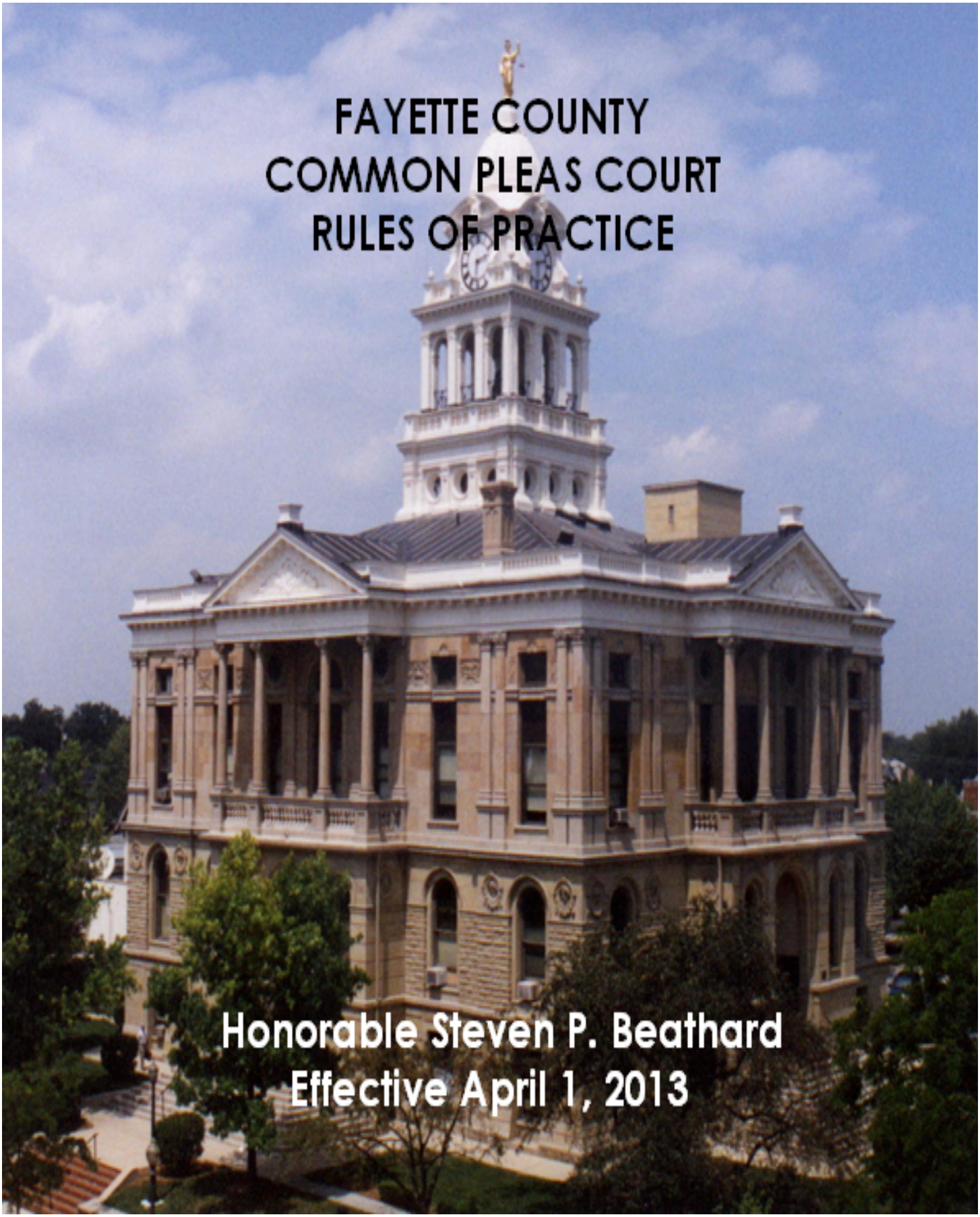

FAYETTE COUNTY COMMON PLEAS COURT RULES OF PRACTICE

Honorable Steven P. Beathard

Effective April 1, 2013

IN THE COURT OF COMMON PLEAS, GENERAL DIVISION
FAYETTE COUNTY, OHIO

RULES OF PRACTICE OF THE COURT

The following Rules are adopted and incorporated in the present Rules, until otherwise provided, pursuant to Section 5 (B), Article IV of the Ohio Constitution and Rule 83 of the Ohio Rules of Civil Procedure.

RULE 1 – ADMINISTRATIVE PROVISIONS

1.01 Term of Court. This Court shall be in continuous session. The term of Court is January through December.

1.02 The Court may issue standing orders for the efficient transaction of the business of the Court from time to time such as setting security deposits for court costs and fees, appointments of private process servers, trial management order and others. Such order shall be incorporated into these Rules upon filing with the Clerk of Courts.

1.03 The Court digitally records all of its proceedings. A copy of the proceedings on compact disc may be obtained by contacting the Court and paying the applicable fee of $5.00 which shall be payable to the Court's computer fund.

1.04 If a party desires to have a court reporter record the proceedings in addition to the digital recording, that party shall file a written request for appointment of a court reporter for that case and present a proposed entry. The party or parties requesting the appointment of a court reporter shall be responsible for obtaining the services of the reporter, informing the reporter of the time of the proceedings, and for paying the reporter. The Court shall not obtain, employ or pay the court reporter for the proceedings. The Court Bailiff shall retain all original exhibits as part of the Court's file.

1.05 The Court may maintain a list of approved court reporters or transcriptionists. Anyone desiring to be placed on that list may file an application letter and resume with the Court.

1.06 The Judge of this Court, the Court staff, the Clerk of Courts and Deputy Clerks are not authorized to practice law and shall not provide legal advice to any person on any matter. The Clerk and Deputies may provide blank forms as approved by the Court, however, they may not provide any legal advice as to the completion and filing of the forms.

1.07 These rules are hereby adopted and shall take effect on April 1, 2013. They shall govern all further proceedings in actions then pending, except if the Court determines that their application in a particular case pending upon the effective date hereof would not be feasible, would work injustice, or would not conform to the Rules of Superintendence or the Rules of Civil Procedure.

1.08 All former rules of this court are repealed as of the effective date hereof excluding standing orders previously issued by the Court. These rules are ordered entered upon the journal of this Court by the Clerk.

RULE 2 - PROCESS AND NOTICE

2.01 GENERAL. Service of process shall be in accordance with Rules IV and V of the Ohio Rule of Civil Procedure or as otherwise required by statute.

2.02 DOMESTIC RELATIONS. See D.R. Rule 1.01

2.03 SERVICE BY PUBLICATION. Where service by publication is required by law, counsel for the party seeking service of process shall be responsible for effectuating each step under Civil Rule 4, 4 (A). No case shall be set for hearing until a copy of the publisher's affidavit of publication is filed with the Clerk of Courts.

2.04 ALL OTHERS. In any case, unless the Clerk of Courts is requested when summons is issued to attach or include a copy of the filing related to the summons, the attorney of the party and not the Clerk of Court, shall mail or deliver to any other party a copy of said papers or the publication and file his certificate thereof, naming the persons therein with the Clerk who shall note the same on the docket; except as may be otherwise required by R.C. 2703.16, if applicable.

RULE 3 - FILINGS

3.01 GENERAL. All filings are to be made in accordance with the Rules of Civil Procedure unless specifically modified hereafter.

3.02 PROCEDURE. The Clerk of Courts shall file and maintain all documents delivered to the Clerk's Office. The Clerk shall file together and carefully preserve all papers delivered in every action or proceeding. The Clerk shall permit any party to an action or his or her attorney or agent to make a copy of any papers in the files of court, except depositions, upon payment of the fee for copies as established by the Clerk. At the time of filing any motion, brief, or memorandum, a copy thereof shall also be delivered to the Court Administrator/Judge's Office.

3.03 FORMAT FOR PLEADINGS. Pleadings, Entries, and Briefs shall be written on 8½" X 11" paper, with sufficient margin at top, bottom, and side of page, and must be double spaced except for real property description or quoted material. All papers filed shall have a three inch blank space at the top of the first page for the Clerk's endorsements. A flat filing system is in use. On the last page of each filing, the name, address, zip code, telephone, and attorney registration number shall by typed, printed or stamped. [The Clerk shall refuse to accept for filing any discovery documents or materials unless counsel certifies in writing that the filing is for a specific evidentiary purpose as required by Ohio Civil Rule 5(D), or unless otherwise ordered by the Court.]

3.04 TIME. Rule VI prescribing time is to be strictly enforced. Any requests for extensions of time in which to move or plead shall be presented before rule day with notice served upon opposing counsel according to law. Ex parte extensions shall not be granted.

3.05 COUNTERCLAIMS. Counterclaims in Domestic Relations cases must be filed within four (4) weeks from the date of service of summons on the complaint. Absent good cause shown, leave shall not be granted to file counterclaims out of rule.

3.06 REFILED CASES. Upon the filing of the new complaint the attorney or party filing shall certify as to whether the case had been filed previously and dismissed. If a case was previously dismissed under Civ. R. 41, under the case number, the re-filed complaint shall contain the statement: "This is a re-filed case", and shall state the number of the previous case.

