

**RULES OF COURT
CLERMONT COUNTY COURT OF COMMON PLEAS
DIVISION OF DOMESTIC RELATIONS
Effective July 1, 2011**

JUDGE KATHLEEN M. RODENBERG

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TITLE I: GENERAL PROVISIONS

DR 1. ADOPTION, SCOPE AND CONSTRUCTION OF RULES

- (A) It is ordered that the Domestic Relations Court of Clermont County, Ohio shall adopt the following Rules for the management of proceedings of the Court pursuant to Article IV, Section Five of the Ohio Constitution, Rules of Superintendence of the Supreme Court or as required by law.
- (B) These Rules shall be effective July 1, 2011, and supersede all previous rules promulgated by this Court.
- (C) These Rules are intended to supplement the Ohio Rules of Civil Procedure, the Rules of Superintendence for the Courts of Ohio and other controlling statutes.
- (D) These rules shall be cited as "DR ____."

DR 2. PLEADINGS AND MOTIONS

- (A) All pleadings, motions, and other filings shall be legibly typewritten or printed. The caption of subsequent pleadings, motions, except post decree motions, and other papers shall contain the name of the Judge and the name of the Magistrate to whom the case is assigned.
- (B) All pleadings, motions and other filings shall bear the name, address, telephone number, fax number, e-mail address and Supreme Court Registry number of the attorney. Pleadings shall also contain the telephone number, fax number and email address, if available, of any *pro se* party.
- (C) All substantive motions shall state with particularity the grounds, shall set forth by memorandum or affidavit the relief or order sought, and shall identify any prior order(s) at issue. A motion that does not conform to the requirements of this rule may be dismissed without further notice.
- (D) Nothing, including pleadings, motions, other papers, and any amendments, shall be removed from any file without Court order. Further, no person shall remove a file from the possession of court personnel without the express permission of the Judge or assigned Magistrate.
- (E) The documents set forth in Appendix A shall be filed with all initial pleadings, Answers/Counterclaims, 75(N) motions and post decree filings. All initial pleadings, Answers/Counterclaims, 75(N) motions and post decree filings must be presented to and acknowledged by the Compliance Officer prior to being presented to the Clermont County Clerk of Courts' office for filing.

DR 3. COSTS

- (A) The Clerk of Courts shall not accept any pleading for filing without a deposit unless otherwise not required pursuant to RC 2323.31 or RC 3113.31. Deposits shall be charged in accordance with the schedule set forth in Appendix B.
- (B) The Court may require additional deposits upon the filing of additional pleadings or documents.
- (C) The Clerk of Courts shall not accept post decree motions from a moving party who has an unpaid court cost balance due in the case.

DR 4. SPECIAL PROJECT FUND

Pursuant to RC 2303.201(E)(1), the Court has determined that additional funds are necessary to acquire and pay for special projects of the Court. A special project fee shall be collected by the Clerk of Courts upon the initial filing of a Divorce, Legal Separation, Annulment, Dissolution and post decree motions. All fees collected under this rule shall be paid to the Clerk of Courts for deposit with the County Treasurer, to be disbursed upon order of this Court.

DR 5. FACSIMILE FILINGS

In conformity with Ohio Civil Rule 5(E), pleadings and other papers may be filed by fax subject to the following conditions:

- (A) A document filed by fax shall be accepted as the original filing, consistent with the Ohio Civil Rule 5(E), provided that the person sending the fax complies with all of the requirements set forth in this local rule. The person filing a fax must maintain in his/her records, and have available for production upon request of the Court, the original copy of any document filed by fax, with original signatures as required under the applicable rules. The person transmitting the document represents that the signed document is in his/her possession.
- (B) The following telephone numbers shall be used for filing by fax: (513) 732-7866; or (513) 732-7056. These are the only numbers that may be used for filing. These numbers will be available to receive faxes 24 hours per day 7 days per week.
- (C) Documents sent by fax and accepted by the Clerk of Courts shall be considered filed as of the date and time the fax was received by the Clerk of Courts. All risk of transmission is borne by the sender.
- (D) There are no costs related to filing by fax except to the extent that the filings are taxed as costs to any case.
- (E) Exhibits shall not be submitted by fax unless ordered by the Court.

- (F) The person filing a document by fax shall also include a cover page containing the following information:
 - (1) case caption;
 - (2) the case number;
 - (3) a description of the document being filed;
 - (4) the date and time of the transmission;
 - (5) the transmitting fax number;
 - (6) the number of pages being transmitted.
- (G) The following documents may not be filed by fax:
 - (1) Any filing in which the Clerk of Courts must collect a deposit against costs;
 - (2) Any filing in which the Clerk of Courts is required to effectuate service and summons; and,
 - (3) Any entry.
- (H) This Local Rule has been instituted solely for the convenience of those filing documents with the Court. The Court does not assume any obligations or liabilities by virtue of this rule. The sender assumes all responsibilities, obligations and liabilities for using this method of filing. This rule pertains only to the method of filing. This rule does not alter, amend, revoke or otherwise change any local rule or Ohio Rule of Civil Procedure.

DR 6. ASSIGNMENT AND SCHEDULING OF CASES

- (A) The Judge of the Court of Common Pleas, Division of Domestic Relations shall designate an Assignment Commissioner for all cases filed in the division.
- (B) Upon the direction of the Court, the Assignment Commissioner shall set cases for hearing.
- (C) No case which has been set for a pretrial, trial, or hearing shall be continued without the Court's authorization.
- (D) A motion for a continuance shall state the following:
 - (1) the reason for the request for a continuance;
 - (2) how long the case has been set for trial;

- (3) how long the case has been pending;
- (4) the number of previous continuances granted; and
- (5) at whose request the previous continuance was granted.

If a continuance is requested due to a scheduling conflict, verification of the scheduling conflict shall be attached to the motion.

- (E) All trials and hearings may be heard by the presiding Judge, by one of the Judges of the Clermont County Common Pleas Court, by a visiting Judge, or by any Magistrate appointed by the Court.

DR 7. DISMISSAL OF A CASE

- (A) An entry of voluntary dismissal must be signed by the party requesting the dismissal when there are temporary orders for child support and/or spousal support. The entry shall state that the support obligation is terminated, the support account is closed, and the overpayment or arrearage is reduced to zero.
- (B) Stipulations or notices of voluntary dismissal of an action shall be governed by the provisions of Civil Rule 41. The original shall be filed with the Clerk of Courts and the attorney/party shall deliver a copy to the Domestic Relations Court. A case may not be dismissed by stipulation or notice of voluntary dismissal if there are temporary orders for child support and/or spousal support.
- (C) A certificate by the Clerk of Courts that all costs have been paid in full or waived must be submitted at the time of filing the entry, stipulation, or notice.
- (D) Dismissals of Domestic Violence Civil Protection Order are by the requirements of RC 3113.31.

DR 8. INACTIVE CASES

Cases that have been on the docket for six months without any proceedings in the case, except cases awaiting trial assignment, shall be set for pretrial/dismissal with notice to the attorneys of record and *pro se* parties.

