

RULES OF COURT

Common Pleas Court of
Defiance, Fulton, Henry and
Williams Counties
State of Ohio

General and Domestic Relations Division

Revised May 1, 2020

RULES OF COURT TABLE OF CONTENTS

CHAPTER 1 - PURPOSE, APPLICABILITY, AMENDMENTS, AND DISTRIBUTION

CHAPTER 2 - ADMINISTRATION OF THE COURT

CHAPTER 3 - FILING PROCEDURES

CHAPTER 4 - CIVIL CASE ADMINISTRATION

CHAPTER 5 - MISCELLANEOUS PROCEDURES

CHAPTER 6 - JURY USE AND MANAGEMENT

CHAPTER 7 - [Reserved]

CHAPTER 8 - [Reserved]

CHAPTER 9 - [Reserved]

CHAPTER 10 - RULES APPLICABLE IN ALL DOMESTIC RELATIONS CASES

CHAPTER 11 - PARENTING PROGRAMS

CHAPTER 12 - CHILD SUPPORT

CHAPTER 13 - GUARDIAN AD LITEM

CHAPTER 14 - ALTERNATIVE DISPUTE RESOLUTION

CHAPTER 15 - [Reserved]

CHAPTER 16 - DIVISION OF PENSIONS OR OTHER RETIREMENT PLANS

CHAPTER 17 - DRUG TESTING

CHAPTER 18 - EVALUATIONS AND INVESTIGATIONS FOR THE ALLOCATION
OF PARENTAL RIGHTS AND RESPONSIBILITIES

CHAPTER 19 - [Reserved]

CHAPTER 20 - APPLICABLE RULES TO CRIMINAL CASES

ATTACHMENTS

Appendix A Age Appropriate Parenting Access Plans

Appendix B Costs

Appendix C Appointed Counsel Compliance Form

Appendix D CQE Petition

Appendix E Fulton County Drug Court Program

Appendix F Williams County Drug Court Program

Appendix G Domestic Relations Forms (*NOTE: These forms are updated by the Ohio Supreme Court and will be accepted in the most current version approved by the Ohio Supreme Court*)

DR-1 Affidavit of Income and Expenses

DR-2 Affidavit of Property

DR-3 Parenting Proceeding Affidavit

DR-4 Health Insurance Affidavit

Schedule A Parenting Time Guidelines for Travel Distances Under 150 Miles One Way

Schedule B Long Distance Parenting Time Guidelines Over 150 Miles One Way

Schedule C Maintenance of Insurance and Payment of Extraordinary Expenses for Minor Children

Schedule D Provision of Health Insurance for Minor Children

Schedule E IV-D Application for Child Support Services

Form #1 Mandated child support and health insurance language

Form #2 Waiver

Form #3 Acknowledgment of Rights and Potential Penalties

Form #4 Explanation of Health Care Bills

Appendix H Court Orders

Order #1 Preliminary Injunction

Order #2 Order Appointing a Guardian ad Litem

Order #3 Qualified Medical Support Order

Order #4 Order to Attend How to Raise the Best Children Possible

Order #5 Order for Home Study Investigation

Order #6 Order for Evaluation

Order #7 RESERVED

Order #8 Order Requiring Mediation Services

CHAPTER 1

PURPOSE, APPLICABILITY, AMENDMENTS, AND DISTRIBUTION

RULE 1.01

PURPOSE AND APPLICABILITY OF THESE RULES AMENDMENTS, SANCTIONS, AND CITATIONS

A. The following Local Rules are adopted by the General and Domestic Relations Division of the Defiance, Fulton, Henry and Williams County Courts of Common Pleas to provide the fair and expeditious administration of Civil and Criminal Justice. The provisions herein are to be construed and applied to eliminate delay, unnecessary expense and all other impediments to a just determination of civil and criminal cases.

B. The Rules of practice of this Court for civil cases apply to all criminal and domestic relations proceedings, except where clearly inapplicable or otherwise provided.

C. These Rules of Court shall apply in all proceedings in the General Division of the Defiance, Fulton, Henry and Williams County Common Pleas Courts unless in a particular instance the Court finds justice is otherwise better served.

D. These Rules may be amended upon the approval of a majority of the Judges of the General Division of the Court of Common Pleas of the aforementioned counties.

E. Failure to comply with these Rules may result in appropriate sanctions, including but not limited to, an award of attorney fees, costs, and dismissal of the action or granting of judgment.

F. These Rules shall be cited as "Local Rule 1.01".

RULE 1.02

DISTRIBUTION OF LOCAL RULES

Copies of the Local Rules shall be deposited with and available from the Defiance, Fulton, Henry and Williams County Law Libraries by personal pickup or mail, the Defiance, Fulton, Henry or Williams County Clerk of Courts by personal pickup, and the four offices of the Court of Common Pleas, General Division by personal pickup and office website of the County if applicable.

RULE 1.03

INCORPORATION OF THE RULES OF SUPERINTENDENCE

The Rules of Superintendence for the Courts of Ohio as promulgated from time to time and amended by the Ohio Supreme Court are hereby adopted as rules of this Court except as they may be modified or implemented herein.

CHAPTER 2
ADMINISTRATION OF THE COURT

RULE 2.01

TERM AND HOURS OF COURT

A. The term of the Court for the General and Domestic Relations Divisions shall be a calendar year with the Court being in a continuous session commencing January 1st of each such calendar year.

B. Except for those days designated by law as legal holidays, normal court hours shall be 8:30 a .m. - 4:30 p. m. Monday through Friday, subject to change at the discretion of each Court to meet special situations.

RULE 2.02
COURT SECURITY

A. Appropriate levels of security should exist in the Court to protect the integrity of Court procedures, protect the rights of individuals before it, deter those who would take violent action against the Court or litigants, sustain the proper decorum and dignity of the Court, and assure that Court facilities are secure for all those who visit and work here.

B. Pursuant to Rule 9 of the Rules of Superintendence for the Courts of Ohio:

1. The Court has appointed a local security advisory committee, consisting of one representative of each of the following groups: judges, law enforcement responsible for court security, commissioners, and other bar and community groups as deemed appropriate by the Court.
2. The Court has implemented a local security policy and procedure plan that has addressed the Ohio Court Security Standards adopted by the Supreme Court of Ohio on October 17, 1994.

C. The Court shall adopt a security operations manual, which manual shall set forth written directives for the purpose of ensuring security within the Court while maintaining accessibility to the community.

RULE 2.03
COURTROOM DECORUM

A. Attire and Grooming

All counsel and parties shall be properly attired and groomed when appearing before the Court.

B. Children's Attendance at Court

Children shall not be brought to the Court unless scheduled to appear by the Court. In the event that children must be brought to Court, adequate supervision must be provided for them. The Court will not be responsible for the care of children during their parents' hearing or mediation.

C. Food or Drink

No food or drink of any kind (including chewing gum) shall be consumed in any hearing room absent express consent of the Court.

D. Identification

Parties must appear at all hearings with government issued photo identification, or other identification acceptable to the Court.

CHAPTER 3
FILING PROCEDURES

RULE 3.01

FILES AND FILING PROCEDURE

A. FORM OF FILINGS, UNLESS DIRECTED OTHERWISE BY A JUDGE.

1. In addition to the requirements of Civ. R. 10, all papers filed with the Clerk as pleadings, motions, applications, judgments and orders shall be on 8½ by 11 inch white paper, typewritten, or printed in a neat and legible manner, securely fastened together and page numbered if consisting of more than a single sheet.
2. Each paper filed by each party shall designate on the first page thereof the parties, the case number, the name of the judge, the identification of the filing, the name, address, Ohio Supreme Court registration number, telephone number, fax number and e-mail address, if any, of the counsel filing the paper or; if there is no counsel, then the party filing the paper.
3. All papers shall have a blank space of at least two and one-half (2½) inches at the top of the first page for file marks by the Clerk. All subsequent pages shall have a top margin of not less than one (1) inch.
4. All pleadings, motions or other papers of a party represented by an attorney shall be signed by at least one attorney of record. A party who is not represented by an attorney shall sign the pleading, motion or other paper. The Clerk shall reject any unsigned filing.
5. Subsequent to the date of the appointment of a visiting judge, counsel shall supply a copy of all pleadings, motions, or other papers filed for record with the visiting judge.

B. JURY DEMAND

If a jury demand, pursuant to Rule 38 of the Ohio Civil Rules of Procedure, is endorsed upon a pleading, the caption of the pleading shall state, "Jury demand endorsed hereon". Failure

to comply with Ohio Civil Rule 38 shall result in the case being tried to the Court and failure to include this statement on the caption shall be a waiver of jury trial, unless the demand for jury is contained in the body of the pleading. (See also, Local Rule (3.02(B))).

C. NUMBER OF COPIES TO BE FILED

Upon the filing of a complaint or any other pleading or motion for which the service of summons by the Clerk of Courts is required, sufficient copies shall be filed so that one copy thereof may be provided to each party.

D. FILE SHALL REMAIN IN CLERK'S OFFICE

All papers filed with the Clerk in any action or proceeding shall remain in the Clerk's office except when required by the Court. No case file shall be removed from the Clerk's office by any party or any attorney.

E. AMENDING A PLEADING OR MOTION

Pleadings and motions may be amended at such time and in a manner provided by Civ. R. 15. However, no pleading or motion shall be amended by interlineation or obliteration, except upon leave of court.

F. FILING WITH CLERK OF COURTS BY ELECTRONIC MEANS

Pleadings and other papers may be filed with the Clerk of Courts by facsimile transmission to the court subject to the following conditions:

1. The following documents will not be accepted for fax filing: original wills and codicils, and cognovit notes.
2. A document filed by fax shall be accepted as the 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 original copy of the facsimile cover sheet used for the subject filing.

3. The source document filed by fax shall be maintained by the person making the filing until the case is closed and all opportunities for appeals are exhausted.
4. As used in these Rules, unless the context requires otherwise;
 - (a) A “facsimile transmission” means the transmission of a source document by a system 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 or 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.
5. 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 (e.g. Defendant Jones’ Answer to Amended Complaint; Plaintiff Smith’s Response to Defendants’ Motion to Dismiss; Plaintiff Smith’s Notice of Filing Exhibit “G” to Plaintiff Smith’s Response to Defendants’ Motion to Dismiss);
 - (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 e-mail address of the person filing the fax document if available; and
 - (k) If applicable, a statement explaining how costs are being submitted.
6. If a document is sent by fax to the Clerk of Courts without the cover page information listed above, the Clerk may, at his/her 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.
7. The document filed by fax shall not exceed twelve (12) pages in length excluding the cover page.
8. The Clerk of Courts is not required to send any form of notice to the sender of a failed fax filing. However, if practicable, the Clerk of Courts may inform the sender of a failed fax filing.
9. A party who wishes to file a signed source document by fax shall either:
- (a) Fax a copy of the signed source or 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.
10. The Clerk of Courts shall not be required to make additional copies for service. Parties requesting service by the Clerk shall supply the additional copies to be served by the Clerk within seven (7) days of the facsimile filing.
11. A party who files a signed document by fax represents that the physically signed source document is in his/her possession or control.
12. Each exhibit to a facsimile produced document that cannot be accurately transmitted via facsimile transmission 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) court 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.

13. 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 (e.g., Plaintiff Smith's Notice of Filing Exhibit "G" to Plaintiff Smith's Response to Defendants' Motion to Dismiss), and shall be signed and served in conformance with the rules governing the signing and service of pleadings in this court.
14. 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 time-stamps 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.
15. Fax filings 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.
16. The Clerk of Courts may, but need not, acknowledge receipt of a facsimile transmission.
17. The risks of transmitting a document by fax to the Clerk of Courts shall be borne entirely by the sender. Anyone using facsimile filing is urged to verify receipt of such filing by the Clerk of Courts through whatever technological means are available.
18. No document filed by facsimile that requires a filing fee shall be accepted by the Clerk for filing until court cost and fees have been paid. Documents tendered to the Clerk without payment of court costs and fees, or which do not conform to applicable rules will not be filed.
19. No additional fee shall be assessed for facsimile filings.

G. THE COURT MAY DEVELOP RULES FOR OTHER FORMS OF ELECTRONIC FILING.

H. FILING VIDEO DEPOSITIONS

The filing of video deposition shall conform to Sup.R. 13, and in addition, a typed

certified copy of the transcript and a list of objections shall be filed along with the video deposition. (See also Local Rule 4.13).

I. SIGNATURE LINE

All Magistrate's decisions and all orders of the Magistrates and Judges shall have the name of the respective Magistrate or Judge printed or typed below their respective signature line.

J. UNIFORM STANDARDIZED FORMS

All forms approved by the Supreme Court of Ohio as part of their Uniform Standardized Forms shall be accepted for filing by the Clerk of Courts provided the forms have not been altered, are properly completed and have the filing fee, if applicable. All filings by self-represented parties are subject to compliance review and approval by the Court prior to filing (see Local Rule 10.05). The Clerk of Courts cannot give instructions or legal advice regarding the parties' rights, responsibilities or legal options.

RULE 3.02
COSTS AND SECURITY FOR
COSTS

A No motion to proceed In Forma Pauperis shall be granted by the Court unless there is attached thereto a statement by the attorney for the party executing such affidavit that he or she has not accepted and will not accept any attorney's fees in said cause until the costs are paid or secured to be paid.

B Unless a motion to proceed In Forma Pauperis is filed and accepted by the Court or the Court waives deposit for costs, any document, pleading, motion, request, objection, petition or complaint filed without payment of the court cost deposit to the Clerk, as listed in Appendix B, may be summarily stricken by the Court.

C If a check or other negotiable instrument for deposit for costs is dishonored for any reason, the filing may be dismissed by the Court after ten (10) days notice is given to the filer for failure to pay the required security for costs.

D If at any time the deposit for costs becomes insufficient in any case, the Clerk shall require of the appropriate parties an additional deposit in an amount sufficient to secure the reasonably anticipated costs.

E When a judgment entry orders payment of costs by a party who has a deposit with the Clerk, the costs shall be deducted from that party's deposit, if sufficient, and any balance shall be returned to the depositor. If, however, the deposit is insufficient or that party has no deposit, then the amount still due shall be deducted from any deposit held in the case. If there is a failure to pay within sixty (60) days from the Clerk's cost statement by the party so ordered, the Clerk

shall deduct the costs from any deposit held in their case. The Clerk shall bill the party ordered to pay costs for any deficiency. Upon payment, the Clerk shall refund the deposits to the appropriate party.

F If notice of voluntary dismissal is filed by a plaintiff or an appellant, the dismissal shall be at the cost of the dismissing party, unless otherwise ordered.

G When the final judgment entry does not specify who is to pay costs, the Clerk shall deduct the costs equally from any deposits held and refund the remainder. If the deposits are insufficient to satisfy the Court costs, the clerk shall then assess the excess costs to the parties equally unless otherwise ordered.

H Clerk shall keep a list of all unpaid or 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 every three (3) months. After two (2) such notices, if the costs have not been paid, the Clerk may issue a certificate of judgment for the amount of such costs without further order.

I The commission charged by the Clerk of Courts pursuant to R.C. 2303.20(V) shall be paid by the party paying or depositing money with the Clerk unless otherwise ordered by the Court.

J Arrangements for the payment of the costs of transcripts shall be made with the Court Reporter at the time the transcript is ordered.

CHAPTER 4
CIVIL CASE ADMINISTRATION

RULE 4.01

CASE MANAGEMENT

A. CASE TERMINATION SCHEDULE

While there may be exceptions due to the peculiarities of a given case, it is the intent of the Court that cases of the following classification be terminated within the time frame set forth from the date of filing:

Habeas Corpus.....	60 days
Foreclosure.....	150 days
Administrative Appeals.....	180 days
Forcible Entry and Detainer.....	120 days
Declaratory Judgment.....	210 days
Injunction.....	180 days
Other Civil.....	240 days
Worker's Compensation.....	240 days
Personal Injury.....	360 days
Product Liability.....	360 days
Professional Torts.....	360 days
Other Torts.....	360 days
Complex Litigation.....	720 days
Ruling of Summary Judgment.	45 days

B. SCHEDULING ORDER

Within thirty (30) days after close of pleadings, the Court shall schedule an initial pre-trial conference.

