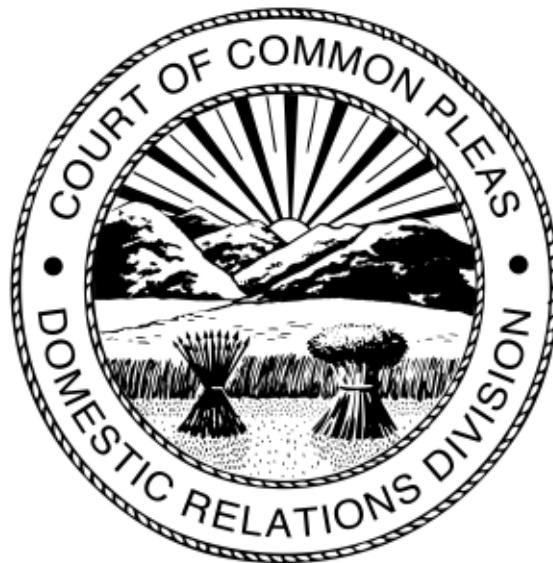


**MONTGOMERY COUNTY
DOMESTIC RELATIONS
COURT**

**LOCAL
RULES OF COURT**



**EFFECTIVE
JUNE 1, 2025**

RULES OF THE DOMESTIC RELATIONS DIVISION

Complete and Updated Through June 1, 2025

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RULE 1: GENERAL PROCEDURE AND PLEADINGS

1.1 ADOPTION, SCOPE AND CONSTRUCTION OF RULES

The Domestic Relations Division of the Common Pleas Court of Montgomery County, Ohio adopts the following Rules for the management of proceedings and other functions of the Court pursuant to Rule 5 of the Rules of Superintendence for the Courts of Ohio. The Court may amend these rules as needed or as required by law.

These Rules supplement and complement the Ohio Rules of Civil Procedure ("Civ. R."), the Rules of Superintendence for the Courts of Ohio ("Sup. R."), the Ohio Revised Code ("R.C.") and any other applicable authority.

These Rules shall be interpreted and applied to avoid inconsistency with other governing authorities. These Rules must be construed and applied to provide fairness and simplicity in procedure and to secure the just, expeditious and economical determination of all cases.

These Rules must be cited as "Mont. D.R. Rule X.X."

These Rules are effective June 1, 2025, and replace all previous rules issued by this Court.

These rules are available online at <https://drcourt.mcohio.org>

1.2 LICENSE TO PRACTICE LAW

Attorneys who practice in this Court must hold an Ohio Law License and be in good standing.

1.3 SELF-REPRESENTED PARTIES

Any pleading, motion or other filing signed by a Self-represented party must be submitted to the Domestic Relations Compliance Office prior to being filed to ensure compliance with the law and these Local Rules as to form and content.

1.4 PHOTOGRAPHING, RECORDING, AND BROADCASTING OF COURT PROCEEDINGS

Unauthorized photographing, making audio or video recordings, or live broadcasting by radio, television, or internet of a judicial proceeding, in a courtroom, or the court's lobby is prohibited.

Absent advance written permission by the Court, the bailiff or any authorized deputy sheriff, may impound any camera, recording, broadcasting and other related equipment, materials and paraphernalia when brought into the courtroom or the court's lobby in a manner that is contrary to this rule. Such impounded equipment will then be held by the Court subject to future action. Upon impoundment of such equipment, the Court will schedule an appropriate hearing at the earliest possible time. This rule does not apply to employees of the Court in reference to the use of official recording devices nor to recording devices used pursuant to the Supreme Court of Ohio Rules of Superintendence.

REQUEST FOR PERMISSION TO BROADCAST, TELEVISION, RECORD, STREAM OR PHOTOGRAPH PROCEEDINGS

- A. Request for permission to broadcast, televise, record, stream, or photograph proceedings in the courtroom must be made in writing to the Domestic Relations Legal Director as far in advance as reasonably practicable, at least 24 hours prior to the courtroom session to be broadcast, recorded, streamed, or photographed unless otherwise permitted by the Judge for good cause shown. Request forms may be obtained from the Legal Director.
- B. In the event of a continuance of the Court proceeding for a period of more than 30 days, a new media request may be required.

1.5 SUBMISSION OF PLEADINGS

DEFINITION OF TERMS

- 1. Document: A filing made with the Clerk in either electronic format or paper form, becoming the Court's official record.
- 2. Electronic Filing ("eFile"): The electronic transmission, acceptance, and processing of a filing. A submission consists of data, one or more documents, and images. This definition of eFile does not include facsimile or email.
- 3. Electronic Service ("eService"): The electronic transmission of an original document to all case participants who are registered users of the Court's eFile system via the eFile system. Upon the completion of any transmission to the eFile system, an electronic receipt must be issued to the sender acknowledging receipt by the eFile system.
- 4. Court Electronic Record: Any document that the Court receives in electronic form, including other documents created by parties or their counsel and filed by the Clerk in the Court's official docket. It does not include physical exhibits brought into the courtroom for the Court's consideration.

5. Clerk Review: A review of documents by the Clerk in accordance with Court rules, policies, procedures, and practice. The Clerk may review the data and documents electronically submitted to ensure compliance with Court rules, policies, procedures and practices before filing and creating a docket entry or before docketing the case.
6. System Error: When the Court's eFile system is not operational.
7. Public Access Terminal: A terminal located in the Clerk's office for use by the public during regular business hours. Users shall be charged for printed copies of documents at rates permitted by law.

A. ELECTRONICALLY FILED

Except as otherwise provided in subsection (J) of this Rule, all domestic relations cases, including all pleadings, motions, briefs, memoranda of law, deposition transcripts, transcripts of proceedings, orders or other documents, must be filed electronically through the Court's authorized electronic filing system ("eFile system"). The Court's authorized eFile system is appointed the agent of the Clerk for the purposes of filing, receipt, service and retrieval of electronic documents.

B. REGISTRATION IN eFILE SYSTEM

1. All counsel of record must register with the Court's eFile system to file, serve, receive, review, and retrieve copies of eFiled pleadings, orders and other documents in the case. Self-represented parties may, but are not required to, register with the Court's eFile system.
2. The Court must not accept or file any pleadings or instruments in paper form except as provided in subsection (J) of this Rule.

C. CONFIDENTIAL AND UNIQUE ELECTRONIC IDENTIFIER

1. The eFile system assigns a registered individual a confidential and unique electronic identifier that is used to file, serve, receive, review, and retrieve eFiled pleadings, orders, and other documents in the case.
2. Each person to whom a unique identifier has been assigned is responsible for the security and use of the identifier.
3. All eFiled documents are deemed to have been authorized by the party who is assigned the specific unique electronic identifier, unless the party proves otherwise by clear and convincing evidence.

D. OFFICIAL COURT RECORD

Documents eFiled pursuant to subsection (G) of this Rule and documents eFiled from paper format pursuant to subsection (J) of this Rule constitute the Official Court Record.

E. CASE QUESTIONNAIRE

The eFile system generates a Case Questionnaire Form based on the information provided when the initial pleadings are submitted. The party initiating a case must fully answer the questions at case initiation.

F. FORM & CONTENT OF DOCUMENTS

1. Case numbers

Divorces	-	20-- DR xxxxx
Legal Separations	-	20-- LS xxxxx
Annulments	-	20-- AN xxxxx
Dissolutions	-	20-- DM xxxxx
Domestic Violence	-	20-- DV xxxxx
UCCJEA Filings	-	20-- UJ xxxxx
Registration of Foreign Support Orders	-	20-- FSO xxxxx
Registration of Foreign Judgments	-	20-- OS xxxxx
Custody/Support (married) Cases	-	20-- CS xxxxx

2. Format: All pleadings, motions, briefs, and other documents submitted through eFiling must be formatted as follows:

- a. Typed or hand-printed, portrait 8 ½ x 11 inches not less than 11-point and not greater than 12-point regular type font, paginated sequentially.
- b. Filings prepared in a pleading format must reserve a blank space of at least 3 inches at the top of the first page for endorsements and must have appropriate side and bottom margins of not less than one inch.
- c. The caption in all pleadings, petitions, motions, briefs and other papers filed must state the name, address of all the parties, and must include a brief title identifying the purpose of the motion, the case number assigned, the Support Enforcement Tracking System ("SETS") number if assigned, the name of the assigned Judge, and the name of any assigned Magistrate. If any information is unknown, it should be noted in the appropriate place on the caption.
- d. Party Designations: The body of the document must clearly identify each party. The Court strongly encourages pleadings to refer to the parties as Husband/Wife or Mother/Father instead of Plaintiff/Defendant. For same-sex

- parties, please use the names of the parties.
- e. All documents submitted for filing must contain a distribution list to include both parties, attorneys (if any), Court's assignment office, bailiff, and if appropriate, the CSEA and assigned GAL.
 - f. Parties must not include external links in documents.
3. Document Format (".pdf" or ".doc")
- a. Except as provided in subsection (F)(2)(b) of this Rule, all eFiled documents, pleadings, and papers must be filed with the Clerk as a .pdf.
 - b. A proposed order, proposed entry, or document containing a notice of hearing must be submitted in Word [.doc] format and reference the specific motion to which it applies.
4. Size of eFiled Documents
- a. Individual documents included in a submission must not exceed 10 megabytes in size.
 - b. Any combination of documents eFiled in one submission must not exceed 30 megabytes in size.
5. Signatures
- a. Attorney/Filing Party Signature: eFiled documents that require the signature of the attorney or filing party must be signed with a conformed signature of "/s/ [name]," formatted as follows:
/s/Attorney Name
Attorney Name
Bar Number 1234567
Attorney for (Plaintiff/Defendant) XYZ Corporation
ABC Law Firm
Address
Telephone
Fax and/or E-mail address
 - b. Multiple Signatures: When a document requires two or more signatures, the filer must:
 - i. confirm that the content of the document is acceptable to all persons required to sign the document;
 - ii. indicate the agreement of other counsel or parties at the appropriate place in the document, usually on the signature line; and
 - iii. eFile the document, indicating the signatories, e.g., /s/ Jane Doe, /s/ John Smith.
 - c. Original Signatures: Documents requiring an original signature, such as an affidavit or other notarized documents, must be eFiled as a .pdf.

