

IN THE COMMON PLEAS COURT, PREBLE COUNTY, OHIO

**IN THE MATTER OF THE DOMESTIC RELATIONS
LOCAL RULES:
ENTRY**

The following local rules are adopted to govern the practice and procedures of this Court, subject to such rules as may be adopted or promulgated by the Supreme Court of Ohio.

These rules shall be recorded by the Clerk of Courts of Preble County, and journalized therein, and shall be filed with the Ohio Supreme Court.

Unless otherwise stated herein, these rules are effective March 1, 2006.

Judge David N. Abruzzo

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PREBLE COUNTY LOCAL DOMESTIC RELATIONS RULES

DR 1. Compliance with Ohio Rules of Civil Procedure and Preble County Common Pleas Court Local Civil Rules

All pleadings, motions, and other filings shall comply in form and content with the Ohio Rules of Civil Procedure and this Court's Local Civil Rules.

DR 2. Attorney Requirements

Attorneys who practice in the Domestic Relations Division 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.

DR 3. Financial Disclosure [FORM DR 10]

Requirements for Initial Pleadings

The plaintiff shall file a completed DR 10 with the complaint for divorce, annulment or legal separation. This form shall be served upon the defendant along with the complaint.

The defendant shall file a completed DR 10 with the answer. This form shall be served upon the plaintiff along with the answer.

Petitioners for dissolution shall each file a completed DR 10 with the petition for dissolution and the separation agreement.

The requirements regarding the filing of DR 10 may not be waived by agreement of the parties.

Requirements for Motions

The movant shall attach a completed DR 10 to all motions, which concern spousal support, child support, payment of expenses or any other financial issue.

The party responding to the motion shall file a completed DR 10 at least three days prior to the hearing date.

Character and Effect of DR 10 Information

The information contained in the DR 10 form shall be treated as though it was obtained in answer to questions propounded by the Court and shall be subject to cross-examination.

DR 4. Child Custody Affidavit Portion of DR 10

All pleadings and motions requesting a parenting order shall be accompanied by a completed form DR 10.

DR 5. Child Support Calculation Sheets [FORMS DR 24 AND DR 25]

Initial Filing Requirements

All original filings for divorce, annulment, legal separation or dissolution must be accompanied by completed child support calculation sheets if minor children are involved.

If the income of a party is unknown, the attorney shall obtain that information by filing a subpoena duces tecum at the time the complaint is filed and noting on the calculation sheet that a subpoena has been issued in lieu of the calculation.

Motion Requirements

All motions requesting a modification of a child support order shall be accompanied by a completed child support calculation sheet.

DR 6. CSEA Information [FORM 7076 – TITLE IV-D APPLICATION and INFORMATION SHEET FOR WITHHOLDING ORDER]

When a support order is established or modified (including temporary *ex parte* orders), the obligee shall execute and deliver to the Court an application for Title IV-D services pursuant to ORC §2301.35 (J) (2).

DR 7. Supplemental Pleadings

Any person, who filed pleadings after a case has been heard, shall deliver a copy of those pleadings directly to the judge or magistrate who heard the case.

DR 7.5 Continuances

Continuances shall only be considered when submitted in writing and when they substantially comply with Rule 41 of The Supreme Court's Rules of Superintendence. In addition, continuances shall state the nature of the scheduled hearing, the name of the party who filed the original motion to be heard, the reason for the continuance, how many continuances have previously been granted for this particular motion, and whether the opposing side objects or agrees with the continuance. Further, if the reason for the continuance is a conflict with another scheduled hearing in another court, the movant shall file with the continuance a timed stamped copy of the order or hearing notice setting the conflicting hearing.

DR 8. Style of Pleadings

All pleadings and forms required by the Court, except the IV-D application and child support calculation sheets, shall be typewritten. **All motions filed with the Court shall be filed separate and apart from any proposed entry.** A separate copy of said motion shall be placed in a designated tray at the Clerk's office for delivery to the Court. Any proposed entry, along with the required copies, shall be paper clipped to the Court's copy of said motion at that time.

The assignment commissioner shall file all entries, and copies, submitted to the Court. File stamped copies shall be placed in the attorney's box at the Clerk's office. Out of town counsel shall submit with the copies a self-addressed stamped return envelope.

Entries submitted without copies shall be filed without copies. It is counsel's responsibility to see that service of the entry is made on opposing counsel.