C. CONTINUANCES

All applications for the continuance of any scheduled event must be in writing and

directed to the Judge or Magistrate assigned to the case.

1. No event will be continued without contemporaneously reassigning a fixed date.
2. All applications for continuances shall be submitted to the Court at least fourteen (14) days prior to the scheduled date for the event sought to be continued, absent emergency or cause deemed sufficient by the Court.
3. All applications for continuances shall contain the following information:
 - (a) The reason for the request;
 - (b) The time and date of the current assignment;
 - (c) A statement indicating that counsel has informed his client of the request or in the alternative why the client has not been informed of the request.
 - (d) A statement indicating opposing counsel has been notified or in the event of an unrepresented party, the party has been notified, or the reason opposing counsel has not been notified and whether opposing counsel has consented to the continuance;
 - (e) A new date within sixty (60) days which has been approved by the Court and opposing counsel in the event the Court grants the application for continuance.
4. All requests for continuance based upon a conflict of trial assignment shall have attached thereto a copy of the conflicting assignment.
5. No party shall be granted a continuance of a trial or evidentiary hearing unless the motion is endorsed by the party as well as counsel, provided the trial judge may waive this requirement upon a showing of good cause.
6. All motions shall be accompanied by a proposed order which shall include the new date.

D. JURY VIEW

Except as provided by law a jury view shall be requested at least thirty (30) days before trial unless otherwise ordered.

E. REFERRAL TO MEDIATION

The Court may order any case to mediation if it determines that the just and fair disposition of the case may be served.

F. REFERRAL TO SUMMARY JURY TRIAL

The Court may with the consent of all parties order a case to be heard by Summary Jury Trial pursuant to Local Rule 5.10.

G. TRIAL EXHIBITS AND EXHIBIT LISTS

1. All documents and exhibits must be marked for identification purposes and shared with opposing counsel at least seven (7) days prior to trial. Failure to do so may result in said documents and exhibits not being admitted into evidence.
2. Plaintiff's exhibits are to be marked with Arabic numerals; Defendant's exhibits to be marked with letters; and stipulated joint exhibits to be marked with Roman numerals.
3. Exhibit stickers shall also be marked with the case number and the date (if a trial is to be conducted over a period of consecutive days it may be dated with the first date of trial).
4. Counsel shall also provide opposing counsel and the Court a full and complete Exhibit List of all proposed trial exhibits, including their proper identification, at least seven (7) days prior to trial. Additionally, an updated list, if any, shall be presented to the opposing counsel and the Court prior to the start of trial. In the event that there is a Court reporter, a copy of said exhibit list shall be provided to the Court reporter.

RULE 4.02
REVIEW AND DISMISSAL OF CIVIL
CASES

A. Each Judge shall quarterly review or cause to be reviewed all cases assigned to the respective Court.

B. Cases which have been on the docket for six (6) months without any proceedings or activity taken therein shall be dismissed for lack of prosecution after notice to counsel of record or parties, unless good cause is shown to the contrary. (Civ. R. 4(E)).

RULE 4.03

MOTIONS

A. Each motion must be submitted by separate pleading with representations of fact to support the motion and a memorandum of law containing citations to authority in support of the motion.

B. Copies of briefs and memoranda provided for the Court and for all parties shall have attached thereto a copy of all unreported cases, or other references cited or referred to, and counsel may highlight on all copies what they want the Court to review.

C. If the motion is one to continue a matter, to vacate a hearing or trial, or a similar motion where citations are not necessary, the memorandum must contain representations of fact verified by the attorney or an affidavit in support of the motion. (See also, Local Rule 4.01(C)).

D. All motions must be accompanied by a separate proposed Order.

E. The following motions may be considered *ex parte*:

1. Confirmation of sale; granted immediately if approved by all parties, otherwise, granted five (5) days after sale;
2. File a third party complaint;
3. Withdraw as attorney of record; (as set forth in Local Rule 4.14);
4. Enlarge time to move or plead or respond to discovery;
5. Vacate a trial or hearing date;
6. Substitute parties;
7. Dismiss by stipulation;
8. Temporary restraining order; (for domestic relation cases, see Local Rule 10.04);
9. To intervene;
10. For leave to answer or otherwise plead;
11. Motions for admission Pro Hac Vice;
12. Any other motion, for good cause shown.

F. Motions

1. Motion responses and movants' replies generally. Responses to a written motion, other than motions for summary judgment, may be served within fourteen days after service of the motion. Responses to motions for summary judgment may be served within twenty-eight days after service of the motion. A movant's reply to a response to any written motion may be served within seven days after service of the response to the motion.

2. Motions prior to hearing or trial. Unless a different period is fixed under these rules or by order of the court, a written motion for purposes of a hearing that is not a trial shall be served no later than fourteen days prior to the hearing, and a written motion for purposes of a trial shall be served no later than twenty-eight days prior to the start of trial. Responses to such motions may be served as provided by Civ.R. 6(C); however, a movant's reply to the response is not permitted.

3. Modification for good cause upon motion. Upon motion of a party in an action, and for good cause, the court may reduce or enlarge the periods of time provided in divisions (F)(1) and (F)(2) of this rule.

G. When a party files a motion to amend a pleading, he shall provide the Court with a proposed judgment entry which shall have attached thereto the proposed amended pleading. If the motion is granted, the amended pleading shall be filed with the Clerk by the Court.

H. All motions to show cause/contempt of Court shall state the date of the prior Court order(s) and the specific provision(s) of the prior Court order(s) that are alleged to be violated.

1. Motions to show cause/contempt of Court in domestic relations cases shall include an affidavit by the party alleging the contempt, with specificity as to the violations of the Court order.
2. All motions to show cause/contempt of Court in domestic relations cases alleging non-payment of medical/health care bills shall include the Form titled "Explanation of Health Care Bills" (Appendix G, Form 4) as approved by the Supreme Court of Ohio, Uniform DR forms. This form shall be completed and filed with the motion. The supporting documentation shall be presented at the motion hearing.

RULE 4.04

ORDERS AND JUDGMENTS

A. The Court shall transmit, or direct the Clerk of Courts to transmit, copies of judgment entries or other orders to all counsel and unrepresented parties and represented parties if so ordered.

B. Copies of a judgment entry, or an order prepared by counsel, shall be in sufficient quantity so the Clerk of Courts may distribute one (1) to trial counsel and unrepresented parties. One extra copy shall be provided to the Clerk in all domestic relations cases involving the payment of child support or spousal support.

1. All judgment entries incorporating a separation and property settlement agreement or shared parenting plan shall have attached thereto a copy of the separation and property settlement agreement or shared parenting plan.
2. Judgment entries and orders of dismissal by compromise prepared by counsel shall be approved by all counsel of record, and submitted to the Court within twenty-eight (28) days after notice to the Court of settlement or as otherwise agreed by the Court.
3. Failure to submit the appropriate judgment entry or order by counsel may result in the Court preparing and filing a dismissal or taking other appropriate action.
4. If counsel to whom the entry or order has been sent does not object, then he/she shall sign the entry and return it to the preparing counsel. If counsel does not agree with the submitted entry or order, he/she shall prepare and submit the original to preparing counsel, an entry with proposed modification.
5. If no response is made to original preparing counsel within fourteen (14) days, preparing counsel shall submit the entry or order along with the submitting letter to the Court with the following certification:

I HEREBY CERTIFY THAT THE FOREGOING ENTRY OR ORDER WAS (MAILED, DELIVERED, OR FAXED) TO _____, COUNSEL FOR PLAINTIFF/ DEFENDANT, ON THE _____ DAY OF _____, 20__ AND HAS NOT BEEN RETURNED, REVISED NOR OBJECTED TO.

6. If counsel cannot agree on an entry or order within twenty-eight (28) days of the original submission then copies of both the original and response order or entry drafts shall be submitted to the Court. The Court may adopt either entry, make its own entry, or set a date for a hearing on the proposed entries.

C. The Court shall include the vehicle identification number (VIN), year, make and model in every order directing the issuance of title to a motor vehicle.

D. Judgment entries in all actions involving title to real property shall include a legal description of the property in question. Said legal description shall be certified by the appropriate county official as being accurate.

E. All final appealable orders will be delivered to counsel, unrepresented parties and represented parties by the Clerk by regular U.S. mail within three (3) days of journalization. If counsel desires the Clerk to provide an additional copy in their mailbox in the Clerk's office, counsel will submit an additional copy to those required in Local Rule 3.01(C) noting thereon the special delivery requested.

RULE 4.05

RULE DAYS NOT FIXED BY LAW

In all cases where the time for the filing and service of a notice or pleading is not otherwise fixed by law or applicable rule, a response to a pleading, motion, amended pleading, or other paper shall be filed and served on or before the fourteenth (14th) day after the date of service of the pleading, motion or other paper, requiring the response. Any reply to said response shall be filed and served on or before the seventh (7th) day after the date of service of the response.

RULE 4.06
DISCOVERY

A. Counsel shall participate in timely pretrial discovery in order to limit the issues in controversy.

B. Parties who intend to call expert witnesses are required to obtain from the expert witness a written report which shall state the expert's opinion and the factual basis for that opinion.

C. The expert's report and all relevant documents, including all records and bills of an expert witness shall be provided to opposing counsel at least ten (10) days prior to the taking of said expert's deposition or final settlement pre-trial, whichever occurs first.

D. Upon application of any party or upon the Court's own motion, the Court may order such restrictions on the use and availability of a report as the Court deems appropriate.

RULE 4.07
CIVIL PRETRIAL

A. At any civil pretrial conference set by the Court, counsel shall be prepared to discuss the following:

1. Pleadings;
2. Jurisdiction;
3. Venue;
4. Pending motions;
5. Itemization of expenses and special damages;
6. Possibility of settlement;
7. Dates for completion of discovery and trial, unless prior order has determined such;
8. Simplification of issues;
9. Additional deposits as security for costs, including jury fees;
10. Alternative dispute resolution.

B. At final pretrial conference counsel may be directed to submit to the Court all written stipulations of fact and anything required that had not been previously submitted.

C. At the conclusion of the pretrial conference an order will be prepared reciting the action taken and controlling the subsequent course of the action. The Court may advise those parties present of the matters dealt with in the pretrial conference, on or off the record.

D. The Court shall order a settlement pretrial conference whenever a jury demand has been filed. Said settlement pretrial conference shall occur at least thirty (30) days prior to the trial date. After the conclusion of the settlement pretrial conference, the Court may order the

party who filed the jury demand to pay an additional deposit of \$350.00 to secure payment of the jury costs.

E. Settlement pretrial conferences shall be attended by all parties, insurance adjusters and trial counsel. The Court may order all parties, insurance adjusters and their attorneys to be present for preliminary pretrial conferences, except scheduled telephone pretrial conferences. All counsel shall be authorized and prepared to enter into such stipulations and agreements as may be appropriate. Any additional persons necessary to enter into agreements shall be present or immediately available to the conference.

F. Trial counsel shall be required to submit a written settlement memorandum to the Court ten (10) days prior to the settlement pretrial conference. Counsel shall further submit a notice of filing of the settlement memorandum with the Clerk of Courts. The settlement memorandum shall not be part of the record and shall be considered as an offer and compromise under the Rules of Evidence and therefore inadmissible in the case.

G. Failure of counsel or an unrepresented party to appear at any scheduled pretrial conference or otherwise fail to comply with any pretrial order, may result in dismissal, default, or the imposition of such sanctions as the Court may determine. In the event of a failure of counsel or unrepresented party to appear, the Court shall set a date within two (2) weeks of the scheduled event for which counsel or the unrepresented party failed to appear to determine what sanctions should be administered.

RULE 4.08

NOTICE OF HEARINGS/APPEARANCE OF COUNSEL

A. The Court shall send written notice of all hearing dates to counsel, unrepresented parties and/or represented parties if so ordered. Notice to counsel and unrepresented parties shall be at the address on pleadings or the mailbox in the Clerk of Courts office. It shall be counsel's responsibility to notify clients of all hearing dates.

B. When a party is dismissed, withdraws or a substitution of counsel is ordered, said party and/or counsel shall be shown as dismissed on the Clerk's computerized records.

RULE 4.09
COGNOVIT JUDGMENTS

A. When a complaint is presented to the Court for the rendering of a cognovit judgment, it shall contain or be accompanied by an affidavit to the effect:

1. That the maker of the cognovit note now resides in the county in which the action is brought;
2. That the maker, or any one of several makers, of the cognovit note signed the warrant of attorney in the county in which the action is brought;
3. That the instrument does not arise out of a consumer loan or a consumer transaction. (ORC Section 2323.13(E)).

B. The attorney who represents the judgment creditor shall include in the complaint a statement setting forth to the best of his knowledge the last known address of the defendant or defendants.

C. Immediately upon the entering of any judgment, the attorney who represents the judgment creditor shall furnish a copy of the pleadings and judgment entry to the Clerk of Courts. The Clerk shall notify the defendant or defendants by mailing a copy of the pleadings and judgment entry by registered or certified mail at the address set forth in the complaint.

D. In all cases, the original note shall be presented for cancellation by the Court, or its absence adequately explained.

RULE 4.10

TRIAL AND HEARING RULES

A. Only one (1) counsel for each adverse party will be permitted to speak on any interlocutory matter, or upon any question arising in the trial or proceeding. One (1) counsel for each adverse party will be permitted to examine or cross-examine the same witness. Exceptions are by leave of court only.

B. The party requiring special presentation equipment shall be responsible for providing the equipment for trial and the cost thereof.

C. Except for court security or police officers present for security purposes, no personal communication equipment, i.e. tablet, laptop, cellular phone, etc. shall be activated or used in the courtrooms without court approval.

RULE 4.11

RETENTION OF EXHIBITS AND EVIDENCE

A. The official court reporter shall receive and hold all exhibits proffered and/or admitted into evidence during trial in any case. The exhibits shall be secured until release is consented to, court ordered, or the documents and list of exhibits are filed with the Clerk of Courts as part of the transcript of an appeal.

B. All evidence received pursuant to "A" shall be held until the appeal time has expired. Evidence shall be returned to the party submitting it unless otherwise disposed of pursuant to court order. Persons receiving such evidence must sign a receipt.

C. Evidence held by a law enforcement agency shall be controlled by R.C. 2933.41, 2925.42 and 2925.43.

D. All exhibits offered as evidence but not admitted shall be retained by the court reporter until the time for appeal has expired. Exhibits that were not offered as evidence shall be returned by the court reporter to the owner at the end of the trial. The owner of these exhibits shall execute a receipt for exhibits returned, but no court order shall be required.

E. After all appeal time has expired the Clerk of Courts may dispose of any exhibits, depositions or transcripts remaining in his/her office. The Clerk, after notice to the parties or their attorneys, shall dispose of these items unless application is made for their return within sixty (60) days of the date of the notice.

RULE 4.12
TRANSCRIPTS

A. Once a transcript of a proceeding is filed by the court reporter, it must be preserved in its original format to prevent the possibility of alteration or destruction since it has been certified as correct by the stenographer or shorthand reporter.

Therefore, in accordance with the Ohio Revised Code Section 2303.09, 2301.24, 2301.25, and other Rules of Court of Common Pleas, General Division, and the general case law of the State of Ohio, such transcripts may not leave the possession of the Clerk, except for purposes of being examined in the presence of the Clerk of Courts or one of the deputy clerks.

B. Failure to comply with the above Rule may render the transcript/deposition invalid as a correct and certified copy for purposes of the record and subject any party so violating this Rule to payment of the costs and expenses of another official transcript/deposition to be recertified by the official court reporter.

RULE 4.13

VIDEOTAPE DEPOSITIONS

The taking of and filing of video depositions shall conform to Sup. R. 13 and the following rules:

A. Objections must be made after the question or answer. Counsel should state the basis for the objection on the record and may read citations into the record.

B. With the Court's approval videotape depositions may be made available for inspection or viewing after filing and prior to use at trial. Upon court order, the officer before whom the video was made may use such videotape for purposes of making a copy for a party.

C. The party filing the video deposition other than a VHS video is responsible for checking with the Court to see if the necessary equipment is available.

