

WARREN COUNTY
COURT OF COMMON PLEAS
DIVISION OF DOMESTIC RELATIONS

LOCAL RULES



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**LOCAL RULES
WARREN COUNTY COURT OF COMMON PLEAS
DIVISION OF DOMESTIC RELATIONS**

**PART ONE
Pleadings and General Provisions**

1.1 Compliance with the Ohio Rules of Civil Procedure, Statutory Requirements And Local Rules.

- A. All pleadings shall comply in form and content with Title III of the Ohio Rules of Civil Procedure, requirements of the Ohio Revised Code, and the Local Rules of the Warren County Court of Common Pleas, Division of Domestic Relations (“Local Rules”).
- B. All initial and final pleadings shall contain the names, addresses, and dates of birth of both parties in the case caption. Initial filings and final decrees and/or entries shall contain the names and dates of birth of all minor children of the parties. Pleadings shall also contain the telephone number of any party who is not represented by counsel. All pleadings shall contain the signature, name, address, telephone number, fax number and email address of the attorney preparing the pleading, along with the attorney’s registration number issued by the Supreme Court of Ohio. If the parties are filing a dissolution that resulted from the collaborative process, the caption shall state: Collaborative Dissolution Petition.
- C. No pleading, motion or other filing may contain more than one case number. The Clerk of Courts may have the option to reject any filing that contains more than one case number.
- D. Petitions for Registration of Foreign Decrees: Filings requesting registration for UIFSA and UCCJEA shall be on separate petitions but filed under the same case number.
- E. Social Security numbers (“SSNs”) shall not be included on any document that will be filed with the clerk. SSNs must still be provided on IV-D applications (DR Form 12, available on the Domestic Relations Court Document Center) (required in cases with child and/or spousal support) and wage withholding information sheets (DR Form 11, available on the Domestic Relations Court Document Center). These documents must be submitted to the Domestic Relations Office at the appropriate time (with initial pleadings for IV-D applications and with final documents for the wage withholding information forms). The Court will then transmit these documents to the Warren County Child Support Enforcement Agency (“CSEA”). **NEITHER THE IV-D APPLICATION NOR THE WAGE WITHHOLDING INFORMATION SHEET SHOULD BE FILED WITH THE CLERK OF COURTS.** As to account numbers on the financial affidavit (DR Form 1, available on the Domestic Relations Court Document Center), you may use the last four digits only in order to distinguish various accounts, but you need not give the entire account number. E.g., “OSU Platinum Visa, account no. xxxx-xxxx-2670.”

- F. Throughout these rules the designation of plaintiff, defendant, petitioner or respondent shall mean the party and his/her attorney, if represented, or the party if unrepresented.
- G. Failure to comply with the Local Rules is not a basis for extension of any time requirements mandated by Local Rule, state law or rules of procedure.

1.2 Style of Pleadings.

- A. All pleadings and forms required by the Court shall be typewritten or printed legibly in ink.
- B. All pleadings shall be on 8 ½” x11” paper and typed or printed on one side (not double sided).
- C. All filings with the Clerk of Courts must contain a top margin of at least two (2) inches.
- D. The Court requires an original plus one copy of all filings, plus a sufficient number of copies for service. If an attorney or party wants file-stamped copies of any filing or pleading, he/she must provide additional copies as well as an envelope with postage for mailing.
- E. The Court strongly encourages pleadings to refer to the parties as Husband/Wife or Mother/Father instead of Plaintiff/Defendant. For same sex cases please use the full names of the parties.
- F. Exhibits that will be used at trial shall be submitted at trial and not attached to any pleadings filed with the Court without special permission from the DR Court.

1.3 Pre-approval.

- A. Attorney Filings.

Prior to filing with the Clerk of Courts, all pleadings shall first be submitted to the Domestic Relations Office (“DR Office”) for review to insure that all required documents are present and completed. If all required documents are present and completed, the documents may be taken to or will be forwarded to the Clerk of Courts. If documents are missing or incomplete, the person responsible for the preparation of the documents will be notified. It shall be that person’s responsibility to retrieve the documents from the DR Office and to resubmit them when completed.

- B. Pro Se Filings (Filings by Persons Unrepresented by Counsel).

Prior to filing with the Clerk of Courts, all pro se pleadings shall first be submitted to the DR Office for review. The purpose of review by the DR Office is to assist the public by assuring the quality of the documents processed by the Court and to increase the efficiency of the Court’s operation. After approval, all pleadings must be filed with the Clerk of Courts by the pro se party. Submission to the DR Office is not a filing of the legal action.

C. Failure to Present Filings for Pre-approval.

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

1.4 Attorney Requirements.

Attorneys who practice in the DR Court must be admitted to the practice of law and registered with the Ohio Supreme Court. An attorney may be required to present his or her registration card to a Judge or Magistrate.

1.5 Attendance Policy.

Parties have a right to attend any conferences or hearings. If a party wishes to attend a conference that is scheduled to be held in chambers, that party shall communicate that fact to his or her attorney and the conference will be held in a Courtroom. All conferences or hearings with a pro se party shall be held in the Courtroom.

1.6 Documents Required for Divorce, Dissolution, Legal Separation and Motions.

See documents required for filings available on the Domestic Relations Court Document Center.

1.7 Email and Fax Filings.

The Clerk of Courts shall accept email and fax filings of motions and orders for continuances and praecipes for transcripts only. Motions for continuance and proposed orders granting the continuance may be emailed or faxed to the Assignment Commissioner for review. If approved by the Judge or Magistrate assigned to the case, the motion and order will be filed by the Assignment Commissioner with the Clerk of Courts. The fax number is 513-695-1884.

All other filings must be ORIGINAL hard copies.

1.8 Process Servers.

A. One-time Appointment.

If a party desires personal service to be made by a special process server pursuant to Civil Rule 4.1, the party or counsel shall submit a motion and a proposed entry appointing a special process server. The following shall be stated in the motion and entry:

1. the name of the person (not an agency or company) to be appointed as process server;
2. that the person to be appointed as process server is eighteen (18) years of age or older; and
3. that the person to be appointed as process server is not a party to the action.

B. Continuing Appointment. (“Standing Special Process Server”)

A person may apply to be designated as a Standing Special Process Server for cases filed in this Court by filing an application supported by affidavit setting forth the following information:

1. the name, address and telephone number of the applicant;
2. that the applicant is eighteen (18) years of age or older;
3. that the applicant agrees not to attempt service of process in any case in which the applicant is a party; and
4. that the applicant agrees to follow the requirements of Civil Rules 4 through 6, and any applicable Local Rules and special instructions for service of process as ordered by the Court in individual cases.

The applicant requesting designation shall also submit an entry captioned “In re The Appointment of (name of applicant) as Standing Special Process Server” and stating “applicant has complied with the provisions of Local Rule 1.8; (name of applicant) is hereby designated as a Standing Special Process Server authorized to make service of process in all cases filed in this Court, to serve until further order of the Court.” The Clerk shall record such appointment on the Court’s general docket, and shall retain the original applications and entries. In any case thereafter, the Clerk of Courts shall accept a copy of the time-stamped appointing entry as satisfying the requirements of Civil Rule 4.1 for designation by the Court of a person to make service of process.

1.9 Court Costs.

A. Initial Filings.

The Clerk of Courts shall not accept a domestic relations action for filing unless it is accompanied by either a filing fee as established by the Clerk of Courts or a Court order waiving the filing fee based upon motion and affidavit of an indigent party. If the Court learns that a party who filed an affidavit of indigency is able to pay the costs, the Court may order that party to pay the Court costs within a reasonable period of time.