DR 9. COMMUNICATIONS WITH JUDGES AND MAGISTRATES

No attorney or party shall discuss the merits, either orally or in writing, of any litigation with the presiding Judge or Magistrate without the presence of opposing attorney or opposing *pro se* party.

DR 10. WITHDRAWAL OF ATTORNEY/SUBSTITUTION OF ATTORNEY

- (A) Upon entering an appearance, no attorney shall be relieved of his/her responsibility unless he/she timely files a written motion with the Court stating

his/her grounds for withdrawing from the case. The attorney shall serve a copy of notice of hearing on the motion on his/her client. The attorney must provide proof of service of the notice at the hearing on the motion. If an attorney presents an entry signed by his/her client, there is no need to serve notice of the hearing. The attorney requesting the right to withdraw shall comply with Rule 1.16, Ohio Rules of Professional Conduct.

- (B) A written motion to withdraw as attorney shall contain the date of the next hearing. Once a final trial date has been set, the attorney may not withdraw, make a substitution of attorney, or enter an appearance without leave of Court. Except for good cause shown, a final trial date may not be continued due to the withdrawal, substitution, or entry of appearance.
- (C) Any attorney entering a case that he/she did not commence shall file a written notice of appearance prior to the first court appearance.

TITLE II: PRE-TRIAL AND TRIAL RULES

DR 11. MANDATORY DISCLOSURE

- (A) Within thirty days of the filing of an answer or counterclaim, each party to a pending divorce or legal separation has the affirmative duty to disclose to the opposing party the following information and documents.
 - (1) All pension, retirement and/or profit-sharing plans including the most recent plan summary;
 - (2) All COBRA benefits to which the other party may be entitled;
 - (3) Copies of all real estate deeds and vehicle titles and registrations;
 - (4) All appraisals of real estate or personal property in which the party holds an interest;
 - (5) Copies of individual income tax returns for the last three years;
 - (6) Documentary proof of current income from all sources;
 - (7) Copies of the most recent statements for all bank accounts, IRAs, pensions, retirement plans, profits sharing plans, stock accounts, mortgages, credit accounts, and all other debt; and,
 - (8) Verification of the marginal cost of medical insurance for the minor children.
- (B) Notice of noncompliance must be raised prior to scheduling the trial date. No trial date will be rescheduled for noncompliance with this rule.

- (C) Failure to comply with this Rule may result in sanctions pursuant to Civil Rule 37, including but not limited to contempt citation, possible dismissal of claims, or restrictions on the submission of evidence.

DR 12. DISCLOSURE OF EXHIBITS

- (A) No later than two weeks prior to trial, each party shall provide an exhibit list index and copies of all exhibits intended to be used in their case in chief to the Court and opposing party. When an exhibit is added or supplemented after the deadline, the burden lies on the party adding or supplementing an exhibit to show good cause on why it was not produced timely.
- (B) Plaintiff's exhibits shall be marked with numbers. Defendant's exhibits shall be marked with letters.
- (C) As a courtesy to the Court, the case number and date of hearing may be written on each exhibit sticker.

DR 13. PRETRIAL CONFERENCE/REPORT

- (A) A pretrial conference shall be scheduled in every contested case within 30 days after service of the Complaint. In all cases involving parental rights and responsibilities, including shared parenting issues, a second pretrial shall be held within ninety days of the date a psychological, psychiatric, medical, or parental investigation is ordered.
- (B) Attorneys for all parties and *pro se* parties shall be present at the pretrial conference and shall be:
 - (1) prepared to discuss all issues in dispute, or
 - (2) prepared to contact the client by telephone during the course of the pretrial conference for the purpose of obtaining information. Failure of an attorney or a party to appear or failure to cooperate in good faith may subject the attorney or party to sanctions provided by Civil Rule 37.

DR 14. FAILURE TO APPEAR

- (A) If a party seeking relief fails to appear for the scheduled hearing, the Court may enter an order dismissing the action for want of prosecution. If the opposing party fails to appear and the party seeking relief does appear, the Court may allow the case to proceed.
- (B) If the attorney for a party fails to appear at the scheduled time for the trial or hearing and the party whom he/she represents is present, the Court may allow the case to proceed.

DR 15. FINANCIAL PLAN ANALYSIS COMPUTER PRINTOUT

The use of a financial plan analysis computer program printout may be submitted only as part of the final argument on financial feasibility of support and not as evidence in absence of expert testimony as to the accuracy of the projections.

TITLE III: TEMPORARY ORDERS

DR 16. TEMPORARY ORDERS

- (A) Any requests for a temporary order pursuant to Civil Rule 75(N) must be filed in conjunction with the filing of a complaint, answer, or counterclaim.
- (B) The party requesting a temporary order pursuant to Civil Rule 75(N) must file a notice advising the Court of the perfection of service on the opposing party.
- (C) Any requests for a temporary order not filed in conjunction with the filing of a complaint, answer, or counterclaim will be set for oral hearing.

DR 17. PARTIES IN THE SAME HOUSEHOLD

Temporary spousal support, child support, or allocation of parental rights and responsibilities shall not be granted when the parties reside in the same household. Upon motion and affidavits properly filed, the Court may order payment of household expenses.

DR 18. EXCLUSIVE OCCUPANCY

- (A) If a party has vacated the marital residence for thirty days or more, the Court may, upon motion and affidavit, issue an order awarding the other party exclusive occupancy of the marital residence, *ex parte*.
- (B) If the parties are residing in the marital residence, a motion to vacate premises may be granted after a hearing if the movant establishes that the opposing party:
 - (1) attempted to cause or recklessly caused bodily injury, or;
 - (2) placed a party, by threat of force, in fear of imminent serious physical harm, or;
 - (3) committed any act with respect to a child that would result in the child being an abused child as defined in RC 2151.031; or,
 - (4) engaged in conduct that creates an environment which causes or is likely to cause emotional and/or mental stress to the spouse and/or minor children of the parties.

DR 19. TEMPORARY RESTRAINING ORDERS

At the time of the filing of a Divorce or Legal Separation, a temporary restraining order set forth in Appendix C will be issued. Plaintiff shall be deemed served with the Temporary Restraining Order upon filing of the Complaint. The Temporary Restraining Order shall be served on the Defendant with the summons. A request for additional restraining orders will be set for oral hearing.

TITLE IV: ALLOCATION OF PARENTAL RIGHTS AND RESPONSIBILITIES

DR 20. SHARED PARENTING

If either party is, or both parties are, requesting shared parenting, that party/parties must file a proposed Shared Parenting Plan. The plan shall conform with the statutory requirements set forth in RC 3109.04.

DR 21. PARENTING TIME

The Standard Guideline Parenting Schedule set forth in Appendix D shall be applied in all non-shared parenting cases subject to deviation based upon consideration of the factors in RC 3109.051.

DR 22. INTERVIEW OF CHILDREN BY THE COURT

- (A) In camera interviews of child(ren) will be conducted pursuant to RC 3109.04(B). The transcript of the child's in camera interview shall be sealed and no party or attorney may obtain a copy without a Court order.
- (B) Children may not be brought to their parents' hearing except as witnesses in the hearing.

