

HANCOCK COUNTY COURT OF COMMON PLEAS, JUVENILE DIVISION

LOCAL RULES OF COURT

Judge Kristen K. Johnson

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CHAPTER 1 - GENERAL INFORMATION

Rule 1.01 - General

These rules conform to the Ohio Rules of Civil Procedure and the Rules of Superintendence for the Courts of Ohio and provide for the efficient and expeditious management of business before the Hancock County Common Pleas Court, Juvenile Division for Hancock County, Ohio, ("Court") with due regard to local practices and requirements. These rules shall supersede all previous rules and amendments. However, these Local Rules are not meant to supersede the Rules of Superintendence for Juvenile Courts established by the Supreme Court of Ohio, the Rules of Juvenile Procedure or the Ohio Rules of Civil Procedure. Any previously Ordered local rules of practice that conflict with the following rules shall be rendered void and of no force and effect.

Magistrates shall be appointed to hear all matters not otherwise acted upon by the Judge of the Juvenile Division, including without limitation, delinquency, unruly, traffic, abuse, neglect, dependency, allocation of parental rights and responsibilities, parenting time enforcement and modification, child support enforcement and modification, URESA, UIFSA, and determination of parentage matters and any other matters as referred by the Judge of the Juvenile Division. A Magistrate, acting in these matters, shall have all powers set forth in Rule 40 of the Ohio Rules of Juvenile Procedure.

Rule 1.02 - Headers on Pleadings

Any pleading(s) submitted to this Court shall be in accordance with the Ohio Civil Rules and shall be free from staples, folders, or covers. The first page of filings shall have a 2.5" unobstructed margin at the top of the document for the Clerk to place a file stamp. All subsequent pages shall contain a header noting the case name, case number, and page number. All pleadings and documents shall be one-sided and on 8.5" x 11" paper and shall contain a caption including the applicable Court, parties, and case number. In actions regarding delinquency, unruly, abused, neglected or dependent child(ren), juvenile traffic offenders, and juvenile tobacco offenders, the caption shall read "In the matter of "John Doe". In all other actions, the parties shall be listed as "Plaintiff" and "Defendant".

Rule 1.03 - Fax Filing or Email Filing

Filing of documents subsequent to an original complaint and prior to a final Judgment Entry and other filings not requiring a security deposit may be filed with the Juvenile Clerk by facsimile transmission to (419) 424-7898 or email transmission to Juvenile@co.hancock.oh.us. This rule applies to cases involving all areas of the Court's jurisdiction, with the exception of: an ex-parte Motion for emergency custody;

- a. Any document in whole or part under seal;
 - b. Original complaints;
 - c. Final Judgment Entries;
 - d. Pleadings pursuant to appeal;
 - e. Filings requiring a deposit; and
 - f. Cases pursuant to R.C. 2151.85.
- A. Any facsimile filing shall be preceded in transmission by a cover page, which includes the following information:
- a. Caption of the case;
 - b. Case number;
 - c. Assigned Judge/Magistrate;
 - d. Description of the document being filed;
 - e. Attorney name, address, Supreme Court of Ohio registration number, telephone number, and fax number;
 - f. Date and time of fax initiation;
 - g. Transmitting fax number; and
 - h. Number of pages, including the cover page, being transmitted.

If a facsimile filing is sent by fax to the Clerk of Court without the cover page as designated in this rule, the Clerk, at their discretion, may deposit the document in a file of failed faxed documents with a notation as to the reason for the failure. In this instance, the document **shall not** be considered filed with the Clerk of Courts. The Clerk of Courts is not required to notify the transmitting party of a failed fax filing.

- B. A document filed by facsimile or email shall be accepted as the effective original document and shall be considered filed with the Court as of the date and time the Juvenile Clerk file stamps the document during regular hours, as opposed to the date and time of the fax transmission that is imprinted by the facsimile machine or the date the email is sent. The person making the filing shall bear all risk of transmitting a document by facsimile or email, including all

risk of equipment failure.

- C. The original documents and cover page filed by facsimile or email shall be maintained by the person making the filing until the case is closed and all opportunities for post judgment relief are exhausted.
- D. Facsimile filings shall not exceed ten (10) pages in length, excluding the cover sheet.
- E. Exhibits shall be filed with the Juvenile Clerk as a separate document no later than five (5) Court days following the filing of the original fax document or email transmission.
- F. In accordance with Civ. R.5 (E), any signature on the fax filing or emailed transmission shall be considered to be authentic. If it is established that any transmission was made without authority, the Court shall Order the filing stricken. Any document requiring a signature shall either contain the signature on the source document at the time of transmission or be submitted without the signature by the notation "/s/" followed by the name of the signing person where the signature appears in the signed source document.
- G. The party filing documents by fax or email shall not transmit copies to the Juvenile Clerk for service upon other parties, but shall provide service directly upon all necessary parties.

Rule 1.04 - Service

A. Certificate of Service

Every pleading, Motion, brief, memorandum, or argument in writing filed with the Court shall be served upon all opposing counsel, a Guardian ad litem, if one is appointed, and upon all parties not represented by counsel. Except as provided for by law, proof of service, in writing, shall be attached to the pleading, Motion, brief, memorandum, or argument in writing. No paper delivered to the Court without a certificate of services shall be considered by the Judge or Magistrate.

Where copies of pleadings, Motions, briefs, memoranda and other papers have been placed in the appropriate attorneys drawer in the Hancock County Probate and Juvenile Court, 308 Dorney Plaza, Findlay, Ohio 45840 and certificate of delivery reflects such action, it shall be deemed by the Court as delivery to counsel pursuant to the requirements of the Ohio Rules of Civil Procedure.

All assignment notices or entries generated by the Hancock County Juvenile Court shall be placed in the attorney drawer of appropriate counsel in the Hancock County Probate and Juvenile Court. If counsel has no such drawer, the assignment notices

shall be deposited with the United States Postal Service, postage prepaid. If a party or counsel wants a file-stamped copy of a document filed by that party or counsel to be returned by the Clerk of this Court via U.S. mail, that party or counsel must provide an addressed, postage prepaid envelope for that purpose. A party requesting to be served by email shall file said request in writing with the Court in each case and shall provide a valid email address. A person requesting service by email shall bear all risk of transmitting a document by email, including all risk of equipment failure.

B. Service of Process, Juv. R. 16

Each new filing shall contain a praecipe describing the method of service requested. The options for service are as follows:

- a. Certified mail. Certified mail shall be performed by the Court Clerk when requested. The costs associated with certified mail shall be assessed as Court costs. A party requesting certified mail service should allow at least thirty (30) days for perfection of service. If the mail is returned due to an incorrect address, the requesting party or his attorney will be notified by the Clerk. If the certified mail service is returned "unclaimed", the Clerk will automatically resend the pleading by regular mail without notifying the requesting party. The costs for regular mail service will not be assessed.
- b. Personal service by the Hancock County Sheriff's Office. When personal service by the Hancock County Sheriff's office is requested, the Clerk shall ensure the pleadings are delivered expediently to the Sheriff's Office for service. Once the service is perfected and the return received by the Court, the costs listed on the return will be assessed to the requesting party as Court costs. If service cannot be made, the Clerk shall notify the requesting party or their attorney as soon as notification is received from the Sheriff's Office. This option can only be used for service on residents in Hancock County.
- c. Personal service by the Hancock County Probate and Juvenile Court Process Server. When personal service by the Court's special process server is requested, the requesting party shall prepay the cost of thirty dollars (\$30.00) to the Court. The Clerk shall ensure that the pleadings are delivered expediently to the Process Server. If service cannot be made, the Clerk shall notify the requesting party or his attorney as soon as it is determined that the opposing party cannot be located at the address given. If a new address is provided by the requesting party, the Process Server will attempt service at the new address without an additional cost. This option can only be used for service on residents in Hancock County. The requesting party must allow at least ten (10) days for service, unless special provisions can be made in emergency situations.

- d. Service by Publication. If service by publication is requested, the requesting party must file an affidavit with the Court indicating that service cannot be made because the residence of the person is unknown to the affiant and cannot be ascertained with reasonable diligence and shall set forth the last known address of the party to be served. Service by publication can be effectuated by newspaper publication or by posting and mail.
- i. Service by newspaper publication shall be made by publishing notice in The Courier newspaper. A deposit of one-hundred dollars (\$100.00) shall be paid by the requesting party prior to the notice being made. Once the affidavit is filed and the deposit paid, the Clerk shall ensure the required documents are delivered to The Courier for publication. Any party requesting service under this option should ensure they leave enough time for all the steps to be completed and for the notice to appear in the newspaper at least seven (7) days prior to the hearing. Costs for the publication shall be assessed to the requesting party as costs.
 - ii. Service by posting and mail shall be made by posting notice at the Hancock County Courthouse, the Findlay Municipal Court, the United States Postal Service, Hancock County, Ohio location, and the Hancock County Juvenile Court's website. The Notice shall contain the name and address of the Court, the case number, the name of the first party on each side, and the name and last known address, if any, of the person or persons whose residence is unknown. The notice shall also contain a summary statement of the object of the complaint and shall notify the person to be served that the person is required to appear at the time and place stated. The notice shall be posted for not less than seven (7) consecutive days. The time stated shall not be less than seven (7) days after the date of posting. The Clerk also shall cause the summons and accompanying pleadings to be mailed by ordinary mail, address correction requested, to the last known address of the party to be served. The Clerk shall obtain a certificate of mailing from the United States Postal Service. If the Clerk is notified of a corrected or forwarding address of the party to be served within the seven (7) day period that notice is posted pursuant to this rule, the Clerk shall cause the summons and accompanying pleadings to be mailed to the corrected or forwarding address. The Clerk shall note the name, address, and date of each mailing in the docket. After the seven (7) days of posting, the Clerk shall note on the docket where and when notice was posted. Service shall be complete upon the entry of the posting. The requesting party shall be assessed Court costs of thirty dollars (\$30.00) for posting and mail under this option.

- e. Service of Subpoenas will be made by the Hancock County Sheriff's Office, unless it is requested that they are served by the Court's Special Process Servers. It is the responsibility of the requesting party to ensure with the process servers that there is sufficient time (at least seven (7) days) for service to be effectuated. Costs for service of subpoenas will be assessed as the actual cost invoiced by the Sheriff's Office for service, or by a flat ten dollar (\$10.00) fee per subpoena, for those served by the Court's Special Process Server.

- f. Any party to a proceeding wishing to subpoena a witness who resides outside of Hancock County, Ohio, shall prepare the subpoena in accordance with Civil Rule 45 and deliver same to the Clerk of this Court not later than three (3) days after receipt of notice of hearing, or ten (10) days prior to the hearing, whichever date comes later. The subpoena shall be accompanied by a check made payable to the witness being subpoenaed for one (1) day's attendance fee, six dollars (\$6.00) for one-half (1/2) day and twelve dollars (\$12.00) for one (1) full day, along with ten cents (\$.10) per mile from the person's residence to 308 Dorney Plaza, Findlay, Ohio, 45840, and their return. The above time requirement may be excused upon showing of good cause by Order of the Court, and the requirement for tendering mileage and attendance fee may be excused upon the filing of an affidavit of indigency by the party requesting issuance of the out of county subpoena.

Rule 1.05 - Motion for Continuance of Hearing

A Motion for Continuance due to a conflicting Court hearing date must be filed at least three (3) days before the scheduled hearing date. If the request is being made due to a conflict with another Court's hearing date, said request shall contain the Assignment Notice of the conflicting hearing date from the other Court. All Motion for Continuance requests MUST state, on the face of the motion, that the opposing party has been notified and MUST also state the position of the opposing party to said continuance request.

Rule 1.06 - Demand for Trial by Jury

The defendant in a proceeding charged with violating O.R.C. § 2919.24 shall be tried by the Court unless said party demands a jury Trial. Such a demand must be in writing and filed with the Clerk of this Court not less than ten (10) days prior to the date set for Trial, or before the third day following receipt of notice of the date set for Trial, whichever is later. Failure to demand a jury Trial as provided in this rule is a complete waiver of the right thereto. [See Crim. R. 23(A), Civ. R. 38(D)]

Rule 1.07 - Jury Selection and Management

The Court, subject to the provision of Chapter 2313 of the Ohio Revised Code, adopts the procedure of the Hancock County Common Pleas Court, General Division and the Hancock County Data Processing Board and the use of automated data processing for the selection of prospective jurors. The Court hereby adopts and incorporates the Ohio Trial Court Jury Use and Management Standards pursuant to Rule 5(B) of the Rules of Superintendence for the Courts of Ohio, as amended from time to time, and which are maintained in the Office of the Administrative Judge.

Voir Dire shall be conducted in conformity with the direction of the assigned Judge. During Voir Dire, counsel may have the use of prospective juror information sheets that have been distributed and collected by the Court. The forms shall be returned to the Court at the conclusion of a Trial.

Rule 1.08 - Bonds

The Hancock County Juvenile Court hereby adopts the bond schedules attached in Appendices C, and D.

Rule 1.09 - Record of Proceedings

Any request for a record of the proceedings, other than standard audio, pursuant to Juvenile Rule 37, in writing any time prior to the date of the hearing. All recording of hearings shall be by electronic recording device, unless the party requests a stenographic record, which shall be provided at the sole expense of the party requesting same. Arrangements for the attendance of a stenographic report shall be by the requesting party.

Any person, who would be entitled to a copy of the record in a juvenile proceeding, may request a copy of the hearing on compact disc and shall pay this Court ten dollars (\$10.00) for the cost of the same, prior to the compact disc being prepared. Recordings of Court hearings will be kept for a period of ten (10) years from the date the recording is made.

Rule 1.10 - Transcript Fees for Recorded Proceedings

Hearings Ordered to be transcribed from any digital recordings shall be transcribed only by Certified Court Reporters.

Transcripts Ordered by the Court shall be by journal entry and payment for the same is to be vouchered to the Auditor of the County.

Rule 1.11 - Court Records Management and Retention Rule

Pursuant to Rule 26(C) of the Rules of Superintendence of the Supreme Court of Ohio, the Juvenile Division of the Court of Common Pleas, Hancock County, Ohio, adopts the attached Records Retention Schedule outlined in Appendix L.

Rule 1.12 - Appointment of Counsel

Pursuant to Rule 8 of the Rules of Superintendence of the Supreme Court of Ohio, all Court-appointed attorneys shall be selected from a list kept by the Chief Deputy Clerk of the Court. Attorneys shall be selected on a rotating basis taking into account the complexity and seriousness of each case, each attorney's qualifications and experience, and each attorney's availability. The list shall be reviewed periodically to ensure equitable distribution of appointments. The fee schedule shall be in accordance with that set by the Hancock County Commissioners. To be placed on the list, an attorney should contact the Chief Deputy Clerk at (419) 424-7066 and provide a résumé, containing his or her experience, and a listing of the case types that they are willing to be appointed in.

Rule 1.13 - Deposits

At the termination of any case, the Clerk shall not refund an overpayment or any balance remaining from a deposit or payment that is five dollars (\$5.00) or less, unless a written request for the refund is made within fourteen (14) days after the termination of the case.