D. The costs of trial depositions may be taxed as costs.

RULE 4.14

SUBSTITUTION AND WITHDRAWAL OF COUNSEL/ENTRY OF APPEARANCE

A. Any attorney filing a Complaint, Answer, Motion or Entry of Appearance shall be regarded by the Court as being the trial attorney and as having responsibility for the case until substitution of counsel or motion to withdraw is received and approved by the Court.

B. Substitution of counsel may be approved only upon entry of appearance by succeeding counsel or upon submission of the following to the Court:

1. A proposed entry of substitution approved by withdrawing and succeeding counsel.

C. Withdrawal of counsel may be approved only upon compliance with the terms set forth in DR 2-110 of the Code of Professional Responsibility and upon submission of the following to the Court:

1. A certification from the attorney seeking to withdraw from the case stating:
 - (a) The reason for the need to withdraw;
 - (b) That the client has received the withdrawing attorney's entire file on the case, or that the client has been given express written notice of where and when the entire file may be obtained;
 - (c) That a written notice containing all court dates and deadlines have been given to the client.
2. A proposed entry.

RULE 4.15

MAGISTRATES IN CIVIL CASES

The Court may by order of reference assign a Magistrate to a case or motion or for a specified period of time pursuant to terms and limitations of Civ. R. 53.

CHAPTER 5
MISCELLANEOUS PROCEDURES

RULE 5.01
NOTARY PUBLIC

Any person applying for a notary commission or seeking to renew their commission will do so through the Ohio Secretary of State's Office pursuant to ORC 147.

RULE 5.02

GUARDIAN AD LITEM IN NON DOMESTIC RELATION CASES

A. Except as provided in the Local Rules no person other than an attorney at law admitted to practice in the State of Ohio, shall be appointed Guardian ad Litem in a non-domestic relations case in this Court.

B. Upon the application of any party to a proceeding for the appointment of a Guardian ad Litem, the Court shall require a deposit of a sum not less than \$500.00, unless the Court determines a lesser sum is appropriate. All costs in excess of the deposit shall be taxed as court costs and paid as determined by the Court.

RULE 5.03
ATTORNEY'S FEES

A. Attorney fees relative to all matters shall be governed by the Code of Professional Responsibility, DR 2-106.

B. In any case where attorney fees are to be awarded, counsel may be required to provide to the Court an itemized statement showing the hours worked and a detailed accounting of expenses.

C. An indigent's counsel in a case shall be paid at the rate adopted by the Defiance/Fulton/Henry/Williams County Commissioners.

D. Attorneys requesting fees in a partition action are not required to provide an itemized statement as set forth in (B) above if the amounts fall within the following guidelines:

1. Seven percent (7%) on the first \$20,000.00 of the sale price; Three percent (3%) on the next \$80,000.00; Two percent (2%) on all sums in excess of \$80,000.00. However, the minimum fee shall be \$500.00.
2. The fees shall be distributed pursuant to R. C. 5307.25.
3. Other fees may be permitted by leave of court only, under extraordinary circumstances.

RULE 5.04

FORECLOSURE, QUIET TITLE, PARTITION AND JUDICIAL SALE

A. In cases to quiet title, for partition, and for the marshalling and foreclosure of liens on real property, (other than delinquent real estate tax foreclosure actions) counsel for plaintiff must file the following with the Clerk at the time of the filing of the original complaint or petition:

1. A statement of owners and lienholders or a preliminary judicial report, including the names of the owners of the property, and a reference to the volume and page and date of recording of the next preceding recorded instrument by or through which the owners claim title, as the same shall have been prepared and extended by a responsible title company to a date not over thirty (30) days prior to the filing of the complaint, the costs of which are taxed as costs;

B. After all the defendants have been served with the complaint, counsel for the plaintiff shall obtain and file an updated title report establishing all lienholders have been made parties and served with the complaint.

C. Appraiser fees shall be charged in accordance with Appendices B-1 (Defiance County), B-2 (Fulton County), B-3 (Henry County) and B-4 (Williams County).

D. Appraisers shall be granted access to the real property for the purpose of appraising the premises to be sold at Sheriff's sale. If a landowner or occupier of the premises to be sold does not permit the appraiser to enter the premises, the Sheriff may aid the appraiser in gaining access only after obtaining an order of the Court.

E. No order of sale shall be approved unless the following conditions have been met:

1. Counsel has filed a written declaration to the Court that all lien holders of record have been notified of the application for order of sale;
2. The proposed order of sale contains a legal description certified by the appropriate county official as being accurate.

F. Advertisements for any judicially ordered sale shall state that the successful bidder must deposit ten percent (10%) of the successful bid on the day of the sale with the balance due within thirty (30) days of the date of confirmation.

G. At the time of publication of any judicially ordered sale, the Sheriff shall provide the Clerk of Courts written notice of the time, date and location of the sale. The Clerk of Courts shall provide written notice to all counsel and unrepresented parties of the time, date and location of the judicially ordered sale.

H. Plaintiff's counsel shall submit a proposed judgment entry confirming sale within thirty (30) days of the sale. No confirmation of sale and distribution entries shall be accepted which do not provide for complete distribution of sale proceeds unless prior Court approval is obtained.

I. Failure of the successful bidder to pay the balance of proceeds due within thirty (30) days of confirmation (unless extended by Court for good cause) shall forfeit the ten percent (10%) deposit and the deposit shall be applied to the costs of sale and other losses incurred by the distributes.

J. Plaintiff's counsel shall file the proposed deed with the Sheriff within seven (7) days of the order confirming sale.

K. The deed shall be filed with the County Recorder within fourteen (14) days of receipt of payment.

L. In the event a party cancels a Sheriff's sale (after Order of Sale has issued) for any reason other than a bankruptcy action, a cancellation fee of \$75.00 shall be assessed against the party cancelling said sale. If the parties fail to proceed with further order of sale within ninety (90) days of cancellation, the Court may issue an order of stay and, upon such order of stay, the Clerk of Courts shall calculate all court costs, return the balance of deposits and close the case. Thereafter, if the parties want to re-open the case and proceed with order of sale, an additional cost deposit will be required.

RULE 5.05

RECEIVERSHIPS

A. APPLICABILITY

Unless otherwise ordered by the court in a specific case, this local rule governs practice and procedure in all receivership matters.

B. MOTIONS FOR APPOINTMENT OF A RECEIVER

1. The court has no closed-panel or "approved" list of receivers. Any party may suggest candidates, but must be prepared to document their experience and expertise relative to the matter at hand, and certify that they are disinterested persons.
2. Parties seeking appointment must fully advise the court of the *entire* fee arrangement proposed to compensate the receiver, including all expense reimbursements and any commission contemplated for leasing or selling property. In addition, the court must be advised of the approximate value of the business or property likely to be managed in the receivership (if granted), and of the scope of work likely to be required of the receiver.
3. Absent an emergency in which irreparable harm is likely to occur, the court will not grant a receivership on an *ex parte* basis. The party (or parties) seeking a receivership should ordinarily consult all known secured creditors, the debtor, and other parties expected to have a significant interest in being heard in order to schedule the receivership hearing in a timely manner.
4. The court will set a bond commensurate with the anticipated size of the estate, having in mind the views of secured creditors and the debtor. Accordingly, counsel must be prepared to present sufficient facts for the court to make an informed judgment on bond.

C. HEARINGS AND REQUESTS FOR PROCEDURAL ORDERS

1. Motions for a receivership, fee applications, hearing requests, or other procedural matters relative to a receivership must be submitted in writing, with an approval entry tendered to the Court.
2. Unless it is clear that service has already been made by the court using the e-filing system, the party who submitted or approved a proposed order entered by the court is responsible for serving it upon the receiver or receiver's counsel and upon all parties who have appeared, or for whom service of process remains underway. Proof of service must be filed by the party making service.
3. For good cause, the receiver or any party that has appeared may request an emergency hearing by contacting the court.

4. An evidentiary hearing at which the receiver or other witnesses are called to testify may be required by the court at any time.

D. QUALIFICATIONS TO SERVE AS A RECEIVER

1. Every receiver appointed must be an individual who is resident of the state of Ohio, unless good cause is shown for an out-of-state receiver and such an appointment is permitted by R.C. 2735.02. An individual appointed as receiver may, with express court approval, work for an out-of-state business.

2. Every out-of-state business involved in a receivership must be represented by counsel having an office within this County, or having familiarity with receivership practice in this court.

3. Upon accepting appointment, each receiver must affirmatively acknowledge in writing in the record that they will:

- a. act in conformity with Ohio law and these local rules;
- b. deposit all funds coming into their hands into a separate trust account for the estate, with full contemporaneous record-keeping for all funds;
- c. avoid any conflict of interest;
- d. not directly or indirectly pay or accept anything of value that has not been fully and timely disclosed and formally approved by the court;
- e. not directly or indirectly purchase, acquire, or accept any interest in property managed, appraised, or sold through the receivership; and
- f. otherwise act in the best interests of the estate.

E. GENERAL DUTIES OF THE RECEIVER

Unless the court specifically authorizes a receiver to continue a business, the receiver shall:

1. take control of the assets of the defendant debtor that are subject to the receivership;
2. give notice to all known creditors of the receiver's appointment;
3. afford reasonable opportunity for creditors to present and prove their claims, and, if deemed appropriate by the receiver or the court, publish in a newspaper of general circulation within the County a deadline or bar date for submitting claims;
4. cause the assets of the business to be preserved, inventoried and where appropriate appraised;
5. determine the validity and priority of creditors' claims;

6. take such other appropriate steps as may be timely, reasonable and necessary to reduce the assets of the business to cash on terms that maximize recovery for the benefit of creditors, including selling property free-and-clear of all liens provided the liens attach to the proceeds of sale; and

7. make recommendations for appropriate distributions of cash or property between the various classes of creditors according to their priority, after such notice as the court deems appropriate.

F. RECEIVERSHIP PLAN AND PROGRESS REPORTS

1. At the outset of the receivership, or as soon thereafter as information becomes reasonably available, the court shall be provided with a written plan for the receivership. The plan shall, thereafter, be updated as significant developments warrant, or as part of ongoing periodic reporting to the court.

2. The initial receivership plan shall identify:

a. the nature of the debtor's business, and a concise statement of the circumstances leading to the receivership;

b. whether the present goal is to preserve and operate a business, collect rental on property, liquidate assets, or take other action;

c. the significant assets of the receivership, including real estate, tangible or intangible property, inventory, cash on hand, accounts receivable, and claims against insurers or other third parties;

d. anticipated transactional costs predictably to be incurred, including upcoming financing or mortgage payments, government fees or taxes, receiver fees, accounting, appraisal or auction costs, and legal fees inherent in the plan (as best they can be estimated);

e. the anticipated duration of the receivership;

f. if an active business is to be operated, the minimum number of employees needed to do so, and the estimated aggregate payroll (including benefits) per month;

g. if property is to be liquidated, the estimated date by which appraisal and sale by the receiver can occur, and whether public or private sale is contemplated;

h. if litigation or administrative proceedings are underway or anticipated, the nature and expected cost of each such proceeding.

3. The first plan (and report of activity to date) must be submitted no later than two months after appointment of the receiver.

4. Copies of each receiver's plan and report shall be filed with the Clerk, with service upon all parties who have made an appearance or for whom service remains pending. A duplicate copy shall be submitted to chambers, together with a proposed entry approving the plan and report.

5. Ordinarily, no approval of fees or other proposed action in a receivership will occur unless seven (7) days have elapsed following service of an updated plan or report, in order to allow interested parties to comment or object. However, for good cause the court may alter this notice period.

6. After consideration, the court shall approve or disapprove the plan and report by court entry.

7. After filing the first plan and report, the receiver shall file updated plans and reports no less often than semi-annually. Each shall include a summary of action taken to date measured against the previous plan for the receivership; shall set forth proposed future action; and shall update previous estimates of costs, expenses, and the timetable needed to complete the receivership.

G. FAILURE TO ACT TIMELY.

Failure to timely prosecute a receivership, including delay in filing any plan or report required under this local rule, may result in:

1. Removal of the receiver and/or attorney for the receiver; and/or
2. Withholding of fees for the receiver and /or counsel.

H. APPLICATIONS TO EMPLOY COUNSELOR PROFESSIONALS

1. A receiver (or other party) requesting approval to retain an attorney or other professional (including appraisers, auctioneers, brokers, or real estate agents) whose compensation will be claimed against the estate or from proceeds of sale of estate property shall apply to the court. All such professionals must be disinterested persons with no business relationship with the Receiver, unless otherwise expressly disclosed and approved in advance by the court. Unless the court addresses the application during the initial hearing on whether to grant a receivership, written notice of all such applications shall be given to the debtor, all parties that have appeared and all those for whom service of process remains pending.

2. The retention agreement between a receiver and every professional shall be in writing. Every professional whose retention is approved by the court is, and shall remain, subject to the jurisdiction of this court relative to approval of all professional fees and reimbursable expenses.

3. Applications for authority to retain professionals to assist a receiver shall summarize the experience, current professional licensure, and other qualifications for every person sought to be retained. The application must affirmatively verify that:

- a. all necessary licenses are in good standing and not under suspension;
- b. appropriate "conflict" checks have been made by the professional;
- c. as to lawyers, professional liability insurance in an amount equal to the

minimum coverage required by the Rule 1.4 of Ohio Rules of Professional Conduct is in force; and

d. the contract retaining the professional will affirmatively state that the professional will avoid any conflict of interest in connection with work on the receivership; that gross proceeds of any sale or other transaction conducted by them will be immediately turned over to the receiver or placed in a separate trust account; and that they will not, under any circumstances, directly or indirectly purchase, acquire, or accept any interest in any property they manage, appraise or sell through the receivership.

4. Applications to employ professionals shall also set forth:

a. the professional's usual and customary hourly rate or fee;

b. their proposed fee, hourly rate, or other alternative method or formula for determining compensation in the receivership;

c. whether any fees were paid to the professional during the one (1) year period preceding the filing of the application from, or involving, (a) the debtor in receivership, (b) a person or party closely related to the debtor, or (c) a person or party known to be adverse to the debtor and to have a material claim in the receivership; and

d. the amount, date paid, and source of any retainer or other compensation already received by the professional for preparatory work relative to the receivership.

5. No fee, commission, expense reimbursement, or other direct or indirect compensation of any nature may be accepted by any court-appointed professional that is not fully and timely disclosed to the court for prior approval.

I. EXPENDITURE AUTHORITY OF THE RECEIVER.

1. A receiver appointed to take charge of property may expend funds without prior approval by the court to pay ongoing insurance premiums, fire safety and other security services, and utility bills. The receiver may also make emergency repairs essential to the safety and proper maintenance of the property and to preserve its value.

2. A receiver taking charge of an operating business shall have authority to pay reasonable wages to employees and all reasonable and customary business related expenses, subject to periodic accounting to the court.

3. All fees, compensation or expense reimbursements to the receiver, counsel, or professionals require prior approval from the court.

4. All expenses of the receivership, other than those specifically enumerated above, also require prior approval of the court if, in the aggregate, they exceed \$2,500 per month, or such other threshold as set by order in the specific receivership.

J. DISPOSITION OF PROPERTY

1. With court approval after such notice as the court deems appropriate a receiver may use, sell, or lease property other than in the ordinary course of business.

a. Unless otherwise ordered, a receiver shall serve notice of the receiver's intent to sell or lease receivership property and the terms of such proposed sale or lease for all property. Notice shall be given to all parties in the action and all persons known to have an interest in the property to be sold or leased.

b. If any party or person having an interest in the property to be sold or leased files an objection within fourteen days of sendee of the notice, the court may set the receiver's request for hearing or may rule based on the material of record.

c. The receiver shall have the burden of proving the commercial reasonableness of a proposed disposition of property.

d. If the court determines that a proposed disposition of property is commercially reasonable, the receiver will be authorized to proceed upon such terms and conditions as set by the court.

e. The court may order that disposition of receivership property be effected free and clear of all liens and all rights of redemption regardless of whether the expected proceeds will be sufficient to satisfy all claims secured by the property. Upon any such disposition of receivership property free and clear of liens and rights of redemption, all mortgages, security interests, or other liens encumbering the property shall attach to the proceeds of disposition (net of the reasonable expenses incurred in sale of the property) in the same order, priority, and validity as the liens had with respect to that receivership property immediately before sale.