DR 23. PARENTAL INVESTIGATION BY THE COURT

- (A) **Parental Investigation.** The Court may cause an investigation to be made regarding the character, family relations, past conduct, earning ability and financial worth of each parent, in order to assist the Court in allocating parental rights and responsibilities.
- (B) **Parental Questionnaire.** All parties shall return their completed parenting questionnaire to the parenting investigator as ordered. Failure to return the questionnaire or other failure to comply with the investigation may subject the party to a contempt action by the Court. The parenting investigator may proceed, at his/her discretion, and prepare the report without the information of any party who fails to return the questionnaire, attend appointments or return telephone calls.

- (C) **Costs.** The cost of the investigation as set forth in Appendix B shall be allocated between the parties at the time the investigation is ordered, subject to modification at final hearing.
- (D) **Parental Investigation as Evidence.** The parenting investigation report is direct evidence and the parenting investigator is subject to cross examination. If a party desires to cross examine the parenting investigator, it is the responsibility of that party to issue a subpoena to the parenting investigator pursuant to Civil Rule 45.

DR 24. MEDICAL/PSYCHOLOGICAL/PSYCHIATRIC EVALUATIONS

- (A) **Evaluations.** The Court may order the parents and their minor children to submit to medical, psychological, and/or psychiatric examinations. The Court will send the entry of appointment to the physician or psychologist. It is the responsibility of the parties to contact the physician or psychologist.
- (B) **Costs.** The cost of the examination shall be allocated between the parties at the time the examination is ordered, subject to modification at final hearing.
- (C) **Medical, Psychological or Psychiatric Evaluations as Evidence.** A medical, psychological, or psychiatric evaluation may not be entered as direct evidence absent testimony of the performing physician or psychologist or consent of the parties. It is the party's responsibility to issue a subpoena to the physician or psychologist pursuant to Civil Rule 45.

DR 25. DIVORCE COUNSELING FOR PARENTS

- (A) After filing of a Complaint for divorce or legal separation involving minor children under sixteen, both parents shall attend a seminar for separating parents designed to educate the parents on ways to minimize the negative impact the separation or divorce may have on their children. Each parent shall register and pay for the seminar. Both parents shall attend the class within forty-five days after the filing of the action or service of process. Failure to attend may subject the party to a contempt action by the Court.
- (B) Each attorney filing original pleadings shall advise his/her client of the program and the requirements of this rule.

DR 26. APPOINTMENT OF GUARDIAN AD LITEM (GAL)

- (A) The Court may appoint a guardian *ad litem* (GAL) to protect the best interest of the child. The appointment and practice of a GAL shall be in conformity with Rule 48 of the Rules of Superintendence.
- (B) **Scope.** The GAL shall gather and assess all information and perform all responsibilities set forth in Rule 48 of the Rules of Superintendence. The Court

will appoint an attorney for the child when there is a conflict between the recommendation of the GAL and the wishes of the child.

(C) **Procedure.**

- (1) The Court shall appoint the GAL from a roster of eligible candidates comprised of attorneys or CASA (Court Appointed Special Advocates) volunteers maintained by the Court. The Court will conduct annual performance and compliance reviews of all GALs.
- (2) The Court may order the deposit with the Clerk of Courts of \$500, or such other amount it deems appropriate, to be used to pay for GAL services. The Attorney GAL will be compensated at the rate of \$125 per hour for billable time. The Attorney GAL shall provide a monthly statement of the fee to date to all parties or their attorneys, so that all parties are aware of the amount of the bill. When requesting an order for payment of GAL services, the GAL attorney shall file a motion, supported by an affidavit and an itemized statement of all services rendered and costs incurred.
- (3) The GAL shall file a report with the Court as required under Rule 48 of the Rules of Superintendence.
- (4) The GAL appointment is terminated automatically with the filing of the final decree or final entry.

(D) **Qualifications.** In addition to the requirements set forth in Rule 48 of the Rules of Superintendence, the Attorney GAL shall accept one pro bono assignment per year. Refusal of this assignment shall result in removal from the list of eligible GALs.

(E) **Complaint Process.** Any complaint regarding GAL performance shall be submitted in writing to the Court Administrator. A record of the complaint will be included in the GAL file and annual Court performance review.

DR 27. MEDIATION OF PARENTING RESPONSIBILITIES

(A) **When Ordered.** The Court may order the parties to participate in mediation in any action in which the allocation of parental rights and responsibilities and/or parenting time of the child(ren) is contested, pursuant to Rule 16 of the Rules of Superintendence. This issue shall be addressed at the initial pretrial conference.

(B) **Scope.** Only issues regarding the allocation of parental rights and responsibilities and parenting time of the minor child(ren) may be subject to mediation under this local rule. The Court shall not permit the use of mediation in any of the following situations:

- (1) As an alternative to the prosecution or adjudication of domestic violence;

- (2) In determining whether to grant, modify, or terminate a protection order;
- (3) In determining the terms and conditions of a protection order; and,
- (4) In determining the penalty for violation of a protection order.

(C) **Procedure.**

- (1) If the parties to mediation so desire, they may have their attorneys and/or other designated individuals accompany them and participate in mediation.
- (2) Any case referred for mediation will be screened for domestic violence prior to beginning the mediation and throughout the mediation as necessary.
- (3) When domestic violence or fear of domestic violence is alleged, suspected, or present, mediation will take place only under the following conditions.
 - a. The alleged victim is fully informed about the mediation process, his/her right to decline to participate in mediation, and his/her right to have a support person present.
 - b. The Court and the mediator determine that the parties have the capacity to mediate without fear of coercion or control.
 - c. Appropriate security measures are in place to provide for the safety of all parties involved in the mediation.
 - d. The mediator will terminate mediation if he/she believes there is a continued threat of domestic violence or coercion between the parties.

Any agreement reached during mediation regarding parenting issues shall not be binding on the parties until approved by the Court, after consideration of the best interest of the child(ren).

(D) **Qualifications.** A mediator employed by the Court, or to whom the Court makes referrals for mediation, shall have the following minimum qualifications:

- (1) A bachelor's degree, or equivalent education experience, satisfactory to the Court, and at least two years of professional experience with families. Professional experience with families includes mediation, casework, legal representation in family law matters, or such other equivalent experience that is satisfactory to the Court.
- (2) Completion of at least 12 hours of basic mediation training or equivalent experience that is satisfactory to the Court, and at least 40 hours of

specialized family or divorce mediation training conducted in a program approved by the Commission on Continuing Legal Education in accordance with the administrative guidelines established by the Committee on Dispute Resolution of the Ohio Supreme Court.

- (3) When domestic violence or fear of domestic violence is alleged, suspected, or present, completion of at least 14 hours of specialized training in domestic abuse and mediation through a training program approved by the Ohio Supreme Court Advisory Committee on Dispute Resolution. A mediator who has not completed this specialized training may mediate these cases only if he/she co-mediate with a mediator who has completed the specialized training.
- (E) **Confidentiality.** Neither the statements made during the course of the mediation screening nor mediation sessions nor the notes of either the mediator or the individual conducting the screening shall be discoverable or admissible as evidence in any subsequent proceeding in this Court. The foregoing confidentiality requirements shall not be construed to exempt any person from the statutory duty to report child abuse pursuant to RC 2151.421, statements that a felony has been or is being committed, violent acts that occur during mediation, and threats of harm to other people.