CHAPTER 2 - JUVENILE CASES

Rule 2.01 - Delinquency Pleadings

No delinquency complaint shall be accepted by this Court unless upon the face of said complaint there is a designation of the degree of the crime if committed by an adult. Said designation shall be in the form of "M" for misdemeanor or "F" for felony, followed by a hyphen and a number designating the degree of offense, ie: M-4. The Hancock County Prosecutor's Office shall note on the face of every complaint when a child is subject to the provisions of the Juvenile Sex Offender Registration and Notification Law, as defined by Chapters 2152 and 2950 of the Ohio Revised Code.

Rule 2.02 - Rule to Expedite Competency Proceedings

The purpose of this rule is to expedite proceedings under sections 2152.51 to 2152.59 of the Ohio Revised Code, to ensure that proper notice of competency hearings is provided to the appropriate persons and to ensure that any proceedings on an underlying complaint are stayed pending the determinations under these sections.

1. Upon the request for a competency hearing, the Court shall schedule a hearing on an expedited basis. Hearings in juvenile competency

proceedings shall be held in strict compliance with applicable deadlines as established by statute or by this rule.

2. Upon conclusion of each hearing, the Court shall provide written notice or oral notice on the record to the prosecuting attorney, the child's attorney, the child(ren)'s guardian ad litem, and the child's parents, guardian or custodian, of the date, time and place of the next scheduled hearing. Mailed notice shall not be required for any party or other individual designated in this rule to which notice of the next hearing was provided in writing upon conclusion of the immediately preceding hearing.
3. Upon the filing of a Motion for a determination regarding a child's competency or upon the Court's own Motion, the Court shall stay all delinquency proceedings pending a determination of competency. If, upon a determination of competency, the Court determines that the child is not competent, but could likely attain competency, the Court Order staying the delinquency proceedings shall remain in effect until such time as the child attains competency or the proceeding is dismissed.

Rule 2.03 - Use of Restraints on Children

Pursuant to Rule 5.1 of the Rules of Superintendence of the Ohio Supreme Court, the Hancock County Juvenile Court adopts the following rule:

- A. Use of restraints, including, but not limited to handcuffs, chains, or shackles shall not be used on a juvenile during a Court proceeding unless both of the following apply:
 1. The necessity of using restraints is demonstrated to the satisfaction of the Judge or Magistrate by the presence of one (1) or more of the following factors:
 - a. The child represents a current and significant threat to the safety of the child's self or other persons in the Courtroom; or
 - b. There is a significant risk that the child will flee the Courtroom; and
 2. The Court determines that there are no less restrictive alternatives to restraints that will prevent flight or physical harm to the child or another person, including, but not limited to, the presence of Court personnel, law enforcement officers, or bailiffs.
- B. When used, restraints should allow the juvenile limited movement of the hands to read and handle documents and writings necessary to the hearing, unless there is a demonstrated need for more restricted movement.

- C. In no circumstance does this rule limit the ability of law enforcement, security personnel or other Court staff from restraining a juvenile if necessary to ensure the Courtroom is properly functioning and/or to maintain the safety and security of the Court facilities.

Rule 2.04 - Truancy Pleadings

Any truancy complaints filed with this Court shall be accompanied by a "Truancy Certificate". All complaints filed in the Juvenile Division of the Hancock County Court of Common Pleas, which allege that a child appears to be unruly, shall be signed by one (1) of the Truancy Officers employed by the Findlay City School District, the Hancock County Educational Service Center for County Schools, or a representative from the digital school that the child is attending.

2.05 - Traffic Offenses

The use and filing of a traffic ticket that is produced by computer or other electronic means is hereby authorized in the Hancock County Juvenile Court pursuant to Traffic Rule 3[F]. The electronically produced traffic ticket shall conform in all substantive respects to the Ohio Uniform Traffic Ticket. If an electronically produced traffic ticket is issued at the scene of an alleged offense, the issuing officer shall serve the defendant with the defendant's paper copy of the ticket as required by division [E] of Traffic Rule 3. The Court record of the ticket shall be filed with the Hancock County Juvenile Court on paper of sufficient quality to allow the Court record copy to remain unchanged for the period of the retention schedule for the various traffic offenses as prescribed by the Rules of Superintendence for the Courts of Ohio.

Out-of-State Juvenile Traffic Offenders may be offered recognizance by the Findlay Police Department according to the violation based on the bond schedule set forth in **Appendix C**. Out-of-State Juvenile offenders, charged with delinquency or unruliness, may be offered recognizance according to the charge, based on the schedule set forth in **Appendix D**.

2.06 - Notice of Hearings to Foster/Kinship Caregiver and the Right to Be Heard

In accordance with R.C. § 2151.424, the Court will provide notice to foster caregivers and kinship caregivers of their right to attend hearings and the right to be heard concerning the children in their care.

To facilitate the Court in fulfilling its duty to provide proper notice of hearings to foster caregivers and kinship caregivers, a Child Placement Form (Appendix B) shall be completed by Hancock County Job and Family Services, Child Protective Services Unit and filed with the clerk the next business day or no later than 7 days following the initial placement and any change in placement of the children.

Information regarding the identity of and contact information for foster caregivers or kinship caregivers provided to assist the Court in fulfilling its duty to give notice under this rule is not accessible to the public, including to any party to a case. The Court shall maintain this information in its family file.

CHAPTER 3 - ADULT CASES

Rule 3.01 - Contributing Cases

Any time waivers signed by counsel will not be accepted by the Court unless the waiver also contains the signature of the client.

CHAPTER 4 - PATERNITY CASES

Rule 4.01 - Filing Requirements

All paternity complaints shall be accompanied by a copy of a Birth Certificate or Birth Verification. All complaints filed by anyone other than the Child Support Enforcement Agency (CSEA) shall be accompanied by a IV-D application. A copy of the application is available on the Court's website. The application shall be prepared by the attorney or the party filing the Complaint. The Court will accept an attorney certification that a IV-D Application has been sent to CSEA, in lieu of attaching it to the complaint at the time of filing.

Rule 4.02 - Cost Deposit for Filing Fee

No new or reactivated action or proceeding for custody, parenting time or support shall be accepted by the Clerk for filing unless the appropriate deposit has been paid and all prior past due costs have been paid. Upon termination of the case, if costs remain unpaid, appropriate Orders will be imposed to collect the costs. Except as otherwise provided by law, the deposit shall be in accordance with a schedule of costs. Final Judgment Entries shall contain a provision for payment of costs as Ordered by the Court. The Clerk of Courts shall apply the deposit for costs in the case, regardless of the party against whom the costs are assessed.

If the party initiating the action or proceeding is unable to pay, the party shall file an affidavit, signed before a notary, reflecting the inability to post the required costs deposit. The Judge or Magistrate shall determine whether or not to accept the filing without prepayment of costs or with prepayment of a reduced cost. Said acceptance only alleviates the need for prepayment of costs. The party filing the action remains responsible for payment of costs at the end of the proceeding.

4.03- Cost Deposit for Attorney/GAL

Upon the filing of a Motion for appointment of an Attorney Guardian ad Litem (GAL) the movant shall, in addition to any other cost deposit that may be required by the Court, make a deposit of six-hundred dollars (\$600.00). The deposit may be waived by the Court. The Court may request that the parties make additional cost deposits while the case is pending as may be necessary to compensate the GAL. Any deposits made for the GAL should be reserved for the GAL, unless these funds are otherwise released by the Court. Any amounts above the deposit(s) are the responsibility of the Attorney GAL to collect.

Rule 4.04 - Cost Deposit for Volunteer CASA/GAL

Upon the filing of a Motion for the appointment of a Court-Appointed Special Advocate/ Guardian ad Litem (CASA/GAL), the Movant shall make a non-refundable deposit of three-hundred fifty dollars (\$350.00) directly to the CASA office, and shall provide proof of said deposit to the Court. Upon good cause shown, the Court may waive the requirement of a deposit. Additional deposits may be required for out-of-town CASA/GAL visits to the home of any party.

Rule 4.05 - Magistrates

- A. Paternity, custody and other matters relating thereto may be heard by a Magistrate appointed by this Court. Objections to the decision of the Magistrate shall be in accordance with Juv. R. 40. Any party wishing to respond to objections filed in their case shall do so within fourteen (14) days of the filing of the objections. A reply to a response may be filed within seven (7) days of the filing of the response.
- B. A decision of the Magistrate shall be made pursuant to Juv. R. 40, unless an agreement or other pleading in the case provides for a waiver of decision. If a waiver is made, the entry shall state: "By stipulation this Judgment Entry constitutes the decision of the Magistrate required by Juvenile Rule 40 (E), and the parties hereby waive any objections thereto, and waive service of a separate Magistrate's decision."
- C. The merits of any objections relating to factual findings, without other evidence contained in the record, will not be considered, unless a transcript is filed with the Court within a specific period of time designated by the Court, upon receipt of a Motion for extension.
- D. The time for filing objections may be extended upon the written request of either party, only if said request is made during the initial objection or appeal period. This extension will automatically extend any response time by the same period. All requests for extensions of time in which to file objections to a Magistrate's

decision must include the following information:

- a. The party filing objections to a Magistrate's decision shall specify the nature of the objections and the basis for them within the original fourteen (14) day period for objections. The time for filing objections may be extended for cause shown upon the written request of either party filed within the initial objection period. Any extension shall automatically extend any response time by the same period. All transcripts supporting the objections shall be filed with the Court within forty (40) days after the filing of objections, unless, with leave of Court, an alternative method of reviewing the evidence is approved by the Court within that forty (40) day period. If additional objections become apparent after the transcript is prepared and filed with the Court, and that party has timely filed his/her initial objections, the objecting party may seek leave of Court to supplement previously filed objections.
- b. It is objecting party's or attorney's responsibility to have the transcript filed within the required forty (40) day period. Any requests to extend the period for filing the transcript must include the following:
 - i. A statement by the attorney, or party if appearing *pro se*, that the Court reporter who will be preparing the transcript has been contacted and the transcript Ordered, and the date the transcript was Ordered; and
 - ii. A statement by the attorney, or party if appearing *pro se*, that (1) the costs or fees required by the Court Reporter for the preparation of the transcript have been paid and the date payment was made, or (2) the estimated cost has been requested but not yet received and the date the estimate was requested, OR a written statement from the Court Reporter that the transcript cannot otherwise be prepared within the necessary forty (40) day period.
- E. Objections shall be ruled upon by the Court without a formal hearing.
- F. Attorneys are required to prepare a Judgment Entry based upon the Magistrate's Decision, or upon the Court's Order, on objections.
- G. All Judgment Entries, for cases being handled by the Magistrate, must first be approved by the Magistrate before being submitted to the Judge.

Rule 4.06 - Ex-Parte Orders

- A. Unless an emergency situation exists, as determined by the Court based upon supporting affidavits, no Ex-Parte Orders will issue, except reciprocal, mutual restraining Orders following the language in Rule 4.07, for which no affidavits are necessary.
- B. Requests for Temporary Orders shall be set for hearing at the Court's earliest convenience. A continuance may be granted to either party for good cause shown.
- C. Notice of hearing shall be served with the pleadings pursuant to Civil Rules.
- D. After filing of a Paternity or Custody Complaint, and prior to any temporary Orders being issued, except for parenting time periods, neither party shall relocate the minor child(ren) from the child(ren)'s home, school district, or the jurisdiction of the Court. The purpose of this rule is to not disrupt the home and school environment of the child(ren) any more than necessary.

Rule 4.07 - Temporary Standing Orders

All parties to actions in the Hancock County Juvenile Court may be subject to reciprocal, mutual restraining Orders from the date in which service of summons is completed. This Order shall be strictly complied with under penalty of Contempt of Court. Use of the following language is suggested:

- A. Each party is hereby enjoined and restrained from doing, attempting to do, or threatening to do any act of injuring, maltreating, vilifying, molesting, or harassing the adverse party, their attorney, family members, employer, or any of the child(ren) of the parties.
- B. Each party is hereby enjoined from removing any child(ren) who is/are subject to the jurisdiction of the Court, in this matter from the jurisdiction of the Court, without first obtaining consent, in writing, from the other party or the Court.
- B. Except for parenting time periods, neither party shall relocate the minor child(ren) from the child(ren)'s home, school district, or the jurisdiction of the Court. The purpose of this rule is to not disrupt the home and school environment of the child(ren) any more than necessary.

Rule 4.08 - Hearing and Pre-Trials

- A. No contested Complaints or Motions shall be set for hearing on the merits, until such matter has been set for Pre-Trial, unless a Pre-Trial is waived by the Court.

- B. Any requests for Psychological Evaluations, the appointment of a Guardian ad Litem (GAL), etc., must be made no later than the time of the first scheduled Pre-Trial, unless leave to file said request is granted by the Court.
- C. A final Pre-Trial may be scheduled within thirty (30) days prior to the date set for final hearing.
- D. If attendance at the HOPE/HOPE PLUS/PACT/CRAFT Parenting Seminar is Ordered, the attendance certificate must be filed by the date of the final Pre-Trial.
- E. All parties should mark all exhibits and have stipulations filed prior to Trial.

Rule 4.09 - Continuing Jurisdiction - Post Judgment Relief

Post decree Motions shall contain the exact language of the original Order sought to be changed, the change requested, and a complete and accurate statement of the movant's reasons and/or basis for change, as well as a citation to pertinent Ohio Revised Code Sections. Failure to supply this information may result in the Motion being dismissed.

All Motions to invoke the continuing jurisdiction of the Court in all post-paternity matters, and other matters relating thereto, such as parental rights and responsibilities, shall be made by written Motion filed in the original action. Said Motions shall include a praecipe.

Service and notice shall be made to all parties individually. Notice to an attorney is not proper service on a party. Courtesy copies to opposing counsel are appropriate if the party has reason to believe that prior counsel is still representing the other party.

In all Motions of Modification of Support, the modification shall be effective as of the date of the filing of the request for the modification, unless otherwise directed by the Court or required by statute. If either party acts in a manner to prolong or delay the proceedings, the Court may, in its discretion, assign a different effective date, including the date of notice of a request for Administrative Hearing. All modifications or terminations of child support based on the emancipation of a child shall be effective on the date of such occurrence.

Rule 4.10 - Motions for Contempt

All Motions for contempt shall comply with Chapter 2705 of the Ohio Revised Code. Notice of such Motion, and of the hearing thereon, shall be served upon the subject party pursuant to the rules of service of summons contained in Civ. R. 4 through Civ. R. 4.6, incl., and the responsibility for initiating such service shall be on the movant.

Any finding of contempt on the part of a party will include an assessment of costs and may include an award of reasonable attorney's fees and costs. Unless proper evidence

is presented justifying a higher fee awarded, the Court will not award attorney's fees in excess of two-hundred fifty dollars (\$250.00).

Rule 4.11 - Removal from County and Long Distance Parenting Time

If any legal custodian and residential parent of a minor child or children subject to the jurisdiction of the Court, intend to move more than one-hundred fifty (150) miles from the child(ren)'s residence, then such party shall file a written notice of relocation at least forty-five (45) days in advance of such removal and serve said notice of relocation upon the other parent. A period of less than forty-five (45) days may be appropriate in emergency situations.

If a written notice of relocation is filed and served as required herein, and no objection or request for hearing is filed within forty-five (45) days of the filing of the notice of relocation and served on the party filing the notice of relocation, then **Appendix K - Option 1** shall become the Order of the Court.

