

**PORTAGE COUNTY COMMON PLEAS COURT  
DOMESTIC RELATIONS DIVISION  
RULES OF COURT**

Amended January 1, 2008  
(Revised August 13, 2010)  
(Revised February 1, 2013)  
(Revised February 15, 2013)

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**PORTAGE COUNTY COURT OF COMMON PLEAS  
DOMESTIC RELATIONS DIVISION  
RULES OF COURT**

**RULE 1: PLEADINGS AND MOTIONS**

(A) All pleadings, motions, briefs and other filings shall be typed or printed on white letter size (8 ½ x 11) paper and securely bound, unless otherwise dictated by these rules. The caption in every Complaint, Petition or other pleadings opening or reopening a case shall state the general nature of the action, for example:

- (1) Complaint for Divorce with Children
- (2) Complaint for Divorce without Children
- (3) Dissolution with Children
- (4) Dissolution without Children
- (5) Change of Residential Parent or Shared Parenting
- (6) Visitation Enforcement or Modification
- (7) Support Enforcement or Modification
- (8) Civil Protection
- (9) Uniform Reciprocal Enforcement of Support Act (“URES A”) and Uniform Interstate Family Support Act (“UIFSA”)
- (10) Any other pleadings authorized by law.

The Clerk is authorized to refuse to accept for filing any Complaint or Motion without a designation.

(B) All original pleadings and originating post-decree motions shall contain the names, addresses and dates of birth of the parties.

(C) All attorneys shall file a Notice of Appearance in all cases in which that attorney participates.

(D) All pleadings, motions, briefs and other filings shall include an Attorney/Filing Party signature block which shall be signed in the following format:

/s/Attorney's/Filing Party's Signature  
Attorney's/Filing Party's Name  
Ohio Supreme Court Number 1234567, if applicable  
Attorney for Plaintiff/Defendant or Plaintiff or Defendant  
ABC Law Firm, if applicable  
Address  
Telephone  
Email  
Fax

(E) Every Complaint for Divorce, Annulment or Legal Separation, Petition for Dissolution or post-decree Motion shall include a statement of whether a party is in the military service as defined in the Servicemembers' Civil Relief Act, 59 U.S.C. 521.

(F) No filings shall contain the Social Security number of any party or minor child(ren). If Social Security numbers are needed for reference, including, but not limited to, health orders, spousal support orders or child support orders, the parties shall complete a [Child Support Enforcement Agency \("CSEA"\) Support Payment Registration Form](#) which shall be attached only to service copies of those pleadings to be served upon CSEA or any other entity needing the Social Security numbers for reference.

(G) Unless otherwise ordered by this Court, any opposition to a motion shall be filed within ten (10) days of receipt of such motion. This rule shall not apply to dispositive motions.

(H) For all motions where a hearing is required or requested, it shall be the responsibility of the moving party to obtain a date and time for such hearing and serve the motion and notice of hearing on all parties of record.

(I) All filings of any nature shall be filed with the Clerk of Courts of Portage County and processed pursuant to the rules and regulations of the Clerk of Courts.

(J) Civil Protection Orders

Prior to the filing of a Petition for Civil Protection Order, the Court recommends that all petitioners consult with the domestic violence advocate. Any Petition for Civil Protection Order filed at 3:00 p.m. or thereafter shall be heard the next day that the Court is in session.

(K) Parenting Proceeding Affidavits

The initiating party shall file a [Parenting Proceeding Affidavit](#) contemporaneously with initial filings in all original cases and post-decree motions involving child custody proceedings. All other parties shall file a Parenting Proceeding Affidavit before the first hearing.

(L) Health Insurance Affidavit

The initiating party shall file a [Health Insurance Affidavit](#) contemporaneously with initial filings in all original cases and post-decree motions for modification of parental rights and/or support.

**RULE 2: FACSIMILE TRANSMISSION FILING**

Except as provided by Ohio Rules of Civil Procedure Rule 5 (E), the Domestic Relations Court of Portage County shall not accept the filing of any legal documents.

**RULE 3: ATTORNEY'S REQUIREMENTS**

(A) Attorneys who practice in the Portage County Domestic Relations Court must be admitted to the practice of law, registered with the Ohio Supreme Court and be in good standing. An attorney may be required to present his or her registration card to a Hearing Officer.

(B) Pro Hac Vice

In the event an attorney not registered in the State of Ohio seeks temporary approval for practice in the Portage County Domestic Relations Court, the following rules apply:

- (1) The requesting attorney shall file the request in the initial pleadings;
- (2) He/she shall comply with the requirements set forth in the Supreme Court Rules for the Government of the Bar of Ohio, specifically Rule XII;
- (3) Approval is discretionary with the Court; and
- (4) Approval may be withdrawn at any time.

**RULE 4: EX PARTE MOTIONS AND ORDERS**

(A) *Ex Parte* Orders may be issued by the Court pursuant to provisions of the Ohio Rules of Civil Procedure and Ohio law.

(B) A request for *Ex Parte* Orders must be made by separate motion, with a supporting affidavit signed by the moving party stating the reason(s) for requesting the Order. The person whose rights may be adversely affected must be a party to the action.

(C) A motion requesting an *Ex Parte* Order, together with the supporting affidavit, shall be filed with the Clerk of Courts by the movant or his/her attorney. A proposed separate Order shall be presented with the motion. If necessary, the Court may modify the proposed Order.

(D) *Ex Parte* Orders shall be drafted so as to provide the necessary relief in the least restrictive manner. *Ex Parte* Orders shall not restrain checking accounts utilized for the daily

conduct of a business or for maintaining the parties' household needs.

(E) Motions for *Ex Parte* Orders shall be set for full hearing in a timely fashion.

(F) A party against whom an *Ex Parte* Order was granted may file a motion, supported by an affidavit, requesting that such order be modified or dissolved. No *Ex Parte* Order shall be dissolved, either partially or in full, unless approved by the opposing party or counsel. In the absence thereof, the motion shall be set for hearing in a timely fashion.

**RULE 5: CASE MANAGEMENT**

(A) Scheduling of Dates and Notices of Hearing

- (1) Counsel or *pro se* parties shall obtain a hearing date from the Assignment Commissioner for (a) any motion which may be required or requested, (b) an uncontested divorce, annulment or legal separation pursuant to Ohio Rule of Civil Procedure 75 (K) and (c) a dissolution of marriage pursuant to Ohio Revised Code ("O.R.C.") §3105.64.
- (2) In any case where service by publication is sought, said notice shall include the hearing date.
- (3) In a divorce, annulment or legal separation action where service of process is perfected in accordance with Ohio Rules of Civil Procedure Rule 4.4(A) (2), the Clerk of Courts shall cause notices to be posted in a conspicuous place. The locations designated for Posting of Notice pursuant to amended Civil Rule 4.4 (A) & (B) shall be the Courthouse, 203 West Main Street, Ravenna, Ohio 44266; the County Administration Building, 449 South Meridian Street, Ravenna, Ohio 44266; and the Kent Municipal Court, 214 South Water Street, Kent, Ohio 44240.
- (4) Pursuant to the Ohio Rules of Civil Procedure, Rule 75 (K), no action for divorce, annulment, or legal separation shall be heard and decided until expiration of forty-two (42) days after service of process or twenty-eight (28) days after the service of a Counterclaim, which may be designated a Cross-Complaint, unless the plaintiff files a written waiver of such twenty-eight (28) day period.
- (5) Pursuant to O.R.C. §3105.64, in the case of a dissolution of marriage, the hearing shall not be less than thirty (30) days or more than ninety (90) days

after the filing of the Petition for Dissolution of Marriage.