The first line of the first page of all pleadings filed with the Court shall begin **two and one-half inches (2 1/2") from the top of the page.**

In addition, to promote accuracy in the docket, **all initial pleadings** filed by counsel shall be **accompanied by a Notice of Appearance of Counsel.** The only exception to this rule shall be the filing of a complaint or an answer.

DR 9. Court Costs

The Clerk of Courts shall not accept a domestic relations action for filing unless it is accompanied by a filing fee as established by the Court or an affidavit of indigency.

Security for costs must be posted to cover witness fees, plus mileage for all witnesses to be subpoenaed in excess of two.

Persons who move for the appointment of a *guardian ad litem* shall deposit \$400.00 with the Clerk of Courts as security for the payment of guardian fees.

DR 10. Failure to Comply with Local Rules

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.

DR 11. Withdrawal of Counsel

An attorney seeking to withdraw as counsel in a pending case shall submit a motion and entry to the Court. Said motion and entry must contain a certificate of service to opposing counsel and to the withdrawing attorney's client.

DR 12. *Ex parte* Orders - Residential Parent Status

When both parties remain in the same house

If, at the time the complaint is filed, 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 (business as usual). The order shall further provide that, pending further order of the Court, each parent shall be the residential parent of the children.

When the parties are separated

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

Note: In situations where the parties have been separated for some period of time prior to the filing of the complaint, it is the Court's intention that the status quo be maintained with regard to residential parent status.

In situations where the parties have separated shortly before the filing of the complaint, it is the Court's intention that the children should remain with the person who was the primary caretaker prior to the separation.

This rule does not make reference to a specific length of time of the separation with respect to *ex parte* residential parent status orders because the circumstances of every case will be different and it will ultimately be the circumstances that determine whether there is status quo that should be maintained.

Affidavit

No *ex parte* order shall be granted unless the party seeking an *ex parte* order granting temporary residential parent status files an affidavit, which sets forth facts sufficient to allow the Court to make the necessary findings.

DR 13. Temporary Child Support Order

When the parties remain in the same house

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.

When the parties are separated

If the parties live in separate households and one party has been designated the residential parent of the children, the plaintiff shall file with the complaint an *ex parte* order which requires the nonresidential parent to pay child support.

The amount of the child support order shall be calculated pursuant to ORC §3113.215 and calculation sheets shall be attached to each temporary order.

If the payor's income is unknown, that information shall be obtained by *subpoena duces tecum*.

Temporary child support orders shall be effective and payable through the Child Support Enforcement Agency (CSEA) on the Friday following service of the Order on the Payor. A copy of the Entry establishing the *ex parte* temporary support order shall be delivered to the CSEA. Said Entry shall contain the mandatory support language required in any Order establishing support.

In addition to monetary payments, all temporary child support orders shall require the parties to pay for their children's medical expenses in accordance with the established practices of the household. The order shall also provide that the parties maintain their current medical insurance policies.

DR 14. Temporary Parenting Time Orders

This Court has adopted a schedule of parenting time. **[FORM - GUIDELINES FOR PARENTING TIME OF NON-RESIDENTIAL PARENTS]**

If at the time of filing the parties are living in separate households, the plaintiff shall file with the complaint an *ex parte* order granting parenting time pursuant to the standard order of the court to the non-residential parent, unless it appears that such an order would be inappropriate as not being in the best interest of the child(ren). In cases where the residential parent believes that the standard order of parenting time is not appropriate, a motion requesting some other form of parenting time shall be filed and same shall be accompanied by an affidavit setting forth the facts that the movant believes support the request.

DR 15. Temporary Order for Payment of Debts

If at the time of the filing the parties are living in the same household, the plaintiff shall file with the complaint an order providing that the parties shall continue to pay their marital debts and obligations in accordance with the established practices of the household.

DR 16. Temporary Spousal Support

Temporary spousal support shall be awarded only upon motion and hearing.

DR 17. Relief from *Ex parte* Orders

Any party who believes that *ex parte* orders filed in accordance with these rules are 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, time, and place of the hearing and shall be served in accordance with the Ohio Civil Rules.

Motions for relief from *ex parte* temporary orders shall be given priority on the Court's docket.

DR 18. Non-contested cases

If a timely answer is not filed by the defendant, the Court will schedule a non-contested hearing and notify both parties of the day and time.

The plaintiff's attorney shall prepare a proposed decree and serve it upon the defendant at least seven days prior to the hearing date if any of the following conditions apply: 1) the parties have minor children; 2) the parties own real estate; 3) the parties own personal property in which there is equity of \$2,000 or more.

The plaintiff may serve the proposed decree by ordinary mail. A certificate of service shall be filed with the Clerk of Courts.