- i. The filer must maintain the signed document in their records and make it available for production upon request of the Court.
 - ii. The signed document must be maintained by the filer until the case is closed and the time for appeal has expired, or the appeals have been heard and all opportunities for post-judgment relief are exhausted.
 - d. Signature of Judge or Magistrate: eFiled documents may be signed by a Judge or Magistrate via a digitized image of his or her signature. All orders, decrees, judgments and other documents signed in this manner have the same force and effect as if the Judge or Magistrate had affixed his or her signature to a paper copy of the order and journalized it.
6. Clerk Administrative Costs
- Any decree or post-decree decision and judgment or agreed entry must designate which party must pay administrative costs. In the event costs are to be shared, percentages are to be identified for each named party. The provision allocating administrative costs must require payment upon filing, unless otherwise provided by the Court, and must direct payment to the Clerk of Courts, Domestic Relations Division, 41 N. Perry Street, Dayton, OH 45422.
7. Final Appealable Orders
- Any decree or post-decree decision and judgment or agreed entry must contain the following language at the end of the document:

NOTICE OF FINAL APPEALABLE ORDER

Copies of foregoing order, which may be a final appealable order, must be served upon the parties by the Clerk in a manner prescribed by Civ.R. 5(B) within three days of entering this judgment upon the journal. The Clerk must then note the service in the appearance docket pursuant to Civ.R. 58(B). Service must then be deemed complete.

G. TIME, EFFECT AND PROCESS OF eFILING

- 1. Submission: Any filing may be eFiled with the Clerk 24 hours a day, 7 days a week.
- 2. Receipt: Upon receipt, the Court's eFile system must issue a confirmation that the submission has been received. The confirmation must include the date and time of receipt.
- 3. Clerk Review: After clerk review, a filer will receive notification from the Clerk that the submission has been either accepted or rejected.
 - a. If the submission is rejected, the document does not become part of the Court record, and the filer is required to resubmit the document to comply with the requirements. The resubmitted document then receives a new submission date and time.
 - b. If the submission is accepted, the document is docketed and filed.

4. Official Time Stamp: Upon acceptance, the submission is filed and receives an electronic stamp, which includes the date and time that the filer submitted the document, as well as the unique confirmation number of the filing.
5. System Errors: If a submission is not received by the Court because of a System Error, the Court may, upon satisfactory proof, enter an order permitting the document to be filed *nunc pro tunc* to the date it was submitted.

H. SERVICE

1. Instructions for Service: For all documents that require service by the Clerk or documents for which a party is requesting that service be made by the Clerk, Instructions for Service must be filed as a separate document.
2. Service Date and Time to Respond or Act:
 - a. For Self-Represented parties who are registered users of the Court's eFile system and counsel of record, service must be deemed complete at the time the Notification of Electronic Filing is generated by the Court's eFile system. Documents filed after 5:00 p.m. local time must be served on the next business day.
 - b. The time to respond to the served documents or perform any right, duty, or act is strictly governed by the Civil Rules.
Self-Represented parties who are not registered users of the Court's eFile system and who are served by regular U.S. mail receive a three-day extension of time to respond or perform any right, duty, or act.
Parties and counsel of record served via Notification of Electronic Filing **are not entitled to the three-day extension.**
3. Failure of Notification of Electronic Filing: If the eFile system fails to generate the Notification of Electronic Filing, the party to be served may be entitled to an order extending the date for any response or the period within which any right, duty or act must be performed.
4. Service by Publication: If service is to be by publication, the clerk must post notice in the clerk's office, Montgomery County Juvenile Court building and in the County Administration Building.
5. Required Personal Service
 - a. Personal service must be attempted for the initial filing of a Petition for Domestic or Dating Violence Civil Protection Order pursuant to Civ. R. 65.1
 - b. Personal service is required for Ex Parte Orders and Motion and Notice of Hearing for Emergency Modification of Parental Rights and Responsibilities and Parenting Time.
6. Special Process Servers
Process Servers are governed by Civ. R. 4. Parties may submit a motion and proposed entry requesting a one-time appointment or a continuing appointment for special process server.

I. PERSONAL AND PRIVATE INFORMATION IN DOCUMENTS FILED WITH THE CLERK

1. Definition: Personal and private information includes, but is not limited to, Social Security numbers, financial account numbers, information protected by law from public disclosure, and driver's license or other personal identification numbers.
2. Exclusion: The filer must not include personal and private information in any document filed with the Court unless it is necessary and relevant to the case.
3. Redaction: If personal and private information is necessary and must be included in a document, the filer must redact the personal and private information from the document in the following manner:
 - a. For Social Security numbers, financial account numbers, and drivers' license or other personal identification numbers, all but the last four digits of the number must be redacted.
 - b. For any other personal or private information, the information must be replaced with [REDACTED].
4. Responsible Party: The filer is responsible for redacting personal and private information. The Clerk will not review each document for compliance with this Rule; however, the Clerk may refuse to accept any document that contains personal and private information that has not been redacted or submitted in accordance with this Rule.

J. EXCEPTIONS TO eFILING

Self-represented parties who are not registered users of the Court's eFile system may submit documents in paper form with the Clerk in person, by U.S. Mail, or by using the Clerk's Public Access Terminal, to be scanned and uploaded to the eFiling system by the Clerk. Documents submitted in accordance with this Rule are deemed filed and part of the Court's Official Record.

1.6 FILING SEALED AND *IN CAMERA* DOCUMENTS

A. SEALED DOCUMENTS

1. Motion
 - a. The Clerk must not accept any document to be filed under seal unless a motion has been made and approved by the Court.
 - b. The motion and proposed order must designate the requested level of access.
 - c. Any documents that are petitioned to be filed under seal must not be attached to the motion, as the motion will not be sealed.

2. Levels of Access

a. No Remote Access by Public

- i. Access to the docket and documents via the Clerk's Public Records Online ("PRO") and the Court's eFile system is limited to Judge, Court staff, Clerk staff, parties, and counsel of record.
- ii. Public access to documents will be available only through the Clerk's office during regular business hours.
- iii. The public may not access the docket through PRO.

b. No Remote or Direct Access by Public

- i. Access to documents via PRO and the Court's eFile system is limited to Judges, Court staff, Clerk staff, parties, and counsel of record.
- ii. No public access to documents through the Clerk's office or through PRO.

c. Judicial Access Only

- i. The documents will be limited to judicial access only. No access to documents is permitted by Court staff, Clerk staff, parties, counsel of record, or the public. The documents will be limited to judicial access only.
- ii. Only the docket will be available through the Court's eFile system and the PRO system. The documents must be filed with the Clerk, secured in a sealed envelope, with the face of the envelope containing the case caption, a descriptive title of the document (unless such information has been included among the information sealed), the date of the order permitting the item to be sealed, and a conspicuous notation stating "DOCUMENTS UNDER SEAL – JUDICIAL ACCESS ONLY."
- iii. The Clerk must file stamp the face of the envelope, enter on the docket that the document was filed under seal with "Judicial Access Only," and retain the envelope in the Clerk's office.
- iv. The Court's eFile system must send a notice that a document with "Judicial Access Only" was filed. The filer must notify Self-Represented parties not registered with the Court's eFile system that a document with "Judicial Access Only" was filed.
- v. The filer is required to serve paper copies of the sealed document on all parties in the case.

B. IN CAMERA DOCUMENTS

1. Unless otherwise ordered by the assigned Judge/Magistrate, documents submitted for *in camera* review must be submitted directly to the assigned Judge/Magistrate and not filed with the Clerk.
2. If the assigned Judge orders that documents submitted for *in camera* review be filed with the Clerk, the filer must follow the procedures set forth in subsection (A) of this Rule.

1.7 REMOTE TESTIMONY

Testimony will be completed in open court under oath. In the event “good cause and compelling circumstances” prevent a party and/or witness from testifying in person, the Court may permit testimony from a different/remote location. The Court will identify and control the audiovisual technology to be used.

- A. A motion for remote testimony must be made by the requesting party or witness at least 30 days prior to the hearing. The motion must be supported by an affidavit explaining the good cause and compelling circumstances which prevent in-person testimony. If the Court approves, it will issue its own order with instructions;
- B. The person testifying will appear remotely in accordance with the Court’s order;
- C. The party/witness seeking the remote testimony will be responsible for the audiovisual means of receiving and transmitting the witness’ presence and testimony, and any cost incurred;
- D. The party/witness will verify his/her identity by presentation of a valid government ID;
- E. The party/witness will provide verification that no other person is present to assist his or her testimony;
- F. Exhibits to be used by either party must be marked and exchanged between counsel at least 21 days before the scheduled hearing and must be provided to the party/witness appearing remotely at least 7 days before the hearing;
- G. The witness will dress, speak, and act appropriately as if he or she is physically in the courtroom.
- H. The party seeking the remote testimony will be available for a possible testing of the audiovisual technology prior to the scheduled hearing.