2. Unless otherwise provided by law, valuation and sale of real property by a receiver need not occur using ordinary foreclosure procedures.

K. PAYMENT OF RECEIVER AND PROFESSIONAL FEES.

1. Fee applications shall be made in writing, with notice to all parties that have appeared. The receiver or counsel for the receiver shall attach to each fee application a brief, updated plan and progress report, consistent with Local Rule 66.06, together with a billing summary concisely reflecting:

a. the dates on which work was performed;

b. a description of work performed;

c. the name of each individual performing the work; and

d. the hourly rate(s) sought to be charged, or other method used to calculate proposed fee(s) and expenses.

2. Fees allowed for services by a receiver, counsel, and professionals employed by a receiver shall be within the sound discretion of the trial judge, giving due consideration to the complexity of the receiver's or professional's responsibilities, results achieved for creditors, and other relevant facts.

3. An attorney acting as a receiver must clearly differentiate between fees sought for work performed as a receiver and for work separately performed as an attorney.

L. FINAL REPORT TO THE COURT AND CREDITORS.

When the final fee application is submitted, it shall be accompanied by a Receiver's Final Report that includes all of the following information:

1. the total amount of money collected during the receivership, (b) the total funds collected since the last interim fee award to the receiver (if any), and (c) the source(s) of funds;
- 2) total funds previously disbursed to creditors;
- 3) the amount of money or any property remaining on hand;
- 4) the status of all known secured and unsecured creditors' claims;
- 5) the approximate number and admitted balances due creditors but remaining unpaid;
- 6) the approximate number and total of creditors' claims that remain open or unresolved;
- 7) proposed final distributions to creditors and the date by which receiver proposes to make them and close out the case;
- 8) the total administrative expense incurred to date, including fees paid to the receiver, attorneys and other professionals;
- 9) the amount of additional administrative expense sought to be paid in the final fee application; and
- 10) any known objections or other positions taken by those having an interest in the receivership with respect to the receiver's final plan to wind up the case.

M. TRADE SECRET OR PRIVILEGED INFORMATION.

If a receiver's report, motion, fee application, or other filing refers to trade secrets (such as a plan for operating an ongoing business, proposed sale prices, customer information, personnel matters, or other non-public information) or would necessarily reference attorney-client or work product communications, then redacted documents may be filed in the public record and served upon all parties that have appeared. When that occurs, a complete un-redacted document shall be submitted to the court for *in camera* review. Upon application by the receiver or any party, the court will re-examine the document and determine whether previously redacted information should

be disclosed in the public case file or for attorney-eyes only.

N. EFFECTIVE DATE.

Local Rule 5.05 shall take effect on February 1, 2018 and governs further proceedings in receiverships then pending, except to the extent that its application in a particular case would not be feasible or would work injustice.

RULE 5.06
PUBLICITY

A. No attorney, nor officer or employee of the Court shall discuss matters with the media that might interfere with a fair trial or otherwise prejudice the administration of justice.

B. Where deemed appropriate, the Court may issue a special order governing:

1. Extra-judicial statements by counsel or others;
2. Spectators at trial;
3. Sequestration of witnesses and jurors; and
4. Any other matters the Court may deem necessary.

RULE 5.07

BROADCASTING, RECORDING AND PHOTOGRAPHING DURING COURT SESSIONS

A. Broadcasting, televising, recording and photographing during Court sessions shall be permitted only under the following conditions:

1. Requests for permission of media to participate under this Rule shall be made in writing to the Judge or Magistrate to whom the case was assigned no later than five (5) days prior to the session involved. The Judge or Magistrate involved with the particular session may waive the advance notice requirement for good cause.
2. The Court shall grant the request in writing or by order consistent with Canon 1 of the Code of Judicial Conduct, Superintendence Rule 12, and these Rules in the event the Court determines that to do so would not distract the participants, impair the dignity of the proceedings or otherwise materially interfere with the achievement of a fair trial or hearing. The written permission shall be made a part of the record in the case.
3. In the event of a continuance of the court proceeding for which media permission has been granted for a period of more than thirty (30) days, a new media request shall be required.
4. All media representatives interested in recording courtroom proceedings shall do so through the pooling of their respective resources. Such arrangements shall be made prior to reopening of the court session and without imposing on the trial court or court personnel. In the event disputes arise over the arrangements between or among media representative, the Court shall exclude all contesting representatives from the proceeding.
5. The Court shall specify the locations(s) in the courtroom where the operators and equipment are to be positioned. Media representatives shall be afforded a clear view of the proceedings in the courtroom. Any equipment shall be ready for operation prior to commencement of court sessions. No persons will be permitted to bring equipment into or remove equipment from the courtroom or move about during times when Court is in session.
6. No interview shall be conducted inside the courtroom during any time that Court is in session.
7. Only one video camera shall be permitted in the courtroom operated by no more than one person.

8. No artificial lighting shall be used other than normal courtroom lighting.
9. Only one still photographer shall be permitted in the courtroom.
10. Only one audio system for radio broadcast shall be permitted in the courtroom.
11. Audio tape recording equipment may only be used with permission of the Court involved.
12. Media pooling equipment shall be located outside the courtroom.
13. Changes of tape or reloading audio and video equipment is not permitted inside the courtroom during proceedings.
14. No equipment shall be used inside the courtroom that produces distracting sounds as determined by the Judge or Magistrate involved.
15. There shall be no audio pick up or broadcast of conferences conducted between attorneys and clients, co-counsel, opposing counsel, or trial court and counsel at bench conversations.
16. There shall be no video, film, audio, or still photo of victims, or witnesses who object thereto.
17. There shall be no video, film, audio, or still photos of jurors.
18. Media is not permitted access to proceedings in either the Judge's chambers or in the jury deliberation room.
19. Media is not permitted to record in any manner any document or exhibit used at the session except those audio-visual aids used during the session that are clearly perceived by the gallery at large unless permission to do so is granted by the Court.
20. Proper courtroom decorum shall be maintained by all media representatives, i.e. proper attire and demeanor.
21. All bags, equipment or other materials brought to the courtroom shall be subject to search by security officers at any time.

RULE 5.08

FOREIGN JUDGMENTS

A. When a foreign judgment is presented to the Clerk of Courts for the purpose of a proceeding in aid of execution, the Clerk shall assign a case number.

B. The proponent submitting the foreign judgment must provide a judgment entry with original certifications of authenticity from the foreign jurisdiction.

RULE 5.09

**OUT OF STATE SUBPOENAS TO BE SERVED IN DEFIANCE,
FULTON, HENRY AND WILLIAMS COUNTIES**

A. When a request is presented from an out-of-state litigant to have subpoenas served upon Defiance, Fulton, Henry and Williams County residents, the Clerk shall assign a case number to such action and assign such action to a Judge.

B. The Clerk of Courts shall secure a deposit for costs before processing and serving the subpoenas as required by the out-of-state litigant.

RULE 5.10

SUMMARY JURY TRIAL (SJT)

A. The Court may with consent of all parties, order SJT to be undertaken in any civil case as a settlement procedure and as such shall not be binding unless otherwise stipulated by the parties.

B. The matter should be trial ready prior to SJT. Counsel shall assume that no additional discovery may be completed between the SJT and the traditional trial.

C. The Court may conduct a prehearing conference to consider proposed stipulations and to review the following:

1. Proposed jury instructions and briefs on any novel issue of law;
2. A list of all witnesses to be introduced by reference during the SJT presentation;
3. A list of all physical exhibits, documents and expert reports to be introduced to the jury.

D. Each party shall deposit with the Clerk \$100.00 as security for the payment of costs incurred upon the case being assigned for SJT and no later than thirty (30) days prior to the date set for SJT.

E. The matter shall ordinarily be heard before a jury of six (6). Unless otherwise agreed a venire of ten (10) prospective jurors shall be selected by random draw from the jury pool or by other means as the Court determines. Each counsel will be permitted no more than two (2) challenges following a brief voir dire examination to be conducted by the Judge. Ordinarily there will be no alternate jurors.

F. All parties and adjusters or other liable parties will be in attendance at the SJT.

G. No witnesses will be called to testify. All evidence will be presented through the attorneys for the parties. The attorneys may summarize and comment on the evidence and may summarize or quote directly from depositions, interrogatories, requests for admissions, documentary evidence, and sworn statements of potential witnesses. However no witness's testimony may be referred to unless the reference is based upon one of the products of the various discovery procedures, or upon a written sworn statement of the witness.

H. Subject to modification at the Court's discretion, each party shall have a maximum of one (1) hour for case presentation and argument.

I. Objections will be received if during the presentation counsel exceeds the limits of propriety in presenting statements as to evidence or argument thereon.

J. After counsels' presentations the jury will be given an abbreviated charge on the applicable law. The content of the charge will be reviewed with counsel prior to the SJT. However, the Court will remain final authority.

K. The jury will be encouraged to return a consensus verdict as to liability and or damages. Jury verdict forms will be utilized for comparative negligence and other issues when applicable. Five (5) jurors must concur in verdict.

L. Upon rendering the advisory verdict the jury will be encouraged to share its observations and opinions with counsel, the parties and the Court.

M. The Court shall initially advise the jurors of the abbreviated, experimental nature of SJT. The jury will be advised that its verdict is advisory only upon its return of a verdict.

N. Unless specifically otherwise ordered by the Court, the proceedings will not be recorded. Any party desiring a transcript shall make arrangements for a court reporter and cause such transcript to be prepared at the requester's expense, and it shall not be taxed as costs.

O. Neither the presentation of counsel nor the jury verdict may be used as evidence in any subsequent trial.

P. Counsel may stipulate that a verdict by jury will be deemed final determination on the merits and the judgment be entered thereon by the Court, or may stipulate to any other use of the verdict that will aid in resolution of the case.

Q. These provisions may be modified by the Court to accommodate specific or unique circumstance. All stipulations entered into concerning these proceeding shall be written as an addendum to the order for SJT and shall meet with the approval of the Court.

R. The procedure shall be construed and implemented to secure the just, speedy and inexpensive conclusion of the case.

RULE 5.11
ALTERNATIVE DISPUTE RESOLUTION IN CIVIL CASES
(NON-DOMESTIC RELATIONS)

1. Ohio Uniform Mediation Act:

Defiance, Fulton, Henry and Williams County Common Pleas Courts (hereinafter the Court) incorporates by reference the R.C. 2710 "Uniform Mediation Act" (UMA).

2. Cases Eligible for Mediation:

a. General: The Court has discretion to encourage parties to use mediation in any civil action filed in this court. A case may be submitted to mediation as provided in this rule. The Court may issue an order on its own motion, upon the motion of counsel, upon the request of a party, or upon referral by the mediator.

b. Exceptions: Mediation is prohibited in the following:

- i. As an alternative to the prosecution or adjudication of domestic violence;
- ii. In determining whether to grant, modify, or terminate a protection order;
- iii. In determining the terms and conditions of a protection order;
- iv. In determining the penalty for violation of a protection order.

c. Nothing in this division shall prohibit the use of mediation in a subsequent divorce or custody case, even though that case may result in the termination of the provisions of a protection order; or in a juvenile court delinquency case, even though the case involves juvenile perpetrated domestic violence.

3. Confidentiality

a. General: All mediation communications related to or made during the mediation process are subject to and governed by the Uniform Mediation Act. Mediation communications are confidential, and no one shall disclose any of these communications unless all parties and the mediator consent to disclosure. This court may impose penalties for any improper disclosures made in violation of this rule. Disputes regarding confidentiality should first be addressed with the mediator or mediation department where possible.

By participating in mediation, a nonparty participant, as defined by R.C. 2710.01(D), submits to the court's jurisdiction to the extent necessary for enforcement of this rule. Any nonparty participant shall have the same rights and duties under this rule as are attributed to parties, except that no evidence privilege shall be expanded.

b. Exceptions: All mediation communications are confidential with the following exceptions:

- i. Parties may share all mediation communications with their attorneys;
- ii. Certain threats of abuse or neglect of a child or an adult;
- iii. Statements made during the mediation process to plan or hide an ongoing crime; and
- iv. Statements made during the mediation process that reveal a felony.

4. Referral to Resources

The Northwest Ohio Court Mediation Services (hereinafter Mediation Service) will maintain information for the public, mediators, and other staff as appropriate. The information will include:

- a. Attorney referral contact information;
- b. Information regarding children's services; and
- c. Resource information for local domestic violence prevention, counseling,
- d. substance abuse and mental health services.
- e. Optional Provisions

5. Mediator Training and Education

A mediator shall meet the qualifications of and comply with all training requirements of Sup.R.16.23 and adopted pursuant to Sup. R. 16.22 governing mediators and mediation.

6. Mediator Selection and Assignment

The following methods may be used to select a mediator for the case:

- a. Unless stated otherwise all cases will be referred to the Mediation Service;
- b. Specific appointments may be made by the court taking into consideration the qualifications, skills, expertise, and caseload of the mediator in addition to the type, complexity, and requirements of the case. If a specific selection is to be made, the Court will advise the Mediation Service who shall pay mediation fees out of contract mediator funds. If there are insufficient funds available the Mediation Service shall immediately inform the Court and further Orders as to payment shall be made.; and
- c. Parties may request leave to select a mediator without guidance from the court. The court shall not be responsible for the quality of a mediator selected by the parties without guidance from the court and who does not meet the qualifications, education, and training requirements set forth in section five above. Should the parties select their own mediator they shall be responsible for all mediation costs.

7. Procedures

In accordance with all applicable provisions of this rule, if a case is deemed appropriate by the Court (if the mediator is selected by the court) or by the Mediation Services for mediation, mediation may be scheduled.

A mediator may meet with the parties individually prior to bringing the parties together for any reason including, but not limited to, further screening. A mediator may schedule multiple mediation sessions, if necessary and mutually acceptable for the resolution of the issues in part or in their entirety.

8. Party/Nonparty Participation

Parties to informal cases, such as pre-filing or diversion, may voluntarily attend mediation sessions.

Parties who are ordered to mediation in formal cases shall attend scheduled mediation sessions. The court may order parties to return to mediation at any time in formal cases.

If counsel of any party to the mediation becomes aware of the identity of a person or entity whose consent is required to resolve the dispute, but has not yet joined as a party in the pleadings, they shall promptly inform the mediator, as well as the assigned judge or magistrate.

If the opposing parties to any case are 1) related by blood, adoption, or marriage; 2) have resided in a common residence; or 3) have known or alleged domestic violence at any time prior to or during the mediation, then the parties and their counsel have a duty to disclose such information to the mediator and have duty to participate in any screening required by the court.

By participating in mediation, a nonparty participant, as defined by R.C. 2710.01(D), agrees to be bound by this rule and submits to the court's jurisdiction to the extent necessary for enforcement of this rule. Any nonparty participant shall have the rights and duties under this rule attributed to parties except as provided by R.C. 2710.03(B)(3) and 2710.04(A)(2).

9. Termination

If the assigned mediator determines that further mediation efforts would be of no benefit to the parties, he or she shall inform all interested parties and the court that the mediation is terminated using the procedure required by this court.

10. Stay of Proceedings

Upon referral of a case to mediation, the court may elect to stay all filing deadlines for up to 60 days. The clerk of courts shall not accept for filing any documents while a case is in mediation, unless expressly permitted by these rules or by court order.

In the event that the Court elects to stay the proceedings it's shall issue an Order reflecting said stay.

Only the following documents may be filed while a mediation stay is in effect:

- a. Motion to lift the mediation stay;
- b. Response to a motion to lift mediation stay;
- c. Motion or stipulation to dismiss the case; and
- d. Notice related to counsel.

11. Continuances

It is the policy of this court to determine matters in a timely way. Continuances of scheduled mediations shall be granted only for good cause shown after a mutually acceptable future date has been determined. The case may be continued by the Mediation Services 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.

12. Fees and Costs

The court may impose upon the parties fees and costs for mediation. If there is a fee for mediation, unless otherwise agreed by the parties, the mediation fees shall be shared equally. The court may waive fees and costs for an indigent party. Mediation shall not be ordered if a party is indigent, unless the mediation is available at no cost to the party.