RULE 4 - DEPOSITS FOR COSTS, FEES FOR COMPUTER RESEARCH AND SERVICES

4.01 SECURITY DEPOSITS. Parties instituting suits in this Court shall be required by the Clerk of Courts to deposit the sums set forth below:

A.	Divorce (Complaint or Counterclaim)	$ 300.00
B.	Dissolution	$ 250.00
C.	Post Decree Motions	$ 200.00
D.	Complaint, Counterclaim, Crossclaim (other than Domestic, Foreclosure or Partition)	$ 300.00
E.	Complaint for Foreclosure or Partition	$ 500.00
F.	Alias precipes requesting new appraisal	$ 150.00
G.	Jury Demand (additional)	$ 500.00
H.	Garnishment, Aid of Execution or Judgment Debtor Exam	$ 150.00
I.	Appeal – to Court of Appeals	$ 125.00
J.	Guardian Ad Litem	$1,000.00
K.	Expungement	$ 150.00

The party may also be required to deposit additional sums, at the discretion of the Clerk, reasonably necessary for the effective administration of the office of the Clerk of Courts.

In any case that is transferred to this court from another court; the Clerk shall collect from the Plaintiff the required filing fess within thirty (30) days of the transfer. The Clerk shall give notice of the filing fee due within three (3) business days of the transfer. If the filing fees are not paid, the court may dismiss the action without notice to the parties.

Upon the approval of an affidavit of poverty by entry of the Court, an action may be filed without the required security deposit. This deposit may be

paid in installments.

4.02 LEGAL RESEARCH, COMPUTER & SPECIAL PROJECT FEES.

(A) Pursuant to Revised Code 2303.201(A), the Court has determined that, additional funds are required to computerize the Court and to make available computerized legal research services. The Clerk is directed and authorized to charge and collect an additional fee of six dollars ($6.00) upon the filing of each cause or appeal under divisions (A),(Q), and (U) of section 2303.20 of the Revised Code. All funds collected pursuant to this rule shall be paid to the County Treasurer. The Treasurer shall place the funds from the fees in a separate account to be disbursed only on order of the Court, in an amount not greater than the actual cost to the Court of procuring and maintaining computerization of the court, computerized legal research services.

(B) Pursuant to Revised Code 2303.201(B), the Court has determined that, additional funds are required to computerize the office of the Clerk of the Court of Common Pleas. The Clerk is directed and authorized to charge an additional fee of twenty dollars ($20.00) upon the filing of each cause of action or appeal, on the filing, docketing, and endorsing of each certificate of judgment, or on the docketing and indexing of each aid in execution or petition to vacate, revive, or modify a judgment under divisions (A),(P),(Q),(T), and (U) of R.C. 2303.20. All funds collected pursuant to this rule shall be paid to the County Treasurer to be disbursed, on order of the Court 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.

(C) In addition to the funds collected pursuant to Local Rule 3.02 (A) & (B), the Clerk is directed and authorized to charge an additional fee of fifty ($50.00) upon the filing of each cause of action. All funds collected pursuant to this rule shall be paid to the County Treasurer to be disbursed, on order of this Court and subject to appropriation by the Board of County Commissioners. This account shall be designated as the "Special Projects Funds" and shall be used for administration of justice, including but not limited to the rehabilitation of existing court facilities, acquisition of equipment, the hiring and training of staff, community service programs, and other related services.

RULE 5 – MEDIA

5.01 GENERAL. Broadcasting, televising, recording and photographing by news media during courtroom sessions shall be permitted. No victims and/or children are permitted to be photographed without prior permission from the victim. There shall be no audio pickup or broadcast of conferences conducted in a Courtroom between counsel and clients or the Judge and counsel. The Court shall retain discretion to limit or prohibit photographing or televising of any juror, victim, witness, or counsel.

5.02 POOLING. Arrangements shall 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 Court or court personnel to mediate any dispute as to the appropriate media "pool" representative or equipment authorized to cover a particular session.

5.03 EQUIPMENT AND PERSONNEL. Only professional quality photographic and audio equipment which does not produce distracting sound or light and which does not interfere with the Court's audio equipment may be used to cover Courtroom sessions.

Audio pickup by microphone for all media purposes must be accomplished from existing audio systems present in the Courtroom and must be unobtrusive.

Not more than one portable camera operated by not more than one in-court camera person shall be permitted without authorization of the Court.

5.04 LOCATION OF EQUIPMENT AND PERSONNEL. The Court will advise media personnel upon their arrival as to a designated area which will provide reasonable access to coverage. Operators will be not be permitted to move about the Courtroom during Court sessions. No media personnel will be permitted to enter or exit the Courtroom while Court is in session.

RULE 6 - HEARINGS AND SUBMISSIONS OF MOTIONS

6.01 HEARINGS. Except as otherwise provide, all motions shall be accompanied by a memorandum stating the grounds thereof and citing relevant authority. The opposing counsel or party shall serve any memorandum in response on or before the fourteenth (14) day after the date of service as set forth on the certificate of service attached to the served copy of the motion. The moving party shall serve any further memorandum on or before the seventh (7) day after the date of service as set forth on the certificate of service attached to the served copy of the memorandum in response. On the twenty-eighth (28) day after the motion was filed, the motion shall be deemed submitted to the Court. Oral hearings on motions are not permitted except upon leave of the Court upon written request by a party. The time and length of any such oral hearing shall be fixed by the Court.

6.02 TEMPORARY ORDERS. Motions for temporary restraining orders, temporary injunctions, appointment of receivers or similar equitable relief shall be submitted to the Court at a time to be fixed by the Assignment Clerk. Notice of the time and place of such hearing shall be served upon the adverse party or counsel and no such matter shall be heard ex parte unless from affidavits filed with the motion the Court determines that extraordinary undue hardship would result to the moving party by any delay in proceeding. Even when the order is issued ex parte as provided herein, a hearing on the continuance of such order shall be scheduled and held after notice as provided herein. Evidence upon any

such hearing shall be in the form of affidavits or depositions which must be filed in advance of the hearing or submission. No oral testimony shall be permitted upon any such motion unless the court for good cause otherwise directs.

6.03 SUMMARY JUDGMENTS. In addition to the provisions of Local Rule 5.01, the following provisions shall apply to motions for summary judgment:

(A) Motions for summary judgment shall be deemed submitted to the Court at a non-oral hearing on a date fixed in the manner provided by this rule. The non-oral hearing date shall be set by the Assignment Clerk at the request of the moving party. The party obtaining the non-oral hearing date shall promptly notify all other parties of such date in writing and shall file such notice with the Clerk of Courts. No motion for summary judgment will be considered submitted to the Court until a non-oral hearing date is set and the failure of the moving party to obtain a non-oral hearing date may be considered as grounds for denial of the motion.

(B) All affidavits, depositions, and other evidentiary materials permitted by Civil Rule 56(C) in support of or in opposition to the motion for summary judgment shall be filed prior to the day set for the non-oral hearing. This section does not extend the time limits for filing answer briefs and reply briefs as provided in Rule 5.01.

(C) No motion for summary judgment shall be assigned for oral argument without the consent of the Court. Assignment of a summary judgment motion for oral argument shall not alter the non-oral hearing date time periods for serving and filing briefs and permitted evidentiary materials unless specifically ordered by the Court.

RULE 7 - PRE-TRIAL PRACTICE PROCEDURE

7.01 DISCRETIONARY PRE-TRIAL. Unless otherwise ordered by the Court, no civil case need be pre-tried. Request for pre-trials shall be made in writing by the party requesting same. If the Court determines that a case warrants a pre-trial, such pre-trial or any additional conferences shall be set by the Court at such time as is convenient.

RULE 8 - ASSIGNMENTS OF HEARINGS

All hearing times and dates shall be set by the Assignment Clerk or Court Administrator.

RULE 9- ENTRIES

9.01 PREPARATION. Unless the Court otherwise directs, counsel for the party in whose favor an order, decree, or judgment is rendered, shall within fourteen (14) days thereafter prepare the proper journal entry, and submit it to counsel for the adverse party, who shall approve or reject the same within three (3) days.

When the entry is approved by counsel, it shall be so endorsed and presented to the Court. If counsel are unable to agree upon the entry, it shall be submitted to the Court for final review.

If counsel fail to present an entry within twenty (20) days after the order, decree, or judgment is rendered, the Court 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.

9.02 DISMISSAL ENTRIES. Counsel shall promptly submit any entry of dismissal to the Court following settlement of any case. If counsel fail to present such an entry to the Court, the Court may order the case dismissed without prejudice.

9.03 NUNC PRO TUNC ENTRIES. The Court shall not approve a nunc pro tunc entry unless there is a motion filed requesting the issuance of a nunc pro tunc entry that specifically sets forth the date of the prior entry being modified, the error in the prior entry, and any other information necessary for the Court to determine whether to approve the entry.

RULE 10 - COGNOVIT JUDGMENTS

10.01 FILING. When a complaint is presented to the Court for the rendering of a cognovit judgment, it shall include an affidavit to the effect:

(A) That the maker of the cognovit now resides in Fayette County, or

(B) That the maker, or any one of several makers, of the cognovit note signed the warrant of attorney in Fayette County.