- (6) In post-decree matters involving a Motion for Contempt or Motion for Modification of Parental Rights and Responsibilities, the first scheduled hearing shall be a Pre-Trial unless the movant requests that the first scheduled hearing be an Evidentiary Hearing and the Notice of Hearing specifically states that the hearing will be an Evidentiary Hearing.

(B) Temporary Hearings

- (1) All parties shall file financial disclosure affidavits in compliance with [Local Rule 11](#).

(C) Status Conferences

- (1) All orders for authorization of home studies, mediation, psychological evaluations, guardian ad litem appointments, pension and business evaluations, real estate and personalty appraisals shall be requested prior to or at the Status Conference. Thereafter, leave of Court shall be required.

(D) Pre-Trials

- (1) The parties shall complete discovery seven (7) days prior to the Pre-Trial Conference.
- (2) Business and pension evaluations and real estate appraisals shall be completed seven (7) days prior to the Pre-Trial Conference.
- (3) The parties shall exchange all exhibits seven (7) days prior to the Pre-Trial Conference, unless otherwise provided.
- (4) The parties shall file a list of witnesses, list of exhibits, proposed stipulations and issues for the Court's consideration seven (7) days prior to the Pre-Trial Conference.
- (5) Leave of Court shall be required to extend any of the aforesaid deadlines.

**RULE 6: QUALIFIED DOMESTIC RELATIONS ORDER/DIVISION OF PROPERTY ORDER**

(A) Preparation

- (1) Unless otherwise agreed, counsel for the alternate payee entitled to the pension or retirement plan shall prepare the Qualified Domestic Relations Order (“QDRO”)/Division of Property Order (“DOPO”) for submission to the Court.
- (2) If the Court orders a division of a pension or retirement account, the Court may assign the responsibility to prepare and submit the QDRO/DOPO other than as provided in Rule 6 (A) (1).
- (3) The participant shall execute any and all documents required and shall cooperate to facilitate the preparation, approval and filing of the QDRO/DOPO.
- (4) Unless otherwise stated, the costs associated with the preparation, approval and filing of the QDRO/DOPO shall be divided equally between the parties.
- (5) Whenever the parties agree to divide a pension or retirement account by a QDRO/DOPO, they or their counsel shall sign and approve the original QDRO/DOPO submitted to the Court and shall sign and approve any subsequent QDRO/DOPO submitted to the Court, unless waived by the Court.
- (6) The QDRO/DOPO shall be prepared as soon as possible for submission to the Court.

(B) Assumptions

- (1) Unless otherwise agreed, a QDRO/DOPO for a defined benefit plan shall contain the following provisions or shall be governed by the following assumptions:
  - (a) The QDRO/DOPO shall be a separate interest QDRO/DOPO, meaning the alternate payee’s benefits shall be independent of those of the participant.
  - (b) 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.
  - (c) The benefits assigned to the alternate payee shall include any and all

temporary and supplemental benefits, including, but not limited to, cost of living adjustments. Further, the benefits assigned to the alternate payee shall include all early retirement subsidies. Should the alternate payee commence receipt of benefits prior to participant's retirement, the alternate payee's benefits shall be recalculated to reflect the subsidy.

- (d) The alternate payee shall be deemed to be the surviving spouse of the participant to the extent of benefits assigned for the purpose of a pre-retirement survivor annuity.
  - (e) The division of the benefits shall be the date of the final hearing of the case, unless otherwise specifically stated.
- (2) Unless otherwise agreed, a QDRO for a defined contribution plan shall contain the following provisions or be governed by these assumptions:
- (a) The division of benefits shall be the date of the final hearing of the case, unless otherwise specifically stated.
  - (b) The alternate payee's share of the benefits shall be credited with investment earnings and/or losses from the date of division until distribution.
  - (c) The QDRO shall allow an immediate lump sum distribution of the alternate payee's benefits, if elected by the alternate payee.
  - (d) Any loans from the plan shall be charged to the participant's benefits and shall remain the obligation of the participant.
  - (e) The alternate payee's share of the benefits shall 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.

(C) Mandatory Language

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

- (1) The Court retains jurisdiction with respect to the QDRO/DOPO 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 alternate payee 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 the order.

- (2) The participant shall not take actions, affirmative or otherwise, that can circumvent the terms and provisions of the QDRO/DOPO or that may diminish or extinguish the rights and entitlements of the participant or alternate payee.

**RULE 7: SUPERVISION OF CHILDREN AND DRESS CODE**

(A) Bringing children to Domestic Relations Court and/or the Domestic Court area is highly discouraged. 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' hearings or mediation.

(B) All parties and their witnesses must be appropriately dressed for all Court proceedings. Individuals inappropriately dressed will not be admitted in the courtroom. Shorts, flip flops, tank tops and halter tops are not appropriate apparel.

(C) No food or drink, other than bottled water, is allowed in the Domestic Court area.

(D) Attorneys, parties and witnesses shall shut off all cell phones while attending any courtroom hearings.

(E) No cameras or recording devices shall be permitted in the Domestic Court area without prior approval of the Court.

**RULE 8: PARENTING SEMINAR**

(A) Unless otherwise directed or approved by the Court, in all cases in which there are minor children, both parents shall complete the "[Children Are Forever](#)" or another pre-approved parenting seminar. Parties shall register and successfully complete the seminar within sixty (60) days from service of the Complaint for Divorce or Legal Separation or thirty (30) days from the filing of the Petition for Dissolution with the Clerk of Courts. This rule applies even if the child(ren) are under the jurisdiction of the Juvenile Court.

(B) The Court reserves the right to order parents to attend the "Children Are Forever" seminar or other pre-approved parenting seminar in post-decree motions for modification of parental

rights.

(C) Failure to attend and complete the seminar may be a basis for continuing the trial date or denying parental rights with the child(ren) to the non-complying party.

(D) All registrants shall be properly attired. Shorts, flip flops, tank tops and halter tops are not appropriate apparel.

(E) No food may be brought into the seminar.

(F) The Court reserves the right to eject any registrant based upon his/her inappropriate behavior.

**RULE 9: CONTINUANCES**

(A) No case in which a date certain has been fixed for a Status Conference, Pre-Trial Conference, Trial or other hearing shall be continued without authorization of the Court. By Order of Court, pursuant to O.R.C. §2303.201(E)(1), payment to the Clerk of Courts of a \$10.00 fee, in addition to all other costs assessed, shall accompany any [Motion for Continuance](#) filed under this rule. Failure to submit such fee may result in the denial of the Motion as not being properly filed. In indigency cases, the fee shall be waived provided that an [Affidavit of Indigency](#) is submitted with the Motion.

