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Donna M Sullivan
CLERK

RULE 18

DOMESTIC CASES

18.01 FORM

Unless otherwise provided herein, all pleadings, motions, and other filings shall comply in form and content with the Ohio Rules of Civil Procedure, the Rules of Superintendence of the Supreme Court of Ohio and the Local Rules of this Court as set forth below:

(A) Caption: All Complaints, Petitions, Answers, Counterclaims, and Decrees shall state the names and addresses of both parties. Personal identification information such as social security numbers and the identification of children shall not be included in any captions.

(B) Subsequent Petition Captions: In cases commenced by petition, the subsequent captions shall remain the caption of the original petition. Parties shall be designated by their names or as "Mother" and "Father" or "Husband" and "Wife" in the body of subsequent pleadings in cases involving children.

(C) Paper Size: All Pleadings, Motions and Orders shall be typewritten in 12 point font printed on 8½" x 11" paper.

(D) Attorney Identification: All Pleadings, Motions and Orders shall include the name of the attorney, the firm name, if any, office address, office telephone number, fax number, if any, e-mail address if any, and the attorney's Ohio Supreme Court Number.

(E) Content of Motions: All motions shall state with particularity the grounds therefore, the relief or order sought and shall identify any prior Order(s) at issue.

(F) Separate Documents: All Separation Agreements and Shared Parenting Plans filed with the Court must be submitted as a separate document styled as a "Separation Agreement" or "Shared Parenting Plan" and not included in the body of the pleadings.

(G) Personal Identifiers: All case documents shall omit personal identifiers in accordance with Rule 45 of the Ohio Rules of Superintendence. It is the responsibility of litigants to ensure compliance, not the Court or Clerk of Court.

18.02 INITIAL FILINGS

All Complaints for Divorce, Answers and Counterclaims shall be accompanied by the following court forms which shall be filed with the Clerk of Court and served upon the opposing party or parties. Even if no responsive pleading is filed, a party shall file each form or affidavit as directed below. The most recent versions of the court forms are available on the Court's website which may be found at <https://www.unioncountyohio.gov/localrules>.

(A) Classification Form.

(B) Affidavit of Income, Expenses and Financial Disclosure (Uniform Domestic Relations Form-Affidavit 1). Three most recent pay stubs shall be attached with all personal income information including social security and employee identification numbers redacted.

(C) Affidavit of Property (Uniform Domestic Relations Form-Affidavit 2).

(D) Parenting Proceeding Affidavit (Uniform Domestic Relations Form-Affidavit 3). The Parenting Affidavit only needs to be filed if there is a minor child of the parties.

(E) Health Insurance Affidavit (Uniform Domestic Relations Form-Affidavit 4). In any complaint for Divorce or Legal Separation involving a minor child, any complaint for custody, support, paternity, or motion for the establishment or modification of support or motion for health insurance coverage, or answer or counterclaim thereto, the pleading shall be accompanied by a completed Health Insurance Affidavit.

(F) IV-D Application. The application shall be fully completed, signed by the party and separately filed with the Agency at the Clerk of Court only in cases where child or spousal support is being sought. Counsel or a pro se party shall file certification with the Clerk that the IV-D application has been filed with the Agency.

(G) Union County Supplemental Information Disclosure Form (UCD1). This form must be included with any initial filing of a divorce or dissolution proceeding, as well as any reopening of a divorce or dissolution matter.

18.021 MUTUAL RESTRAINING ORDER

In each domestic relations case filed in this Court, there shall be issued and served a copy of the restraining order, found as " Exhibit D " herein at such time as the Complaint is issued and served. The Plaintiff or Petitioners, by virtue of initially filing a domestic relations case in this Court, shall be deemed to be aware of and acquiesce to the provisions of the restraining order. Each Plaintiff shall be provided a copy of the order by their attorney. Pro Se litigants shall be provided a copy by the Clerk of Court.

