of health insurance.
- D. CSEA and/or the moving party shall complete and file one of the following documents in UIFSA cases involving a Motion to Modify Child Support:
  - 1. Financial Disclosure Affidavit, as defined in Loc.R. 9.1 and 9.3, or
  - 2. Statement including income and expense information that complies with the mandates of the UIFSA.

## **Rule 28 Transcripts and Audio Recordings of Proceedings**

### **28.1 Required Transcript**

A party must request a transcript of proceedings contemporaneously with filing a Motion to Set Aside a Magistrate's Order or Objections to a Magistrate's Decision. Delay of more than seven (7) days in requesting a transcript may be a basis for the Court to rule on the Motion to Set Aside/Objections or dismiss the Motion to Set Aside/Objections without a hearing.

### **28.2 Request for Transcript**

An individual requesting a transcript of the proceedings of a hearing shall present the Court Reporter with a Praeipce to Court Reporter. The Praeipce is available at [https://www.portagecounty-oh.gov/sites/g/files/vyhlf3706/f/uploads/11\\_-\\_praeipce\\_2.pdf](https://www.portagecounty-oh.gov/sites/g/files/vyhlf3706/f/uploads/11_-_praeipce_2.pdf) . The Court Reporter shall sign the Praeipce and file it with the Clerk of Courts.

**28.3 Cost of Transcript**

The cost of an original typed transcript is Four Dollars (\$4.00) per page. Additional copies shall be provided at cost or, if available, in the form of an electronic copy, which shall be provided free of charge. The cost and arrangements for a daily, overnight, accelerated, or expedited transcript or other special services are at the discretion of the Court Reporter.

**28.4 Deposit for Transcript**

The Court Reporter shall provide the requesting individual with an estimate of the cost of the transcript and specify the amount of the required deposit. The deposit shall be paid within ten (10) days unless other arrangements are made with the Court Reporter. The deposit must be paid before the transcript is prepared.

**28.5 Payment of Transcript**

The individual requesting the transcript shall pay any balance due within ten (10) days after completion of the transcript unless other arrangements are made with the Court Reporter. The Court Reporter shall issue a refund for any overpayment. The Court Reporter shall not file or release a transcript until the balance due, if any, is paid in full.

**28.6 Audio Recording**

A request to listen to proceedings that have been recorded may be made by contacting the Court Reporter. There shall be no charge for listening to a recording of a proceeding.

**Rule 29 Record Retention Policy****29.1 Record Retention**

All Court records shall be retained in accordance with Sup.R. 26.

# **APPENDIX A**

## **SAMPLE ALTERNATING WEEKEND PARENTING TIME SCHEDULE**

The sample schedule presumes that the parties shall exercise parenting time in accordance with the age of the oldest child.

The nonresidential/other parent shall have the following parenting time:

### **WEEKDAY AND WEEKEND PARENTING TIME**

#### **(1) FOR CHILD(REN) FROM BIRTH TO THREE MONTHS**

Two times weekly for two hours on the days and times the parties can agree. If the parties cannot agree, then the days shall be every Tuesday from 6:00 p.m. to 8:00 p.m. and every Saturday from 2:00 p.m. to 4:00 p.m., unless otherwise ordered by the Court.

#### **(2) FOR CHILD(REN) THREE MONTHS TO 12 MONTHS**

Two times weekly for 2-6 hours on the days and times the parties can agree. If the parties cannot agree, then the days shall be every Tuesday from 5:00 p.m. to 8:00 p.m. and every Saturday from 2:00 p.m. to 8:00 p.m., unless otherwise ordered by the Court.

#### **(3) FOR CHILD(REN) 12 MONTHS TO 30 MONTHS**

Every Wednesday from 5:00 p.m. to 8:00 p.m. and alternating weekends from Friday at 6:00 p.m. to Saturday at 6:00 p.m.

#### **(4) FOR CHILD(REN) 30 MONTHS AND OLDER**

Every Tuesday from 5:00 p.m. to 8:00 p.m., every Thursday from 5:00 p.m. to 8:00 p.m., and alternating weekends from Friday at 6:00 p.m. to Sunday at 6:00 p.m.

### **SUMMER PARENTING TIME (May 31, or conclusion of school year, until September 1, or start of school year)**

The nonresidential/other parent's summer schedule shall have priority over the residential parent's summer schedule. The parties shall give written notice of their summer travel schedules at least 30 days in advance or no later than May 1st of each year. The parties shall exchange the remainder of their summer schedules no later than May 15th of each year.