TITLE V: ENTRIES

DR 28. DECREES AND ENTRIES ESTABLISHING OR MODIFYING CHILD SUPPORT ORDERS

- (A) **Child Support Worksheets.** A child support worksheet must be submitted with any decree or entry where child support is an issue. When shared parenting is ordered, two child support worksheets must be attached to the Plan, one for each party as the obligor. The decree or entry must state the amount of child support with insurance, without insurance and the cash medical support order.
- (B) **Deviations.** If there is a deviation from the child support schedule, the worksheet(s) must indicate the amount of deviation. If shared parenting is ordered, both worksheets must indicate the amount of deviation. In addition, the decree or entry shall indicate the reasons for the deviation in accordance with RC 3119.23. Language indicating that the guideline support is “unjust or inappropriate and not in the best interest of the child(ren)” must also be included in the decree or entry.
- (C) **Requirements for Acceptance.** No decree or entry establishing or modifying child support will be accepted unless it states:
 - (1) The amount of support payment per child, per month;
 - (2) The date when payments are to commence; and,

- (3) The disposition of any overage or arrearage.

The monthly figure listed in the decree or entry must correspond with the child support worksheet.

- (D) **Mandatory Language.** All decree or entries establishing or modifying child support orders shall contain the language set forth in Appendix E.
- (E) **Health Care Orders.** All decrees or entries establishing or modifying child support orders shall include health care language required under RC 3119.30 and RC 3119.31.

DR 29. QUALIFIED DOMESTIC RELATIONS ORDERS AND DIVISION OF PROPERTY ORDERS

All Qualified Domestic Relations Orders (QDRO) and Division of Property Order (DOPO) shall meet the following requirements:

- (1) A letter from the plan administrator approving as to form the QDRO or DOPO must be attached to the QDRO or DOPO;
- (2) The QDRO or DOPO must be signed by all parties and attorneys; and
- (3) The Decree of Divorce, Dissolution, or Legal Separation shall reserve jurisdiction to approve, amend, and/or modify any properly accepted QDRO or DOPO.

A certificate by the Clerk of Courts that all costs have been paid in full or waived must be submitted when the QDRO or DOPO is presented to the assigned Magistrate and/or Judge for signature.

DR 30. PREPARATION OF DECREES AND ENTRIES

- (A) The Court may order either attorney or party to prepare the decree/entry. When so ordered, that attorney or party shall prepare the decree/entry and submit it to the opposing attorney or party. Failure of the opposing party or his/her attorney to approve or reject a submitted decree/entry shall allow the preparer of the decree/entry to unilaterally present the decree/entry for journalization. If any decree/entry is submitted without the signatures of both the attorneys and *pro se* parties, the attorney submitting shall also submit an affidavit that the decree/entry was submitted to opposing attorney or *pro se* party and the date of submission. Attorney fees or other appropriate sanctions may be ordered if the attorney or *pro se* party unreasonably withholds his/her signature.
- (B) The decree/entry shall contain an order of the Court ordering the Clerk of Courts to serve judgment on the parties in the action pursuant to Civil Rule 58(B).

- (C) A certificate by the Clerk of Courts that all costs have been paid in full or waived must be submitted when the decree/entry is presented to the assigned Magistrate and/or Judge for signature.

DR 31. AGREED ENTRIES

- (A) In post-decree matters, a motion must be filed prior to the filing of an agreed entry. In pre-decree matters, agreed entries may be submitted without a motion.
- (B) Agreements reached by parties at hearings shall be read into the record, or both the attorneys and parties shall sign a written agreed entry at the hearing.
- (C) Agreed entries may be adopted by the Court, without a hearing, provided that: (1) at least one party is represented, (2) any *pro se* party's signature on the agreed entry has been notarized, and (3) the Court has determined that a hearing is not necessary and that no further documentation is necessary.

TITLE VI: MAGISTRATES

DR 32. POWERS OF THE MAGISTRATES

All Magistrates shall be awarded all of the powers set forth in Civil Rule 53, and all other powers as set forth in the journal entries of this Court and the statutes of this state. A written Magistrate's decision is not required if there is an agreed entry and all parties execute a waiver of Magistrate's decision and 14 day objection period

DR 33. MAGISTRATE'S ORDERS AND DECISIONS

- (A) Civil Rule 53 shall govern all procedures regarding Magistrate's decisions and orders.
- (B) When a request for findings of fact and conclusions of law to a Magistrate's decision is made, the party making the request shall submit proposed findings of fact and conclusions of law within 21 days from the filing of the Magistrate's decision.
- (C) Any motion to set aside a Magistrate's order or objections to a Magistrate's decision based on a factual finding shall be supported by a transcript, or an affidavit of the evidence if a transcript is not available.
- (D) A party shall have 14 days following the filing of the transcript within which to file supplemental objections.
- (E) Motions to set aside a Magistrate's order, objections to a Magistrate's decision, or supplemental objections to the Magistrate's decision may include a brief in support.

- (F) If a transcript is required under Civil Rule 53 or this rule, the party filing the motion or objections shall immediately order the transcript from the Court Reporter by filing a Praecipe with the Clerk of Courts at the time of filing the objections. The transcript shall be filed within 30 days after filing the motion or objections. Failure to file the transcript timely will result in dismissal of the motion or objections unless the Court extends the time. No extensions of time will be granted for failure to order the transcript or for failure to pay for the transcript.
- (F) Each party shall have seven days after the filing of the motion to set aside, objections, or supplemental objections to file a memorandum in opposition.

TITLE VII: SPECIAL PROCEEDINGS

DR 34. DOMESTIC VIOLENCE

An action seeking an *ex parte* Civil Protection Order may be initiated by filing a Petition for a Domestic Violence Civil Protection Order in accordance with RC 3113.31. Petitions may be filed with the Clerk of Courts from 8:00 a.m. to 2:30 p.m., Monday through Friday. The Clerk of Courts will not accept the filing of a Petition for a Domestic Violence Civil Protection Order after 2:30 p.m.

DR 35. REGISTRATION OF A FOREIGN PARENTING ORDER (UCCJEA)

- (A) An order allocating legal custody, physical custody, parenting time, or visitation issued by another state or country may be registered with this Court for the purpose of enforcing or modifying any provisions in accordance with RC 3127.01 *et seq.* (UCCJEA). If a party is seeking modification of an order allocating legal custody, physical custody, parenting time, or visitation, this Court must be able to exercise jurisdiction in accordance with the provisions of RC 3127.15-22, 3127.34, and 3127.36. The registration of a decree under this rule does not vest this Court with jurisdiction to enforce or modify child support, spousal support or property division.
- (B) **Procedure.**
 - (1) The party seeking registration of the foreign decree under the UCCJEA shall file and serve on the opposing party a Petition requesting such registration. The Petition shall attach a certified copy of the foreign decree(s) and a Parenting Proceeding Affidavit. The Petition shall include a statement under penalty of perjury that, to the best of the knowledge and belief of the person seeking registration, the order has not been modified.
 - (2) The Petition shall comply with RC 3127. This original pleading shall state all facts known to the filing party relevant to RC 3127.15(A), 3127.17 and/or 3127.18, as applicable.
- (C) **Enforcement/Modification.** If a motion to modify is filed simultaneously with the registration, the Court shall set the motion to modify for hearing after the foreign order has been registered and confirmed. If the motion to modify is granted, this

Court has exclusive, continuing jurisdiction until it is determined that the child, the child's parents and any person acting as a parent do not presently reside in this state pursuant to RC 3127.16.

