

RULES OF COURT

Common Pleas Court of Williams County, Ohio
Effective July 1, 1998 (Rev. 5/11/06)

Honorable Anthony L. Gretick, Judge

INDEX

<u>Rule</u>	<u>Description</u>	
	GENERAL PROVISIONS	Page 1
RULE 1	TERM OF COURT	Page 1
RULE 2	CLERK OF COURT	Page 1
RULE 3	SECURITY FOR COSTS	Page 5
RULE 3.1	COMPUTERIZED RESEARCH	Page 7
RULE 3.2	MEDIATION IN CIVIL AND DOMESTIC RELATIONS CASES	Page 7
RULE 4	BAIL OR SURETY	Page 9
RULE 5	PLEADINGS AND MOTIONS	Page 9
RULE 5.1	PUBLICATION BY POSTING	Page 11
RULE 6	RULE DAY	Page 11
RULE 7	TRIAL ATTORNEY	Page 12

RULE 8
PRE-TRIAL PROCEDURE [Page 12](#)

RULE 9
OFFICIAL NOTIFICATION OF COUNSEL [Page 13](#)

RULE 10
ENTRIES [Page 13](#)

RULE 10.1
STATEMENT/EXECUTION FOR COSTS [Page 14](#)

RULE 11
CRIMINAL CASES [Page 14](#)

RULE 12
INACTIVE CRIMINAL CASES [Page 16](#)

RULE 13
MAGISTRATES [Page 16](#)

RULE 14
TRANSCRIPTS [Page 16](#)

RULE 15
MEDIA COVERAGE [Page 17](#)

RULE 16
JURY QUESTIONNAIRE [Page 19](#)

RULE 17
EVIDENCE OF TITLE TO BE FILED IN JUDICIAL SALES OF REAL ESTATE
..... [Page 19](#)

RULE 18
APPEALS [Page 20](#)

RULE 19
COURT SECURITY [Page 21](#)

RULE 20
ATTORNEY’S FEES FOR SUITS IN PARTITION OF REAL ESTATE ... [Page 21](#)

RULE 21
APPRAISER’S FEES [Page 22](#)

RULE 22
NOTARIES PUBLIC [Page 22](#)

RULE 23
CONDUCT AT DEPOSITIONS [Page 23](#)

RULE 24
CONTINUANCES [Page 24](#)

RULE 25
NON-PUBLIC INFORMATION FILINGS [Page 25](#)

RULE 26
DOMESTIC RELATIONS PRACTICE [Page 26](#)

RULES OF PRACTICE
OF THE
COURT OF COMMON PLEAS, GENERAL DWISION
WILLIAMS COUNTY, OHIO

GENERAL PROVISIONS

- (1) **Divisions.** The Court of Common Pleas, Williams County, Ohio, shall be divided into three divisions, the General Division, the Probate Division and the Juvenile Division. The Rules herein shall apply only to the General Division except as otherwise specifically provided.
- (2) **Purpose.** The purpose of these Rules is to set forth local practices and procedures of these courts, consistent with the Rules of Superintendence, the Rules of Civil and Criminal Procedure and such other rules as may be adopted or promulgated by the Supreme Court of Ohio pursuant to Section 5 of Article IV of the Ohio Constitution.
- (3) **Effective Date.** The effective date of these Rules is July 1, 1998.

**RULE 1
TERM OF COURT**

- 1.01 There shall be one term of Court, the January term, and the Court shall be in continuous operation for the transaction of judicial business. The term shall be divided into three sessions: winter, summer and fall. The winter session will begin in January, the summer session in May, and the fall session in September. Each session will consist of approximately seventeen weeks.

The sessions of the courts shall begin at 8:30 a.m. and close at 12:00 Noon and shall resume at 1:00 p.m. and close at 4:30 p.m. on Monday through Friday each week except on those days designated by law as legal holidays.

**RULE 2
CLERK OF COURT**

- 2.01 **Duties.** The Clerk shall file together and carefully preserve in his office all papers delivered to him for that purpose, in every action or proceeding.
- 2.02 **Copies.** In causes pending in which the parties or their counsel shall deem it necessary to have copies of pleadings, the Clerk shall, on request, furnish copies in accordance with the usual fee charged by the Clerk's Office for making copies. Copies of all other papers except bills of exceptions, depositions and transcripts, belonging to the files of the court, shall, on demand, be furnished by the Clerk upon payment of the usual fee therefor.

2.03 Filing of a Facsimile Copy. Pleadings and other papers may be filed with the Clerk of Courts by facsimile transmission to 419-636-7877 subject to the following conditions:

A document filed by fax shall be accepted as the effective original filing. The person making a fax filing need not file any source document with the Clerk of Courts but must, however, maintain in his or her records and have available for production on request by the Court the source document filed by fax, with original signatures as otherwise required under the applicable rules, together with the source copy of the facsimile cover sheet used for the subject filing. The source document filed by fax shall be maintained by the person making the filing until the case is closed and all opportunities for post judgment relief are exhausted.

As used in these rules, unless the context requires otherwise:

(a) A “facsimile transmission” means the transmission of a source document by a facsimile machine that encodes a document into optical or electrical signals, transmits and reconstructs the signals to print a duplicate of the source document at the receiving end.

(b) A “facsimile machine” means a machine that can send and receive a facsimile transmission.

(c) “Fax” is an abbreviation for “facsimile” and refers, as indicated by the context, to facsimile transmission or to a document so transmitted.

The person filing a document by fax shall also provide therewith a cover page containing the following information:

- (a) The name of the Court;
- (b) The title of the case;
- (c) The case number;
- (d) The assigned judge;
- (e) The title of the document being filed;
- (f) The date of transmission;
- (g) The transmitting fax number;
- (h) An indication of the number of pages included in the transmission, including the cover page;
 - (i) If a judge or case number has not been assigned, state that fact on the cover page;
 - (j) The name, address, telephone number, fax number, Supreme Court registration number, if applicable, and email address of the person filing the fax document if available; and
 - (k) If applicable, a statement explaining how costs are being submitted.

If a document is sent by fax to the Clerk of Courts without the cover page information listed above, the Clerk may, at its discretion:

- (a) Enter the document in the Case Docket and file the document; or
- (b) Deposit the document in a file of failed faxed documents with a notation of the reason for the failure; in this instance, the document shall not be considered filed with the Clerk of Courts.

The Clerk of Courts is not required to send any form of notice to the sending party of a failed fax filing. However, if applicable, the Clerk of Courts may inform the sending party of a failed fax filing.

A party who wishes to file a signed source document by fax shall either:

- (a) Fax a copy of the signed source document; or
- (b) Fax a copy of the document without the signature but with the notation “/s/” followed by the name of the signing person where the signature appears in the signed source document.

A party who files a signed document by fax represents that the physically signed source document is in his/her possession or control.

Each exhibit to a facsimile produced document that cannot be accurately transmitted via facsimile for any reason must be replaced by an insert page describing the exhibit and why it is missing. Unless the Court otherwise orders, the missing exhibit shall be filed with the Court, as a separate document, not later than five (5) days following the filing of the facsimile document. Failure to file the missing exhibits as required by this paragraph may result in the Court striking the document and/or exhibit.

Any exhibit filed in this manner shall be attached to a cover sheet containing the caption of the case which sets forth the name of the court, title of the case, the case number, name of the judge and the title of the exhibit being filed, and shall be signed and served in conformance with the rules governing the signing and service of pleadings in this Court.

Subject to the provisions of these rules, all documents sent by fax and accepted by the Clerk shall be considered filed with the Clerk of Courts as of the date and time the Clerk timestamps the document received, as opposed to the date and time of the fax transmission. The office of the Clerk of Courts will be deemed open to receive facsimile transmission of documents on the same days and at the same time the Court is regularly open for business.