(B) No [Motion for Continuance](#) shall be filed later than fourteen (14) days before Trial or hearing or within seven (7) days of receipt of notice for the same, whichever occurs last. The Motion shall set forth how many previous continuances were granted and at whose request. If the reason for the continuance is due to a conflict of hearing assignment dates, the movant must attach a copy of the conflicting assignment notice. If the reason for the continuance is due to any other reason, the movant shall attach an affidavit setting forth the reason(s) for the requested continuance. The Court reserves the right to grant a continuance filed later than the aforesaid time restraints if the reason for the continuance is due to an emergency or unforeseen event.

(C) A [Motion for Continuance](#) shall also contain the written endorsement of the moving party, as well as the moving party's attorney, if represented. The requirement that the moving party endorse the Motion for Continuance may be waived for good cause shown provided that the attorney's affidavit states the reason why the attorney has been unable to obtain the endorsement of the party and the reason why the requirement should be waived.

(D) A copy of the [Motion for Continuance](#) must be served upon all opposing counsel or *pro se* parties. If the Motion is not granted by the Court, the case shall proceed as originally

scheduled.

(E) The movant shall submit a proposed Order granting the [Motion for Continuance](#) together with the Motion. The Order shall have space provided for a new hearing date to be assigned. A party shall not assume that the filing of a Motion for Continuance of a hearing is granted until the Court has approved the request in the form of a Order. It shall be the responsibility of the moving party to confirm whether the Court granted or denied the Motion for Continuance.

(F) Attorneys shall submit a notice of their respective vacation schedules no later than thirty (30) days in advance to preserve their right to seek a continuance for that reason.

**RULE 10: FAILURE TO APPEAR AT TRIAL OR HEARING OR FAILURE TO BE PREPARED**

(A) A case shall proceed as scheduled. Written settlements signed by all parties shall be presented to the Court either at the hearing or before the hearing. Oral settlements shall be read into the record at the hearing under oath. All parties and counsel shall appear at all hearings, unless excused by the Hearing Officer. A Motion to Forgive the Personal Appearance of a Party may be considered if submitted with the party's written authorization authorizing his/her attorney to bind him/her to the result of the proceedings or if he/she has previously stated on the Court's record that he/she authorizes his/her attorney to bind him/her to the result of the proceedings.

(B) In all uncontested cases, final Decrees or Judgment Entries shall be prepared in advance of the Trial date, submitted to the Compliance Officer for approval and presented to the Hearing Officer on the Trial date so that the case can be concluded.

(C) Failure to appear or be prepared may result in the case being dismissed for failure to prosecute.

(D) The Court may order sanctions or take other appropriate measures when an attorney or party unnecessarily causes undue delay or conflict or fails to abide by these rules or the Ohio Rules of Civil Procedure. Undue delay or conflict includes, but is not limited to, unreasonable tardiness, failure to attend a hearing, failure to be prepared, engaging in conduct which is disruptive to a Court proceeding or undignified or discourteous conduct that is degrading to the Court proceeding.

**RULE 11: FINANCIAL DISCLOSURE AFFIDAVITS**

(A) The [Affidavit of Income and Expenses](#) and [Affidavit of Property](#) approved by the Supreme Court of Ohio effective on July 1, 2010 are approved and adopted by the Portage County Domestic Relations Court.

(B) The Court will accept the Supreme Court of Ohio's Affidavit of Income and Expenses and Affidavit of Property **OR** the Court's [local Affidavit of Financial Disclosure](#) (cumulatively referred to as "financial disclosure affidavit(s)").

(C) The party initiating a divorce, annulment or legal separation action shall prepare and file financial disclosure affidavit(s) within ten (10) days of the date service is perfected or prior to the first scheduled hearing, whichever is earlier. Parties shall exchange the financial disclosure affidavit(s) forthwith. A party filing an Answer and/or Counterclaim shall file completed financial disclosure affidavit(s) within ten (10) days from the date of the filing of the Notice of Appearance and/or filing of the Answer and Counterclaim or prior to the first scheduled hearing, whichever is earlier.

(D) Each party in a dissolution action shall complete and file the financial disclosure affidavit(s) within ten (10) days of the filing of the Petition for Dissolution.

(E) Parties may not waive the exchange or time requirements for the exchange of the financial disclosure affidavit(s).

(F) Each party is required to fully update and complete the financial disclosure affidavit(s), as necessary. Failure to fully update and complete the forms may result in the imposition of sanctions. The financial disclosure affidavit(s) may be amended to render it complete before the Trial date.

(G) Notwithstanding [Local Rule 4](#), the Court will not issue Temporary Orders for child custody, child support or spousal support without an evidentiary hearing unless determined by the Court that such orders should be issued in the interest of justice and/or the welfare of children.

**RULE 12: CHILD SUPPORT AND TAX DEPENDENCY EXEMPTION**

(A) In all cases where child support is an issue, both at the time of the initial award of support and/or any subsequent modification thereof, a Child Support Computation Worksheet, a [CSEA Support Payment Registration Form](#) and a Title [IV-D Application](#) shall be completed on Court-approved forms and submitted prior to the time of the hearing.

(B) If the parties agree who shall receive the dependency exemption, then the Court shall grant it as agreed. If the parties do not agree, then the Court shall designate the party who shall receive the child dependency exemption for federal income tax purposes.

In making the designation, the Court shall consider those factors in the best interest of the child(ren) pursuant to O.R.C. §3119.82. However, when determining which parent shall receive the child tax dependency exemption under the Internal Revenue Code §151, 100 Stat. 2085, 26 U.S.C. 1, as amended, the residential parent or residential parent for school purposes is presumed to be granted the dependency exemption.

(C) A child support obligor awarded a child tax dependency exemption must be in “substantial compliance” with his/her child support order in order to utilize the tax dependency exemption. “Substantial compliance” is defined as payment of at least 90% of the annual amount owed for the calendar year in which the exemption is requested.

**RULE 13: CHILD SUPPORT AND SPOUSAL SUPPORT MODIFICATIONS**

(A) Any motion requesting a modification of an existing child support or spousal support order shall set forth the specific language of the last order, date of such order and the reasons for requesting the modification.

(B) Except as provided in Rule 13 (C) and (D), prior to the time of hearing on any Motion to Modify Child Support or Spousal Support, each party shall complete and file with the Clerk of Courts a financial disclosure affidavit, as defined in [Local Rule 11](#), itemizing his/her present income and expenses and providing his/her spouse’s income and expenses if remarried. The Affidavit of Income and Expenses or other financial disclosure affidavit and documentation of current earnings for both the party and his/her spouse shall be submitted to the Hearing Officer with copies to opposing counsel or *pro se* party.

(C) In UIFSA cases involving a Motion to Modify Child Support, CSEA and/or the moving party shall complete and file with the Clerk of Courts one of the following documents: 1) a

financial disclosure affidavit, as defined in [Local Rule 11](#); or 2) a statement which includes income and expense information that complies with the mandates of the Uniform Interstate Family Support Act.

(D) In CSEA cases involving the administrative establishment, modification or termination of child support, the Court shall accept the Recommendation/Administrative Hearing Decision attached to the Order in lieu of the financial disclosure affidavit(s).