Child support shall abate by one half for any period equal to or in excess of two weeks that the child(ren) are with the nonresidential/other parent. The party claiming the abatement shall make the request yearly by December 31st.

(1) FOR CHILD(REN) FROM BIRTH TO THREE MONTHS

Two times weekly for two hours on the days and times the parties can agree. If the parties cannot agree, then the days shall be every Tuesday from 6:00 p.m. to 8:00 p.m. and every Saturday from 2:00 p.m. to 4:00 p.m., unless otherwise ordered by the Court.

(2) FOR CHILD(REN) THREE MONTHS TO 12 MONTHS

Two times weekly for 2-6 hours on the days and times the parties can agree. If the parties cannot agree, then the days shall be every Tuesday from 5:00 p.m. to 8:00 p.m. and every Saturday from 2:00 p.m. to 8:00 p.m., unless otherwise ordered by the Court.

(3) FOR CHILD(REN) 12 MONTHS TO 30 MONTHS

Every Wednesday from 5:00 p.m. to 8:00 p.m. and alternating weekends from Friday at 6:00 p.m. to Saturday at 6:00 p.m. and an additional two weeks parenting time. The two weeks parenting time shall be exercised in no longer than one-week segments.

(4) FOR CHILD(REN) 30 MONTHS AND OLDER

Six weeks parenting time. Parenting time shall be exercised in no longer than two-week segments.

Each parent is entitled to two uninterrupted weeks.

The residential parent shall have the same weekday and weekend parenting time that the nonresidential/other parent has throughout the year for the other four weeks.

The nonresidential/other parent shall have overnight parenting time with the child(ren) on Tuesdays and Thursdays from 5:00 p.m. to 9:00 a.m. and alternating weekends from Friday at 6:00 p.m. to Sunday at 6:00 p.m. for the other four weeks.

## **HOLIDAY PARENTING TIME**

<b>HOLIDAY</b>	<b>EVEN YEARS</b>	<b>ODD YEARS</b>	<b>DAYS/TIMES</b>
1. Martin Luther King Day	Father/Parent 1	Mother/Parent 2	9:00 a.m. to 7:00 p.m.
2. President's Day	Mother/Parent 2	Father/Parent 1	9:00 a.m. to 7:00 p.m.
3. Easter Sunday	Father/Parent 1	Mother/Parent 2	9:00 a.m. to 7:00 p.m.
4. Spring Break*	Father/Parent 1	Mother/Parent 2	5:30 p.m. day school ends to 7:00 p.m. day before school begins
5. Memorial Day	Mother/Parent 2	Father/Parent 1	5:30 p.m. Friday preceding to Monday at 7:00 p.m.
6. Fourth of July	Father/Parent 1	Mother/Parent 2	5:30 p.m. 7/3 to 11:00 p.m. 7/4
7. Labor Day	Mother/Parent 2	Father/Parent 1	5:30 p.m. Friday preceding to Monday at 7:00 p.m.
8. Halloween	Father/Parent 1	Mother/Parent 2	4 hours on "trick or treat" day/night or in each neighborhood
9. Thanksgiving*	Father/Parent 1	Mother/Parent 2	5:30 p.m. Wed. to Fri. at 7:00 p.m.
	Mother/Parent 2	Father/Parent 1	7:00 p.m. Fri. to Sun. at 7:00 p.m.
10. Christmas Eve	Father/Parent 1	Mother/Parent 2	9:00 a.m. to 10:00 p.m.
11. Christmas Day	Mother/Parent 2	Father/Parent 1	10:00 p.m. 12/24 to 7:00 p.m. 12/25
12. New Year's Eve	Father/Parent 1	Mother/Parent 2	5:30 p.m. 12/31 to 7:00 p.m. 1/1

13. Winter break\* divide equally

\* or as the parties may otherwise agree in writing

## **DAYS OF SPECIAL MEANING**

- (1) Religious or ethnic holidays – alternate between the parties yearly, 9:00 a.m. to 7:00 p.m.
- (2) Mother's Day and Father's Day with respective parent, 9:00 a.m. to 7:00 p.m.
- (3) Child(ren)'s birthdays with Father/Parent 1 in even-numbered years and Mother/Parent 2 in odd-numbered years, 5:00 p.m. to 8:00 p.m. All siblings to attend.
- (4) Parents' birthdays, 5:00 p.m. to 8:00 p.m.