For a list of current filing fees: www.co.warren.oh.us/clerkofcourt/legal/fees.aspx

B. Final Entries.

All final entries must contain an order as to the party responsible for paying any outstanding Court costs and that such costs shall be paid within thirty (30) days of the mailing of a cost statement by the Clerk of Courts. In the event a final entry is filed with the Court that fails to provide for the payment of Court costs, all Court costs shall be paid by the plaintiff or moving party within thirty (30) days of the mailing of a cost statement by the Clerk of Courts.

1.10 Posting of Notice Where Party's Address is Unknown for Indigent Cases.

In compliance with Civil Rule 4.4 (A)(2) and Rule 65.1, the Court hereby designates the Franklin Municipal Court and the Mason Municipal Court as places for the posting of notice for IN FORMA PAUPERIS service by publication where the residence of the party is unknown.

1.11 Failure to Comply.

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

1.12 Notice of Subpoena Issuance.

Notice of issuance of subpoenas shall be given to all other parties in accordance with Civil Rule 45(A)(3).

1.13 Discovery.

Discovery requests and responses, other than as specifically required by the Civil Rules, shall not be filed with the Court. Attorney or Party may file a notice of service of discovery requests or responses.

1.14 Behavior and Conduct.

A. Proper Attire.

All individuals using the Court, including, but not limited to Court employees, attorneys, parties, media, witnesses or observers must be properly attired. No shorts, tank tops or shirts exposing midriffs or other attire deemed inappropriate by the Court shall be permitted.

B. Behavior.

It is the duty of every person in the Courtroom to give respectful attention to the Court at all times when in session.

C. Timeliness.

All individuals scheduled to appear before the Court, including but not limited to, parties, attorneys and witnesses shall arrive and be prepared to proceed on their case at the scheduled time of the hearing. If an individual is late, he or she may be subject to sanctions at the discretion of the Judge/Magistrate. Failure to appear for a hearing may result in sanctions.

D. Electronic Devices.

Individuals entering the Courtroom shall turn electronic devices such as cell phones, PDAs or portable computers to silent mode or off. No cell phone calls shall be initiated or received in the Courtroom while Court is in session unless initiated by the Court.

E. Conduct of Attorneys.

Attorneys in proceedings before the Court shall refrain from manifesting, by words or conduct, bias or prejudice based on race, gender, religion, national origin, disability, age, sexual orientation or socioeconomic status against parties, witnesses, counsel or others.

F. Sanctions.

Failure to comply with the required behavior and conduct may result in contempt of Court.

G. Contempt of Court.

To ensure the decorum and dignity that should characterize the practice of law and to aid the Court at all times in the discharge of its duties, it is hereby declared to be contempt of the Court for any person to use insulting, vulgar or profane language in the presence of the Court while the Court is in session or appear before the Court under the influence of illegal drugs or alcohol.

PART TWO
Temporary Orders and Discovery Orders
Divorce/Legal Separation Proceedings

2.01 Existing Orders.

At the time of filing, if there are any orders from another Court that may affect the issuance of temporary orders in this Court, the orders should be referenced and a copy attached (i.e. juvenile, probate, domestic violence orders, etc.).

2.1 Temporary Residential Parent Status.

A. When both parties remain in the same home:

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

B. When the parties are separated:

If the parties live in separate households, the plaintiff shall file with the complaint an ex parte order granting temporary residential parent status to the person who had actual, physical custody of the children preceding the filing of the complaint.

C. When the parties separate after the filing of ex parte orders:

Ex parte orders shall only be issued at the time of, or prior to service of, the initial filings. If circumstances change after the filing of the ex parte orders and service has been perfected, the parties may seek a new order by motion and hearing or by the filing of an agreed entry.

D. When Juvenile Court has jurisdiction over the children:

When Juvenile Court has jurisdiction over all of the children of a marriage, the complaint or petition shall contain a statement to that effect. When Juvenile Court has jurisdiction of some, but not all, of the children of a marriage, the pleadings shall identify those children by name. The applicable filing fee shall be charged.

2.2 Temporary Child Support Order.

A. When both parties remain in the same home:

If both parties remain in the marital residence, the plaintiff shall file with the complaint an ex parte order which provides that each parent shall continue to provide support for the minor children in accordance with the established practices of the household. A child support worksheet is still required in connection with this type of order.

B. When the parties are separated:

1. If the parties live in separate households and one party has been designated the temporary residential parent of the children, the plaintiff shall file with the complaint an ex parte order which requires the non-residential parent to pay temporary child support.
2. The amount of the temporary child support order shall be calculated pursuant to O.R.C. §3119 and a child support worksheet shall be attached to each temporary order.
3. Temporary child support orders shall be effective on the date stated or, if none, on the date the order is filed. Temporary child support shall be payable directly to the payee unless a Civil Protection Order (“CPO”) exists in which case it shall be payable through the CSEA. If paid through the CSEA, all required statutory language must be included in the order. (See Notifications available on the Domestic Relations Court Document Center.) If more parenting time than the Warren County Basic Parenting Schedule I is granted, the Court will consider a deviation in child support on a case-by-case basis. A party may submit any information by affidavit concerning whether a deviation is appropriate.

C. When the parties separate after the filing of ex parte orders:

Ex parte orders shall only be issued at the time of, or prior to service of, the initial filings. If circumstances change after the filing of the ex parte orders and service has been perfected, the parties must seek a new order by motion and hearing or by the filing of an agreed entry.

2.3 Temporary Parenting Time Orders.

If the parties are living in separate households, the plaintiff shall file with the complaint an ex parte order granting parenting time to the non-residential parent at a minimum in accordance with the Warren County Basic Parenting Schedule (available on the Domestic Relations Court Document Center). For children over age two (2), the ex parte order must designate Warren County Basic Parenting Schedule II parenting time unless plaintiff files an affidavit indicating why the non-residential parent should be restricted to Warren County Basic Parenting Schedule I or less (e.g. work schedule, distance prohibiting transportation of

children to school, the parents already have a schedule they have been following or other reason). The Court may require a hearing on a request to restrict or deny parenting time.

2.4 Temporary Order for Payment of Debts.

At the time of filing of the complaint, the plaintiff may submit an order providing that the parties shall continue to pay their marital debts and obligations in accordance with past practices of the household. Orders to the contrary shall be upon motion and hearing.

2.5 Temporary Spousal Support.

Ex parte spousal support may be awarded on a case-by-case basis and must be supported by a motion, affidavit and proposed entry. The Court may deny ex parte relief and instead schedule a hearing.

2.6 Mutual Restraining Orders.

The Plaintiff shall file with the Complaint the Mutual Restraining Order (DR Form 7 available on the Domestic Relations Court Document Center.) Any other request for a restraining order shall be awarded on a case-by-case basis and only upon motion, supporting affidavit and proposed entry.

2.7 Mandatory Discovery.

The Plaintiff shall file with the Complaint the Mandatory Disclosure Order (DR Form 6 available on the Domestic Relations Court Document Center.)

2.8 Insurance Policies.

Parties shall maintain all insurance coverage (medical, dental, optical, household, motor vehicle and life insurance) in effect at the time of filing of the complaint until further order of the Court.

2.9 Exclusive Use of the Marital Residence.

A. Orders to Vacate.

Motions for an order requiring a spouse to move from the established home of the parties will not be granted without a hearing after notice to the opposing party. The filing party shall obtain a hearing date from the Assignment Commissioner. All motions shall contain a notice of the date and time of hearing and shall be served in accordance with the Ohio Rules of Civil Procedure.