A proposed decree shall not be required when the defendant was served by posting or publication and his or her whereabouts continue to be unknown to the plaintiff.

If the defendant fails to indicate to plaintiff's counsel and/or the Court his/her objections to the proposed final decree at least 24 hours prior to the scheduled final hearing, the defendant, except in cases involving unusual or extenuating circumstances, shall be foreclosed to objecting to the proposed decree or any portion thereof at the hearing, and the decree, to the extent that same is found to be fair and equitable by the Court, will be adopted by the Court as its order.

DR 19. Contested Cases

Scheduling Conferences

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 pre-trial conference dates or, if pre-trials are not warranted, trial dates. At the conclusion of the scheduling conference, a scheduling order will be issued. Attorneys shall bring their calendars to all scheduling conferences. Parties need not be present.

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 or if either party intends to request shared parenting, the Court will address those issues in the scheduling order.

The scheduling order shall contain:

1. A timetable for the submission of shared parenting plans and responsive plans.
2. Orders regarding the nature and extent of any investigation to be conducted.
3. The timetable for the completion of investigation and discovery.
4. Orders regarding the necessity of psychological evaluations or the appointment of *guardian ad litem*.
5. Pre-trial conference date.
6. The Court may order counsel for the parties to prepare a joint pre-trial statement.

Pre-trial Conference

Attorneys shall complete all discovery before the pre-trial.

On the day that a pre-trial conference is scheduled, each party shall file a pre-trial statement, which contains all of the following information:

1. The parties' ages, dates of birth, employment status, social security numbers, incomes, physical and mental health status, and length of the marriage.
2. The names and ages of all dependant children.
3. A list of all property believed to be the separate property of each spouse.
4. A list of all property believed to be marital in nature, the value of that property, the valuation date used in determining the value, and an account of all debts owing upon each item of property.

5. A list of all debts of the marriage, the date each was incurred and the consideration therefore.
6. A statement of the contested issues of fact and law.
7. A list of the name and addresses of all witnesses.
8. The Court may at the pre-trial conference order the parties to file a joint pre-trial statement (stipulations).

If a pre-trial 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.

At the pre-trial the Court will review the reports of investigators, psychologists, *guardian ad litem* and the parenting plans submitted by each party.

If at the conclusion of the pre-trial conference the matter is not resolved, a final hearing will be scheduled.

Final Hearing

Final hearings shall begin promptly on the date assigned. Before the trial begins, each attorney shall provide the Court with the following:

2. An index of exhibits.
3. All exhibits shall be pre-marked with plaintiff using numbers and defendant using letters.
4. A list of the names and addresses of all witnesses.
5. A copy of any joint pre-trial statement (stipulations) prepared and/or filed pursuant to a previous order of the Court.

Hearings, which cannot be completed in the time allotted, shall be continued in progress to another date.

Decrees and Judgment Entries

Unless otherwise ordered or agreed by counsel, the attorney for the **Plaintiff** shall prepare and file a final judgment entry or decree **within thirty days** of the decision of the Court.

All final entries shall identify the judge or magistrate assigned to the case and the date the case was heard.

Attorneys who fail to comply with this rule may be cited for contempt of court.

DR 20. Motion Practice

Time of Hearing

The party filing a motion shall submit a copy of the motion to the Court along with

a proposed Entry, which shall contain a blank space for the time, date, and place of the hearing. The Assignment Commissioner shall assign the matter for hearing. (2/02)

Motions to Modify

All motions to modify prior orders of the Court shall contain a statement of the order sought to be modified, the nature of the modification sought and the specific change in circumstances, which justify modification. Motions to modify child support orders shall be accompanied by completed child support calculation sheets.

Motions for Lump Sum Judgment

All motions for lump sum judgment shall contain a statement of the order upon which the motion is based and a statement of the total amount due under the order. If the motion pertains to a child support or spousal support order, CSEA records shall be presented at the hearing.

Motions for Interest on Arrearages

Pursuant to ORC 3113.219 the Court shall assess interest on support arrearages where the failure to pay is proved willful. The amount of interest to be applied is that established in ORC 1343.03. The interest shall be simple, not compound. Motions requesting an award of interest shall be accompanied by an interest calculation. The CSEA will provide interest calculations upon request. The request must be made at least one week in advance of need.

Motions Regarding Health Care Expenses

All motions regarding payment of or reimbursement of medical expense shall contain a chronological list of all bills for which payment is requested, the name and address of each health care provider, the date of service, the nature of the service provided and the name and date of birth of the person who received the services. The motion shall state all amounts that have been paid by insurance companies, the balances remaining and the amount sought to be reimbursed.