## **SAMPLE EXTENDED ALTERNATING WEEKEND PARENTING TIME SCHEDULE**

The sample schedule presumes that the parties shall exercise parenting time in accordance with the age of the oldest child.

The nonresidential/other parent shall have the following parenting time:

### **WEEKDAY AND WEEKEND PARENTING TIME**

#### **(1) FOR CHILD(REN) FROM BIRTH TO THREE MONTHS**

Two times weekly for two hours on the days and times the parties can agree. If the parties cannot agree, then the days shall be every Tuesday from 6:00 p.m. to 8:00 p.m. and every Saturday from 2:00 p.m. to 4:00 p.m., unless otherwise ordered by the Court.

#### **(2) FOR CHILD(REN) THREE MONTHS TO 12 MONTHS**

Two times weekly for 2-6 hours on the days and times the parties can agree. If the parties cannot agree, then the days shall be every Tuesday from 5:00 p.m. until 8:00 p.m. and every Saturday from 2:00 p.m. to 8:00 p.m., unless otherwise ordered by the Court.

#### **(3) FOR CHILD(REN) 12 MONTHS TO 30 MONTHS**

Every Wednesday from 5:00 p.m. to 8:00 p.m. and alternating weekends from Friday at 6:00 p.m. to Saturday at 6:00 p.m.

#### **(4) FOR CHILD(REN) 30 MONTHS AND OLDER**

Every Tuesday from 5:00 p.m. to 8:00 p.m., every Thursday from 5:00 p.m. to 8:00 p.m., and alternating weekends from Friday at 6:00 p.m. to Monday at the earlier of 8:00 a.m. or when school commences.

### **SUMMER PARENTING TIME (May 31, or conclusion of school year, until September 1, or start of school year)**

The nonresidential/other parent's summer schedule shall have priority over the residential parent's summer schedule. The parties shall give written notice of their summer travel schedules at least 30 days in advance or no later than May 1st of each year. The parties shall exchange the remainder of their summer schedules no later than May 15th of each year.

Child support shall abate by one half for any period equal to or in excess of two weeks that the child(ren) are with the nonresidential/other parent. The party claiming the abatement shall make the request yearly by December 31st.

(1) FOR CHILD(REN) FROM BIRTH TO THREE MONTHS

Two times weekly for two hours on the days and times the parties can agree. If the parties cannot agree, then the days shall be every Tuesday from 6:00 p.m. to 8:00 p.m. and every Saturday from 2:00 p.m. to 4:00 p.m., unless otherwise ordered by the Court.

(2) FOR CHILD(REN) THREE MONTHS TO 12 MONTHS

Two times weekly for 2-6 hours on the days and times the parties can agree. If the parties cannot agree, then the days shall be every Tuesday from 5:00 p.m. to 8:00 p.m. and every Saturday from 2:00 p.m. to 8:00 p.m., unless otherwise ordered by the Court.

(3) FOR CHILD(REN) 12 MONTHS TO 30 MONTHS

Every Wednesday from 5:00 p.m. to 8:00 p.m. and alternating weekends from Friday at 6:00 p.m. to Saturday at 6:00 p.m. and an additional two weeks parenting time. The two weeks parenting time shall be exercised in no longer than one-week segments.

(4) FOR CHILD(REN) 30 MONTHS AND OLDER

Six weeks parenting time. Parenting time shall be exercised in no longer than two-week segments.

Each parent is entitled to two uninterrupted weeks.

The residential parent shall have the same weekday and weekend parenting time that the nonresidential/other parent has throughout the year for the other four weeks.

The nonresidential/other parent shall have overnight parenting time with the child(ren) on Tuesdays and Thursdays from 5:00 p.m. to 9:00 a.m. and alternating weekends from Friday at 6:00 p.m. to Sunday at 6:00 p.m. for the other four weeks.