B. Orders Not to Return to Residence.

An ex parte temporary restraining order can be obtained, preventing a party from returning to the marital residence, if such party has been absent for more than thirty (30) continuous days immediately preceding the filing of the motion. Absence from the residence means that the party is no longer residing at the residence.

The motion seeking an ex parte temporary restraining order preventing a party from returning to the residence must be accompanied by an affidavit setting forth the approximate date on which the absent party left the residence, the number of days (months) of continuous absence immediately preceding the filing of the motion and any reason for the absence that is known to the movant. Any motion to dissolve an ex parte temporary restraining order granted pursuant to this Local Rule shall be heard within fourteen (14) days of the date the motion to dissolve is filed.

2.10 Relief from Ex Parte Orders.

- A. Any party who believes that an ex parte order filed in accordance with these rules is incorrect or inappropriate may file a motion for relief. The filing party shall obtain a hearing date from the Assignment Commissioner. All motions shall contain a notice of the date and time of hearing and shall be served in accordance with the Ohio Rules of Civil Procedure.
- B. Motions for relief from ex parte temporary orders shall be given priority on the Court's docket. In the event an ex parte order is found to be incorrect or inappropriate, any modification may be made retroactive to the effective date of the ex parte order.

PART THREE
Case Management and Procedure

3.1 Magistrates.

Pursuant to Civil Rule 53, the Court may refer matters to a Magistrate.

3.2 Scheduling of Non-contested Cases.

A. Dissolutions.

In all dissolutions, the attorney(s) or, if unrepresented, the petitioners, shall contact the Assignment Commissioner to schedule the final hearing.

B. Non-Contested Divorces and Non-Contested Actions for Legal Separation.

In all non-contested divorces and non-contested actions for legal separation, if a timely answer is not filed by the defendant, the attorney for plaintiff (or plaintiff if unrepresented) shall contact the Assignment Commissioner to schedule the final hearing.

3.3 Scheduling of Contested Divorces and Contested Legal Separations.

A. Scheduling Conferences.

1. When an answer to a complaint is filed, the Court will set the case for a scheduling conference and notify counsel of the date and time. The purpose of the scheduling conference is to identify the issues in controversy, establish a timetable for discovery, and set appropriate pretrial conference dates if warranted or, if not, trial dates. At the conclusion of the scheduling conference, a scheduling order may be issued. The Court may conduct a scheduling conference in conjunction with any hearing on a temporary motion in order to expedite the case.
2. At the scheduling conference, the Court will also determine whether there are disputed issues regarding the allocation of parental rights and responsibilities. If parenting issues are disputed, the parties may be referred to mediation and/or Early Neutral Evaluation (“ENE”) in accordance with Part Five of these Local Rules. The matter will then be set for another scheduling conference after mediation or ENE.
3. The Court may determine at the scheduling conference if any disputed property or support issues are suitable for ENE.
4. At any scheduling conference, the Court may schedule a pretrial and may require the parties to file pretrial statements.

B. Pretrial Conferences.

1. Attorneys shall complete all discovery before the pretrial.
2. If so ordered, each party shall file a pretrial statement on or before the date of the pretrial. The pretrial statement shall contain all of the following information:
 - a. a list of all property believed to be the separate property of each spouse;
 - b. a list of all property believed to be marital in nature, the value of that property, the valuation date used in determining the value, the NADA trade-in value of any vehicles (if available), and an account of all debts owing upon each item of property;
 - c. a list of all other debts of the marriage;
 - d. a statement of the contested issues of fact and law;
 - e. a list of all witnesses;
 - f. a list of all exhibits;

g. a statement as to whether shared parenting is being requested.

3. If a pretrial statement is not filed in accordance with this rule, the Court may continue the pretrial in progress and entertain a motion for attorney fees against the non-complying party.
4. Unless excused by the Court, trial counsel must attend the pretrial. Failure to abide by this rule may result in a second pretrial with opposing counsel's attorney fees paid by the non-complying attorney.

C. Settlement Conferences.

Generally, no matter will be set for trial until the parties have held a settlement conference after discovery has been completed. The Court may waive such conference for good cause shown.

D. Scheduling of Final Hearings.

Generally, no final hearings shall be scheduled until discovery is completed.

E. Emergency Hearings.

If a substantial emergency exists which requires prompt Court intervention, counsel may request an emergency hearing. A motion for an emergency hearing, accompanied by an affidavit setting out the nature of the emergency and the relief sought, shall be presented to the Domestic Relations Office. The Judge will approve or reject the request for an emergency hearing. If approved, the Assignment Commissioner will set the motion for the first available hearing date, at least seven (7) days after service.

3.4 Motion Practice.

A. Scheduling of Hearings.

1. The party filing a motion shall first obtain a hearing date from the Assignment Commissioner.
2. All motions shall contain a notice of the time, date and place of the hearing.
3. Parties shall be present at the initial hearing of any motion (unless excused in advance by the Court) and shall be present at later hearings at the discretion of the Court.
4. Any responsive motion shall be filed at least seven (7) days prior to the scheduled hearing. If such motion is filed, the originally-scheduled hearing may be used as a pretrial and scheduling conference rather than a hearing on the merits.

5. The initial hearing on a motion to modify custody (including significant modification of a shared parenting plan) may be conducted as a pretrial and the issue may be referred to mediation and/or Early Neutral Evaluation (“ENE”) under Local Rules 5.2 and 5.3. In such cases, a scheduling conference after mediation or ENE will also be set.

B. Content of Motions.

1. All pleadings shall be in conformity with 1.1 B. of these Local Rules.
2. All motions to modify prior orders of the Court shall contain a statement of the order sought to be modified, the date of such order, the nature of the modification sought, and the specific change in circumstances which justifies modification.
3. An entry of appearance should be filed by counsel, if new to the case, to insure that Court mailings are sent to the appropriate counsel and address.
4. Exhibits that will be used at trial shall be submitted at trial and not attached to any pleadings filed with the Court without special permission from the DR Court.
5. Tax returns, credit card statements, phone bills, medical bills and similar personal financial information shall not be attached to any motions filed with the Court without special permission from the DR Court.

C. Motions Regarding Health Care Expenses.

Any motion seeking reimbursement for health care expenses shall contain a statement that the movant has previously forwarded the medical bills and a calculation of the amount due to the respondent and that timely payment has not been made. Absent unusual circumstances, or Court order to the contrary, a request for reimbursement of health care expenses should be made within thirty (30) days of the date when payment is made or due. Reimbursement should be made within thirty (30) days of the request.

D. Motions for Contempt.

All motions requesting a contempt finding shall contain a statement of the Court order alleged to have been violated, the date of the Court order, and the facts constituting the violation. At the hearing on a motion for contempt of a support order, a CSEA payment history (i.e. a computer printout from the CSEA) must be presented by the moving party. An audit may be submitted, if available, but is not required. Upon a finding of contempt, the Court may award a standard attorney fee of up to \$750.00. If a higher award is sought, the attorney must request fees as a part of the motion and comply with Local Rule 3.8.

Whenever a motion for contempt is filed, the caption must so indicate so that the Clerk of Courts may issue a summons.

E. Settlement of Contested Matters.

Whenever the parties or counsel inform the Assignment Commissioner that an agreement has been reached on an issue previously in controversy, they must submit written proof of the agreement (by fax, email, mail or hand delivery) in order to avoid appearing at the hearing. If no written agreement is submitted, counsel must appear with the parties to read the agreement into the record. If the submitted written agreement is not in a form suitable for filing or if an agreement is read into the record, the attorneys must thereafter submit an agreed entry in accordance with Local Rule 6.2.