1.8 DISCOVERY PROCEDURES

- A. Intent of Local Rule. It is the intent of this rule to encourage prompt and complete discovery and to avoid the Court’s involvement in this process.
- B. Filings Pertaining to Discovery. Depositions, interrogatories, requests for documents, requests for admission, answers and responses must not be filed unless ordered by the Court.

- C. **Motions for Protective Order.** A motion for protective order must be filed at least 14 days prior to the date on which response to a discovery request is due or the date of a scheduled deposition, unless it can be shown that it was not possible to file such a motion within such time period. The motion must state, specifically, the basis for the protective order and must state clearly on its face the date on which a response to the discovery request is due or the date of a scheduled deposition. A proposed order must be submitted.
- D. **Mandatory Disclosure.** Each party has the affirmative duty to disclose to the other party the following information and documents:
1. All pension and profit-sharing plans including the most recent plan summary;
 2. All COBRA benefits to which the other party may be entitled;
 3. Copies of all real estate deeds, vehicle titles and registration, unless already in the possession of the other party;
 4. All appraisals of real estate, personal property and any business property in which the party holds an interest;
 5. Copies of the last 3 years' individual tax returns, unless already in the possession of the other party;
 6. Documentary proof of current income from all sources; and
 7. Copies of the most recent statements on all bank accounts, IRAs, stock accounts, cryptocurrency accounts, mortgages, credit card accounts, and other debts.
- E. **Disclosure Deadline.** Each party must make full disclosure at least 7 days prior to the pretrial conference, unless otherwise ordered by the Court.
- F. **Authentication.** No objection as to the authentication of any document will be considered when:
1. That document was provided to opposing counsel at least 14 days before the hearing; unless
 2. The party opposing introduction of the document into evidence files a written objection to the authentication of that document at least 7 days before the hearing, setting forth the particular legal objection raised.

1.9 FINANCIAL DISCLOSURE AFFIDAVIT REQUIREMENTS

Required Filing. The Court's approved Affidavit of Financial Disclosure [Appendix, Form 1] must be submitted to the Court as required by this rule. All Affidavits of Financial Disclosure must be complete and provide detailed disclosure under oath. Incomplete affidavits may not be considered by the Court. Each party is under an affirmative duty to supplement any Affidavit of Financial Disclosure immediately upon any material change in employment, income, expenses or other information included in the affidavit.

The Supreme Court of Ohio has authorized the use of their Affidavit of Income and Expenses. If a party elects to use this form, and the party is requesting a temporary custody or support order, the party must also file a separate motion for a temporary order.

1. Divorce, Legal Separation, Annulment: All Complaints for Divorce, Legal Separation, or Annulment must be accompanied by an Affidavit of Financial Disclosure, with the plaintiff sending a copy to the defendant. All defendants must file an Affidavit of Financial Disclosure within 14 days of service of summons or with any Answer or Counterclaim if one has not already been filed and must serve a copy on the plaintiff.
2. Dissolutions of Marriage: In petitions for Dissolutions of Marriage, each party must file an Affidavit of Financial Disclosure contemporaneously with the petition.
3. Domestic Violence: In Domestic Violence cases, where support is requested, the petitioner must file an Affidavit of Financial Disclosure which must be sent to the respondent. The respondent must file an Affidavit of Financial Disclosure within 14 days of service of summons, or 3 days prior to the next scheduled hearing, whichever is earlier.
4. Post-Decree Motions: In all post-decree motions involving support, the moving party must file an Affidavit of Financial Disclosure and serve it on the non-moving party with the motion. The non-moving party must file an Affidavit of Financial Disclosure within 14 days of service of summons, or 3 days prior to the next hearing, whichever is earlier, and send a copy of the Affidavit of Financial Disclosure to the moving party if they are Self-represented.

1.10 TRANSCRIPTS AND EXHIBITS (OBJECTIONS/APPEALS)

- A. Ordering Copy. If a party intends to object or appeal a decision or judgment, that party must provide a transcript of the proceedings. The party must file a praecipe with the Clerk of Courts for the transcript on the same date as the filing of an objection or a notice of appeal. Within 14 days of the filing of praecipe, the party must pay the court reporter for the cost of the transcript. The cost for preparation of the original transcript is hereby set at \$5.00 per page, payable to the court reporter. Request for an expedited original transcript is \$7.25 per page, payable to the court reporter. The Court Reporter assigned will notify the party of the deposit amount required. Once completed, the original transcript will be filed with the Clerk of Courts as part of the official record. The requesting party will be provided a copy of the transcript.

Once an original transcript is prepared, an electronic copy may be obtained at no cost.

In objection proceedings, if the deposit is not received within 14 days, the court reporter must notify the assigned Judge who may proceed to rule upon the objections.

- B. Filing. All original transcripts must be filed by the court reporter with the Clerk of Courts and become part of the official record of the case. The court reporter must immediately notify both parties, or their counsel, and the Court that a transcript has been filed. The ordering party will pay for the original transcript as outlined above.
- C. Exhibits. The cost of the transcript does not include a copy of the exhibits. Parties desiring a copy of the exhibits must contact the Court to determine how to obtain copies at their own expense. Exhibits will be held for a period of 1 year from the date of the final entry or judgment in the case. Parties desiring return of exhibits should make application to the Court within the one-year period. All exhibits, court reporter notes, and electronic recordings will be destroyed after a 5-year time period, unless otherwise ordered by the Court.

1.11 OBTAINING A COPY OF RECORDED HEARING

Copies of audio recorded hearings are available at a cost of \$5.00 per hearing for electronic delivery and \$5.00 per disc, if a CD is ordered, payable to the Clerk of Courts.

1.12 DISMISSAL OF PENDING ACTION UPON DEATH OF A PARTY

Upon the death of a party to a pending divorce, dissolution, legal separation or annulment or post-decree action, the case will be dismissed by filing an Entry and Order of Dismissal Upon Death of a Party which is signed by the Judge, and must include the following:

1. Date of the filing of the pending proceeding with an assertion that the case has not been finalized;
2. An attached certified copy of the death certificate or if a death certificate is not available, such other suggestion of death as may be approved by the Court; and
3. Appropriate language dismissing the proceeding and vacating any temporary orders therein.

No service or hearing is required in this proceeding.

1.13 COURT APPOINTMENTS

- A. Maintenance of Master Lists. The Court will maintain separate lists of persons who may be appointed as attorneys. Appointees will be added to each list upon their request and a demonstration to the Court that they possess the requisite skill, expertise and any necessary licensure under these rules and under the laws and regulations of the State of Ohio.
- B. Selection. The Court must select an appointee from the list using a rotary system to ensure an equitable distribution. The Court shall also consider the type of hearing and the appointee's qualifications and current caseload in its selection.
- C. Review. Each list and the selection procedures will be reviewed by the Judges and staff annually to ensure that all potential appointees continue to meet the established qualifications and that an equitable distribution is being made.

1.14 AWARD OF ATTORNEY FEES

- A. Reasonable Attorney Fee. Absent evidence to the contrary, the following must be considered a *prima facie* reasonable attorney fee: up to \$500.00 per hearing conducted or prepared for, in modification and enforcement proceedings; and up to \$1,000.00 in divorce, legal separation, annulment, appeal, and custody proceedings.
- B. Award to Party Only. Any attorney fee award made by this Court must be entered in favor of a party litigant and not directly in favor of a party's attorney. Self-represented parties are not eligible for an award of attorney fees.

RULE 2: CLERK ADMINISTRATIVE FEES, COURT COSTS, COURT COPIES AND SPECIAL FEES

2.1 FILING FEE

- A. No civil action or proceeding must be accepted for filing unless the filing party deposits security for costs. For a list of current filing fees, please see: <https://www.montgomerycountyclerkoh.gov/FilingCostsFees.cshtml>
- B. If the party is unable to pay the deposit, then they may file a Poverty Affidavit which is available at: [https://cms2.revize.com/revize/montgomerycountyclerkoh/documents%20and%20forms/Miscellaneous/Poverty Affidavit 4 2016%203%20inch.pdf](https://cms2.revize.com/revize/montgomerycountyclerkoh/documents%20and%20forms/Miscellaneous/Poverty%20Affidavit%204%202016%203%20inch.pdf)

2.2 COURT LEGAL RESEARCH/COMPUTERIZATION FEE

- A. Pursuant to R.C. 2303.201(A)(1), the Court has determined that, for the efficient operation of the Court, additional funds are necessary to computerize the Court and to obtain legal research services.
- B. As authorized under R.C. 2303.201(A)(1), the Clerk shall charge an additional fee of \$6.00 on the filing of each cause of action or appeal under divisions (A), (Q), and (U) of R.C. 2303.20.
- C. All fees collected pursuant to this subsection must be used for procuring and maintaining computerization of the Court and computerized legal research services.
- D. All fees collected pursuant to this subsection must be paid to the Montgomery County Treasurer ("Treasurer"), who must place the funds from the fee in a separate fund to be disbursed upon an order of the Court.