## **HOLIDAY PARENTING TIME**

<b>HOLIDAY</b>	<b>EVEN YEARS</b>	<b>ODD YEARS</b>	<b>DAYS/TIMES</b>
1. Martin Luther King Day	Father/Parent 1	Mother/Parent 2	9:00 a.m. to 7:00 p.m.
2. President's Day	Mother/Parent 2	Father/Parent 1	9:00 a.m. to 7:00 p.m.
3. Easter Sunday	Father/Parent 1	Mother/Parent 2	9:00 a.m. to 7:00 p.m.
4. Spring Break*	Father/Parent 1	Mother/Parent 2	5:30 p.m. day school ends to 7:00 p.m. day before school begins
5. Memorial Day	Mother/Parent 2	Father/Parent 1	5:30 p.m. Friday preceding to Monday at 7:00 p.m.
6. Fourth of July	Father/Parent 1	Mother/Parent 2	5:30 p.m. 7/3 to 11:00 p.m. 7/4
7. Labor Day	Mother/Parent 2	Father/Parent 1	5:30 p.m. Friday preceding to Monday at 7:00 p.m.
8. Halloween	Father/Parent 1	Mother/Parent 2	4 hours on "trick or treat" day/night or in each neighborhood
9. Thanksgiving*	Father/Parent 1	Mother/Parent 2	5:30 p.m. Wed. to Fri. at 7:00 p.m.
	Mother/Parent 2	Father/Parent 1	7:00 p.m. Fri. to Sun. at 7:00 p.m.
10. Christmas Eve	Father/Parent 1	Mother/Parent 2	9:00 a.m. to 10:00 p.m.
11. Christmas Day	Mother/Parent 2	Father/Parent 1	10:00 p.m. 12/24 to 7:00 p.m. 12/25
12. New Year's Eve	Father/Parent 1	Mother/Parent 2	5:30 p.m. 12/31 to 7:00 p.m. 1/1

13. Winter break\* divide equally

\* or as the parties may otherwise agree in writing

## **DAYS OF SPECIAL MEANING**

- (1) Religious or ethnic holidays – alternate between the parties yearly, 9:00 a.m. to 7:00 p.m.
- (2) Mother's Day and Father's Day with respective parent, 9:00 a.m. to 7:00 p.m.
- (3) Child(ren)'s birthdays with Father/Parent 1 in even-numbered years and Mother/Parent 2 in odd-numbered years, 5:00 p.m. to 8:00 p.m. All siblings to attend.
- (4) Parents' birthdays, 5:00 p.m. to 8:00 p.m.

## **SAMPLE ALTERNATING WEEK PARENTING TIME SCHEDULE**

The sample schedule presumes that the parties shall exercise parenting time in accordance with the age of the oldest child.

The nonresidential/other parent shall have the following parenting time:

### **WEEKDAY AND WEEKEND PARENTING TIME**

#### **(1) FOR CHILD(REN) FROM BIRTH TO THREE MONTHS**

Two times weekly for two hours on the days and times the parties can agree. If the parties cannot agree, then the days shall be every Tuesday from 6:00 p.m. to 8:00 p.m. and every Saturday from 2:00 p.m. to 4:00 p.m., unless otherwise ordered by the Court.

#### **(2) FOR CHILD(REN) THREE MONTHS TO 12 MONTHS**

Two times weekly for 2-6 hours on the days and times the parties can agree. If the parties cannot agree, then the days shall be every Tuesday from 5:00 p.m. to 8:00 p.m. and every Saturday from 2:00 p.m. to 8:00 p.m., unless otherwise ordered by the Court.

#### **(3) FOR CHILD(REN) 12 MONTHS TO 30 MONTHS**

Every Wednesday from 5:00 p.m. to 8:00 p.m. and alternating weekends from Friday at 6:00 p.m. to Saturday at 6:00 p.m.

#### **(4) FOR CHILD(REN) 30 MONTHS TO 5 YEARS**

Every Tuesday from 5:00 p.m. to 8:00 p.m., every Thursday from 5:00 p.m. to 8:00 p.m., and alternating weekends from Friday at 6:00 p.m. to Sunday at 6:00 p.m.

#### **(5) FOR CHILD(REN) 5 YEARS AND OLDER**

Alternating weeks with exchanges on Sundays at 6:00 p.m. Every Wednesday from 5:00 p.m. to 8:00 p.m. with the parent who does not have parenting time that week.

### **SUMMER PARENTING TIME (May 31, or conclusion of school year, until September 1, or start of school year)**

The nonresidential/other parent's summer schedule shall have priority over the residential parent's summer schedule. The parties shall give written notice of their summer travel schedules at least 30 days in advance or no later than May 1st of each year. The parties shall exchange the remainder of their summer schedules no later than May 15th of each year.