Rule 4.12 - Judgment Entries

- A. All Judgment Entries in this Court in paternity matters, or other matters relating thereto, shall contain the approval of the Judgment Entry by signature of both parties and/or their attorneys and a recommendation and approval of such Judgment Entry by the Magistrate and Judge. In addition, thereto such Judgment Entry shall recite the waiver of such decision by the Magistrate, when appropriate.
- B. Judgment Entries shall dispose of all matters prayed for in the proceedings including, costs, interest, and attorney fees, if applicable.
- C. Judgment Entries which initiate child support shall include language in conformance with R.C. 3119 and 3121. See **Appendix H**. The child support Order shall be calculated in monthly increments.
- D. The following language is required in all Orders pertaining to the allocation of parental rights and responsibilities.
 1. The plaintiff/defendant/petitioner will, in spite of his/her differences with the other party, discuss with him/her matters pertaining to the child(ren)'s welfare, health, and education, knowing full well that the general welfare of said child(ren) is of paramount importance.
 2. Each of the parties shall encourage the child(ren) to respect, honor, and love the other party, and neither party shall use the child(ren) to solve differences between themselves.

3. As residential parent, the plaintiff/defendant/petitioner shall:
 - a. Take any necessary action with the school authorities of the schools in which the child(ren) are enrolled to:
 - i. List the other party as a parent of the child(ren).
 - ii. Authorize the school to release to the other party any and all information concerning the child(ren).
 - iii. Make sure that the other party receives copies of any notices regarding the child(ren).
 - b. Promptly transmit to the other party any information received concerning parent teacher meetings, school club meetings, school programs, athletic events, etc.
 - c. Promptly, after receipt of same, furnish to the other party a photocopy of the child(ren)'s grade report cards and copies of any other reports concerning the child(ren)'s status or progress.
 - d. Notify the other party of when to make appointments for parent-teacher conferences.
 - e. Promptly inform the other party of any illness of the child(ren), which shall require medical attention.
 4. Further, open and free communication between the child(ren) and the other party shall be encouraged and neither party shall do anything to impede or restrict communications by telephone or mail between the child(ren) and the other party. The mail between the child(ren) and the other party shall be kept confidential and shall not be opened or read by the party to whom the mail was not addressed.
 5. Both parties shall refrain from criticizing the other parent in the presence of the child(ren).
 6. Neither of the parties shall attempt to modify the religious practices of the child(ren) without first having consulted each other and the Court.
- E. In all matters involving the child(ren), the requisite Order regarding health insurance coverage shall be a part of the final Order. See Appendix I.
- F. Counsel for the party in whose favor a judgment is rendered, or who is directed to do so by the Court, shall, within five (5) days thereafter, unless further time be given by the Court, prepare and submit a Judgment Entry to opposing counsel who shall approve or reject same within five (5) days after its receipt. All

objections to such proposed Judgment Entry shall be in writing and may be answered in writing. If an agreement of the parties is placed on the record, the Court will approve a Judgment Entry which contains said agreement even if a party or attorney fails to approve the Judgment Entry. Failure to timely submit a Judgment Entry may result in sanctions being imposed by the Court, including, but not limited, to the dismissal of the pending matter or an award of attorney fees related to the preparation of the Judgment Entry by opposing counsel.

Rule 4.13 - Parenting Time

Absent a stipulation of the parties, **Appendices J and K** of these Local Rules will be the standard parenting time Order of the Court, unless the Court determines that such Order would not be in the best interests of the child(ren). In each case in which **Appendix J or K** is the Order of the Court, **Appendices J and K** shall be attached to an entry.

Rule 4.14 - Psychological Evaluations

- A. If any party wishes to have any minor child(ren) who is/are involved in a dispute as to the allocation for parental rights and responsibilities, evaluated by a psychologist or psychiatrist for the purpose of testimony at a Court hearing, must obtain the consent of the Court prior to such evaluation.
- B. In no event will an expert be permitted to testify regarding such an evaluation if the above procedure is not followed.
- C. The Court may Order psychological evaluations of the entire family, at any time, during a contested matter, upon the request of any party or upon the Court's own Motion. The Motion for psychological evaluations should include a recommendation as to who will perform the evaluation. The reports from the psychological evaluations will be made available to counsel for the parties and the GAL if one (1) has been appointed, unless good cause is found which would justify restriction of access to said evaluations, and the parties will have the opportunity to depose or subpoena the evaluator at hearing. By requesting the evaluation, the party or parties consent(s) to the Court considering the Court Ordered psychological reports, even if the evaluator is not called upon to testify.
- D. Unless otherwise agreed by the parties or Ordered by the Court, the costs associated with a psychological evaluation will be assessed against the party requesting the evaluation. If the Court, upon its own Motion, Orders psychological evaluations, the costs associated with a psychological evaluation, unless otherwise Ordered, will be assessed equally against the parties.

Rule 4.15 - Mediation

- A. The Court adopts Rule 1.12 of The Hancock County Civil Rules in the Common Pleas Court" (Hancock Civ. R.), as supplemented in this Rule, to effect mediation in the Juvenile Division of the Court.

- B. In cases where violence, or fear of violence, is alleged, suspected, or present, and in addition to any other requirements set forth by Rule, mediation shall proceed only if the following conditions are met:
 - 1. The person who is, or may be, the victim of domestic violence is fully informed, both orally and in writing, about the mediation process, his or her right to decline the mediation process, and his or her option to have a support person present at mediation session(s);
 - 2. The parties are able to mediate without fear of coercion or control;
 - 3. Security, if deemed necessary by the Court, is provided for the safety of the person who is or may be the victim of domestic violence and all other persons present at the mediation. In such cases, the mediator is authorized to terminate mediation if the mediator believes there is a threat of domestic violence or coercion between the parties.
 - 4. If a party has been convicted of domestic violence, or another offense involving physical harm to a family or household member at the time of the offense, or a party has been determined to be the perpetrator of an abusive act toward a child(ren), the Court shall hold a hearing on the request for mediation and shall make written findings of fact regarding the parties' best interests prior to referral to mediation. The parties have the obligation to disclose to the Court any information regarding prior convictions for violence against family or household members or adjudication as a perpetrator of child(ren) abuse. The Court shall also consider any stalking, domestic violence, or temporary protection Orders issued against either party to protect the other party or any child(ren) of the parties.

Rule 4.16 - The Role of the Guardian ad Litem - Sup. R. 48

- A. The Guardian ad Litem's role is to conduct an investigation that complies with Sup. R. 48 as to the character, family relations, and past conduct of the parties and child(ren) involved in a pending action, and to be an advocate for the best interest of the minor child(ren) in the paternity, allocation of parental rights, and responsibilities matter in which appointed. This will require the Guardian ad Litem to establish a relationship with the child(ren) and to investigate the facts of the case as they relate to the child(ren). The Guardian ad Litem's role does not include conducting discovery for the attorney, or parties, in the case or making the final decision in a case.

- B. The Court may appoint a volunteer or an attorney as a Guardian ad Litem. Prior to appointment as a Guardian ad Litem, the appointee must have completed training related to a Guardian ad Litem's function and duties. Attorneys must have completed not less than six (6) hours of training approved by the Supreme Court of Ohio, and volunteers must have completed training prescribed by the National CASA or Ohio CASA/GAL Association or otherwise approved by the Court. Each volunteer and attorney must meet ongoing educational requirements prescribed by the appropriate governing body.
- C. A Guardian ad Litem may be appointed by the Court as an investigative "friend of the Court" upon the Court's own Motion or upon the Motion of any party. In furtherance of the Guardian ad Litem's duties, the Guardian ad Litem shall have access to all information relating to the case that is subject to discovery by the parties and related to the child(ren)'s care. At the direction of the Court, the Guardian ad Litem may be present during any in camera interview of the minor child(ren).
- D. Upon written request by a volunteer Guardian ad Litem, with notice to the parties, the Court may appoint an attorney to assist the Guardian ad Litem in the Court proceedings. If the child(ren) are joined as parties to the action, the Court may appoint an attorney to represent the child(ren). The Guardian ad Litem, through an attorney licensed to practice law in the State of Ohio, is authorized to file Motions to continue scheduled hearings and to file Motions related to the immediate needs of the child(ren), and other documents as directed by the Court, and shall serve all such documents on all parties to the action.
- E. The Guardian ad Litem is not required to submit any preliminary reports in writing. At least seven (7) days prior to the final hearing in a pending action, or as otherwise directed by the Court, the Guardian ad Litem shall submit to the Court a written report of the investigation, including the extent and nature of the investigation and the recommendation(s) relating to the allocation of parental rights and responsibilities, with the basis for such recommendation as it relates to the child(ren)'s best interests. The Court shall notify the parties of the availability of the Guardian ad Litem report for review at the Court. At the conclusion of all evidence and as part of the hearing process, the Guardian ad Litem shall orally submit any amended or supplemental recommendations based upon facts submitted at hearing. The Court may grant additional time to the Guardian ad Litem for further investigation based upon testimony or evidence submitted at hearing and request a written recommendation from the Guardian ad Litem. The report of the Guardian ad Litem shall be made a part of the record as a Court exhibit in a contested proceeding.
- F. The Guardian ad Litem shall attend all Court proceedings, unless excused by the Court. The Guardian ad Litem may, and should, request to be excused from a proceeding in which his/her input will not be necessary. The parties should refrain

from asking, and the Guardian ad Litem should refrain from giving, an opinion prior to the review of all the facts in the case. The Court will consider the Guardian ad Litem's opinion and recommendation as a fact in its determination of the issues before it, but the Court will make the final determination based upon all the evidence presented in the case and pursuant to applicable Ohio law.

- G. The Guardian ad Litem shall be served with all pleadings, Motions, and other documents filed in the case after the appointment of the Guardian ad Litem and until such time as the Guardian ad Litem is discharged by the Court. All Judgment Entries, whether by consent or otherwise and relating to the allocation of parental rights and responsibilities, submitted to the Court for approval shall include an approval line for the Guardian ad Litem's signature and be submitted to the Guardian ad Litem for approval or objection.
- H. The attorney Guardian ad Litem shall submit a fee and expense statement, and the volunteer shall submit an expense report if requesting reimbursement for out-of-pocket expenses, to the Court within a reasonable period of time following the final hearing in the matter. The Court shall review all requests for fees to determine if the request is reasonable.
- I. Upon application, and for good cause, the Court may waive the required Court costs deposit when the appointment of a Guardian ad Litem is requested.
- J. All Motions, Judgment Entries, notices of hearing, and correspondence to be served on a volunteer Guardian ad Litem shall be served on the Guardian ad Litem at his/her address of record. All Guardians ad Litem must provide counsel and the parties a means by which they may contact the Guardian ad Litem. Further, attorneys should not disclose the home address or telephone number of a volunteer Guardian ad Litem to their clients unless specifically authorized by the volunteer Guardian ad Litem appointed to that case.
- K. All Guardians ad Litem, either attorney or volunteer, shall be in full compliance with Rule 48 of the Rules of Superintendence for the Courts of Ohio.

Rule 4.17 - Medical Support Obligations

- A. Extraordinary, non-covered medical, dental, psychological, or similar expenses shall be deemed to be any expense in excess of one-hundred dollars (\$100.00) per year, per child, and shall be divided between the parties according to their support percentages as shown on the most recent child support worksheet, or as determined by the Court. The year referred to herein is the calendar year, not the anniversary of the date of the Order.
- B. If an obligor is Ordered to make a Monthly Cash Medical Support Payment, that amount shall not be taxed at the two percent (2%) processing fee by the Child Support Enforcement Agency. Any amounts paid by obligor as Cash Medical

Support shall be credited against his/her proportion of extraordinary, non-covered expenses as set forth above.

CHAPTER 5 - SPECIALIZED DOCKETS

The Court establishes Specialized Dockets in conformance with Sup.R. 36.20 of the Rules of Superintendence for the Courts of Ohio. For the purpose of decreased recidivism and increased family stability, the Court, on its own Motion, may refer appropriate cases to any special Court program. Each program will coordinate agency collaboration, provide regular judicial oversight, and assess progress on goals. Each Specialized Docket is effective upon certification by the Supreme Court of Ohio, on or after August 2, 2016.

Rule 5.1-Truancy Court

(A) Establishment of the Truancy Court Docket

The goal of the Hancock County Truancy Court is to improve overall school attendance and compliance with mandatory school attendance guidelines. Truancy can be a first step toward a lifetime of unemployment and incarceration. The program will incorporate random urinalysis to screen for substance usage in the involved participants and make referrals to local mental health agencies, as needed. Specific program goals, with their performance measures, include:

- Goal 1: Seventy-five percent (75%) of Adjudicated youth will successfully complete all steps of the program. Please note that a youth cannot successfully complete the steps without showing a reduction in the number of days marked as "truant" or "unexcused."

Performance Measure: The number of Adjudicated youth who successfully complete the program during the year divided by the total number of Adjudicated youth terminated from the program.

- Goal 2: Fifty (50) youth will be served by the program during the year.

Performance Measure: Actual number of youth served by the program.

- Goal 3: Seventy-five percent (75%) of Truancy Court participants will not have Violations of a Court Order filed against them for additional acts of truancy or unexcused absences while in Truancy Court.

Performance Measure: Number of Truancy Court participants that have been compliant with the attendance guidelines of their educational program versus the total number of Truancy Court participants.

(B) Placement in the Truancy Court Docket

Youth shall not be denied admission to the program based on race, color, religion, gender, sexual orientation, national origin, ancestry, age, citizenship, marital status, veteran's status, or any disability. All youth, male and female, Adjudicated of an unruly or delinquent offense that is not in compliance with mandatory school attendance will be eligible for placement into this program. However, youth currently charged with a felony level offense are typically excluded from this program, as are youth Adjudicated of a sexually oriented offense. Youth under investigation for either a felony level offense or a sexually oriented offense may be suspended or terminated from the program at any time, at the discretion of the Specialized Docket Judge. Youth Adjudicated for an offense of violence or a prior felony level offense will be considered on a case by case basis. Youth who have completed the program in the past are eligible to participate in the program again, if attendance issues reoccur. All youth who participate in the program must have admitted to their offense at a formal Adjudicatory hearing. At that time, the Specialized Docket Judge reviews the youth's rights and ability to waive same prior to accepting a plea and rendering a youth an unruly and/or delinquent child. Youth who do not have the developmental capacity to understand the process may be excluded from Truancy Court. Youth who are actively suicidal or have significant mental health issues may also be suspended and/or excluded on a case by case basis, a decision that is made in cooperation with the youth's treatment provider. Youth with substance abuse or other mental health issues may participate. These youth would be referred to an appropriate local agency to address these needs and continued participation in treatment would be required and made part of a formal Court Order. Truancy Court was designed with the intention of serving approximately fifty (50) youth per school year, with the understanding that the program is designed for youth to successfully complete the program in three (3) months. Even given some overlap, there should be no more than twenty (20) youth in the program at any one (1) time. If the numbers exceed that amount, some design changes may be made. However, it is the intention of the Hancock County Juvenile Court to serve all youth who show a need for the services this program provides.