The motion shall also contain an assurance that the movant has previously forwarded the medical bills to the respondent and that payment has been refused.

Motions in Contempt

All motions requesting a finding in contempt shall contain a statement of the court order alleged to have been violated and the facts constituting the violation. Upon a finding of contempt the Court may award a standard attorney fee of \$200.00. If a higher award is sought, the attorney must request fees as a part of the motion and present independent evidence regarding reasonableness.

Motions to Change Residential Parent Status

All motions to modify residential parent status shall contain the following:

1. The identity of the court order (by the date same was filed) that movant seeks to modify;
2. The particular reasons supporting the modification requested;
3. The names and dates of birth of the children for whom the change is requested;
4. The current address of the children for whom the modification is requested and the address of the court ordered residential parent if different than the address of the children; and
5. Certification that efforts have been made by movant to resolve the requested change of residential parent status and related issues prior to the filing of the motion, and the nature and extent of those efforts.

Failure to Conform to DR 20

The Court's staff shall have the right to refuse to assign a hearing date to any motion that does not comply with the requirements of DR 20

The preceding notwithstanding, the Court may dismiss on its own motion, any motion that does not comport with the requirements of DR 20 and/or applicable civil rules.

DR 21. Agreed Entries

Pre-decree Shared Parenting Agreements

In all cases in which the parents agree upon shared parenting, counsel shall submit the shared parenting plan, completed child support calculation sheets, DR 10, and Decree of Shared Parenting to the judge or magistrate for approval at least one week before final hearing. The plan must include the following:

1. The physical living arrangements for the children.
2. The amount of child support to be paid and a statement as to whether or not the support order conforms to the schedule of support contained in ORC §3113.215. If the order deviates from the schedule, the plan shall contain findings of fact as to why the scheduled amount would be unjust, inappropriate, and not in the best interest of the children.
3. A provision for medical and dental care including an order for maintenance of health insurance.
4. A provision for decisions regarding school placement.
5. A specific schedule of parenting time or placement with each parent.
6. If it is necessary for school or other purposes, a designation of legal custodian.
7. A provision allocating the rights of the parents to claim the children as tax exemptions.
8. A provision that each parent files a Notice of Intent to Relocate with the Domestic Relations Court at least 30 days prior to changing address.

Post-decree Agreed Modifications of Parental Rights and Responsibilities

Parties who agree to a modification of their parental rights and responsibilities shall first obtain a hearing date from the assignment commissioner. Both the parties and their children shall attend the hearing. Agreements modifying parental rights shall address all issues relevant to the children including physical custody, support, parenting time, health care, medical insurance and tax exemptions. The Court may refuse to approve agreements, which are not in the best interest of the children.

DR 22. Objections to Magistrate's Decisions

Persons filing objections to a magistrate's decision shall obtain a conference date from the assignment commissioner. All objections shall contain a notice of the date, time and place of the hearing. Anyone objecting to a magistrate's decision shall provide the Court with a transcript of the proceedings.

Magistrate hearings shall be recorded.

Objection conferences shall be held in chambers in 15-minute sessions. Parties who need additional time shall request same from the assignment commissioner.

DR 23. Attorney Scheduling

Each attorney is responsible for his or her own calendar. Attorneys shall request adequate court time for all hearings and shall avoid scheduling overlapping hearings. Each attorney shall have his or her appointment book at all scheduling conferences, pre-trials and hearings.

When a docketed matter is settled or dismissed, the attorney shall notify the assignment commissioner immediately so that the court time can be assigned.

DR 24. Emergency Settings

If a substantial emergency exists which requires prompt court intervention, counsel may request an emergency setting.

DR 25. Withholding Notices

Counsel presenting a decree or entry shall prepare the CSEA withholding request form in each case where support is established and/or modified by court order.

No Entry or Decree (establishing or modifying support) shall be presented for signature without the CSEA withholding form.

The original of this form and a copy of the order shall be filed with the Clerk, and the Clerk shall send the original and the copy of the order to the CSEA for processing.

DR 26. Seminar for Separating Parents

All parents in a divorce, legal separation, or dissolution action in which there are any minor children under sixteen years of age shall attend an educational seminar for separating parents sponsored by the Court within 60 days after the filing of the action or service of process. No action shall proceed to final hearing until there has been compliance with this rule; provided, however, that non-compliance by a parent who enters no appearance shall not delay the final hearing this requirement may be waived by the Court for good cause shown.