2.3 CLERK COMPUTERIZATION/TECHNOLOGY ADVANCE FEE

- A. Pursuant to R.C. 2303.201(B)(1), the Court has determined that, for the efficient operation of the Court, additional funds are necessary to make technological advances in order to computerize the office of the Clerk.
- B. As authorized under R.C. 2303.201(B)(1), the Clerk shall charge an additional fee of \$20.00 on the filing of each cause of action or appeal.
- C. All fees collected pursuant to this subsection must be used for procuring and maintaining technology and computer systems for the office of the Clerk.
- D. All fees collected pursuant to this subsection must be paid to the Treasurer, who must place the funds from the fees in a separate fund to be disbursed upon an order of the Court.

2.4 ADDITIONAL FEES

A. Electronic Filing and Storage of Case Records Fee

- 1. Pursuant to R.C. 2303.201(E)(1), the Court has determined that, for the efficient operations of the Court, additional funds are necessary to pay for the costs of eFiling and storage of case records and related materials.
- 2. As authorized under R.C. 2303.201(E)(1), the Clerk shall charge, in addition to all other costs, a fee of \$35.00 on the filing of each action or proceeding.
- 3. All fees collected pursuant to this subsection must be used for special projects related to eFiling and storage of case records and related materials.

4. All fees collected pursuant to this subsection must be paid to the Treasurer, who must place the funds from the fee in a separate eFiling fund to be disbursed upon an order of the Court.

B. Special Project Fee

1. Pursuant to R.C. 2303.201(E)(1), the Court has determined that, for the efficient operations of the Court, additional funds are necessary to acquire and pay for special projects (mediation) of the Court.
2. As authorized under R.C. 2303.201(E)(1), the Clerk shall charge, in addition to all other costs, \$25.00 at the time of filing.
3. All fees collected pursuant to this subsection must be used for mediation related expenses consistent with R.C. 2303.201(E)(1).
4. All fees collected pursuant to this subsection must be paid to the Treasurer, who must place the funds from the fee in a separate general special project fund to be disbursed upon an order of the Court.

C. Domestic Parent Education Seminar Fee

1. Pursuant to R.C. 2303.201(E)(1), the Court has determined that, for the efficient operations of the Court, additional funds are necessary to acquire and pay for special projects (domestic parent education seminar) of the Court.
2. As authorized under R.C. 2303.201(E)(1), the Clerk shall charge, in addition to all other costs, \$10.00 at the time of filing.
3. All fees collected pursuant to this subsection must be used for domestic parent education seminar related expenses consistent with R.C. 2303.201(E)(1).
4. All fees collected pursuant to this subsection must be paid to the Treasurer, who must place the funds from the fee in a separate general special project fund to be disbursed upon an order of the Court.

D. Domestic Family Services Fee

1. Pursuant to R.C. 2303.201(E)(1), the Court has determined that, for the efficient operations of the Court, additional funds are necessary to acquire and pay for special projects (domestic family services) of the Court.
2. As authorized under R.C. 2303.201(E)(1), the Clerk shall charge, in addition to all other costs, a fee up to \$50.00 on the filing of each action or proceeding.
3. All fees collected pursuant to this subsection must be used for domestic family services related expenses consistent with R.C. 2303.201(E)(1).

4. All fees collected pursuant to this subsection must be paid to the Treasurer, who must place the funds from the fee in a separate general special project fund to be disbursed upon an order of the Court.

E. Domestic Relations Family Investigation Fee

1. Pursuant to R.C. 2303.201(E)(1), the Court has determined that, for the efficient operations of the Court, additional funds are necessary to acquire and pay for special projects (domestic relations family investigation) of the Court.
2. As authorized under R.C. 2303.201(E)(1), the Clerk shall charge, in addition to all other costs, an amount to be determined by the Court when applicable
3. All fees collected pursuant to this subsection must be used for domestic relations family investigation related expenses consistent with R.C. 2303.201(E)(1).
4. All fees collected pursuant to this subsection must be paid to the Treasurer, who must place the funds from the fee in a separate general special project fund to be disbursed upon an order of the Court.

RULE 3. CASE MANAGEMENT AND CASE PROCEDURE

3.1 ASSIGNMENT OF DOMESTIC RELATIONS CASES

Judges: All initial filings must be randomly assigned to a Judge by the Clerk's eFiling System. All cases previously filed between the same parties, including any previously dismissed cases and domestic violence cases, must be assigned to the previously assigned Judge. Thereafter, full responsibility for that case rests with the assigned Judge, whose last name must appear in the caption of all filings under the case number. The random assignment must be modified periodically to ensure the equitable distribution of cases between the Judges.

Magistrates: Pursuant to Civ. R. 53, the Court may refer matters to a Magistrate. If the case or a motion is heard by a Magistrate, that Magistrate will continue to be the assigned Magistrate on all subsequent matters heard by a Magistrate. The Magistrate's last name, in addition to the assigned Judge's name, must appear in the caption of all filings under the case number. A Magistrate may be reassigned on any case at the discretion of the assigned Judge.

3.2 INITIAL PROCEDURES FOR DIVORCE, LEGAL SEPARATION & ANNULMENT CASES

- A. When service is perfected, a scheduling order setting a date certain for the non-contested hearing will be sent to the attorney(s) of record and/or Self-represented parties.

- B. Upon the filing of a responsive pleading, the case will be redesignated a contested action and the non-contested hearing date vacated.
- C. A scheduling order for the pretrial conference will be sent to all counsel of record and Self-represented parties not less than 14 days prior to the conference. Counsel attending the pretrial conference must have authority to stipulate to items of evidence and must have full settlement authority. The Court may file a pretrial order including all stipulations, admissions, and other matters which have come before it in the pretrial.

3.3 PROCEDURES FOR DISSOLUTIONS

- A. Upon the filing of a Petition for Dissolution together with the Separation Agreement in which all matters are settled, the Assignment Office will schedule a final hearing no sooner than 30 days, no later than 90 days from the date of filing.
- B. Both parties **MUST** attend the hearing. If there are minor children, both parties are required to complete a parenting seminar, e.g. "Helping Children Succeed After Divorce" before the final hearing.
- C. Any amendment(s) to the original Separation Agreement must be included in the decree. Failure to do so may result in resetting the hearing or dismissal of the case. Do not submit a new Separation Agreement. The proposed decree must be submitted to the Court through eFiling at least 14 days prior to the final dissolution hearing.
- D. All Final Decrees and Final Decrees of Shared Parenting which involve child or spousal support or where dependent health insurance is ordered for children must be reviewed by the Domestic Relations Compliance Office, who will prepare all necessary notices to income providers and/or health care orders.

3.4 EX PARTE CUSTODY AND PARENTING TIME ISSUES

Ex parte orders of custody or parenting time are only issued in emergency circumstances and, where practicable, only by the assigned Judge. The party requesting an *ex parte* order must make a good faith effort to provide adverse parties, either opposing counsel or Self-represented parties with notice of the motion.

The movant is required to submit a proposed order granting the *ex parte* motion. If the Court grants the *ex parte* motion, the Assignment Office will prepare a Notice of Hearing. Service of the Motion and Notice of Hearing must first be attempted by personal service, and if unsuccessful, then served according to law. Failure to obtain timely service may result in an *ex parte* order being vacated.

Any motions which are granted will be scheduled for a hearing on the merits within 10 calendar days of the filing date.

3.5 PROCEDURE FOR PRE- AND POST-DECREE MOTIONS

A. Multi-Branch Motions

A party seeking multiple relief, e.g., contempt for child support, contempt for failure to pay medical expenses, modification of child support, and modification of parenting time, etc., must set forth each individual claim in separate enumerated branches. The caption must identify all relief being sought.

Motions for Relief from Judgment or Order under Civ. R. 60(A), 60(B) and R.C. 3119.961 must be filed separately and must not be included in any multi-branch motion.

B. Motions to Show Cause/Contempt Motions

1. Content of Motion. A Motion to Show Cause, supported by an affidavit signed by the filing party, must clearly state:
 - a. Each provision of a prior court order with which the party has failed to comply;
 - b. The date of the prior order; and
 - c. The facts regarding the claim of noncompliance.
2. Order to Show Cause: A proposed order to show cause must be submitted with the Notice of Possible Sanctions (Notice of Rights) [Appendix, Forms 2 & 3].
3. An Attachment for Contempt for failure to appear as ordered will not issue unless the party against whom the motion is filed is personally served with the Motion for Contempt and/or given actual notice of the hearing date.
4. Medical Bills or Other Support Obligations. When the motion alleges nonpayment of medical/dental/psychological bills, the movant must bring to the hearing an itemization of the bills/any insurance coverage/payments using Form 4 from the Appendix.
5. Indigent Respondents Contempt Cases only. In any case in which a party is subject to incarceration, they may be entitled to legal representation. Individuals will be referred to the public defender on all cases brought by the Montgomery County Support Enforcement Agency. In cases filed by private counsel, the Court may appoint counsel for an indigent party upon his or her request. Individuals for whom counsel is appointed are required to complete the Financial Disclosure/Affidavit of Indigency form prescribed by the Ohio Public Defender Commission. [Appendix, Form 5] Final determination of indigency will be made by the Court.

C. Motions to Modify Child or Spousal Support

1. A Motion to Modify an existing child or spousal support order must identify if the motion is requesting an increase or decrease of support. All motions requesting modification must be accompanied by an updated Affidavit of Financial Disclosure [Appendix, Form 1].
2. The moving party must file an Application for Child Support Services [Appendix, Form 6] unless the moving party filed one within the last 12 months.
3. The opposing party must file a completed Affidavit of Financial Disclosure prior to the hearing.
4. At the hearing, both parties are required to verify their current and past incomes by bringing copies of appropriate documents, including, but not limited to, paystubs, employer statements, receipts and expense vouchers related to Self-generated income, last three years of tax returns, and all supporting documentation and schedules for the tax returns.