(C) Case assignment in Multi-Judge Courts

Hancock County has only one (1) Juvenile Court Judge. This Judge usually presides over all Truancy Court hearings. However, the Court's Magistrate may, on occasion, fulfill this role for the Judge.

(D) Truancy Court Docket Case Management

To be placed on the Truancy Court Docket, a youth is Adjudicated for Truancy or another delinquency offense and exhibits a pattern of poor school attendance. If the potential participant meets the legal and clinical eligibility criteria, the Judge makes the

decision to admit or deny the potential participant into the Specialized Docket program. The participant and their caregiver meet with the assigned Juvenile Court staff member to fill out the forms required for the Specialized Docket, including appropriate releases of information. Program requirements, as indicated in the Program Description, are reviewed. A Participation Agreement is signed and a Participant Handbook is given to the youth. The Juvenile Court staff member also has the participant complete the Adverse Childhood Experience Questionnaire, as well as the Ohio Youth Assessment System Disposition Screener Tool. Referrals for additional counseling services may be made at any time.

The Specialized Docket monitors each participant's performance and progress through weekly status review meetings and Truancy Court hearings. Team members may engage in ongoing communication outside of the status review meetings to discuss information about the participant's overall performance, either through phone calls, email messages, or face to face contact, but written updates are shared at the weekly status review meeting. At this meeting, the group discusses the progress each participant has made since the last hearing and voices an opinion on possible incentives/sanctions earned. All sanctions are used in a graduated manner. The Judge has the authority to make the final decisions on same. The Specialized Docket incorporates ongoing judicial interaction with each participant on at least a monthly basis, although new participants are seen weekly. The frequency of a particular participant's hearings depends upon their progress through the program. Hancock County Juvenile Court's Truancy Court consists of three (3) steps. Advancement is not solely based on preset timelines, but there are a minimum number of hearings required to successfully complete each step. Progression through the program is based on the participant's compliance with school attendance and other Orders made by the Court. Poor school behaviors and/or lack of compliance with counseling recommendations may hinder a participant from progressing through the program. School grades are discussed, but poor grades are not a sole criteria to prevent a participant from advancing through the program.

(E) Termination from the Truancy Court Docket

Participants who have advanced through all three (3) steps of the program are eligible for successful completion of the program. Team members may give a recommendation for program completion, but the Judge determines whether a participant has successfully completed the program. If so, they are awarded a graduation certificate in front of their peers and given gift cards to a local business.

The Specialized Docket Judge also has the discretion to decide a participant's unsuccessful termination from the program. This decision would be based on a participant's ongoing non-compliance with program rules, despite the use of graduated sanctions, and/or a new delinquency offense that is serious in nature. Upon unsuccessful termination from the program, possible additional penalties may include further legal action, including the filing of a probation violation, Violation of a Court

Order, or other additional charges, as well as possible incarceration or other placement outside of the youth's home.

A participant may also be discharged from the program with a neutral status if they move out of the jurisdiction of the Court, have/develop a serious medical/mental health condition that prevents their active participation in the program, or for other reasons deemed appropriate by the Judge. A youth does not get additional consequences if they are terminated with a neutral status.

Rule 5.2 - Family Dependency Treatment Court

(A) Establishment of the Family Dependency Treatment Court Docket

The mission of the Hancock County Family Dependency Treatment Court is to serve the best interests of children by providing collaborative evaluation and treatment services for substance abusing parents who have lost, or are at risk of losing, custody of their child(ren) due to abuse, neglect, or dependency. These intensive services will improve the mental health of parents and the well-being of their child(ren) through intervention and treatment in a holistic, strength-based community-supported justice system. Specific program goals, with their performance measures, include:

- Goal 1: To reduce the number of days child(ren) are in out-of-home care, whether it is kinship or foster care.

Performance Measure: The current number of days child(ren) are in out of home care will be reduced by thirty percent (30%) within an eighteen (18) month period.

- Goal 2: To increase the number of participants that successfully complete all phases, as specified, in order.

Performance Measure: Seventy percent (70%) of program participants who enter the program will successfully graduate from the program.

- Goal 3: To decrease new substantiated allegations of child(ren) abuse or neglect during participation in, and for, one (1) year following completion of the program.

Performance Measure: Fewer than thirty-five percent (35%) of program participants, after entering the program, will re-offend (be arrested or appear at the Hancock County Common Pleas Court, General Division, Findlay Municipal Court, or any other criminal Court for a new offense, or Violation of a Court Order) during their participation in the program and for twelve (12) months after completing the program.

(B) Placement in the Family Dependency Treatment Court Docket

The Hancock County Family Dependency Treatment Court targets those who are in the high risk/high need category. The program's focus is on parents, single or married, who are evaluated and diagnosed as having substance abuse/dependency disorders, coupled with a filing of abuse, neglect, or dependency regarding one (1), or all, of their child(ren). The client must be a willing participant and will not be excluded from the program based on race, ethnicity, religion, sexual orientation, gender, or disability. The Family Dependency Treatment Court serves those individuals who have been:

- Legal residents of Hancock County, Ohio.
- Identified as having certain behavioral health issues (mental health, substance dependency, substance abuse, etc.).
- Referred to the Hancock County Family Dependency Treatment Court.

Written Legal Eligibility Criteria

- The types of cases that may make an individual legally eligible for the treatment Court program. Eligibility requirements include: must be an adult resident of Hancock County; have risk factors identified on the Global Appraisal of Individual Needs (GAIN) that indicate their need for the program, a parent/guardian of child(ren) on whom Hancock County Children Services has filed a complaint of abuse, neglect, or dependency. Violent and sexually oriented offense cases will be carefully reviewed on a case-by-case basis to determine eligibility.

Written Legal Ineligibility Criteria

- The types of cases that may make an individual legally ineligible for the program. Disqualifying factors include: charges involving sexually oriented offenses; charges involving the use of a weapon; violent offenses involving a victim with a serious injury.
- If the potential participant appears to be a candidate and meets legal eligibility criteria, then the potential participant is referred for clinical assessment.

Written Clinical Eligibility Criteria

- Written clinical eligibility criteria are collaboratively developed, reviewed, and agreed upon by the advisory committee.
- Clinically assessed to be in need of an intensive outpatient level of care and as being drug and/or alcohol dependent and because of this dependency, cannot safely and effectively parent his/her child(ren).

- Cognitively able to participate in the Hancock County Family Dependency Treatment Court evaluation process, treatment recommendations and all services, and activities as deemed necessary.

Clinical Ineligibility

- There are certain criteria that might make a participant ineligible. A clinical diagnosis of a severe mental illness that would hinder the ability to complete program requirements; and/or clinical diagnosis of a developmental disability that would prohibit the client from completing program requirements.

Decision on Admission or Termination

- The Family Dependency Treatment Court Judge shall have discretion to decide the admission into, and termination from, the treatment Court program in accordance with the written legal and clinical eligibility criteria for the Hancock County Family Dependency Treatment Court. Cases are reviewed on an individual basis.

(C) Case assignment in Multi-Judge Courts

Hancock County has only one (1) Juvenile Court Judge. This Judge usually presides over all Family Dependency Treatment Court hearings. However, the Court's Magistrate may, on occasion, fulfill this role for the Judge.

(D) Family Dependency Treatment Court Docket Case Management

To be referred to the Family Dependency Treatment Court Docket, Hancock County Job and Family Services, Child Protective Services Unit (HCJFS-CPSU) must file an abuse, neglect, or dependency complaint based on circumstances in which substance abuse is indicated. If the potential participant meets the legal and clinical eligibility criteria, the Judge makes the decision to admit or deny the potential participant into the Specialized Docket program. The participant meets with the Treatment Court Coordinator to fill out the forms required for the Specialized Docket, including appropriate releases of information. Program requirements, as indicated in the Program Description, are reviewed. A Participation Agreement is signed and a Participant Handbook is given to the participant.

The Specialized Docket monitors each participant's performance and progress through weekly Treatment Team meetings and Status Hearings. Team members may engage in ongoing communication outside of the Treatment Team meetings to discuss information about the participant's overall performance, either through phone calls, email messages, or face to face contact, but written updates are shared at the weekly status review meeting. At this meeting, the group discusses the progress each participant has made since the last hearing and voices an opinion on possible incentives/sanctions earned. All sanctions are used in a graduated manner. The Judge has the authority to make the final decisions on same. The Specialized Docket incorporates ongoing judicial

interaction with each participant on at least a monthly basis, although new participants are seen weekly. The frequency of a particular participant's hearings depends upon their progress through the program. Hancock County Family Dependency Treatment Court consists of four (4) phases. Advancement is not solely based on preset timelines, but there are a minimum number of hearings required to successfully complete each phase. Progression through the program is based on the participant's compliance with treatment recommendations and other Orders made by the Court.

(E) Termination from the Family Dependency Court Docket

Participants who have advanced through all four (4) phases of the program are eligible for successful completion of the program. Team members may give a recommendation for program completion, but the Judge determines whether a participant has successfully completed the program.

The Specialized Docket Judge also has the discretion to decide a participant's unsuccessful termination from the program. This decision would be based on a participant's ongoing non-compliance with program rules, despite the use of graduated sanctions, and/or a new child abuse and/or neglect charge that is serious in nature. Upon unsuccessful termination from the program, possible additional penalties may include further HCJFS-CPSU filing a Motion for permanent custody, and/or additional contempt filing on case plan.

A participant may also be discharged from the program with a neutral status if they move out of the jurisdiction of the Court, have/develop a serious medical/mental health condition that prevents their active participation in the program, or other reason deemed appropriate by the Judge.

CHAPTER 6 - SECURITY

No weapons shall be permitted within the Hancock County Juvenile Court unless carried by staff or by law enforcement required to be within the building for employment purposes.

APPENDICES

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APPENDIX A

NON-PUBLIC: INTENDED FOR COURT PERSONNEL ONLY
Information contained in this form must not be made available to the public or any party.
CHILD PLACEMENT FORM

In re: _____ Case No.: _____

(Full Name)

D.O.B.: _____ Magistrate/Judge: _____

- The above captioned child has been placed with the Foster Caregiver or Kinship Caregiver listed below and this caregiver should be provided with notice of future hearings in compliance with R.C. § 2151.424. Any previous Foster Caregiver or Kinship Caregiver should no longer be provided with notice of hearings.
- The above captioned child is no longer placed with a Foster Caregiver or Kinship Caregiver and therefore any previous Foster Caregiver or Kinship Caregiver should no longer be provided with notice of hearings in compliance with R.C. § 2151.424.

Caregiver Name: _____

Foster Kinship

Address:

Telephone: _____

Placement Information Provided By: _____

Date Information Provided: _____

*This form shall be completed or updated and submitted to the Clerk's Office
the next business day following the initial placement or no later than 7 days after any change
in placement of the above- captioned youth.*

APPENDIX B

THE COMMON PLEAS COURT OF HANCOCK COUNTY, OHIO
JUVENILE DIVISION

In re _____ CASE NO. _____

JUDGE KRISTEN K. JOHNSON

**NOTICE TO FOSTER OR KINSHIP CAREGIVER
PURSUANT TO OHIO REVISED CODE § 2151.424**

Please take notice that the above captioned case has been scheduled for a _____
hearing on the ____ day of _____, 20__ at _____ am/pm. The hearing
will take place at _____, _____, _____, OH _____.

As the foster caregiver or kinship caregiver of the child who is the subject of the above-captioned case, you have the right to receive notice of hearings in relation to that child or children and the right to be heard at those proceedings. Caregivers are important to the child and can provide valuable information to the Court as it makes its decisions.

You have the right to attend this court hearing and the right to be heard at this court hearing. Your right to be heard includes the option to present an oral report and/or file a written report with the Court regarding the child or children in your care. Your appearance in court is voluntary. You may choose not to participate at all, or you may choose to participate by providing a written report or letter to the Court.

To assist you in providing information to the Court, a Caregiver Information Form is attached. You may answer all or part of the questions on this form to aid the Court at the hearing. You are not required to use this form. It is provided only as one option for you to use in giving information to the Court as part of your right to be heard during this hearing. If you use this

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form, please submit it to the Court before the hearing if at all possible, even if you plan to attend in person. In addition, if you attend, please bring a copy of the form with you.

Service completed by: _____ on _____.

(Instructions to Clerk: Please serve a copy of this notice by regular US mail)

APPENDIX B

CAREGIVER INFORMATION FORM

Child's Name: _____

Case No.: _____ Date of Birth: _____

Name of Caregiver: _____

Type of Caregiver:

Foster Parent

Kinship Caregiver

Other (Please specify): _____

Date of Child's Placement with you: _____

Juvenile Court Number: _____

Date of this Report: _____

Under Ohio law, foster and kinship caregivers have the right to attend and be heard in court proceedings related to the children in their care. This form is intended to help you provide information to the court at the next hearing related to the child in your care. Please answer questions below that are relevant to the child's current status and needs. You can also obtain a fillable form online at <http://co.hancock.oh.us/government-services/probate-juvenile-court>. Once you have completed the online form, please print and bring or mail it to the court.

You do not need to answer all questions. Use of this form is voluntary.

1. Have you received a copy of the most recent case plan? (circle one) Yes No
2. Is there anything you would suggest be added to the case plan?

APPENDIX B

3. Please describe any behavioral, emotional, or mental health concerns with the child, if any exist (for example, any changes in eating or sleeping patterns, acting out or aggressive behaviors, withdrawal, etc.). Are any such concerns being addressed with services?
4. Please identify any needs this child has that are not currently being addressed with services.
5. Please describe the child's educational progress and identify any concerns (for example, peer or teacher issues, bullying, academic progress or lack of progress, special education needs).
6. If age appropriate, what independent living services have been provided? What age-appropriate tasks and skills have you provided to the child to assist them in preparing for independence (e.g. cooking, cleaning, finances)? Are there such services you would recommend?
7. Please describe your observations of the child's interactions with other children and adults.
8. Has this child received any medical or dental treatment since the last hearing? Please describe.
9. Please note your observations related to child's contacts and visits with his or her birth parents.
10. If child has siblings and they are not placed together, do they have ongoing visitation? Note your observations.
11. Does the child have regular, ongoing opportunities to socialize or participate in recreational activities with peers? If so, please describe. Please include any challenges to participation in activities.
12. Are there any additional services or supports needed for the child or for you that were not previously mentioned?
13. Has a Guardian ad Litem or Court Appointed Special Advocate (CASA) been appointed for the child/youth? If so, what was the date and location of the last contact?
14. Have you been made aware of the most recent report and/or recommendations by the Guardian ad Litem (GAL) or Court Appointed Special Advocate (CASA) in this case? If so, do you agree with the recommendations? If you do not agree with the recommendations, what recommendations would you make? Are there any additional recommendations you would make?