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 the Clerk of Courts with the initial complaint.

An informational brochure [**FORM - HELPING CHILDREN SUCCEED AFTER DIVORCE**] 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, and a copy shall be provided to counsel for delivery to the plaintiff. Counsel shall prepare and file an appropriate praecipe with the Clerk of Courts. Counsel filing dissolution of marriage actions shall provide a copy of the brochure to both parties to the action.

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

DR 27. Service of Process in Divorce, Annulment and Legal Separation Actions

In a divorce, annulment, or legal separation action where service of process is perfected in accordance with Ohio Rules of Civil Procedure 4.4(A) (2), the Clerk shall cause notices to be posted in a conspicuous place in the Preble County Courthouse, the Preble County Auto Title Department and the County Office Building at 546 North Barron Street, Eaton, Ohio.

DR 28. Decrees and Final Orders

Mandatory Support Order language

All final orders or decrees, which contain a support order, shall contain the following language as appropriate:

(1) It is therefore ordered that Obligor, whose Social Security Number is _____, and whose date of birth is _____, shall pay for support of the minor child(ren) insert names and dates of birth for all minor children, the sum of \$_____per month per child, and for spousal support \$_____per month, to be discharged in equal amounts according to the pay schedule of the Obligor.

Or

(2) It is therefore ordered that Obligor, whose Social Security Number is _____, and whose date of birth is _____, shall pay for support of the minor child(ren) insert names and dates of birth for all minor children, the sum of \$_____per month per child for current support, and \$_____per month on the child support arrearage; and for spousal support \$_____per month, and \$_____per month on the spousal support arrearage, to be discharged in equal amounts according to the pay schedule of the Obligor.

And

In the event the discharge of this support order is in increments less than monthly, the CSEA shall administer this order on a monthly basis in the amount as set out above.

All payments made by obligors directly must be sent to: Ohio Child Support Payment Central, P.O. Box 182372, Columbus, Ohio 43218. Obligor shall make said payments by certified check or money order, plus the 2% service fee of the CSEA until such time as said amounts are withheld by the withholding notice issued herewith. Only cash payments may be made to the Child Support Enforcement Agency, at 1234 Eaton-Gettysburg Road, P.O. Box 206, Eaton, Ohio 45320.

Said support shall continue beyond the age of majority as long as the child continuously attends on a full-time basis any recognized and accredited high school or a court-issued child support order provides that the duty of support continued beyond the age of majority. Except in cases in which a child support order requires the duty of support to continue for any period after the child reaches nineteen years of age, the duty does not continue after the child reaches nineteen years of age. The parental duty of support shall continue during seasonal vacations. Said order shall be effective_____.

Withholding Order Language (use one or more of the five options)

- (1) Obligor receives money from a payor. A Notice to Withhold shall issue to said payor.
- (2) Obligor is self-employed or has assets or income available for withholding. A Notice to Withhold shall issue to (financial institution, pension fund, annuity, etc., name and address and obligor's account number).
- (3) Obligor has no assets or income available for withholding, but is able to post a cash bond to guarantee payment of support. An Order to Post Cash Bond in the amount of (\$500.00 to \$10,000) shall issue.
- (4) Obligor is not employed and does not have funds or assets from which support can be paid or secured. An Order to Seek Work shall issue or Obligor is required to participate in a work activity under Title IV-A of the Social Security Act.

Required Support Order Language (Use All of These Paragraphs)

- (5) 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 Sections 3113.21 of the Revised Code or a withdrawal directive issued pursuant to section 3113.214 of the Revised Code, and shall be forwarded to the obligee in accordance with sections 3113.21 to 3113.213 of the Revised Code.
- (6) It is further ordered that Obligor is restrained from making said payments directly to the Obligee and the Obligee is enjoined from accepting direct payments from the Obligor. Any payments of support not made through the CSEA or the Ohio Child Support Payment Central shall be deemed a gift.
- (7) Each party to this support order must notify the CSEA 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.

It is further ordered that the Obligor shall immediately notify the CSEA in writing of any change in employment status or employer. This duty to notify the CSEA shall continue until further notice of the Court

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 \$50.00 for a first offense, \$100.00 for a second offense, and \$500.00 for each subsequent offense. If you are an obligor or obligee under any support order and you willfully fail to make the required notification you may be found in contempt of court and be subjected to fines of up to \$1,000.00 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.

(8) It is further ordered that the Obligor and Obligee shall immediately notify the CSEA in writing, of any change in the status of the minor children of the parties which would terminate the duty of Obligor to pay child support.