F. Failure to Comply.

The Court may dismiss any motion that does not comply with the requirements of these Local Rules.

3.5 Exhibits.

A. Exhibits for Trial.

Before a hearing begins, each party shall provide the Court with the following:

1. an index of exhibits; and
2. an original and three sets of photocopies of all exhibits, premarked, with the plaintiff identifying exhibits by number and the defendant identifying exhibits by letter.

B. Retention/Destruction of Exhibits.

Exhibits shall be held and shall be subject to destruction in accordance with Rule 26 of the Rules of Superintendence for the Courts of Ohio. Parties desiring return of exhibits should make application to the Court following completion of the case and all applicable appeal time periods.

3.6 Expert Witnesses.

A party may not call an expert witness to testify (other than for attorney fees) unless a written report has been procured from the expert and forwarded to opposing counsel. It is counsel's responsibility to take reasonable measures, including the procurement of supplemental reports, to insure that each report adequately sets forth the expert's opinion. Unless good cause is shown, all reports must be supplied to opposing counsel no later than thirty (30) days prior to trial. The report of an expert must reflect his or her opinions as to each issue on which the expert will testify. An expert will not be permitted to testify or provide opinions on issues not raised in his or her report.

Absent extraordinary circumstances, all experts must submit reports. If a party is unable to obtain a written report from an expert, counsel for the party must demonstrate that a good faith effort was made to obtain the report and must advise the Court and opposing counsel of the name and address of the expert, the subject of the expert's expertise, together with his or her qualifications, and a detailed summary of his or her testimony. The Court shall have the power to nonetheless exclude testimony of the expert if good cause is not determined for the absence of a report.

3.7 Exchange of Exhibits and Witness Lists.

Both parties shall exchange all exhibits expected to be used at trial and a list of all witnesses to be called to testify at trial at least seven days prior to trial, unless otherwise ordered.

3.8 Attorney Fees.

At the time of the final hearing of any motion seeking attorney fees, the attorney seeking such fees shall present (by their own testimony or the testimony of an additional expert witness):

1. an itemized statement describing the services rendered, the time for such services, and the requested hourly rate. Such itemized statement must have been provided to opposing counsel at least three (3) days prior to trial;
2. testimony as to whether the case was complicated by any or all of the following;
 - a. new or unique issues of law;
 - b. difficulty in ascertaining or valuing the parties' assets;
 - c. problems with completing discovery;
 - d. any other factor necessitating 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 parties' respective income and expenses, if not otherwise disclosed during the proceedings.
5. Failure to comply with the provisions of this rule shall result in the denial of a request for attorney fees, unless jurisdiction to determine the issue of fees is expressly reserved in any order resulting from the hearing.

3.9 Court Appointed Counsel.

A. Eligibility.

Court appointed counsel is available only for cases in which a contempt motion is pending and a jail sentence is a possible sanction.

B. List of Appointees.

A master list of eligible attorneys will be maintained by the Court.

C. Qualifications for Appointees.

Attorneys must be admitted to practice law in the State of Ohio and be in good standing.

D. Procedure for Selecting Appointees.

Appointees shall be assigned cases on a rotating basis from an alphabetical master list. The Court will submit to appointed counsel a copy of the order appointing counsel as well as copies of notices of any hearings already scheduled on the Court's docket.

E. Emergency Procedure.

Should an emergency situation arise wherein the services of a Court appointed attorney are needed immediately or within a period of time substantially less than is normally required to fill a Court appointment, it will be within the discretion of the Court to deviate from the regular procedure as is necessary to ensure that justice is served.

F. Removal From List.

All appointees are subject to removal from the master list at the discretion of the Court.

3.10 Continuances.

A. Policy.

No case in which a date has been set for a hearing shall be continued without the written authorization of the assigned Judge or Magistrate. Requests for continuances shall be granted only in compliance with Rule 41 of the Rules of Superintendence for the Courts of Ohio.

B. Contents of Motion.

Requests for continuances must be made by written motion and accompanied by a proposed order. The motion and proposed order may be faxed to 513-695-1884 and must contain:

1. filing date of the original motion;
2. subject matter of the motion;
3. the scheduled hearing date;
4. number of previous continuances granted and at whose request;
5. reason for the continuance;
6. copy of conflicting trial assignment notice attached, if appropriate; and
7. statement as to whether or not opposing counsel/party agrees to the continuance.

If opposing counsel/party does not agree to a continuance, the motion for continuance may be set for telephone conference or for a hearing.

C. Contents of Order.

The proposed order shall include a blank for the new hearing date and time.

3.11 Bankruptcy.

If a bankruptcy petition is filed by either or both parties, the party or parties shall file a Notice of Filing of Bankruptcy in the domestic relations case including a copy of the first page of the Bankruptcy Court filing. If relief from stay is granted or at the conclusion of the bankruptcy case, the party or parties shall file a Motion to Reactivate Case in this Court, with a copy of the relief order attached, and shall schedule the matter for further hearing with the Assignment Commissioner.

3.12 Objections to Magistrate's Decision.

A. Procedure.

Persons filing an objection to a Magistrate's Decision or Order shall file such objection with the Clerk of Courts within the applicable time frame.

After the filing of an objection the Assignment Commissioner shall set the objection for a submission date. The Court will not consider the objections until the submission date. No oral hearing will be held except on motion filed by a party and granted by the Court or upon the Court's own order. Any motion requesting an oral hearing shall provide specific reasons for the necessity of an oral hearing. Any such motion shall be accompanied with a proposed entry granting the oral hearing.

Supplemental written memoranda in support of or in opposition to the objection shall be filed by **4:30 p.m. on the submission date.**

B. Transcripts.

If a party intends to object to a Magistrate's decision pursuant to Civil Rule 53 on the basis that a finding or conclusion is unsupported by the evidence or is contrary to the evidence, that party shall provide a transcript of all evidence relevant to such findings or conclusions. See Local Rule 3.13, Transcripts.

3.13 Transcripts.

A. Ordering Transcripts.

At the time of filing objections to a Magistrate's decision, or if a party otherwise requests a transcript for any other purpose, the party shall also file a praecipe for transcript (DR Form 5, available on the Domestic Relations Court Document Center) with the Clerk of Courts, requesting a transcript. In order to file the transcript with the Domestic Relations Court, the transcript must be prepared by a transcriptionist assigned by the Court. The party filing the praecipe shall also mail a copy of the praecipe to the opposing party and submit a copy to the Domestic Relations Office. The Domestic Relations clerk shall deliver the praecipe to the appropriate transcriptionist who shall then notify the requesting party or attorney of the estimated cost of the transcript. The entire cost estimate of the transcript shall be paid to the transcriptionist within seven (7) days of the filing of the praecipe. Transcripts will not be prepared without payment of the cost estimate. If objections are filed and if no payment is received within that seven (7) day period, the transcriptionist shall notify the Judge who may then proceed to rule upon the objections. Any balance or refund due shall be payable to or by the appropriate party upon the completion of the transcript.

B. Filing of Transcript.

1. If a transcript is ordered due to an objection being filed, the transcriptionist shall file the completed transcript with the Clerk of Courts at least fourteen (14) days prior to the objection hearing/submission date so long as any balance due has been paid. In cases where the transcript of the proceedings before the Magistrate exceeds fifty (50) pages in length, the parties shall, by the submission date, file written memoranda with references to the transcript and record that support their respective positions. Failure to file transcript references shall be considered a waiver to objections to findings of fact.
2. If a transcript is ordered due to any reason other than objection to a Magistrate's Decision, the transcriptionist shall file the transcript upon completion and upon payment of any outstanding balance.