Fax filing may NOT be sent directly to the Court for filing but may only be transmitted directly through the facsimile equipment operated by the Clerk of Courts.

The Clerk of Courts may, but need not, acknowledge receipt of a facsimile transmission.

The risks of transmitting a document by fax to the Clerk of Courts shall be borne entirely by the sending party. Anyone using facsimile filing is urged to verify receipt of such filing by the Clerk of Courts through whatever technological means are available.

No document filed by facsimile that requires a filing fee shall be accepted by the Clerk for filing until the Court costs and fees have been paid. Court costs and fees may be paid by credit card. The forms necessary for the authorization of payment by credit card shall be available at the Clerk's office during normal business hours. Documents tendered to the Clerk without payment of Court costs and fees, or with incomplete information on the charge authorization or request, or which do not conform to applicable rules will not be filed.

No additional fee shall be assessed for facsimile filings.

Facsimile filings shall not exceed ten (10) pages in length. The filer shall not transmit service copies by facsimile but will be charged therefor at the per page copy charge established in these Court Rules.

These rules shall be effective as of November 1, 2004, and shall govern all proceedings in actions brought after they take effect and also further proceedings in pending actions, except to the extent that, in the opinion of the Court, their application in a particular action pending on the effective date would not be feasible or would work an injustice, in which event, the former procedure applies.

2.04 **Taxing of Costs.** When a case is finalized, judgment entries which tax the costs of the proceeding to a party which has not made a deposit against costs shall be accompanied by a check for the total amount of costs. If such a check is not presented with the entry, or if both parties have made a deposit, the Court costs shall be first deducted from the deposit of the party to whom they were assessed. The deposit of the other party will be held by the Clerk if necessary to close out the case on the Court's books. A thirty-day grace period from the date of the final entry will be given to the Clerk before unused deposits for costs are refunded to the parties to allow for late costs such as Sheriff's returns.

2.05 **Execution for Costs.** The Clerk shall keep a list of all unpaid and accrued costs in all proceedings where costs have been taxed, and shall send statements to all persons against whom costs have been taxed in all proceedings that have become final, at least once every three (3) months. After two (2) such notices, if the costs have not been paid, the

Clerk shall issue a certificate of judgment for the amount of such costs without further order.

RULE 3

SECURITY FOR COSTS

3.01 Unless a party by order of the Court, upon motion and attached affidavits, is granted leave to make filings without deposit or security, security for costs must be given in the following amounts:

- \$350.00 Civil Deposit
- \$225.00 Divorce Deposit without children
- \$200.00 Cross-Claim or Counterclaim Deposit for Divorce without children
- \$350.00 Divorce Deposit with children plus \$30.00 for each child between the ages of 5 through 17, inclusive
- \$200.00 Dissolution Deposit without children
- \$300.00 Dissolution Deposit with children plus \$30.00 for each child between the ages of 5 through 17, inclusive
- \$300.00 Cross-Claim or Counterclaim Deposit and Third Party Complaint
- \$200.00 Post Judgment Motions
- \$ 50.00 Motion With Consent Judgment Entry
- \$ 25.00 Foreign County Sheriffs Service Deposit
- \$500.00 Investigation Deposit
- \$150.00 Court of Appeals Deposit -- *Additional \$25.00 fee for Appeals filed from our Common Pleas cases
- \$100.00 Original Action in Court of Appeals
- \$ 75.00 Foreign Judgment
- \$ 50.00 Execution on Certificate of Judgment
- \$ 22.00 Filing Certificate of Judgment from Another Court
- \$ 25.00 Certificate of Judgment Making and Filing
- \$ 7.00 Certificate of Judgment Making and Sending

\$ 75.00	Aid in Execution Deposit
\$ 50.00	Writ of Execution
\$ 75.00	Debtor's Examination
\$100.00	Garnishments
\$400.00	Publication Deposit
\$125.00	Expungement Deposit
\$ 5.00	Filing Satisfaction or Partial Satisfaction of Lien
\$ 5.00	Recording Notary Commission
\$ 2.00	Notary Certification
\$ 2.00	Recording Optometry License
\$ 1.00/page	Certified copy requests -- including Certificate
\$.25/page	Photocopy requests
\$ 1.00/page	Making complete record -- including Index
FAX fee	\$2.00, plus \$1.00 per page per transmission
\$ 25.00	Calling Jury
\$ 25.00	Deposit per subpoena issued by Clerk

- 3.02 **Insufficient Deposit.** If it is brought to the attention of the trial judge that any deposit is insufficient, the trial judge may require the said deposit to be increased from time to time.
- 3.03 **Witness Fees.** A party requesting the issuance of subpoenas for a witness shall deposit at the time of filing the request for subpoena the appropriate amount under the Witness Fees Statute (ORC 2335.06) for said witness with the Clerk of Courts. This Rule shall apply to civil and criminal practice.
- 3.04 **Appraisal Fee.** An advance deposit of \$75.00 is required. In the event the appraisal is canceled, this fee shall be promptly returned.

3.05 **Credit Card Charges.** Pursuant to Ohio Revised Code Section 301.28, the Clerk of Courts shall accept payment for any fees, costs deposits or payments by VISA and MasterCard credit cards only. The Clerk shall charge a non-refundable surcharge for using a financial transaction device at rates posted in the office of the Clerk of Courts.

RULE 3.1

COMPUTERIZED RESEARCH

3.10 Pursuant to the authority of R. C. Section 2303.201(A) it is determined that, for the efficient operation of the Civil, Criminal and Domestic Relations Division of this Court, additional funds are required to obtain computerized legal research services.

The Clerk of this Court is directed and is hereby authorized to charge and collect an additional fee of Three Dollars (\$3.00) upon the filing of each cause or appeal under R.C. Section 3\2303.20(A), (Q), and (U).

All funds collected pursuant to this Rule shall be paid to the County Treasurer to be maintained by the County Auditor in a separate account for utilization of this Court in procuring and maintaining computerized legal research services.

Pursuant to the authority of R.C. Section 2303.20 1(B) it is determined that, for the efficient operation of the Civil, Criminal and Domestic Relations Divisions of this Court, additional funds are required to computerize the Office of the Clerk of the Court of Common Pleas.

The Clerk of this Court is directed and hereby authorized to charge an additional fee of Ten Dollars (\$10.00) upon the filing of each cause of action, appeal, certificate of judgment, or the docketing and indexing of each aid in execution or petition to vacate, revive, or modify a judgment under R.C. Section 2303.20(A), (P), (Q), (T), and (U).

All funds collected pursuant to this Rule shall be paid to the County Treasurer to be disbursed, upon an order of the Court of Common Pleas and subject to appropriation by the Board of County Commissioners, in an amount no greater than the actual cost to the Court of procuring and maintaining computer systems for the Office of the Clerk of the Court of Common Pleas.

RULE 3.2

MEDIATION IN CIVIL AND DOMESTIC RELATIONS CASES

3.21 Upon order of the Court, any case filed in this Court may be submitted to mediation as provided in this Rule.

3.22 Any civil case may be referred to mediation by order of the Court. The Court may issue the order on its own motion, upon the motion of counsel, upon referral by the mediator or upon agreement of the parties. A case may also be referred to mediation by random selection.

All remaining court orders shall remain in effect. No order is stayed or suspended during the mediation process.

Continuances of scheduled mediations shall be granted only for good cause shown and by the Mediation Coordinator or the Judge or Magistrate who referred the case. Except as authorized by the Court, the existence of pending motions shall not be good cause for a continuance and no continuance will be granted unless the mediation can be scheduled prior to the final pretrial.