10.02 ADDRESS FOR SERVICE. The attorney who represents the judgment creditor shall include in the complaint a statement setting forth the last known address of the defendant.

10.03 ENTRY. Immediately upon the entering of any cognovit judgment, the attorney who represents the judgment creditor shall furnish a copy of the judgment entry to the Clerk. The Clerk shall notify the defendant by mailing a copy of the judgment entry by certified mail at the address set forth in the complaint.

RULE 11 - ATTORNEY FEES

Reserved.

RULE 12- NOTARIES PUBLIC

12.01 NOTARY COMMITTEE. For the purposes of assisting this Court in the performance of its duties pursuant to Chapter 147 of the Revised Code of Ohio, the Court hereby establishes a committee composed of all active attorneys in

Fayette County to be known as the Notaries Public Committee.

12.02 EXAMINATION. Any person applying for an initial commission, and any person whose commission has expired five years or more prior to the date of his or her application shall be required to take a written examination.

12.03 FEES. Each application for a first time commission shall be accompanied by a twenty ($20.00) dollar fee and each renewal by a five ($5.00) dollar fee to be collected by the Court and paid to the Fayette County Bar Association for services rendered in the examination of applicants. This fee is in addition to the $15.00 fee collected by the Notary Commission Clerk.

RULE 13- COURT SECURITY

13.01 For the purpose of assisting this Court in the performance of its duties, the Court hereby establishes a committee composed of the Common Pleas Judge, Common Pleas Court Administrator, the Fayette County Sheriff and Fayette County Commissioners.

13.02 The said committee duties include: dispersing security policy and procedural manuals to courthouse personnel; operating routine security drills; and implementing special operations plan, high risk trial plan, and emergency procedures.

13.03 Security provisions shall be provided by the office of the Fayette County, Ohio Sheriff's Department.

13.04 Prisoners shall be transported within the court facilities by a sheriff deputy. In instances when prisoners are deemed "dangerous", a less congested path shall be taken. All prisoners shall be hand-cuffed behind the back and when appropriate in leg-restraints.

13.05 During high risk trials, additional law enforcement officers shall provide security. Only one separate entrance to the court is permitted where a hand-held magnetometer shall be employed.

13.06 No weapons are permitted within the court facilities except those weapons carried by Fayette County sheriff deputies acting as court security officers and other law enforcement officers who enter the court within the scope of their employment.

13.07 The judge's bench, chambers, and office of each Common Pleas Court division shall have a duress alarm connected to a central security station.

13.08 Violations of law occurring within a court facility shall be reported to the law enforcement agency having jurisdiction.

13.09 Secure, anonymous parking shall be allocated to all division judges

of the Common Pleas Court.

13.10 Upon threats and concerns related to their employment, after-hours security for judges and court personnel shall be instituted by the Fayette County Sheriff's Department.

RULE 14 - CASE MANAGEMENT

14.01 GENERAL. All cases filed with the Clerk of Courts shall be classified according to designations established by the Ohio Supreme Court. Each case shall be disposed of within the time prescribed by the Ohio Supreme Court. Time begins to run upon the filing of the case.

14.02 FAILURE OF SERVICE. If service is not completed within six months, pursuant to Ohio Civil Rule 4(E), the Court will serve notice that unless service is obtained within thirty days, the case will be dismissed.

14.03 COMPLIANCE WITH SOLDIERS AND SAILORS CIVIL RELIEF ACT. Any party seeking a default judgment shall file with the Court an affidavit setting forth facts showing that the defaulting party is not in the military service. If the party seeking judgment is unable to file such an affidavit, then that party shall file an affidavit stating either that the defaulting party is in the military, or that the affiant is unable to determine the military status of the person in default.

14.04 CASE MANAGEMENT FOR CRIMINAL MATTERS. Criminal cases bound over to the court on which no action is taken by the grand jury within sixty days shall be dismissed forthwith without prejudice.

RULE 15 - JURY MANAGEMENT

Jury service is an obligation of citizenship and should not be denied or limited on the basis of race, national origin, gender, age, religious belief, income, occupation, disability, or any other factor that discriminates against a known group.

15.01 JURY SOURCE LIST; RANDOM SELECTION. The names of potential jurors shall be drawn from the regularly maintained list of registered voters residing in this county and compiled by the Board of Elections. The juror selection process shall be random and automated.

15.02 ELIGIBILITY FOR JURY SERVICE; TERM. All citizens are eligible for jury service except those who are: less than eighteen years of age; are not residents of this county; are not able to communicate in the English language; or, have been convicted of a felony and have not had their civil rights restored.

15.03 EXEMPTION; EXCUSE AND DEFERRAL. Any citizen who is statutorily exempt from jury service should promptly notify the Court. Requests for excuses or deferrals should be in writing.

15.04 VOIR DIRE. Voir dire examination shall be limited to matters relevant to determining whether to remove a juror for cause and to determine the juror's fairness and impartiality. To reduce the time required for voir dire, a completed questionnaire which provides basic background information on each prospective juror shall be made available to counsel for each party not later than the day on which jury selection is to begin. Counsel and the parties shall treat all information in the questionnaires as confidential and use the information only for the purpose of impaneling a jury. Juror questionnaires are not permitted to be copied or taken from the Court office. Questionnaires are available for counsel to review during Court business hours.

15.05 ADMINISTRATION OF THE JURY SYSTEM. The responsibility for administration of the jury system will be vested in the Court's Jury Management Division under the supervision of the Court Administrator and/or Court Bailiff.

RULE 16- FILING FACSIMILE TRANSMISSION

16.01 GENERAL. The Clerk of Courts is authorized to receive and send pleadings, attachments and necessary correspondence by facsimile transmission. Facsimiles received after 4 p.m. each day will be considered to be filed the next business day. The Clerk of Courts need not acknowledge receipt of a facsimile transmission.

16.02 PROCEDURE AND FEES. Any pleading, motion, or other paper may be filed by facsimile transmission only in the following manner:

(A) A document received by the Clerk by facsimile transmission shall be accepted as the filed original. If exhibit(s) cannot be transmitted accurately or are too lengthy to be transmitted they are to be replaced by an insert page describing the exhibit. The original of the exhibit(s) must be filed with the Clerk of Courts within seven (7) days of original transmission. Any signature or notation "/s/" on electronically transmitted pleadings or papers shall be considered that of the attorney or party it purports to be for all purposes. If it is established that the pleadings or papers were transmitted without authority, the court shall order the filing stricken.

(B) All required identification information shall be included on the cover page of the transmission including the case number, name of the Judge and/or Magistrate, name of the parties, nature of the document, and number of pages including cover page. Papers transmitted without such information shall not be accepted as filed.

(C) Documents submitted by facsimile transmission will be considered filed only when the date and time has been stamped by the Clerk.

(D) All risk of filing by facsimile transmission remains with the filing party

and, except as otherwise provided in this rule, facsimile filing shall be treated in the same manner as filing by mail.

(E) Fees for filing by facsimile transmission are $2.00 for the cover page and $1.00 for each additional page. Fees must be forwarded to the Clerk of Courts within 5 business days after transmission.

RULE 17 FORECLOSURES

17.01 JUDICIAL SALES. All filings are to be made in accordance with the Rules of Civil Procedure unless specifically modified hereafter.

(A) Prior to the issuance of an order of sale, the legal description shall be approved by the Fayette County Tax Map Office. This approved description shall be prepared and filed by Plaintiff's counsel and on the form available from the Clerk's office (See **Appendix "A"**).

(B) If the real estate taxes ordered to be paid in the confirmation entry have been paid prior to distribution, the Sheriff may finalize the sale and report the undistributed taxes in his return.

RULE 18 DISPOSAL OF DEPOSITIONS AND EXHIBITS

19.01 DISPOSAL OF EXHIBITS AND DEPOSITIONS. At the conclusion of a civil trial or other proceeding, including times for direct appeal, the Court may destroy exhibits and depositions if all of the following are met.

(A) The Court notifies the party who tendered the exhibits or depositions in writing that the party may retrieve the exhibits or depositions within forty-five (45) days from the date of the written notification.

(B) The written notification informs the party who tendered the exhibits or depositions that those items will be destroyed if not retrieved within forty-five (45) days of the notification.

(C) The written notification informs the party who tendered the exhibits or depositions of the available time and locations for retrieval of the exhibits or depositions.

SPECIAL RULES IN DOMESTIC RELATIONS MATTERS

D.R. RULE I SERVICE OF PROCESS

1.01 In original domestic relations cases where the Defendant resides in the State of Ohio, service of process shall be by personal service only.

1.02 Where service by publication is required by law, counsel for the party

seeking service of process shall be responsible for effectuating each step under Civil Rule 4.4 (A). No case shall be set for hearing until a copy of the publisher's affidavit of publication is filed with the Clerk of Courts.

In a divorce, annulment or legal separation proceeding in forma pauperis where service of process by publication is required, such service shall be by posting and mail. Posting, if appropriate, shall be in the Carnegie Public Library, the ground floor of the Court House and Kroger's.