(9) It is further ordered that if the Obligee is to receive spousal support from the Obligor, the Obligee shall immediately notify the CSEA in writing of remarriage if the remarriage would terminate the obligation to pay spousal support.

Service by Publication Language

In the event service of the complaint is made by publication, and only in said event, the following language should be included in the final decree in lieu of the appropriate language required above: It appearing to the Court that the Defendant herein was served by publication, the matter of support is continued

Health Insurance Language (use one of the four options)

Health Insurance Provided by Obligor's Group Insurance:

It is therefore ordered that Obligor shall provide group health insurance coverage if available at a reasonable cost, for the dependent children pursuant to the Dependent Health Care Order filed herewith. **[FORM - NOTICE TO EMPLOYER TO ENROLL EMPLOYEE IN HEALTH INSURANCE PLAN]**

It is further ordered that Obligor and Obligee shall take notice of the Standard Order of Health Care Needs for Dependent Children attached hereto and incorporated herein by reference. **[FORM -STANDARD ORDER OF HEALTH CARE NEEDS FOR DEPENDENT CHILDREN]**

Obligee shall be responsible for the first \$100 incurred per child per calendar year of uninsured medical, dental, and optical expenses.

Costs of the remaining medical, dental, optical, and all psychological expenses, shall be shared by Obligor and Obligee in amounts equal to their percentage of total income found on the Child Support Computation Worksheet, unless otherwise agreed as follows:

Health Insurance Provided by Obligee's Group Insurance:

It is therefore ordered that Obligee shall provide group health insurance coverage if available at a reasonable cost, for the dependent children pursuant to the Dependent Health Care Order filed herewith. **[FORM - NOTICE TO EMPLOYER TO ENROLL EMPLOYEE IN HEALTH INSURANCE PLAN]**

It is further ordered that Obligor and Obligee shall take notice of the Standard Order of Health Care Needs for Dependent Children attached hereto and incorporated herein by reference. **[FORM -STANDARD ORDER OF HEALTH CARE NEEDS FOR DEPENDENT CHILDREN]**

Obligee shall be responsible for the first \$100 incurred per child per calendar year of uninsured medical, dental, and optical expenses.

Costs of the remaining medical, dental, optical, and all psychological expenses, shall be shared by Obligor and Obligee in amounts equal to their percentage of total income found on the Child Support Computation Worksheet, unless otherwise agreed as follows:

_____.

In the event both Obligor and Obligee have Group Health Insurance Available:

It is therefore ordered that Obligor and Obligee shall provide group health insurance coverage if available at a reasonable cost, for the dependent children pursuant to the Dependent Health Care Orders filed herewith. **[FORM - NOTICE TO EMPLOYER TO ENROLL EMPLOYEE IN HEALTH INSURANCE PLAN]**

It is further ordered that Obligor and Obligee shall take notice of the Standard Order of Health Care Needs for Dependent Children attached hereto and incorporated herein by reference. **[FORM -STANDARD ORDER OF HEALTH CARE NEEDS FOR DEPENDENT CHILDREN]**

Obligee shall be responsible for the first \$100 incurred per child per calendar year of uninsured medical, dental, and optical expenses.

Costs of the remaining medical, dental, optical, and all psychological expenses, shall be shared by Obligor and Obligee in amounts equal to their percentage of total income found on the Child Support Computation Worksheet, unless otherwise agreed as follows:

_____.

In the event neither Obligor nor Obligee has Group Health Insurance Available for a reasonable cost

It is therefore ordered since no health insurance for dependent children is available at a reasonable cost, Obligee shall be responsible for the first \$100 incurred per child per calendar year of uninsured medical, dental, and optical expenses.

Costs of the remaining medical, dental, optical and all psychological expenses shall be shared by Obligor and Obligee in amounts equal to their percentage of total income found on the Child Support Computation Worksheet, unless otherwise agreed as follows:

_____.

It is further ordered that Obligor and Obligee shall take notice of the Standard Order of Health Care Needs for Dependent Children attached hereto and incorporated herein by reference. **[FORM -STANDARD ORDER OF HEALTH CARE NEEDS FOR DEPENDENT CHILDREN]**

It is further ordered that if, after the issuance of this order, group health insurance becomes available for the dependent children at a reasonable cost through a plan offered by the Obligor's or Obligee's employer or through any other group health insurance plan available to Obligor or Obligee, said party shall immediately notify the Preble County Support Enforcement Agency, (CSEA), P.O. Box 206, Eaton, Ohio (45320), in writing of the available insurance, company name and address and policy number.