Pursuant and subject to Ohio Revised Code 2317.023, the Rules of Evidence, and any other pertinent judicial rule, all written or verbal communications related to the mediation or made during the mediation process shall be confidential. The Mediator shall inform the Court who attended the mediation and whether the case settled. If the case has not settled, then the Mediator shall inform the Court whether the case is scheduled for further mediation or is returned to the Court for further proceedings. No other information shall be communicated by the Mediator to the Court.

A Mediator acting pursuant to this Local Rule shall have all immunity conferred by statute, rule and common law.

The efforts of the Mediator shall not be construed as giving legal advice.

Unless otherwise excused, trial counsel who is primarily responsible for each party's case personally shall attend the mediation and shall be prepared and authorized to discuss all relevant issues, including settlement. All parties, and if applicable, insurance adjusters, all with authority to settle, personally shall attend all mediation conferences. A party other than a natural person must be represented by a person, other than counsel, with authority to agree to settlement. Counsel may, at their option unless required on a specific case by the Mediator, submit a mediation memorandum which shall contain the following:

1. The elements of each claim or defense asserted by the party filing the mediation memorandum;
2. A brief statement of the claimed facts supporting the claims(s) or defense(s) against all other parties; a statement of admitted or undisputed facts; and, a statement of remaining issues of fact to be tried;
3. Any amendments required to the pleading;

4. Any tender of issues in the pleadings that are to be abandoned;
5. A proposal for settlement of the claim(s) or defense(s). This proposal may be submitted *in camera*.

Mediation memorandum may be submitted in confidence or exchanged by counsel at their preference. However, any counsel who submits a Mediation Memorandum in confidence shall advise the opposing counsel it is their intention to file a mediation memorandum in confidence. Any mediation memorandum submitted under this Rule shall be provided to the Mediator at least two (2) working days prior to the mediation session.

- 3.23 Failure to attend a mediation session may result in sanctions being imposed by the Court. Such sanctions may include dismissed for want of prosecution, contempt of court findings, orders to pay attorney's fees or such other sanctions as the Court may deem appropriate.
- 3.24 If the parties, pursuant to an agreement, fail to dismiss a settled case or fail to advise the Court of the status of the case within the earlier of sixty (60) days or the time noted in the Report of Mediation that gave the Court notice of the settlement, then the Court may dismiss the case administratively.

RULE 4

BAIL OR SURETY

- 4.01 No attorney or officer of the Court will be received as bail or surety.
- 4.02 In all criminal cases where the defendant posts a property bond, his attorney or an attorney for the surety whose property is being used to secure the bond must provide the Clerk of Courts with a title search certifying the following: a short description of the property, the names that appear on the deed, the true value of the property as shown on the records in the County Auditor's Office and whether there are any liens on file against the property, together with an appraisal of the real estate prepared by an appraiser approved by the Court.

RULE 5

PLEADINGS AND MOTIONS

- 5.01 Every pleading, motion and memorandum filed shall have typed or printed thereon the name, address, telephone number, facsimile transmission (FAX) number, and Supreme Court registration number of counsel filing the same and, when the counsel is a firm of attorneys, a particular attorney within the firm having primary responsibility for the case. All papers filed with the Court must be on paper not

exceeding 8-1/2 by 11 inches in size. All papers shall have double spaced type with the exception of legal descriptions and quotations which shall be single spaced.

- 5.02 When a new party plaintiff or defendant is added to a case after the commencement thereof, the caption of the first pleading in which or after which such new party is added shall contain the name of such new party, together with his or its address followed by a specific designation of “New Party Plaintiff” or “New Party Defendant” as is applicable.
- 5.03 Counsel shall file with the Clerk of Courts and the Assignment Commissioner written notice of any change of address.
- 5.04 Pleadings and motions may be amended as provided in Civ. R. 15, but no pleading or motion shall be amended by interlineation or obliteration except upon leave of court.

Except in Domestic Relations matters:

- (1) All motions shall be accompanied by a brief statement of the grounds and the authorities relied upon.
 - (2) The opposing counsel or a party may file a response by the fourteenth day after the day on which the motion was filed. The moving party may file a reply brief by the twenty-first day following the day on which such motion was filed. On the twenty-first calendar day after the motion was filed, the motion shall be deemed submitted without oral arguments unless oral argument is requested in writing by counsel.
 - (3) This rule shall apply to all motions.-including motions for new trial, motions for judgment notwithstanding the verdict, and motions for reconsideration but shall not apply to motions for summary judgment.
 - (4) No motion shall be filed in any case after it has been set for pretrial without leave of the trial judge first obtained, who may establish the time for the filing of briefs and submission of the motion.
- 5.05 **Motions for Summary Judgment.** In pretrial orders, the Court may set cut-offs for the filing of dispositive motions, fix briefing schedules and set such motions for oral argument. Otherwise, upon the filing of a motion for summary judgment, the Court shall set the motion for hearing, and the schedule in Civil rule 56 shall be followed.

RULE 5.1

PUBLICATION BY POSTING

- 5.10 **Authorization.** Civil Rule 4.4, authorizes service of process by “posting and mail” in cases of “divorce, annulment and alimony actions” when the plaintiff is proceeding in forma pauperis, and the Court is required to designate, in addition to the courthouse, “two additional public places in the county” where publication of service of process by “posting” may be had.
- 5.12 **Designation.** As the Williams County License Bureau and the Williams County Department of Human Services are separate public buildings which enjoy widespread public usage, and each constitutes and qualifies as a “Public Place in the County” of Williams, State of Ohio for statutory and definition all purposes.

Therefore, the Williams County Courthouse, located at One Courthouse Square, Bryan Ohio 43506, the Williams County License Bureau, located at 13060 county Road D-50, Bryan Ohio 43506, and the Williams County Department of Human Services, located at 117 West Butler Street, Bryan Ohio, are EACH designated as a “public place” for the purposes of accepting and posting service of process in qualifying cases.

In each such case, the Clerk of Courts shall cause the requisite “NOTICE” to be posted in a conspicuous place and manner in the above denominated buildings, for the requisite period of six (6) consecutive weeks of publication. Upon completion of the posting for the requisite six week period, the Clerk of Courts shall remove the notice, complete the “Return of Service”, file the same in the appropriate case, note on the docket where and when notice was posted and notify counsel, all as prescribed by law.

RULE 6

RULE DAY

- 6.01 Any party shall be permitted one leave to move or plead for not more than thirty (30) days for good cause shown upon the filing of an appropriate motion stating the cause and a journal entry granting leave. An additional extension of not more than thirty (30) days may be granted by agreement of counsel. Such consent shall be evidenced by an order signed by all counsel and shall be submitted to the Court for approval and filing.
- 6.02 Where an additional extension of time beyond that provided herein is needed, or where the parties cannot agree upon an extension of time, the party desiring the extension shall file a written motion supported by an affidavit stating facts indicating the practical impossibility of pleading within rule and demonstrating good cause for further extension. The motion and affidavit shall be served upon opposing counsel, and the matter shall be heard at a time to be fixed by the judge to whom the case is assigned.

- 6.03 In all cases where the time for filing of pleadings or amended pleadings is not fixed by law or another rule, the pleading or amended pleading shall be filed on or before the fourteenth day after the date of entry requiring or granting leave for the filing of such pleading or amended pleading unless otherwise specified in the entry. The opposing party shall move or plead to the pleadings or amended pleadings so filed on or before the fourteenth day after such pleadings or amended pleading is filed.
- 6.04 No pleading or motion shall be amended by interlineation or obliteration except upon express leave of the Court first obtained.