APPENDIX B

15. Have you been made aware of the most recent report(s) and/or recommendations in this case made by persons other than the GAL or CASA? If so, do you agree with the report(s) and/or recommendations? If you do not agree with the report or recommendations, please explain. Are there any additional recommendations you would make?
16. If the child/youth is in the permanent custody of the public children services agency (PCSA), please describe any efforts of which you are aware to locate a permanent adoptive family or kinship placement.
17. General progress, comments, or recommendations regarding the child/youth:

Caregiver Signature

Date:

Caregiver Printed Name

APPENDIX C

Violation	Fine	Court Costs	Total
Moving	\$50.00	\$104.00	\$154.00
Non-Moving	\$50.00	\$75.00	\$125.00

APPENDIX D

Charge	Fine	Court Costs	Total
Misdemeanor	\$50.00	\$94.00	\$144.00
Felony	\$50.00	\$125.00	\$175.00
Unruly	----	\$65.00	\$65.00

Hancock County Juvenile Court - Rules of Court
Amended 08/01/18

APPENDIX H

NOTICE TO OBLIGOR (Pursuant to RC 3119 and 3121)

It is hereby ORDERED that the Obligor is to make all present and/or past due child support payments as directed by the Hancock County Child Support Enforcement Agency, unless deducted from the Obligor's wages. All payments given directly to the Obligee shall be considered a gift pursuant to ORC 3121.45 and no credit will be given.

It is further ORDERED that all support under this order shall be withheld or deducted from the income or assets of the Obligor pursuant to a withholding or deduction notice or appropriate court order issued in accordance with Chapters 3119, 3121, 3123, and 3125 of the Ohio Revised Code or a withdrawal directive issued pursuant to sections 3123.24 to 3123.38 of the Revised Code and shall be forwarded to the Obligee in accordance with Chapters 3113, 3121, and 3125 of the Revised Code.

It is further ORDERED that the obligor shall immediately notify the Child Support Enforcement Agency administering this support order of the following:

- Any change in the Obligor's income source and of the availability of any other sources of income that can be the subject of withholding or deduction;
- The nature of any new employment or income source and the name, business address, and telephone number of the new employer or income source;
- The commencement of employment, including self employment, or of the availability of any other sources of income that can be the subject of withholding or deduction;
- If the support is being paid pursuant to a deduction notice, any change in the status of the account from which the support is being deducted or the opening of a new account with any financial institution;
- If the support is being paid pursuant to a deduction notice, the nature of any new account opened at a financial institution and the name and business address of that financial institution;
- FAILURE TO PROVIDE NOTICE AS REQUIRED HEREIN IS PUNISHABLE BY CONTEMPT OF COURT.

APPENDIX I

**ORDERS FOR HEALTH INSURANCE COVERAGE FOR MINOR CHILD(REN)
NAMED IN THE CHILD SUPPORT ORDER
(Ohio Revised Code sections 3119.30 et seq.)**

The parties are hereby notified and it is further ORDERED:

- A. The party who is required to provide health insurance coverage shall provide to the other, not later than 30 days after the issuance of this order, information regarding the benefits, limitations, and exclusions of the coverage, copies of any insurance forms necessary to receive reimbursement, payment or other benefits under the coverage, and a copy of any necessary insurance cards (R.C.3119.32).
- B. Unless a name, address, and telephone number are provided below for the person to be reimbursed by the insurer for costs paid, the health insurance provider shall continue making payments for services directly to any health care provider in accordance with the applicable health insurance policy, contract, or plan (R.C. 3119.32).

Name: _____
Address: _____
Telephone: _____

- C. Not later than 30 days after issuance of this order, the party who is required to provide health insurance coverage for the children shall designate the children as covered dependents under any health insurance policy, contract, or plan for which the person contracts (R.C. 3119.32).
- D. The employer of the person required to obtain health insurance coverage is required to release to the other parent, any person subject to an order issued under section 3109.19 of the Revised Code, or the child support enforcement agency on written request any necessary information on the health insurance coverage, including the name and address of the health plan administrator and any policy, contract, or plan number, and to otherwise comply with section 3119.32 of the Revised Code and any order or notice issued under section 3119.32.
- E. If the person required to obtain health care insurance coverage for the children subject to this child support order obtains new employment, the agency shall comply with the requirements of section 3119.34 of the Revised Code, which may result in the issuance of a notice requiring the new employer to take whatever action is necessary to enroll the children in private health care insurance coverage provided by the new employer (R.C. 3119.32).
- F. Any employer who receives a copy of an order or notice relating to provision of health insurance coverage is required to notify the child support enforcement agency of any change in or the termination of the health insurance coverage that is maintained pursuant to the order or notice (R.C. 311.364).

ORDERS FOR HEALTH INSURANCE COVERAGE FOR MINOR CHILD(REN)
NAMED IN THE CHILD SUPPORT ORDER

- G. If the person required to obtain health insurance coverage pursuant to a child support order issued in accordance with statute does not obtain the required coverage within 30 days after the order is issued, the child support enforcement agency shall notify the court that issued the child support order in writing of the failure of the person to comply with the child support order (R.C. 3119.43).
- H. Whoever violates a court child support order issued in accordance with section 3119.30 of the Revised Code may be punished as for contempt under Chapter 2705 of the Revised Code (R.C. 3119.44), and the court may consider multiple violations in modifying the support amount (R. C. 3119.45).
- I. Either the obligee or the obligor under a court child support order may file a motion with the court that issued the order requesting that the court modify the order with regard to health insurance coverage for the children who are the subject of the order (R.C. 3119.46) or that the court modify the support amount to meet a child's medical needs (R. C. 3119.49).
- J. An obligee or the obligor who fails to comply with a child support order issued in accordance with section 3119.30 of the Revised Code is liable to the other for any medical expenses incurred as a result of the failure to comply with the order (R. C. 3119.56).
- K. **Upon receipt of notice by the child support enforcement agency that private health insurance coverage is not available at a reasonable cost, cash medical support shall be paid in the amount as determined by the child support computation worksheets in section 3119.022 or 3119.023 of the Revised Code, as applicable. The child support enforcement agency may change the financial obligations of the parties to pay child support in accordance with the terms of the court or administrative order and cash medical support without a hearing or additional notice to the parties (R. C. 3119.32).**

(Revised as of September 2008)

APPENDIX J

Parenting Plan and Companionship Schedule

(Revised as of November 1, 2010)

*Applicable to all Orders issued on or after November 1, 2010

INTRODUCTION

The law of Ohio requires a Court in a divorce, dissolution, spousal support or child support proceeding to "make a just and reasonable order . . . permitting each parent who is not the residential parent to have parenting time with the child."

In the past, a standard court order setting forth parenting rights would often state that a parent is entitled to "reasonable visitation and companionship." This court order allowed each family to work out their own routine based on the best interests of the child and the needs and schedules of the parent. The court order worked well when parents were able to agree, but when parents could not agree, their only solution to enforce their rights was expensive and time-consuming litigation.

Our experience with any non-specific court order has led us to conclude that the majority of parents need to have a very specific order as there are times when good parents cannot agree. When parents first experience serious marital unhappiness, physical separation, decide whether to remain married, are unable to pay bills, try to divide property, or possibly have new romantic interests, then these issues may interfere with parents' ability to agree on child(ren)'s issues. Given all the stresses that ending a marriage put on a mother and father, a parenting plan (schedule of companionship) becomes the standard for both parents as to division of time, establishes the rights and responsibilities of each parent, and provides a base for negotiating a change of weekends, days, holidays and/or vacation time to accommodate personal and family needs, as well as the needs of growing child(ren), without parents having to return to Court.

Over the years, this schedule had developed based on the practice of separated parents, the needs of the family members, current research and the experience of court-approved mediators. Our goal in setting up a specific schedule of companionship is best expressed in the findings of the authors Wallerstein & Kelly, ("Surviving the Breakup, 1980), as follows:

Children profit by continued exposure to both parents. The future condition of the divorced family is predicted by the ability of the parents to communicate effectively on parenting matters and to allow for each to influence and direct the child(ren)'s development. CONTINUED CONTACT BETWEEN THE CHILD AND BOTH PARENTS PREDICTS THE CHILD'S SUCCESSFUL ADAPTATION TO DIVORCE.

Our experience also indicates that each parent needs the frequent and predictable pattern of companionship to avoid being overwhelmed by the day-to-day duties as a single parent and, most importantly, a child needs the continuing and regular involvement with the non-residential parent to feel loved by that parent. No specific schedule will satisfy the changing needs of each parent and child(ren) over the years. We know that critical to the success of putting any schedule in practice is that each parent be flexible, willing to change times and/or dates, by mutual cooperation and agreement, based on the changing needs of a child(ren) as (s)he grows older, in addition to the parents' own schedules and interests.

If you are experiencing major or continuing problems in putting your companionship or parenting time order or agreement into practice, the court expects that you make your best effort to resolve the problem by contacting the other parent first and trying to work out the differences between you. If your effort has not been successful, then you may wish to contact a mediator who is available to provide assistance with problems that arise from time to time, or you may wish to file a Motion with the Court to enforce your order.

If the Court Order or Decree indicates that the Court Schedule is the Order for companionship, then the ORDER OF THE COURT IS THE FOLLOWING:

Parenting Time and Companionship Schedule and Rules

Unless otherwise agreed by the parents, the non-residential parent shall exercise as a minimum the following parenting time:

1. **Weekends:** Beginning on a specific date, every other weekend from Friday night at 7:00 P.M. to Sunday night at 7:00 P.M.

2. **Mid-Week:** In addition, the child(ren) shall spend a minimum of one (1) day companionship as follows:

For a child not yet in mandatory education: 5:00 to 7:30 P.M.

For a child in grades K-8: 5:00 to 8:00 P.M.

For a high school student: 5:00 to 9:00 P.M.

If there is more than one (1) child, the hour of return shall be the hour set for the youngest child. If the parents cannot agree on a day, the day for the mid-week companionship is Wednesday. If a child is in a child-care arrangement, the non-residential parent may not pick up the child from the caretaker without the prior permission of the residential parent, preferably in writing.

3. Days of Special Meaning:

- a. Mother's Day and Father's Day are to be spent with the appropriate parent, regardless of which parent is entitled to the weekend. If the parties cannot agree on times, the times are 10:00 A.M. to 7:00 P.M. The children shall spend the rest of the weekend with the parent who normally has that weekend.
- b. The child(ren)'s birthday shall always be spent with the Mother in even-numbered years, and shall always be spent with the Father in odd-numbered years. The non-residential parent must provide one week's notice of his or her intent to have companionship for a birthday. If the parties cannot agree, the time is 10:00 A.M. to 8:00 P.M. for a child not in school on the birthday, and 5:00 P.M. to 8:00 P.M. for a child in school on his birthday. The other parent can celebrate on another date. The child's birthday is to be spent with the designated parent, even if the other parent is entitled to weekend, mid-week, holiday or vacation with the child. Brothers and sisters attend the birthday event.
- c. Other days of special meaning such as Religious holidays, Martin Luther King Day, etc., should be discussed and written into the Court Order.

4. Holidays: Parents may wish to change by agreement a holiday at least one week in advance in order to observe family or religious traditions. If not changed by agreement, holiday times are as follows:

	<u>Even-numbered</u> <u>Years</u>	<u>Odd-numbered</u> <u>Years</u>	<u>As agreed, or:</u>
Easter/Spring Break	Father	Mother	School Vacation
Memorial Day	Mother	Father	Sun. 7 P.M.-Mon. 8 P.M.
July 4	Father	Mother	7/4 9 A.M.- 7/5 9 A.M.
Labor Day	Mother	Father	Sun. 7 P.M.-Mon. 8 P.M.
Thanksgiving	Father	Mother	Thur. 9 A.M.-Fri.9 A.M.
Christmas Eve	Mother	Father	12/23 9 PM- 12/24 10 PM
Christmas Day/Break	Father	Mother	12/24 10 PM -12/31 5 PM
New Year's Eve/Day	Mother	Father	12/31 5 P.M.-1/1 9 P.M.

A holiday that falls on a weekend shall be spent with the parent who is designated to have the child(ren) for that holiday and the other parent shall have the child(ren) for the rest of that weekend. This time does not have to be made up. If a scheduled holiday immediately follows

the non-residential parent's scheduled weekend, that parent is not required to return the child(ren) to the residential parent for the interim period.

"School vacation" for Easter/Spring Break begins at 9:00 a.m. on the first weekday of break and ends at 7 p.m. of the last weekday of the break. "School vacation" does not include any weekend periods of Friday at 7:00 p.m. to Sunday at 7:00 p.m. that may occur at either end of the break or that may occur during the break. Any of these weekends are included as part of the regularly scheduled rotating weekends.

5. Vacations:

- a. Four (4) weeks of companionship each summer are to be arranged by the non-residential parent, with not less than sixty (60) days advance notice. "Summer" is defined as the regularly scheduled period of vacation from school, typically occurring during the months of June, July and August. A "week" is defined as a five (5) day increment commencing on Sunday at 7:00 p.m. and continuing until Friday at 7:00 p.m. and shall not interfere with the other parent's weekend parenting time as defined herein. The non-residential parent's choice of vacation will prevail over the residential parent's choice, unless the residential parent is on annual mandatory shut-down of the place of employment, or unless the residential parent is required by an employer to give more than sixty (60) days notice of intent to take a vacation and the non-residential parent does not have a similar requirement. Likewise, the residential parent is entitled to four (4) weeks of vacation time with the child(ren) and must give the non-residential parent sixty (60) days advance notice of vacations or special plans for the child(ren) to avoid planning conflicts. During these periods of vacation, any alternating weekend parenting time shall continue as scheduled; however, midweek parenting time is cancelled without the need for make-up time. Parents who cannot resolve vacation-scheduling conflicts may file a motion in the Court. Due to legal notice requirements, the hearing cannot be scheduled until at least three (3) weeks after filing.
- b. Summer school necessary for the child(ren) to pass to the next grade must be attended.
- c. Each parent must provide the other parent with destination, times of arrival and departure, and method of travel if the vacation will be outside the parent's community.
- d. Summer companionship must be exercised in minimum periods of one (1) week, and the non-residential parent has the right to determine whether to exercise vacation in periods of two (2), three (3) or four (4) weeks.
- e. Any holidays set forth in section 4 above take priority over any scheduled summer vacation time, including any mandatory shut-downs.

6. **Moving:** For parents residing in different locations that make the above schedule impractical, consult the Court's long distance parenting time schedule and Local Rule 2.19.

7. **Companionship Regulations:**

a. **Basis for Schedule** This parenting plan and schedule of companionship presumes that the father and mother are good parents and that a child is safe with either parent, based on the evidence before the Court; that the father and the mother respect the right of their child(ren) to have two parents throughout the child(ren)'s life for nurturing, continuity, normal development, and emotional and economic support; and that the father and mother each respects the right of the other to parent their child(ren).

b. **Child(ren)'s Response to Companionship** Children of divorce grow up to be as normal and healthy as children whose parents are not divorced if the parents communicate well, if both parents continue regular contact with their child(ren), and avoid the use of anger in front of the child(ren) when dealing with the other parent.

It is normal when parents first separate that a child may have a strong emotional reaction at companionship times saying good-bye to one parent. Parents need to know that the emotional response is quite natural and that each parent needs to calmly reassure the child that he or she will see the other parent soon. Parents should understand that this response by the child does not mean that the child does not love the other parent, or wishes not to spend time with the other parent. The length of the adjustment will vary.