13. Attendance; Sanctions

If any individual ordered by the court to attend mediation fails to attend mediation without good cause, the court may impose sanctions, which may include, but are not limited to, the award of attorney's fees and other costs, contempt, or other appropriate sanctions at the discretion of the assigned judge or magistrate.

14. Evaluation, Comments, and Complaints

It is the policy of the court to use mediation to benefit the parties, to assist in reaching a resolution, and to provide a process that is timely, flexible, and maintains the trust and confidence of the people. Any mediation participant may submit written comments, complaints, or feedback regarding the performance of mediators receiving referrals from the court.

RULE 5.12

APPEALS FROM ADMINISTRATIVE AGENCIES

A. Except as otherwise provided by specific rule, statute or court order, in all cases originating in administrative agencies and appealed to this Court, the following briefing schedule shall be followed:

1. The appellant's brief shall be filed within thirty (30) days after the record is filed by the administrative agency;
2. The appellee's brief shall be filed within fourteen (14) days after service of appellant's brief;
3. The appellant may file a reply brief within seven (7) days after service of appellee's brief.

B. This Rule shall not apply to any determinations of the Child Support Enforcement Agency.

CHAPTER 6
JURY USE AND MANAGEMENT

RULE 6.01

ADMINISTRATION OF THE JURY MANAGEMENT RULES

The implementation and oversight of these Rules shall be the responsibility of the Administrative Judge. Oversight shall include, but not be limited to:

A. A periodic review of the jury source list for its appropriateness and sufficiency to meet the demands of the Courts and the ends of justice; and

B. A periodic review of the procedures used in selecting, notifying and utilizing jurors to assure that jurors are being utilized efficiently and without unnecessary inconvenience.

RULE 6.02

GOALS OF THE JURY MANAGEMENT RULES

These Rules are intended to ensure the following:

A. Qualified Defiance, Fulton, Henry or Williams County residents meet their obligation to serve as jurors when summoned;

B. A person will not be excluded from prospective jury service because of improper or illegal discriminatory practices, including, but not limited to, those matters related to race, national origin, gender, sex, or age;

C. Every reasonable accommodation shall be made to secure the comfort and peace of mind of the jurors, including, but not limited to the following:

1. Prospective jurors shall be informed of their duties and responsibilities prior to a call to service;
2. Jurors shall be summoned as necessary for the administration of justice;
3. The Court will attempt to provide special accommodations for prospective jurors with disabilities whenever possible.

RULE 6.03

PROCEDURES FOR OBTAINING ANNUAL JURY LISTS

A. In the month preceding the annual jury year, as determined by the Court from time to time, the Jury Commissioners, pursuant to R.C. 2313.01, shall select such number of prospective jurors as the Court may determine is needed for the following annual jury year by using the key number system pursuant to R.C. 2313.07 - .08. Pursuant to R.C.2313.21(C) the Court authorizes and directs the Jury Commissioners to conduct the drawing of the jurors by the use of automated data processing.

B. Deputy Jury Commissioners are appointed by the Jury Commissioners and approved by the Court and may perform any duties or class of duties which a Jury Commissioner may perform and as assigned to the Deputy by the Jury Commissioners, may administer an oath or affirmation in relation to any matter embraced in R.C. 2313.01 to 2313.47 inclusive.

C. The names of potential jurors shall be randomly obtained from a list provided by the Board of Elections containing the most recent names and addresses of registered voters.

The procedure shall provide for the retention of names of persons selected but not used as jurors, the printing of venires containing the names and addresses of the persons drawn, and reasonable safeguards against unlawful tampering or activation of the automated system.

The list of persons eligible to serve as jurors shall be compiled by the Jury Commissioners and shall be known as the Annual Jury List.

D. The original Annual Jury List shall be certified by the Jury Commissioners and filed in the office of the Clerk of Common Pleas Courts. The Jury Commissioners may, by order of the Court, add to said list or enter on a supplementary list the names of persons who shall thereafter be qualified to serve as jurors.

RULE 6.04

PROCEDURES FOR SUMMONING JURORS

A. Appropriate management techniques shall be used to adjust the number of individuals summoned for jury duty and the number assigned to jury panels.

B. The Jury Commissioners shall once a year, randomly draw from the annual jury list the names of sufficient jurors to satisfy the needs of the Court for the subsequent term. The names selected shall be divided into a grand jury list and a list of sufficient number of prospective jurors for each four (4) month period during the term.

C. The Jury Commissioners over the signature of the Defiance, Fulton, Henry or Williams County Sheriff shall notify by ordinary mail prospective jurors of their selection for jury service and their requirement to respond. The notice to prospective jurors shall specify the four (4) month period for which the juror was selected and inform the prospective juror that a subsequent notice will be sent seven (7) days before the prospective juror will actually have to appear at the Court. Each prospective juror shall receive a Juror "Dear Citizen Letter," Sheriff's Summons, Juror Questionnaire with an Excuse/Postponement Form duplexed on the back, and a return envelope, to be completed and returned within ten (10) days to the Jury Commission Office. The Juror Questionnaire shall be reasonably understandable by an individual unfamiliar with the legal and jury systems and shall request information appropriate for the purpose of voir dire.

The prospective jurors shall be given a telephone number to obtain answers to any questions and trial verification number to use the day before the juror's court appearance.

The questionnaires may be provided to counsel prior to trial. The questionnaires shall not be duplicated by counsel and shall be returned to the Court upon completion of jury selection.

The questionnaires shall not be disclosed as public records (*State Ex Rel. Blankenship v. Baden, Clerk, et.al.*, 115 Ohio App.3d 127).

D. Notice shall be sent by the Jury Commissioners before a scheduled trial with the date, time and location of the juror's required attendance at the Court, parking facilities, and telephone access.

E. Departures from the random selection procedures may occur only when by reason of challenges or other causes, not enough jurors to make up a jury panel are present. Talesmen then may be summoned for said panel until the deficiency is made up. Further, the Court may defer a prospective juror called for service to a date or dates certain if it is found that requiring the prospective juror to serve when initially called would create a substantial hardship.

F. Persons summoned for jury service shall be paid a reasonable fee for each one-half or full day.

G. Following each jury trial and period of Grand Jury service, the Court shall notify the Jury Commissioners of those who have served on a trial jury or Grand Jury whose names will then be deleted from potential jury service through the next calendar year following their period of service.

RULE 6.05

**EXCUSES AND DEFERRALS FROM JURY
SERVICE**

A. The only excuses from jury service are those set forth in the statute and pursuant to R.C.2313.16.

B. Eligible persons who are summoned for jury service may be excused from jury service upon presenting a letter from a physician stating the reason why the individual is not mentally or physically capable of jury service.

C. In the event a juror believes an unusual continuing hardship to themselves or others may occur unless they are excused or deferred from jury service, a prospective juror shall file a written request with the Court. The Court may grant the request for excuse or deferral after review of the written request.

RULE 6.06

VOIR DIRE

A. To reduce the time required for voir dire, returned jury questionnaires will be available to counsel of record or self-represented litigants prior to the day of jury selection. All prospective jurors should be questioned and all challenges should be disposed of by the Court.

B. The trial court may give the jurors preliminary instructions before the voir dire examination.

C. The trial court shall conduct a preliminary voir dire examination and then counsel shall be permitted to question the panel for a reasonable period of time set by the Court. To ensure that the privacy of prospective jurors is reasonably protected, voir dire regarding personal or sensitive matters may be conducted in camera.

RULE 6.07

SATISFACTION OF JURY SERVICE OBLIGATION

Once a juror has completed four (4) months of being on call for jury service or has served as a juror, the juror is discharged of all obligations for the balance of that jury year. A person who has served on a jury, in a jury trial, or as a member of the Grand Jury in any Court of the State is thereafter prohibited from jury service through the calendar year following the day of his/her last service pursuant to R.C. 2313.34.

RULE 6.08

PROSPECTIVE JUROR PRIVACY

A. To preserve the privacy and confidentiality of prospective jurors, when deemed advisable by the Court, lists of potential jurors submitted to counsel may be identified only by number, and other identifying data, i.e. telephone numbers, addresses, etc., may be withheld and sealed. Counsel shall make no copies of Juror Questionnaires and shall return said questionnaires to the Court upon completion of jury selection.

B. The Court may order that identifying data of prospective jurors and information contained on Juror Questionnaires provided counsel shall not be disclosed by counsel to litigants, defendants, or others not directly associated with counsel's professional office.

C. This Rule shall apply to both potential grand and petit jurors.

CHAPTER 7
[Reserved]

CHAPTER 8

[Reserved]

CHAPTER 9

[Reserved]

CHAPTER 10
RULES APPLICABLE IN ALL DOMESTIC RELATIONS CASES

RULE 10.01
MANDATORY AFFIDAVITS

A. In all cases in which allocation of parental rights for minor child(ren) may be involved, a DR 3 form (Parenting Proceeding Affidavit) and IV-D Application for Child Support Services (Schedule E) shall be filed at the time of the complaint or any other pleading requesting the allocation of parental rights and responsibilities for minor child(ren). No case involving the allocation of parental rights and responsibilities for minor child(ren) may be filed without a DR-3 form and a IV-D Application.

B. In all actions for dissolution, the parties shall file a petition for dissolution, separation agreement and a waiver of entry of appearance and service of summons. Completed DR-1 (Affidavit of Income and Expenses) and DR-2 (Affidavit of Property) forms signed by both parties shall be filed in all dissolutions. If there are minor children, the parties shall file Child Support Guidelines, IV-D Application for Child Support Services, DR-3 (Parenting Proceeding Affidavit) and DR-4 (Health Insurance Affidavit).

C. In all actions for divorce, annulment and legal separation, the party bringing the action shall file their DR-1 and DR-2 forms with their complaint. If there are minor children, Plaintiff shall also file a IV-D Application for Child Support Services, DR-3 and DR-4 forms. Within time allotted for response, the responding party shall also file the applicable DR forms.

D. The responding party shall file a DR-1 form with his or her answer, response, objections to *ex parte* orders, counterclaims or counter-motions. If the responding party does not file a response, (s)he must file a DR-1 form at least ten (10) days prior to a hearing on temporary

orders or a scheduled mediation or at least sixty (60) days prior to a pretrial or the final hearing, whichever is earlier. A DR-1 form shall be updated prior to any further pretrial, final hearing or trial, when necessary to correct or complete any information previously provided. Failure to provide or update the information required by the DR-1 form may result in the Court's acceptance of the party's information provided on the DR-1 form as filed, as well as other available sanctions for failure to provide discovery. However, the Court may modify these time limitations for good cause shown.

E. All Affidavits referred to herein are attached under Appendix G and can also be located online at <https://www.supremecourt.ohio.gov/JCS/CFC/DRForms/>.

RULE 10.02

COURT SCHEDULES

A. Included within these Rules are Appendix A (“Age Appropriate Parenting Access Plans”), Schedule A (“Parenting Time Guidelines for Travel Distances Under 150 Miles one Way”), Schedule B (Long Distance Parenting time Guidelines for Travel Distances Over 150 Miles One Way”), Schedule C (“Maintenance of Insurance and Payment of Extraordinary Expenses for Minor Children”), Schedule D (“provision of Health Insurance for Minor Children”), and Schedule E (“Application for Child Support Services”).

B. Understanding that each family is best served by developing its own parenting plan, parties are encouraged to create their own parenting plans in accordance with the factors set out in ORC §3109.04, as enhanced by considerations regarding the best interest of children in Appendix A. If the parties are unable to create their own parenting plans, the Court will consider those factors in creating a parenting plan for the family. Nevertheless, unless orders are issued to the contrary, Schedules A or B shall be deemed the minimum parenting time schedule in any case in which a schedule is not otherwise specified.

C. Included within these Rules are Schedule A (“Parenting Time Guidelines for Travel Distances Under 150 Miles One Way”), Schedule B (“Long Distance Parenting Time Guidelines for Travel Distances Over 150 Miles One Way”), Schedule C (“Maintenance of Insurance and Payment of Extraordinary Expenses for Minor Children”), Schedule D (“Provision of Health Insurance for Minor Children”) and Schedule E (“Application for Child Support Services”).

D. In any case in which there are minor child(ren), orders shall issue regarding the parties' responsibility to provide health insurance for the child(ren) and for payment of those health related expenses for the children) not paid by insurance coverage. Schedule C sets out the standard Court order for insurance and payment of expenses and will be adopted by the Court unless a different order is submitted by the parties and approved by the Court. Schedule D sets out requirements for provision of health insurance and shall be completed and attached to the judgment entry filed in every case in which there are minor children or, in the alternative, appropriate language as set out within Schedule D may be incorporated in the judgment entry.

E. At such time as a child support order is issued by the Court, Schedule E shall be completed with the original forwarded by the Clerk of Courts to the Child Support Enforcement Agency and a copy filed in the family file.

F. Solely for the purpose of calculating child support under the Ohio child support guideline, the adoption of Schedule A (Parenting Time Guidelines for Travel Distances Under 150 Miles One Way) shall meet the ninety (90) day overnight requirement for deviation as required by statute. The adoption of Schedule B (Parenting Time Guidelines for Travel Distances Over 150 Miles One Way) shall meet the ninety (90) day overnight requirement for deviation as required by statute, unless otherwise indicated by court order.

RULE 10.03

FAMILY FILE

A. Documents filed in any case containing sensitive personal information shall be kept in a separate family file to be maintained by the Clerk of Courts in such manner and in such location as the Clerk deems appropriate.

B. The family file shall contain the following items:

1. The parties' DR-1, DR-2 and DR-3 affidavits and attachments thereto;
2. Tax returns;
3. Reports of psychological or custody evaluations;
4. Medical reports;
5. Reports of supervised parenting time or supervised parenting time exchanges;
6. Reports of a home study evaluator or Guardian ad Litem;
7. Reports of medical or drug testing;
8. Copy of Application for Child Support Services (IV-D);
9. Letters to the Court from the parties, the child(ren) and/or other individuals;
10. Other items as directed by the Court.

C. Upon motion of any party or upon the Court's own motion, other documents containing sensitive personal information may be ordered to be kept in the family file. If there 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."

D. The "public file" shall contain, in place of the document contained in the family file, a Notice of Filing prepared by the Clerk of Courts reflecting the filing of the document maintained in the family file and the date thereof (e.g., "Notice is hereby given that on *[date]*

of filing] a [name of document] was filed by [person or party filing document], which shall be maintained in the Family File”).

E. In the event that the Court conducts an *in camera* interview of any child, upon request of any party or in its own discretion, the Court shall hold said recording or transcript of the 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 to a Magistrate’s Decision to the Court or an appeal to the Court of Appeals.

F. Contents of the family file may be inspected and reviewed by the following individuals in the performance of their duties or as the Court may direct:

1. Parties;
2. A party’s attorney of record;
3. County’s CSEA counsel;
4. Mediators appointed to a case;
5. Court personnel;
6. Guardians Ad Litem appointed to a case;
7. Home investigators appointed to a case;
8. Parenting coordinators appointed to a case.

Other individuals may request to inspect and review the contents of the family file by filing a motion.

RULE 10.04

TEMPORARY RESTRAINING ORDERS AND *EX PARTE* ORDERS

A. Upon commencement of an action for divorce, annulment, or legal separation, the Court shall issue a preliminary injunction enjoining both parties from engaging in certain actions as delineated in Court Order No. 1 (Preliminary Injunction).

B. Applications for *ex parte* orders relating to the allocation of parental rights, child support, spousal support, or for sole and exclusive use of the marital residence shall contain the following information:

1. The basis for the claimed exigent circumstance which requires the issuance of an *ex parte* order. The factual basis of said exigent circumstances shall be supported by an affidavit sworn to by the requesting party;
2. A statement by counsel as to the efforts made to contact either opposing counsel or, if unrepresented, the opposing party or, in the alternative, the reason why opposing counsel or the unrepresented party should not be given notice;
3. All *ex parte* orders shall advise the opposing party of the right to request a hearing and shall contain the following language in bold print:

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

C. Upon a filing for a request for hearing by the enjoined party, the court shall schedule a hearing on the merits within ten (10) days. In the event no request for hearing is received, the court shall schedule a hearing within three (3) weeks from the date of service.

D. All motions shall be submitted for consideration to the assigned judge or magistrate unless the assigned judge or magistrate is unavailable to address the matter in a timely manner.