D.R. RULE 2 VENUE

2.01 Unless prior leave of court has been obtained, no petition for dissolution of marriage involving children shall be accepted for filing in this Court where neither petitioner has been a resident of Fayette County, Ohio for at least ninety (90) days immediately preceding the filing of the petition.

D.R. RULE 3 DISSOLUTION OF MARRIAGE

3.01 All petitions for dissolution shall be commenced by the filing of the following documents:

1. Petition with separation agreement;
2. Revised Code 3127.23 affidavit, if applicable (See **Appendix "B"**);
3. Child Support worksheet, if applicable;
4. Financial affidavit (See **Appendix "C"**);
5. IV-D Application, if applicable, (See **Appendix "D"**).

Any pleading tendered for filing that does not comply with this rule shall not be accepted for filing by the Clerk and shall be returned immediately to the tendering party.

D.R. RULE 4 DIVORCE PLEADINGS

4.01 All complaints for divorce shall be commenced by the filing of the following documents:

1. Complaint;
2. Revised Code 3127.23 affidavit, if applicable (See **Appendix "B"**);
3. Child support worksheet, if applicable;
4. Financial affidavit (See **Appendix "C"**);
5. Motion for temporary orders and notice of non-oral hearing;
6. IV-D Application, if applicable, (See **Appendix "D"**)..

Any pleading tendered for filing that does not comply with this rule shall not be accepted for filing by the Clerk and shall be returned immediately to the tendering party.

D.R. RULE 5 TEMPORARY STANDING ORDERS

5.01 All parties to an original domestic relations action are subject to the reciprocal and initial restraining orders set forth in the Standing Reciprocal Restraining Order (see **Appendix "E"**) from the date of service of summons is completed.

The Clerk of Courts shall attach a copy of the domestic relations Standing Reciprocal Restraining Order to the summons for service upon the defendant and shall send a copy to the Plaintiff by regular mail.

D.R. RULE 6 TEMPORARY ORDERS

6.01 Requests for temporary orders shall be set for non-oral hearing within twenty-one (21) days of the service of process.

6.02 Requests for temporary orders shall be decided on the respective parties' motions, affidavits, child support worksheets, and memoranda. Temporary support will not be established without a completed worksheet.

6.03 Orders for child support shall not be granted until the proposed obligee has filed an application for Title IV-D services through the Fayette County Child Support Enforcement Agency as provided by R.C. 3125.36.

6.04 Requests for oral hearings shall be subject to Civil Rule 75 (N) (2).

6.05 Any oral hearing on temporary orders will be limited to thirty (30) minutes per party.

D.R. RULE 7 EX PARTE ORDERS

7.01 Ex Parte orders are not favored and will **not** be issued except in exigent circumstances.

7.02 The non-moving party may request an oral hearing to modify any ex parte order, which shall be scheduled for hearing as soon as possible and no more than (10) days of the request.

D.R. RULE 8 DISCOVERY

8.01 Parties are required to give full, detailed, written disclosure, and absolute cooperation on all discovery requests unless protective orders are obtained and/or required. Parties violating this rule will be subject to sanctions limiting the presentation of claims and evidence, payment of attorney fees, dismissal of the action and any other sanction permitted by law.

8.02 Each party to a pending divorce or legal separation shall within twenty-eight (28) days of the filing of an answer or counterclaim disclose to the opposing party the following information and documents:

1. All pension, retirement, and/or profit-sharing plans including the most recent plan summary;
2. All COBRA benefits to which the other party may be entitled;
3. Copies of all real estate deeds and vehicle titles and registrations, unless already in the possession of the other party;
4. All appraisals of real estate or personal property in which the party holds an interest;
5. Copies of the last three years individual income tax returns unless already in the possession of the other party;
6. Documentary proof of current income from all sources including recent pay stubs;
7. Copies of the most recent statements for all bank accounts, IRA's, pensions, retirement plans, profit sharing plans, stock accounts, mortgages, credit accounts and all other debts.

D.R. RULE 9 PRETRIAL CONFERENCE

9.01 Pretrial conferences shall be held in all cases involving a contested issue. If all matters are settled at the pretrial conference, a final uncontested hearing will take place immediately.

9.02 All appraisals of real and personal property and evaluations of retirement benefits shall be completed and exchanged prior to the pretrial conference.

9.03 Any motions for psychological evaluations, the appointment of a Guardian Ad Litem, or DNA testing shall be filed seven (7) days prior to the date of the pretrial conference.

D.R. RULE 10 FINAL HEARINGS

10.01 If a party is going to testify in that party's case in chief, thereby affording the opposing party an opportunity for cross-examination, the Court will only permit the calling of that party on cross-examination in the opposing party's case in chief, for good cause shown.

D.R. RULE 11 CONSENT JUDGMENT ENTRIES

11.01 The Court shall not accept a consent Judgment Entry unless the same is approved by all parties of record or their respective counsel.

11.02 In all contested matters which are fully resolved at any hearing, the parties and their counsel shall execute a written settlement memorandum (See **Appendix "F"**).

D.R. RULE 12 JUDGMENT ENTRIES

12.01 All judgment entries shall contain the approval by both parties or counsel.

12.02 All judgment entries of child support shall have attached a child support worksheet and a copy of this worksheet shall be attached to all judgment entries involving custody, visitation, or child support.

12.03 All judgments that include the incorporation of a separation agreement in the entry shall have attached a copy of the separation agreement.

12.04 All judgment entries shall dispose of court costs.

12.05 When appropriate, judgment entries shall recite waiver by the parties of such decision by the Magistrate.

12.06 It is the obligation of counsel to insure that a file stamped copy of each entry dealing with child or spousal support filed by the Clerk of Courts is transmitted to CSEA.

The Clerk's office maintains a file box for such entries, which is check by the CSEA. You may either:

1. Deliver the CSEA copy personally;

2. Place the CSEA copy in the file box in the Clerk's office;

3. Make sufficient copies with distribution indicated in the lower left hand corner and request the Clerk's office to place the entry in the box when file stamped.

D.R. RULE 13 <u>TIMELY FILING OF ENTRIES</u>

13.01 All judgments, decrees and orders shall be prepared by counsel, as directed by the Court and submitted to opposing counsel within fourteen (14) days of the hearing. Opposing counsel shall approve or reject the entry within seven (7) days, and if approved, submit the same to the Court.

If opposing counsel fails to approve within the seven (7) days, prevailing counsel shall submit the entry to the Court without the approval of opposing counsel. If opposing counsel rejects the entry, an alternative entry shall be submitted in accordance with the objections and submit to prevailing counsel and the Court together with the rejected entry.

If conflicting entries are submitted, the Court may:

1. Sign the entry that it deems a proper statement of the Court's

decision;

2. The Court may prepare its own entry or file the settlement memorandum;

3. The Court may schedule a hearing.

If no entry is furnished to the Court within the time provided, the Court may dismiss the action for want of prosecution or make such other order as the Court deems appropriate.

D.R. RULE 14 <u>POST DECREE MOTIONS</u>

14.01 All motions for modification for child support, spousal support, parenting time and allocation of parental rights and responsibilities shall be commenced by the filing of the following document(s):

1. Motion.

2. Memorandum or affidavit in support.

3. Financial Affidavit, if financial issues are in question.

4. Support worksheet.

5. Revised Code 3127.23 affidavit, if applicable.

6. Notice of Hearing-counsel for movant to obtain hearing date from domestic assignment commissioner.

At the time of the filing, the moving party, in addition, to the deposit required by the Clerk of Court, shall pay any unpaid court costs due and owing by movant.

14.02 The Court will not look with favor upon motions for modification of decrees within two (2) years of the journalization of the decree, unless the operative facts which give rise to a substantial change in circumstances were not contemplated at the time the final decree was entered.

14.03 Movants who file frivolous motions for modification and who fail to sustain their burden of proof shall be taxed the reasonable and necessary attorney fees sustained by the opposing party who prevails.

D.R. RULE 15 <u>GUARDIAN AD LITEM APPOINTMENT</u>

15.01 Requests for appointment of Guardian Ad Litem (GAL) shall be by motion with supporting memorandum. If a GAL is appointed, the GAL will be selected by the Judge or Magistrate.

15.02 Qualified individuals appointed to serve as guardians will be entitled to fees at a rate to be pre-approved by the Court.

If a GAL is appointed by the Court on its own initiative or if said appointment is deemed a requirement of law, the fee, as set by the Court, shall be paid by the party or parties the Court so designates in the Appointment Entry.

Prior to any final adjudication of the matter on which the GAL has been appointed, the GAL shall submit a statement of fees to the Court for approval. If approved by the Court, said fees shall be made part of the final entry, to be paid before the final journalization of said entry.

In order to protect the fee for the services of the GAL, the Court shall:

1. Require both parties to deposit with the Clerk of Court the sum of $500.00 each.

2. Have the discretions to issue a lump sum judgment against the party or parties in the action for which the Guardian Ad Litem was appointed from the fees due and owing at the final adjudication.