18.022 REQUEST FOR EXCLUSIVE USE OF MARITAL RESIDENCE

Motions to vacate premises shall state with specificity the reasons for the motion and shall be supported by an affidavit of the moving party setting forth the facts on which the motion is based. The motion shall be set for a hearing ordinarily along with other requests for temporary orders. No motion to vacate premises shall be granted *ex-parte*. If circumstances warrant, a party can be ordered to vacate the premises on an *ex-parte* basis pursuant to a domestic violence action as provided in *R.C. § 3113.31*. Motions to vacate premises may be granted if the movant establishes that the opposing party:

- (1) attempted to cause or recklessly caused bodily injury by acts of physical violence;
- (2) placed a party, by threat of force, in fear of imminent serious physical harm;
- (3) committed any act with respect to a child that would result in the child being an abused child as defined in *R.C. § 2151.031*;
- (4) engages in conduct or creates an environment which causes or is likely to cause severe emotional and/or mental stress to the spouse and/or minor children of the parties as defined in *R.C. § 3113.31*.

18.03 DISSOLUTIONS

When a Dissolution is filed, the parties shall complete and provide the following:

- (A) Petition for Dissolution.
- (B) Separation Agreement.
- (C) Waiver of Service.
- (D) Waiver of Counsel (if only one attorney).
- (E) Affidavit of Income, Expenses and Financial Disclosure (Uniform Domestic Relations Form-Affidavit 1). Both parties must file. (May be joint if signed by both parties.)
- (F) Affidavit of Property (Uniform Domestic Relations Form-Affidavit 2). Both parties must file. (May be joint if signed by both parties.)
- (G) Parenting Proceeding Affidavit (Uniform Domestic Relations Form-Affidavit 3). The Parenting Affidavit only needs to be filed if there is a minor child of the parties. Both parties must file. (May be joint if signed by both parties.)
- (H) Health Insurance Affidavit (Uniform Domestic Relations Form-Affidavit 4). The Health Insurance Affidavit only needs to be filed if there is a minor child of the parties. Both parties must file. (May be joint if signed by both parties.)
- (I) IV-D Application. The application shall be fully completed, signed by a party and separately filed with the Agency at the Clerk of Court only in cases where child or spousal support is being sought. Counsel or a pro se party shall file certification with the Clerk that the IV-D application has been filed with the Agency.

(J) Union County Supplemental Information Disclosure Form (UCD1). This form must be included with any initial divorce or dissolution proceeding, as well as any reopening of a divorce or dissolution matter.

K) Decree. The Decree with a copy of the Separation Agreement and a guidelines worksheet (if minor children are at issue) shall be presented to the bailiff prior to final hearing. Waiver of Magistrate's Decision and Plan for Shared Parenting may be included in the Decree if appropriate. In order for Dissolutions with minor children to be granted, both parties shall have attended a Court approved Workshop for Parents. The Decree will not be processed until certification of attendance is provided to the Court. If no certification is received within ninety (90) days of filing, the Dissolution Petition will be dismissed.

18.04 SPECIAL FILINGS

(A) Parenting Reallocation: In all post-divorce motions seeking a reallocation of parental rights and responsibilities, the parties shall file a Parenting Proceeding Affidavit (Uniform Domestic relations Form Affidavit 3) pursuant to *R.C. § 3127.23*, a completed IV-D Application (with the Agency, certification with the Clerk), Health Insurance Disclosure Affidavit , Affidavit of Income & Expenses, as well as, the Union County Supplemental Information Disclosure Form (UCD1). The responding party shall also file an Affidavit of Income & Expenses, as well as, the Union County Supplemental Information Disclosure Form (UCD1). The Child support guideline worksheet shall be prepared and submitted to the court at the hearing. Motions seeking parenting time modification where no change in support is warranted shall not require such forms, disclosures and declarations.

(B) Notice of Intent to Relocate: The Notice of Intent to Relocate must be filed in every case in which a Parent intends to move to a new location either within or outside of the State of Ohio. (Forms are available on the Court's Website.)

(C) Pretrial Statement: Absent complete settlement, in any contested matter, at least seven (7) days before trial, all parties shall serve and file with the clerk a pretrial statement containing the following information:

- a) a short statement of the operative facts and applicable law upon which parties rely;
- b) a list of exhibits intended to be offered at trial. Failure to disclose an exhibit may result in its exclusion at trial;
- c) a statement of proposals regarding custody, support, visitation and alimony. Any request for or opposition to spousal support must set forth the facts relevant to the statutory factors governing an award of support;
- d) all agreements as to value of property and division of property and debts;

e) a listing of all marital property and separate property with claimed values. Each party shall list in columnar fashion the items, values and totals of property, proposed division of property and debts, with totals for comparison of proposed divisions. (This provision may be waived if the parties represent that they have reached an amicable accord regarding the allocation of personal property and waive the valuation of such amicably allocated property);

f) in all cases involving minor children, a completed Child Support Guideline work sheet. In the event a party is proposing a deviation in either support or cash medical payments, there must also be a specific statement citing the appropriate *R.C. § 3119.23* factor, setting forth the reason that an order of guideline support is not in the best interest of the children;

g) a statement addressing the statutory factors governing an award of spousal support if spousal support has been requested by either party;

h) a statement of stipulated or agreed facts or issues; and

i) a complete list of witnesses with brief summation of testimony. Failure to disclose a witness will ordinarily lead to the exclusion of that witness' testimony at trial.