**RULE 14: COURT APPOINTMENT OF EXPERTS AND PROFESSIONAL EVALUATORS**

(A) Experts to Evaluate Assets

- (1) Whenever the value of an asset is in dispute, upon motion of either party or upon the Court's own motion and for good cause shown, the Court may appoint an expert for the purpose of assigning a value. The Court shall assess all expert fees and expenses in its sole discretion.
- (2) Reports of appraisers and/or evaluations of Court-appointed experts that are intended to be offered into evidence must be submitted to the opposing party or counsel and filed with the Clerk of Courts at least twenty-one (21) days prior to Trial or hearing. Unless the opposing party or counsel files written objections at least fourteen (14) days prior to Trial or hearing, the written report(s) shall be received into evidence.

(B) Medical, Psychological, Drug and Alcohol Evaluations

- (1) Upon motion of a party or on its own motion and for good cause shown, the Court may appoint a psychologist or physician for purposes of medical and/or psychological evaluations. The order of appointment shall specify the tests to be conducted and/or the evaluations to be had, the party or parties to be evaluated and the name of the expert. The order shall also state that the parties are to cooperate fully with the expert and how the costs shall be assessed. The medical and/or psychological report shall be filed at least twenty-one (21) days prior to the final hearing.
- (2) When the Court receives the written psychological and/or medical reports from the Court-appointed psychologist and/or physician, the attorney of record and/or *pro se* litigant shall be notified promptly. In the absence of a

subpoena issued to the author of the report, filed no less than fourteen (14) days before any hearing or Trial, the written report shall be received into evidence.

- (3) Upon proper motion, or upon the Court's own motion, drug and alcohol assessments may be ordered with costs assessed at the Court's discretion.

(C) Interpreter/Translator Services

- (1) When interpreter/translator services are needed, the attorney or party requesting an interpreter/translator shall file an appropriate motion with the Clerk of Courts of Portage County with a copy served on all parties and the Court's Assignment Commissioner stating the language or service for which an interpreter/translator is required. The motion shall be filed no later than the Status Conference or at least twenty (20) days before any scheduled hearing, whichever is earlier. The motion shall state the length of time that the interpreter/translator shall be needed. The Court shall arrange for the interpreter/translator to be present for the hearing and shall inform counsel or *pro se* party of the name, address and telephone number of the interpreter's/translator's agency. It shall be the responsibility of the requesting party to notify the interpreter's/translator's agency in writing if there is any change in the date and/or time of the hearing. Failure to do so shall result in the requesting party being assessed with the interpreter's/translator's fee for the time spent for attending the scheduled hearing according to the agency's policy of payment, unless otherwise precluded by law.

- (2) The parties shall ensure that any and all documents to be translated are exchanged by the parties and forwarded to the translator so that the translation can be completed and further exchanged in compliance with [Local Rule 5\(D\)](#).

(D) Guardian ad Litem

- (1) Upon motion of either party, or the Court's own motion, the Court may appoint a Guardian ad Litem from the Court's approved list of Guardians ad Litem pursuant to Ohio law and/or Rules of Superintendence for the Courts of Ohio. If granted, the parties shall pay a deposit of \$800.00 to be

apportioned between the parties as ordered by the Court. This deposit may be modified by the Court at its discretion. Upon appointment, the Court shall provide to the appointed Guardian ad Litem a copy of the Judgment Entry reflecting the appointment.

- (a) The Order of Appointment shall state the name and address of the Guardian ad Litem and state that the parties are to cooperate fully with the Guardian ad Litem. The order may also specify payment arrangements for future services of the Guardian ad Litem.
  - (b) Unless otherwise ordered by the Court, the Guardian ad Litem shall prepare a written [Guardian ad Litem Report](#) and submit it to the Court.
  - (c) A Guardian ad Litem shall file an itemized statement reflecting the fee requested prior to any substantive hearing. A Guardian ad Litem shall serve copies of the itemized statement on counsel of record or *pro se* parties. Unless objections to the fees are filed with the Clerk of Courts within seven (7) days from the receipt of the fee statement, the Court shall determine the appropriate fees in its discretion and assess the fees to the parties. The release of monies on deposit shall be made based upon agreements of the parties and/or order of the Court. The Guardian ad Litem hourly fee shall not exceed \$150.00.
  - (d) Rule 48 of the Rules of Superintendence for the Courts of Ohio is fully adopted herein as the rule of this Court.
- (2) Within fourteen (14) days of the Guardian ad Litem's appointment, counsel or *pro se* parties shall provide the Guardian ad Litem with a written statement which shall include, but not necessarily be limited to, the following: 1) the nature of the issues in the case; 2) names, addresses and telephone numbers of any individuals who may have relevant information relating to the issues in the case; and 3) a list of those tasks deemed practicable and advisable for the Guardian ad Litem to undertake in order to provide the Court with relevant information and an informed recommendation as to the child(ren)'s best interests.
  - (3) In accordance with Rule 48 of the Rules of Superintendence for the Courts of

Ohio, any written comments or complaints relating to the performance of a Guardian ad Litem should be forwarded to the Court's Assignment Commissioner.

(E) Upon receiving any Court-appointed expert's report, the Court shall notify all counsel of record or *pro se* parties. Notification shall be made by telephone, electronically or in writing.

(F) The parties shall be responsible for expert fees. The Court's final allocation of expert fees shall be reserved for final hearing.

(G) The parties shall have the opportunity at Trial to examine an expert on the issue of fees.

(H) At the conclusion of the Trial, if an expert's fees exceed the amount deposited, the Court shall assess responsibility for payment of the balance. If the deposit exceeds an expert's fees, the difference shall be credited or refunded to the party who made the deposit.

**RULE 15: RESERVED**

**RULE 16: MOTION TO SHOW CAUSE**

(A) Any Motion to Show Cause shall state with specificity each provision of a prior Court order with which the party has failed to comply, the date of such order and the facts constituting the noncompliance. The motion shall be supported by an affidavit and may be accompanied by an Order to Appear.

(B) If interest on unpaid periodic support is being sought, the party requesting such interest shall have filed with the Court, at least seven (7) days prior to hearing, an accounting of the interest requested pursuant to and authorized by O.R.C. §319.19 and subsequent amendments. The interest awarded on an arrearage and judgment on an arrearage shall be simple interest and not compound interest.

(C) Any Motion to Show Cause relating to unpaid medical bills shall:

- (1) provide for the attachment of a completed "[Explanation of Medical Bills](#)" form approved by this Court;
- (2) provide for the attachment of an affidavit alleging, as applicable: a) movant has sent copies of the medical bills to the ex-spouse and the dates sent; or b) movant has sent copies of the medical bills to the ex-spouse, dates sent and dates returned; or c) movant has sent copies of the medical bills to ex-spouse

and ex-spouse has not paid or acknowledged receipt of the bills; or d) movant has sent copies of the medical bills to the ex-spouse and the ex-spouse has refused to make payment; and/or e) any other pertinent information;

- (3) NOT provide for the attachment of the medical bills,
- (4) provide that the attorney or moving party furnish to the opposing party and the Court a copy of all medical bills, proof of insurance paid and proof of the movant's payment at the hearing or mail a copy to opposing counsel in advance;
- (5) require that the moving party be able to identify bills, dates of service, purpose for treatment, total bill, amount paid by insurance, amount paid by movant, and amount sought from the opposing party; and
- (6) **be filed within 30 months** of the initial billing to the moving party. For good cause, the Court may expand the time.