D. Motions to Reallocate Parental Rights and Responsibilities (Change of Custody)

Any motion requesting a reallocation of parental rights and responsibilities must set forth the name and date of birth of the child(ren) for whom the motion is being made. All motions seeking to reallocate parental rights and responsibilities must be accompanied by an Affidavit of Financial Disclosure [Appendix, Form 1], a Parenting Proceeding Affidavit [Appendix, Form 7] and Application for Child Support Services [Appendix, Form 6] unless the moving party filed one within the last 12 months.

E. Motions to Modify Parenting Time

Any motion requesting a modification of the parenting time schedule must set forth requested changes and the reasons for the changes. If the request to modify is based upon the relocation of either party, then the motion must also indicate where the relocating party is moving. The motion must be accompanied by a Parenting Proceeding Affidavit [Appendix, Form 7].

F. Counter-Motions

A party served with a motion may file a counter-motion, unless the motion was initiated by the CSEA.

3.6 CONTINUANCES

- A. For good cause shown, a hearing may be continued by written motion only upon the authorization of the assigned Judge or Magistrate. All motions to continue a hearing must be accompanied by a separate (Proposed) Entry Granting Motion for Continuance.
- B. The requesting party or counsel must timely notify all parties and witnesses if the continuance is granted.
- C. Contents of the Motion and Proposed Entry.

1. The Motion must include the following information:

The [name of party filing motion] requests a continuance of the hearing scheduled for [date of hearing] on the following motion(s) [title and file date of motion(s)] because [reason for continuance]. Opposing party/counsel was contacted on [date] and [does or does not] object to the continuance. There have been [number] prior continuances granted in this matter [detail when and by whom, if appropriate].

2. The Proposed Entry must include the following language:

A Motion for Continuance of the hearing scheduled for [date of hearing] was filed by [party requesting continuance] on the following motion(s) [title and file date of all motion(s)].

Said Motion is well taken.

IT IS THEREFORE ORDERED that said Motion for Continuance is GRANTED. Any and all ex parte orders must remain in full force and effect pending hearing.

The Court's Assignment Office will contact counsel and/or parties to set the next hearing date and a Notice of Hearing will follow.

Clerk administrative fees continued.

- The service list must include the Assignment Office along with other parties and counsel to get a copy.
 - When submitting the Proposed Entry Granting Continuance into eFiling, use the docket code: **DRORGCN**/Entry Granting Continuance (Proposed).
3. If the motion is denied by the assigned Judge or Magistrate, the Court will file an Entry Denying Continuance.

3.7 DISMISSAL OF DIVORCE, ANNULMENT, LEGAL SEPARATION CASES

If a party dismisses the Complaint or Counterclaim for Divorce, Legal Separation or Annulment, that party must include an order to terminate any withholding notice on a temporary order and vacate any restraining order that may have been filed.

If a party dismisses the Complaint or Counterclaim for Divorce, Legal Separation or Annulment, or dismisses a Dissolution, that party must include in their dismissal any facts concerning whether the parties were previously part of a CS case in this Court.

3.8 DOMESTIC VIOLENCE AND DATING VIOLENCE ACTIONS

A. Procedure:

1. An individual (petitioner) seeking a Domestic Violence Civil Protection Order must initiate the proceeding by answering questions via computers available at the Court during business hours or online through the Montgomery County Clerk of Courts' eFile system. The system uses the petitioner's answers to complete the appropriate pleadings. Petitioners who complete their petition online are required to come to court to complete the process during business hours. The requirements are detailed online.
2. There are no administrative fees charged for the filing of a Petition of Domestic Violence.
3. If child and/or spousal support is sought, an Affidavit of Financial Disclosure must be filed with the Court and the petitioner must prepare and file an Application for Child Support Services [Appendix, Form 6].
4. An *ex parte* hearing will be conducted before a Magistrate or Judge on the same day as the filing of the petition. At that time, a full hearing on the merits will be scheduled pursuant to statute. The *ex parte* civil protection order remains in effect for one year or until further order of the Court.
5. A victim advocate is permitted to accompany the petitioner or respondent during the *ex parte* or full hearing.
6. The petitioner must provide the current address of the respondent in order to attempt service. Personal service must be ordered through the Montgomery County Sheriff's Office or any other law enforcement agency.
7. In cases involving a request for temporary child and/or spousal support, the respondent must submit to the Court an Affidavit of Financial Disclosure no later than 3 days prior to the full hearing.

B. For good cause shown, the Court may issue an amended Ex Parte Civil Protection Order.

C. Dismissals: Any motion for dismissal requires an in person hearing on the record. The moving party must be present.

RULE 4: CONTESTED DIVORCE/ANNULMENT/LEGAL SEPARATION

4.1 TEMPORARY RESTRAINING ORDERS

A. Temporary Restraining Orders. *Ex parte* temporary restraining orders may be requested by either party at the time of or after the filing of a divorce, annulment, or legal separation case. These requests must be made by separate motion supported by an affidavit of the party. The party requesting the *Ex parte* temporary restraining orders must submit a proposed order which includes only the following (as appropriate):

1. Abuse: Plaintiff/Defendant is hereby restrained from abusing, annoying, harassing, molesting, threatening or injuring plaintiff/defendant and the minor child(ren).
2. Removal of Children: Plaintiff/Defendant is hereby restrained from removing the minor child(ren) from the State of Ohio, except temporarily (14 days or less) for vacation.
3. Property: Plaintiff/Defendant is hereby restrained from damaging, moving, selling, giving away, transferring, disposing of, or encumbering any existing or later-acquired interest of either party in any real or personal property, with the intent to permanently deprive, except plaintiff/defendant's clothing, tools of trade, and personal effects.
4. Vehicle: Plaintiff/Defendant is hereby restrained from interfering with plaintiff/defendant's use of the vehicle currently used primarily by the plaintiff/defendant.
5. Funds & Businesses: Plaintiff/Defendant is hereby restrained from selling, giving away, withdrawing, transferring, or encumbering any funds, cryptocurrency, account, share, stock, bond, or other existing or later-acquired interest of either party in any asset, business, corporation, partnership, employer, pension fund, bank, trust, or financial institution.
6. Debts: Plaintiff/Defendant is hereby restrained from incurring any debt or making any credit card purchase in plaintiff/defendant's name or on any joint account.
7. Utilities: Plaintiff/Defendant is hereby restrained from terminating, modifying or changing the basic utility service (gas, electric, water, phone and trash) to the marital premises.
8. Insurance: Plaintiff/Defendant is hereby restrained from terminating, modifying, or changing the beneficiaries of any life, health, automobile, or other insurance policy covering any party or minor child(ren), or otherwise violating R.C. 3105.71.
9. Return to Premises: Plaintiff/Defendant, who has been voluntarily absent from the marital premises for the past 30 consecutive days, is hereby restrained from re-entering the marital premises.

10. Third Parties: A third-party defendant is hereby restrained from permitting plaintiff/defendant to remove, sell, withdraw, transfer, or encumber any existing or later-acquired asset, real estate, vehicle, funds, account, share, stock, bond, or other interest of either party.

B. All other requests for temporary restraining orders must be set for hearing with notice to opposing counsel and/or to Self-represented adverse parties.

C. Amending or Terminating Temporary Restraining Orders. A party against whom an *ex parte* temporary restraining order was issued may file a motion, supported by an affidavit, requesting that the order be amended or terminated. In the absence of agreement of the parties as to the terms and conditions, the matter must be set for hearing. The posting of a bond is within the discretion of the Court upon motion by a restrained party.

4.2 TEMPORARY ORDERS

If requested on an Affidavit of Financial Disclosure or upon written motion, no sooner than 14 days after service of the complaint is perfected, the Court will review the parties' Affidavit(s) and may issue a Temporary Order regarding custody, parenting time, child support, spousal support, etc. pursuant to Civil Rule 75(N).

Parties using the Ohio Supreme Court affidavit must file a separate motion for an award of temporary orders.

If the Court has issued a support order under a custody/support (married) case (CS) for the same parents/children as the divorce, legal separation, or annulment case, then the Court may transfer that support order to the divorce, legal separation, or annulment case preserving any arrears or overpayments as a temporary order. If the divorce, legal separation, or annulment case is dismissed prior to a decree being filed, the Court may transfer the support order back to the custody/support (married) case preserving any arrears or overpayments.

Upon motion and for good cause shown, a notice to withhold temporary support may be issued without hearing.

4.3 INTERIM ATTORNEY FEE AWARD

Upon motion, interim attorney fees may be awarded without a hearing as the Court deems necessary and equitable.

4.4 EXPENSES OF SUIT

Upon motion and affidavit and without a hearing, the Court may make an order for payment of a party's expenses of suit, including appraisals, business or personal property valuations, DNA testing, psychological evaluations, GAL reports, FRD investigations, mediation, or any other extraordinary pre-decree expense.