If the person required to obtain health care insurance coverage for the children subject to this child support order obtains new employment and the health insurance coverage for the children is provided through the previous employer, the agency shall comply with the requirements of Division (E) of Section 3113.217 of the Revised Code which may result in the issuance of a notice requiring the new employer to take whatever action is necessary to enroll the children in health care insurance coverage provided by the new employer.

Parenting Time Language (Visitation)

Out of State Relocation: Neither parent shall relocate the children out of state without first obtaining a modified parenting time (visitation) order. The parties may submit an agreed order modifying parenting time (visitation), with a provision for allocation of transportation expenses, to the Court for adoption by the Court as an order. If the parents are unable to agree, the moving parent shall, prior to relocation 1) file a motion asking the Court to modify the parenting time (visitation) schedule, 2) set a hearing and 3) obtain a modified parenting time (visitation) order. No continuances of the hearing will be granted without written permission of the judge.

Access to Records: The *non-residential* parent shall have access to the same records, same school activities and to any day-care center which the children attend on the same basis that said records and access is legally permitted to the residential parent, unless a restrictive order has been obtained from the Court. It is the responsibility of the parent

obtaining a restrictive order to serve it on the appropriate organization.

Notice to Change of Address: Both parents shall give written notice to the other parent immediately upon any change of address and/or phone number, unless a restrictive order has been obtained from the Court. A copy of the notice shall also be provided to the Common Pleas Court, Domestic Relations Division, Third Floor, Courthouse, Eaton, Ohio (45320), Attention: Assignment Commissioner.

Court costs

It is further ordered that the costs of the foregoing Order shall be paid by _____ within 30 days of the date of filing to the Preble County Clerk of Courts, Domestic Relations Division, Third Floor Courthouse, Eaton, Ohio (45320).

DR.29 Disabled Persons - Special Accommodations

Any person who requires special accommodations because of a handicap or disability shall notify the Court of his or her special requirements at least 72 hours before a scheduled court appearance. The Court shall comply with all reasonable requests for assistance, including providing interpreters, without imposing additional costs.

DR 30. Domestic Violence [FORMS- PACKET FROM CLERK] Civil Protection Orders and Stalking Protection Orders

Packets for processing civil protection orders and stalking protection orders are available at the office of the Clerk of Courts. The Court shall hold a hearing on the same day as the filing of a petition for a civil protection order.

DR 31. Mediation

At any time after service of summons in any action for divorce, legal separation, or annulment involving one or more children, or at any time after the filing of a post-decree motion to modify the allocation of parental rights and responsibilities including parenting time and other related parenting issues, the parties and/or attorneys may submit an agreed entry to the judge or magistrate before whom the matter is then pending requesting mediation. The parties may agree to submit other issues to mediation including, but not limited to, property division and spousal support.

The parties shall chose a mediator and they shall make arrangements for the payment of the mediator. The mediator, however, must have the following qualifications: comply with the qualifications set forth in Rule 16 of the Ohio Rules of Superintendence; adhere to the ethical standards of the mediation profession; and maintain appropriate liability insurance, specifically covering the activities of the individual as a mediator.

An order to mediation will not stay the implementation of any temporary orders issued by the court, nor any scheduling order/discovery matter or hearing.

Agreements reached in mediation shall be written by the mediator and signed by the parties before they leave the mediation session. No agreement shall be binding on any party until the agreement is reviewed and approved by counsel for the parties and by the court. If the agreement is adopted by the attorneys and the court, counsel for plaintiff or movant (if post-decree) or the

plaintiff or movant if the parties are pro se, shall submit an entry to the court incorporating the agreement and containing all language required to conform with local rules. The entry may be in the form of a final decree or a separate agreed entry. If the parties do not adopt the agreement, it will not be considered in any fashion by the court. If no agreement is reached, the mediator shall notify the court that no agreement was reached.

****NOTE:** Although the Court does not, at this time, have a court mediator, the Court reserves the right to order mediation in those cases where the Court deems such an order necessary and appropriate.

DR 32. Report of Guardian ad Litem

The initial report, as well as any subsequent reports, of a Guardian ad Litem shall be filed with the Assignment Commissioner. The Assignment Commissioner shall provide a copy of said report or reports to counsel of record. Counsel are cautioned that while it is necessary for litigants to be aware of the contents of the report or reports, copies of these documents shall not be provided to the litigants.

DR.32A. Guardian ad Litem Fee Statements

All statements for fees for services of a guardian ad litem shall be submitted on the form provided by the Court.