DR 36. REGISTRATION OF A FOREIGN SUPPORT ORDER (UIFSA)

- (A) A child support order issued by another state or country may be registered in this court for the purpose of enforcement or modification in accordance with RC 3115.01 *et seq.*
- (B) **Procedure.** An action to register a foreign child support order for enforcement purposes only is governed by RC 3115.39 through RC 3115.45. An action to modify a foreign child support order is governed by RC 3115.46 through RC 3115.51.
- (C) **Enforcement/Modification.** A Petition seeking enforcement or modification of child support may be filed with the registration or may be filed at a later time. If a motion to enforce or modify is filed simultaneously with the registration, the Court shall set the motion for hearing after the foreign child support order has been registered and confirmed. If the motion to modify is granted, this Court has continuing, exclusive jurisdiction pursuant to RC 3115.48(D).

DR 37. CHANGE OF VENUE

- (A) If a change of venue is requested from another Ohio court in a pending case where a final divorce decree or legal separation decree has not been filed, the following must be filed before this Court will accept jurisdiction:
 - (!) A certified copy of the entry from the original court authorizing the transfer of venue.
 - (2) Transfer of the entire file from the Clerk of Courts in the original county to the Clermont County Clerk of Courts.
- (B) If a change of venue is requested for hearing a post decree motion on a case adjudicated by another Ohio court, the following must be filed with the post decree motion before this Court will accept jurisdiction:
 - (1) A certified copy of the entry from the original court authorizing the transfer of venue.
 - (2) A certified copy of the final decree and any subsequent entries modifying the final decree.
- (C) If a change of venue is requested from this Court to transfer the case to another Ohio court, the following must be filed before the request will be heard by this Court:

- (1) A motion requesting change of venue setting forth the reasons for the request for change of venue.
- (2) Proof of service of the motion on the opposing party by the Clerk of Courts.

DR 38. ATTORNEY FEES

- (A) **Procedure.** A motion for attorney fees may be included in the body of the motion or other pleading that gives rise to the request for fees. If the motion for attorney fees is by separate motion, it must be served on the opposing party/attorney at least seven days prior to the hearing on the motion or other pleading that gives rise to the request for fees. Except for good cause shown, no oral motion for fees shall be entertained.
- (B) **Reasonable Fee.** Absent formal evidence, \$500 shall be considered a reasonable attorney fee, unless otherwise determined by the Court. In determining the necessity for and the reasonableness of attorney fees, the Court may rely on its own knowledge and observations of time and effort expended, tactics used, results obtained, discovery cooperation shown, settlement efforts made, and compliance with Court orders demonstrated. The Court may also consider the amount of attorney fees the opposing party has incurred in the same matter.
- (C) **Evidence in Support of Motion.** At the time of the final hearing on the motion or pleading that gives rise to the request for attorney fees, the attorney shall present the following:
 - (1) An itemized statement describing the services rendered, the time for such services, the requested hourly rate, and necessary expenses and cost for litigation.
 - (2) Testimony as to whether the case was complicated by any factor which necessitated extra time being spent on the case.
 - (3) Testimony regarding the attorney's years in practice and experience in domestic relations cases.
 - (4) Evidence of the defending party's ability to pay, and of the moving party's need for an award of attorney fees, if not otherwise disclosed during the hearing.

Kathleen M. Rodenberg

APPENDIX A

A. DIVORCE, LEGAL SEPARATION OR ANNULMENT:

Complaint for Divorce, Legal Separation or Annulment with Minor Children

Complaint	Your Own
Classification Form	115
Notification Form	116
Praecipe for Service	110
Affidavit of Income and Expenses with income verification (three most recent paystubs or other proof of income)	501
Affidavit of Property	502
Parenting Proceeding Affidavit	604
Child Support Worksheet Information OR Completed Child Support Worksheet	626
Health Insurance Affidavit	409
Title IV-D Application	7076

Complaint for Divorce, Legal Separation or Annulment with Separation Agreement and Minor Children

Complaint	Your Own
Separation Agreement	Your Own
Classification Form	115
Notification Form	116
Praecipe for Service (unless waived)	110
Affidavit of Income and Expenses with income verification (three most recent paystubs or other proof of income)	501
Affidavit of Property	502
Shared Parenting Plan (if applicable)	602 or Your Own
Guideline Parenting Schedule if following Standard Guideline	605
Parenting Proceeding Affidavit	604
Child Support Worksheet Information (Attorney must provide completed Child Support Worksheet)	626
Health Insurance Affidavit	409
Title IV-D Application	7076

Complaint for Divorce, Legal Separation or Annulment – No Minor Children

Complaint	Your Own
Classification Form	115
Notification Form	116
Praecipe for Service	110
Affidavit of Income and Expenses with income verification (three most recent paystubs or other proof of income)	501
Affidavit of Property	502

Complaint for Divorce, Legal Separation or Annulment with Separation Agreement and No Minor Children

Complaint	Your Own
Separation Agreement	Your Own
Classification Form	115
Praecipe for Service (unless waived)	110
Waiver of Financial Disclosure	703
Property Waiver	704

Answer/Counterclaim with Minor Children

Answer or Answer and Counterclaim	Your Own
Notification Form	116
Affidavit of Income and Expenses with income verification (three most recent paystubs or other proof of income)	501
Affidavit of Property	502
Parenting Proceeding Affidavit	604
Child Support Worksheet Information OR Completed Child Support Worksheet	626
Health Insurance Affidavit	409
Title IV-D Application	7076

Answer/Counterclaim - No Minor Children

Answer or Answer and Counterclaim	Your Own
Notification Form	116
Affidavit of Income and Expenses with income verification (three most recent paystubs or other proof of income)	501
Affidavit of Property	502

75(N) Procedure – Motion for Temporary Order without Oral Hearing

Motion and Affidavit (or Counter Affidavit) for Temporary Without Oral Hearing	202
Notice of Perfection of Service	201

B. DISSOLUTION:

Dissolution with Minor Children

Petition for Dissolution	Your Own
Waiver of Service (signed by each petitioner)	701
Separation Agreement	Your Own
Classification Form	115
Notification Form	116
Waiver of Financial Disclosure Affidavit	703
Property Waiver	704
Shared Parenting Plan (if applicable)	602 or Your Own
Guideline Parenting Schedule if following Standard Guideline	605
Parenting Proceeding Affidavit	604
Child Support Worksheet Information (one for each petitioner) (Attorney must provide Completed Child Support Worksheet)	626

Health Insurance Affidavit	409
Title IV-D Application	7076
CSE Account Information Sheet	509-4
Decree	Your Own
Shared Parenting Decree (if applicable)	601 or Your Own
Waiver of Magistrate's Decision and 14 day Waiver	104-B
CSE Account Information Sheet	509-4