18.05 CONTINUANCES

(A) Motions: See *Superintendence Rule 41*. All motions for continuance shall be in writing. Movants shall immediately provide a copy to the Court's Assignment Commissioner/Domestic Bailiff. The movant shall first attempt to secure the consent of opposing counsel or party if not represented. The motion shall be endorsed by the party- provided this provision may be waived by the court for good cause shown- and set forth the reason for the continuance, whether consent was obtained or denied and shall state the number of prior continuances. If the motion is granted, the party seeking the continuance must obtain a new hearing date and shall immediately notify the opposing party, counsel, and guardian ad litem, if any. Continuances shall only be granted by leave of Court. All continuances must be approved by the Judge or Magistrate. The matter shall proceed as Noticed until such time as the Court enters an Order granting the requested continuance.

(B) Unavailability of Witness: When a continuance is requested because a witness is unavailable for a scheduled hearing or trial, the Court may consider alternative methods for receiving the testimony.

(C) Conflict of Trial Assignment Dates: When a continuance is requested for the reason that counsel is scheduled to appear in another case assigned for trial on the same date in a different court, the case that was first set for trial shall have priority. (See *Sup. R. 41*). The Court will not consider any motion for continuance unless a copy of the conflicting assignment is attached to the motion and the motion is filed not less than fourteen (14) days prior to trial. If a motion to continue is filed less than fourteen (14) days prior to trial due to a conflicting assignment, the party or counsel seeking continuance may be Ordered to pay all preparation costs, expert witness fees, witness fees and attorney fees to the other party.

18.06 DISCOVERY PROCEDURES

(A) In General: Civil Rules 26 through 37 shall apply to any action. The purpose of this Rule is to encourage prompt, complete discovery and to avoid the Court's involvement in discovery. All attorneys and unrepresented parties must confer and develop a discovery plan pursuant to *Civ. R. 26*. All attorneys and unrepresented parties must file with the Court a written report outlining the discovery plan within the time provisions set forth in *Civ. R. 26(F)*. The Court will issue *Civ. R. 16(B)* scheduling orders after receiving the parties *Civ. R. 26(F)* report. Scheduling orders may be incorporated into other orders.

(B) Mandatory Disclosure: Within forty five (45) days of a Complaint, Answer or Counterclaim being filed, each party must disclose to the other party the information delineated in this rule. Each party is required to update all the information set forth below, no later than seven (7) days before trial. Additionally, no later than THREE (3) DAYS BEFORE THE EVIDENTIARY HEARING each party shall submit to the Court updated financial data, including the most recently filed federal income tax returns (complete copy with all schedules and attachments) and most recent three (3) months of pay advices current through the last pay advice issued immediately prior to the final hearing. Information to be disclosed pursuant to this rule includes:

1. all pension and profit-sharing plans including the most recent plan summary as well as the most recent plan value issued by the plan administrator;
2. all COBRA benefits to which the other party may be entitled;
3. unless already in the possession of the other party, copies of all real estate deeds, mortgages, promissory notes secured by a mortgage on real estate in which a party holds an interest, motor vehicle titles and registration. Each party shall also provide the Court with copies of all real estate deeds, mortgages and promissory notes secured by a mortgage on real estate in which a party holds an interest;
4. all appraisals of real estate or personal property or any business property in which the party holds an interest;
5. copies of the last three (3) years individual tax returns, unless already in the possession of the other party;
6. documentary proof of current income from all sources, including pay advices for at least the three most recent months prior to trial;
7. copies of the most recent statement on all bank accounts, IRA's, stock accounts, mortgages, credit card accounts, and other debts.
8. copies of all notes or accounts receivable whether held personally or through a business;

9. copies of all life insurance policies and the valuation;

10. documentation of the value of household furnishings, valuables and collectibles, unless the parties have stipulated their value or amicably agreed to divide these assets; and

11. documentation of property that qualifies as separate property and the valuation of same with tracing of assets and verification.