**RULE 17: JUDGMENT ENTRIES**

(A) A Judgment Entry required by Rule 58 of the Ohio Rules of Civil Procedure shall be journalized within thirty (30) days from the date the decision is announced. The Judgment Entries shall reflect the Court's ruling on all issues raised at the time of trial. The Judgment Entries shall be prepared and presented for journalization by the Court, unless the Court otherwise directs.

(B) The Court may order or direct either party or counsel to prepare and present the Judgment Entry required by subsection (A) of this Rule. When so ordered or directed by the Court, such party or his counsel shall prepare a proper Judgment Entry and submit the same to opposing counsel or party within fourteen (14) days of the hearing, unless leave of Court has been granted for an extension. Opposing counsel or party shall then have seven (7) days within which to approve or reject the proposed Judgment Entry. In the event of rejection, the opposing party or counsel shall, within seven (7) days from the date of receipt of the Judgment Entry, file with the Clerk of Court a written statement setting forth what the objections are to the Judgment Entry.

In the event opposing party or counsel neither approves nor rejects a submitted proposed Judgment Entry, the document as originally tendered may be submitted to the Court with a certification setting forth the date the document was tendered to the opposing party or counsel and verifying that no response has been received.

(C) Failure of a party or counsel to prepare and present an entry to the Court within thirty (30) days or as directed by the Court may subject said party or attorney to the vacating of any award of attorney fees and/or contempt powers of the Court. It may further result in the dismissal of the action or scheduling of a hearing to settle the Judgment Entry.

(D) Compliance Language

All Judgment Entries shall contain language as required by the Ohio Revised Code, the Rules of this Court and the Ohio Rules of Civil Procedure. All Judgment Entries shall be approved by the Compliance Officer before such Entries are submitted to the Hearing Officer for final approval and filed with the Clerk of Courts. Suggested language which comports with the Ohio Revised Code, the Rules of this Court, and the Rules of Civil Procedure may be obtained from the Compliance Officer of the Portage County Domestic Relations Court.

**RULE 18: MEDIATION**

(A) All mediation proceedings shall be in compliance with O.R.C. Chapter 2710, "Uniform Mediation Act"(UMA); O.R.C. §3109.052, "Mediation of Differences As to the Allocation of Parental Rights and Responsibilities"; and Rule 16 of the Rules of Superintendence for the Courts of Ohio.

(B) Purpose. The objectives of any mediation ordered by the Court shall be to promote greater efficiency and public satisfaction through the facilitation of the earliest possible fair and just resolution of domestic relations cases; avoid needless conflict between the parties; encourage productive, cooperative problem-solving between the parties; enhance effective communication between the parties; require the parties to act responsibly; and minimize lasting emotional damage to the parties and especially their children. Mediation shall not be requested and utilized as an avenue to delay the final resolution of any and all issues in any pending case.

(C) Scope. Any action under the jurisdiction of this Court may be referred to mediation at any time during the proceedings. Accordingly, this Court, as it deems appropriate, may refer pending cases to mediation where there are contested issues, including, but not limited to, allocation of parental rights and responsibilities, division of marital property, provisions for child support or spousal support, and post-decree motions. Mediation may also be requested by any attorney of record or by *pro se* parties by filing a proper motion and journalizing the issues referred to mediation.

(D) When Ordered. At any time after service of summons in any action for divorce, legal

separation, or annulment, or at any time after the filing of a post-decree motion, mediation may be requested by the parties or any attorney of record or may be ordered by any Hearing Officer of the Court.

(E) Domestic Violence Issues. The Mediator shall promulgate and maintain a policy with regard to domestic violence mediation which incorporates both screening and participation criteria, keeping the same in compliance with the expressed intent of the Ohio Supreme Court. All parties and counsel shall advise the assigned Judge or Magistrate of any domestic violence allegations which involve any person whose attendance is required by the referral order. The Court shall make an initial assessment as to whether the case is appropriate for mediation. In any case where there has been a finding or an allegation of domestic violence, the Court shall so notify the Mediator. Upon receipt of such information, the Mediator shall initially meet with the parties, together or individually as the Mediator sees fit, for the purpose of determining any risks to either party or to the mediation process stemming from any history of domestic violence. Further, the Mediator shall submit a screening questionnaire to each party. The purpose of the screening questionnaire shall be to assess the history of the parties regarding issues of domestic violence, the suitability of mediation as a means to resolve issues between the parties and the ability of each party to safely, effectively and independently participate in the mediation process. Additionally, the Mediator shall conduct appropriate screening for purposes of assuring the suitability of the parties for mediation and securing a safe environment in which mediation may take place. Securing of a safe environment in which mediation may take place between the parties may include, but is not limited to, notification of and supervision by appropriate courthouse security personnel, arrangement for staggered times of arrival and departure from the mediation session to minimize unsupervised contact between the parties, maintenance of separate waiting areas for the respective parties, and/or use of caucus mediation in which the parties participate from separate locations in the building. The duty of the Mediator to screen for domestic violence shall continue throughout the mediation process. The Mediator may terminate mediation if he/she feels that either party does not have the capacity to mediate without fear of coercion and/or control.

In the event that there is a finding or allegation of domestic violence or that it is determined through the screening process or otherwise that violence or the fear of violence is alleged, suspected, or present, the party who is or may be the victim of domestic violence shall be fully informed about the mediation process and his or her right to decline participation in the mediation process. The party who is or may be the victim of domestic violence shall have the option

to have a support person, other than that party's counsel, present at all sessions of mediation.

When violence or fear of violence is alleged, suspected, or present, mediation may proceed only if the Mediator has completed at least 14 hours of specialized training in domestic abuse and mediation through a training program approved by the Dispute Resolution Section of the Ohio Supreme Court, in accordance with standards established by the Supreme Court Advisory Committee on Dispute Resolution, and all of the following conditions are satisfied:

- (1) The person who is or may be the victim of domestic violence is fully informed, both orally and in writing, about the mediation process, his or her right to decline participation in the mediation process and his or her option to have a support person present at mediation sessions.
- (2) The parties have the capacity to mediate without fear of coercion and or control.
- (3) Appropriate procedures are in place to provide for the safety of the person who is or may be the victim of domestic violence and all other persons present at the mediation.
- (4) Procedures are in place for the Mediator to terminate mediation if he or she believes there is continued threat of domestic violence or coercion between the parties.
- (5) Procedures are in place for issuing written findings of fact, as required by O.R.C. §3109.052, to refer certain cases involving domestic violence to mediation.

At no time shall mediation be used as an alternative to the prosecution or adjudication of any instance of domestic violence, nor shall mediation be used as a means to determine whether a protective order shall be granted, modified or terminated; to determine the terms and conditions of any Protective Order; or to determine the penalty for violation of a Protective Order.

(F) Stay of Proceedings. All remaining Court orders shall continue in effect. No order is stayed or suspended during the mediation process except by written Court order. Mediation shall not stay discovery, which may continue through the mediation process in accordance with applicable rules, unless otherwise agreed by the parties and approved by the Judge or Magistrate assigned to the case.

(G) Continuances. It is the policy of this Court to decide matters in a timely fashion. Continuances of a scheduled mediation shall be granted only by the Judge or Magistrate or

Mediator, where applicable, for good cause. An extension of time for compliance with deadlines not involving a Court hearing shall be permitted only on a showing to the Court that the extension shall not interrupt the scheduled movement of the case.