*If a child indicates strong opposition to being with the other parent, it is the responsibility of each parent to appropriately deal with the situation, by calmly talking to the child as to the child's reasons, and to work with the other parent to do what is in the child's best interests, and particularly to avoid confrontation or unpleasant scenes. If the matter is not settled, either parent should seek the immediate assistance of a mental health professional, a court recommended mediator, or file a motion. As uncomfortable as this issue may be for a parent, this issue should not go unresolved.

IT IS THE ABSOLUTE AFFIRMATIVE DUTY OF THE RESIDENTIAL PARENT TO MAKE CERTAIN THAT HIS OR HER CHILD(REN) GOES FOR THE PARENTING TIME PERIOD.

c. **Exercise of Companionship** This schedule presumes that the non-residential parent shall be there promptly for all the companionship times and days for weekends, mid-weeks, days of special meaning and holidays, and that no advance notice to the residential parent is necessary (except for the child(ren)'s birthdays and vacation, unless the parties agree otherwise). The residential parent shall have the child(ren) ready.

d. **Cancellation of Companionship by Non-residential Parent** The non-residential parent must give notice of intent NOT to have companionship, not less than twenty-four (24) hours in advance, unless a last minute emergency occurs. A parent who does not exercise companionship forfeits the time. Since the schedule presumes ordinary companionship times will be spent with the child(ren), non-cancelled companionship time where the parent fails to appear upsets the child(ren) considerably, as well as the residential parent. A parent who continually fails to keep his or her commitment to companionship may have rights of companionship modified and may be subject to other legal remedies as well, upon motion by the residential parent.

e. **Keeping the Children Together** If the parents have more than one (1) child, the companionship will be exercised with all children together. (See also Section M below)

f. **Returning the Child(ren) After Exercising Companionship** The non-residential parent will not return the child(ren) prior to the end of the companionship period stated (not early, not on a different day), unless the parties agree in advance, and the residential parent or a responsible adult well-known to the child(ren) will be present when the child(ren) is returned.

g. **Promptness** This schedule presumes that each parent will be prompt for pickup and return of the child(ren), that the residential parent will ready the child(ren) emotionally and physically for the companionship. The residential parent has no duty to wait for the non-residential parent to pick up the child(ren) longer than thirty (30) minutes, unless the non-residential parent notifies the residential parent that (s)he will be late, and the residential parent agrees to remain available after the thirty (30) minute waiting period. A parent who is more than thirty (30) minutes late loses the companionship period. A parent who has a pattern of lateness for pick up and/or return is subject to penalties under the law.

h. **Transportation** The non-residential parent has the responsibility for picking up and returning the child(ren). The non-residential parent, if unavailable for pick-up or delivery of the child(ren), must use an adult well-known to the child(ren) and the non-residential parent for this purpose. All child restraint laws must be complied with by any person driving with the child(ren). No person transporting the child(ren) may be under the influence of drugs or alcohol. Only licensed drivers who are in compliance with all insurance requirements may transport the child(ren).

i. **Clothing** The residential parent is responsible for providing sufficient appropriate clean clothing for every companionship period, based on the lifestyle of the residential parent and the child(ren). If the planned companionship activity requires special or unusual clothing needs, the non-residential parent must notify the residential parent at least two (2) days in advance of the companionship period. If the child(ren) does not have the type of clothing requested, the residential parent is under no obligation to comply with the request. All clothing sent by the residential parent **MUST** be returned immediately after the companionship period.

j. Schoolwork A parent must provide time for any child to study, complete homework assignments, papers, or other school assigned projects, even if the completion of this work interferes with the parent's plans with the child(ren). If schoolwork is assigned by the school prior to the companionship, the residential parent must inform the other parent of the work to be done, and it must be completed.

k. Address and Telephone Numbers Each parent must, unless the Court orders otherwise, keep the other informed of his or her current address and telephone number, and an alternate number in the event of an emergency.

l. Traditions and Family This schedule is in no way meant to interfere with family traditions. Each parent is encouraged to respect each other's family traditions and adjust the companionship schedule accordingly. Each parent should expect new traditions will develop.

It is also expected that the child(ren) will continue contact with grandparents, aunts, uncles, cousins, and any other family members during such times as they are with their parents.

m. Illness or Injury of a Child If a child becomes ill or injured, warranting the giving of medication or consultation with a doctor or dentist, each parent must notify the other parent as soon as possible. If the child(ren) becomes ill while with the residential parent prior to a scheduled companionship period, the residential parent must contact the non-residential parent and discuss the advisability of whether the companionship period should take place with the best interests of the child(ren) as the primary consideration. Parents should consider the nature of the illness (whether it may be contagious, or the child is physically uncomfortable, etc.), the care necessary, the ability to provide the care, exposure of the illness to others, companionship plans, and any other important issue.

If the parents agree that the child(ren) should go for the companionship period, then the residential parent **MUST** provide written instructions and sufficient medication to last during the companionship period to the non-residential parent. The non-residential parent must care for the child as directed, notifying the residential parent if the child's condition worsens, or does not improve as might reasonably be expected.

If the parents cannot agree that the child(ren) should go for the companionship period, then the non-residential parent has the right to visit the child for not more than one (1) hour at the time scheduled for the companionship period to begin. This does not apply if the Order of any Court or Consent Agreement prohibits the non-residential from being at the home of the residential parent. If another child(ren) is scheduled to have companionship, then the regular companionship must go on with that child(ren). If the companionship period is cancelled due to the child(ren)'s illness or injury, then the time must be made up within sixty (60) days to the non-residential parent at a time of his or her choice.

If the child becomes ill or injured during the companionship period warranting the use of medication or medical or dental consultation, the non-residential parent must secure appropriate emergency treatment.

No schedule can adequately spell out what should be common sense when dealing with an ill or injured child.

Any allergy or chronic condition suffered by a child must be communicated in writing from the residential parent to the non-residential parent, including medication or treatment recommended for the illness or condition.

If a child often misses companionship periods due to illness or injury, then a non-residential parent may require that the child be examined by the child's usual physician. The examination shall be at the expense of the non-residential parent. The examination of the child may be in the presence of the non-residential parent, subject to the discretion of the treating physician. If the residential parent refuses to schedule a medical appointment as requested, the non-residential parent may file a motion.

n. Communication Between Parents The parents are solely responsible for planning all companionship events, dates and times. Neither parent should make arrangements with a child about the issue of companionship nor future events or activities that conflict with the other parents allotted times. It is not the responsibility of the child to mediate or become involved in parental differences over companionship times, date or activities. If parents have temporary difficulty communicating about either companionship or the needs of their child(ren), parents should not enlist the child(ren) to resolve the parents' inability to talk to each other. The parents should agree on a neutral adult to assist in their communications, or communicate in writing only, or consult a mediator, or file a motion.

o. Children's Activities Scheduled periods of companionship shall not be delayed or denied because a child has other scheduled activities (with friends, work, lessons, sport, etc.). It is the responsibility of the parents to discuss activities important to the child(ren) in advance, including time, dates, and transportation needs, so that the child(ren) is not deprived of activities and maintaining friends. If the activities are regularly scheduled, they should be agreed upon in advance and written in to the judgment entry or decree. Both parents are encouraged to attend all their child(ren)'s activities.

p. Newborn child(ren) This schedule might not apply to a newborn or very young child whose sense of time differs from that of an older child or adult. A newborn needs more frequent contact with a parent not living in the same household than this schedule specifies. Parents need to exercise more flexibility in scheduling times for a newborn and very young child(ren) and may need to consult with the child's physician and/or a mediator in the event they do not agree.

q. **Teenagers** A regular routine of companionship may become more difficult as a child ages, has more activities outside of the family unit, obtains a driver's license, dates, works, and spends time with friends, as the parents allow a young adult more freedom of choice generally. The parents need to respect their teenager opting to spend more time with friends or in organized activities, and less time with each parent, especially weekends and summer holidays. Maximum flexibility in scheduling is absolutely necessary for a child of this age. Within limits, it is advisable to consider the teenager's wishes, as long as the parents agree. If the parents are unable to resolve scheduling conflicts they may wish to consult with a mediator or file a motion.

r. **Step-Parent Name** A parent should not, or permit any other person to, suggest, encourage or require a child to refer to any person other than the child's parents as "mom" or "dad", etc.

s. **Discipline and Changes in Child(ren)'s Behavior** It is presumed that parents use methods of discipline consistent with the law, and consistent with each other as much as possible, and communicate if a child is becoming a discipline problem.

Parents need to discuss behavior problems and solutions with each other as the need arises. Parents who have major disagreements over appropriate discipline or solutions to their child(ren)'s problems and cannot resolve their disagreement should seek the assistance of a mediator or mental health professional. Examples of times for concern are decline of a child's grades, serious or chronic problems with the school, dramatic changes in behavior, or delinquency to name a few.

t. **Child(ren)'s Records**

1. **Name** The residential parent is responsible for taking all necessary action for all record keeping purposes to use the birth or adoption name only.

2. **School Records** The residential parent is responsible to personally provide copies of every grade card or notice regarding the child(ren) within five (5) days of receipt, and may not use the child(ren) to deliver the grade cards or notices. The residential parent must list the non-residential parent as a parent of the child(ren), must authorize the school to release to the non-residential parent all information concerning the child, and must personally inform the other parent of school or special activities, such as parent-teacher conferences, school programs, athletic events, honors programs, special ceremonies, and graduation events, and any other school activity in which the child(ren) is involved as soon as (s)he receives the notice.

3. **Medical Records/Consultation** The residential parent shall, upon request by the non-residential parent, immediately comply with whatever action is required, including the signing of a full release, to provide access to any medical, dental, hospital,

surgical, optometric, or mental health records of/consultations regarding the minor child(ren).

u. **Telephone Calls** Each parent has the right to talk over the telephone with the child(ren) as often as the parents agree. If the parents do not agree, then the non-residential parent should not normally have telephone privileges more than twice per week. In addition, a parent may call the child(ren) once during a scheduled or agreed companionship period that is missed. Also, the residential parent has the right to call the child(ren) when on vacation with the other parent, as the parties can agree; if not in agreement, then the residential parent has telephone privileges twice per week if the vacation period takes place at the non-residential parent's home. Phone calls should be during the normal hours the child(ren) is awake; if the child(ren) is unavailable for conversation, each parent shall take the responsibility of seeing that the child(ren) timely returns the call. The child(ren) is/are permitted to call a parent at any time; however, the calls should not occur more than once per day unless the parent from whose home the calls are being made consents.

v. **Employment of Parents** This schedule presumes that the parents are available for companionship purposes for full weekends and mid-week companionship. If the non-residential parent is regularly employed every weekend or chooses not to exercise companionship on the weekend, the parents should agree in advance about the day and time for companionship. If the parties cannot agree, they may wish to consult with a mediator or file a motion.

w. **Non-Compliance With Court Order** Any of the responsibilities or rights outlined in this schedule may be enforced by the Court upon the filing of the appropriate motion by either party. A parent may not withhold the rights of companionship because the other parent does not obey a Court Order, for instance to pay support or medical bills, etc. **Penalties for willful denial of companionship include jail sentence and/or changes in parental rights.** A parent may seek enforcement of a periodic child support or spousal support order by contacting the Child Support Enforcement Agency or filing a motion with the Court.

x. **Moving** Either parent must notify the Court in writing at least forty-five (45) days in advance of their intent to change their residence out of the county in which they resided at the time of the last Court Order or Decree about companionship. If the parties move more than 150 miles apart after the Court orders or adopts the schedule herein, unless the parties agree otherwise, each is Ordered to comply with the long distance companionship schedule without further Order of the Court.

y. The Court has the authority to modify the companionship order upon motion by either party.

IMPORTANT CONSIDERATIONS

The residential parent is responsible to meet the child(ren)'s needs while in his or her residence, including love, nurturing, education, health, a safe, stable and healthy environment for the child(ren), and child-care arrangements, if necessary.

Both parents should make their best effort to consult, communicate and cooperate with each other on all major issues involving their child(ren) and should put the best interests of the child(ren) above their individual interests or their differences of opinions.

On occasion, a child may find it difficult to deal with the issue of one parent romantically involved with a third person. The other parent may blame that person for a variety of problems, expressing their opinion in the presence of the child(ren). That parent needs to exercise extraordinary effort to avoid entangling the child(ren) in any issue to which the child(ren) is neither a party nor equipped to handle. The child(ren) may feel rejected, or that he or she is less important than the new romantic interest. Both parents need to reassure the child(ren) of the importance of the parent-child relationship. If the parents cannot resolve the conflicts which arise over third-party problems, either should consult a mental health professional.

When a parent re-marries, the role as the step-parent may be misunderstood by the child(ren), either parent or the step-parent. For assistance, either parent may consult a mental health professional or the library for written literature to assist the parents.

On occasion, others, including relatives and friends, may directly or indirectly attempt to influence the child(ren)'s relationship with a parent. Adults who act in this fashion are confusing adult issues with the child(ren)'s interests. Each parent has the absolute responsibility to prohibit any person from communicating negative comments to any child(ren) about a parent.

On occasion, a parent may make negative comments or statements about the other parent to or in front of the child(ren). Each parent needs to make an extraordinary effort to avoid such conduct, which is extremely detrimental to the best interests of their child(ren).

On occasion, a parent may talk with the child(ren) about personal, economic, or legal differences with the other parent. Expecting the child(ren) to advise or agree with one parent against the other is harmful to the child(ren).

On occasion, a parent may question the child(ren) about the activities, friends, employment, or lifestyle of the other parent. Expecting the child(ren) to spy on the other parent is harmful to the child(ren).

On occasion, a mother or father may refuse to have a relationship with one or all of the child(ren). This may be due to the pain of separation, or anger from one parent directed at the other, or avoidance of continuing and serious arguments between parents, or inability to provide support, or for other reasons. When one parent refuses to communicate or be with a child or

children, the child(ren) may feel abandoned and unimportant. It is the responsibility of the parent with whom the child(ren) is living to deal with the child(ren)'s needs, first by seeking to establish the parent-child relationship. Professional assistance from a mental health professional or an attorney is necessary, and this issue should not be ignored.

Shared parenting is encouraged when parents regularly communicate easily about the major issues and agree easily on solutions. Parents may seek an Order of Shared Parenting by consulting their attorneys and filing the appropriate Motion.

DEFINITIONS

“Allocation of Parental Rights and Responsibilities” – the determination of what was formerly "custody and visitation," and includes financial obligations for the child(ren).

“Parenting Time or Companionship” - a legal term meaning the time set aside for the non-residential parent to parent his or her child(ren) or without any legal restriction except as to time. Restrictions, if any, are always written specifically into the Court Order.

“Supervised Parenting Time” - a legal term meaning the time set aside for the non-residential parent to parent his or her child(ren) with legal restrictions as to time, place and neutral party who is always present with the child during the parenting time period. Restrictions are always written specifically into the Court Order.

“Curb-side Exchange” - a legal term always written into the Court Order if the Court orders it. The non-residential parent is prohibited from entering upon the property of the residential parent to exchange the child(ren); the residential parent must remain inside the home, and there must be no communication during the exchange of the child(ren). The process of curb-side exchange means the non-residential parent (at the specified time of companionship) parks in front of the residential parent’s residence and honks the horn to notify the residential parent to send the child(ren) to the non-residential parent’s car. The residential parent shall immediately send the child(ren) to the car, making certain the driver is well known to the child(ren) (if the driver is not the other parent) and watch the child(ren) enter the car and leave. Upon return after the companionship period, the non-residential parent returns the child(ren) at the time for the companionship period to end, parks in front of the residential parent’s residence, honks the horn to signal that the child(ren) are returning, watches the child(ren) return to the residence, making sure that there is an appropriate person able to care for the child(ren) (if the residential parent is not visible), unless the parties have agreed otherwise.