(C) No later than the first scheduled pre-trial, each party shall file with the court a certification under or their counsel shall certify in writing, that they have complied with the provisions of this rule.

(D) No party or counsel shall file with the Clerk copies of requested discovery, unless specifically Ordered by the Court. The party or counsel may file a notice of submitting discovery reflecting that certain discovery has been served upon the opposing party.

(E) Sanctions: Failure to comply with this rule may result in sanctions pursuant to *Civ. R. 37*, including but not limited to contempt citations, award of attorney fees, litigation expenses, possible dismissal of claims, or restrictions on the submission of evidence.

18.07 EXPERT DISCOVERY CUT OFF DATE, NOTICE OF DEPOSITIONS, REQUEST FOR APPOINTMENT OF A GUARDIAN AD LITEM

(A) In all divorce actions, any valuation of property by an expert, including business and pension valuations, shall be submitted for expert determination within 90 days of the Answer being filed unless otherwise Ordered by the court.

(B) All requests for appointment of a guardian ad litem shall be filed no later than the first date set for pre-trial conference. Continuance of the pre-trial conference DOES NOT extend the date for seeking appointment of the guardian ad litem.

(C) Unless otherwise agreed upon by the parties, demands for deposition of a party shall be filed no later than the first date set for pre-trial conference. Continuance of the pre-trial conference DOES NOT extend the date for seeking court Ordered deposition of a party.

18.08 STATUS CONFERENCE: The Court may schedule status conferences in any action before the Court. Notice shall be sent to all parties pursuant to Civil Rules. The Judge and Magistrate shall have discretion to conduct a status conference by telephone with both counsel.

18.09 PRETRIAL CONFERENCES: Pretrial conferences will ordinarily be held in every contested matter. The purpose of the conference is to encourage settlement and monitor progress in the case. The trial attorney shall attend all pretrial conferences except with leave of court. Pretrial conferences will not be conducted telephonically except by leave of court. In the event a party is not represented by counsel, all pretrials will be conducted formally on the record. Represented parties need not ordinarily attend pretrial conferences unless there is a request to

convert the pretrial to a final hearing or there has been a separately noticed hearing on a pending motion. At time of the conference the attorney or party representing themselves shall be prepared to:

- (1) narrow the disputed legal issues;
- (2) admit to undisputed facts;
- (3) stipulate to the authentication of documents to be introduced at trial;
- (4) submit a Child Support Computation Worksheet;
- (5) submit written calculations justifying any request for spousal support;
- (6) disclose all witnesses by name;
- (7) exchange reports of expert witnesses; and
- (8) discuss referral for mediation, counseling, conciliation or investigation

18.10 EXHIBITS

- (A) At least **three (3) business days** prior to final trial on the merits, the parties shall deliver to the Court's chambers, a **paper copy of all exhibits that are intended to be used in any fashion or introduced at trial. THE COURT WILL NOT ACCEPT ELECTRONIC DELIVERY OF ANY EXHIBITS.** The exhibits shall be marked as provided in Local Rule 18.10(A). If a party intends on introducing five (5) or more exhibits, then the exhibits will bound in a binder with an index page identifying the exhibit by number or letter as appropriate, along with a brief description of the exhibit, i.e. Plaintiff's pay advices. Exhibits shall be marked sequentially. No numbered or lettered exhibit shall be repeated, irrespective of which phase of the proceeding is being conducted.

In the event either party intends on introducing **more than twenty (20) exhibits**, then sixty (60) days prior to the scheduled trial date, they shall notify the Court's Bailiff. In such an event, the exhibits shall be available in paper form as delineated herein, but also presented in electronic form for use with the Court's electronic evidence presentation equipment. Counsel shall provide a thumb drive or other electronic data storage device for purposes of creating an accurate record. Counsel shall make arrangements with the Court's staff to familiarize themselves with the Court's electronic evidence presentation equipment so that undue delays can be avoided on the day of trial.

Each counsel shall also provide a copy of all exhibits to opposing counsel. On the day of trial, each counsel must have paper copies of all exhibits intended to be used in

any fashion or introduced at the trial of the matter. **EXHIBITS SHALL NOT BE FILED WITH THE CLERK OF COURT.** Failure to provide exhibits may result in sanctions being imposed upon the non-complying party, including, but not limited to the exclusion of evidence at trial.