(H) Conflicts of Interest. In accordance with O.R.C. §2710.08(A) and (B), the Mediator assigned by the Court to conduct a mediation shall disclose to the parties, counsel, if applicable, and any nonparty participants any known possible conflict that may affect the Mediator's impartiality as soon as such conflict becomes known to the Mediator. If counsel or a mediation party requests that the assigned Mediator withdraw because of the facts so disclosed, the assigned Mediator may, subject to court approval, withdraw and request that the assigned Judge or Magistrate appoint another Mediator from the list of qualified Mediators that is maintained by the Court. The parties shall be free to retain the previously appointed Mediator by an informed, written waiver of the conflict of interest, if they so choose.

(I) Procedure. Mediation sessions may be convened from time to time until all issues are resolved in a manner mutually agreeable to the parties or until the Mediator determines that continued efforts would not be productive. The Court may order the parties to participate in or return to mediation at any time. The Mediator shall do the following: 1) keep all verbal and written communications confidential; 2) provide to the parties and their counsel a summary of any agreement reached or a statement that the mediation has been terminated without agreement; and 3) notify the Court, by way of a Mediator's Report, for purposes of scheduling, that mediation has been concluded. In the event that the Mediator deems it appropriate, he/she shall, if necessary, refer either or both parties to legal counsel, to appropriate neutral experts (CPAs, appraisers, etc.), or to appropriate social service agencies, including those dealing with issues of domestic violence.

(J) Participation of Third Parties. It is not necessary for the parties' attorneys to attend the mediation. Attorneys attending the mediation session are present primarily as observers and may consult with their clients. However, inasmuch as mediation is intended to be an interaction between the parties, it is anticipated that mediation will take place primarily with the direct and active participation of each of the parties and that attorneys will actively participate in the mediation only to the extent approved by the Mediator. In cases where only one attorney is present, the Mediator will make it clear to the unrepresented party that he or she has the right to withdraw at any point in the mediation. Any Guardian ad Litem appointed by the Court shall attend the mediation if requested to do so by the Court, the Mediator, or either party. The Guardian ad Litem shall be asked to participate in all mediation cases involving a child who was the subject of prior abuse or neglect,

in all cases where one of the parties was the perpetrator of an act which resulted in an adjudication that any other child was abused or neglected, and in any other case where the Mediator believes it to be in the best interest of the child. Either party may request that a support person be present during the mediation. The Mediator may exclude a support person from a mediation session if the support person attempts to participate in the mediation, acts as an advocate during the mediation or the person's presence or activity disrupts the mediation session. Any third parties participating in mediation will be expected to abide by the rules of mediation, will be prohibited from interrupting mediation for any business not specifically related to the mediation and will be expected to sign the Statement of Confidentiality and Agreement to Mediate.

(K) Agreements. The Mediator shall prepare a written Memorandum of Understanding memorializing any agreement reached by the parties. The Memorandum of Understanding shall be signed by the parties, subject to approval by their counsel, and submitted to their respective counsel for review and for preparation of an appropriate entry incorporating the approved agreement between the parties. If the Memorandum of Understanding is signed, it will not be privileged pursuant to O.R.C. §2710.05 (A) (1). It will be expected that counsel will present the approved entry incorporating the approved agreement and containing all language required to conform to local rules at the next scheduled hearing before the Court. Any agreement reached during mediation shall not be binding upon the parties until it is approved by the Court.

(L) Confidentiality. All issues of confidentiality and privilege shall be determined pursuant to the terms of the Uniform Mediation Act, O.R.C. Chapter 2710. Statements made during the course of mediation assessment or the mediation sessions shall not be admissible as evidence in any subsequent proceeding in this Court unless the holders of the privilege have waived it or the person asserting the privilege is precluded from doing so. This rule does not require the exclusion of any evidence which is otherwise discoverable merely because it is presented in the course of mediation. Statements made during mediation shall be considered as compromise negotiations, will not be admissible as evidence and will be subject to the other rules and provisions of O.R.C. §3109.052. The Mediator shall not be subpoenaed or serve as a witness relating to any matter concerning the domestic relations case. The foregoing confidentiality requirements shall not, however, be construed to exempt any person from the statutory duty to report child abuse pursuant to O.R.C. §2151.421 or the commission of a felony pursuant to O.R.C. §2921.22.

(M) Mediator's Report. At the conclusion of mediation and in compliance with O.R.C. §2710.06, the Court shall be informed of the status of the mediation, including all of the following:

1) whether the mediation occurred or was terminated; 2) whether a settlement was reached on some, all or none of the issues; and 3) attendance of the parties.

(N) Fees and Costs. The parties may agree between themselves to apportion the costs of the mediation, if any. Unless otherwise agreed by the parties, any mediation costs shall be shared equally. In the event that the parties cannot agree, the Court shall determine the apportionment of any mediation costs to the parties. The Court may waive costs for the parties who are unable to pay. Mediation shall not be ordered where a party is indigent unless the mediation is available at no cost to the party.

(O) 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.

(P) Mediator's Qualifications. To be a Court-approved Mediator, the following qualifications apply:

- (1) General Qualifications and Training. A Mediator employed by or appointed by this Court shall satisfy all of the following:
  - (a) Possess a bachelor's degree, or equivalent education or experience as is satisfactory to the division, and at least two years of professional experience with families. "Professional experience with families" includes mediation, counseling, casework, legal representation in family law matters, or such other equivalent experience satisfactory to the division.
  - (b) Complete at least twelve hours of basic mediation training or equivalent experience as a mediator that is satisfactory to the division.
  - (c) After completing the above training, complete at least forty hours of specialized family or divorce mediation training which has been approved by the Dispute Resolution Section of the Supreme Court.
  - (d) Comply with all other qualifications set forth in Rule 16 of the Rules of Superintendence for the Courts of Ohio, effective January 1, 2007, or as thereafter amended.
- (2) Specific Qualifications and Training: Domestic Abuse. A Mediator

employed by the division or to whom the division makes referrals for mediation of any case shall complete at least fourteen hours of specialized training in domestic abuse and mediation through a training program approved by the Ohio Supreme Court Dispute Resolution Section. A Mediator who has not completed this specialized training may mediate these cases only if he/she co-mediate with a Mediator who has completed the specialized training.

- (a) In cases where a special Mediator is required because the Court's Mediator cannot serve as mediator due to a conflict of interest or other reasons, the Mediator appointed shall qualify under the provisions of Ohio law and the Rules of Superintendence for the Courts of Ohio. The Court shall reserve jurisdiction over the compensation for the services of the appointed Mediator.

**RULE 19: ALLOCATION OF PARENTAL RIGHTS AND RESPONSIBILITIES**

(A) Any Motion for Shared Parenting Plan shall be filed by the date of the final Pre-Trial or at least thirty (30) days prior to Trial, whichever is later.

(B) Any Motion for Change of Residential Parent and Legal Custodian shall first be set for Pre-Trial, unless it is uncontested.

(C) [Standard In-State Parenting Time Schedule](#)

The best parenting time schedule is that to which the parties may mutually agree. However, if the parties cannot agree, the Court designates the following schedule to ensure that the child(ren) will have frequent and consistent contact with the parents. Upon proper application, or at the Court's discretion, the Court may deviate from the schedule in the best interests of the child(ren). Holidays and other days of special meaning shall take precedence over the summer break schedule and the normal weekly schedule.