C. Cost.

The cost of a typed transcript requested under this rule is \$4.00 per page (subject to change) for the original (filed with the Clerk of Courts) and one copy. The cost of an expedited transcript (14 or less days) is \$7.00 per page (subject to change).

D. Deposition Transcriptions.

All deposition transcripts filed with the Clerk of Courts shall be securely bound. (A binder clip or single staple is not sufficient.)

3.14 Withdrawal of Counsel.

A. Filing Requirements.

An attorney seeking to withdraw as counsel in a pending case shall present a motion and proposed entry to the assigned Judge or Magistrate. The motion shall contain the following:

1. date and time of any scheduled hearings;
2. reasons for withdrawal;
3. statement that the client must promptly obtain new counsel unless new counsel is already in the case;
4. statement that no continuances of pending hearings will be granted solely for the reason of change of counsel.

If the client has agreed to the withdrawal and signed the entry, the Court may consider the motion forthwith. If the client has not signed the entry, the motion shall also state that the Court may sign the entry unless the client requests a hearing within seven (7) days after the motion is served. In order to request a hearing, the client shall contact the Assignment Commissioner. The certificate of service on the motion must include the withdrawing counsel's client as well as the opposing counsel or party.

B. Time Limitations.

In the absence of extraordinary circumstances, the Court will not grant an attorney permission to withdraw less than thirty (30) days prior to a scheduled hearing. Attorneys may not withdraw prior to completion of any assigned entries.

C. Substitution of Counsel.

As an alternative to the foregoing procedure, counsel may file a Notice of Substitution of Counsel.

3.15 Timely Disposition of Cases.

This Court shall strive to comply with all Ohio Supreme Court guidelines regarding the timely disposition of cases.

3.16 Dismissal of Civil Protection Orders (“CPO”).

Any petitioner seeking to dismiss an Ex Parte CPO must personally appear before the Court and state on the record the reason for seeking the dismissal of the Ex Parte CPO. Any party seeking to dismiss a Consent Agreement or Full Hearing Civil Protection Order must file a motion, obtain service upon the other party and appear in person, on the record, to request that the Consent Agreement or Full Hearing CPO be dismissed. A filing fee may be assessed.

3.17 Modifications of Civil Protection Orders.

If either party seeks to modify the Ex Parte CPO, such party may file a Motion with the Court or request the modification at the initial response hearing. If either party seeks a modification of a Consent Agreement or Full Hearing CPO, such party shall file a motion with the Court, obtain service upon the other party and appear for a hearing. A filing fee may be assessed. A divorce decree or filing in the parties’ divorce case is not sufficient to modify a civil protection order.

PART FOUR Parenting Provisions

4.1 Supervision of Children While in the Courthouse.

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

4.2 Seminar for Separating Parents.

All parents in divorce, legal separation or dissolution actions in which there are any minor children under sixteen (16) years of age shall register for an educational seminar for separating parents sponsored by the Court within thirty (30) days after the filing of the action or service of process. No action may proceed to final hearing until the custodial parent has attended the seminar. No dissolution may proceed to final hearing unless both parties have attended the seminar. However, non-compliance by a parent who enters no appearance and does not contest the action shall not delay the final hearing. This requirement may be waived by the Court for good cause shown.

Failure of a non-residential parent to attend the educational seminar by the final hearing date may result in suspension of parenting time.

Each parent shall be responsible for registering at least one week prior to the seminar to be attended. Fees shall be paid from the deposit for Court costs paid to the Clerk of Courts with the initial complaint.

An informational brochure shall be included by the Clerk of Courts with service of process in each action for divorce or legal separation in which there are any minor children. Plaintiff's counsel shall deliver a copy of the brochure to the plaintiff.

Counsel filing dissolution of marriage actions shall provide a copy of the informational brochure to both parties to the action.

Online classes are not permitted.

In the event a party resides more than fifty (50) miles from Warren County and seeks to attend another Court's parenting class, such party must obtain pre-approval by contacting the Court Administrator at 513-695-2586.

Seminar attendance may also be required by order of the Court in connection with motions for post-decree relief concerning custody or parenting time issues.

4.3 Basic Parenting Schedules Warren County.

This Court has adopted Basic Parenting Schedules Warren County (available on the Domestic Relations Court Document Center.)

4.4 Interview of Child by Court.

All interviews of children will be scheduled at the discretion of the Court and conducted in accordance with Ohio Revised Code §3109.04(B)(2). The interviews will be recorded and shall remain confidential.

4.5 Appointment of Guardian Ad Litem (GAL).

A. Appointment.

In any case in which the allocation of parental rights and responsibilities is to be determined, the Court in its discretion may, and upon motion of either party shall, appoint a guardian ad litem for the child or children. The guardian ad litem shall be selected from the list of approved guardians ad litem maintained by the Court. The GAL shall serve until the Court enters a final order in the case.

B. Scope.

The guardian ad litem shall perform any functions necessary to protect the best interests of the child or children, including those duties set forth in the Order Appointing Guardian Ad Litem (GAL Form 1, available on the Domestic Relations Court Document Center).

C. Procedure.

A party requesting appointment of a GAL must file a motion, set the matter for hearing, and serve the other party pursuant to the Ohio Rules of Civil Procedure. The Court may also appoint a GAL sua sponte. In either case, if the Court appoints a GAL, the Court shall file GAL Form 1.

D. Fees.

1. If the Court appoints a GAL sua sponte or as a result of a party's motion, the entry appointing the GAL may order a party or parties to deposit funds with the Clerk of Courts or with the GAL's trust account. The Court shall have discretion concerning the amount of the initial deposit.

The appointment of the GAL does not take effect, nor does it bind the proposed GAL to any duty or legal obligation, until the full deposit is paid to the Clerk of Courts or the GAL's trust account.

2. In the event the GAL determines that the work required will exceed the fee deposit, the GAL shall seek prior Court approval, with notice to counsel and/or unrepresented parties, **before** incurring any fees that exceed the deposit.
3. Upon completion of the GAL's duties, the GAL shall submit a motion and an affidavit of fees to the Court for approval and a proposed order directing the clerk to release the approved amount or permitting the GAL to release the funds from the GAL's trust account.

E. Reports.

Guardian ad litem reports shall be submitted to the Domestic Relations Office (**not filed with the Clerk of Courts**) and served upon the parties' attorneys at least fourteen (14) days prior to trial. The GAL report shall be accepted into evidence as the GAL's direct testimony, and he or she may be subject to cross examination by either party. If either party intends to call the GAL as a witness, such party shall subpoena the GAL at least seven (7) days prior to trial. Unless subpoenaed, the GAL need not appear at trial. The party issuing a subpoena to the GAL is responsible for paying the fee for the GAL's appearance, unless otherwise ordered by the Court. If both parties issue a subpoena, the parties shall divide the GAL's appearance fee.

F. Comments/Complaints.

Any comments or complaints regarding the performance of a guardian ad litem appointed pursuant to this rule shall be in writing and shall be directed to the Court Administrator.

A copy of comments or complaints submitted to the Court shall be provided to the guardian ad litem who is the subject of the complaint or comment. The Court Administrator may forward any comments or complaints to the Domestic Relations Judge for consideration and appropriate action. The Court Administrator shall maintain a written record in the guardian ad litem's file regarding the nature and disposition of any comment or complaint and shall notify the person making the comment or complaint and the subject guardian ad litem of the disposition.

Motions to remove a guardian ad litem shall be scheduled for hearing before the Judge or Magistrate assigned to adjudicate the allocation of parental rights and responsibilities.