Child support shall abate by one half for any period equal to or in excess of two weeks that the child(ren) are with the nonresidential/other parent. The party claiming the abatement shall make the request yearly by December 31st.

(1) FOR CHILD(REN) FROM BIRTH TO THREE MONTHS

Two times weekly for two hours on the days and times the parties can agree. If the parties cannot agree, then the days shall be every Tuesday from 6:00 p.m. to 8:00 p.m. and every Saturday from 2:00 p.m. to 4:00 p.m., unless otherwise ordered by the Court.

(2) FOR CHILD(REN) THREE MONTHS TO 12 MONTHS

Two times weekly for 2-6 hours on the days and times the parties can agree. If the parties cannot agree, then the days shall be every Tuesday from 5:00 p.m. to 8:00 p.m. and every Saturday from 2:00 p.m. to 8:00 p.m., unless otherwise ordered by the Court.

(3) FOR CHILD(REN) 12 MONTHS TO 30 MONTHS

Every Wednesday from 5:00 p.m. to 8:00 p.m. and alternating weekends from Friday at 6:00 p.m. to Saturday at 6:00 p.m. and an additional two weeks parenting time. The two weeks parenting time shall be exercised in no longer than one-week segments.

(4) FOR CHILD(REN) 30 MONTHS TO 5 YEARS

Six weeks parenting time. Parenting time shall be exercised in no longer than two-week segments.

Each parent is entitled to two uninterrupted weeks.

The residential parent shall have the same weekday and weekend parenting time that the nonresidential/other parent has throughout the year for the other four weeks.

The nonresidential/other parent shall have overnight parenting time with the child(ren) on Tuesdays and Thursdays from 5:00 p.m. to 9:00 a.m. and alternating weekends from Friday at 6:00 p.m. to Sunday at 6:00 p.m. for the other four weeks.

(5) FOR CHILD(REN) 5 YEARS AND OLDER

Alternating weeks with exchanges on Sundays at 6:00 p.m. Wednesday from 5:00 p.m. to 8:00 p.m. with the parent who does not have parenting time that week. Each parent is entitled to two uninterrupted weeks.

## **HOLIDAY PARENTING TIME**

<b>HOLIDAY</b>	<b>EVEN YEARS</b>	<b>ODD YEARS</b>	<b>DAYS/TIMES</b>
1. Martin Luther King Day	Father/Parent 1	Mother/Parent 2	9:00 a.m. to 7:00 p.m.
2. President's Day	Mother/Parent 2	Father/Parent 1	9:00 a.m. to 7:00 p.m.
3. Easter Sunday	Father/Parent 1	Mother/Parent 2	9:00 a.m. to 7:00 p.m.
4. Spring Break*	Father/Parent 1	Mother/Parent 2	5:30 p.m. day school ends to 7:00 p.m. day before school begins
5. Memorial Day	Mother/Parent 2	Father/Parent 1	5:30 p.m. Friday preceding to Monday at 7:00 p.m.
6. Fourth of July	Father/Parent 1	Mother/Parent 2	5:30 p.m. 7/3 to 11:00 p.m. 7/4
7. Labor Day	Mother/Parent 2	Father/Parent 1	5:30 p.m. Friday preceding to Monday at 7:00 p.m.
8. Halloween	Father/Parent 1	Mother/Parent 2	4 hours on "trick or treat" day/night or in each neighborhood
9. Thanksgiving*	Father/Parent 1	Mother/Parent 2	5:30 p.m. Wed. to Fri. at 7:00 p.m.
	Mother/Parent 2	Father/Parent 1	7:00 p.m. Fri. to Sun. at 7:00 p.m.
10. Christmas Eve	Father/Parent 1	Mother/Parent 2	9:00 a.m. to 10:00 p.m.
11. Christmas Day	Mother/Parent 2	Father/Parent 1	10:00 p.m. 12/24 to 7:00 p.m. 12/25
12. New Year's Eve	Father/Parent 1	Mother/Parent 2	5:30 p.m. 12/31 to 7:00 p.m. 1/1

13. Winter break\* divide equally

\* or as the parties may otherwise agree in writing

## **DAYS OF SPECIAL MEANING**

- (1) Religious or ethnic holidays – alternate between the parties yearly, 9:00 a.m. to 7:00 p.m.
- (2) Mother's Day and Father's Day with respective parent, 9:00 a.m. to 7:00 p.m.
- (3) Child(ren)'s birthdays with Father/Parent 1 in even-numbered years and Mother/Parent 2 in odd-numbered years, 5:00 p.m. to 8:00 p.m. All siblings to attend.
- (4) Parents' birthdays, 5:00 p.m. to 8:00 p.m.