RULE 7

TRIAL ATTORNEY

- 7.01 Unless otherwise ordered, and in all actions filed, transferred or removed to this Court, all parties not appearing *pro se* shall be represented of record by a “trial attorney”. Unless such designation is changed, the trial attorney shall attend all hearings, conferences, and the trial itself unless otherwise excused. All pleadings filed on behalf of one or more parties represented by counsel shall be signed by one attorney in his individual name as trial attorney, followed by the designation “trial attorney.” Firm names and the name of the co-counsel may appear on the pleadings for information.
- 7.02 Unless otherwise ordered, the substitution or withdrawal of a trial attorney shall be permitted only:
- (1) Upon filing with the Court and service on all other parties of a notice of a substitution of trial attorney signed by the withdrawing attorney, the client and a substitute trial attorney, or
 - (2) Upon written application for substitution or withdrawal served upon the client and showing of good cause and upon such terms as the Court shall impose. Unless otherwise ordered, a trial attorney shall not be permitted to withdraw at any time later than twenty (20) days in advance of trial or the setting of a hearing on any motion, and unless otherwise ordered, the substitution of a trial attorney shall not serve as the basis for postponement of the trial or any hearing.

RULE 8

PRE-TRIAL PROCEDURE

- 8.01 Pretrials shall be held at such time as the Court shall direct.

- 8.02 It shall be the duty of counsel to comply with the terms and conditions of the Court's order setting a cause for pretrial and/or settlement conference. Thirty to ninety days after answer day in any domestic or civil case, or within thirty days of arraignment in a criminal case, the Court shall cause a pretrial hearing to be scheduled at which all issues relevant to the case shall be discussed, all available alternate dispute resolutions shall be explored, and the case shall be scheduled for trial and any further hearings as determined to be necessary by the Court. Failure to comply, in the absence of good cause shown, may result in the imposition of sanctions, including, but not limited to, dismissal for want of prosecution, default judgment, assessment of attorneys' fees and expenses against any party not in compliance, prohibition against the production of certain evidence or testimony, or any other sanction provided for by law.

RULE 9

OFFICIAL NOTIFICATION OF COUNSEL

- 9.01 Notification by the Assignment Commissioner by ordinary mail shall be deemed official and complete notification to all counsel and unrepresented parties of any assignment of any case for any purpose whatever.
- 9.02 Notice boxes in the Office of the Clerk of Courts are provided for local counsel for making and receiving service. Service on local counsel shall be considered complete on the day following placement therein.

RULE 10 ENTRIES

- 10.01 Unless the trial judge or magistrate otherwise directs, counsel for the party in whose favor an order, decree or judgment is rendered shall, within ten (10) days thereafter, prepare the proper journal entry and submit it to the counsel for the adverse party who shall approve or reject the same within five (5) days after the receipt thereof. Name of counsel and of the trial judge shall be typed or printed upon the entry. When the entry is approved by counsel, it shall be so endorsed and presented to the judge to whom the case is assigned for approval, and if signed by him, shall then be filed with the Clerk. If counsel are unable to agree upon the entry, each party shall submit a proposed entry together with a motion (with order attached) seeking leave to file its proposed entry, and stating the reason why such entry should be adopted by the court without the concurrence and approval of opposing counsel.
- 10.02 If counsel fail to present an entry within twenty (20) days after the order, decree or judgment is rendered, the trial judge may cause the proper entry to be prepared and filed without submission or notice to counsel or take such other action as may be appropriate under the circumstances.

- 10.03 Counsel shall promptly submit an entry of dismissal to the trial judge following settlement of any cause. If counsel fail to present such entry to the trial judge within twenty (20) days after representations to the Court that a case has been settled, or within thirty (30) days upon written application to the court for such an extension and for good cause shown, the trial judge may order the case dismissed as for want of prosecution.
- 10.04 Whenever copies of entries are submitted with original journal entries which are to be filed, each copy shall have typewritten or stamped on the signature line the following:
- S/ (name of Judge)
- 10.05 In all Entries of Confirmation following foreclosure actions, counsel shall describe in detail the release of any liens and mortgages, including the volume and page number of any such release.
- 10.06 Counsel directed by the Court to prepare and submit a journal entry of a final, appealable order reflecting the findings and rulings of the Court shall provide for the Clerk of Courts a list of all persons entitled to notice, including the names and mailing addresses of all attorneys of record and names and addresses of all unrepresented parties not in default. Counsel shall also provide sufficient copies of said journal entry to the Clerk so that the Clerk may serve notice of the entry by mail upon each party listed.

RULE 10.1

STATEMENT/EXECUTION FOR COSTS

- 10.1 All entries in civil and domestic cases shall make provisions for payment of court costs and shall specifically provide for allocation of any court costs incurred over and above the cost deposit. Costs in any action in which the final journal entry is silent as to their assessment shall be taxed to the party initiating the action.

RULE 11

CRIMINAL CASES

- 11.01 **Application of Rules.** The rules of practice for civil cases apply to all criminal procedures except where clearly inapplicable.
- 11.02 **Discovery.** In addition to, and to supplement the requirements of Rule 16, Ohio Rules of Criminal Procedure, and to provide the fairest and most expeditious administration of justice under the Ohio Revised Code, the Ohio Constitution and

the Constitution of the United States of America, an information packet shall be delivered by the State to defendant's counsel upon the execution of a demand and receipt therefor.

The information packet shall contain:

- (i) All police reports, including the defendant's prior criminal record;
- (ii) All witness statements;
- (iii) All statements made by the defendant and/or by the co-defendant(s);
- (iv) All reports of examinations and tests that are made in connection with the particular case and are available to or within the possession, custody or control of the State;
- (v) The names and addresses of all witnesses; and
- (vi) All documents and tangible objects which are available to or within the possession, custody or control of the State, and which are material to the preparation of the defendant's defense, or are intended for use by the prosecuting attorney as evidence at trial, or were obtained from or belong to the defendant.

No police report supplied in the information packet shall be used for the cross-examination of any witness unless it is properly qualified under Rule I 6(B)(1)(g) of the Ohio Rules of Criminal Procedure and Rule 613 of the Ohio Rules of Evidence.

The execution of a demand and receipt for an information packet and the acceptance of an information packet by counsel for the defendant automatically obligates the defendant to provide to the prosecutor reciprocal discovery.

11.03 Compensation for Court Appointed Attorneys. Any attorney appointed to provide legal representation for indigent defendants shall be compensated pursuant to Section 120.33 *et seq.*, Revised Code of Ohio, and any other applicable Ohio law. Such attorneys shall be reimbursed for expenses reasonably incurred not to exceed one hundred dollars (\$100.00) without prior court approval. Necessary expenses in excess of \$100.00 may be allowed only if approved by the trial judge in advance of incurring the expense and if the amount thereof is determined to be reasonable by the trial judge. No attorney shall be appointed to represent an indigent defendant if that attorney has received compensation or has been promised compensation from any source for representing that defendant in the case at bar.

11.04 Extraordinary Services. Additional payment shall be made for extraordinary cases

and then only upon application under oath by the attorney showing extraordinary services, and after approval by the trial judge.

- 11.05 **Certificate of Legal Services.** The attorney's certificate for legal services and affidavit of indigency shall be submitted within thirty (30) days of the termination of legal services and shall set forth an itemization of time and expenses involved. Said certificate shall also include the date of termination of services.
- 11.06 **Appointed Counsel - Contempt.** In any contempt action, if the alleged contemnor is determined indigent, he/she shall be provided legal representation by the appointed counsel.

