

HANCOCK COUNTY, OHIO, LOCAL DOMESTIC RELATIONS RULES
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Revised Effective Jan. 1, 2016

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IN THE COMMON PLEAS COURT OF HANCOCK COUNTY, OHIO
Domestic Relations Division
Part II Domestic Relations Rules
As Revised Effective Jan. 1, 2016

RULE 2.01 APPLICABILITY/CITATION

The rules that follow in this division are applicable to all domestic relations and related matters in this Court. Other local rules of this Court shall apply to domestic relations and related matters when not inconsistent with the rules of this division. Unless indicated otherwise, the term “Civil Rule,” when used in these Local Rules, refers to the Ohio Rules of Civil Procedure.

These rules shall be cited as Hancock Local DR Rule ____.

RULE 2.02 COSTS

A. The costs for filing matters with the Hancock County Clerk of Courts are available at the Clerk’s office and may be amended from time to time by order of the Court. Rule 1.05 of The Hancock County Civil Rules in the Common Pleas Court is adopted as governing costs in the Domestic Relations Court.

B. The Clerk shall not accept for filing any motions or complaints, except a motion and affidavit of a person’s inability to make the required deposit of costs, unless and until the Court grants a motion to proceed without prepayment of costs (*in forma pauperis*).

RULE 2.03 DOMESTIC RELATIONS (DR) FORMS

A. In each and every case in which the requested relief includes a divorce, dissolution, legal separation, or allowance of spousal support, the plaintiff/petitioner shall file with the complaint/petition a statement of personal history of the parties to the action and information statements and financial forms, together with supporting documentation. See Appendix A. In domestic relations proceedings, any responsive pleading to the complaint shall be accompanied by such forms executed by defendant/respondent. The court may deny a motion or delay hearing if appropriate documentation is not filed and served.

B. Where applicable, proper affidavits shall be filed with the proceeding pursuant to Ohio Revised Code section 3127.23 or its successor.

C. All DR forms shall be served upon the opposing party.

D. In all matters relating to child support, a proposed child support worksheet shall be filed at the time the request for support is made. Any party requesting an order or modification of support shall be required to present, at or before the date of hearing, documentation of earnings, other income available, insurance costs, and all requested adjustments or credits.

E. In order to promote uniformity in filing DR forms, the following rules will control:

1. Weekly figures shall be converted to monthly amounts by multiplying by 52 and dividing the result by 12. Payroll deductions shall be computed the same way and separately noted.
2. Include child and spousal support payments received in the family unit, identifying their sources.
3. Be certain seasonal expenses are adjusted to monthly items.
4. Counsel and parties must anticipate that all matters set forth in the DR forms will be subject to verification in contested matters.

F. Uniform Domestic Relations Forms that are published by the Supreme Court of Ohio and include income, expenses, property, and health insurance information are accepted in lieu of Appendix A.

RULE 2.04 BIRTH DATES

A. All complaints for divorce, complaints for legal separation and petitions for dissolution of marriage where children are involved will include such complaint or petition the names and birth dates of all children born to the wife during the marriage, born to the parties prior to marriage, or adopted by the parties during marriage.

B. All judgment entries establishing or modifying child support or health insurance obligations shall include the names and birth dates of all children from whom such obligations are established.

RULE 2.05 PERSONAL IDENTIFYING INFORMATION

The filing party is responsible for omitting personal identifiers from documents filed with the Clerk of Courts. The Court adopts Rules 44 through 47 of the Rules of Superintendence for the Courts of Ohio for definition and management of personal identifiers and other information and for requests to restrict access to case documents.

RULE 2.06 MAGISTRATES

A. Domestic relations and related matters may be heard by a magistrate appointed by this Court. Objections to the decision of the magistrate shall be in accordance with Civil Rule 53. 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 Civil Rule 53, unless a separation agreement, waiver, or approved order in the case provides for a waiver of decision generally following the format set forth below:

By stipulation this decree constitutes the decision of the magistrate required by Civil Rule 53(D), and the parties hereby waive any objections to the recommendations, and waive preparation and 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 thirty days after objections are filed or within such period otherwise designated by the court upon motion for extension.