RULE 10.05

SELF-REPRESENTED LITIGANTS

A. All pleadings filed by self-represented litigants shall first be reviewed by the Judge, Magistrate or his/her designee before being time-stamped by the Clerk.

B. To assist in the prompt and efficient administration of justice, the Court may require self-represented litigants to attend a free pro se clinic (copy costs may apply) before filing any documents with the Clerk of Courts. Please contact the Court's Designee at the following telephone number to make arrangements to attend the Clinic:

Defiance County – 419-782-5931

Fulton County – 419-337-9260

Henry County – 419-599-5951

Williams County – 419-636-2644

CHAPTER 11
PARENTING PROGRAMS

RULE 11.01
ASSISTING OUR KIDS

A. **Attendance.** Parties to any action in which the allocation of parental rights and responsibilities for their child(ren) is being considered shall attend the Assisting Our Kids (“A OK”) Program within seventy-five (75) days after filing a complaint or motion initiating the action, or within such time as established by the Ohio Supreme Court, unless the same is waived by the Court or a court-approved substitute program is completed.

B. **Fee.** If a party completes the “A OK” Program in the county in which the case is filed, the cost of the class shall be paid from the court cost deposit made in the case. If a party is permitted to complete the program at another location or on-line as outlined in (C) below, the party shall directly pay the cost of the program at the time of attendance.

C. **A-OK Online.** The Court will consider allowing online A-OK attendance under certain circumstances, including but not limited to a language barrier, an out-of-state party, a handicap precluding participation, or proof of financial hardship. Any request to attend A-OK online shall be made to the Assignment Commissioner in writing. If online attendance is allowed by the Court, written confirmation will be returned to the party. The class can be accessed at the following website: <http://assistingourkids.com>.

D. **Sanctions.** Any litigant failing to complete the session within seventy-five (75) days of the filing of the original pleading, or within such time as established by the Ohio Supreme Court, may not be eligible to receive any allocation of parental rights. In the event that

no party to the action completes the session within the prescribed time, 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 as established in Appendices B-1 (Defiance County), B-2 (Fulton County), B-3 (Henry County) and B-4 (Williams County).

RULE 11.02

**ATTENDANCE AT HOW TO RAISE THE BEST CHILDREN POSSIBLE
PROGRAM**

A. Parties to any action in which the allocation of parental rights and responsibilities for their child(ren) is being considered may, by Court order, be required to attend the How to Raise the Best Children Possible Program, if the same is available in the county in which the action is pending. The Court may make an order to attend the program (see "Court Order 4") when one or more of the following factors are present:

1. The parents have serious on-going disagreements about the implementation of an order for the allocation of parental rights and responsibilities and/or parenting time;
2. There is a history of extreme or ongoing parental conflict which has been undeterred by previous litigation or other interventions and from which the children are suffering;
3. The parents have very young child(ren) whose parenting time schedule will require frequent adjustment to maintain age-appropriate contact with both parents and the parents have been previously unable to reach agreements on their parenting time schedule without Court intervention;
4. The parents have child(ren) with medical or psychological conditions or disabilities which require frequent decisions regarding treatment or frequent adjustments in parenting time schedules and the parents have been previously unable to reach agreements without Court intervention;
5. One or both parents suffer from mental or psychological condition(s) or disability(s) which have resulted in an inability to reach agreements or make adjustments in the parenting time schedule, even when minor in nature, without assistance;
6. A parenting coordinator has been or will be appointed in the case.

RULE 11.03

ATTENDANCE AT WHAT ABOUT ME PROGRAM

A. Parties to any action in which the allocation of parental rights and responsibilities for their child(ren) between the ages of five through seventeen, inclusive, is being considered shall be required to attend the What About Me Program if the same is available in the county in which the action is pending. The Court may make an order to attend the program (see "Court Order #9").

B. **Fee.** The fee for attendance at the What About Me class is the rate set forth in Appendices B-1 (Defiance County), B-2 (Fulton County), B-3 (Henry County) and B-4 (Williams County). This fee shall be collected in the Court cost deposit and the Clerk shall disburse these costs when ordered by the Court.

C. **Attendance.** Attendance at What About Me shall be mandatory. The Court may impose appropriate sanctions on the parties as outlined in Rule 11.01 for failure to comply.

CHAPTER 12
CHILD SUPPORT

RULE 12.01

ORDERS FOR CHILD SUPPORT

A. All orders for child support shall contain the full names of both parties. The Application for Child Support Services ("Court Schedule E") must be filed with any child support order. The original of the Application shall be forwarded to the Child Support Enforcement Agency by the Clerk of Courts, together with a copy of the child support order. A copy of the Application shall be filed in the family file.

B. Unless:

1. a child is mentally or physically disabled and is incapable of supporting or maintaining himself or herself and the Court has made other appropriate orders for the duration of the support of the child; or
2. the child(ren)'s parents have agreed to continue support beyond that time required by law pursuant to a separation agreement that was or is incorporated into a decree of divorce or dissolution.

All orders establishing or modifying a child support order shall contain the following language:

Pursuant to Ohio Revised Code §3119.86, this child support order will remain in effect beyond the age of eighteen (18) as long as the child continuously attends any recognized and accredited high school on a full time basis. Support will continue during seasonal vacations until the order terminates. Nevertheless, no current obligation for support will remain in effect beyond the child's attainment of the age of nineteen (19) subject to the continuing jurisdiction of the Court. In the event the child is not attending an accredited high school, support will terminate upon the child's eighteenth (18th) birthday.

C. All Orders establishing or modifying a child support order shall contain the following information, as required by Ohio Statute which requirements may change periodically.

1. The name, date of birth and social security number (last four digits) of the support obligee;
2. The name, date of birth and social security number (last four digits) of the support obligor;
3. The guideline child support amount;
4. The overnight parenting time deviation. For purposes of calculation of child support per the guidelines, the adoption of Schedule A (Parenting Time Guidelines for Travel Distances Under 150 Miles One Way) shall meet the ninety (90) day overnight requirement for deviation as required by statute. The adoption of Schedule B (Parenting Time Guidelines for Travel Distances Over 150 Miles One Way) shall meet the ninety (90) day overnight requirement for deviation as required by statute, unless otherwise indicated by court order.
5. Other deviation factors;
6. Arrearages;
7. The method to secure support payments;
8. Duration and termination of support and required Notices;
9. Health insurance coverage, including availability of private health insurance coverage and health insurance obligor;
10. Cash medical support and payment of children's medical expenses.

D. A copy of the worksheet shall be attached to all orders establishing or modifying a support obligation, including temporary orders.

E. All Court orders modifying a child support obligation shall be effective the date of the filing of the motion to modify, unless otherwise agreed to by the parties or otherwise ordered by the Court. In cases in which an administrative modification is adopted by the Court, unless otherwise ordered, the effective date shall be as set forth in the administrative determination.

F. All final orders shall state whether any arrears accruing from temporary orders for support shall be carried forward. Failure to specifically reserve the carryover of arrears shall result in those arrears being waived.

G. All orders establishing or modifying a child support obligation shall contain a certificate of service certifying that a file-stamped copy of the judgment entry has been provided to the county Child Support Enforcement Agency.

RULE 12.02

TERMINATION OF CHILD SUPPORT ORDERS

A. In the event the Child Support Enforcement Agency determines, upon investigation, that a child support order should terminate, it shall take the following actions:

1. Notify the obligor and the obligee, under the order, of the results of the investigation, as required by the Ohio Revised Code;
2. Submit the results of the investigation and any administrative decisions therefrom to the Court after all administrative remedies have been exhausted and either the administrative decision has become final or one or both of the parties have requested a Court hearing objecting to the administrative decision;
3. Issue administratively, or submit to the Court, an order impounding any funds received pursuant to the order that was under investigation if there are no remaining child(ren) and no child support arrearage of record and the agency determines that an order impounding any funds received for the child(ren) pursuant to the child support order is necessary to avoid excess payment by the obligor.

B. Any excess amount paid by the obligor shall be considered as a child support credit towards any ongoing obligation. If there is no ongoing obligation and no arrearage to be repaid, said excess funds shall be refunded to the obligor.

RULE 12.03

QUALIFIED MEDICAL SUPPORT ORDER

At the request of either party or in the discretion of the Court, a qualified medical support order shall issue. When preparing said order, "Court Order #3," as included within these Rules, may be used.

RULE 12.04

DETERMINATION OF HEALTH INSURANCE PROVIDER

In accordance with Ohio Revised Code 3119.30, every support order shall include a determination of the person or persons responsible for health care of children, to include an appropriate order for provision and maintenance of health insurance for the minor child(ren) of the parties. No court order shall specify the provision of Medicaid by either party as satisfying this requirement. If not contained in the body of the support order in substantially similar form, schedules C and D shall be completed and included in every support order issued by the Court.

CHAPTER 13

GUARDIAN *AD LITEM*

RULE 13.01

GUARDIAN *AD LITEM* IN DOMESTIC RELATIONS CASES

A. When requested by a party or upon the Court's own motion, a Guardian *ad Litem* shall be appointed to protect the interests of a child. A party requesting a Guardian *ad Litem* shall do so by oral or written motion.

B. A Guardian *ad Litem* may be an attorney, a trained mental health professional, or a qualified volunteer, if one is available and the appointment is appropriate.

C. An entry shall be prepared as provided in the form attached to these Rules as "Court Order #2." The entry shall include the role of the Guardian *ad Litem*, the nature of payments to be made by the parties, and the amount of the deposit to be paid. In establishing these amounts and the nature of the payments, these criteria shall apply:

1. For all delinquent, unruly, dependent, neglected or abused children cases and for those allocation of parental rights and responsibilities cases in which the parents are indigent and in which an attorney is appointed as Guardian *ad Litem*, compensation shall be in accordance with that provided for court-appointed counsel, which shall be stated in the entry.

2. For all non-indigent cases, in which an attorney or a mental health professional is appointed, the fees shall be in accordance with the rate stated in the entry.

3. For all cases in which a qualified volunteer is appointed, unless otherwise ordered, he or she shall be reimbursed for his or her expenses (e.g., mileage, telephone calls, etc.) by the parties pursuant to orders made by the Court and, if a Court Appointed Special Advocate ("CASA")/Guardian *ad Litem* is appointed, that program shall be paid by the parties pursuant to orders made by the Court.

D. The Guardian *ad Litem* shall be considered a party to the proceeding and, as such, shall have full access to court records and shall have the right to subpoena court records

and any agency personnel or records, including physicians, physical and mental health professionals, educational facilities, other professionals, or any individual who may provide information the Guardian *ad Litem* believes to be relevant to the best interest of the minor child(ren). The Guardian *ad Litem* shall have the right to subpoena any individual or entity for any reasons allowed under the Ohio Rules of Civil Procedure. In the event the Guardian *ad Litem* is an attorney at law, the Guardian *ad Litem* shall be entitled to participate in the hearing in the same manner as counsel for the parties.

If the Guardian *ad Litem* is not an attorney, the Guardian *ad Litem* may prepare written questions the Guardian *ad Litem* wishes to address to the parties or other witnesses. The written questions shall be submitted to the Court. The Court shall determine what questions shall be proffered to the parties or witnesses. The Court will examine the parties and witness as to those questions.

E. The Guardian *ad Litem* shall strictly comply with Rule 48 of the Rules of Superintendence for the Courts of Ohio. In performance of his/her duties, the Guardian *ad Litem* must interview each party to this proceeding separately. Therefore, each party shall make a separate appointment to see the Guardian *ad Litem* at the Guardian *ad Litem*'s office or at such location as the Guardian *ad Litem* may direct. Other parties may not be present when the interview is being conducted.

F. The Guardian *ad Litem* shall attend all pretrials, hearings and/or mediations scheduled in the case, unless excused by the Court. The Guardian *ad Litem* shall be subject to cross-examination if called by either party to testify. A report shall be prepared by the Guardian *ad Litem* and filed with the Court at least seven (7) days prior to the final hearing unless otherwise ordered by the Court.

G. A Guardian *ad Litem* shall file his/her report with the Clerk of Courts to be placed in the family file. The Guardian *ad Litem* shall provide the appropriate number of copies for service on all parties. The Court shall distribute copies of the report to counsel of record and/or self-represented parties. Any attachments to the report shall be maintained in the family file and may be viewed by counsel/self-represented party upon their request. At the time the report is submitted for filing, the Clerk shall file a Notice in the public file stating the date that the Guardian *ad Litem* report has been filed.

H. The Guardian *ad Litem* shall include the following **NOTICE** in **BOLD** print within the body of their report:

This document is being provided to the Court, unrepresented parties and legal counsel of record. If you are an attorney, you may share its contents with your client. However, any additional disclosure of this report must be approved *in advance* by the Court. Any person who copies this report, posts on social media or other mediums or discloses all or portions of the report to another person, without prior approval, shall be subject to Court action including penalties for contempt which include incarceration and fines.

I. The Court, upon distributing the Guardian *ad Litem* report to the permitted recipients, shall also provide a cover sheet containing the **NOTICE** stated in provision H above. The Court will impose sanctions of contempt on any person who disseminates the report in whole or in part, to any individual who has not been pre-approved to receive the report. No individual shall be permitted to place the content of the report on any form of social media.

J. The Guardian *ad Litem* shall be served with copies of all pleadings and shall be provided notice of all hearings. All judgment entries shall be submitted to the Guardian *ad Litem* for approval.

K. The Guardian *ad Litem* shall submit application to the Court for approval of fees and/or costs pursuant to Superintendent Rule 48.

CHAPTER 14

ALTERNATIVE DISPUTE RESOLUTION

RULE 14.01

MEDIATION IN DOMESTIC RELATIONS CASES

A. Ohio Uniform Mediation Act:

Defiance, Fulton, Henry and Williams County Common Pleas Courts (hereinafter the Court) incorporates by reference the R.C. 2710 "Uniform Mediation Act" (UMA).

B. Cases Eligible for Mediation:

1. General: The Court has discretion to encourage parties to use mediation in any civil action filed in this Court. A case may be submitted to mediation as provided in this rule. The Court may issue an order on its own motion, upon the motion of counsel, upon the request of a party, or upon referral by the mediator.

2. Exceptions: Mediation is prohibited in the following:

- a) As an alternative to the prosecution or adjudication of domestic violence;
- b) In determining whether to grant, modify, or terminate a protection order;
- c) In determining the terms and conditions of a protection order;
- d) In determining the penalty for violation of a protection order.

3. Nothing in this division shall prohibit the use of mediation in a subsequent divorce or custody case, even though that case may result in the termination of the provisions of a protection order; or in a juvenile Court delinquency case, even though the case involves juvenile perpetrated domestic violence.

C. Confidentiality

1. General: All mediation communications related to or made during the mediation process are subject to and governed by the Uniform Mediation Act. Mediation communications are confidential, and no one shall disclose any of these communications unless all parties and the mediator consent to disclosure. This Court may impose penalties for any improper disclosures made in violation of this rule. Disputes regarding

confidentiality should first be addressed with the mediator or mediation department where possible.

By participating in mediation, a nonparty participant, as defined by R.C. 2710.01(D), submits to the Court's jurisdiction to the extent necessary for enforcement of this rule. Any nonparty participant shall have the same rights and duties under this rule as are attributed to parties, except that no evidence privilege shall be expanded.

2. Exceptions: All mediation communications are confidential with the following exceptions:

- a) Parties may share all mediation communications with their attorneys;
- b) Certain threats of abuse or neglect of a child or an adult;
- c) Statements made during the mediation process to plan or hide an ongoing crime; and
- d) Statements made during the mediation process that reveal a felony.

D. Referral to Resources

The Northwest Ohio Court Mediation Services (hereinafter Mediation Service) will maintain information for the public, mediators, and other staff as appropriate. The information will include:

1. Attorney referral contact information;
2. Information regarding children's services; and
3. Resource information for local domestic violence prevention, counseling, substance abuse and mental health services.
4. Optional Provisions

E. Mediator Training and Education

A mediator shall meet the qualifications of and comply with all training requirements of Sup.R.16.23 and adopted pursuant to Sup. R. 16.22 governing mediators and mediation.