## **SAMPLE 2-2-5 DAY PARENTING TIME SCHEDULE**

The sample schedule presumes that the parties shall exercise parenting time in accordance with the age of the oldest child.

The nonresidential/other parent shall have the following parenting time:

### **WEEKDAY AND WEEKEND PARENTING TIME**

#### **(1) FOR CHILD(REN) FROM BIRTH TO THREE MONTHS**

Two times weekly for two hours on the days and times the parties can agree. If the parties cannot agree, then the days shall be every Tuesday from 6:00 p.m. to 8:00 p.m. and every Saturday from 2:00 p.m. to 4:00 p.m., unless otherwise ordered by the Court.

#### **(2) FOR CHILD(REN) THREE MONTHS TO 12 MONTHS**

Two times weekly for 2-6 hours on the days and times the parties can agree. If the parties cannot agree, then the days shall be every Tuesday from 5:00 p.m. to 8:00 p.m. and every Saturday from 2:00 p.m. to 8:00 p.m., unless otherwise ordered by the Court.

#### **(3) FOR CHILD(REN) 12 MONTHS TO 30 MONTHS**

Every Wednesday from 5:00 p.m. to 8:00 p.m. and alternating weekends from Friday at 6:00 p.m. to Saturday at 6:00 p.m.

#### **(4) FOR CHILD(REN) 30 MONTHS AND OLDER**

Parent 1 from Monday at 6:00 p.m. to Wednesday at 6:00 p.m. and alternating weekends from Friday at 6:00 p.m. to Monday at 6:00 p.m. Parent 2 from Wednesday at 6:00 p.m. to Friday at 6:00 p.m. and alternating weekends from Friday at 6:00 p.m. to Monday at 6:00 p.m.

### **SUMMER PARENTING TIME (May 31, or conclusion of school year, until September 1, or start of school year)**

The nonresidential/other parent's summer schedule shall have priority over the residential parent's summer schedule. The parties shall give written notice of their summer travel schedules at least 30 days in advance or no later than May 1st of each year. The parties shall exchange the remainder of their summer schedules no later than May 15th of each year.

Child support shall abate by one half for any period equal to or in excess of two weeks that the child(ren) are with the nonresidential/other parent. The party claiming the abatement shall make the request yearly by December 31st.

(1) FOR CHILD(REN) FROM BIRTH TO THREE MONTHS

Two times weekly for two hours on the days and times the parties can agree. If the parties cannot agree, then the days shall be every Tuesday from 6:00 p.m. to 8:00 p.m. and every Saturday from 2:00 p.m. to 4:00 p.m., unless otherwise ordered by the Court.

(2) FOR CHILD(REN) THREE MONTHS TO 12 MONTHS

Two times weekly for 2-6 hours on the days and times the parties can agree. If the parties cannot agree, then the days shall be every Tuesday from 5:00 p.m. to 8:00 p.m. and every Saturday from 2:00 p.m. to 8:00 p.m., unless otherwise ordered by the Court.

(3) FOR CHILD(REN) 12 MONTHS TO 30 MONTHS

Every Wednesday from 5:00 p.m. to 8:00 p.m. and alternating weekends from Friday at 6:00 p.m. to Saturday at 6:00 p.m. and an additional two weeks parenting time. The two weeks parenting time shall be exercised in no longer than one-week segments.

(4) FOR CHILD(REN) 30 MONTHS AND OLDER

Parent 1 from Monday at 6:00 p.m. to Wednesday at 6:00 p.m. and alternating weekends from Friday at 6:00 p.m. to Monday at 6:00 p.m. Parent 2 from Wednesday at 6:00 p.m. to Friday at 6:00 p.m. and alternating weekends from Friday at 6:00 p.m. to Monday at 6:00 p.m. Each parent is entitled to two uninterrupted weeks.