D. The party filing objections to a magistrate's decision shall specify the nature of the objections and the bases for them within the original fourteen-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 thirty 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 thirty-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.

E. It is the objecting party's or attorney's responsibility to have the transcript filed within the required thirty-day period. Any requests to extend the period for filing the transcript must include the following information:

1. 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
2. A statement by the attorney, or party if appearing *pro se*, that (i) 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 (ii) 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 thirty-day period.

F. Unless an oral hearing is deemed necessary by the Court, objections shall be ruled upon by the Court without a hearing.

G. Attorneys are required to prepare a Judgment Entry based upon the Magistrate's Decision or upon the Court's Order on objections. In the Court's discretion, it may prepare the appropriate Judgment Entry.

H. All Judgment Entries for cases being handled by the Magistrate must first be approved as to form by the Magistrate before being submitted to the Judge.

RULE 2.07 MOTIONS

A. All motions, except those governed by Civil Rule 75 shall have attached or be accompanied by a memorandum with citations to applicable authorities of brief of counsel in support of the motion.

B. Motions for continuance shall specify the reason for the request. If the reason is a conflict with another hearing, the moving party shall attach a copy of the assignment notice or order to the motion. If the opposing party is represented by an attorney, the motion for continuance shall recite any contact with that attorney and whether that attorney consents or objects to the continuance.

RULE 2.08 EX PARTE ORDERS

A. Unless an emergency situation exists, as determined by the Court, based upon supporting affidavits pursuant to Civil Rule 75, no ex parte orders will issue, except reciprocal, mutual restraining orders following the language in Rule 2.09, below, for which no affidavits are necessary.

B. Requests for temporary orders shall be set for hearing within forty-five (45) days of filing. A continuance may be granted to either party for good cause shown.

C. Notice of hearing on temporary orders shall be served with the pleadings pursuant to Civil Rules.

D. No party shall be ordered removed from the marital residence without a hearing, unless an emergency situation exists as determined by the Court. At the hearing, no Order will issue unless there is evidence that the party requesting the Order, or the minor children of the party requesting the Order, are in imminent danger of physical harm, or the children's health and welfare are at risk.

E. After filing of a Complaint for Divorce and prior to any temporary Order being issued, except for parenting time periods, neither party shall relocate the minor child(ren) from the child's home, school district, or the jurisdiction of Court. The purpose of this rule is to limit the disruption to the children's home and school environment.

RULE 2.09 TEMPORARY STANDING ORDERS

A. All parties to original domestic relations actions in the Hancock County Common Pleas Court may be subject to reciprocal, mutual restraining orders from the date 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:

1. Each party is enjoined and restrained from doing, attempting to do, or threatening to do any act of injuring, maltreating, belittling, molesting, or harassing the adverse party, their attorney, family members, employer, or any of the child(ren) of the parties.

2. Each party is enjoined and restrained from selling, encumbering, contracting to sell, removing from the jurisdiction of this Court, or otherwise disposing of any of the property belonging to either of the parties, except in the ordinary course of business or unless authorized in writing by the Court.

3. Each party is enjoined and restrained from changing or altering in any way, including, but not limited to, the named beneficiaries, covered persons or extent of coverage or benefits, of any life or health insurance policies, employee benefits plans or similar items or assets of a contractual nature, existing at the time of the filing of these proceedings, unless authorized in writing by the Court.

4. Each party is 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. The following language shall appear on each restraining order issued by this Court. Attorneys are responsible for seeing that this language is incorporated into all existing orders. Any incident reports received by the Court will be forwarded to the attorneys for the parties or to the parties if unrepresented by attorneys.

This is a self-executing order and any law enforcement officer is ordered to enforce the same by using whatever means are necessary to maintain the peace.

Any law enforcement officer observing an apparent violation of this order shall forward a copy of the complete incident report to the Judge or Magistrate assigned to the case in Common Pleas Court.

C. In every original divorce or legal separation, the parties shall, not less than forty-five (45) days prior to the final pretrial conference in contested matters, whether requested through formal discovery, exchange all information and documents contained in Appendix B of these Rules.