The fee of the GAL shall be taxed as court costs in the case. The appointment of the GAL does not take effect nor does it bind the GAL to any duty or legal obligation until such time as the deposit is made.

15.03 At least fourteen (14) days prior to the final hearing in a pending action, or as otherwise directed by the Court, the GAL shall submit to the Court a written report of the investigation, including the extent and nature of the investigation and the recommendation (s) relating to the allocation of parental rights and responsibilities, with the basis for such recommendation as it relates to the child(ren)'s best interests. The GAL shall notify the parties of the availability of the GAL report for review at the Court. At the conclusion of all evidence and as part of the hearing process, the GAL shall orally submits any amended or supplemental recommendations based upon facts submitted at hearing. The report of the GAL shall be make a part of the record as a Court exhibit in a contested hearing.

The GAL should attend all court proceedings unless excused by the Court.

15.04 The GAL shall be served with all pleadings, motions, and other documents filed in the case after the appointment of the GAL and until such time as the GAL is discharged by the Court. All judgment entries, whether by consent or otherwise, submitted to the Court for approval shall include an approval line for the GAL's signature and be submitted to the GAL for approval or rejection.

15.05 In the event a party intends to call the GAL as a witness in any

hearing conducted in the matter in which they are appointed, the GAL shall be given at least ten (10) days advanced notice, in writing. Notice of the party's intent to call the GAL as a witness in a hearing should be served in accordance with applicable Civil Rules.

D.R. RULE 16 CHILD SUPPORT DEVIATIONS

16.01 An order which deviates from the amount of child support that would otherwise result from the use of the basic child support schedule and the applicable worksheet will not be approved by the Court unless the entry specifically lists the Ohio Revised Code 3119.23 factors upon which said deviation is based.

No order which deviates from the amount of child support that would otherwise result from the use of the basic child support schedule and the applicable worksheet under a shared parenting plan will be approved by the Court unless the entry:

1. Specifically lists the Ohio Revised Code 3119.23 criteria and/or;

2. The extraordinary circumstances and other factors under Ohio Revised Code 3119.24 upon which said deviation is based, and;

3. Expressly retains jurisdiction of the Court for a minimum of six month on the issue of deviation.

D.R. RULE 17 STANDARD ORDER OF PARENTING TIME

17.01 In any domestic relations case, barring otherwise extraordinary circumstances, the term "reasonable companionship" shall mean whatever the parties may be able to agree upon, but if in the event the parties should disagree, then said term shall be interpreted to mean that the non-residential parent shall have companionship as set forth in **Appendix "G".**

D.R. RULE 18 BANKRUPTCY

18.01 Whenever a party to an action pending in this Court files bankruptcy, the attorney for same or the party, if acting in a pro se capacity, shall within five (5) days of the date of filing bankruptcy, file with the Court a copy of the "Notice of Bankruptcy Case Filing" along with a proposed Judgment Entry granting stay and further provide notice of such filing to all unrepresented parties and counsel of record in conformance with Civil Rule 5.

18.02 The party or attorney filing the initial notice shall upon receipt of document(s) evidencing termination of the automatic stay by reason of dismissal of the bankruptcy petition, discharge of debtor(s), or the granting of relief from stay by the bankruptcy court, shall immediately file same with this Court in order and the case will be transferred to the active docket.

D.R. RULE 19 CONTEMPT MOTIONS

19.01 Since contempt actions are controlled by Chapter 2705 of the Ohio Revised Code, any motion requesting a citation in a contempt shall:

1. Specifically state the basis for the contempt citation, including the alleged contemnor's conduct and the order alleged to have been violated;

2. Contain notice of hearing and after filing shall be submitted to the assignment commissioner for scheduling, and

3. Include the following language:

   Failure to appear may result in the issuance of an order of arrest and in the issuance of an order for the payment of support by withholding an amount from your personal earnings or by withholding or deduction an amount from some other asset you may own.

   You have the right to counsel and if you believe you are indigent you may apply for court appointed counsel within three (3) business days after your receipt of this summons.

   The Court may refuse to grant a continuance at the time of the hearing for the purpose of your obtaining counsel, if you fail to make a good faith effort to retain counsel prior to the hearing.

   If you are found guilty of contempt, the Court may impose any of the following penalties: (Ohio Revised Code Section 2705.05 (A))

   (1) For a first offense, a fine of not more that $250.00, a definite term of imprisonment of not more than thirty (30) days in jail, or both;
   (2) For a second offense, a fine of not more than $500.00, a definite term of imprisonment or not more than sixty (60) days in jail, or both;
   (3) For a third offense or subsequent offense, a fine of not more than $1,000.00, a definite term or imprisonment or not more than ninety (90) days in jail, or both.

   Notice of such motion and of the hearing shall be served upon the subject party pursuant to Civil Rule 4 through Civil Rule 4.6, and the responsibility for initiating such service shall be on the movant.

19.02 Motions to show cause shall be heard within forty-two (42) days of filing.

D.R. RULE 20 PRO SE LITIGANTS

20.01 All pro se filings of divorces, dissolutions and post decree motions shall comply with the Civil Rules of Procedure unless specifically modified here above.

These rules are in full force and effect on and after April 1, 2013.

Steven P. Beathard
Judge

COPY

Vernon P. Stanforth, Sheriff of Fayette County

Property Description Approval Form

Case No Court._____

Property Address: _____

Plaintiff: _____

Defendant: _____

Submitted By: _____

Attorney & I.D. #: _____

Attorney's Phone #: _____

Contact Person: _____

Contact Phone #: _____

The attached legal description has been reviewed by the County Auditor's Office, Tax map Dept. The property address, parcel number(s) and deed reference numbers(s) must be listed under the legal description (no exceptions). You may use a copy of the prior deed, which will contain all of this information.

This document along with the "stamped approved" original legal description must be attached to the Order of Sale when filed with the Fayette County Clerk of Court. So you will be submitting the Order of Sale, this Property Description Approval Form and the "red Stamped approved" legal description.

Hand lettered documents may be rejected if the document is not legible or will not reproduce to department standards. Machine printed or drafted documents are preferred.

*****Internal Use Only*****

The following information has been reviewed and verified by the County Auditor's Office, Tax Map Dept.

Disapproved for the following reason(s):

____Legal description does not match information as submitted
____Parcel number does not match legal description information as submitted
____Legal Name does not match information as submitted
____Property address does not match information as submitted
____Other: _____

_____

_____

This document information must be corrected and resubmitted for approval

"A"

COURT OF COMMON PLEAS

_____ COUNTY, OHIO

_____ Case No. _____

Plaintiff/Petitioner

Judge _____

v./and

Magistrate _____

_____

Defendant/Petitioner/Respondent

Instructions: Check local court rules to determine when this form must be filed.
By law, an affidavit must be filed and served with the first pleading filed by each party in every parenting (custody/visitation) proceeding in this Court, including Dissolutions, Divorces and Domestic Violence Petitions. Each party has a continuing duty while this case is pending to inform the Court of any parenting proceeding concerning the child(ren) in any other court in this or any other state. **If more space is needed, add additional pages.**

PARENTING PROCEEDING AFFIDAVIT (R.C. 3127.23(A))

Affidavit of _____
(Print Your Name)

Check and complete ALL THAT APPLY:

1. ☐ I request that the court not disclose my current address or that of the child(ren). My address is confidential pursuant to R.C. 3127.23(D) and should be placed under seal to protect the health, safety, or liberty of myself and/or the child(ren).
2. ☐ Minor child(ren) are subject to this case as follows:

Insert the information requested below for all minor or dependent children of this marriage. You must list the residences for all places where the children have lived for the last **FIVE** years.

a. **Child's Name:** _____ **Place of Birth:** _____

Date of Birth: _____ **Sex:** ☐ Male ☐ Female

Period of Residence			Check if Confidential	Person(s) With Whom Child Lived (name & address)	Relationship
_____	to	present	☐ Address Confidential?	_____	_____
_____	to	_____	☐ Address Confidential?	_____	_____
_____	to	_____	☐ Address Confidential?	_____	_____
_____	to	_____	☐ Address Confidential?	_____	_____

"B"

b. **Child's Name:** _____ **Place of Birth:** _____

Date of Birth: _____ **Sex:** ☐ Male ☐ Female

☐ Check this box if the information requested below would be the same as in subsection 2a and skip to the next question.

Period of Residence			Check if Confidential	Person(s) With Whom Child Lived (name & address)	Relationship
_____	to	present	☐ Address Confidential?	_____	_____
_____	to	_____	☐ Address Confidential?	_____	_____
_____	to	_____	☐ Address Confidential?	_____	_____
_____	to	_____	☐ Address Confidential?	_____	_____

c. **Child's Name:** _____ **Place of Birth:** _____

Date of Birth: _____ **Sex:** ☐ Male ☐ Female

☐ Check this box if the information requested below would be the same as in subsection 2a and skip to the next question.

