

## **Divorce -- The Greatest Hurt On Earth**

Aside from losing a child, divorce may well be the greatest hurt on Earth. It is not a simple division of money or parenting time. Instead, it has been described as major surgery without an anesthetic. As a result, the Court understands the vast array of emotions (worry, anger, fear, regret, revenge, confusion, among many others) a person will go through when getting a divorce.

However, the Court is also aware that if divorce is difficult for adults, it is especially challenging for children. Innately, children want a life with both parents, together, living a life happily ever after. Therefore, a divorce – no matter how amicable -- can be hard on them. But when parents refuse to talk to one another or fight bitterly when they do, the children's grief becomes more complicated, which is unfair to them, staining their one and only childhood.

## **Divorce Is Especially Hard On Children**

This Court takes that problem seriously. Thus, we invite parents to rise up and be part of the solution to the family's problems, not just equal contributors to them. Parents do that by bringing the best of themselves, with maturity and responsibility, not only the hands-on care they provide children, and the love they express to the children, but also in the way the parents treat one another. When parents conduct themselves properly, children are free to just be children, without having to choose sides or feel guilty for loving both parents. Children also get to witness first-hand how problem situations are best resolved, a lesson they can draw on when they have their own personal problems in the future.

## **Experience / Dedication This Court Possesses To Help**

I have been involved in family law cases for over 30 years. I graduated from Franklin High School and Miami University, then went to law school at the University of Dayton. Starting in 1988, I was an attorney and mediator with the law firm of Kirby & Kirby in Springboro (where I practiced with my dad, Thomas Kirby, and my brother, Joseph Kirby). For the last 10 of those years, I also served as a Guardian ad Litem to serve the best interest of children in high-conflict cases here in the Domestic Relations Court. Most recently, since 2013, I have been both a Magistrate and now the Judge in this Court.

We have an experienced and excellent staff. Every day, in every case, we bring the best we can offer to family members who need resolution, structure, and sometimes protection. We move cases along expeditiously, treat attorneys and parties respectfully, and issue fair Decisions timely. In addition, we are always looking for ways to improve.

## **The Most Recent Improvements**

Since I became Judge in January 2017, we have implemented the following:

- Early Neutral Evaluation (ENE) – an unrecorded, non-binding session in which experienced Magistrate Yvonne Iversen carefully listens to the various issues, then respectfully offers an indication of how the Court is likely to rule on those issues. This

process has enjoyed a great deal of success, allowing parties to resolve their differences without the time, trouble, and expense of a full-blown trial.

- A new parenting class for divorcing parents – Though our in-person parenting class is suspended due to COVID-19 and its variants, the Court has contracted with Randall Wheeler, a noted counselor and therapist in and around Warren County, to conduct our divorced parenting seminars, which are required by Ohio. The reviews have been outstanding.
- One-hour in-court pretrial conferences -- Prior to a lengthy trial, the Court requires the parties and their attorneys to participate in a one-hour pretrial in the courtroom, thus allowing the parties to articulate their respective positions and, without prejudging the case until all evidence is in, giving the Court an opportunity to announce how it has ruled on somewhat similar issues in prior cases, again giving the parties another opportunity to resolve their differences without an all-out trial.
- Increased use of video conferences – We have remained open and fully operational throughout the COVID-19 pandemic, in large part because of the use of video technology. We have conducted trials, mediation sessions, and ENE sessions via video and believe it will be a useful tool in the future, even if COVID concerns are reduced, because it helps people avoid lengthy travel time and costs, day care costs, and attorney's fees.
- An increase in the cost of a Guardian ad Litem -- Far and away, this Court regards the best interest of children to be the most important aspect of a case where children are involved. In keeping with this Court's strive for excellence, we want the best attorneys to serve in the role of a Guardian ad Litem, whose responsibility it is to investigate and recommend what is best for children when the parents are in conflict with one another. The deposit towards a Guardian's services is now \$2,000.00, which is generally apportioned between the parents in proportion to their respective incomes.
- A new Model Parenting Schedule – Lastly, we are in the process of updating and improving our Model Parenting Schedule, which sets forth the various parenting options and the rules that go with them. This is intended to go into effect sometime in early 2022. Specifically, we have introduced an equal parenting schedule, where both parents share time with the children equally according to two available options, Model 1-A and Model 1-B. It also answers the questions that are frequently asked by parents

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