RULE 2.10 SERVICE BY POSTING

Pursuant to Civil Rule 4.4(A)(2) of the Ohio Rules of Civil Procedure, service by posting when the defendant's residence is unknown shall be at the following places:

Hancock County Courthouse
City of Findlay Municipal Building
Hancock County Job and Family Services
Hancock County Domestic Relations Court

The Hancock County Clerk of Courts shall do the posting and note on the docket where and when notice was posted.

RULE 2.11 DIVORCE HEARINGS AND PRE-TRIAL CONFERENCES

A. No contested divorces shall be set for hearing on the merits until such matter has been set for pre-trial conference unless waived by the Court.

B. Any requests for psychological evaluations, the appointment of a Guardian Ad Litem (GAL), conciliation, or mediation shall be made no later than the time of the first scheduled pre-trial conference, unless leave to file the request is granted by the Court.

C. A final pre-trial conference will be scheduled within thirty (30) days prior to the date set for final hearing.

D. The H.O.P.E. Certificate for any party requesting to be named residential parent must be filed by the date of the final pre-trial conference.

E. All parties should mark all exhibits and have stipulations filed prior to trial.

F. Each party shall file and serve a pretrial memorandum, with a courtesy copy to the Judge or Magistrate assigned to hear the case, no later than seven (7) days prior to the date set for trial. The memorandum shall outline the issues before the Court, the party's position on the issues, and the bases for those positions. The Court may grant leave to file the pretrial memorandum within this time period if request is made, in writing, prior to the date the memorandum is due. Failure to timely file a pretrial memorandum may result in sanctions as the Court deems appropriate. If a party or the parties fail to submit proper evidence relating to the value of assets, the Court may continue the trial until such evidence is presented or appoint its own appraiser(s) and assess the costs and expenses to the parties.

RULE 2.12 UNCONTESTED DIVORCES

Pursuant to Civil Rule 75(M), grounds for divorce must be corroborated by other credible evidence. The Court will permit a party to corroborate the grounds of the opposing party, absent evidence of fraud, connivance, coercion or other improper means. The good character of the party seeking an uncontested divorce should be assumed; therefore, it is not necessary to put on evidence of good character in an uncontested divorce.

RULE 2.13 DISSOLUTION OF MARRIAGE

A. Petitions for dissolution of marriage that are not accompanied by a separation agreement, as required by law, are subject to dismissal. A petition for dissolution of marriage shall also contain a waiver of service pursuant to Civil Rule 4(D), or instructions to the Clerk for the service of summons.

B. No hearing will be scheduled until both parties have presented proof of attendance at the H.O.P.E. or equivalent class, when required.

C. The Court may dismiss upon its own motion any Petitions for Dissolution of Marriage that have not been heard or converted to a divorce action within ninety (90) days of the date of filing.

RULE 2.14 MOTION FOR CONCILIATION

A. Any party moving for conciliation pursuant to Ohio Revised Code section 3105.091, shall set forth the name of the conciliator and shall generally describe the conciliation procedures requested. In addition, the movant shall guarantee the costs of such conciliation procedure. Motions for conciliation shall be made no later than the first pretrial conference for the case, unless leave is granted in writing by the Court to file the request at a later date.

B. If a motion for conciliation requests a conciliation procedure lasting more than ninety (90) days, the motion shall be set for oral hearing at the earliest possible time in order to determine the propriety of the request.

RULE 2.15 MOTION FOR REALLOCATION OF PARENTAL RIGHTS AND RESPONSIBILITIES (fka CUSTODY)

A. No motion for reallocation of parental rights and responsibilities shall be heard by the Court until a pretrial conference is conducted on the motion, unless waived by the Court. Any requests for a guardian ad litem (GAL), psychological evaluations, or mediation should be made within fourteen (14) days of the first pretrial conference, unless otherwise permitted by the Court, and all appropriate cost deposits should be posted at the time of the filing of the request.

B. The above provision shall not apply if the motion to reallocate parental rights and responsibilities is a joint motion made by all interested parties.