The court's Bailiff shall retain all original exhibits testified to by the witness.

(B) The Judge or Magistrate may set orders during the pendency of a case imposing time limits for the exchange and submission of all documents and a list of other exhibits to be introduced at the trial or evidentiary hearing.

(C) The Judge or Magistrate may set orders during the pendency of a case imposing time limits for the submission of witness lists, including experts, who will testify at trial or evidentiary hearing.

(D) The Judge or Magistrate may set orders during the pendency of a case imposing time limits for submitting to the Court and opposing counsel all expert witness reports.

18.11 TRIAL BRIEFS/FINDINGS AND CONCLUSIONS OF LAW

The Court may require the parties to file Trial Briefs and/or Proposed Findings of Fact and Conclusions of Law.

18.11(1) VALUATIONS OF PROPERTY

Unless affirmatively waived by the parties who mutually agree to their division and equitable distribution, all marital and separate assets in divorce cases shall be identified and their values set forth. In the absence of a written appraisal of real estate, the county auditor's appraisal must be presented as evidence of value. In the absence of a written appraisal of motor vehicles, the NADA, Kelly Blue Book or similar source must be presented as evidence of value.

18.11(2) WITNESSES

Only one corroborating witness who has personal knowledge of the facts shall be required.

18.11(3) JUDGMENT ENTRIES AND NUNC PRO TUNC ORDERS

Uncontested matters: At the time of any uncontested hearing, counsel for the Plaintiff shall present to the Court a judgment entry and all necessary orders together with sufficient copies for the Child Support Enforcement Agency and parties. In the event the divorce includes minor children, a Guideline worksheet shall be attached. The worksheet shall contain any sought deviation of child support and/or cash medical, even if the decree provides for deviation from guidelines. In compliance with the applicable provisions of R.C. 3119.01, et seq., the court

mandates the use of the specific language in Findings of Fact, Orders, Judgment Entries and Decrees which addresses child support, spousal support and/or health insurance.

In contested cases, the Court may order counsel for either party to prepare a judgment entry.

Counsel shall submit a copy of the proposed judgment entry to opposing counsel within twenty-one (21) days of the hearing, unless the Court extends the time. The parties shall abide by the following protocol:

(A) the opposing party shall have fourteen (14) days in which to approve or reject the judgment entry.

(B) if the opposing party fails to take any action on the judgment entry within fourteen (14) days, the preparer may present the entry for journalization by certifying that the judgment entry was submitted to the opposing party and that no response was made.

(C) if a judgment entry is not presented to the Court within forty-five (45) days of the hearing, the Court may issue a dismissal notice for want of prosecution.

(D) in the event of a dispute over the content of an entry, the Court may order a transcript of the proceedings and assess the cost of same.

(E) prior to the Court executing an order, each judgment entry involving minor children shall contain the notice language for Relocation, Records Access, School Activities, School Records Access and Day Care Records Access required under *R.C. § 3109.051(G), 3109.051(H), 3109.51(J) 3319.321(B)(5)(a), 5104.01.1.*

(F) failure by an attorney to comply with the above rules may result in vacating any award of attorney fees, a finding of contempt, imposition of a fine, or dismissal of a case.

(G) All Judgment Entries, Findings of Fact or Orders submitted to the Court in any Domestic Relations matter shall contain a signature line for the Magistrate to execute.

(H) **Nunc Pro Tunc Orders.** Pursuant to *Civ. R. 60(A)*, the Court may correct a clerical mistake in judgments, orders or other parts of the record at any time on its own initiative. Parties may request entry of a *nunc pro tunc* Order to correct clerical mistakes by motion directed to the Court. The motion shall specifically set forth the relief requested, explain the necessity for the change and identify the specific language for which modification is sought. Simultaneously with the motion, the parties shall submit a proposed *Nunc Pro Tunc Order*. The order shall be styled as the original Order was styled with the addition of the words Nunc Pro Tunc after the description, i.e. Judgment Entry Nunc Pro Tunc or Order Nunc Pro Tunc. The Nunc Pro Tunc Judgment or Order **shall contain an explanatory paragraph just below the style of the case, bracketed, in bold capital letters** stating the need for the change, the provision, paragraph or sentence of the original order affected by the change and identifying the change being made. The required paragraph shall also specifically state that no provision of the Court's original order

has been modified, other than the provision identified in the Nunc Pro Tunc descriptive paragraph.