G. Qualifications.

Guardians ad litem shall be approved by the Court upon request. GALs must comply with all state-mandated training requirements (see Ohio Rule of Superintendence 48). All prospective GALs must submit an application (see GAL Form 2, available on the Domestic Relations Court Document Center), a background disclosure statement (see GAL Form 3, available on the Domestic Relations Court Document Center), submit to a background check (civil and criminal) and annually provide proof of compliance with Rule 48.

H. Annual Certification.

The Court shall annually conduct a review of its GAL list to determine that all individuals are in compliance with the training and education requirements of Rule 48, that they have performed satisfactorily on all assigned cases during the preceding calendar year and are otherwise qualified to serve.

All individuals on the guardian ad litem list shall certify annually that they are unaware of any circumstances that would disqualify them from serving, and shall report in writing the training they have attended to comply with Rule 48.

4.6 Psychological or Psychiatric Examinations.

A. Appointment.

The Court may appoint a psychologist or psychiatrist to conduct an evaluation on the issues of custody and/or parenting time in order to assist the Court in allocating parental rights. The Court will allocate the costs of the evaluation between the parties. The psychologist or psychiatrist will be the Court's witness. Absent written Court approval, neither attorney shall provide any documents to such person, other than a trial notice, or communicate, or cause any third party to communicate, with the psychologist or psychiatrist.

B. Report.

The psychologist or psychiatrist will provide the Court with the original written report and recommendations (including case name and number, the date of hearing and the name of the assigned Judge or Magistrate) no less than thirty (30) days prior to the hearing unless otherwise ordered, with copies mailed to counsel for each party, or to a party if unrepresented. The report shall be accepted into evidence as the psychologist's or psychiatrist's direct testimony, and he or she may be subject to cross examination by either party. A party desiring to cross examine shall arrange for the psychologist's or psychiatrist's appearance at the hearing and is responsible for paying the fee for that appearance.

4.7 Residence of Minor Children.

All final decrees or entries designating parental rights and responsibilities must order the custodial parent not to remove the children from the State of Ohio (unless the custodial parent already resides outside of Ohio) for the purpose of establishing residency for them in another state without either (1) a Court order approving such change and establishing a parenting schedule or (2) an agreement signed by the parties.

4.8 Notice of Intent to Relocate.

A. Filing of Notice.

If a parent of a minor child or children intends to relocate, that party must file a Notice of Intent to Relocate with the Clerk of Courts and mail a copy to the other party, in addition to notifying the CSEA. Copies of the Notice of Intent to Relocate (DR Form 8) are available in the Domestic Relations Office and available on the Domestic Relations Court Document Center. Notice must be sent within the following timeframes:

1. if relocating within Warren County – at least thirty (30) days in advance of the move;
2. if relocating outside Warren County – at least sixty (60) days in advance of the move.

B. Motions.

If either party seeks a change in parenting orders as a result of relocation, that party shall file a motion with the Court and schedule a hearing.

4.9 Transfer of Juvenile Court Support Cases to Domestic Relations Court.

If at the time of the filing of a complaint for divorce or petition for dissolution there is a Warren County Juvenile Court child support order for the benefit of one or more of the

parties' children, and if the orders should be consolidated in Domestic Relations Court, motions must be filed in both Courts.

The Juvenile Court motion should request transfer of the case to Domestic Relations Court. The transfer can be accomplished by an agreed entry or a Court order following a hearing, if the matter is contested.

The Domestic Relations Court motion should request that the Domestic Relations Court accept the transfer. The transfer into Domestic Relations Court can be accomplished by an submitting an agreed entry or by Court order following a hearing, if the matter is contested.

PART FIVE Dispute Resolution

5.1 Conciliation.

- A. A motion and entry for conciliation must be filed in accordance with O.R.C. 3105.091. (Note that O.R.C. 3117 does not apply to this Court.) The motion shall contain the following:
 - 1. name of the counselor;
 - 2. statement of required type of counseling;
 - 3. the time length for counseling;
 - 4. any other conditions requested.
- B. The entry granting conciliation shall stay the case for up to ninety (90) days and shall include a notice of hearing for a status conference at the end of the conciliation period.

5.2 Mediation.

A. Mediation Order.

At any time after service of summons in any action for divorce, legal separation or annulment, or at any time after the filing of a post-decree motion, the Court may order both parties into mediation in accordance with O.R.C. 3109.052. Mediation may be provided by a Court employed mediator. That Court employed mediator may not sit as a Magistrate on that case. All private mediators must be approved by the Court as set forth below.

B. Scope.

The Court may order mediation of parenting issues pursuant to RC 3109.052. The parties may agree to mediate any other pending issues with a private mediator.

C. Criteria.

1. In considering whether to order a case to mediation or whether to continue with mediation once it is ordered, the Court and/or mediator will consider relevant factors, including the following:
 - a. whether either party has been convicted of or pled guilty to a violation of O.R.C. 2919.25, or whether either party has committed an act resulting in a child being adjudicated to have been abused; in either case, mediation will be ordered only if the Court determines that it is in the best interests of the parties for mediation to proceed and supports that determination with specific written findings of fact;
 - b. whether one party is genuinely in fear of the other where domestic violence is alleged, regardless of whether there is a conviction;
 - c. whether one or both parties are alleged to have a significant drug and/or alcohol dependency;
 - d. whether one of the parties is mentally ill or has significant psychological problems that might interfere with mediation; and
 - e. whether the physical distance between the parties is so great that it is not feasible for them to maintain a consistent mediation schedule.
2. Mediation will not be used:
 - a. as an alternative to the prosecution or adjudication of domestic violence;
 - b. in determining whether to grant, modify or terminate a protection order;
 - c. in determining the terms and conditions of a protection order; and
 - d. in determining the penalty for violation of a protection order.

However, nothing in this rule shall prohibit the use of mediation in a subsequent divorce or custody case, even though that case may result in the termination of the provisions of a protection order.

3. When violence and/or fear of violence is alleged, suspected or present, mediation may only occur if the mediator has specialized training as set forth in the Ohio Rule of Superintendence 16(C)(2) and all of the conditions contained in Ohio Rule of Superintendence 16(B)(2) are met.

D. Procedure.

1. When the Court orders mediation, a mediation order shall be filed. Both parties shall complete a mediation intake form. The mediation intake form will include information to facilitate screening for domestic violence.
2. If a Court employed mediator is to be used, the mediation coordinator shall schedule the first mediation session. If a private mediator is to be used, the parties or, if represented, the attorneys, shall advise the mediation coordinator within seven (7) days of the identity of the private mediator.
3. An order to mediate will not stay the implementation of any temporary orders issued by this Court nor any scheduling order/discovery matter or hearing.
4. At the conclusion of mediation, the mediator shall submit a mediation report to the Court (which shall not be filed in the Court's case file) and provide copies to the parties and their attorneys if represented. A mediation report shall indicate whether agreement has been reached on any of the issues that were the subject of the mediation.
5. Any written agreements shall be forwarded to counsel and a copy given to the parties. Mediation agreements shall not be filed with the Court.
6. Any agreement reached during mediation shall not be binding upon the parties until approved by the parties' attorneys, if any, and by the Court, which shall consider the best interests of the children when allocating parental rights and responsibilities and/or establishing a parenting schedule. The mediation agreement becomes binding when it is filed with the Court as an Agreed Entry or a Court Entry.
7. Pursuant to Ohio Rule of Superintendence 16, parties are permitted to have their attorneys and other individuals they designate accompany them and participate in mediation. Attorney attendance, or attendance by anyone other than the parties, although not expected or encouraged, will be allowed only if sufficient advance notice is given so that opposing counsel may be notified and given an opportunity to attend.
8. Children shall not be brought to the mediation session.
9. Where appropriate, the mediator will provide appropriate referrals to legal counsel and other support services for all parties.