RULE 2.16 POST-JUDGMENT RELIEF ACCOMPANIED BY CITATION FOR CONTEMPT

A. Since contempt actions are controlled by Chapter 2705 of the Ohio Revised Code, any motion requesting a citation in contempt shall:

1. Specifically state the basis for the contempt citation, including the alleged contemnor's conduct and the order alleged to have been violated.
2. Contain notice of hearing, which after filing shall be submitted to the Judicial Assistant for scheduling.
3. Include the following language:

FAILURE TO APPEAR MAY RESULT IN THE ISSUANCE OF AN ORDER OF ARREST AND IN THE ISSUANCE OF AN ORDER FOR THE PAYMENT OF SUPPORT BY WITHHOLDING AN AMOUNT FROM YOUR PERSONAL EARNINGS OR BY WITHHOLDING OR DEDUCTION AN AMOUNT FROM SOME OTHER ASSET YOU MAY OWN.

YOU HAVE THE RIGHT TO COUNSEL AND IF YOU BELIEVE YOU ARE INDIGENT YOU MAY APPLY FOR COURT APPOINTED COUNSEL WITHIN THREE (3) BUSINESS DAYS AFTER YOUR RECEIPT OF THIS SUMMONS.

THE COURT MAY REFUSE TO GRANT A CONTINUANCE AT THE TIME OF THE HEARING FOR THE PURPOSE OF YOUR OBTAINING COUNSEL, IF YOU FAIL TO MAKE A GOOD FAITH EFFORT TO RETAIN COUNSEL PRIOR TO THE HEARING.

IF YOU ARE FOUND GUILTY OF CONTEMPT, THE COURT MAY IMPOSE ANY OF THE FOLLOWING PENALTIES: (Ohio Revised Code Section 2705.05 (A))

- (1) FOR A FIRST OFFENSE, A FINE OF NOT MORE THAN \$250.00, A DEFINITE TERM OF IMPRISONMENT OF NOT MORE THAN 30 DAYS IN JAIL, OR BOTH;
- (2) FOR A SECOND OFFENSE, A FINE OR NOT MORE THAN \$500.00, A DEFINITE TERM OF IMPRISONMENT OF NOT MORE THAN 60 DAYS IN JAIL, OR BOTH;
- (3) FOR A THIRD OR SUBSEQUENT OFFENSE, A FINE OF NOT MORE THAN \$1,000.00, A DEFINITE TERM OF IMPRISONMENT OF NOT MORE THAN 90 DAYS IN JAIL, OR BOTH.

B. 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 Civil Rule 4 through Civil Rule 4.6, incl., and the responsibility for initiating such service shall be on the person filing the motion.

C. Motions to show cause shall be heard within thirty (30) days of their filing, or as soon thereafter as the Court's docket will permit based on service requirements. One continuance may be granted to either party for good cause shown. No further continuances shall be granted.

D. Any finding in 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 \$250.00.

RULE 2.17 CHILD SUPPORT ENFORCEMENT AGENCY (CSEA)

A. The parties or counsel are responsible for providing sufficient copies of orders, prepared by them, establishing or modifying child support or health insurance obligations so that service upon the Hancock County Child Support Enforcement Agency (CSEA) can be made.

B. When an objection to an administrative decision by the CSEA is filed with the Clerk of Courts, the CSEA shall be notified and shall provide to the Court the administrative records relating to the administrative action. A CSEA representative is not required by the Court to appear at the hearing, so it is the parties' responsibility to have a CSEA representative available for hearing if they desire to inquire of that representative at hearing.

RULE 2.18 CONTINUING JURISDICTION - POST JUDGMENT RELIEF

A. Post-decree motions shall contain a description of the part of the original order sought to be changed, the change requested, and a complete 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.

B. All motions to invoke the continuing jurisdiction of the Court in all domestic relations and related matters shall be made by written motion filed in the original action. The motions shall be accompanied by instructions to the Clerk for service of notice on all parties as set forth in Civil Rule 4 through 4.6, inclusive.

C. 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.

D. In all motions for 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. All modifications or terminations of child support based on the emancipation of a child shall be effective on the date of such occurrence.