18.11(4) SIGNATURE OF BOTH PARTIES

Unless excused by the Court, all agreed judgments and orders shall be signed by both parties and counsel. Child Support Enforcement Agency Orders, Restraining Orders, Orders Appointing Process Servers or Guardian ad Litem, and Orders Permitting Withdrawal as Counsel are excepted from this rule.

18.11(5) CHILD SUPPORT, CASH MEDICAL SUPPORT AND HEALTH INSURANCE

(A) In all cases involving the establishment or modification of an order for child support, the order shall include provisions for all of the following:

- (1) which parent or party has accessible private health insurance available for the minor child(ren) at a reasonable cost, if any;
- (2) the amount of monthly child support to be paid by the obligor;
- (3) the amount of cash medical support to be paid by the obligor;
- (4) the allocation of uninsured extraordinary health care expenses in excess of amount paid for cash medical support;
- (5) the effective date of the order.

(B) In the event the order includes a deviation from the child support and/or cash medical support guidelines, either by court order or by agreement of the parties, there shall be Findings of Fact and Conclusions of Law stating the following:

- (1) the amount of child support and cash medical support calculated pursuant to the applicable child support worksheet;
- (2) the specific reasons or circumstances justifying deviation of child support and/or cash medical support citing the relevant section of *R.C. § 3119.23*;
- (3) a finding that the amount of child support and/or cash medical support calculated pursuant to the guideline worksheet is unjust or inappropriate and not in the best interests of the child(ren), or, in the case of shared parenting, is also not in the best interest of one or both the parents;
- (4) the amount of child support and/or cash medical support, if any, to be paid by the obligor to the Obligee;

(5) an explanation of how the children are otherwise receiving guideline support by a method other than cash payments from the Obligor.

(C) If any child is a Medicaid recipient, no support order may contain a deviation, waiver, agreement or other provision for either party not to pay cash medical support during any period of time that cash medical support would be payable to the Child Support Enforcement Agency unless the Ohio Department of Job & Family Services is joined as a party to the action and expressly agrees to such a provision.

(D) Child Support and Cash Medical Support Language: The following language complies with the foregoing requirement regarding child support and cash medical support. The language may be incorporated into a decree or order and/or modified as appropriate in each case. This language is representative and should not be considered definitive.

“Effective _____ (date), child support shall be set in the amount of \$ _____, per month, per child, to be paid by the Obligor, _____ (See attached guideline worksheet).

In addition to child support, the Obligor shall pay monthly cash medical payments in the amount of \$ _____. The total amount of monthly child support and cash medical is \$ _____. This total amount is subject to a 2% processing charge. The total monthly obligation of child support, cash medical and processing charge is \$ _____.

Costs for the minor children’s uninsured ordinary or extraordinary medical, orthodontia, hospitalization, pharmaceutical, psychological and dental expenses are apportioned ____% to Obligor and ____% to Oblige. When private health insurance is in effect, all medical expenses incurred for the minor children shall be submitted to the available health insurer. Uninsured expenses are defined as any of the child’s health related expenses that have been submitted to available health insurers and reflected as “Patient’s Responsibility” on an Explanation of Benefits form, after all applicable insurance write-downs. The Obligor and Oblige are both liable for the children’s health care expenses not covered by private health insurance or cash medical.

Upon receipt by the CSEA of notice that private health insurance coverage is not available at a reasonable cost to the Health Insurance Obligor, then the Non-health Insurance Obligor shall provide health insurance coverage for the minor children so long as such coverage is available as an employment benefit at a reasonable cost. If neither parent has health insurance available as an employment benefit at a reasonable cost, then both parties shall immediately notify the Child Support Enforcement Agency. The CSEA may change the financial obligation of the parties to pay child support and cash medical support without a hearing or additional notice to the parties.

Therefore, in accordance with *R.C. § 3119.30*, it is ORDERED that if, after the issuance of this order, private health insurance coverage for the child(ren) named above becomes available through any group policy, contract, or plan available to the Child Support Obligor or the Child Support Oblige, the Child Support Obligor or Child Support Oblige to whom the coverage

becomes available SHALL IMMEDIATELY INFORM THE CSEA OF THE AVAILABLE COVERAGE.”