APPENDIX K
LONG DISTANCE PARENTING PLAN AND COMPANIONSHIP CALENDAR
(For parents who live more than 150 miles apart)

INTRODUCTION:

The Law of Ohio requires a court in a divorce, dissolution, spousal support paternity action or child support proceeding to “make any just and reasonable order regarding the rights of a non-residential parent of a child to parent his or her child”.

In the past, a standard court order setting forth parenting rights would often state that a parent is entitled to “reasonable visitation and companionship”. This court order allowed each family to work out their own routine based on the best interests of the child and the needs and schedules of the parents. The court order worked well when parents were able to agree, but when parents could not agree, their only solution to enforce their rights was expensive and time-consuming litigation.

Our experience with any non-specific court order has led us to conclude that the majority of parents need to have a very specific order as there are times when good parents cannot agree due to problems between them and find these problems spilling over into their parental roles. When parents first experience issues between them, then these issues may interfere with the parents’ ability to agree on the children’s issues. Given all the stresses that ending a relationship can put on a mother and father, a parenting plan (schedule of companionship) becomes the standard for both parents as to division of time, to the rights and responsibilities of each parent and provides a base for negotiating a change of weekends, days, holidays and/or vacation time to accommodate personal and family needs, as well as the needs of growing children, without parents having to return to court.

Over the years, this schedule was developed based on the practice of separated parents, the needs of the family members, current research and the experience of court approved mediators. Our goal in setting up a specific schedule of companionship is best expressed in the findings of the authors Wallerstein & Kelly (“Surviving the Breakup”, 1980), as follows:

Children profit by continued exposure to both parents. The future condition of the divorced family is predicted by the ability of the parents to communicate effectively on parenting matters and to allow for each to influence and direct the child(ren)’s development. CONTINUED CONTACT BETWEEN THE CHILD AND BOTH PARENTS PREDICTS THE CHILD’S SUCCESSFUL ADAPTATION TO DIVORCE.

Our experience also indicates that each parent needs the frequent and predictable pattern of companionship to avoid being overwhelmed by day-to-day duties as a single parent, and that most importantly, a child needs the continuing and regular involvement with the non-residential parent to feel loved by that parent. No specific schedule will satisfy the changing needs of each parent and child over the years. We know that critical to the success of putting any schedule in practice is that each parent be flexible, willing to change times and/or dates, by mutual

cooperation and agreement, based on the changing needs of a child as (s)he grows older, in addition to the parents own schedules and interests.

If you are experiencing major or continuing problems in putting your companionship or parenting time order or agreement into practice, the court expects that you make your best effort to resolve the problems by contacting the other parent first and trying to work out the differences between you. If your effort has not been successful, then you may wish to contact a court approved mediator who is available to provide assistance with problems that arise from time to time. Or you may wish to file a motion with the court to enforce your order.

If the court order or decree indicates that the court schedule is the order for companionship, then the ORDER OF THE COURT IS AS SET FORTH BELOW. Unless the parties agree to Option 2, or the court orders Option 2, Option 1 is the court order.

PARENTING TIME SHALL TAKE PLACE AT SUCH TIMES AND PLACES AS THE PARTIES CAN AGREE (these are the most important words).

THIS SHALL NOT NORMALLY BE LESS THAN:

Option 1. This option provides three round trips in the even-numbered years, and four round trips in the odd-numbered years, and depending on the lengths of school vacations, this schedule should provide the non-residential parent approximately 72-82 days each year to exercise parenting time. The non-residential parent must give the residential parent thirty (30) days notice

IN WRITING to exercise the following:

Summer Vacation - June 15 through and including August 15 each year; and in the

Even-numbered years:

Christmas Vacation:

- a. School-aged child *: first day of vacation to Dec. 26
- b. Pre-schoolers **: Dec. 18 through Dec. 26

Spring Vacation Break:

- a. School-aged child*:
Sixth day of vacation
Through last day of vacation
- b. Pre-schoolers **: Monday after Easter Sunday through the following Sunday

Odd-numbered years:

Thanksgiving: Wed., after school
Thanksgiving Day, Friday,
Saturday, Sunday

Christmas Vacation:

- a. School-aged child*: Dec.26 to last day of vacation
- b. Pre-schoolers **: Dec. 26 through Jan. 2

Spring Vacation Break:

- a. School-aged child*: First full day of vacation through the fifth day
- b. Pre-schoolers **: Sunday before Easter through Easter Sunday

Option 2. This option provides a minimum of two round trips annually, and depending on the lengths of school vacations, this Option should provide approximately 70-78 days per year for the non-residential parent to exercise parenting rights. The non-residential parent must give the residential parent thirty (30) days notice IN WRITING, to exercise the following:

Summer Vacation -- June 15 through and including August 15 each year, and in the:

Even-numbered years:

Christmas Vacation

- a. School-aged child*: first to last day of vacation
- b. Preschoolers**: Dec. 18 through Jan. 2

Odd numbered years:

Spring Vacation Break

- a. School-aged child*: first to last day of vacation
- b. Preschoolers**: Sunday before Easter through Easter

*All school-aged and preschool-aged children of a couple are included in the exercise of companionship rights, unless otherwise ordered.

**For preschoolers who have no school-aged brothers and sisters of this parent's relationship with each other. If a couple has children of both ages, they should follow the schedule for school-aged children.

ADDITIONAL COMPANIONSHIP TIMES:

- a. Weekend: Third Friday at 7 p.m. through Sunday at 7 p.m. every month if travel time between parents homes is less than three (3) hours. **Advance notice must be given to the parent** having custody of one (1) week to exercise this additional companionship time.
- b. Father's Day to the father and Mother's Day to the mother if there is **one (1) week advance notice** to exercise this additional companionship time.
- c. If the non-residential parent travels to the community where the custodial parent lives and gives **two (2) days notice** of intent to exercise companionship, companionship must occur.
- d. If the parent with custody travels to the community where the parent without custody lives, he or she must provide **two (2) days notice** and grant companionship rights to the other parent.

The parents are referred to the Long Distance Parenting Plan and Companionship Schedule for the fuller explanation of their rights and responsibilities.

- e. The residential parent shall enjoy the same additional companionship times as outlined above during extended summer visits with the non-residential parent.

The parents are referred to the Long Distance Parenting Plan and Companionship Schedule for the fuller explanation of their rights and responsibilities.

LONG DISTANCE PARENTING PLAN AND COMPANIONSHIP SCHEDULE

Ohio Law permits a court in a divorce, dissolution, support only, parentage or other proceeding relating to the allocation of parental rights and responsibilities to make any just and reasonable order permitting any non-residential parent to parent his or her child(ren).

Those experienced in dealing with families know that maintaining a healthy parent-parent relationship and child-parent relationship is often difficult even when parents and children live in the same home. When parents live in separate homes, the ability to maintain healthy family relationships may be aggravated when parents have to agree on times and dates, arrange competing (work) schedules, provide transportation, and accommodate each other's and their child(ren)'s emergencies, changing priorities and needs. But when parents live a considerable distance from each other, there may be additional aggravations of transportation and telephone expenses, diminished time for one parent with the child(ren), and increased responsibilities for the other parent, which may impact on a healthy child-parent relationship.

The court has established a specific order of companionship for parents living separately for the following reasons:

1. To provide directions to both parents when disagreements occur about dividing their child(ren)'s time between them. Otherwise, a minor problem may easily turn into stressful, lengthy and expensive litigation.
2. To provide a minimum standard of time for the non-residential parent to have with their child(ren) and a basis for negotiating changes, without the parents incurring expenses for court costs and attorney fees.
3. To provide a statement of rights and responsibilities between the parents regarding implementation of the companionship schedule.

If the parents do not resolve their problems with each other, the result may be the loss for a child of the companionship, love and support from a parent.

Whenever the non-residential parent is awarded the "Court Schedule of Companionship" without restrictions, and either parent moves more than 150 miles from the residence of their child(ren), this parenting plan automatically becomes the order of the court without further court action. If you believe that the parenting plan is inappropriate for your circumstances, then you should file a motion seeking to change the companionship order. See Local Rule 2.19.

No specific schedule will always satisfy the child(ren)'s needs, as well as those of each parent. We know that critical to the success of putting any schedule in practice is that each parent is flexible, willing to change times by mutual cooperation and agreement, based on the changing needs of their child as he or she grows older.

Research regarding children of separated parents indicates “children profit by continued exposure to both parents”. The future condition of the divorced family is predicted by the ability of the parents to communicate effectively on parenting matters and to allow for each to influence and direct the child’s development. Continued contact between the child and both parents predicts the child’s successful adaptation to divorce. (Wallerstein & Kelly, “Surviving the Break-Up, 1980).

If you are experiencing serious or continuing problems in working out a time-sharing arrangement with the child(ren)’s other parent. THE COURT EXPECTS THAT YOU WILL MAKE YOUR VERY BEST EFFORT TO RESOLVE THE PROBLEM BY CONTACTING THE OTHER PARENT FIRST AND TRYING TO WORK OUT THE DIFFERENCES BETWEEN YOU.

It is normal that problems will from time to time arise. You may seek the assistance of a court approved family mediator or you may wish to file a motion with the court to try and resolve your differences with the other parent.

IF YOUR COURT ORDER SPECIFIES THE “LONG DISTANCE SCHEDULE” AS THE ORDER OF THE COURT, THEN THE ORDER OF THE COURT IS AS FOLLOWS:

Companionship shall take place at such times and places AS THE PARTIES CAN AGREE (these are the most important words). This shall not *normally* be less than:

Option 1: (Unless the parties agree to Option 2 or the court orders Option 2, then Option 1 is the order of the court.)

- (a) Summer vacation shall be from June 15 through August 15 of each calendar year. These dates cannot be changed except by agreement of both parents, or court order.
- (b) Wednesday afternoon (from after school), Thanksgiving Day, and the Friday after, and the weekend following in the odd-numbered years, unless the parties agree otherwise.
- (c) The Christmas vacation for a school-aged child (including pre-school aged brothers and sisters of this relationship) shall be the first full day of school vacation through December 26 in the even-numbered years; and from December 26 through the last full day of school vacation in the odd-numbered years.
- (d) The Christmas vacation for a pre-school aged child (with no school aged brothers or sisters of this relationship) from December 18 through December 26, in the even-numbered years; and from December 26 through January 2 in the odd-numbered years, unless the parties agree otherwise.
- (e) Spring break vacation for school-aged child(ren) (including pre-school aged brothers and sisters of this relationship) in the odd-numbered years, unless the parties agree otherwise, from the first full day of spring break through the fifth full day of spring break vacation.

(f) Spring break vacation for school-aged child(ren) (including pre-school aged brothers and sisters of this relationship) in the even-numbered years, unless the parties agree otherwise, from the sixth full day of spring break through the last full day of spring break vacation.

(g) Spring vacation for pre-school aged child(ren) (with no school aged brothers and sisters of this relationship) shall be the Sunday before Easter through and including Easter Sunday in the odd-numbered years, unless the parties agree otherwise; the Monday after Easter through the following Sunday in the even-numbered years.

(h) It is the responsibility of the residential parent to notify the other parent, in writing, of all dates for Christmas and Spring Break vacations no later than October 1 of each calendar year if there is a school aged child. See section 4, Paragraph (d) for notice requirement by non-residential parent.

Option 2. (The parties must agree to this option or the court must specifically order this option, or Option 1 is the order of the court.)

(a) Summer vacation shall be from June 15 through August 15 of each year. These dates cannot be changed except by agreement of the parents, or a court order.

(b) The Christmas vacation which coincides with the child's school vacation for school aged children (including any pre-school aged brothers and sisters of this relationship) in the even-numbered years, unless the parties agree otherwise.

(c) The Christmas vacation for pre-school aged children (with no school aged brothers and sisters of this relationship) shall be spent with the non-residential parent in the even-numbered years from December 1 through January 2 unless the parties agree otherwise.

(d) The Spring Break vacation for pre-school aged children which coincides with the child's school vacation (including any pre-school aged brothers and sisters of this relationship) in the odd-numbered years unless the parties agree otherwise.

(e) The Spring Break vacation for pre-school aged children (with no school aged brothers and sisters of this relationship) shall be the Sunday before Easter through and including Easter Sunday, in the odd-numbered years unless the parties agree otherwise.

(f) It is the responsibility of the residential parent to notify the other parent, in writing, no later than October 1 of each year of the dates for Christmas and Spring Break vacations if they have a school aged child. See section 4, Paragraph (d) for notice requirement by non-residential parent.

4. ADDITIONAL COMPANIONSHIP TIMES.

a. Weekend: A once-a-month weekend beginning the third Friday of each month, unless agreed otherwise, if the traveling time for the child does not exceed three(3) hours one way from home to home. The residential parent must have at least one week advance notice.

The times are 7 p.m. on Friday, through 7 p.m. on Sunday, unless the parents agree to different times.

b. Father's or Mother's Day will always be spent with the appropriate parent, if the parent chooses to spend the day with the child(ren). One week's advance notice to the residential parent is necessary.

c. The non-residential parent who visits the community where the residential parent lives is entitled to companionship with the child (ren) if the non-residential parent provides two (2) days advance notice to the residential parent. The residential parent must permit the companionship between the other parent and their child (ren) outside the presence of the residential parent. Frequent and regular visits are highly recommended for pre-school aged children.

d. The residential parent who visits the community where the non-residential parent lives and bring their child (ren) must give at least two (2) days advance notice to the other parent and must provide companionship between the other parent and their child (ren) outside the presence of the residential parent.

e. Such other times as agreed.

5. LONG DISTANCE PARENTING (COMPANIONSHIP) REGULATIONS

a. Basis for Schedule

This parenting plan and schedule presumes that the father and mother are good parents who are each capable of meeting the physical and emotional needs of the child (ren); that their child is safe with each of them; that father and mother respect the right of their child to have two parents throughout the child's lifetime as necessary to the healthy and full development of their child; that mother and father respect the right of the other to parent their child; and that their child has the right to love both parents regardless of whether the parents get along with each other.

b. Keeping the Children Together

This schedule presumes that if these parents have more than one child of their relationship with each other, the companionship will be exercised with all of their children together, not separately.

c. Exercise of Companionship

This schedule presumes that the non-residential parent shall exercise all companionship times and days listed in Option 1 or Option 2, whichever the parties choose or the court orders, so long as proper notice is given. The residential parent shall presume that the non-residential parent will exercise all companionship under the option chosen or ordered, and not schedule any plans for their child which interferes with the non-residential parent's rights of companionship or deny the rights set forth in this schedule to the other parent.

d. Notice of Intent to Exercise Companionship

Notice of intent to exercise companionship periods must be provided in writing by the non-residential parent for all companionship periods not less than thirty (30) days in advance of the first day of the companionship period unless the schedule sets a different notice limit. It would be wise for the non-residential parent to telephone the residential parent to make certain that the notice was received within one (1) week of sending the notice.

e. Cancellation of Companionship by Non-Residential Parent

The non-residential parent must give notice of the intent NOT to have companionship, as soon as he or she is aware that companionship is not possible, unless a last minute emergency occurs. A parent who does not exercise companionship forfeits the time and is not entitled to make-up companionship, unless the parties agree otherwise.

f. Summer School

Summer school which is necessary for a child to pass to the next grade must be attended at the location of the non-custodian's home after receipt of written notice from the residential parent. The non-residential parent must make arrangements with both schools and be certain that documentation of completion is received by the child's school in the residential parent's community.

g. Communication Between Parents

IT IS THE ABSOLUTE RESPONSIBILITY OF THE **PARENTS**, NOT THE CHILD(REN), TO MAKE ALL COMPANIONSHIP ARRANGEMENTS BETWEEN THEM. The child(ren) cannot become the agent of the parent to make companionship arrangements. One of the most common mistakes parents make who are having trouble communicating with each other is to use the child(ren) to make all companionship arrangements. Using the children as mediators or go-betweens damages a child. A parent must not make suggestions to a child or allow a child to plan the times, dates, or events for companionship.