RULE 2.19 REMOVAL FROM COUNTY AND LONG DISTANCE PARENTING TIME

A. If any legal custodian and residential parent of a minor child or children subject to the jurisdiction of the Court intends to move more than 150 miles from the child(ren)'s residence, then such party shall file a written notice of relocation at least 30 days in advance of such removal and serve said notice of relocation upon the other parent. A period of less than 30 days may be appropriate in emergency situations.

B. If any legal custodian and residential parent of a minor child or children subject to the jurisdiction of the Court moves more than 150 miles from the child(ren)'s residence then, if the Court determines it to be in the best interest of the child(ren), Appendix F to these Domestic Rules shall become the Order of the Court.

C. If a written notice of relocation is filed and served as required herein, and no objection or request for hearing is filed within 30 days of the filing of the notice of relocation and served on the party filing the notice of relocation, then Appendix F Standard Order shall become the order of the Court.

RULE 2.20 JUDGMENT ENTRIES

A. All judgment entries in this Court in domestic relations and related matters shall include approval by signature of both parties and/or their attorneys and a recommendation and approval of such judgment entry by the magistrate. Such judgment entry shall also recite the waiver of the decision by the magistrate, when appropriate. Judgment entries prepared from a Court decision or upon an agreement placed on the record may omit the signature of represented parties.

B. All orders for child support, and for spousal support when payable through the Child Support Enforcement Agency (CSEA) in accordance with Ohio Revised Code section 3121.441, shall include an additional order that two (2%) percent of such ordered amount be paid as processing fee and shall recite that such payments are to be made through the Child Support Enforcement Agency (CSEA). All orders for child support and/or for spousal support that are to be administered by the CSEA shall include the parties' current addresses in the caption of the case document. All such orders must state the child support in a monthly amount, regardless of the frequency of the payments to be made.

C. All judgment entries that establish or modify child support shall include all mandatory statutory notices and requirements. The language in the "Child Support Orders for Obligor and Obligees," found at Appendix C of these Rules, shall be incorporated into all such support orders. All judgment entries that include child support must have a child support worksheet attached and shall specifically state the reason for any deviations from the support calculation.

D. Temporary child support and spousal support arrearages shall be preserved unless they are specifically waived or modified in the final judgment entry.

E. All judgment entries that include an incorporation of a separation agreement in the entry shall have attached to such judgment entry a copy of the separation agreement or other document that is incorporated.

F. All judgment entries shall dispose of all matters involved in the proceedings, including costs, interest and attorneys' fees.

G. The following language is required in all orders pertaining to the allocation of parental rights and responsibilities:

1. The residential parent will, in spite of any differences with the other parent, discuss with that parent matters pertaining to the children's welfare, health and education, knowing full well that the general welfare of the children is of paramount importance.
2. Each of the parents shall encourage the children to respect, honor and love the other parent, and neither parent shall use the children to solve differences between themselves.
3. The residential parent shall:
 - a. Take any necessary action with the school authorities of the schools in which the children are enrolled to:
 - (1) List the other party as a parent of the child(ren).
 - (2) Authorize the school to release to the other parent any and all information concerning the child(ren).

- (3) Make sure that the other parent receives copies of any notices regarding the child(ren).
 - b. Promptly transmit to the other parent any information received concerning parent-teacher meetings, school club meetings, school programs, athletic schedules, and any other school or extracurricular activities in which the child(ren) may be engaged or interested.
 - c. Promptly after receipt of same, furnish to the other parent a copy of the child(ren)'s grade report cards and copies of any other reports concerning the child(ren)'s status or progress; alternatively, to provide all information necessary for the other parent to have access to the information directly from the school through electronic or other means.
 - d. Promptly inform the other parent of any illness of the child(ren) that shall require medical attention.
4. Further, open and free communication between the child(ren) and the other parent shall be encouraged and neither parent shall do anything to impede or restrict communications between the child(ren) and the other parent. A parent may place reasonable limits on communication from or with the other parent to promote the child(ren)'s activities, health, and welfare, and to avoid interference with the parent's scheduled time with the child(ren).
5. Each parent shall refrain from criticizing the other parent in the presence of the child(ren).
6. Neither of the parents parties shall attempt to modify the religious practices of the child(ren) without first having consulted each other and, in the event of disagreement, the Court.