RULE 12

INACTIVE CRIMINAL CASES

- 12.01 Criminal cases in which further proceedings are not presently possible shall be placed in a suspended file by the Clerk and considered closed for statistical purposes either upon motion of the prosecuting attorney or the Court's own motion and shall not be subject to dismissal for want of prosecution. A case shall be removed from such list when the defendant is available and proceedings resumed or when the case is dismissed. Cases to which this rule is applicable shall include those in which the defendant is not competent to stand trial, or is confined in a penal institution in another state, has been served and cannot be found or those cases from which an appeal has been taken and is pending. In those cases, if appropriate, bail shall be forfeited and judgment entered thereon.

RULE 13

MAGISTRATES

- 13.01 Magistrates may be appointed by the Court and serve full or part-time as provided by Ohio Civil Rule 53.
- 13.02 All referenced proceedings shall conform to the requirements of Ohio Civil Rule 53.

RULE 14

TRANSCRIPTS

- 14.01 All requests for transcripts shall be made in writing. The Court Reporter shall have full authority to require a deposit in such amount as is deemed necessary to cover the cost of preparation, unless otherwise ordered by the Court.

RULE 15

MEDIA COVERAGE

15.01 **Broadcasting, Televising, Recording and Photographing by the New[s] Media.** Broadcasting, televising, recording, and photographing by news media during courtroom sessions, including recesses between sessions, shall be permitted under the following conditions:

15.02 **Administration.** Requests for permission to broadcast, televise, record, or photograph in the courtroom shall be in writing to the Judge of the Court of Common Pleas as far in advance as reasonably practical, but in no event later than twenty-four (24) hours prior to the courtroom session to be broadcast or photographed unless otherwise permitted by the trial judge.

The trial judge shall grant the request in writing consistent with Canon 3 Section A (7)(c), Code of Judicial Conduct, Superintendence Rule 11, and this local Rule. Written permission shall be made a part of the record of the proceeding.

15.03 **Pooling.** Arrangements may be made between or among media for “pooling” equipment and personnel authorized by this rule to cover the Court sessions. Such arrangements are to be made outside the courtroom and without imposing on the trial judge or court personnel to mediate any dispute as to the appropriate media ‘pool” representative or equipment authorized to cover a particular session.

15.04 **Equipment and Personnel.** Not more than one (1) portable camera (television, videotape or motion picture) operated by not more than one (1) in-court camera person, shall be permitted without authorization of the trial judge.

Not more than one (1) still photographer, utilizing not more than two (2) still cameras of professional quality with not more than two (2) lenses for each camera, shall be permitted without authorization of the trial judge.

Not more than one (1) audio system for radio broadcast purposes shall be permitted without authorization of the trial judge.

If audio arrangements cannot be reasonably made in advance, the trial judge may permit one (1) audio portable tape recorder at the bench which will be activated prior to commencement of the courtroom session.

Visible audio portable tape recorders may not be used by the news media without prior permission of the trial judge.

15.05 **Light and Sound Criteria.** Only professional quality telephonic, photographic and audio equipment which does not produce distracting sound or light shall be employed to cover courtroom sessions. No motor driven still cameras shall be permitted.

No artificial lighting device other than that normally used in the courtroom shall be employed. However, if the normal lighting in the courtroom can be improved without being obtrusive, the trial judge may permit modification.

Audio pickup by microphone for all media purposes shall be accomplished from existing audio systems present in the courtroom.

One television camera shall be positioned on a tripod adjacent to the northeast wall in the courtroom, and shall remain fixed in that position. This designated area shall provide reasonable access to coverage. Videotape recording equipment or other technical equipment which is not a component part of an in-court television or broadcasting unit shall be located in a room adjacent to or outside of the courtroom.

Television, broadcast, and still camera operators shall position themselves in a location in the courtroom, either standing or sitting, and shall assume a fixed position within that area. Having established themselves in a shooting position, they shall act so as to not call attention to themselves through further movement.

Television cameras, microphones and taping equipment shall not be placed in, moved during or removed from the courtroom except prior to commencement or after adjournment of the session, or during a recess. Neither television film magazines, rolls or lenses, still camera film, nor audio portable table cassettes shall be changed within a courtroom except during a recess.

15.06 **Miscellaneous.** Proper courtroom decorum shall be maintained by all media pool participants.

All media representatives shall be properly attired, in a manner that reflects positively upon the journalism profession.

15.07 **Limitations.** There shall be no audio pickup or broadcast of conferences conducted in a courtroom between counsel and clients, co-counsel, trial judge and counsel.

The trial judge shall prohibit photographing or televising by any means victims of sexual assaults, jurors and undercover police officers. The trial judge may prohibit the photographing or televising of any witness or victim who objects thereto. The trial judge shall retain discretion to limit or prohibit photographing or televising of any counsel or his work product, upon objection.

RULE 16

JURY QUESTIONNAIRE

16.01 It is within the discretion of the court to direct the Jury Commissioners to prepare jury questionnaires and make such questionnaires available to counsel. If jury questionnaires are to be used, the following procedures shall apply:

Prior to trial, counsel for the parties shall be provided by the Jury Commissioners with copies of juror questionnaires which have been previously completed by prospective jurors and directed to the court.

During *voir dire*, counsel may not inquire of jurors as to matters satisfactorily and completely answered in the questionnaires.

Counsel may not copy the jury questionnaires furnished them, and must return the jury questionnaires to the Jury Commissioners promptly after *voir dire*.

RULE 17

EVIDENCE OF TITLE TO BE FILED IN JUDICIAL SALES OF REAL ESTATE

Except in tax forfeiture and tax foreclosure cases, and except where the Court upon motion of a party and for good cause shown otherwise directs, in any case wherein the relief is sought is the judicial sale of real estate:

- (1) The plaintiff shall procure and file with the Court not later than the date the decree ordering judicial sale is filed with the Clerk of Courts, a commitment for an owner's title insurance policy for each parcel of real estate to be sold, said commitment to be effective at 8:30 a.m. on the day after the date of the completion of service on the last of the record owners of the real estate to be served. The commitment shall be in "the amount of the successful bid at sheriff's sale" and shall show "purchaser at judicial sale" as the proposed insured.
- (2) An order of sale shall not be issued until the plaintiff's attorney files a certification with the Clerk of Courts verifying that the provisions of this rule have been complied with or that the duty of compliance with the provisions of the rule have been dispensed with by court order.
- (3) After the sheriff's return of the order of sale and prior to the confirmation of the sale, the plaintiff shall cause a bill for the cost of an owner's policy of title insurance in the amount of the sale price of the real estate to be filed with the Clerk of this Court. The amount of the bill shall be taxed as costs in

the case.

- (4) After the delivery of the deed by the sheriff to the purchaser and the recording of said deed, the plaintiff shall cause an owner's policy of title insurance in the amount of the sale price to be delivered to the purchaser or mailed to the address of the purchaser as shown on the deed.
- (5) If the purchaser of the real estate does not desire an owner's policy of title insurance, said purchaser shall notify the plaintiff prior to the confirmation of the sale, and the plaintiff shall cause a bill for the cancellation of the commitment, calculated in accordance with the company's rates filed with the State of Ohio, Department of Insurance, as amended from time to time, to be filed with the Clerk of the Court. The amount of said bill shall be taxed as costs in the case, in lieu of the bill referred to in subparagraph (2) above.
- (6) If the plaintiff's complaint is dismissed prior to the judicial sale, but the action is nonetheless pending due to counterclaims or cross-claims, the party which has asserted a claim based on a lien which is next in priority to plaintiff shall comply with the requirements of this rule.