E. Cost of Mediation.

Court connected mediation is provided at no cost to the parties. The Court shall apportion the cost of private mediation after considering the parties' respective incomes. The Court

shall retain the right to reconsider the cost allocation upon request by either party and for good cause shown.

F. Mediator Qualifications.

Private mediators shall have minimum qualifications as set forth in Rule 16 of the Rules of Superintendence for the Courts of Ohio. See also paragraph C. 3. of this rule regarding domestic violence. All mediators are encouraged to comply with the Model Standards of Practice for Family and Divorce Mediation.

G. Confidentiality.

Statements made during the course of mediation assessment or the mediation sessions are privileged and shall not be admissible as evidence in any subsequent proceeding in this Court except as required by law. O.R.C. §2317.02 and §2710.01 et seq. This rule does not require the exclusion of any evidence which is otherwise discoverable merely because it is presented in the course of mediation.

No electronic monitoring or use of social media of any type is permitted during mediation. This includes, but is not limited to, cell phones, recording devices, facetime, etc.

5.3 Early Neutral Evaluation.

A. Definitions.

1. “Early Neutral Evaluation” (“ENE”) is a Court ordered dispute resolution process in which the Early Neutral Evaluator provides an evaluation of the probable outcome of any parenting, property or support dispute. ENE is not mediation.
2. “Early Neutral Evaluator” (“Evaluator”) is a Court appointed individual who conducts the ENE session and meets all of the following qualifications:
 - a. a minimum of twelve hours of basic mediation training;
 - b. a minimum of forty hours of specialized family or divorce mediation training;
 - c. fourteen hours of specialized training in domestic abuse issues provided by the Supreme Court of Ohio Dispute Resolution Section; and
 - d. the Evaluator will not later be assigned to decide any issues ever pending between the parties if the ENE process does not result in its resolution.
3. “ENE Communication” means a statement, whether oral, verbal or nonverbal, that occurs during an ENE session or is made for purposes of considering, conducting, participating in, initiating, continuing or reconvening an ENE session.

B. Scope.

The Court may order an ENE session of any parenting issues, property division issues or support issues.

C. Criteria.

In considering whether to send a case to ENE, the Court, and/or the Evaluator will consider all relevant factors including, but not limited to, the factors addressed above in Section 5.2(C).

D. Cost.

There shall be no additional Court costs for the ENE session.

E. Procedure.

1. The parties may request ENE through a motion to the Court. Also, the Court, on its own motion, may order the case, in whole or in part, to ENE.
2. When the Court orders ENE, an ENE order shall be filed specifying the nature of the ENE session (parenting, property and/or support).
3. An order to ENE will not stay the implementation of any temporary orders issued by this Court nor any scheduling order/discovery matter or hearing.

F. Brief.

1. One week prior to the ENE session, each party shall submit a Parenting Perspective Brief, Division of Assets/Debt Brief and/or Spousal Support Intake Brief to the Court. Parties shall ensure that a copy of the Brief is delivered to the Evaluator and opposing counsel (or the other party if self represented).
2. The Brief shall NOT be filed in the Court file.
3. The Court's copies of the Brief shall be shredded upon completion of the ENE process.
4. If either party fails to timely submit the Brief to the Court and/or opposing party, the Court may impose a fine of up to \$100 and the session will go forward as originally scheduled.

G. ENE Session.

At the ENE, the Evaluator will oversee the discussion to allow each party and attorney the opportunity to be heard in an atmosphere of cooperation and respect. The Evaluator will

seek additional information from the parties or attorneys, if necessary. Once the information is gathered, there will be a short break to provide the Evaluator the opportunity to consider the issues and determine probable outcomes for the parties. The Evaluator will then present this feedback and options to the parties and counsel. The parties will be given an opportunity to consult privately with their attorneys to review and discuss the Evaluator's feedback. The parties will reconvene and discuss results. If the parties come to a full or partial agreement, the parties and or counsel shall report such to the assigned Judge or Magistrate at the scheduling conference following the ENE session. The assigned Judge or Magistrate will require the agreement to be reduced to writing and submitted to the Court within thirty (30) days.

H. Confidentiality.

1. Early Neutral Communications are confidential.
2. Exceptions to confidentiality include the following:
 - a. parties may share all ENE communications with their attorneys;
 - b. allegations of abuse or neglect of a child;
 - c. certain threats of harm to other people or oneself;
 - d. statements made during the ENE process to plan or hide an ongoing crime;
 - e. statements made during the ENE process that reveal a felony.

I. Privilege.

1. An ENE communication is privileged and not subject to discovery or admissible as evidence in a judicial proceeding. An Evaluator may not be deposed or subpoenaed to testify about any ENE communication unless an exception applies.
2. Exceptions to privilege include the following:
 - a. the ENE communication is otherwise discoverable;
 - b. the ENE communication is an imminent threat or statement of a plan to inflict bodily injury or commit a crime of violence;
 - c. the ENE communication is intentionally used to plan, to attempt to commit, or to commit a crime or to conceal an ongoing crime or ongoing criminal activity;
 - d. the ENE communication is required to be disclosed pursuant to Ohio Revised Code Section 2921.22.

PART SIX

Decrees/Entries/Magistrate's Decisions/Orders

6.1 Decrees and Judgment Entries in Contested Matters.

A. General Preparation of Decrees/Entries.

After the Court has announced its decision on any matter requiring an entry, order, decision or decree, the Court shall order an attorney to prepare the appropriate document and forward it to opposing counsel or the other party if self represented within ten (10) days. Opposing counsel (or opposing self represented party) shall sign and return the document within ten (10) days of receipt. The document shall be submitted to the Court within thirty (30) days after the Court announces its decision.

B. Disagreement Concerning Documents Prepared by Counsel.

If an attorney prepares the necessary document as noted above but opposing counsel/self represented party objects to the document as to form or because it does not accurately embody the Court's decision, counsel shall indicate objections by affixing the words "subject to objection" under counsel's signature. Counsel shall then prepare his or her own entry, sign it and mail the original to the other attorney/self represented party along with the entry previously mailed to him or her by the other attorney/self represented party. Either or both counsel shall then set the matter for a hearing on the entry as soon as possible. Each attorney must present a draft entry to the Judge/Magistrate at such hearing. The Judge/Magistrate shall approve and file one or the other of the submitted entries or shall prepare and file his/her own entry or decision.

C. Failure to Respond to Draft Documents.

Prior to the matter being set for Entry/Dismiss if one attorney prepares the necessary document(s) as noted above but opposing counsel/self represented party fails to respond with approval or objections, or if the attorney fails to timely prepare the necessary document(s) as noted above, counsel may file a "Notice of Presentation of Entry" with the Court in substantial compliance with DR Form 9 (available on the Domestic Relations Court Document Center). Such notice shall include the following:

1. Notice to the opposing counsel that the proposed entry will be presented to the Court for approval after the expiration of fourteen (14) days from the date of mailing unless the other attorney, within the fourteen (14) days, files a written objection stating the grounds with particularity, attaches his/her own proposed entry and sets the matter for hearing.
2. Failure to file written objections and/or to set a hearing will be considered as a waiver to the filing of the proponent's entry.

3. The “Proposed Entry” and the original Entry shall be submitted with the notice.

If, after the expiration of the fourteen (14) day period, opposing counsel has not filed a written objection, the original Entry will be taken to the assigned Judge/Magistrate for consideration.