H. In all matters involving children, the requisite order regarding health insurance coverage shall be a part of the final Order of Divorce or Dissolution. See Appendix D.

I. Counsel for the party in whose favor a judgment is rendered, or who is directed to do so by the Court, shall, within ten (10) 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 ten (10) 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 that contains the 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. A party may submit a proposed judgment entry with a motion to journalize that entry if the other party has failed to timely prepare or review a judgment entry setting forth any action that was placed on the record.

RULE 2.21 COPIES

In any proceeding in which child support is ordered or modified, or in which spousal support will be payable through the HCCSEA, the parties shall submit an additional copy of the Judgment Entry to the Clerk for the HCCSEA. If requested, the Clerk of Court will put copies of filed Judgment Entries in local attorneys' boxes, so long as the Clerk of Courts is provided the requisite number of copies. If any attorney or party desires a copy of a Judgment Entry mailed to them, they must supply a self-addressed envelope with sufficient postage.

An additional copy of all continuance requests, briefs and any replies or responses to them, memoranda and other similar documents which request action by the Court, together with a proposed entry, should be provided to the Judge or Magistrate to whom the matter is assigned immediately following the filing of the documents with the Clerk of Courts.

RULE 2.22 H.O.P.E. CLASSES (Helping Ourselves through Parenting Education), H.O.P.E. PLUS CLASSES, and P.A.C.T. (Parents Addressing Conflict through Training) CLASSES - ATTENDANCE REQUIRED.

A. All parties involved in new cases filed in the Hancock County Common Pleas Court in which a party will be designated residential parent, or which involve parenting time, shall be required to attend a parenting class sponsored by the Common Pleas Court of Hancock County, Ohio, Domestic Relations Division, or an approved equivalent program.

1. Any party seeking the allocation of parental rights and responsibilities for the care of minor children, and both parties seeking a dissolution, shall attend a H.O.P.E. parenting session. The parties are also required to bring with them their minor children who are in kindergarten through the commencement of 11th grade to attend the H.O.P.E. Plus Class for children. Appointments for attendance for the H.O.P.E and H.O.P.E. Plus classes must be made through the Domestic Relations Court.
2. A certificate of attendance will be issued to each participant or family. The parties shall file the certificate(s) in each domestic relations case in which attendance is required.
3. No final hearing will be scheduled until the parties to a dissolution file, or the plaintiff in a divorce action files, proof of attendance at the H.O.P.E. class.
4. A parent's parental rights or parenting time will not be enforced by the Court until that parent files proof of attendance at the H.O.P.E. class.

B. All parties involved in post-decree motions filed in the Hancock County Common Pleas Court in which a party seeks modification of residential parent or parenting time shall be required to attend a parenting class sponsored by the Common Pleas Court of Hancock County, Ohio, Domestic Relations Division, or an approved equivalent program.

1. The parties shall attend the P.A.C.T. parenting class no later than the date of the final pretrial if they have not attended the P.A.C.T. class within the last two (2) years prior to

the filing of the motion. Appointments for attendance for the P.A.C.T. parenting class must be made through the Domestic Relations Court.

2. A certificate of attendance will be issued to each participant. The parties shall file the certificate(s) in each domestic relations case in which attendance is required.

C. The fee for attendance at the parenting session shall be seventy dollars (\$70.00) per case: Sixty Dollars (\$60.00) to be paid to the designated program provider for programming, and ten dollars (\$10.00) deposited into the Hancock County Common Pleas Court Special Projects Fund for Administration of Parenting Classes. The attendance fee will be collected as part of court costs for those with pending or filed cases in Hancock County, Ohio.

RULE 2.23 PARENTING TIME

Absent a stipulation of the parties, Appendix E or F, as supplemented with Appendix G, 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 E or F is the order of the Court, there shall be, attached to the entry in which the order occurs, a certification (Appendix H) that each party has been provided with a complete copy of the applicable parenting time appendix. The certification shall be signed by counsel for the party, if any, and by the party acknowledging receipt of the Appendix. Appendices E and F should not be attached to an entry, without prior approval of the Court. The judgment entry shall include language that acknowledges the parties' receipt of the applicable Appendix and/or the separate Appendix H.