Period of Residence			Check if Confidential	Person(s) With Whom Child Lived (name & address)	Relationship
_____	to	present	☐ Address Confidential?	_____	_____
_____	to	_____	☐ Address Confidential?	_____	_____
_____	to	_____	☐ Address Confidential?	_____	_____
_____	to	_____	☐ Address Confidential?	_____	_____

IF MORE SPACE IS NEEDED FOR ADDITIONAL CHILDREN, ATTACH A SEPARATE PAGE AND CHECK THIS BOX ☐.

3. **Participation in custody case(s): (Check only one box.)**
   - ☐ I **HAVE NOT** participated as a party, witness, or in any capacity in any other case, in this or any other state, concerning the custody of, or visitation (parenting time), with any child subject to this case.
   - ☐ I **HAVE** participated as a party, witness, or in any capacity in any other case, in this or any other state, concerning the custody of, or visitation (parenting time), with any child subject to this case. For each case in which you participated, give the following information:

a. Name of each child: _____ _____ _____ _____ _____

b. Type of case: _____

c. Court and State: _____

d. Date and court order or judgment (if any): _____

IF MORE SPACE IS NEEDED FOR ADDITIONAL CUSTODY CASES, ATTACH A SEPARATE PAGE AND CHECK THIS BOX ☐.

4. **Information about other civil case(s) that could affect this case: (Check only one box.)**

☐ **I HAVE NO INFORMATION** about any other civil cases that could affect the current case, including any cases relating to custody, domestic violence or protection orders, dependency, neglect or abuse allegations or adoptions concerning any child subject to this case.

☐ **I HAVE THE FOLLOWING INFORMATION** concerning other civil cases that could affect the current case, including any cases relating to custody, domestic violence or protection orders, dependency, neglect or abuse allegations or adoptions concerning a child subject to this case. Do not repeat cases already listed in Paragraph 3. Explain:

a. Name of each child: _____ _____ _____ _____ _____

b. Type of case: _____

c. Court and State: _____

d. Date and court order or judgment (if any): _____

IF MORE SPACE IS NEEDED FOR ADDITIONAL CASES, ATTACH A SEPARATE PAGE AND CHECK THIS BOX ☐.

5. **Information about criminal case(s):**

List all of the criminal convictions, including guilty pleas, for you and the members of your household for the following offenses: any criminal offense involving acts that resulted in a child being abused or neglected; any domestic violence offense that is a violation of R.C. 2919.25; any sexually oriented offense as defined in R.C. 2950.01; and any offense involving a victim who was a family or household member at the time of the offense and caused physical harm to the victim during the commission of the offense.

Name	Case Number	Court/State/County	Convicted of What Crime?

IF MORE SPACE IS NEEDED FOR ADDITIONAL CASES, ATTACH A SEPARATE PAGE AND CHECK THIS BOX ☐.

6. **Persons not a party to this case who have physical custody or claim to have custody or visitation rights to children subject to this case: (Check only one box.)**

☐ **I DO NOT KNOW OF ANY PERSON(S)** not a party to this case who has physical custody or claims to have custody or visitation rights with respect to any child subject to this case.

☐ **I KNOW THAT THE FOLLOWING NAMED PERSON(S)** not a party to this case has/have physical custody or claim(s) to have custody or visitation rights with respect to any child subject to this case.

a. Name/Address of Person _____ ☐ Claims custody rights ☐ Claims visitation rights

☐ Has physical custody

Name of each child: _____

b. Name/Address of Person _____ ☐ Claims custody rights ☐ Claims visitation rights

☐ Has physical custody

Name of each child: _____

c. Name/Address of Person _____ ☐ Claims custody rights ☐ Claims visitation rights

☐ Has physical custody

Name of each child: _____

OATH

[Do Not Sign Until Notary is Present]

I, (print name) _____, swear or affirm that I have read this document and, to the best of my knowledge and belief, the facts and information stated in this document are true, accurate and complete. I understand that if I do not tell the truth, I may be subject to penalties for perjury.

_____
Your signature

Sworn before me and signed in my presence this ____ day of _____, _____.

_____
Notary Public
My Commission Expires:
_____

COURT OF COMMON PLEAS
_____ COUNTY, OHIO

_____ Case No. _____

Plaintiff/Petitioner Judge _____

v./and Magistrate _____

Defendant/Petitioner

Instructions: Check local court rules to determine when this form must be filed. This affidavit is used to make complete disclosure of income, expenses and money owed. It is used to determine child and spousal support amounts. Do not leave any category blank. Write "none" where appropriate. If you do not know exact figures for any item, give your best estimate, and put "EST." **If you need more space, add additional pages.**

AFFIDAVIT OF INCOME AND EXPENSES

Affidavit of _____
(Print Your Name)

Date of marriage _____ Date of separation _____

SECTION I - INCOME

	Husband	Wife
Employed	☐ Yes ☐ No	☐ Yes ☐ No
Employer	_____	_____
Payroll address	_____	_____
Payroll city, state, zip	_____	_____
Scheduled paychecks per year	☐ 12 ☐ 24 ☐ 26 ☐ 52	☐ 12 ☐ 24 ☐ 26 ☐ 52

A. YEARLY INCOME, OVERTIME, COMMISSIONS AND BONUSES FOR PAST THREE YEARS

	Husband			Wife
Base yearly income	$ _____	3 years ago	20 ____	$ _____
	$ _____	2 years ago	20 ____	$ _____
	$ _____	Last year	20 ____	$ _____
Yearly overtime, commissions and/or bonuses	$ _____	3 years ago	20 ____	$ _____
	$ _____	2 years ago	20 ____	$ _____
	$ _____	Last year	20 ____	$ _____

"C"

B. COMPUTATION OF CURRENT INCOME

	Husband	Wife
Base yearly income	$ _____	$ _____
Average yearly overtime, commissions and/or bonuses over last 3 years (from part A)	$ _____	$ _____
Unemployment compensation	$ _____	$ _____
Disability benefits ☐ Workers' Compensation ☐ Social Security ☐ Other: _____	$ _____	$ _____
Retirement benefits ☐ Social Security ☐ Other: _____	$ _____	$ _____
Spousal support received	$ _____	$ _____
Interest and dividend income (source) _____ _____	$ _____	$ _____
Other income (type and source) _____ _____	$ _____	$ _____
TOTAL YEARLY INCOME	$ _____	$ _____

Supplemental Security Income (SSI) or public assistance	$ _____	$ _____
Court-ordered child support that you receive for minor and/or dependent child(ren) not of the marriage or relationship	$ _____	$ _____

SECTION II – CHILDREN AND HOUSEHOLD RESIDENTS

Minor and/or dependent child(ren) who are adopted or born of this marriage or relationship:

Name	Date of birth	Living with

In addition to the above children there is/are in your household:

_____ adult(s)

_____ other minor and/or dependent child(ren).

SECTION III – EXPENSES

List monthly expenses below for your present household.

A. MONTHLY HOUSING EXPENSES

Rent or first mortgage (including taxes and insurance)	$ _____
Real estate taxes (if not included above)	$ _____
Real estate/homeowner's insurance (if not included above)	$ _____
Second mortgage/equity line of credit	$ _____
Utilities	
o Electric	$ _____
o Gas, fuel oil, propane	$ _____
o Water and sewer	$ _____
o Telephone	$ _____
o Trash collection	$ _____
o Cable/satellite television	$ _____
Cleaning, maintenance, repair	$ _____
Lawn service, snow removal	$ _____
Other: _____	$ _____
_____	$ _____
TOTAL MONTHLY :	$ _____

B. OTHER MONTHLY LIVING EXPENSES

Food	
o Groceries (including food, paper, cleaning products, toiletries, other)	$ _____
o Restaurant	$ _____
Transportation	
o Vehicle loans, leases	$ _____
o Vehicle maintenance (oil, repair, license)	$ _____
o Gasoline	$ _____
o Parking, public transportation	$ _____
Clothing	
o Clothes (other than children's)	$ _____
o Dry cleaning, laundry	$ _____
Personal grooming	
o Hair, nail care	$ _____
o Other _____	$ _____
Cell phone	$ _____
Internet (if not included elsewhere)	$ _____
Other _____	$ _____
TOTAL MONTHLY	$ _____

C. MONTHLY CHILD-RELATED EXPENSES
(for children of the marriage or relationship)

Work/education-related child care	$ _____
Other child care	$ _____
Unusual parenting time travel	$ _____
Special and unusual needs of child(ren) (not included elsewhere)	$ _____
Clothing	$ _____
School supplies	$ _____
Child(ren)'s allowances	$ _____
Extracurricular activities, lessons	$ _____
School lunches	$ _____
Other _____	$ _____
TOTAL MONTHLY	$ _____

D. INSURANCE PREMIUMS

Life	$ _____
Auto	$ _____
Health	$ _____
Disability	$ _____
Renters/personal property (if not included in part A above)	$ _____
Other _____	$ _____
TOTAL MONTHLY	$ _____

E. MONTHLY EDUCATION EXPENSES

Tuition	
o Self	$ _____
o Child(ren)	$ _____
Books, fees, other	$ _____
College loan repayment	$ _____
Other _____	$ _____
_____	$ _____
TOTAL MONTHLY:	$ _____