- D. Nothing in this rule precludes the Judge/Magistrate from preparing and filing his or her own entry/decision at any time.

6.2 Decrees and Judgment Entries in Agreed Matters.

When a matter scheduled for hearing is settled by agreement, the attorneys shall present an agreed entry endorsed by both counsel, or parties if not represented, within thirty (30) days of the hearing. If counsel (or a party) cannot agree on the entry, they shall schedule a conference with the Court. If the agreement was recorded, a transcript must be obtained and presented at the conference.

6.3 Failure to Timely Submit Entries (“Entry or Dismiss”)

Attorneys who fail to timely submit entries will be given notice to appear to present entry or face attorney contempt and/or dismissal of the pending matter. Attorney attendance is **compulsory** unless excused by the Court. If only one Entry is submitted to the Court, the Court will consider filing that Entry.

6.4 Compliance and Procedure for Filing Decrees, Entries, Magistrate’s Decisions, Orders.

A. Compliance.

All final decrees/entries/Magistrate’s decisions that include children’s issues must be submitted to the DR Office for compliance review prior to filing. The documents will be reviewed to determine compliance with Local Rules, mandatory statutory language and completion of all required Court forms. If the documents are approved by the DR Office, they will be filed with the Clerk of Courts. If the documents are not approved, the person responsible for their preparation will be contacted and required to pick up the documents, make necessary changes, and resubmit the documents to the DR Office.

B. Other Filings.

All Court filings (other than those requiring compliance review) requiring a Judge or Magistrate’s signature shall be dropped off in the Domestic Relations Office. Court personnel will present the documents to the appropriate Judge or Magistrate for signature. The signed documents will then be filed with the Clerk of Courts unless other instructions are given.

C. Notifications.

All decrees, entries and decisions that address child support and/or health insurance shall adopt the Notifications (available on the Domestic Relations Court Document Center) and they shall be attached thereto and incorporated herein.

6.5 Agreed Modification of Parental Rights.

Parties who agree to a modification of parental rights and responsibilities shall submit an agreed entry with the appropriate attachments to the DR Office for compliance review.

6.6 Waiver of Support Arrearages.

An obligee seeking to waive support arrearages must file a written motion, schedule a hearing and appear in person before the Court. The Court may waive appearance for good cause shown. At the hearing, the party seeking to waive the arrearages must bring a copy of an Audit prepared by the Warren County Child Support Enforcement Agency. If both parties are represented by counsel, an agreed entry may be filed in lieu of a hearing. Any waiver of arrearages has no effect on money that may be owed to any governmental agency.

6.7 Personal Property.

If personal property has been divided and exchanged before the divorce decree is filed, the decree shall include the following language: "All personal property has been divided and exchanged."

If personal property has not been divided and exchanged before the divorce decree is filed, the decree shall include the following language: "The parties shall exchange and divide all personal property no later than thirty (30) days after the filing date of the final decree. If the parties cannot agree upon a date to conduct this division and exchange, the date for the division and exchange of personal property shall be at 12:00 noon on the 30th day following the filing of the decree. If either party fails to abide by the terms of the final decree regarding the division and exchange of personal property, the Court shall entertain a motion for contempt or a motion to compel the division or exchange of personal property. The Court will only entertain these motions if filed by a party on or before the 30th day after the expiration of the thirty (30) day period."

6.8 Legal Description Approval.

Any legal description of Warren County real estate that is incorporated into an entry for recording purposes must be reviewed by the Warren County Tax Map Department as to content and legibility and by the Auditor's Office to ensure that ownership names are consistent with the County Auditor's records. These legal descriptions will be mailed with a verification stamp upon approval of the Auditor's Office and Tax Map Department.

6.9 Qualified Domestic Relations Court Orders (“QDRO”).

A. Preparation.

1. Unless otherwise agreed, counsel for the alternate payee entitled to a portion of the other spouse’s pension or retirement plan shall prepare the QDRO for submission to the Court. The pension participant shall sign any releases necessary to facilitate drafting of the QDRO.
2. Whenever the parties agree to divide a pension or retirement program by a QDRO, they and their counsel shall sign and approve the original of a QDRO submitted to the Court, and shall sign and approve any subsequent QDRO submitted to the Court, unless waived by the Court.
3. The QDRO shall be prepared and submitted to the Court with the final decree, or as soon as possible thereafter. The Court will file properly executed QDROs with the Clerk of Courts however it is not the practice of the Court to mail the documents to the pension or retirement plan.

B. Assumptions.

1. Unless otherwise agreed, a QDRO for a defined benefit plan shall contain the following provisions or shall be governed by the following assumptions:
 - a. the QDRO will be a separate interest QDRO, meaning the alternate payee’s benefits shall be independent of those of the participant;
 - b. the division of benefits shall be based on the language of the case of *Hoyt v. Hoyt*, 53 Ohio St. 3d 177 (1999) and its progeny;
 - c. the benefits assigned to the alternate payee shall include any and all temporary and supplemental benefits. Further, the benefits assigned to the alternate payee shall include all early retirement subsidies and, should the alternate payee commence receipt of benefits prior to participant’s retirement, the alternate payee’s benefits will be recalculated to reflect the subsidy;
 - d. the alternate payee will be deemed to be the surviving spouse of the participant to the extent of benefits assigned for the purpose of a pre-retirement survivor annuity;
 - e. The division of the benefits will be the date of the final hearing of the case.
2. Unless otherwise agreed, a QDRO for a defined contribution plan shall contain the following provisions or be governed by these assumptions:
 - a. the division of benefits will be the date of the final hearing of the case;

- b. the alternate payee's share of the benefits shall be credited with investment earnings and/or losses from the date of division until distribution;
- c. the QDRO will allow an immediate lump sum distribution of the alternate payee's benefits;
- d. any loans from the plan shall be charged to the participant's benefits and will remain the obligation of the participant;
- e. the alternate payee's share of the benefits will reflect credit for sums deposited into the plan after the date of division which are based on service for periods prior to the date of division.

C. Mandatory Language.

In all cases in which a QDRO is to be issued, the final judgment entry shall contain the following language:

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

6.10 Division of Pension Orders ("DOPO").

The division of retirement benefits for members of the Ohio Public Employees Retirement System (OPERS), State Teachers Retirement System (STRS), School Employees Retirement System (SERS), Ohio Police and Fire Pension Fund (OP&F), and Ohio Highway Patrol Retirement System (HPRS) shall conform with the requirements of each agency's respective administrative rules. The terms of Local Rule 6.9 apply to DOPOs to the extent such terms are not in conflict with the statutory requirements of DOPOs. DOPOs shall indicate the method of service to the proper agency whether by the Clerk of Courts or other method of service.

Specific retirement information may be found for the respective agencies on the Internet at www.opers.org; www.strsoh.org; www.ohsers.org; www.op-f.org and www.ohprs.org.

PART SEVEN

Special Accommodations

7.1 Disabled Persons.

Any person who requires special accommodations because of a handicap or disability shall notify the Court of his or her special requirements at least ten (10) days before a scheduled Court appearance. The Court shall comply with all reasonable requests for assistance, including providing interpreters without additional cost, except as described in Local Rule 7.2.

7.2 Interpretive Services.

When interpretive services are needed, the attorney or party requesting an interpreter shall make a request to the Domestic Relations Office at least ten (10) days before the scheduled hearing. The Court will arrange for an objective interpreter to be present for the hearing. The requesting party's failure to appear at the hearing may result in that party being held responsible for payment of the interpreter's fee.