(E) All requests for an order of support, including a plan for shared parenting or modification of support, shall be accompanied by a completed child support worksheet based upon the best information available at the time of filing.

18.12 ATTORNEY FEES

An award of attorney fees is discretionary with the Court and may be awarded in accordance with the following protocol and considerations:

(A) A request for attorney fees and expenses to prosecute an action shall be made in writing and shall be included in the body of a motion or other pleading that gives rise to the request for fees.

(B) At the time of the final hearing on the motion or pleading that gives rise to the request for attorney fees, the attorney seeking such fees shall present:

(1) Testimony and an itemized statement describing the services rendered, the time for such services delineated in .1 hour increments, and the requested hourly rate for in-court time and out-of-court time.

(2) Testimony as to whether the case was complicated by any or all of the following: new or unique issues of law; difficulty in ascertaining or valuing the parties' assets; problems with completing discovery; any other factor necessitating extra time being spent on the case; testimony regarding the attorney's years in practice and experience in domestic relations cases; evidence of the parties' respective income and expenses, if not otherwise disclosed during the hearing.

(C) Unless otherwise permitted by the Court, expert testimony, other than testimony of the attorney requesting fees, is required to prove both the necessity and reasonableness of attorney fees, provided however that attorney fees of \$1,000.00 or less are presumed reasonable in bringing a motion to show cause for failure to pay medical debt, interference with parenting time, custody or visitation; or default in a support order.

(D) Failure to comply with the provisions of this rule may result in the denial of a request for attorney fees.

(E) Any attorney fee award made by this Court must be entered in favor of a party litigant and not in favor of a party's attorney.

18.13 MEDICAL EXPENSES STANDARD ORDER

Unless otherwise ordered by the Court, the parties, pursuant to *R.C. § 3119.30*, shall share the cost of medical, dental, optical and prescribed drug expenses not covered by insurance in accordance with the percentages of each party's income as shown on the most recent worksheet computation.

18.14 QUALIFIED DOMESTIC RELATIONS ORDER (QDRO).

(A) Unless otherwise ordered, the participant entitled to the pension or retirement plan shall be responsible for preparing the Qualified Domestic Relations Order "QDRO" for submission to the Court.

(B) Whenever it is ordered that a pension or retirement program be divided by a QDRO the parties and counsel shall sign and approve the original submitted QDRO and shall sign and approve any subsequent submitted QDRO, unless waived by the Court.

(C) The QDRO should be submitted to the Court within 60 days of the filing of the Judgment Entry for Divorce or Decree of Dissolution of Marriage. The participant entitled to the pension or retirement plan shall be responsible to submit the QDRO to the plan administrator for acceptance of same. The costs of preparing or submitting a QDRO shall be paid equally by the parties. Costs of professional preparation services do not require prior agreement of the parties.

(D) The QDRO shall include the name and address of the plan administrator on the front page.

(E) Unless otherwise expressly ordered, the Court retains jurisdiction over all matters relating to the distribution of pension or retirement plans by QDRO.

18.15 DIVISION OF PROPERTY ORDER (DOPO).

(A) 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) shall conform with the requirements of each agency's respective administrative rules.

(B) Unless otherwise ordered, the participant of the plan shall be responsible for preparing the Division of Property Order (DOPO) for submission to the Court.

(C) Whenever it is ordered that a retirement plan be divided by a DOPO the parties and counsel shall sign and approve the original DOPO submitted to the Court and shall sign and approve any subsequent DOPO submitted to the Court, unless waived by the Court.

(D) If the Court ordered a division of a retirement plan, the Court may assign the responsibility to submit the DOPO.

(E) The DOPO should be submitted to the Court within 60 days of the Judgment Entry for Divorce or Decree of Dissolution of Marriage. The party preparing the DOPO shall be responsible to submit the DOPO to the plan administrator for acceptance of same.

(F) The DOPO shall include the name and address of the plan administrator on the front page.

(G) Unless otherwise expressly ordered by the Court, the Court retains jurisdiction over all matters relating to the distribution of pension or retirement plans by DOPO.