**WEEKDAY AND WEEKEND**

(1) **FOR CHILD(REN) FROM BIRTH TO THREE MONTHS**

Two times weekly for two hours on the days and times the parties can agree. If the parties cannot agree, then the days shall be every Saturday from 2:00 p.m. to 4:00 p.m. and every Tuesday from 6:00 p.m. to 8:00 p.m., unless otherwise ordered by the Court.

(2) **FOR CHILD(REN) THREE MONTHS TO 18 MONTHS**

Two times weekly for 2-6 hours on the days and times the parties can agree. If the parties cannot agree, then the days shall be every Tuesday from 5:00 p.m. until 8:00 p.m. and Saturday 2:00 p.m. to 8:00 p.m., unless otherwise ordered by the Court.

(3) FOR CHILD(REN) 18 MONTHS TO 30 MONTHS

Alternate weekends from Friday at 6:00 p.m. to Saturday 6:00 p.m. and every Wednesday from 5:00 p.m. to 8:00 p.m.

(4) FOR CHILD(REN) 30 MONTHS AND OLDER

Tuesday from 5:00 p.m. to 8:00 p.m., Thursday from 5:00 p.m. to 8:00 p.m. and alternating weekends from Friday at 6:00 p.m. to Sunday at 6:00 p.m.

**SUMMER BREAK**

(1) FOR CHILD(REN) 18 MONTHS TO 30 MONTHS

Two weeks parenting time for any child under age 30 months. Parenting time shall be taken in no longer than one-week segments.

(2) FOR CHILD(REN) 30 MONTHS AND OLDER

Six weeks parenting time each summer break to be arranged pursuant to (c) below. Parenting time shall be exercised no more than two consecutive weeks at a time. During four of the six weeks of the nonresidential parent's parenting time, the residential parent shall have the same weekday and weekend parenting time as the nonresidential parent has throughout the year.

(a) Each parent is entitled to two weeks in a row each summer without interruption.

(b) The nonresidential parent's schedule shall have priority over the residential parent's schedule. The parties shall exchange summer break schedules at least 30 days prior to the last day of school or no later than May 1<sup>st</sup>, whichever is earlier.

(c) Each parent must provide the other parent with his/her vacation destination and telephone number, where he/she can be reached, times of arrival and departure and method of travel.

(d) Subject to (a), the nonresidential parent shall be entitled to exercise overnight parenting time with the child(ren) on Tuesdays and Thursdays from 5:00 p.m. until 9:00 a.m. during the summer for child(ren) over the age of 30 months unless the child(ren) are on vacation away from home.

(e) Child support shall abate by one half for any period equal to two weeks or more that the child(ren) are with the nonresidential parent. The party claiming the abatement shall make the request yearly by December 31<sup>st</sup>.

**HOLIDAY PARENTING TIME**

<u>HOLIDAY</u>	<u>EVEN YEARS</u>	<u>ODD YEARS</u>	<u>DAYS/TIMES</u>
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1. Martin Luther King Day	father	mother	9:00 a.m. to 7:00 p.m.
2. President's Day	mother	father	9:00 a.m. to 7:00 p.m.
3. Easter Sunday	father	mother	9:00 a.m. to 7:00 p.m.
4. Spring Break*	father	mother	5:30 p.m. day school ends to 7:00 p.m. day before school begins
5. Memorial Day	mother	father	5:30 p.m. Friday preceding to Monday at 7:00 p.m.
6. Fourth of July	father	mother	5:30 p.m. 7/3 to 11:00 p.m. 7/4
7. Labor Day	mother	father	5:30 p.m. Friday preceding to Monday at 7:00 p.m.
8. Halloween	father	mother	4 hours on "trick or treat" day/night or in each neighborhood
9. Thanksgiving*	father	mother	5:30 p.m. Wed. to Fri. at 7:00 p.m.
	mother	father	7:00 p.m. Fri. to Sun. at 7:00 p.m.
10. Christmas Eve	father	mother	9:00 a.m. to 10:00 p.m.
11. Christmas Day	mother	father	10:00 p.m. 12/24 to 7:00 p.m. 12/25
12. New Year's Eve	father	mother	5:30 p.m. 12/31 to 7:00 p.m. 1/1
13. Winter break*	divide equally		

\* or as the parties may otherwise agree in writing

**DAYS OF SPECIAL MEANING**

- (1) Religious or ethnic holidays – alternate between the parties yearly, 9:00 a.m. to 7:00 p.m.
- (2) Mother's and Father's Day with respective parent, 9:00 a.m. to 7:00 p.m.
- (3) Children's birthdays with father in even-numbered years and mother in odd-numbered years, 5:00 p.m. to 8:00 p.m. All siblings to attend.
- (4) Parent's birthdays, 5:00 p.m. to 8:00 p.m.

**NOTIFICATION OF CHANGE OF RESIDENCE – O.R.C. §3109.051 (G)(1)**

Each parent shall keep the other parent notified of any change in address and/or telephone number. If the residential parent intends to move to a residence outside Portage County, he/she shall immediately file a Notice of Intent to Relocate with the Clerk of Courts and shall serve copies upon the Court, CSEA and the other parent. Notice shall be filed no less than 30 days prior to the anticipated relocation, unless otherwise previously agreed in writing by the parties or ordered by this Court. If the parties cannot by written agreement agree that the move is in the best interest of the child(ren), then either the residential parent or nonresidential parent shall file a motion and schedule a hearing to revise the companionship schedule prior to relocating.

**ACCESS TO RECORDS, DAY CARE AND ACTIVITIES – O.R.C. §3109.051 (H), (I), (J)**

Each party is entitled, under the same terms and conditions under which access is provided to the residential parent, to access:

- (1) any school, health or agency records or reports that are related to the child(ren);
- (2) any child day care center that the child(ren) attends; and

- (3) any student activity in which the child(ren) participate.

### **OTHER PROVISIONS**

- (1) This is the minimum schedule of parenting time. The nonresidential parent is entitled to any other parenting time as ordered by the Court or as the parties may agree.
- (2) Parenting time does not mean picking up the child(ren) and then leaving them with someone else, except for normal day care.
- (3) The child(ren) and the residential parent have no duty to wait for the other parent for more than 30 minutes of the agreed parenting time. A parent late more than 30 minutes shall forfeit that parenting time.
- (4) The party receiving the child(ren) shall bear the responsibility and costs of transportation unless otherwise agreed by the parties in writing or as determined by the Court.

(D) [Standard Out-of-State Parenting Time Schedule](#)

The best companionship schedule is that to which the parties may mutually agree. However, if the parties cannot agree, the Court designates the following schedule to ensure that the child(ren) will have frequent and consistent contact with the parents. Upon proper application, or at the Court's discretion, the Court may deviate from the schedule in the best interests of the child(ren). Holidays and other days of special meaning shall take precedence over the summer break schedule and the normal weekly schedule.