## **HOLIDAY PARENTING TIME**

<b>HOLIDAY</b>	<b>EVEN YEARS</b>	<b>ODD YEARS</b>	<b>DAYS/TIMES</b>
1. Martin Luther King Day	Father/Parent 1	Mother/Parent 2	9:00 a.m. to 7:00 p.m.
2. President's Day	Mother/Parent 2	Father/Parent 1	9:00 a.m. to 7:00 p.m.
3. Easter Sunday	Father/Parent 1	Mother/Parent 2	9:00 a.m. to 7:00 p.m.
4. Spring Break*	Father/Parent 1	Mother/Parent 2	5:30 p.m. day school ends to 7:00 p.m. day before school begins
5. Memorial Day	Mother/Parent 2	Father/Parent 1	5:30 p.m. Friday preceding to Monday at 7:00 p.m.
6. Fourth of July	Father/Parent 1	Mother/Parent 2	5:30 p.m. 7/3 to 11:00 p.m. 7/4
7. Labor Day	Mother/Parent 2	Father/Parent 1	5:30 p.m. Friday preceding to Monday at 7:00 p.m.
8. Halloween	Father/Parent 1	Mother/Parent 2	4 hours on "trick or treat" day/night or in each neighborhood
9. Thanksgiving*	Father/Parent 1	Mother/Parent 2	5:30 p.m. Wed. to Fri. at 7:00 p.m.
	Mother/Parent 2	Father/Parent 1	7:00 p.m. Fri. to Sun. at 7:00 p.m.
10. Christmas Eve	Father/Parent 1	Mother/Parent 2	9:00 a.m. to 10:00 p.m.
11. Christmas Day	Mother/Parent 2	Father/Parent 1	10:00 p.m. 12/24 to 7:00 p.m. 12/25
12. New Year's Eve	Father/Parent 1	Mother/Parent 2	5:30 p.m. 12/31 to 7:00 p.m. 1/1

13. Winter break\* divide equally

\* or as the parties may otherwise agree in writing

## **DAYS OF SPECIAL MEANING**

- (1) Religious or ethnic holidays – alternate between the parties yearly, 9:00 a.m. to 7:00 p.m.
- (2) Mother's Day and Father's Day with respective parent, 9:00 a.m. to 7:00 p.m.
- (3) Child(ren)'s birthdays with Father/Parent 1 in even-numbered years and Mother/Parent 2 in odd-numbered years, 5:00 p.m. to 8:00 p.m. All siblings to attend.
- (4) Parents' birthdays, 5:00 p.m. to 8:00 p.m.

## **SAMPLE LONG-DISTANCE PARENTING TIME SCHEDULE**

### **Long-Distance Parenting Time Schedule**

The sample schedule presumes that the parties shall exercise parenting time in accordance with the age of the oldest child.

The nonresidential/other parent shall have the following parenting time:

### **WEEKEND AND HOLIDAY PARENTING TIME**

The nonresidential/other parent shall have parenting time one weekend per month with seven (7) days advance notice.

The nonresidential/other parent may elect to exercise weekend parenting time to correspond with holiday/day of special meaning parenting time as provided below. If the nonresidential/other parent does not elect to exercise weekend parenting time to correspond with holiday/day of special meaning parenting time, the designated holiday/day of special meaning parenting time is forfeited and regular weekend parenting time shall be exercised on the third weekend of every month, from Friday at 5:30 p.m. to Sunday at 7:00 p.m., unless otherwise agreed.

<b>HOLIDAY</b>	<b>EVEN YEARS</b>	<b>ODD YEARS</b>	<b>DAYS/TIMES</b>
1. Martin Luther King Day	Father/Parent 1	Mother/Parent 2	5:30 p.m. Friday preceding to Monday at 7:00 p.m.
2. President's Day	Mother/Parent 2	Father/Parent 1	5:30 p.m. Friday preceding to Monday at 7:00 p.m.
3. Easter Sunday	Father/Parent 1	Mother/Parent 2	5:30 p.m. Friday preceding to Monday at 7:00 p.m.
4. Spring Break	Father/Parent 1	Mother/Parent 2	5:30 p.m. day school ends to 7:00 p.m. day before school begins
5. Memorial Day	Mother/Parent 2	Father/Parent 1	5:30 p.m. Friday preceding to Monday at 7:00 p.m.
6. Fourth of July	Father/Parent 1	Mother/Parent 2	5:30 p.m. 7/3 to 11:00 p.m. 7/4
7. Labor Day	Mother/Parent 2	Father/Parent 1	5:30 p.m. Friday preceding to Monday at 7:00 p.m.
8. Thanksgiving	Father/Parent 1	Mother/Parent 2	5:30 p.m. Wed. to Sun. at 7:00 p.m.
9. Christmas Eve/ Christmas Day/Winter Break	Mother/Parent 2	Father/Parent 1	divide Winter Break equally each year with designated parent to have Christmas Eve and Christmas Day

## **DAYS OF SPECIAL MEANING**

Mother's Day and Father's Day with respective parent, from the preceding Friday at 5:30 p.m. to Sunday at 7:00 p.m.