When Parents Do Not Communicate With Each Other

Parents temporarily may use other adults to make arrangements for companionship. But the best solution is to seek professional help to learn or improve their ability to work together for their child (ren)'s best interest. Failing to get the cooperation of the other parent to enter counseling, a parent should call the court approved mediator or file a motion with the court to order counseling to resolve this very serious problem before the damage to the child becomes irreversible.

h. Returning the Child(ren) After Exercising Companionship

This schedule presumes that the non-residential parent will not return the child(ren) before the end of the companionship period schedule (not early, not on a different day), unless the parents agree in advance, nor return the child(ren) late; and that the residential parent or other responsible adult well known to the child(ren) will be present at the place the child(ren) will be returned.

i. Communication Between Parent and Child

This schedule presumes that in place of frequent and regular physical contact with would be available if the parents lived nearer to the other, that frequent and liberal communication

between the non-residential parent and his or her child (ren) is vital. Unless the parties agree or the court orders otherwise, there shall be no limit on the number and length of telephone calls from either parent to his or her child (but the court retains the right to limit telephone calls if it finds that is not in the best interests of the child for the other parent to have unlimited privileges, if the calls are disruptive to the child, or for the purpose of interrogating the child concerning the other parent, or the calls are for harassing the other parent). If it is the practice of the residential parent to use a telephone answering device, the parents should agree in advance when the other parent will call at a designated time, so that the call may be completed. Each parent must always provide a home telephone number to the other parent where the child may be reached.

Each parent must provide all letters, audio tapes, video tapes, gifts, cards, and any written communication from the other parent to the child as soon as it is received, and must provide a home address to the other parent at all times.

Each parent must also allow all communications requested by the child in his or her home to the other parent (excluding telephone calls for which the parent would be charged). However, the child is not permitted to call the other parent more than one time each day unless the parent from whose home the call is being placed consents.

The child must be allowed privacy by each parent for the purposes of communicating with the other.

j. Transportation for Exercise of Companionship

The general rule is that the non-residential parent is absolutely responsible for the physical transporting of the child from the residential parent's home to his or her own home in exercising the long distance schedule. Travel by methods other than car requires the residential parent to transport the child timely to the transportation terminal for departure and for picking up the child from the terminal as well. The residential parent is absolutely responsible for the physical transportation of the child from the non-residential parent's home to his or her home at the end of the non-residential parent's parenting time. Travel by methods other than car requires the non-residential parent to transport the child timely to the transportation terminal for departure.

Transportation by Car: Any responsible adult with a valid driver's license and well-known to the child(ren) may be utilized by the non-residential parent to provide transportation. All child restraint laws must be complied with by a person driving the child (ren). No person transporting the child may be a user of illegal drugs or under the influences of alcohol.

Transportation by Airplane: Airline regulations govern the age at which a child may fly unescorted. Any older child may fly under such regulations as each airline may establish. To obtain the lowest rates, airline reservations should be made well in advance and preferably non-stop, if possible. The parent who is taking the child to the airport must call the other parent immediately upon departure to notify the other parent that the child is arriving and the parent who meets the child must immediately notify the other parent that the child has arrived. Parents should consider in making the decision on this method of transportation whether or not the child may need an adult to chaperone the flight.

Other Methods of Transportation: The parent should carefully consider in using any other method of transportation, the age of the child, the safety of the child traveling alone, and the child's experience in traveling alone, or whether an adult well-known to the child (ren) should be traveling with the child (ren). No method of transportation should be considered which puts the child (ren) at risk.

Costs of Transportation: The non-residential parent shall pay for the transportation costs to the non-residential parent's residence and the residential parent shall pay for the transportation costs to the residential parent's residence, unless the court determines otherwise.

k. Children's Clothing

The residential parent is responsible for providing sufficient appropriate clean clothing for the companionship period, including good and play clothes, based on the lifestyle of the residential parent and child. If the planned companionship activities require special or unusual clothing needs, the non-residential parent must notify the residential parent at least two (2) days in advance of the companionship period. If the child does not have the type of clothing requested, the residential is under no obligation to comply with the request. All clothing sent by the residential parent must be immediately returned at the end of the companionship period.

l. Traditions and Family

This schedule is in no way meant to interfere with family traditions. Each parent is encouraged to respect each other's family traditions and to adjust the companionship schedule accordingly. Each parent should expect new family traditions will develop. It is expected that the child(ren) will continue to have contact with grandparents, aunts, uncles, cousins and any other family members during such times as they are with parents.

m. Children's Activities

Scheduled companionship periods must not be delayed or denied because a child wishes to schedule other activities with friends, work, lessons, sports, which conflict with the non-residential parent's scheduled companionship periods with the child(ren). No residential parent shall schedule or allow a child to schedule any event which conflicts with the times and dates for companionship herein, unless the parties agree otherwise. This schedule anticipates that the child will develop new friends and relationships with others, and have additional activities in a different community which are presumed to be beneficial to the child.

n. Child's Response to Long Distance Companionship

Children whose parents live at a considerable distance from each other grow up to be as normal and healthy as children whose parents live together, if the parents communicate well and if both parents continue regular contact with their child(ren), avoiding anger in front of the child(ren) when dealing with or talking about the other parent.

It is quite normal for the first long distance companionship for a child to have a strong emotional reaction to leaving his or her residential parent and may have an equally strong reaction when leaving the non-residential parent. Parents need to know that their child's emotional response is natural and that it does not mean that the child does not love the other parent, or wishes not to be

returned to that parent. Parents need to calmly reassure the child that he or she will see the other parent again. A healthy child should adjust to the situation.

Some parents are naturally concerned about a very young child being separated from the residential parent for extended periods of time set by this schedule. So long as the non-residential parent has established a relationship with the child, the general rule is that the child should spend the time set forth in the schedule with that parent and will adjust to new surroundings with the assistance of his or her parent. The non-residential parent may obtain from the office of the court approved mediator special information on the unique needs of very small children during lengthy companionship.

If a child indicates strong opposition to being with the other parent, it is the responsibility of both parents to calmly talk to the child as to the child's reasons and to work together to do what is in the child's best interest, particularly avoiding confrontation or unpleasant scenes. If the matter is not settled quickly, either parent should seek the immediate assistance of a mental health professional or court approved mediator, or file a motion with the court. No parent should allow a child to decide when or whether a companionship period will take place. As uncomfortable as this problem may be for either parent, this issue should not go unresolved. IT IS THE ABSOLUTE, AFFIRMATIVE DUTY OF THE RESIDENTIAL PARENT TO MAKE CERTAIN THAT HIS OR HER CHILD(REN) GO FOR ALL COMPANIONSHIP PERIODS AND THE RESIDENTIAL PARENT DISCUSSES WITH THE CHILD IN ADVANCE OF THE COMPANIONSHIP THE IMPORTANCE OF HIS OR HER CONTINUING RELATIONSHIP WITH THE OTHER PARENT.

o. Information Required to be Shared with Non-Residential Parent

Each parent shall promptly provide to the other parent information available involving the following: copies of all report cards, conference reports, honors, unsatisfactory reports, and graduate exercises, therapy reports, physician reports, school pictures, school year calendars, and other similar documentation as it relates to any child of these parents, of any court proceeding involving the minor child, of any investigation of any agency involving the minor child, the names, addresses and telephone numbers of any day care center and school the child is enrolled in, the names and addresses and telephone numbers of any treating physician, dentists, specialist of any kind who are treating the minor child(ren) (and authorizations to speak to any of the above names persons involved in the child(ren)'s life), and an intent to move from the last known residence (not less than thirty (30) days in advance of the physical move), unless the court orders otherwise.

p. Penalties For The Parent Who Willfully Fails To Comply With This Companionship Schedule

A parent who willfully fails to comply with this companionship schedule may be found guilty of contempt of court, the penalty for which is a fine not to exceed \$500.00, and a jail sentence not to exceed ten (10) days for each separate act of contempt. The court may also assess attorney fees and court costs, order the appointment of a guardian (attorney) for the minor child, and order

payment of the guardian's fee. The court may order the reimbursement of transportation costs and make-up companionship, in addition to any other remedy available at law.

q. Child's Health

As a general rule, if a child is hospitalized, has a serious injury or illness, each parent is entitled to be notified. If the child is ill or injured while with the non-residential parent, the parent shall secure appropriate emergency treatment. The residential parent shall be notified. Regularly prescribed medications should be sent during companionship (i.e.: asthma or allergy medicine). Any health care regime recommended by the child's doctor in case of certain symptoms should be copied and sent in advance of the companionship period.

r. Step-Parent Name

A parent should not suggest, encourage, or require a child to refer to any person other than the child's parents as "mom", "dad", etc., nor permit any other person to do so.

s. Discipline and Changes In Child's Behavior

It is presumed that parents use methods of discipline consistent with the law and consistent with each other as much as possible, and communicate with the other parent if the child is having a discipline problem. Parents need to discuss behavior problems and solutions with each other as the need arises. Parents who have major disagreements over appropriate discipline or solutions should seek the assistance of the court approved mediator or mental health professional. Examples of time for concern are a decline of child's grades, serious or chronic school problems, dramatic changes in behavior, and delinquency, to name a few.

t. Moving

Either parent must notify the other in writing at least thirty (30) days in advance of their intent to change their residence and provide a new address and telephone number within ten (10) days of establishing a new residence.

u. Modifying This Order

The court reserves the right to modify this companionship order upon motion by either party.



APPENDIX L

Records of the juvenile court are not to be destroyed until they have been reviewed and found to be of no further value to the court.

Section E: Records Retention Schedule

HANCOCK COUNTY

JUVENILE COURT

(local government entity)

(unit)

(1) Schedule Number	(2) Record Title and Description	(3) Retention Period	(4) Media Type	(5) For use by Auditor of State or OHS-LGRP	(6) RC-3 Required by OHS-LGRP
2012-1	Bank Records (revision of 89-1)	3 years after the end of the fiscal year provided audited	Paper unless microfilm ed		<input type="checkbox"/>
2012-2	Cash Books (revision of 89-2)	3 years after the end of the fiscal year provided audited	Paper unless microfilm ed		<input type="checkbox"/>
2012-3	Appearance docket	Permanently	Paper unless microfilm ed		<input checked="" type="checkbox"/>
2012-4	Delinquency and adult records – unruly and marriage consent records and probation files	2 years after the final order of the juvenile division or one year after the issuance of an audit report by the auditor of state, whichever is later	Paper unless microfilm ed		<input type="checkbox"/>
2012-5	Minor misdemeanor traffic records	5 years after the final order the juvenile division or one year after the issuance of an audit report by the Auditor of State, whichever is later	Paper		<input type="checkbox"/>



(1) Schedule Number	(2) Record Title and Description	(3) Retention Period	(4) Media Type	(5) For use by Auditor of State or OHS-LGRP	(6) RC-3 Required by OHS- LGRP
2012-6	Misdemeanor traffic records	25 years	Paper unless microfilm ed		<input type="checkbox"/>
2012-7	All other traffic records	50 years	Paper unless microfilm ed		<input type="checkbox"/>
2012-8	Juvenile by-pass records	2 years	Paper unless microfilm ed		<input type="checkbox"/>
2012-9	Permanent custody, custody, parentage, visitation, support enforcement, abuse, neglect, dependency and URESA records	2 years after the child who is subject of the case obtains the age of majority	Paper unless microfilm ed		<input type="checkbox"/>
2012-10	Search warrant records	5 years after date of service or last service attempt	Paper unless microfilm ed		<input type="checkbox"/>
2012-11	Annual reports	2 copies permanentl y	Paper unless microfilm ed		<input checked="" type="checkbox"/>
2012-12	Employment application for posted positions	2 years	Paper		<input type="checkbox"/>
2012-13	Fiscal records, payroll records, receipt records, leave requests, purchase orders, budget files, pay-in records, receipts, and inventory records	3 years after the end of the fiscal year provided audited	Paper unless microfilm ed	and all within the year will be kept for tax records in a fire resistant box in the office of the auditor and the audit report has been submitted pursuant to Sec. 117.06 O.R.C.	
2012-14	Grant records	3 years after expiration of grant	Paper unless microfilm ed		
2012-15	Expunged records	immediat ly			
2012-16	Daily courtroom recordings	10 years after recording is made	Tape or CD		



Ohio Historical Society
State Archives of Ohio
Local Government Records Program

800 E. 17th Avenue
Columbus, Ohio 43211-2497

(1) Schedule Number	(2) Record Title and Description	(3) Retention Period	(4) Media Type	(5) For use by Auditor of State or OHS-LGRP	(6) RG-3 Required by OHS- LGRP
2012-17	Supreme Court reports	2 years	Paper unless microfilm ed		



RECORDS RETENTION SCHEDULE (RC-2)

See instructions before completing this form.

Section A: Local Government Unit

HANCOCK COUNTY JUVENILE COURT
(local government entity) (unit)
Allan H. Davis ALLAN H. DAVIS JUDGE 12-28-12
(signature of responsible official) (name) (title) (date)

Section B: Records Commission

Hancock (419) 424-7049
Records Commission (telephone number)
300 S Main St Findlay 45840 Hancock
(address) (city) (zip code) (county)

To have this form returned to the Records Commission electronically, include an email address: cksnnyder@co.hancock.oh.us

I hereby certify that our records commission met in an open meeting, as required by Section 121.22 ORC, and approved the schedules listed on this form and any continuation sheets. I further certify that our commission will make every effort to prevent these records from being destroyed, transferred, or otherwise disposed of in violation of these schedules and that no record will be knowingly disposed of which pertains to any pending legal case, claim, action or request. This action is reflected in the minutes kept by this commission.

Allan H. Davis 3-12-13
Records Commission Chair Signature Date

Section C: Ohio Historical Society - State Archives

Elizabeth Lombardo Gov't Records Archivist - LGRP 3/20/13
Signature Title Date

Section D: Auditor of State

Martin E. Mah 4-1-13
Signature Date

**Please Note: The State Archives retains RC-2 forms permanently.
 It is strongly recommended that the Records Commission retain a permanent copy of this form**