4.5 ORAL HEARINGS ON TEMPORARY ORDER

- A. Request for Oral Hearings: Pursuant to Civ. R. 75 (N)(2) an oral hearing may be requested after the filing of a Temporary Order.
- B. Temporary Custody: It is the intent of a temporary custody order to provide stability for the children during the pendency of the proceedings. In appropriate circumstances, the Court may make an order for the allocation of physical living arrangements in lieu of an order for temporary custody. This allocation must not be interpreted or captioned as a shared parenting order.
- C. Inaccurate Affidavits: If a Temporary Order is filed based upon false or misleading information placed in the affidavit by the party, then the Court may modify the Temporary Order retroactively to correct the misrepresentation at any time prior to the filing of the decree. If an oral hearing results from a deliberate, material misrepresentation in an affidavit, an award of attorney fees may be made against the party making the misrepresentation.

4.6 DIVISION OF PERSONAL PROPERTY

Marital household goods, furniture, furnishings, appliances, tools, and other tangible personal property must be divided as agreed by the parties. If the parties are unable to agree, personal property must be divided as follows:

- A. Personal items. Each party must be awarded those items brought into the marriage, personally inherited or received as an individual gift. Each party must also be awarded his/her own books, papers, creations, mementos, jewelry, family heirlooms and other personal possessions. Any family photos, home videos, music collections and similar items must be equally divided between the parties by agreement or duplicated with each party paying one half of the cost of duplication.
- B. Children's items. If there are minor children, all furniture, clothing and toys primarily used by the children, plus any clothes washer and dryer, must be retained by the residential parent.

- C. Remaining personal property. The remaining household goods, furniture, furnishings, appliances, tools and other tangible personal property must be divided as the parties may agree. If the parties cannot reach an agreement, the parties must select one of the following two options:
 - 1. The parties must flip a coin with the winner having first choice of one item, the loser having second choice, and the parties alternating selections until all items in dispute are divided.
 - 2. All disputed items must be appraised with the cost of appraisal to be shared equally by the parties; the plaintiff must have the first option to keep all disputed items by purchasing defendant's one-half interest at one half the total appraised value; upon plaintiff's refusal, defendant must have the same option.
- D. The Court may appoint a neutral third party to assist in the division of household goods by alternate selection if deemed necessary. Cost of the service must be divided equally between the parties.

4.7 FILING OF FINAL JUDGMENTS, DECREES, AND ORDERS

- A. Non-contested matters. Self-represented parties must submit a proposed Final Judgment and Decree to the Compliance Office at least 21 days prior to the non-contested hearing. Attorneys must submit their proposed decrees through eFiling 14 days prior to the hearing for all non-contested divorces, legal separations and annulments.
- B. Contested matters. When the advance preparation of a Final Judgment and Decree is not possible because of contested issues, the Court may direct either party or counsel to prepare the decree following the final hearing.
 - 1. Unless otherwise directed by the Court, counsel for plaintiff must present a proposed decree to opposing party or counsel in accordance with the Court's order.
 - 2. Opposing party or counsel must have 3 days to approve or reject the proposed decree. In the event the proposed decree is rejected, the opposing party or counsel must notify the other party or counsel immediately in writing of his or her objections.
 - 3. Failure of opposing party or counsel to approve or reject any proposed decree will permit the party who prepared the decree to present it for Court approval through eFiling.
 - 4. Failure to timely submit a decree in accordance with this rule may result in the issuance of a citation of contempt to counsel or dismissal of the case.

- C. All decrees and decrees of shared parenting which involve child or spousal support or where dependent health insurance is ordered for children are reviewed by the Domestic Relations Compliance Office, who will prepare all necessary notices to income providers and/or health care orders.
- D. If the final hearing is before a Magistrate, the Magistrate's name must be listed in the caption of the decree. Both the assigned Judge and the Magistrate must sign the decree.
- E. Failure to file the final decree may result in the Court issuing a Notice of Potential Dismissal. The case may be dismissed if the decree is not filed within the time frame designated by the assigned Judge.

4.8 RESTORATION OF NAME

A party requesting restoration of a former name must submit, within 12 months after the final hearing, a separate proposed entry setting forth the party's complete name before and after the requested change, the party's date of birth, and current address.

4.9 DIVISION OF PENSIONS

A. Qualified Domestic Relations Order (QDRO)

Unless otherwise ordered by the assigned Judge, the participant in a pension or retirement plan ordered to be divided by a court order must cause a Qualified Domestic Relations Order (or other appropriate order) to be prepared for submission to the Court within 90 days of any Final Judgment and Decree.

Upon notice from the pension plan administrator that the submitted QDRO does not conform to their requirements, the person who prepared the original QDRO must revise the QDRO to conform with the plan administrator's requirements and resubmit within 45 days.

B. Division Of Property Order (DOPO)

The division of retirement benefits for members of the Ohio Public Employees Retirement System (OPERS), State Teachers Retirement System (STRS), School Employees Retirement System (SERS), Ohio Police and Fire Pension Fund (OP&F), and Ohio Highway Patrol Retirement System (HPRS) must conform with the requirements of each agency's respective administrative rules.

Unless otherwise ordered by the assigned Judge, the participant in these pension or retirement plans must cause a Division of Property Order (or other appropriate order) to be prepared for submission to the Court within 90 days of any Final Judgment and Decree.

Specific retirement information and forms may be found for the respective agencies on the Internet at www.opers.org; www.strsoh.org; www.ohsers.org; www.op-f.org and www.ohprs.org.

C. Survivor Benefits

Survivor benefits must be addressed in the decree or separation agreement.

RULE 5: CASES WITH MINOR/DEPENDENT CHILDREN

5.1 QUALIFIED MEDICAL CHILD SUPPORT ORDER (QMCSO)

In all cases involving an employer provided group health plan(s), a Dependent Health Care Order/Qualified Medical Child Support Order (DHCO/QMCSO) must be issued identifying medical, dental, optical and other health benefits, if any are available, as well as listing the child(ren) of the parties who must be designated as the "Alternate Recipients." The parties must provide the Court with all necessary information to allow the issuance of DHCO/QMCSO.

The DHCO/QMCSO must apply to any and all successor group health plan(s) and must continue for that period during which the Alternate Recipients is a dependent.

5.2 GUARDIAN AD LITEM

- A. Appointment. In any case in which the allocation of parental rights and responsibilities is to be determined, the Court in its discretion, or upon motion of either party, may appoint a Guardian ad Litem ("GAL") for the child/children. If the parties cannot agree, the assigned Judge or Magistrate shall select the GAL. In any case where a GAL was previously appointed, absent good cause, that GAL must be reappointed.
- B. Fees. The appointed GAL is entitled to compensation for services up to \$2,000.00 per case unless higher fees are approved by the assigned Judge or Magistrate. Unless ordered otherwise, the party requesting the appointment is responsible for the advance deposit of the \$2,000.00 to the GAL. The Court retains jurisdiction to reallocate the fees at a later hearing.
- C. Report. The appointed GAL will prepare a written report in accordance with Sup.R. 48.06.

- D. Parties who are represented by legal counsel may receive a copy of the GAL report from their attorney. Self-represented parties will receive a copy of the report directly from the GAL. No party may share or disclose the contents of the report with anyone else without advance written approval from the Court.
- E. The GAL report shall be accepted into evidence as the GAL's direct testimony, and he or she may be subject to cross-examination by either party. If either party intends to call the GAL as a witness, such party must subpoena the GAL at least 7 days prior to trial. Unless subpoenaed, the GAL is not required to appear. The party issuing a subpoena to the GAL may be responsible for paying the fee for the GAL's appearance unless otherwise ordered by the Court. If both parties issue a subpoena and additional fees are ordered for the appearance, then the parties shall equally pay the GAL's appearance fee.
- F. Any comments or complaints regarding the performance of a GAL appointed under this rule shall be in writing and shall be addressed to the Court Administrator.

A copy of the comments or complaints submitted to the Court shall be provided to the GAL who is the subject of the complaint or comment. The Court Administrator will forward any comments or complaints to the Judge for consideration and appropriate action. The Court Administrator shall maintain a written record in the GAL's file regarding the nature and disposition of any comment or complaint and shall notify the person making the comment or complaint and the subject GAL of the disposition.

5.3 FAMILY RELATIONS DEPARTMENT

- A. In any case in which the allocation of parental rights and responsibilities or parenting time is to be determined, the Court, or upon motion of either party, may appoint the Family Relations Department to prepare a Family Investigation Report.
- B. The cost for the Family Investigation Report is \$1,000.00, and a deposit may be required upon referral. The Judge or Magistrate will order the allocation of fees and may order the fee as court costs.
- C. The report, including the investigator's findings and recommendations, is provided to Self-represented parties and/or to the counsel of record at least 7 days before trial. No party may share or disclose the contents of the report with anyone else without advance written approval from the Court.

- D. The Family Investigation Report shall be accepted into evidence as the Investigator's direct testimony, and he or she may be subject to cross-examination by either party. If either party intends to call the Investigator as a witness, such party must subpoena the Investigator at least 7 days prior to trial. Unless subpoenaed, the Investigator is not required to appear.

5.4 PSYCHOLOGICAL OR PSYCHIATRIC EVALUATIONS

- A. Appointment. The Court may appoint a psychologist or psychiatrist to conduct an evaluation on the issues of custody and/or parenting time in order to assist the Court in the determination of the allocation of parental rights. The Court will allocate the costs of the evaluation between the parties.
- B. Report. The psychologist or psychiatrist will provide the Court with the original written report and recommendations at least 14 days prior to the hearing unless otherwise ordered. Copies of the report shall be provided to counsel for each party, and/or a Self-represented party. The report must be accepted into evidence as the psychologist's or psychiatrist's direct testimony. The report must not be submitted to the Clerk of Courts for filing. No party may share or disclose the contents of the report with anyone else without advance written approval from the Court.
- C. A party desiring to cross-examine the evaluator shall arrange for the psychologist's or psychiatrist's appearance and is responsible for paying the fee for that appearance.