DR 33. Special Projects Funds

This Court has determined that additional funds are necessary to defray the costs associated with hiring a part-time Magistrate. Pursuant to ORC Section 2303.201(E)(1), a fee of \$40.00 (\$20.00 per litigant) in addition to the fees and costs authorized by law will be charged and collected by the Clerk of Courts upon the filing of each new domestic relations case and each post-decree motion. Petitions for civil protection orders, stalking civil protection orders and IV-D motions are exempt from this required fee. All fees paid under this Rule shall be paid to the Clerk of Courts for deposit with the County Treasurer for deposit into a general special projects fund. Monies from that fund shall be disbursed upon order of this Court in an amount no greater than the actual cost of the special project stated above or for any other special project which this Court from time to time might deem necessary for its efficient operation.

Further, the Clerk of Courts shall forward all fees collected by the Clerk for notary public examinations to said special fund pursuant to Section 147.02 and Attorney General Opinions at 1942 Ohio Att. Gen. Ops. No. 4882.

This Court has determined that additional funds are necessary to defray the costs associated with staff training in community control matters and in mediation matters. Pursuant to ORC Section 2303.201(E)(1), a fee of \$10.00 per case, in addition to the fees and costs authorized by law will be charged and collected by the Clerk of Courts upon the filing of each new criminal, divorce, dissolution, legal separation, and civil case. Petitions for civil protection orders, stalking civil protection orders and IV-D motions as well as all re-opened cases are exempt from this required fee.

All fees paid under this Rule shall be paid to the Clerk of Courts for deposit with the County Treasurer for deposit into a general special projects fund. That fund shall be called "Special Projects Fund – Court Training Fund". Monies from that fund shall be disbursed upon order of this Court in an amount no greater than the actual cost of the special project stated above or for any other special project which this Court from time to time might deem necessary for its efficient operation

DR. 33.5 Exhibit Retention Orders

In all trials before the Court or Magistrate, any exhibits admitted during trial shall be held by the Court Reporter until an appeal is filed and the exhibits are sent to the Court of Appeals. If no appeal is filed, the party seeking release of an exhibit or exhibits shall petition the Court for an order releasing said exhibit. No exhibit shall be released without a court order.

All unreleased exhibits in civil and domestic relations cases shall be held for a period of two years from the date of the hearing. All unreleased exhibits in criminal cases shall be held for a period of ten years from the date of the hearing, except in the instance of capital cases or in criminal cases where the Defendant is incarcerated for longer than ten years. In those cases the exhibits shall be held until ordered destroyed by the Court.

DR 34. Schedule of Deposits for Costs

Effective March 1, 2006, the Clerk of Courts shall collect as Deposit for court costs the following:

CERTIFICATE OF JUDGMENT, FILING	\$ 23.00
MAKING AND FILING	28.00
RELEASING	5.00
FOREIGN	38.00
CERTIFICATION	1.00
CIVIL (except foreclosure)	200.00
Service per defendant	10.00
FORECLOSURE	250.00
Service per defendant	10.00
CROSS-COMPLAINT	
COUNTERCLAIM,	
THIRD-PARTY COMPLAINT	
ANSWER with Motion Requesting Service	100.00
AMENDED COMPLAINT (re-issuing per party)	10.00
JURY DEMAND	300.00
DEBTOR'S EXAM	53.00
EXECUTION	53.00
GARNISHMENT	100.00
DISSOLUTION WITH CHILDREN	265.00
DISSOLUTION WITHOUT CHILDREN	200.00
DIVORCE WITH CHILDREN	300.00
SEMINAR FOR SEPARATING PARENTS	25.00
DIVORCE WITHOUT CHILDREN	200.00

AGREED ENTRY FILED AFTER CASE CLOSED (per page)	2.00
QDRO (filing)	25.00
Service Required	50.00
RE-OPENING CASE	150.00
SUBPOENA	10.00
ORDER OF SALE (appraisers fees - \$50.00 x 3)	150.00
OUT-OF-COUNTY WITNESS PAYABLE TO	
WITNESS PER DAY	12.00
PLUS PER MILE	.10
STATE TAX CASES	58.00
COURT OF APPEALS	125.00
GUARDIAN AD LITEM - APPOINTMENT MOTION	400.00
NOTARY FILING FEES (EXAMINATIONS)	25.00
WRIT OF POSSESSION	100.00
SPECIAL PROJECTS FUND (COURT TRAINING)	10.00
(INCLUDE FOR NEW CRIMINAL CASES)	