F. MONTHLY HEALTH CARE EXPENSES
(not covered by insurance)

Physicians	$ _____
Dentists	$ _____
Optometrists/opticians	$ _____
Prescriptions	$ _____
Other _____	$ _____
_____	$ _____
TOTAL MONTHLY:	$ _____

G. MISCELLANEOUS MONTHLY EXPENSES

Extraordinary obligations for other minor/handicapped child(ren) (not stepchildren)	$ _____
Child support for children who were not born of this marriage or relationship and were not adopted of this marriage	$ _____
Spousal support paid to former spouse(s)	$ _____
Subscriptions, books	$ _____
Entertainment	$ _____

Charitable contributions	$ _____
Memberships (associations, clubs)	$ _____
Travel, vacations	$ _____
Pets	$ _____
Gifts	$ _____
Bankruptcy payments	$ _____
Attorney fees	$ _____
Required deductions from wages (excluding taxes, Social Security and Medicare) (type) _____	$ _____
Additional taxes paid (not deducted from wages) (type) _____	$ _____
Other _____	$ _____
_____	$ _____
TOTAL MONTHLY:	$ _____

H. MONTHLY INSTALLMENT PAYMENTS
(Do not repeat expenses already listed.)
Examples: car, credit card, rent-to-own, cash advance payments

To whom paid	Purpose	Balance due	Monthly payment
		$	$
		$	$
		$	$
		$	$
		$	$
		$	$
		$	$
		$	$
		$	$
		$	$
		$	$
		$	$
		$	$
		$	$
		$	$
		$	$
		TOTAL MONTHLY:	$

GRAND TOTAL MONTHLY EXPENSES (Sum of A through H): $ _____

OATH

[Do not sign until notary is present.]

I, (print name) _____, swear or affirm that I have read this document and, to the best of my knowledge and belief, the facts and information stated in this document are true, accurate and complete. I understand that if I do not tell the truth, I may be subject to penalties for perjury.

_____
Your signature

Sworn before me and signed in my presence this ____ day of _____, _____.

_____
Notary Public
My commission expires:
_____

APPLICATION FOR CHILD SUPPORT SERVICES
NON-PUBLIC ASSISTANCE APPLICANT

IMPORTANT: If you are receiving ADC or Medicaid, do not complete this application, because you became eligible for child support services when you became eligible to receive ADC or Medicaid.

I the undersigned, _____ request Child Support Services from the _____ County Child Support Enforcement Agency. I understand and agree to the following conditions:

A. I am a resident of the County in which services are requested.

B. Recipients of child support services shall cooperate to the best of their ability with the CSEA. *(See attached rights and responsibility information).*

The Child Support Enforcement Agency can assist you in providing the following services:

1. **Location of Absent Parents.**

   The agency can assist in finding where an absent parent is currently living, in what city, town or state. The applicant can request "Location Services Only", if the sole need is to find the whereabouts of the absent parent.

2. **Establishment or Modification of Child Support and Medical Support.**

   The CSEA can assist you to obtain an order for support if you are separated, have been deserted or need to establish paternity *(fatherhood)*. The CSEA can also assist you in changing the amount of support orders *(modification)*, and to establish a medical support order.

3. **Enforcement of Existing Orders.**

   The CSEA can help you collect current and back child support.

4. **Federal and State Income Tax Refund Offset Submittals for the Collection of Child Support Arrearages.**

   The agency can assist in collecting back support *(arrearages)* by intercepting a non-payor's federal and state income tax refunds on some cases.

5. **Withholding of Wages and Unearned Income for the Payment of Court Ordered Support.**

   The agency can help you get payroll deductions for current and back child support and can intercept unemployment compensation to collect child support.

6. **Establishment of Paternity.**

   The agency can obtain an order for the establishment of paternity *(fatherhood)*, if you were not married to the father of the child. An absent parent may request paternity services.

7. **Collection and Disbursement of Payments.**

   The CSEA can collect the child support for you, and send you a check for the amount of the payments received. Back support collected will be paid to you until all of the back support you are owed is paid.

   If you received ADC in the past and support was assigned to the state, back support collected will be paid to the state after you receive back support owed to you.

8. **Interstate Collection of Child Support.**

   The agency can assist you in collecting support if the payor is living in another state or in some foreign countries.

C. The only fee you can be charged for services is a one dollar application fee. Some counties pay this fee for the applicants.

D. In providing IV-D services, the CSEA and any of its contracted agents (e.g., prosecutors, attorneys, hearing officers, etc.) represent the best interest of the children of the state of Ohio and do not represent any IV-D recipient or the IV-D recipient's personal interest.

APPLICANT INFORMATION *(INFORMATION ABOUT YOU)*	
Name	Date of Birth
Social Security Number (SSN)	Current Marital Status (Check One) ☐ Single ☐ Married ☐ Divorced ☐ Separated ☐ Deserted ☐ Widowed

Type(s) of Service(s) Requested: All services listed _____ Location of absent parent only _____
Other *(please explain)* _____

I understand that the Child Support Agency - within 20 days of receiving this application will contact me by a written notice to inform me if my case has been accepted for child support services (IV-D Services).

Signature of Applicant	Date

JFS 07076 (Rev. 5/2001)
(Formerly DHS 7076)

"D"

Applicants Name *(Last, First, Middle)*	Telephone Number *(Home)*
Address *(Street/Route, P.O. Box)*	*(Work)*
City, State, Zip Code	

INFORMATION ON CHILDREN

	Child 1	Child 2	Child 3	Child 4
a. Name				
b. Sex				
c. SSN				
d. Date of Birth (DOB)				
e. Name(s) of Absent Parent				
f. Has Paternity (Fatherhood) Been Established?				
g. Is There An Order For Support ☐ Yes ☐ No				

ABSENT PARENT INFORMATION OR PARENT ORDERED TO PAY CHILD SUPPORT

	Absent Parent #1	Absent Parent #2	Absent Parent #3
Name			
Address (City, State, Zip Code)			
SSN			
Date of Birth (DOB)			
Name of Employer			
Address of Employer (City, State, Zip Code)			
Amount of Support Ordered (Wk, Bi-Wk, Mo)			
Case Number on Support Order			
Date of Support Order			
Location Where Order Was Issued (City, County, State)			
Military Service Give Date and Branch Entered			
Arrest Record: Give Date and Place of Arrest			
If the absent parent has been on Public Assistance: Give Date and Place			
Give Name and Address of Current Spouse of Absent Parent			

- Have you ever been on public assistance? ☐ Yes ☐ No

When *(Date)*	Where *(City and State)*	County

FOR AGENCY USE ONLY

Case Name	Date Requested	Date Mailed or Provided
Case Number	Date Returned or File Date	

IN THE COURT OF COMMON PLEAS
FAYETTE COUNTY, OHIO
DOMESTIC RELATIONS DIVISION

DOMESTIC RELATIONS STANDING RECIPROCAL RESTRAINING ORDER

IT IS HEREBY ORDERED that the Plaintiff and the Defendant are retrained from directly or indirectly harassing, annoying, interfering with, harassing by telephone, the other during the pendency of this domestic relations case.

IT IS FURTHER ORDERED that Plaintiff and Defendant are restrained from directly or indirectly selling, damaging, destroying, removing, encumbering, disposing of, lessening the value of, or in some manner secreting the assets of the parties, including but not limited to household goods, furniture and furnishings and appliances.

IT IS FURTHER ORDERED that Plaintiff and Defendant are restrained from selling, damaging, encumbering, disposing of or lessening the value of any automobile or other vehicle titled in the name of either party.

IT IS FURTHER ORDERED that Plaintiff and Defendant are restrained from directly or indirectly changing beneficiaries, making loans on, terminating, or otherwise altering life insurance policies, on either party.

IT IS FURTHER ORDERED that Plaintiff and Defendant are restrained from withdrawing, spending, encumbering, or disposing of funds deposited in any financial institution, including checking accounts, savings accounts, money markets, credit unions, pension plans, or certificates of deposit.

IT IS FURTHER ORDERED that parties or their minor children are restrained from directly or indirectly causing the hospitalization and/or medical, dental or any other insurance, including automobile insurance,

"E"

presently in effect for the benefit of the Plaintiff, Defendant or the minor children to be terminated, or otherwise altered as to benefits.

IT IS FURTHER ORDERED that Plaintiff and Defendant are restrained from contracting upon each other's credit in any manner.

IT IS FURTHER ORDERED that Plaintiff and Defendant are restrained from changing the place of school of any child or removing a child from the jurisdiction of this Court without first obtaining written consent of the other party, or the Court.

Failure to comply with this order may result in the imposition of sanctions for Contempt of Court.

The Clerk of Courts is hereby ordered to serve this Order on any Defendant in an original divorce action along with the summons. The Plaintiff shall be served by regular mail. **IT IS SO ORDERED!**

_____

Richard Dunkle, Magistrate
Fayette County Common Pleas Court

_____

Honorable Steven P. Beathard, Judge
Fayette County Common Pleas Court

DOMESTIC RELATIONS SETTLEMENT MEMORANDUM

_____ Plaintiff,	]	Case No. _____
-vs-	]	**JUDGE STEVEN P. BEATHARD** **MAGISTRATE RICHARD DUNKLE**
_____ Defendant.	]	Date _____

THE UNDERSIGNED PARTIES APPEARED THIS DATE IN THE ABOVE CONTESTED ACTION AND REACHED THE FOLLOWING AGREEMENT.