5.5 INTERVIEW OF CHILD BY THE COURT

The transcript of the child's interview must be sealed and not available to any party or attorney without a court order.

5.6 PARENTING SEMINAR

- A. All parents of minor children in divorce, legal separation, annulment, or dissolution actions are required to attend the Court's parenting seminar, "Helping Children Succeed after Divorce." This requirement may be waived for good cause shown.
- B. Out-of-state parties may fulfill the requirement by attending and completing a similar parenting seminar available in their state. Pre-approval must be obtained by the Court.

- C. The action may not proceed to the final hearing until both parties have completed the parenting seminar. Non-compliance by a parent who enters no appearance and does not contest the action will not delay the final hearing but may result in the suspension of their parenting time.
- D. Seminar attendance may also be ordered by the Court in post-decree motions concerning parenting issues.

5.7 SHARED PARENTING

- A. Shared parenting may only be awarded between legal parents.
- B. **Temporary Orders.** There must be no award of temporary shared parenting in either pre-decree or post-decree actions.
- C. **Dissolution. Joint Request for Shared Parenting.** The joint request for Shared Parenting and Shared Parenting Plan must be filed with the Petition for Dissolution and Separation Agreement. If approved, a Final Decree of Shared Parenting will be granted at the same time as the Decree of Dissolution is filed.
- D. **Divorce. Pre-Decree Joint Request for Shared Parenting.** The parties are required to prepare a Final Judgment and Decree of Divorce, a Petition for Shared Parenting with a Shared Parenting Plan, and a separate Final Decree of Shared Parenting. The Final Shared Parenting Decree should contain a waiver of the 30-day statutory waiting period, if necessary, so that the decrees may be filed at the same time.
- E. **Pre-Decree Separate Request(s) for Shared Parenting.** When either party requests shared parenting and submits a separate plan to the Court, the matter will be scheduled as a contested custody case.
- F. **Post-Decree Joint Requests for Shared Parenting.** When a post-decree joint Request for Shared Parenting with a joint plan is filed, a hearing before a Magistrate will be scheduled. If approved, the Magistrate will prepare a Final Decree of Shared Parenting.
- G. **Post-Decree Joint Requests for Shared Parenting (Settlement).** When a post-decree contested custody motion is settled by an agreement to submit a joint shared parenting plan, the Magistrate may reset the hearing to provide for the filing of the request and shared parenting plan.

- H. **Post-Decree Separate Request(s) for Shared Parenting.** When either party requests shared parenting and submits a separate plan to the Court, the matter will be scheduled as a contested custody case.
- I. **Agreed Modifications of Existing Shared Parenting Plan.** An Agreed Entry presented to the Court to modify some terms of a prior Shared Parenting Plan will be processed in the same manner as other agreed entries. If the entry modifies support or health care, it must be submitted to the Court's Compliance Office with all necessary documents. A hearing on the Agreed Entry is not required.
- J. **Motions to Modify Existing Shared Parenting Plan.** When a party wishes to modify an existing Shared Parenting Plan, a motion must be filed and a hearing scheduled.

5.8 EMANCIPATION PROCEEDINGS

- A. The Court adopts the date of June 8 in the year a child graduates from high school after reaching 18 years of age as the presumed date of emancipation, unless otherwise specified by the decree.
- B. The Court shall send a notice to both parties stating the Court's intention to emancipate the child and either party may respond as to why the emancipation should not proceed. If there is good cause under the law not to emancipate the child, the child will not be emancipated at that time. Either party may request a Mistake of Fact Hearing concerning the emancipation.
- C. Upon emancipation, the Court will schedule a hearing to review child support for any remaining minor children of the parties.

5.9 PROCEDURES UPON DEATH OF RESIDENTIAL PARENT

Upon the death of a residential parent, parental rights of the parties' minor child(ren) may be awarded to the surviving parent by filing a proposed Entry and Order of Custody Upon Death of a Party [Appendix, Form 8], which must include the following:

- A. The date of the orders awarding parental rights, the names and dates of birth of the children, the amount of the last child support ordered, and the date of death of the residential parent;
- B. An assertion there is no other parenting proceeding pending in any court;
- C. An attached certified copy of the death certificate or if a death certificate is not available such other suggestion of death, as may be approved by the Court; and

- D. Appropriate language awarding parental rights, suspending child support, addressing arrearages if any, wage withholding termination notices and an order for payment of administration fees.
- E. No service or hearing is required in this proceeding.

RULE 6: REQUIRED LANGUAGE & FORMS

DECREES, SEPARATION AGREEMENTS, SHARED PARENTING PLANS, & AGREED ENTRIES

6.1 GENERAL

Titled Sections: Decrees, Separation Agreements, Shared Parenting Plans, and multiple issue Agreed Entries must identify the content of each section with appropriate titles, e.g., **Spousal Support, Allocation of Parental Rights and Responsibilities, Health Insurance Coverage, Child Support, Parenting Time Schedule, Real Estate, Pension/Retirement, Debt Allocation, Personal Property.**

6.2 REAL ESTATE

Decrees and Separation Agreements involving real estate must contain a complete legal description of all real estate.

6.3 CHILD SUPPORT PROVISIONS MUST CONTAIN THE FOLLOWING:

- A. A monthly support amount including child support per month per child rounded to the nearest cent, cash medical support per month per child rounded to the nearest cent, and processing fee with the Child Support Computation Worksheet attached to the order;
 - B. Effective date of the support obligation;
 - C. If an arrearage exists, the amount of monthly repayment, until paid in full;
 - D. If the parties agree to continue child support beyond age 19;
 - E. A statement that support may be terminated as provided by Ohio law;
 - F. Designation of parent who may claim child(ren) as dependent and/or credit for federal income tax purposes; and
 - G. The parents' life insurance benefits, if any, for the benefit of the children must be included.
- ❖ This Court's Standard Order of Parenting Time has been determined to **provide 90 overnights** per year to the non-residential parent for purposes of the child support calculation;

6.4 SPOUSAL SUPPORT PROVISIONS MUST PROVIDE THE FOLLOWING:

- A. Monthly amount;
- B. Effective date of the support obligation;
- C. Duration of the obligation;
- D. Grounds for termination; *e.g.*, death of either party, remarriage of obligee, cohabitation under Ohio law, or other agreed upon grounds;
- E. If an arrearage exists, the amount of monthly repayment, until paid in full; and
- F. An unambiguous statement that the court will or will not have continuing jurisdiction to modify spousal support as to amount, duration or both.

6.5 AN EXAMPLE OF SUPPORT LANGUAGE

Effective [date], [name of obligor] is ordered to pay:

\$ 470.00	Child support of \$235 per month per child for 2 children
\$82.00	Cash medical support of \$41 per month per child for 2 children
\$25.00	Child support arrearage per month
\$450.00	Spousal support per month
\$0.00	Spousal support arrearage per month
\$1,027.00	Total support and arrearage repay obligation per month
+20.54	2% processing fee on support & arrearage repay obligations
\$1,047.54	Total monthly obligation with fee

6.6 METHOD OF SUPPORT PAYMENT

- A. Child support payments or spousal support payments made in combination with child support payments must be made through the Office of Child Support, Ohio Child Support Payment Central (OCSPC), P.O. Box 182394, Columbus, OH 43218-2394 by cash, certified check, or money order until such time as said amounts are withheld by the withholding notice.
- B. When only spousal support is ordered, the parties may, by agreement and with the Court's permission, waive payment of the spousal support through the Ohio Child Support Payment Central (OCSPC). The parties must provide an independent record of payments, such as electronic transfers, automatic bank withdrawals or other method approved by the Court.

6.7 WITHHOLDING NOTICE LANGUAGE

Decrees and Agreed Entries must provide for the appropriate Notice to Withhold as required under the Revised Code and must identify the source of the withholding as follows:

- Name and address of employer or
- Name and address of financial institution and last 4 digits of the account from which the support obligation is paid.

6.8 HEALTH CARE AND MEDICAL EXPENSES PROVISIONS

Decrees, Separation Agreements, Shared Parenting Plans, and Agreed Entries related to children must contain a provision that one or both of the parties must provide health care coverage for any minor child. The child support obligee is rebuttably presumed to be the appropriate parent to provide health care coverage for the children subject to the child support order. The order must specify that the obligee must provide the health care coverage unless rebutted under R.C. 3119.30(B)(1). If health care coverage is not available to either party at a reasonable cost, a provision must be included requiring that the obligee obtain health care coverage for the children not later than thirty days after it becomes available to the obligee at a reasonable cost, and to inform the child support enforcement agency when health care coverage for the children has been obtained.

A. Use one of the following options:

1. Health Care Coverage is Provided by a Party's Insurance

IT IS THEREFORE ORDERED that [pick one: name of party or both parties] must obtain private health care coverage for the dependent children, if coverage is available at a reasonable cost.

Health care orders must contain the following:

- Party designation with the health care coverage;
- Name and address of employer; and/or
- Name and address of health care insurance provider (medical, dental and optical).