F. Mediator Selection and Assignment

The following methods may be used to select a mediator for the case:

1. Unless stated otherwise all cases will be referred to the Mediation Service;
2. Specific appointments may be made by the Court taking into consideration the qualifications, skills, expertise, and caseload of the mediator in addition to the type, complexity, and requirements of the case. If a specific selection is to be made, the Court will advise the Mediation Service who shall pay mediation fees out of contract mediator funds. If there are insufficient funds available the Mediation Service shall immediately inform the Court and further Orders as to payment shall be made.; and
3. Parties may request leave to select a mediator without guidance from the Court. The Court shall not be responsible for the quality of a mediator selected by the parties without guidance from the Court and who does not meet the qualifications, education, and training requirements set forth in section five above. Should the parties select their own mediator they shall be responsible for all mediation costs.

G. Procedures

In accordance with all applicable provisions of this rule, if a case is deemed appropriate by the Court (if the mediator is selected by the Court) or by the Mediation Services for mediation, mediation may be scheduled.

A mediator may meet with the parties individually prior to bringing the parties together for any reason including, but not limited to, further screening. A mediator may schedule multiple mediation sessions, if necessary and mutually acceptable for the resolution of the issues in part or in their entirety.

H. Party/Nonparty Participation

Parties to informal cases, such as pre-filing or diversion, may voluntarily attend mediation sessions.

Parties who are ordered to mediation in formal cases shall attend scheduled mediation sessions. The Court may order parties to return to mediation at any time in formal cases.

If counsel of any party to the mediation becomes aware of the identity of a person or entity

whose consent is required to resolve the dispute, but has not yet joined as a party in the pleadings, they shall promptly inform the mediator, as well as the assigned judge or magistrate.

If the opposing parties to any case are 1) related by blood, adoption, or marriage; 2) have resided in a common residence; or 3) have known or alleged domestic violence at any time prior to or during the mediation, then the parties and their counsel have a duty to disclose such information to the mediator and have duty to participate in any screening required by the Court.

By participating in mediation, a nonparty participant, as defined by R.C. 2710.01(D), agrees to be bound by this rule and submits to the Court's jurisdiction to the extent necessary for enforcement of this rule. Any nonparty participant shall have the rights and duties under this rule attributed to parties except as provided by R.C. 2710.03(B)(3) and 2710.04(A)(2).

I. Termination

If the assigned mediator determines that further mediation efforts would be of no benefit to the parties, he or she shall inform all interested parties and the Court that the mediation is terminated using the procedure required by this Court.

J. Stay of Proceedings

Upon referral of a case to mediation, the Court may elect to stay all filing deadlines for up to 60 days. The clerk of Courts shall not accept for filing any documents while a case is in mediation, unless expressly permitted by these rules or by Court order.

In the event that the Court elects to stay the proceedings it's shall issue an Order reflecting said stay.

Only the following documents may be filed while a mediation stay is in effect:

1. Motion to lift the mediation stay;
2. Response to a motion to lift mediation stay;
3. Motion or stipulation to dismiss the case; and
4. Notice related to counsel.

K. Continuances

It is the policy of this Court to determine matters in a timely way. Continuances of scheduled mediations shall be granted only for good cause shown after a mutually acceptable future date has been determined. The case may be continued by the Mediation Services 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.

L. Fees and Costs

The Court may impose upon the parties fees and costs for mediation. If there is a fee for mediation, unless otherwise agreed by the parties, the mediation fees shall be shared equally. The Court may waive fees and costs for an indigent party. Mediation shall not be ordered if a party is indigent, unless the mediation is available at no cost to the party.

M. Attendance; Sanctions

If any individual ordered by the Court to attend mediation fails to attend mediation without good cause, the Court may impose sanctions, which may include, but are not limited to, the award of attorney's fees and other costs, contempt, or other appropriate sanctions at the discretion of the assigned judge or magistrate.

N. Evaluation, Comments, and Complaints

It is the policy of the Court to use mediation to benefit the parties, to assist in reaching a resolution, and to provide a process that is timely, flexible, and maintains the trust and confidence of the people. Any mediation participant may submit written comments, complaints, or feedback regarding the performance of mediators receiving referrals from the Court.

RULE 14.02

EARLY NEUTRAL EVALUATION IN DOMESTIC RELATIONS CASES

A. Definitions

Early Neutral Evaluation (ENE) is a court-ordered dispute resolution process in which the Early Neutral Evaluators provide an evaluation of the probable outcome of any domestic dispute. ENE is not mediation.

ENE in family cases is conducted utilizing a team of two (2) professionals who will, after appropriate presentation by the participants, evaluate the issues presented to them and make a report to the parties. A team shall consist of members who, combined, possess the qualifications set forth below.

1) At least one ENE team member must possess a license to practice law in the State of Ohio with at least five (5) years of experience working in the area of family law and have participated in at least ten (10) Contested Court hearings as counsel for a party or as guardian ad litem;

2) A team member may possess a Master's Degree or commensurate experience in psychology, social work, sociology, guidance counseling or similar fields with at least five (5) years of experience in working with children and parents. (In the event a team member meets this qualification, that member must be teamed with an individual who qualifies in subparagraph A above);

3) At least one (1) ENE team member must have completed at least twelve (12) hours of basic mediation training; at least forty (40) hours of specialized family or divorce mediation training that is provided by a training program approved by the Supreme Court Dispute Resolution Section in accordance with standards established by the Commission on Dispute Resolution; and at least fourteen (14) hours of specialized training

in domestic abuse and mediation through a training approved by the Supreme Court Dispute Resolution Section in accordance with standards established by the Commission on Dispute Resolution; and

4) In the event that the Court refers a matter to ENE for a specialized or specific issue arising out of a family law matter, at least one (1) member of the ENE team must be able to certify that they have tried at least ten (10) contested cases on that specialized or specific issue. (For example, if a Court determines that the issue of spousal support is of such a nature in a pending matter, the Court may request that at least one member have participated in ten (10) contested spousal support matters).

“ENE Communication” means a statement, whether oral, in a record, verbal or nonverbal, that occurs during an ENE session or is made for purposes of considering, conducting, participating in, initiating, continuing, or reconvening an ENE session.

B. Case Selection and Referral

ENE is an option for parties with family disputes. The fee for ENE is set by the Court. An initial fee shall be paid at the time of the referral. The parties can request ENE through a motion to the Court. Also, the Court, on its own motion, may order disputes to ENE in whole or in part, by completing an Entry Ordering ENE or Magistrate’s Order for ENE.

C. Participation

The ENE session will require the participation of each party and their respective attorneys, if applicable.

D. Scheduling Procedure

Upon approval of an Agreed Entry or issuance of an Entry Ordering ENE or Magistrate’s

Order for ENE, the parties and counsel shall be notified by the Court or other agency assisting the Court to the ENE team that will be assigned to the case. The ENE team will contact the attorneys or the parties, if self-represented, to schedule the ENE sessions.

E. Pre-Session Procedure

One (1) week prior to the ENE session, each attorney or self-represented party is required to submit a Brief or other documents ordered by the Court. One (1) copy of the Brief is to be submitted to each evaluator, and one (1) copy of the Brief is to be submitted to the other attorney or self-represented party. The Brief must arrive at the office of the opposing counsel (if applicable) or at the residence of the other party (if self-represented), no later than the seventh day before the ENE session. The Brief may be submitted by ordinary mail, hand-delivery, facsimile or e-mail.

The Evaluators will review the Briefs to gain a preliminary understanding of the concerns, interests and issues currently present within the family. The Briefs will not be filed at the Clerk's office nor placed in the Court's family file.

If an attorney or self-represented party fails to timely submit the Brief, sanctions may be imposed by the Court. Additionally, if an attorney or self-represented party fails entirely to submit the Brief, sanctions may be imposed by the Court and the session will go forward as originally scheduled.

F. Session Procedure

At the ENE session, the Evaluators will oversee the discussion to allow each party and attorney the opportunity to be heard in an atmosphere of cooperation and respect. The Evaluators will seek additional information from the parties, if necessary. Once the information is gathered, the Evaluators will meet privately to discuss the strengths and weaknesses of each parties' position

and to discuss probable outcomes for the parties. The Evaluators will then present this feedback and options to all parties present at the session.

The parties will be given an opportunity to consult privately with their attorneys to review and discuss the Evaluators' feedback. The parties will reconvene and discuss results. If the parties come to a full or partial agreement, the Evaluators will require the agreement be reduced to written form and submitted to the assigned Judge/Magistrate at a future date.

G. Confidentiality

Early Neutral Evaluation communications are confidential. Exceptions to confidentiality include the following:

- 1) Parties may share all ENE communications with their attorneys;
- 2) Allegations of abuse or neglect of a child;
- 3) Certain threats of harm to other people or oneself;
- 4) Statements made during the ENE process to plan or to hide an ongoing crime;
- 5) Statements made during the ENE process that reveal a felony.

H. Privilege

An ENE communication is privileged and not subject to discovery or admissible as evidence in a judicial proceeding. An Early Neutral Evaluator may not be deposed or subpoenaed to testify about any ENE communication unless an exception applies. Exceptions to privilege include the following:

- 1) The ENE communication is otherwise discoverable;
- 2) The ENE communication is an imminent threat or statement of a plan to inflict bodily injury or commit a crime of violence;
- 3) The ENE communication is intentionally used to plan, to attempt to commit, or to commit a crime or to conceal an ongoing crime or ongoing criminal activity;
- 4) The ENE communication is required to be disclosed pursuant to Ohio Revised Code §2921.22.

I. Continuances

It is the policy of this Court to determine matters in a timely manner. A motion seeking a continuance of a scheduled ENE will be required, with proper notice provided and pursuant to Local Rule 4.01(C). A continuance of a scheduled ENE session shall be granted only for good cause shown.

J. Sanctions

Any party or attorney who violates these rules may be subject to appropriate sanctions, including but not limited to, additional fees, forfeiture of paid ENE fee, contempt of court, attorney's fees or costs.

RULE 14.03
PARENTING COORDINATOR

A. In cases in which the parents have agreed to have access to a decision-making authority without incurring the various burdens and costs associated with litigation and the Court determines that one (1) or more of the following factors is present, the Court may appoint a Parenting Coordinator:

- 1) The parents have serious on-going disagreements about the implementation of an order for the allocation of parental rights and responsibilities and/or parenting time and will need ongoing assistance;
- 2) There is a history of extreme or ongoing parental conflict which has been undeterred by previous litigation and other interventions and from which the child(ren) are suffering;
- 3) The parents have very young child(ren) whose parenting time schedule will require frequent adjustment to maintain age-appropriate contact with both parents and the parents have been previously unable to reach agreements on their parenting time schedule without court intervention;
- 4) The parents have child(ren) with medical or psychological conditions or disabilities which require frequent decisions regarding treatment or frequent adjustments in parenting time schedules and the parents have been previously unable to reach agreements without court intervention;
- 5) One or both parents suffer from mental or psychological conditions or disabilities which have resulted in an inability to reach agreements or make adjustments in the parenting time schedule, even when minor in nature, without assistance.

B. A Parenting Coordinator may be an attorney, a trained mental health professional, or a qualified volunteer, if one is available and the appointment is appropriate. A Parenting Coordinator shall fully comply with the requirements of any pertinent rule set out in the Ohio Rules of Superintendence for the Governance of the Bar.

C. A Parenting Coordinator shall not be appointed until all of the parties have delineated the powers and duties of the Parenting Coordinator and the term of service for the Parenting Coordinator in an order appointing the Parenting Coordinator or in an agreement signed by both

parties and incorporated into a consent order. The parties shall be responsible for the cost of the Parenting Coordinator, the terms and conditions for which shall be set out in the order or in their agreement attached thereto.

D. Once said order has been agreed upon and approved by the Court, the Parenting Coordinator shall exercise the powers and duties set out in or incorporated into said order. Nevertheless, the Parenting Coordinator shall not be entitled to determine changes in the designation of legal custodian or in primary placement of the children.

E. In compliance with said order or the agreement incorporated into the order, the Parenting Coordinator shall first attempt to utilize mediation techniques to resolve any dispute that may have arisen. If the dispute is resolved at that time, the same shall be reduced to writing, signed by each party and the attorneys, if any, and, if approved by the Court, filed as a consent judgment entry.

F. If the dispute is not resolved, the Parenting Coordinator shall issue a written decision that shall be filed with the Court, with a copy sent by the Parenting Coordinator to each party and the attorneys. Each party shall have fourteen (14) days in which to object to the decision, by filing an objection with the Court. If one (1) party files an objection within the fourteen (14) day period, the other party shall have ten (10) days thereafter in which to file his or her objection, if any. At that time, the dispute shall be assigned for hearing.

G. Pending hearing on any objections, all parties shall comply with the Parenting Coordinator's decision, unless the Court relieves the parties of that responsibility.

H. Any court costs incurred for filings made by the Parenting Coordinator shall be paid by the parties according to the terms and conditions of the consent order appointing the Parenting Coordinator or the parties' agreement incorporated therein.

I. The Parenting Coordinator shall not serve as a therapist for the child(ren) or any party. He or she shall not serve as the Guardian ad Litem for the child(ren) or as his, her or their attorney. In addition, he or she shall not serve as an attorney for any party to the proceeding. Parenting coordination is not mediation and is not subject to the Uniform Mediation Act or to Rule 16 of the Rules of Superintendence for the Courts of Ohio.

CHAPTER 15

[Reserved]

CHAPTER 16
DIVISION OF PENSIONS OR OTHER RETIREMENT PLANS

Rule 16.01
QUALIFIED DOMESTIC RELATIONS ORDER (“QDRO”)

A. Unless otherwise agreed or ordered, counsel for the alternate payee entitled to the pension or retirement plan, or a portion thereof, shall prepare the Qualified Domestic Relations Order (“QDRO”) for submission to the Court.

B. Whenever the parties agree to divide a pension or retirement program by a QDRO, they or their counsel shall sign and approve the original of a QDRO submitted to the Court and shall sign and approve any subsequent QDRO submitted to the Court, unless signature is waived by the Court.

C. The QDRO shall be prepared as soon as possible following the final hearing for submission to the Court.

D. Unless otherwise agreed or ordered, a QDRO for a defined benefit plan shall contain the following provisions or shall be governed by the following assumptions:

1. The QDRO will be a separate interest QDRO, meaning the alternate payee’s benefits shall be independent of those of the participant;
2. The division of benefits shall be based on the language of the case of Hoyt v. Hoyt, 53 Ohio St. 3d 177 (1999), and its progeny;
3. The benefits assigned to the alternate payee shall include any and all temporary and supplemental benefits. Further, the benefits, as assigned to the alternate payee, shall include all early retirement subsidies and, should the alternate payee commence receipt of the benefits prior to participant’s retirement, the alternate payee’s benefits will be recalculated to reflect the subsidy;
4. The alternate payee will be deemed to be the surviving spouse of the participant to the extent of benefits assigned for the purpose of a preretirement survivor annuity;
5. The division of the benefits will be made as of the date of final hearing of dissolution or as of the date upon which the final hearing of divorce concludes.

E. Unless otherwise agreed or ordered, a QDRO for a defined contribution plan shall contain the following provisions or be governed by these assumptions:

1. The division of the benefits will be the date of the final hearing in the case;
2. The alternate payee's benefits shall be credited with investment earnings and/or losses from the date of division until distribution;
3. The QDRO will allow an immediate lump sum distribution of the alternate payee's benefits, if permitted by the plan;
4. Any loans from the plan shall be charged to the participant's benefits and will remain the obligation of the participant;
5. The alternate payee's share of the benefits will not reflect credit for sums deposited into the plan after the date of division which are based on service for periods prior to the date of division.

F. In all cases in which a Qualified Domestic Relations Order is to be issued, the final judgment entry shall contain the following language:

The Court retains jurisdiction with respect to the Qualified Domestic Relations Order to the extent required to maintain its qualified status and the original intent of the parties. The Court also retains jurisdiction to enter further orders as are necessary to enforce the assignment of benefits to the non-participant as set forth herein, including the recharacterization thereof as a division of benefits under another plan, as applicable, or to make an award of spousal support, if applicable, in the event that the participant fails to comply with the provisions of this order. Notwithstanding the reservation of jurisdiction to insure that the domestic relations order is qualified, this is a final appealable order.