Dissolution - No Minor Children

Petition for Dissolution	Your Own
Waiver of Service (signed by each petitioner)	701
Separation Agreement	Your Own
Classification Form	115
Notification Form	116
Waiver of Financial Disclosure Affidavit	703
Property Waiver	704
Decree	Your own
Waiver of Magistrate's Decision and 14 day Waiver	104-B

C. POST DECREE

Motion to Modify Child Support and/or Medical Insurance/Costs

Motion and Supporting Affidavit	301
Notification Form	116
Health Insurance Affidavit	409

Motion to Modify Spousal Support

Motion and Supporting Affidavit	301
Notification Form	116

Motion to Modify Parenting Time - Residential and Legal Custodian

Motion and Supporting Affidavit	301
Notification Form	116

Motion to Modify Parenting Time – Shared Parenting

Motion and Supporting Affidavit	301
Notification Form	116
Health Insurance Affidavit	409

Motion to Modify Parenting Rights and Responsibilities, Motion for Shared Parenting, or Motion to Terminate Shared Parenting

Motion and Supporting Affidavit	301
Proposed Shared Parenting Plan (if applicable)	602 or Your Own
Notification Form	116
Parenting Proceeding Affidavit	604
Health Insurance Affidavit	409

Agreed Entry (In addition to applicable motion documents listed above)

Agreed Entry	104-A
Waiver of Magistrate's Decision and 14 day Waiver	104-B
Guideline Parenting Schedule (if applicable)	605
Final Decree of Shared Parenting (if applicable)	601
Child Support Worksheet (If applicable)	
Title IV-D Application (If applicable & not previously filed)	7076
CSE Account Information Sheet (If applicable)	509-4

Motion for Contempt

Motion and Supporting Affidavit	302
Notification Form	116
Explanation of Medical Bills (if applicable)	
Father's Use	304-F
Mother's Use	304-M

D. FOREIGN DECREES

Registration of Foreign Decree (UCCJEA)

Petition	Your Own
Two Copies (1 must be certified) of Foreign Decree	
Classification Form	115
Notification Form	116
Notice of Registration	110A
Parenting Proceeding Affidavit	604

Registration of Foreign Decree (UIFSA)

Petition	Your Own
Two Copies (1 must be certified) of Foreign Decree	
Classification Form	115
Notification Form	116
Notice of Registration	110B
Parenting Proceeding Affidavit	604

**APPENDIX B
DEPOSITS REQUIRED FOR COURT COSTS**

Divorce, Legal Separation & Annulment (no minor children)	\$325.00
Divorce, Legal Separation & Annulment (with minor children)	\$400.00
Petition for Dissolution of Marriage (no minor children)	\$250.00
Petition for Dissolution of Marriage (with minor children)	\$350.00
Post Decree Motion	\$165.00
Registration of Foreign Decree	\$ 50.00
Registration of Foreign Decree with Motion for Enforcement Or Modification	\$215.00
The Clerk of Courts shall add as costs the following:	
Parenting Investigation	\$250.00
Notice by Publication	\$200.00
Foreign County Service	\$ 40.00
Garnishment	\$ 50.00
Witness Fee (per day) plus mileage	\$12.00
Appeal to Court of Appeals	\$125.00

APPENDIX C

TEMPORARY RESTRAINING ORDER

IT IS ORDERED, PURSUANT TO LOCAL RULE DR 19, EFFECTIVE ON THE DATE A COMPLAINT IS FILED THAT EACH SPOUSE IS ENJOINED FROM COMMITTING ANY OF THE FOLLOWING ACTS:

1. Changing, or causing to be changed, the current residence of the child(ren) born or adopted by the parties, so as to change the domicile of the children; and
2. Causing physical abuse, annoying, inflicting bodily injury, attempting to cause or recklessly cause bodily injury, threatening the use of force or imminent physical harm, molesting, following, stalking, bothering, harassing, annoying, interfering with or imposing any restraint on the personal liberty of the other spouse, forcing sexual relations, committing any act with respect to a child in violation of the Revised Code of Ohio; and
3. Incurring debt in the name of the other spouse except for necessary food, housing, utilities, medical care, and necessary transportation; and
4. Selling, removing, transferring, encumbering, pledging, damaging, hiding, concealing, assigning or disposing of any and all property, real or personal, owned by both or either spouse or a child (including household goods, vehicles, financial accounts, and the personal property of each), without the prior written consent of the spouse or the Court. Excluded is any account now used for the payment of living costs; and
5. Voluntarily changing the term of, or beneficiary of, terminating coverage of, cashing in, borrowing against, encumbering, transferring, canceling or failing to renew any type of insurance, including health, automobile, life, home, liability, disability, or fire insurance that provides coverage for a spouse or child(ren) born or adopted by the parties; and
6. Voluntarily liquidating, cashing in, changing the beneficiary of, terms, or conditions of any retirement or pension plan or program that provides any benefit to a spouse or a child(ren) born or adopted by the parties and/or of either or both spouses; and
7. Voluntarily interrupting or terminating any utility service to the marital residence without prior written consent of the other spouse or the Court.

Nothing in the above restraining orders precludes a spouse from using their property to pay necessary and reasonable attorney fees, litigation costs, and court costs in this action.

APPENDIX D

CLERMONT COUNTY DOMESTIC RELATIONS COURT GUIDELINE PARENTING SCHEDULE EFFECTIVE: SEPTEMBER 1, 2000

1. GENERAL PARENTING PRINCIPLES

During and after a divorce, there is often a crisis period (from several months to years) during which families are under great stress because of loss, conflict, and change. Most studies show and psychologists uniformly agree, that the children who do best following divorce are from those families which maintain a low level of conflict. The absence of conflict is even more critical than the amount of time either parent spends with the child.

Children, however, clearly profit by continued meaningful contact with both parents. Children need the continuing and regular involvement of both parents to feel loved. No specific schedule will satisfy the change in needs of both children and parents over the years. Critical to the success of any schedule is that each parent be flexible, based upon the changing needs of a child as the child grows older. This Guideline Parenting Schedule takes into account the changing developmental needs of children. It is recognized that each situation and each child is different. It is preferred that parents tailor the parenting schedule to meet the specific needs of their children.

In all cases, including requests for 75(N) orders, the Court will strive to adopt a parenting schedule that is in the child(ren)'s best interests. Any request to deviate from the following parenting schedule shall be supported by the filing of the proper affidavits/evidence. The factors contained in ORC §3109.051(D) shall be considered in any proposed deviation from the guideline parenting schedule. Absent a request for deviation and the filing of affidavits/evidence in support thereof, the Court will impose the guidelines set forth below. A good parenting schedule developed for a family should be based upon the following considerations:

- A. the developmental needs and age of each child;
- B. the psychological attachments of each child;
- C. the way child-rearing tasks were shared during the marriage;
- D. the preservation or development of a close relationship with each parent;
- E. a consistent and predictable schedule that minimizes the transition between the households, especially where young children are involved--failure to consistently exercise parenting time may result in modification of the parenting schedule;
- F. each child's temperament and ability to handle change;
- G. parents' career demands and work schedules; and
- H. the need for periodic review of the plan, noting trouble signs and revising as each child's needs and circumstances change.