RULE 2.24 PSYCHOLOGICAL EVALUATIONS

A. If any party wishes to have any minor child(ren) who 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 he/she 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 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 for 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 2.25 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 Domestic Relations 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.

C. 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, 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 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 children of the parties.

RULE 2.26 FAMILY FILES

A. Documents that fall outside the scope of "court documents" as defined in Rule 44(C) of the Ohio Rules of Superintendence for the Courts of Ohio shall be maintained in the "family file" at the Domestic Relations Division and shall not be maintained in the court records that form the public case file.

B. The family file shall contain the following items:

- (i) Health care documents, including but not limited to physical health, psychological health, psychiatric health, mental health, and counseling documents;
- (ii) Drug and alcohol use assessments, screens and reports, and pre-disposition treatment facility reports;
- (iii) Guardian ad litem reports, including collateral source documents attached to or filed with the reports;
- (iv) Home investigation reports or home studies, including collateral source documents attached to or filed with the reports;
- (v) Child custody evaluations and reports, including collateral source documents attached to or filed with the reports;
- (vi) Domestic violence risk assessments, reports and screens;
- (vii) Genetic testing results;
- (viii) Supervised parenting time or companionship or visitation records and reports, including exchange records and reports;
- (ix) Financial records and financial disclosure statements regarding property, debt, taxes, income, and expenses, including collateral source documents attached to or filed with records and statements, including but not limited to income tax returns and wage records;
- (x) Asset appraisals and evaluations.

C. The documents that are placed in the family file are not evidence, except as otherwise admitted in accordance with state law or local rule. Parties shall not deliver evidentiary materials to the Clerk or Court for placement in the family file in lieu of admission at hearing. Exhibits admitted at hearing shall not be placed in the family file after hearing.

D. The court records that form the public case file shall include a “Family File Notice” for each document that has been placed in the family file for that public case file. The Clerk of Courts or the Judicial Assistant receiving the document for placement in the family file shall prepare the Family File Notice and provide notice to the parties of the filing of the Family File Notice.

E. Upon motion of any party or upon the Court’s own motion, other documents containing sensitive personal information may be ordered to be maintained in the family file.

F. The contents of the family file may be inspected by the parties, an attorney for one of the parties, or a guardian ad litem (GAL) upon request filed with the Clerk. Inspection of family files may be permitted by others upon motion to the Court and for good cause shown. Authorized viewers may take notes while reviewing the contents of the documents, but they are prohibited from copying those documents, distributing them, or showing them to unauthorized individuals, or from removing them from the Courthouse. These documents shall be returned to the custody of the Domestic Relations Judicial Assistant or other Court staff upon completion of review.

G. Notwithstanding the provisions of this Rule, the Court may order certain confidential documents to be filed under seal by the Clerk. Such documents shall not be accessible to any person without a court order.

RULE 2.27 GUARDIANS AD LITEM

A. The Guardian ad Litem's role is to conduct an investigation 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 or children in the divorce or post-divorce/dissolution case in which appointed. The Guardian ad Litem will comply with the requirements and expectations found in Rule 48 of the Rules of Superintendence for Courts of Ohio ("Rule 48"). 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 as required by Rule 48. Each volunteer and attorney must meet ongoing educational requirements prescribed by that Rule.

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. 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 children'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 children 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. 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 presented by the parties at hearing. 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 Court will consider the Guardian ad Litem's opinion and recommendation 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 Guardian ad Litem's fees and expenses shall be taxed as court costs in the case. 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 Guardian ad Litem shall be served on the Guardian ad Litem at his/her business address or to the Clerk of Courts Delivery Drawer of the attorney or CASA/GAL. 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 personal telephone number of a Guardian ad Litem to their clients unless specifically authorized by the Guardian ad Litem appointed to that case.

RULE 2.28 MEDICAL SUPPORT OBLIGATIONS

Extraordinary non-covered medical, dental, psychological or similar expenses shall be deemed to be any expense in excess of \$100.00 per calendar 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, unless otherwise agreed by the parties.