RULE 18

APPEALS

- 18.01 Where the time for filing bills of exceptions, assignments of error and briefs are fixed by statute or by Rule of the Supreme Court, they shall be filed within such time or extension thereof as may be granted in writing by the judge to whom the case is assigned after notice to opposing counsel or party. Upon the expiration of such time as extended, the case will be considered as submitted on the briefs unless oral argument is requested in writing and granted by the judge. When granted, such oral argument shall not exceed fifteen (15) minutes per side unless extended by the judge.
- 18.02 Where the time for filing is not fixed by statute or Rule of the Supreme Court, the appellant shall file a brief within twenty (20) days after the filing of the transcript of the record; the appellee shall file his brief within ten (10) days after the filing of the brief of appellant and any reply briefs shall be filed within five (5) days after the filing of appellee's brief. Extensions of time may be granted by entry by the judge to whom the case is assigned for good cause shown after notice to all parties.
- 18.03 In all cases in which demand or request to the agency by the appellant is a prerequisite to the preparation or the filing of the transcript of the record by the agency, such demand or request shall be filed by the appellant with the agency at the time of filing the notice of appeal, unless otherwise provided by Rule of the

Supreme Court or by law.

- 18.04 Upon expiration of the time for filing the last brief, the case will be considered as submitted upon the briefs unless oral argument is requested in writing and granted by the judge to whom the case is assigned or is required by law. Such argument shall not exceed (15) fifteen minutes per side unless extended by such judge.
- 18.05 The procedure as herein above set forth as may be applicable shall apply to all appeals including those under Chapter 2506 of the Revised Code and Chapter 119 of the Revised Code.
- 18.06 Failure of appellant to file his bill of exceptions, assignments of error, his brief or his demand for a transcript of the record within the time required shall be cause for dismissal of the appeal for want of prosecution or other disposition of the case at the direction of the judgment to whom the case is assigned.

RULE 19

COURT SECURITY

- 19.01 The Court shall direct the Williams County Sheriffs Department or other appropriate law enforcement officers to act as Court security for Court facilities when deemed appropriate in the Court's discretion.
- 19.02 No firearms and/or weapons shall be permitted within Court facilities except by personnel engaged in Court security or other law enforcement officers conducting official business.
- 19.03 All prisoners shall be transported to and from Court facilities handcuffed and, when appropriate, secured by leg restraints.

RULE 20

ATTORNEY'S FEES FOR SUITS IN PARTITION OF REAL ESTATE

- 20.01 Pursuant and subject to ORC 5307.25, counsel fees in partition actions are fixed as follows: For the first five thousand dollars (\$5,000.00) of the value, as determined in said action, of the said real estate, at the rate of eight percent (8%); all above that sum, and not exceeding ten thousand dollars (\$10,000.00) at the rate of six percent (6%); all above that sum, and not exceeding fifteen thousand dollars (\$15,000.00) at the rate of four percent (4%); and all above fifteen thousand dollars (\$15,000.00) at the rate of two percent (2%) with a minimum allowance of fifty dollars (\$50.00).

Compensation for extraordinary services and for expenses may be awarded upon

application to and approval of the trial judge and only upon notice to opposing parties or their counsel. Such extraordinary fees and expenses shall be limited to those found to be reasonable and necessary in the sound discretion of the trial judge.

RULE 21

APPRAISER'S FEES

21.01 Appraiser's fees as to actions relating to real or personal property shall be allowed to each appraiser as follows:

\$50 per \$1,000.00 or fraction thereof of the appraised value up to \$50,000.00
\$.25 per \$1,000.00 or fraction thereof of the appraised value of all over
\$50,000.00

A minimum fee for each appraiser based on the above amounts shall be \$15.00.

RULE 22

NOTARIES PUBLIC

The examination and certification of Notaries Public will be conducted in the following manner:

- (1) The Judge shall appoint one or more Notary Commissioners. The commissioner(s) appointed shall be charged with the administration of the following rules and shall be compensated out of fees collected pursuant hereto.
- (2) Said commissioner(s) shall, upon request for examination, conduct examinations of all applicants for appointment as Notaries Public for this county to determine whether such applicants possess the necessary qualifications as defined in Chapter 147 of the Revised Code of Ohio. Such examination shall not be required of persons holding active notary public commissions in this State and who have previously passed an examination therefor.
- (3) Each applicant for commission shall file with a commissioner a statement in writing and under oath, in such form as prescribed by the Court, which statement shall be kept on permanent file by the commissioner.
- (4) Within five (5) days after completion of the examination referred to in (2) above, the commissioner shall report to the Judge the names of all successful applicants, whose applications will then be approved by the Judge and

forwarded to the proper issuing authority together with the requisite fee.

- (5) Any successful applicant who considers himself aggrieved by the commissioner may appeal directly to the Judge and shall be entitled to a prompt review. Otherwise, any unsuccessful applicant may make application for re-examination upon payment of the hereinafter specified fee. Every unsuccessful applicant shall be notified by the commissioner of the reason for rejection of his application.
- (6) All applicants for commissions as Notaries Public, whether or not residents of the county shall pay the following fees at the time of filing their statements and applications:

Original applications	- \$ 8.00
Re-examination	- \$ 3.00
Renewal application	- \$ 3.00

All such fees shall be paid to the commissioner and shall be subject to the direction of the Court. All expenses incurred by the commissioner in carrying out the provisions of this rule shall be paid from fees collected in accordance herewith.

In addition to the fees above provided for, each application shall be accompanied by the filing fee prescribed by R.C. 147.37, provided that said fee will be returned to each unsuccessful applicant upon request.

- (7) Any applicant who fails to appear for two successive examinations, without prior notice to the commissioner, shall forfeit the examination fee.

Nothing herein contained shall apply to persons admitted to practice of law in this state or certified by the Judge of the Court of Common Pleas of the county in which he resides as qualified for the duties of official stenographic reporter of such court.

RULE 23

CONDUCT AT DEPOSITIONS

23.01 **General.** Witnesses, parties, and counsel shall conduct themselves at depositions in a temperate, dignified and responsible manner. The following guidelines for the taking of depositions emphasize the expectations of the Court as to certain issues; they are intended to supplement the Civil Rules.

23.02 **Scheduling.** Counsel are expected to make a timely and good faith effort to confer and agree to schedules for the taking of depositions. Unless counsel otherwise agree, depositions shall be conducted during normal business hours. Except where

good cause exists, no Notice of Deposition or Subpoena shall issue prior to a scheduling conference with opposing counsel. Counsel for the deponent shall not cancel a deposition or limit the length of a deposition without stipulation of the examining counsel or order of the Court.

- 23.03 **Decorum.** Opposing counsel and the deponent shall be treated with civility and respect. Ordinarily the deponent shall be permitted to complete an answer without interruption by counsel.
- 23.04 **Objections.** Counsel may interpose an objection by stating “objection” and the legal grounds for the objection. Speaking objections which refer to the facts of the case or suggest an answer to the deponent are improper and shall not be made in the presence of the deponent.
- 23.05 **Witness Preparation.** Preparation of the deponent will be completed prior to the taking of the deposition. While a question is pending, counsel for the deponent and the deponent shall not confer, except for the purpose of deciding whether to assert a privilege.
- 23.06 **Documents.** Examining counsel shall provide counsel for the deponent with copies of all documents shown to the deponent during the deposition.
- 23.07 **Disruptive or Irresponsible Behavior.** Where a witness, party or counsel engages in disruptive or irresponsible behavior at a deposition, the Court may order sanctions or other remedies.

RULE 24

CONTINUANCES

- 24.01 No continuances shall be granted for more than thirty (30) days without prior approval of the Court.
- 24.02 Any party seeking a continuance shall first seek approval for the continuance from the opposing party or parties. If the same is obtained, the party seeking a continuance shall originate a conference call with all parties and the assignment commissioner to determine a date satisfactory to the Court and all parties. After such a date is determined the moving party shall prepare and file a motion/lorder setting forth the new date and time with copies to all parties.
- 24.03 If the moving party cannot obtain approval from the other party or parties, an appropriate motion and substantiating memorandum seeking such continuance should be filed which shall be heard as any other motion per Rule 5.04.