2. Neither party has health care coverage available for a reasonable cost

THE COURT FINDS no health care coverage for dependent children is available at a reasonable cost. The child support obligee is rebuttably presumed to be the appropriate parent to provide health insurance coverage for the children subject to the child support order. The obligee must provide health care coverage unless it is not available at a reasonable cost.

B. Additional required health insurance language

Each parent is responsible for a cash medical support obligation to be applied towards ordinary medical expenses (copayments and deductibles, and uninsured medical-related costs) for the children of the order. The cash medical support obligation is \$510.21 per child per year. The obligor's share of the cash medical support obligation is included in the total monthly child support order.

Once the obligee pays \$510.21 per child per year (ordinary medical expenses), any additional uninsured medical expenses for that child are extraordinary medical expenses. Extraordinary medical expenses are to be paid by the parents in amounts equal to the parents' income share found on Line 17 of the Child Support Computation Worksheet: Obligor/[name] __% and Obligee/[name] __%.

If health care coverage is not available at a reasonable cost, the Court orders that public health care will satisfy this coverage requirement.

IT IS FURTHER ORDERED if, after the issuance of this order, group health care coverage becomes available for the dependent children at a reasonable cost through a plan offered by either parties' employer or through any other group health insurance plan available to a party, said party must enroll the children in that plan within 30 days of it becoming available and immediately notify the Montgomery County Support Enforcement Agency, 1111 S. Edwin C. Moses Blvd., P.O. Box 8744, Dayton, Ohio 45422, in writing of the available insurance, company name, address, and policy number. If the obligor requires a modified court order to enroll the children, the obligor must seek such modification through the Court or the Montgomery County Support Enforcement Agency.

IT IS FURTHER ORDERED that the parties must take notice of the Standard Order of Health Care Needs for Dependent Children which is attached and incorporated by reference.

6.9 PARENTAGE

If the issue of a child's parentage has been raised by either party, the decree must reflect the appropriate finding of paternity or non-paternity. The decree must identify the child by name and date of birth and must indicate whether the child was born during or prior to the marriage and how parentage has been determined, e.g., genetic testing, agreement, acknowledgment, adoption, or prior marriage. The decree must direct the Ohio Department of Health to create a corrected birth record. [See Appendix, Form 9]

6.10 PARENTING TIME

The parties with minor children must address parenting time. Using "parenting time must be as agreed between the parties" may not be done without prior Court approval.

When parents are unable to develop their own parenting time schedule, the Court will order the parties to use this Court's Standard Order of Parenting Time.

All parenting time orders that do not attach and incorporate the Standard Order of Parenting Time must include the following language:

Out-of-state relocation: Neither party must relocate the children out of state without first obtaining a modified parenting time order. The parties may submit an agreed entry modifying parenting time to the Court. The entry must include a provision for allocation of transportation expenses. If the parents are unable to agree, the relocating parent must, prior to relocation, 1) file a motion to modify the parenting time schedule, 2) obtain a hearing date, and 3) proceed in accordance with the resultant court order.

Access to Records: The non-residential parent must have access to the same records, school activities and any day-care center which the children attend on the same basis that access is available to the residential parent, unless a restrictive order has been obtained from the Court.

Notice of Change of Address: Both parents must provide written notice to the other parent immediately upon any change of address or change of phone number, unless a restrictive order has been obtained. A copy of the notice, including the parties' names and case number, must be provided to the Domestic Relations Court, 301 W. Third Street, Second Floor, Dayton, OH 45422-2160, Attention: Assignment Commissioner.

6.11 REQUIRED FORMS FOR PARENTING ORDERS

- A. The following forms must be attached to all Decrees, Shared Parenting Plans, Separation Agreements, or Agreed Entries, as appropriate:
1. **Child Support Computation Worksheet**, long form, signed by the preparer, which must separately reflect the child support, cash medical, and processing fee plus the total of these and must match the child support Order. The Child Support Computation Worksheet is an electronic form and can be completed at the Court on one of the public computers during business hours. If a party chooses to complete the worksheet at another location, the party must verify the worksheet conforms to the current law.
 2. **Standard Order of Parenting Time**; [Appendix, Form 10]
 3. **Standard Order of Health Care Needs for Dependent Children**; [Appendix, Form 11]
 4. **Obligee's Rights and Remedies for Enforcement of Support** (submit for both child and spousal support cases). [Appendix, Form 12]
 5. **Mandatory Support Language** [Appendix, Form 13]
- B. The **Montgomery County CSEA New Case Number Work Sheet** must be submitted with all Decrees and Agreed Entries that include child or spousal support [Appendix, Form 14]

RULE 7: DISPUTE RESOLUTION

7.1 CONCILIATION

If the request for conciliation occurs prior to filing an action, the spouse may contact the Family Relations Department by phone or in person for an appointment during regular business hours. During the pendency of a case, either or both parties may file a Motion for Conciliation. If the spouses do not elect to find a counselor in the community, counseling can be scheduled with the Family Relations Department at the Court.

Conciliation proceedings stay the final hearing of the case until the process is completed, or 90 days, whichever occurs first. A Motion for Conciliation does not stay any Temporary Order or its enforcement. Conciliation may only be granted for one 90-day period.

7.2 MEDIATION

The Court incorporates by reference, R.C. 2710 "Uniform Mediation Act" (UMA), R.C. 3109.052 Mediation of Differences as to Allocation of Parental Rights and Responsibilities, and Rule 16 of the Supreme Court of Ohio Rules of Superintendence.

A. Definitions

All definitions found in the "Uniform Mediation Act" (UMA) R.C. 2710.01 are adopted by this Court through this local rule.

1. Referral Process. The Court, on its own motion, or the motion of any of the parties, may refer disputed issues pending before the Court to mediation by an "Order Scheduling Mediation" which must indicate the date, time, and place of the mediation. All parties and counsel must advise the assigned Judge or Magistrate of any domestic violence allegations involving the parties.
2. Eligibility of Cases. The Mediation Services Department will determine the eligibility of each referral or motion and may decline any referral deemed inappropriate. The Court must not mediate a Domestic Violence case.

3. Party/Non-Party Participation

- a. The Mediation Services Department will determine who is necessary to participate in a mediation.
- b. In the event an attorney wishes to participate, he or she will notify the Mediation Services Department and opposing counsel and/or Self-represented party.

B. 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 the award of attorney's fees and other costs, contempt or other appropriate sanctions at the discretion of the assigned Judge or Magistrate.

RULE 8: SPECIAL ACCOMMODATIONS

8.1 AMERICANS WITH DISABILITIES ACT

Individuals with disabilities or special needs should make requests for reasonable accommodations to the Court Operations Specialist at (937) 224-8734 at least 10 days before any scheduled hearing so that appropriate arrangements can be made.

Service animals are permitted to be present in the public areas and courtrooms in the Domestic Relations Court in compliance with the Americans with Disabilities Act (ADA). **Service animals are defined as dogs that are individually trained to do work or perform tasks for people with disabilities.** Service animals are working animals, not pets. The work or task a dog has been trained to provide must be directly related to the person's disability. Dogs whose sole function is to provide comfort or emotional support do not qualify as service animals under the ADA.

8.2 INTERPRETER SERVICES

Limited English proficient (LEP), deaf or hard of hearing individuals who need the services of a court interpreter should make requests to the court's Language Access Coordinator at (937) 225-5819 at least 10 days prior to any scheduled hearing so that arrangements can be made.

If the interpreter service is no longer required or if the parties continue the hearing, the parties must immediately notify the Court's Language Access Coordinator in order to cancel or reschedule the service. Failure to provide notification of a cancelled or continued hearing may result in an assessment of the cancellation fee

for the interpreter service. Only court-appointed interpreters are used in court proceedings.

In any case that involves an interpreter, the party requesting a continuance of a hearing or dismissing the case must also email the Court Operations/Interpreter Services at Interpreter@mcoho.org.

8.3 SERVICEMEMBERS CIVIL RELIEF ACT

In any action or proceeding commenced in this Court against an unrepresented party who is a member of the military service, the Court may appoint an attorney to advise that party pursuant to the Servicemembers Civil Relief Act of 1940, 50 USC 501, et seq. as amended, and may set a fee for the attorney's services. The Court may stay the proceedings pending the military member's availability for trial. During that stay, the military member will be ordered to cooperate in all discovery procedures and to notify the Court upon his/her return. (See, 50 U.S.C. 521). The military member will be advised of the right to obtain counsel and will be directed to file any motion or responsive pleading with respect to jurisdiction or any other issues. In any case in which child support payments are owed by a military member, the Court may require that individual to make an allotment from his/her pay and allowances for such support. 42 U.S.C. 665(a).

APPENDIX

Forms:

1. [Affidavit of Financial Disclosure](#)
2. [Order To Show Cause](#)
3. [Notice of Rights & Possible Sanctions \(Contempt Proceedings\)](#)
4. [Explanation of Health Care Bills/Health Care Reimbursement Form](#)
5. [Financial Disclosure/Affidavit of Indigency](#)
6. [Application for Child Support Services \(JFS 07076\)](#)
7. [Parenting Proceeding Affidavit](#)
8. [Entry and Order of Custody Upon Death of Party](#)
9. [Determination of Paternity \(HEA 3029\)](#)
10. [Standard Order of Parenting Time \(effective April 1, 2024\)](#)
11. [Standard Order of Health Care Needs for Dependent Children](#)
12. [Obligee's Rights and Remedies for Enforcement of Support](#)
13. [Mandatory Support Order Language](#)
14. [Montgomery County CSEA New Case Number Work Sheet](#)