### **SUMMER BREAK**

- (1) **FOR CHILD(REN) 18 MONTHS TO 30 MONTHS**  
Two weeks parenting time for any child under age 30 months. Parenting time shall be taken in no longer than one-week segments.
- (2) **FOR CHILD(REN) 30 MONTHS AND OLDER**  
Six weeks parenting time each summer to be arranged pursuant to (c) below. Parenting time shall be exercised no more than two consecutive weeks at a time.
  - (a) Each parent is entitled to two weeks in a row each summer without interruption.
  - (b) The nonresidential parent's schedule shall have priority over the residential parent's schedule. The parties shall give written notice of the vacation schedule at least 30 days in advance or no later than May 1<sup>st</sup> of each year and the parties shall exchange their respective non-vacation summer schedules no later than May 15<sup>th</sup> of each year.
  - (c) Each parent must provide the other parent with his/her vacation destination and telephone number, where he/she can be reached, times of arrival and departure and method of travel.

- (d) Child support shall abate by one half for any period equal to two weeks or more that the children are with the nonresidential parent. The party claiming the abatement shall make the request yearly by December 31<sup>st</sup>.

**WEEKEND AND HOLIDAY PARENTING TIME**

The nonresidential parent shall have parenting time one weekend per month with seven (7) days advance notice. The nonresidential parent may elect to exercise his/her weekend parenting time to correspond with the Court’s Standard Out-of-State Holiday Parenting Time or Days of Special Meaning schedule. If he/she does not elect to exercise his/her weekend parenting time to correspond with the Court’s Standard Out-of-State Holiday Parenting Time or Days of Special Meaning schedule, he/she forfeits parenting time on the designated holiday/day of special meaning and shall exercise weekend parenting time on the third weekend of every month, unless otherwise agreed.

<b>HOLIDAY</b>	<b>EVEN YEARS</b>	<b>ODD YEARS</b>	<b>DAYS/TIMES</b>
1. Martin Luther King Day	father	mother	5:30 p.m. Friday preceding to Monday at 7:00 p.m.
2. President’s Day	mother	father	5:30 p.m. Friday preceding to Monday at 7:00 p.m.
3. Easter Sunday	father	mother	5:30 p.m. Friday preceding to Monday at 7:00 p.m..
4. Spring Break	father	mother	5:30 p.m. day school ends to 7:00 p.m. day before school begins
5. Memorial Day	mother	father	5:30 p.m. Friday preceding to Monday at 7:00 p.m.

<b>HOLIDAY</b>	<b>EVEN YEARS</b>	<b>ODD YEARS</b>	<b>DAYS/TIMES</b>
6. Fourth of July	father	mother	5:30 p.m. 7/3 to 11:00 p.m. 7/4
7. Labor Day	mother	father	5:30 p.m. Friday preceding to Monday at 7:00 p.m.
8. Thanksgiving*	father	mother	5:30 p.m. Wed. to Sun. at 7:00 p.m.
9. Christmas Eve/ Christmas Day/ Winter Break	mother	father	divide Winter Break equally each year with designated parent to have Christmas Eve and Christmas Day, until 12/26 at noon

**DAYS OF SPECIAL MEANING**

Mother’s and Father’s Day with respective parent, from 5:30 Friday preceding until Sunday at 7:00 p.m.

**NOTIFICATION OF CHANGE OF RESIDENCE – O.R.C. §3109.051 (G)(1)**

Each parent shall keep the other parent notified of any change in address and/or telephone number. If the residential parent intends to move to a residence outside Portage County, he/she shall immediately file a Notice of Intent to Relocate with the Clerk of Courts and

shall serve copies upon the Court, CSEA and the other parent. Notice shall be filed no less than 30 days prior to the anticipated relocation, unless otherwise previously agreed in writing by the parties or ordered by this Court. If the parties cannot by written agreement agree that the move is in the best interest of the child(ren), then either the residential parent or nonresidential parent shall file a motion and schedule a hearing to revise the companionship schedule prior to relocating.

**ACCESS TO RECORDS, DAY CARE AND ACTIVITIES – O.R.C. §3109.051 (H), (I), (J)**

Each party is entitled, under the same terms and conditions under which access is provided to the residential parent, to access:

- (1) any school, health or agency records or reports that are related to the child(ren);
- (2) any child day care center that the child(ren) attends; and
- (3) any student activity in which the child(ren) participate.

**OTHER PROVISIONS**

- (1) This is the minimum order of parenting time. The nonresidential parent is entitled to any other parenting time as the parties may agree or ordered by the Court.
  - (2) Parenting time does not mean picking the children up and then leaving them with someone else, except for normal day care.
  - (3) The Court recognizes that because of the distances involved and the expense of travel that a nonresidential parent may not be able to exercise all of the scheduled parenting time. The residential parent should be made aware of the inability to exercise parenting time.
- (E) Grandparent or Person Other than a Parent Companionship Schedule

Upon the filing of a motion and findings in compliance with O.R.C. §3109.051 (B) (1), the Court may grant companionship as deemed in the best interest of the child(ren).

**RULE 20: CHILD SUPPORT ENFORCEMENT AGENCY INFORMATION REQUESTS**

(A) All requests for child support or spousal support arrearage figures or any other information shall be made by a request on a form approved by CSEA or by subpoena.

(B) It is mandatory that all cases with minor children in the Portage County Domestic Relations Court shall include documentation that the parties have applied to CSEA for Title IV-D services concurrent with the initial filings for divorce, legal separation, annulment or dissolution, as well as post-decree motions. Hereafter, all Title IV-D eligible parties' hearings before this Court shall be continued on the Court's own motion until proof of compliance with this rule is provided to the Court.

**RULE 21: TRANSCRIPTS**

(A) A person requesting a transcript of the proceedings of a hearing from the Court Reporter shall present the Court Reporter with the Court's Praecipe. The Court Reporter shall sign the Praecipe and file it with the Clerk of Courts. The Court Reporter shall estimate the cost of the transcript and completion date and contact the person requesting the transcript. A deposit for the full estimated amount shall be paid within a period of ten (10) days unless other arrangements are made with the Court Reporter. The deposit must be paid before the transcript is typed. The person requesting the transcript shall pay any balance due and owing after the completion of the transcript in a timely manner. A refund shall be made for any overpayment of costs. No transcripts shall be filed or released until the balance, if any, due and owing is paid in full.

(B) The cost of a typed transcript is Four Dollars (\$4.00) per page for the original. Additional copies ordered of the same testimony or proceeding shall be provided at cost or, if available, in the form of an electronic copy which shall be provided free of charge. The cost and arrangements for a daily, overnight, accelerated or expedited transcript or other special services are at the discretion of the Court Reporter, if possible.

(C) Any attorney of record in any case or a *pro se* individual may arrange to hear the recording of a hearing by contacting the Court Reporter at (330) 297-3882. Arrangements to listen to proceedings that have been tape recorded shall be under the supervision of a Court staff person. There shall be no charge for listening to a recording of a hearing.

(D) Any Objections to a Magistrate's Decision or Motion to Set Aside a Magistrate's Order shall be accompanied by the filing of a [Praecipe](#) for a transcript within a period of five (5) days from the filing of the Objection/Motion. Without Court approval, the delay in filing a Praecipe for a transcript may be basis for the Court to rule on the Objections/Motion or dismiss the Objection/Motion at the Court's discretion within a period of ten (10) days after the filing of the Objection/Motion.

**RULE 22: NON-COMPLIANCE WITH RULES**

Failure to comply with local rules shall not serve as automatic basis for extension of any time requirements mandated by local rule, state law or rules of procedure.