RULE 25

NON-PUBLIC INFORMATION FILINGS

- 25.01 Documents filed in any case containing sensitive personal information shall be kept in a separate non-public file to be maintained by the Clerk of Courts in such manner and in such location as the Court deems appropriate. Filed documents shall be attached to the right side of the non-public folder and any other documents to be held in such non-public file shall be attached to the left side of the non-public folder.
- 25.02 The non-public file shall contain the following items:
- (1) The parties' DR-I and DR-3 affidavit form and attachments thereto;
 - (2) Tax returns;
 - (3) Psychological evaluations;
 - (4) Medical reports;
 - (5) Reports of supervised parenting time or supervised parenting time exchanges;
 - (6) Home investigation reports and/or guardian ad litem reports;
 - (7) Reports of medical or drug testing;
 - (8) Any filings containing social security numbers or personal information.
- 25.03 Upon motion of a party or upon the Court's own motion other documents containing sensitive personal information may be ordered kept in the non-public file. If there are documents which are documents which are to be filed in the public file containing social security numbers or any other individual identifying information, the same shall be redacted on those documents in the public file.
- 25.04 The public file shall contain in place of the document contained in the non-public file a Notice of Filing prepared by the Clerk of Courts reflecting the filing of the document maintained in the non-public file and the date thereof
- 25.05 In the event that the Court conducts an in camera interview of any child, the Court shall hold said recording or transcript of recording in a separate file. The recording shall not be made available to either party or counsel without Court approval. A transcript of said recording shall only be made available to counsel or the parties after the filing of objections, a Magistrate's Decision or an appeal to the Court of Appeals.
- 25.06 Contents of the non-public file may be disclosed to the parties or their counsel ONLY upon written request made to the Court and the Court's approval thereof[.] Contents of the non-public file shall be otherwise available for inspection and review only by Court personnel in the performance of their required duties or as the

Court may direct.

RULE 26

DOMESTIC RELATIONS PRACTICE

26.1 **Security for Costs.** Deposits for Court costs shall be as established in Rule 3.

26.21 **Dissolution.** In all actions for a dissolution, the parties shall file a Petition for Dissolution, Separation Agreement and a Waiver of Entry of Appearance and Service of Summons, Child Support Guidelines, an Affidavit as to residency of the minor children, and an Application for Child Support Services must be filed when there are minor children of the marriage.

A completed DR-i form signed by both parties shall be filed in all dissolutions where only one party is represented by counsel.

26.22 **Divorce, Annulment and Legal Separation.** In all actions for divorce, annulment and legal separation the party bringing the action shall file a DR-i form with their Complaint. Within the time allotted for response, the responding party shall also file a DR-i form. If there are minor children, the plaintiff shall also file an Affidavit as to the residency of the children.

26.23 **Preliminary Orders (Pendente Lite).**

- (1) When requested in the Complaint, Answer or Counterclaim, or by Motion, upon satisfactory proof by Affidavit duly filed with the Clerk of this Court, the Court or Magistrate without oral hearing and for good cause shown may grant spousal support *pendente lite* to either of the parties for his or her sustenance and expenses during suit and may make temporary orders regarding allocation of parental rights and responsibilities, support, maintenance and care of the minor children of the marriage, whether biological or by adoption, during the pendency of the action for divorce, annulment or legal separation, as provided for in Ohio Civil Rule 75(M).
- (2) Counter Affidavits may be filed by the opposing party within fourteen (14) days from the service of the Complaint, Answer, Counterclaim or Motion, and all Affidavits shall be used by the Court or Magistrate, together with the divorce investigator's report, if any, in making a temporary spousal support, allocation of parental rights and responsibilities, support and care order; and, upon request in writing, after any temporary spousal support or allocation of parental rights and responsibilities and support order is journalized, the Court shall grant the party so requesting an oral hearing to modify such temporary order. A request for oral hearing shall not suspend or delay the

commencement of spousal support or support payment previously ordered or change the allocation of parental rights and responsibilities of children until the Order is modified by Journal Entry after the oral hearing.

- (3) In the alternative to Subsection (1) and (2) herein, a party filing any pleading or Motion where child support is to be ordered shall also submit to the Court at the time of filing a completed worksheet with the party's calculation of the child support Guidelines. The responding party shall submit to the Court, within fourteen (14) days of the service of the original pleading or Motion, a completed worksheet with the responding party's calculation of child support under the Guidelines. All worksheets so filed shall be made on the oath or affirmation of the party submitting same. Also to be included with any pleadings is a completed DR-i Financial Affidavit. All contempt filings for failure to comply with Court-ordered support and/or spousal support shall be accompanied by a computerized statement of the status of the obligor's support and/or spousal support account certified by the Child Support Enforcement Agency. The Clerk shall refuse any filings not complying with this Rule.
- (4) Until such time as the Court or Magistrate has made a temporary order as to allocation of parental rights and responsibilities and support of any minor child or children of the parties, any minor children of the parties shall remain in the custody and control of the party who had physical custody and control of the minor children at the time of the filing of the Complaint for divorce, annulment, legal separation or Motion.
- (5) Upon the filing of any matter in which an investigation is required for the placement or allocation of parental rights and responsibilities of minor children, a complete street address for the parties or person having or seeking allocation of parental rights and responsibilities of minor children shall be included in any papers filed with the Clerk of this Court.
- (6) In all actions for divorce, dissolution, annulment and legal separation, or any Answer or Counterclaim thereto, a DR-i Affidavit itemizing the parties' gross income from all sources, assets, living expenses, debts and liabilities shall be filed herewith.
- (7) The following notice shall be included, in a conspicuous manner, in any Complaint, Answer, Counterclaim or Motion requesting temporary relief pending judgment.

NOTICE

YOU HAVE FOURTEEN (14) DAYS FROM THE DATE OF

**SERVICE WITHIN WHICH TO FILE ANY COUNTER
AFFIDAVITS, INCLUDING, IF APPROPRIATE, SWORN
SUPPORT WORKSHEETS.**

26.24 Motion for *Ex parte* Orders.

- (1) The Court shall not issue *Ex parte* temporary orders regarding exclusive use of the marital home, child support, spousal support or use of personal property unless moving party can show by Affidavit clear and convincing evidence of need for such an order. Any party seeking any temporary order shall show good cause why the order should issue without hearing.
- (2) Any temporary order issued with regard to these matters shall contain the following language:

“The Court has made this order based solely upon the evidence provided by the plaintiff. You may request a hearing on this matter. You have the right to have counsel present with you at any hearing. This is a temporary order and the Court will review the evidence of the parties at any requested hearing.”

- (3) All Affidavits must strictly comply with the requirements of Civil Rule 75(H)(2) and must specifically set forth reasons for requesting such orders.
- (4) The Court may require affiant to personally appear prior to issuing temporary restraining orders.
- (5) The Court may assign for hearing requests for *Ex parte* temporary orders.
- (6) The Motion for *Ex parte* orders shall set forth whether or not counsel presenting the Motion has negotiated the matter with other counsel and, if so, who.
- (7) Prior to any hearing, pretrial conference or trial, the Court may require the parties to provide further information regarding assets and liabilities, as it deems necessary.

26.31 Pretrial Conferences. The Court, on its own Motion, or at the request of a party, may order a pretrial conference. If a pretrial conference is scheduled, each of the parties shall serve upon opposing counsel and file with the Clerk of Courts not less than (10) days prior to the pretrial conference a pretrial statement containing all of the following information:

- (1) Itemized list of all assets of the parties together with appraisal value that will

be supported by respective party's evidence.