☐ **DIVORCE ACTION:** ☐ **POST DECREE MOTION:**

A. PARENTAL RIGHTS AND RESPONSIBILITIES:

☐ SHARED PARENTING, IF SO, SCHOOL PLACEMENT PARENT:_____

☐ MOTHER'S PLAN ☐ FATHER'S PLAN ☐ JOINT PLAN

-OR-

☐ RESIDENTIAL PARENT AND LEGAL CUSTODIAN:_____

PARENTING TIME SCHEDULE:

☐ Pursuant to Option I or 2, with these exceptions/additions:

☐ Pursuant to the attached Plan/Schedule:

ADDITIONAL TERMS:

B. CHILD SUPPORT: $_____ PER MONTH; PROCESSING CHARGE: $_____

TOTAL $_____. EFFECTIVE DATE. (If different from date of Decree):_____

PAYOR:_____

((F))

☐ ORDER COMPLIES WITH SCHEDULES

☐ ORDER DEVIATES FROM SCHEDULE (JURISDICTION RESERVED)

GAL FEES TO BE PAID BY:_____ AMOUNT $_____ DATE PAID BY:_____

MEDICAL INSURANCE TO BE MAINTAINED BY:_____

UNINSURED ORDINARY BY:_____ UNINSURED EXTRAORDINARY BY:_____

(Medical, Dental, Optical, Psychological, Orthodontic Expenses)
ORDINARY: H_____% W_____% EXTRAORDINARY: H_____% W_____%

INSURANCE REIMBURSEMENT ENTITLEMENT TO:_____

DEPENDENCY EXEMPTION(S):_____

LIFE INSURANCE DURING OBLIG. BY:_____ AMOUNT: $_____

ADDITIONAL TERMS:

C. **SPOUSAL SUPPORT:** $_____ PER MONTH; PROCESSING CHARGE: $_____

TOTAL $_____. EFFECTIVE DATE. (If different from date of Decree):_____

PAYOR:_____

COBRA COVERAGE:_____

CONTINUING JURISDICTION? ☐ YES ☐ NO

EACH PARTY WAVES ALL CLAIMS FOR SPOUSAL SUPPORT? ☐ YES

ADDITIONAL TERMS:

D. **DURATION OF MARRIAGE:** FROM_____ TO_____(TRIAL DATE)
IF OTHERWISE, ATTACH FINDINGS JUSTIFYING THE DATE(S).

E. **PROPERTY DIVISION ALLOCATION:**

REAL ESTATE:

MOTOR VEHICLES/TITLED VEHICLES:

HOUSEHOLD GOODS AND FURNITURE:

PENSIONS:

☐ QDRO RQRD(check if yes) To be prepared by: ☐ Plaintiff's Attorney ☐ Defendant's Attorney

☐ DPO RQRD(check if yes) To be prepared by: ☐ Plaintiff's Attorney ☐ Defendant's Attorney

OTHER ASSETS:

DISTRIBUTIVE AWARD FROM OTHER PROPERTY? ☐ YES, AS FOLLOWS:_____
_____.

☐ PARTIES AGREE PROPERTY DIVISION IS EQUITABLE AND WAIVE THEIR RIGHTS TO WRITTEN FINDINGS OF FACT.

☐ DISTRIBUTION IS EQUAL, FINDINGS OF FACT REGARDING DISTRIBUTION ARE AS FOLLOWS:

F. **DEBT ALLOCATION:**

G. **TAXES:** ☐ SAVE HARMLESS ON PRIOR TAX TAX RETURNS(Check if yes)

H. **ADDITIONAL TERMS:**

I. **PRESERVATION AND NONMERGER OF THE FOLLOWING TEMPORARYORDERS:**

J. **RESTORED TO FORMER NAME:** _____

K. **COURT COSTS ALLOCATION:** _____

Date to be paid by: _____

L. EXPENSE MONEY: _____

M DECREE TO BE PREPARED BY: ☐ Plaintiff's Attorney ☐ Defendant's Attorney

TO BE FILED WITHIN FOURTEEN (14) DAYS

NOTE: By signing below, you are acknowledging that you understand the terms and conditions set forth herein, and agree to be bound by them.

APPROVED:

_____	_____
Plaintiff	Defendant
_____	_____
Attorney for Plaintiff	Attorney for Defendant
_____	_____
Attorney Registration	Attorney Registration
_____	_____
Print Name Phone No.	Print Name Phone No.
_____	_____
Guardian Ad Litem	Magistrate

COURT OF COMMON PLEAS, FAYETTE COUNTY, OHIO
COMPANIONSHIP GUIDELINES
FOR NON-RESIDENTIAL PARENTS

	OPTION ONE:	OPTION TWO:
Weekends:	Alternating weekends from Friday at 6:00 to Sunday at 6:00 p.m. When Monday is a holiday, time extends until 6:00 p.m. Monday.	Same
Holidays:	(1) Martin Luther King Day (2) Easter/Passover (3) Memorial Day (4) July 4th (5) Labor Day (6) Thanksgiving Even numbered holidays is even numbered years and odd numbered holidays in odd numbered years, from 6:00 p.m. of the day before the holiday, until 8:00 p.m. of the holiday. The residential parent shall have the opposite holidays	Same
Spring:	Three (3) consecutive days during child's school vacation.*	Same, but five (5) days*
Summer:	Fourteen (14) consecutive days during child's school vacation.* The residential parent shall likewise be entitled to fourteen (14) Consecutive days during child's school vacation.*	Same, but twenty-eight days** The residential parent shall be entitled to only fourteen (14) consecutive days during the summer.
Winter:	Odd numbered years: December 22 at 6:00 p.m. until December 25 at 11:30 a.m., or Hanukkah equivalent. Even numbered years: December 25 at 1:00 p.m. until December 28, at 6:00 p.m., or Hanukkah equivalent. The residential parent shall have the opposite dates and times	Same, but starts December 20th. Same, but extends until December 30th.
Birthdays:	Three (3) hours on the child's birthday. If no agreement on which three, then Wednesday, 4:30 p.m. until 7:30 p.m.	Same
Mother's/ Father's Day:	Time with appropriate parent from Saturday at 6:00 p.m. until Sunday at 6:00 p.m.	Same
Midweek:	None	One weekday, 4:00 p.m. to 8:00 p.m. If no agreement on day, then Wednesday.

* In addition to scheduled weekend.
** Includes scheduled weekend.

It is this Court's policy to encourage liberal companionship, interaction and parenting by both parents with their minor children. However, the Court realizes that, depending upon individual circumstances, some non-residential parents are able and inclined to spend more times with their children than are others. Therefore, in cases where parenting time is in questions, the Court offers two (2) options in order to provide parents and children with the parenting schedule most appropriate for their circumstances. Several procedures are applicable to both options. These are as follows:

1. The non-residential parents must request beginning and ending spring and summer parenting dates, in writing, a minimum of forty-five (45) days in advance. Neither the spring nor the summer dates shall interfere in any way with the child's attendance in kindergarten through grade twelve school schedule unless otherwise permitted by specific order.

2. There will be times when parenting times must be adjusted for the accommodation of illness of either parent or child. If the residential parent initiates an adjustment, he/she shall inform the non-residential parent at the earliest possible time and shall offer an equivalent amount of time to replace the adjusted schedule. If the nonresidential parent initiates the adjustment, he/she shall inform the residential parent at the earliest possible time, and shall suggest an equivalent amount of parenting time which is convenient for both the children and the residential parent.

3. If the nonresidential parent chooses to relinquish a scheduled parenting time, he/she shall notify the residential parent at the earliest possible time. Except in rare emergency situations, the nonresidential parent shall notify the residential parent of his/her intent to relinquish visitation no less than seven (7) days in advance.

4. Should the nonresidential parent be more than thirty (30) minutes late without prior notification to the residential parent, that visitation period shall be forfeited.

5. At times, the standard parenting schedule may conflict with holiday, vacations, or other special days. As such, the holidays, Father's Day and Mother's Day has priority over all other parenting times; further, extended summertime for each percent takes priority over weekends and weekdays.

6. The residential parent is encouraged to agree to parenting time in addition to the schedules times, if the non-residential parent so desires. The parent's cooperation is encouraged in this respect as this schedule is intended to be a minimum companionship schedule.

7. The child's residence is not to be removed from the State of Ohio without a review of Parenting Orders by the Court of Domestic Relations.

8. If children are involved in sports, scouting, church related or other extracurricular activities, both parents must make reasonable attempts to see that such activities are not interrupted due to parenting schedules other than extended summer periods.

9. All companionship transportation shall be shared by the parties. If the parties cannot agree on a schedule, the parent receiving the child or children for companionship shall provide the transportation while the other parent shall provide for the return trip.

10. In the case of shared parenting plans, the Mother, unless otherwise specified in the shared parenting decree, shall be considered as the residential parent only for purposes of interpreting the companionship schedule.