G. The participant shall not take actions, affirmative or otherwise, that can circumvent the terms and provisions of the Qualified Domestic Relations Order, or that may diminish or extinguish the rights and entitlements of the participants. The Court shall retain jurisdiction to enter further orders as are necessary to enforce the assignment of benefits to the non-participant as set forth herein, including the recharacterization thereof as a division of benefits under another plan, as applicable, or to make an award of spousal support, if applicable, in the event that the participant fails to comply with the provisions of this or order.

H. Upon the filing of a Qualified Domestic Relations Order, Counsel or self-represented party shall simultaneously file a praecipe directing the Clerk to serve the Plan Administrator with the Qualified Domestic Relations Order. Following the last page of the QDRO, Counsel or self-represented party shall include the following **NOTICE** in **BOLD** print requiring the Plan Administrator to file a notice that the Qualified Domestic Relations Order has been qualified with the Clerk of Courts.

NOTICE TO PLAN ADMINISTRATOR

**THIS QUALIFIED DOMESTIC RELATIONS ORDER HAS BEEN SERVED UPON YOU.
PLEASE PROVIDE WRITTEN VERIFICATION OF ITS QUALIFICATION TO
(choose correct jurisdiction):**

Defiance County Clerk of Courts
221 Clinton
Defiance OH 43512
Case Number: _____

Fulton County Clerk of Courts
210 S Fulton St #102
Wauseon OH 43567
Case Number: _____

Henry County Clerk of Courts
660 North Perry Suite 302
PO Box 71
Napoleon OH 43545
Case Number: _____

Williams County Clerk of Courts
One Courthouse Square, 3rd Floor
Bryan OH 43506
Case Number: _____

When the Clerk receives Notice Confirming Qualification, it shall be filed in the public file. When such a notice has been filed, no additional court costs shall be charged. Neither the Court nor the Clerk shall be responsible to ensure compliance by the Plan Administrator.

I. If the Plan Administrator fails to file Notice of Qualification, the parties or attorneys for the parties shall file a copy of the letter of approval/qualified issued by the Plan Administrator with the Clerk of Courts within thirty (30) days of receipt.

Rule 16.02
DIVISION OF PROPERTY ORDER (“DOPO”)

A. Unless otherwise agreed or ordered, counsel for the alternate payee entitled to the state pension or retirement plan, or a portion thereof, shall prepare the Division of Property Order (“DOPO”) for submission to the Court.

B. Whenever the parties agree to divide a state pension or retirement program by a DOPO, they or their counsel shall sign and approve the original of a DOPO submitted to the Court and shall sign and approve any subsequent DOPO submitted to the Court, unless signature is waived by the Court.

C. The DOPO shall be prepared as soon as possible following the final hearing for submission to the Court.

D. A DOPO shall contain those provisions approved in Sections 145.571, 742.462, 3305.21, 3307.371, 3309.671 or 5505.261, whichever is applicable to the particular state retirement plan.

E. Unless otherwise agreed or ordered, the division of the benefits will be the date of the final hearing in the case.

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

The Court retains jurisdiction with respect to the Division of Property Order to the extent required to maintain its qualified status and the original intent of the parties. The Court also retains jurisdiction to enter further orders as are necessary to enforce the assignment of benefits to the non-participant as set forth herein, including the recharacterization thereof as a division of benefits under another plan, as applicable, or to make an award of spousal support, if applicable, in the event that the participant fails to comply with the provisions of this order. Notwithstanding the reservation of jurisdiction to insure that the Division of Property Order is qualified, this is a final appealable order.

G. The participant shall not take actions, affirmative or otherwise, that can

circumvent the terms and provisions of the DOPO, or that may diminish or extinguish the rights and entitlements of the participants. The Court shall retain jurisdiction to enter further orders as are necessary to enforce the assignment of benefits to the non-participant as set forth herein, including the recharacterization thereof as a division of benefits under another plan, as applicable, or to make an award of spousal support, if applicable, in the event that the participant fails to comply with the provisions of this order.

H. Upon the filing of a Division of Property Order, Counsel or self-represented party shall simultaneously file a praecipe directing the Clerk to serve the Plan Administrator with the Division of Property Order. Following the last page of the DOPO, Counsel or self-represented party shall include the following **NOTICE** in **BOLD** print requiring the Plan Administrator to file a notice that the Division of Property Order has been qualified with the Clerk of Courts.

NOTICE TO PLAN ADMINISTRATOR

**THIS DIVISION OF PROPERTY ORDER HAS BEEN SERVED UPON YOU.
PLEASE PROVIDE WRITTEN VERIFICATION OF ITS QUALIFICATION TO
(choose correct jurisdiction):**

Defiance County Clerk of Courts
221 Clinton
Defiance OH 43512
Case Number: _____

Fulton County Clerk of Courts
210 S Fulton St #102
Wauseon OH 43567
Case Number: _____

Henry County Clerk of Courts
660 North Perry Suite 302
PO Box 71
Napoleon OH 43545
Case Number: _____

Williams County Clerk of Courts
One Courthouse Square, 3rd Floor
Bryan OH 43506
Case Number: _____

When the Clerk receives Notice Confirming Qualification, it shall be filed in the public

file. When such a notice has been filed, no additional court costs shall be charged. Neither the Court nor the Clerk shall be responsible to ensure compliance by the Plan Administrator.

I. If the Plan Administrator fails to file Notice of Qualification, the parties or attorneys for the parties shall file a copy of the letter of approval/qualified issued by the Plan Administrator with the Clerk of Courts within thirty (30) days of receipt.

CHAPTER 17
DRUG TESTING

RULE 17.01
DRUG TESTING

A. Any party to an action may request testing for the purpose of determining the existence of illegal substances or the use of illegal substances by any party to the action. A request for drug testing shall be made in the form of a motion with supporting affidavit. The costs of the initial test shall be born by the party requesting the drug testing unless otherwise ordered.

B. Upon request in a motion and supporting affidavit and, provided the Court finds reasonable grounds to believe drug usage is occurring, the Court shall order the party or parties to be tested under such terms and conditions the Court deems appropriate.

C. In addition, the Court may, on its own motion, order such testing and assign the costs therefore, if the Court believes there are reasonable grounds to believe drug usage is occurring.

D. The report of the results of any such drug testing shall not be utilized in any criminal actions or for prosecutorial purposes and shall, as required by these Rules, be placed in the family file.

CHAPTER 18

EVALUATIONS AND INVESTIGATIONS FOR THE ALLOCATION OF PARENTAL RIGHTS AND RESPONSIBILITIES

RULE 18.01

INVESTIGATIONS FOR THE ALLOCATION OF PARENTAL RIGHTS AND RESPONSIBILITIES

A. Pursuant to Rule 75(D) of the Ohio Rules of Civil Procedure and Ohio Revised Code §3109.04(C), the court may cause an investigation to be made as to the character, family relations, past conduct, earning ability, and financial worth of the parties to the action.” In appropriate cases in which there are questions regarding the allocation of parental rights and responsibilities for the care of children, the Court shall order that such an investigation be made by an appropriately trained individual and that a report thereof be completed and filed with the Court. The investigation may include an evaluation of the parties’ and the children’s psychological status. The order issued shall indicate how the costs for the investigation shall be divided. [See “Court Form 5” for an Investigation (Home Study) and “Court Form 6” for an Evaluation by a psychologist].

B. A Home Investigator shall file his/her report with the Clerk of Courts at least seven (7) days prior to trial, to be placed in the family file. The Court shall distribute copies of the report to counsel of record and/or self-represented parties. Any attachments to the report shall be maintained in the family file and may be viewed by counsel/self-represented party upon request. At the time the report is submitted for filing, the Clerk shall file a Notice in the public file stating the date that the Home Investigator report has been filed.

C. The Home Investigator shall include the following **NOTICE** in **BOLD** print within the body of their report:

This document is being provided to the Court, unrepresented parties and legal counsel of record. If you are an attorney, you may share its contents with your client. However, any additional disclosure of this report must be approved *in advance* by the Court. Any person who copies this report, posts on social media or other mediums or discloses all or portions of the report to another person, without prior approval, shall be subject to Court action including penalties for contempt which include incarceration and fines.

D. The Court, upon distributing the Home Investigator report to the permitted recipients, shall also provide a cover sheet containing the **NOTICE** stated in provision C above. The Court will impose sanctions of contempt on any person who disseminates the report in whole or in part, to any individual who has not been pre-approved to receive the report. No individual shall be permitted to place the content of the report on any form of social media.

E. The report shall be signed by the investigator and the investigator shall be subject to cross- examination by either party concerning the contents of the report.

CHAPTER 19

[Reserved]

CHAPTER 20
APPLICABLE RULES TO CRIMINAL CASES

RULE 20.01

BONDS OR SURETY

- A. Any defendant seeking release upon a recognizance (O.R.) bond shall be required to sign a written bond application.
- B. All O.R. bonds shall be subject to the following standard conditions:
1. The defendant shall timely appear at all scheduled court appearances and obey all court orders and directives;
 2. The defendant's attorney must be able to contact the defendant at all times. The defendant shall keep in contact with his/her attorney and comply with all directives of said attorney;
 3. The defendant must maintain a current address and phone number with defense counsel, the Clerk of Court and, if so ordered by the Court, with the Adult Probation Department. Any change of address or phone number must be reported by the defendant to the above parties by the next business day after the change. The defendant may not change his/her address or phone number without prior approval from the Court or the Adult Probation Department.
 4. Unless permission is secured from the Adult Probation Department, the defendant's travel shall be restricted to either of the following:
 - a) The confines of the Ohio County in which he/she now resides, or
 - b) The State of the defendant's residence, if other than Ohio.
 5. The defendant shall not be charged with nor commit any serious traffic or criminal offenses.
- C. The Court may impose any other constitutional conditions considered reasonably necessary to ensure appearance or public safety.
- D. 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.

E. Any and all cash bonds posted in excess of \$500.00 shall be made by way of certified funds (cashier's check or money order) payable to the Clerk of Courts. Cash payments in excess of \$500.00 will not be accepted. All cash bonds must be paid to the Clerk before 4:00 p.m.

RULE 20.02

COURT APPOINTMENT

A. All attorneys seeking felony counsel appointments must verify compliance with Ohio Administrative Code Chapter 120-1-10. A written request to be appointed along with the Appointed Counsel Compliance Form (See Appendix C) shall be submitted to the Court Administrator for review by the Judge prior to any appointments as legal counsel.

B. 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.

C. 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.

D. Attorneys appointed by the Court to represent an indigent defendant shall be responsible for the filing of the Affidavit of Indigency/Financial Disclosure with the Clerk of Courts on the form provided by the Court within fifteen (15) days of the arraignment of the defendant.

E. Within thirty (30) days of the conclusion of the case of the termination of the attorney's services, whichever should occur first, the attorney shall submit an application, motion and judgment entry for fees. Said application, motion, and judgment entry shall be submitted to the Clerk of Courts in triplicate with each bearing original signatures. Copies shall be provided to the Clerk if the attorney desires file stamped copies.

F. In any contempt action, if the alleged contemnor is determined indigent, he/she shall be provided legal representation by the appointed counsel.

RULE 20.03

CERTIFICATE OF QUALIFICATION FOR EMPLOYMENT Electronic Filing Required

The purpose of this local rule is to define the specific local court requirements and processes that support a Petitioner's application for a Certificate of Qualification for Employment (CQE) as set forth in Revised Code 2953.25 and Administrative Rule 5120-15-01 established by the Department of Rehabilitation and Corrections (DRC).

- A. Petitioner must apply in the county in which they reside.
- B. Petitioner must complete the online petition at www.drccqe.com (further instructions are available to assist the petitioner on the website).
- C. Petitioner shall print the fully completed Electronic Petition and file the same along with the Notice to Court of Petition (Appendix D) with the Common Pleas Clerk of Courts. The Petitioner shall include the DRC Electronic Petition Number on the Notice.
- D. Before any action is required to be taken on the Petition, the Petitioner must pay a deposit as set forth under Rule 3 – Security for Costs.
- E. All Petitions submitted through the DRC shall include electronic access to the Department of Rehabilitation and Corrections CQE Summary (CQE Summary).
- F. All social security numbers and other information that must be excluded from public record shall be redacted in accordance with the rules of this court and the Rules of Superintendence. Upon filing of a Petition, the Clerk shall file the original under seal for use by the Court, and prepare a redacted copy for inclusion in the portion of the case file accessible to the public. Records or information received by the Court or the Clerk to assist the court with making its decision under Revised Code section 2953.25, including information included on a Petition, shall retain their character as public or non-public records, as otherwise provided in law.

G. Upon receipt of a Notice to Court of Petition, Electronic Petition and the required deposit, the Clerk of Courts shall assign the Petition a miscellaneous civil case number.

H. The Court shall obtain a criminal history for the Petitioner through the investigation ordered in support of the Petition issued to the Adult Probation Department.

1. The Adult Probation Department shall attempt to determine all other courts in the state in which the Petitioner has been convicted of or plead guilty to an offense through review of the Petitioner's criminal history or other investigation.

2. The Adult Probation Department shall send a Notice to Court Regarding Petition for Certificate of Qualification for Employment and Submission of Information Regarding Petition for Certificate of Qualification for Employment to each court so identified. Such Notice shall be sent via ordinary US mail.

3. The Adult Probation Department shall also send a Notice to Prosecutor Regarding Petition for Certificate of Qualification for Employment and Submission of Information Regarding Petition for Certificate of Qualification for Employment to the Williams County Prosecuting Attorney.

I. The Judge or Magistrate shall review the Petition, criminal history, all filings submitted by the prosecutor or victim in accordance with the rules adopted by the division of parole and community services, and all other relevant evidence.

J. The Judge or Magistrate may order any report, investigation or disclosure by the Petitioner that it believes is necessary to reach a decision (Order for Additional Information).

K. Once all information requested has been received, a Judge shall decide whether to Grant or Deny the Petition within sixty (60) days, unless Petitioner requests and is granted an extension of time. The decision to grant or deny a Petition may be referred to a Magistrate, and then sent to the Judge for a final Judgment Entry and Order. All notice and objection periods regarding a magistrate's decision would apply as set forth in the civil rules.

The Clerk shall provide a written notice to the Petitioner of the Court's Decision and Judgment Entry. If denied, the notice shall include conditions, if any, placed on subsequent filings and language that a final appealable order has been filed. The Clerk shall also notify the DRC of

the disposition of the petition as required under the Administrative Rules, and if granted order the DRC to issue the CQE to Petitioner.

RULE 20.04

SPECIALIZED DOCKET (Fulton and Williams County)

The Fulton and Williams County Court of Common Pleas, as authorized by Rules of Superintendence for the Courts of Ohio Rule 36.02 through Rule 36.28, hereby creates in its criminal division, a specialized docket named the “Fulton County Drug Court Program” and “Williams County Drug Court Program”, respectively. The Court adopts and incorporates, as Rule 20.04 of this Court, all policies and procedures of the program set forth in Appendix E (Fulton County) and F (Williams County).

A. **Mission Statement of Drug Court Program.** To divert drug and/or alcohol dependent participants in court-monitored treatment, to achieve accountability, and to rehabilitate male and female defendants who have addictions with substances; thereby decreasing criminal activity and the need for incarceration.

B. **Program Goals.** The Drug Court will work with eligible defendants with drug and alcohol addictions to engage them in treatment with close supervision in lieu of processing them through the traditional criminal justice system. The Drug Court shall operate to allow the judiciary, prosecution, bar association, probation, law enforcement, addiction treatment, mental health and social service communities to work together to help non-violent offenders.

The Fulton and Williams County Drug Court Program has among its additional goals the following:

1. Consolidation and removal of a class of cases that places significant demands on court resources;
2. Law enforcement’s action in arresting for crimes involving or relating to drug and alcohol abuse being taken seriously, because a drug court program causes

offenders to be monitored more closely and squarely places responsibility on the offender to make positive choices or face immediate consequences for not doing so;

3. Early identification of potential drug court participants resulting in reduced jail population and cost savings to the county; and
4. Facilitating greater coordination and more effective use of public services for criminal justice cases in the treatment system.