## **SUMMER PARENTING TIME (May 31, or conclusion of school year, until September 1, or start of school year)**

The nonresidential/other parent's summer schedule shall have priority over the residential parent's summer schedule. The parties shall give written notice of their summer travel schedules at least 30 days in advance or no later than May 1st of each year. The parties shall exchange the remainder of their summer schedules no later than May 15th of each year.

Child support shall abate by one half for any period equal to or in excess of two weeks that the child(ren) are with the nonresidential/other parent. The party claiming the abatement shall make the request yearly by December 31st.

### **(1) FOR CHILD(REN) FROM BIRTH TO 12 MONTHS**

Regular weekend and holiday parenting time as set forth above.

### **(2) FOR CHILD(REN) 12 MONTHS TO 30 MONTHS**

Regular weekend and holiday parenting time plus an additional two weeks parenting time. The two-week parenting time shall be exercised in no longer than one-week segments.

### **(3) FOR CHILD(REN) 30 MONTHS AND OLDER**

Six weeks parenting time. Parenting time shall be exercised in no longer than two-week segments.

Each parent is entitled to two uninterrupted weeks.

## **SAMPLE HOLIDAY AND OTHER DAYS OF SPECIAL MEANING PARENTING TIME SCHEDULE**

<b>HOLIDAY</b>	<b>EVEN YEARS</b>	<b>ODD YEARS</b>	<b>DAYS/TIMES</b>
1. Martin Luther King Day	Father/Parent 1	Mother/Parent 2	9:00 a.m. to 7:00 p.m.
2. President’s Day	Mother/Parent 2	Father/Parent 1	9:00 a.m. to 7:00 p.m.
3. Easter Sunday	Father/Parent 1	Mother/Parent 2	9:00 a.m. to 7:00 p.m.
4. Spring Break*	Father/Parent 1	Mother/Parent 2	5:30 p.m. day school ends to 7:00 p.m. day before school begins
5. Memorial Day	Mother/Parent 2	Father/Parent 1	5:30 p.m. Friday preceding to Monday at 7:00 p.m.
6. Fourth of July	Father/Parent 1	Mother/Parent 2	5:30 p.m. 7/3 to 11:00 p.m. 7/4
7. Labor Day	Mother/Parent 2	Father/Parent 1	5:30 p.m. Friday preceding to Monday at 7:00 p.m.
8. Halloween	Father/Parent 1	Mother/Parent 2	4 hours on “trick or treat” day/night or in each neighborhood
9. Thanksgiving*	Father/Parent 1	Mother/Parent 2	5:30 p.m. Wed. to Fri. at 7:00 p.m.
	Mother/Parent 2	Father/Parent 1	7:00 p.m. Fri. to Sun. at 7:00 p.m.
10. Christmas Eve	Father/Parent 1	Mother/Parent 2	9:00 a.m. to 10:00 p.m.
11. Christmas Day	Mother/Parent 2	Father/Parent 1	10:00 p.m. 12/24 to 7:00 p.m. 12/25
12. New Year’s Eve	Father/Parent 1	Mother/Parent 2	5:30 p.m. 12/31 to 7:00 p.m. 1/1
13. Winter break*	divide equally		
* or as the parties may otherwise agree in writing			

## **DAYS OF SPECIAL MEANING**

- (1) Religious or ethnic holidays – alternate between the parties yearly, 9:00 a.m. to 7:00 p.m.
- (2) Mother's Day and Father's Day with respective parent, 9:00 a.m. to 7:00 p.m.
- (3) Child(ren)'s birthdays with Father/Parent 1 in even-numbered years and Mother/Parent 2 in odd-numbered years, 5:00 p.m. to 8:00 p.m. All siblings to attend.
- (4) Parents' birthdays, 5:00 p.m. to 8:00 p.m.