For purposes of exercising this parenting schedule, Mother is designated the residential parent and Father is designated the non-residential parent. The policy of the following time allocation is to provide a schedule which is best suited for the particular age of the children.

2. WEEKLY SCHEDULE

A. Birth to Three Years

The non-residential parent shall have parenting time alternating weekly as follows:

Week A: Tuesday afternoon, consistent with the non-residential parent’s work schedule, until Wednesday morning and Friday afternoon, consistent with the non-residential parent’s work schedule, until Sunday at 6:00 p.m. On Wednesday morning, the non-residential parent will be responsible for taking the child(ren) to the day care provider or the residential parent, depending on the residential parent’s work schedule.

Week B: Thursday afternoon, consistent with the non-residential parent’s work schedule, until Friday morning. On Friday morning, the non-residential parent will be responsible for taking the child(ren) to the day care provider or the residential parent, depending on the residential parent’s work schedule.

BIRTH TO THREE YEARS PARENTING SCHEDULE							
	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
Week A		O			O	O	D
Week B				O			

O means overnight; D means Saturday overnight ends at 6:00 p.m. on Sunday; The day of the week for weekday parenting time may be changed by agreement of the parents.

B. Age Three Years through Age Fourteen Years

The non-residential parent shall have parenting time alternating weekly as follows:

Week A: Thursday afternoon, consistent with the non-residential parent’s work schedule and/or the child(ren)’s school schedule if school is in session, until Sunday at 6:00 p.m. The non-residential parent will be responsible for transporting school age children to and from school on Friday.

Week B: Thursday afternoon, consistent with the non-residential parent’s work schedule and/or the child(ren)’s school schedule if school is in session, until Friday morning. If school is in session, the non-residential parent shall be responsible for taking school age children to school on Friday morning. If school is not in session, the non-residential parent shall be responsible for taking the child(ren) to the day care provider or the residential parent on Friday morning, depending on the residential parent’s work schedule.

AGE THREE YEARS THROUGH AGE FOURTEEN YEARS PARENTING SCHEDULE							
	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday

AGE THREE YEARS THROUGH AGE FOURTEEN YEARS PARENTING SCHEDULE							
Week A				O	O	O	D
Week B				O			

O means overnight; D means Saturday overnight ends at 6:00 p.m. on Sunday; The day of the week for weekday parenting time may be changed by agreement of the parents.

C. Age Fifteen Years and above

The non-residential parent shall have parenting time every other weekend from Friday at 6:00 p.m. until Sunday at 6:00 p.m. Parents should respect a teenager's need to spend time with peers and in organized activities, and less time with each parent, especially during weekends and summer holidays. Quality of time is more important than a rigid schedule. Flexibility in scheduling is necessary. When possible, it is preferable to consider the teenager's wishes, as long as the parents agree.

D. Siblings in different age groups

If a family has children in Brackets 2.A. and 2.B. above, then the parenting schedule shall be the schedule for Bracket 2.B. ; children in Bracket 2.C. shall follow the schedule for that age group.

3. ADDITIONAL PARENTING TIME

A. Holidays

<u>Holiday</u>	<u>Even Numbered Years</u>	<u>Odd Numbered Years</u>	<u>Schedule</u>
New Year's Day*	Mother	Father	12/31 6:00p.m. to 1/1 6:00p.m.
Martin Luther King Day	Father	Mother	Sunday 6:00p.m. to Monday 6:00p.m.
Presidents' Day	Mother	Father	Sunday 6:00p.m. to Monday 6:00p.m.
Easter	Father	Mother	Saturday noon to Sunday 6:00p.m.
Memorial Day	Mother	Father	Sunday 6:00p.m. to Monday 6:00p.m.
Fourth of July	Father	Mother	9:00a.m. to 9:00p.m.
Labor Day	Mother	Father	Sunday 6:00p.m. to Monday 6:00p.m.
Halloween (Beggar's Night)**	Father	Mother	5:00p.m. to 9:00p.m.
Thanksgiving	Mother	Father	Wednesday 6:00p.m. to Friday 6:00p.m.
Christmas Eve	Father	Mother	12/23 noon to 12/24 9:00p.m.
Christmas Day	Mother	Father	12/24 9:00p.m to 12/26 6:00p.m.
Kwanzaa (1st night)	Father	Mother	5:00p.m. to 9:00p.m.
Rosh Hashanah Eve	Mother	Father	overnight 5:00p.m. to 9:00a.m. next day
Rosh Hashanah Day	Father	Mother	9:00a.m. to 6:00p.m.
Yom Kippur Eve	Mother	Father	overnight 5:00p.m. to 9:00a.m. next day
Yom Kippur Day	Father	Mother	9:00a.m. to 6:00p.m.
Passover (1st night)	Mother	Father	overnight 5:00p.m. to 9:00a.m. next day
Hanukkah (1st night)	Father	Mother	overnight 5:00p.m. to 9:00a.m. next day
Mother's Day	Mother	Mother	10:00a.m. to 9:00p.m.
Father's Day	Father	Father	10:00a.m. to 9:00p.m.
Child's Birthday (school)***	Mother	Father	5:00p.m. to 9:00p.m.
Child's Birthday (no school)***	Mother	Father	9:00a.m. to 9:00p.m.

*The year in which New Year's Day falls determines whether the holiday is in an even or odd numbered year.

**If Beggar's Night occurs on different nights in each parent's neighborhood, then the child may participate in Beggar's Night in each parent's neighborhood.

****The parenting time for birthdays shall include all children of the marriage, not just the child celebrating his/her birthday.

B. Extended Time

Each parent shall be entitled to three weeks of additional parenting time each year, two of which may be consecutive. This time may be exercised during the summer, the child(ren)'s spring break from school (every other year) or at any other appropriate time during the year. This time may also be exercised during the child(ren)'s Christmas school break (every other year), but unless otherwise agreed to by the parties, the extended time shall not begin before December 26 nor continue past December 31. Unless otherwise agreed to by the parties or provided by Court order, there shall be no extended parenting time for children under the age of three.

One "week" shall be defined as seven consecutive days, which shall include any regular parenting time.

Extended periods of time are to be arranged as follows: for extended time at spring break, by February 15 of each year; for extended time in the summer, by May 15 of each year; and for extended time at Christmas, by November 1 of each year. Each parent shall notify the other parent in writing of the times desired for these extended periods. Where there is a conflict between the parents, the parent who first gave written notice to the other parent shall prevail.

4. ORDER OF PREFERENCE

In the event of a conflict, the following is the order of preference: (1) holidays; (2) extended periods; (3) weekends; and (4) midweek days.

5. MISCELLANEOUS

A. The child(ren) and/or residential parent have no duty to wait for more than 30 minutes for the non-residential parent to arrive for parenting time. The non-residential parent who is more than 30 minutes late for a particular parenting time shall forfeit that time. An exception shall be made if the tardiness of the non-residential parent is for just cause and the residential parent receives both prompt notice and a reasonable estimated arrival time.