- (2) Statement of total gross income indicating source, amount and nature thereof
- (3) Statement of all deductions from gross income which, together with information provided in (2) above, will provide an accurate and fair representation of the party's net disposable income before living expenses and debts.
- (4) Itemized list of all debts of the parties indicating creditor, principal balance, periodic payment, anticipated rate of payoff, purpose, security, if any, and liability of respective parties thereon.
- (5) Statement of living expenses (without minor children) that will be supported by respective party's evidence.
- (6) Other relevant information as contained in ORC 3105.18 and 3113.215.

Each party shall also prepare a proposal, which he/she states is fair and reasonable, for division of assets, payment of debts, payment of periodic spousal support, and payment of child support (including medical expenses, etc.). The proposal shall be accompanied by a memorandum in justification of said proposal together with citations of legal authority supporting said proposal. Said proposal shall be served upon opposing counsel not less than ten (10) days prior to the pretrial conference.

If upon conducting the pretrial conference it appears that a party has not fully, fairly and accurately disclosed all relevant information as herein ordered, the Court shall take such failure into consideration and may limit evidence submitted at trial to information provided pursuant to this order or impose sanctions authorized by Rule 8.02.

Counsel shall exert all reasonable effort to resolve and settle the issues presented herein prior to pretrial and be prepared to report to the Court the results of such settlement discussions.

26.32 Assignment of Cases for Trial. All uncontested actions for divorce, spousal support or annulment shall be assigned for trial by the assignment commissioner on the Court's own Motion or upon the request of the party or the attorney for the party.

26.33 Magistrate Hearings. In all actions for divorce, annulment or legal separation, the Court may refer any Motion, temporary or final hearing to a domestic relations Magistrate for hearing and recommendations.

26.34 Trial. At such time as a case has been assigned for final contested hearing, the

parties shall be required to exchange settlement proposals as follows:

- (1) Plaintiff shall submit a settlement proposal signed by plaintiff and counsel to the defendant thirty (30) days prior to trial. A copy of the same shall be submitted to the Court in a sealed envelope which shall remain sealed until the date of the final hearing. Plaintiff's failure to submit a settlement proposal by this date will result in dismissal of plaintiff's Complaint for lack of prosecution.
- (2) Defendant shall submit a settlement counter-proposal signed by defendant and counsel to the plaintiff twenty (20) days thereafter. A copy of the same shall be submitted to the Court in a sealed envelope which shall remain sealed until the date of the final hearing. Defendant's failure to submit a settlement counter-proposal by the date stated will result in the acceptance by the Court of plaintiff's settlement proposal as an agreed settlement.

26.41 Parenting Class (A-OK). All parents involved in new domestic relations cases and such post-decree cases as the Court may deem appropriate in the Williams County Common Pleas Court, Division of Domestic Relations, which involve the allocation of parental rights and responsibilities for the care of minor children, shall be required to attend one parenting class.

After the filing of a Complaint for divorce or a petition for dissolution of marriage in which minor children are involved and before said action will proceed to final hearing, every party seeking the allocation of parental rights and responsibilities for the care of minor children, and both parties seeking a dissolution, shall attend one session of a parenting class sponsored by the Common Pleas Court of Williams County, Ohio, Division of Domestic Relations.

Before any motion for a change of allocation of parental rights and responsibilities, including visitation, will be set for final hearing, every party seeking any allocation of such parental rights and responsibilities shall attend the above referred to parenting class if they have not done so within the last two years immediately prior to the filing of such motion. A certification of attendance will be filed in the case file for each participant after each class.

26.42 Fee. Effective September 1, 2001, the fee for attendance at said parenting class shall be thirty-five dollars (\$35.00) per person. Thirty dollars (\$30.00) from this sum shall be paid Out by the Clerk of Courts from the deposit for Court costs to the providers of the program upon the filing of their certificate of attendance; the balance shall be retained in the "Parenting Education Fund" to be disbursed on order of the Court.

26.43 Scheduled Classes. The classes will be held on the third Tuesday of each month at

the Bryan Middle School, 1301 West Center Street, Bryan, Ohio. Sessions will start promptly at 5:15 p.m. and no one will be able to enter the classroom after the session has commenced.

- 26.44 **Sanctions.** Any litigant failing to complete the session within sixty (60) days of the filing of the original pleading may not be eligible to receive any allocation of parental rights. In the event that no party to the action completes the session within said sixty (60) day period, the action will be dismissed for want of prosecution.

Unexcused absence from a scheduled session shall result in a Ten Dollar (\$10.00) rescheduling fee being charged, which shall be assessed as additional Court costs and placed in the "Parenting Education Fund".

- 26.51 **Guardian *Ad litem* Appointment.** A guardian *ad litem* may be appointed by the Court to represent the best interest of a minor or incompetent person in a legal proceeding before this Court. The legal proceeding may be, but is not limited to, a divorce, the allocation of parental rights and responsibilities or a companionship action.

- 26.52 **Qualifications.** A guardian *ad litem* appointed by the Court shall be any individual who the Court feels is qualified to represent the best interest of a minor or incompetent person. The Court may appoint an attorney to act as a guardian *ad litem* for the minor or incompetent person.

- 26.53 **Deposit for Fees.** Unless otherwise directed by the Court, when a guardian *ad litem* is appointed, the moving party shall deposit with the Clerk of Courts the fee for the guardian *ad litem* as determined by the Court in the appointment entry, by the date specified. When protracted litigation is anticipated, the guardian *ad litem* may submit to the Court a motion requesting additional deposit and allocation.

- 26.54 **Payment of Fees.** Prior to any final adjudication of the matter on which the guardian *ad litem* has been appointed, the guardian *ad litem* shall submit an affidavit of fees to the Court for approval. When approved by the Court, said fees shall be paid prior to final hearing.

- 26.55 **Home Studies.** Any party may request, and the Court may order upon request, or *sua sponte*, that a Home Study be should be conducted on behalf of the Court.

Upon a finding that a Home Study should be conducted, the Court shall appoint an investigator who shall inquire into such matters as may be relevant to the case before the Court. These may include, but shall not be limited to, character, family relations, past conduct, the home environment of any party, the social history of any party or child, the school history, a psychosocial and medical history of the parties and children, financial conditions of the parties, criminal history, if any, and any other matters deemed important

and necessary by the investigator in order to arrive at a recommendation to the Court with respect to the issues before the Court.

Any party may suggest to the investigator the names of any person who may provide relevant information and shall provide to the investigator the address and telephone number of such person. The investigator shall determine whether an interview with any person is necessary to the investigation being conducted.

The home investigator shall be considered to be the Court's own expert, and any report of a home investigator (Home Study) shall be admissible into evidence as a Court's exhibit upon the court's own motion without further authentication. Its contents, conclusions and recommendations may be considered by the Court. Counsel may read the Home Study and shall be provided with a copy of the recommendation section.

Costs of the Home Study shall be assessed by the Court to the parties, and the Court may require a deposit against the costs of such investigations.

26.61 **What About Me?** All children of the ages of five through seventeen, inclusive, whose parents are involved in domestic relations actions shall be required to attend one What About Me? session.

26.62 **Fee.** The fee for attendance at said What About Me? session shall be thirty dollars (\$30.00) per attendee, which amount shall be paid from the deposit for costs by the Clerk into the "What About Me? Fund" to be retained in that fund until ordered disbursed by the Court.

26.63 **Attendance.** Attendance at What About Me? shall be mandatory. The Court may impose appropriate sanctions as in Rule 26.44 for failure to comply.

Rev. 5/11/06