B. The non-residential parent who is more than 30 minutes late in returning the child(ren) without calling to make arrangements and without just cause may be subject to contempt.

C. If either parent will be unavailable during his/her scheduled parenting time, regardless of the age of the child(ren), he/she shall offer that parenting time to the other parent. "Unavailable" means that parent will be gone from his/her home overnight.

D. Make up time shall be given if the child(ren) or non-residential parent is not available at the scheduled time or if the residential parent denies access to the child(ren) without just cause. All make-up days

shall be rescheduled within 30 days.

E. If the parents are unable to reach an agreement regarding transportation, and unless otherwise provided by Court order, the non-residential parent shall provide transportation at the beginning of his/her parenting time and the residential parent shall provide transportation at the end of the non-residential parent's parenting time. A responsible, licensed adult known to both parents may provide transportation if the parent is unavailable. Any person transporting a child(ren) shall use the proper child restraint seat and/or seat belts as required by law. No person shall consume alcohol or use illegal drugs immediately prior to or during the transportation of a child(ren).

F. Each parent shall have reasonable telecommunications contact with the child(ren).

G. The parenting charts are based on an alternating week rotation.

6. STATUTORY NOTICES

A. **RELOCATION NOTICE:** Pursuant to ORC §3109.051(G), the parties are notified as follows: If the residential parent intends to move to a residence other than the last residence of court record, s/he shall file a notice of intent to relocate with this Court. Except as provided in ORC §§3109.051(G)(2), (3) and (4), a copy of such notice shall be mailed by the Court to the non-residential parent. On receipt of the notice, the Court, on its own motion or on the motion of the non-residential parent, may schedule a hearing with notice to both parties to determine whether it is in the best interest of the child(ren) to revise the parenting schedule for the child(ren).

B. **RECORDS ACCESS NOTICE:** Pursuant to ORC §§3109.051(H) and 3319.321(B)(5)(a), the parties are notified as follows: Except as specifically modified or otherwise limited by court order, and subject to ORC §§2301.35(G)(2) and 3319.321(F), the non-residential parent is entitled to access under the same terms and conditions as the residential parent to any record that is related to the child(ren) and to which the residential parent is legally provided access, including school and medical records. Any keeper of a record, public or private, who knowingly fails to comply with this order, is in contempt of Court.

C. **DAY CARE CENTER ACCESS NOTICE:** Pursuant to ORC §3109.051(I), the parties hereto are hereby notified as follows: Except as specifically modified or otherwise limited by court order, and in accordance with ORC §5104.011, the non-residential parent is entitled to access to any day care center that is or will be attended by the child(ren) with whom parenting time is granted, to the same extent that the residential parent is granted access to the center.

D. **SCHOOL ACTIVITIES NOTICE:** Pursuant to ORC §3109.051(J) the parties are notified as follows: Except as specifically modified or otherwise limited by the court order, and subject to ORC §3119.321, the non-residential parent is entitled to access, under the same terms and conditions as the residential parent, to any student activity that is related to the child(ren) to which the residential parent legally is provided access.

APPENDIX E

The support shall be paid by means of a wage withholding order through Ohio Child Support Payment Central. Until the withholding order goes into effect, OBLIGOR shall pay said support directly to Ohio Child Support Payment Central, P.O. Box 182372, Columbus, Ohio 43218. Any payments made directly to the OBLIGEE shall be deemed a gift and not in satisfaction of said support order. A child support worksheet is attached hereto and incorporated herein. Said support order shall terminate when the child reaches the age of 18 if the child no longer attends an accredited high school on a full-time basis; the child ceases to attend an accredited high school on a full-time basis after attaining the age of majority; or the child's death, marriage, emancipation, or enlistment in the armed services. The support shall continue after the child reaches the age of 18 years as long as the child continuously attends on a full-time basis any recognized and accredited high school, but shall not continue past the date the child reaches the age of 19 years. ORC §3119.86(D).

Regardless of the frequency or amount of the child support payments to be made under this order, the CSE that is required to administer the order shall administer it on a monthly basis.

Payments under the order are to be made in the manner ordered by the Court and, if the payments are to be made other than on a monthly basis, the required monthly administration by the agency does not affect the frequency or the amount of the child support payments to be made under the order.

All child support and spousal support ordered by this order shall be withheld or deducted from the wages or assets of the obligor under the order in accordance with ORC §3121.02 and shall be forwarded to the obligee under the order in accordance with ORC §§3121.02 to 3123.24. The specific withholding or deduction requirements or other appropriate requirements to be used to collect the support shall be set forth in and determined by reference to the notices that are mailed by the court or child support enforcement agency in accordance with ORC §§3121.02 and 2301.371 or the Court orders that are issued and mailed in accordance with ORC §3121.03, 3121.04, and shall be determined without the need for any amendment to the support order. Those notices and court orders, plus the notices provided by the court or agency that require the person who is required to pay the support to notify the child support enforcement agency of any change in his employment status or of any other change in the status of his assets, are final and are enforceable by the Court.

EACH PARTY TO THIS SUPPORT ORDER MUST NOTIFY THE CHILD SUPPORT ENFORCEMENT AGENCY IN WRITING OF HIS OR HER CURRENT MAILING ADDRESS, CURRENT RESIDENCE ADDRESS, CURRENT RESIDENCE TELEPHONE NUMBER, CURRENT DRIVER'S LICENSE NUMBER, AND OF ANY CHANGES IN THAT INFORMATION. EACH PARTY MUST NOTIFY THE AGENCY OF ALL CHANGES UNTIL FURTHER NOTICE FROM THE COURT. IF YOU ARE THE OBLIGOR UNDER A CHILD SUPPORT ORDER AND YOU FAIL TO MAKE THE REQUIRED NOTIFICATIONS, YOU MAY BE FINED UP TO \$50 FOR A FIRST OFFENSE, \$100 FOR A SECOND OFFENSE, AND \$500 FOR EACH SUBSEQUENT OFFENSE. IF YOU ARE AN OBLIGOR OR OBLIGEE UNDER ANY SUPPORT ORDER AND YOU WILFULLY FAIL TO MAKE THE REQUIRED NOTIFICATIONS, YOU MAY BE FOUND IN CONTEMPT OF COURT AND BE SUBJECTED TO FINES UP TO \$1,000 AND IMPRISONMENT FOR NOT MORE THAN 90 DAYS.

IF YOU ARE AN OBLIGOR AND YOU FAIL TO MAKE THE REQUIRED NOTIFICATIONS, YOU MAY NOT RECEIVE NOTICE OF THE FOLLOWING ENFORCEMENT ACTIONS AGAINST YOU: IMPOSITION OF LIENS AGAINST YOUR PROPERTY; LOSS OF YOUR PROFESSIONAL OR OCCUPATIONAL LICENSE, DRIVER'S LICENSE, OR RECREATIONAL LICENSE; WITHHOLDING FROM YOUR INCOME, ACCESS RESTRICTION AND DEDUCTION FROM YOUR ACCOUNTS IN FINANCIAL INSTITUTIONS; AND ANY OTHER ACTION PERMITTED BY LAW TO OBTAIN MONEY FROM YOU TO SATISFY YOUR SUPPORT OBLIGATION.