18.16 CONSENT ENTRIES

Any Consent Judgment Entry amending the terms of a plan for shared parenting may be submitted to the Court without the necessity of a motion or hearing only if signed by both parties and, if represented, both counsel. In the event child support is being amended, a guideline child support work sheet must be prepared and filed. Child support may not be deviated by consent entry. In the event that the responsibility for providing private health insurance changes to a third-party spouse, a copy of the health insurance card along with the name and address of the health insurance company shall be provided to the Child Support Enforcement Agency. The designation of residential parent for school purposes is a term of a plan for shared parenting and may be amended by consent entry. All other reallocations of parental rights including changing or amending the designation of residential parent in a plan for shared parenting must be pursuant to motion and hearing. Consent entries may be submitted upon motion for parenting time modification pursuant to *R.C. § 3109.051*. Parties submitting a consent entry must provide copies sufficient for the official court file and all parties, pay a filing fee to the Clerk of Court, and have no other court costs unpaid in the case.

18.17 SHARED PARENTING PLANS

In accordance with *R.C. § 3109.04(G)*, plans for shared parenting shall include provisions covering all factors relevant to the children's care, including, but not limited to physical living arrangements, child support obligations, income tax dependency exemptions, provision for the child(ren)'s health care, school placement, and the parent with whom the child(ren) will be physically located during legal holidays, school holidays and other days of special importance. Shared Parenting Plans shall be signed by the party submitting the plan. If a plan is a joint plan, both parties shall sign the plan prior to filing. All plans for shared parenting shall be accompanied by a completed child support worksheet based upon the best information available at the time of filing. This requirement is not subject to waiver and shall be strictly construed.

18.18 WORKSHOP FOR PARENTS

Each parent must attend a Court approved Parenting Workshop prior to final hearings in actions for divorce, legal separation and dissolution of marriage where minor children are involved. Parenting time rights may be denied until the Workshop has been attended. Each party shall pay the appropriate fee for the Workshop. The Court may waive this provision upon a showing of good cause.

18.19 UNIFORM MEDIATION ACT AND SUPERINTENDENCE RULE 16

By this Rule, the Court incorporates by reference R.C. Chapter 2710 "Uniform Mediation Act" (UMA) and *R.C. § 3109.052* which addresses Mediation of Differences as to Allocation of Parental Rights and Responsibilities and Rule 16 of the Supreme Court of Ohio Rules of Superintendence. The purpose of the rule is to promote greater efficiency and public satisfaction through the facilitation of the earliest possible resolution of disputes through the use of mediation.

18.20 REFERRALS TO MEDIATION

Domestic Relations cases may be referred to mediation by order of the Court. The Court may issue the order on its own motion, upon the motion of a party, or upon agreement of the parties. The following actions shall be exempted from mediation upon request of any party:

- (A) Cases in which one of the parties is mentally ill;
- (B) In emergency circumstances requiring an immediate hearing by a jurist; or
- (C) Cases in which the parties have achieved an executed Agreed Judgment Entry.

18.21 ATTENDANCE AT MEDIATION SESSIONS

All parties shall attend scheduled mediation sessions unless previously excused. The Court may order parties to return to mediation at any time. Further, and pursuant to the UMA, all parties may have their attorney and/or other support person or persons attend the mediation session. If counsel or any mediation party becomes aware of the identity of a person or entity whose consent is required to resolve the dispute, but who has not yet been joined as a party in the pleadings, they shall promptly inform the Mediator as well as the assigning Judge or Magistrate of such fact.

In the event a party wishes to have an additional non-party individual attend mediation, said party shall provide the Mediator with a request regarding same at least forty-eight (48) hours prior to the mediation session. The request shall also be provided to the other party.

18.22 FAILURE TO ATTEND MEDIATION

If any of the individuals identified in the above paragraph fail to attend mediation without good cause, the Court may impose sanctions, including the award of attorney's fees and other costs, contempt or other appropriate sanctions.

18.23 GUARDIAN AD LITEM

The Court may, on its own motion, appoint a guardian ad litem for a minor child or an incompetent person. The Court may appoint a guardian ad litem upon the written motion of a party stating with particularity the grounds for the motion. The motion must be accompanied by a statement of who will be responsible for the fees. The court will ordinarily require a deposit from the party requesting the appointment. Except by leave of the Judge or Magistrate, and for good cause shown, no motion for the appointment of a guardian ad litem shall be granted once the matter has been set for hearing with a firm trial date. The guardian ad litem shall serve as guardian for the child. No party or counsel shall attempt to obtain other legal counsel for the child.

18.23(1) QUALIFICATIONS OF GUARDIAN AD LITEM

The qualification of any attorney as guardian ad litem for a minor child, are:

- (1) Certification of good standing by the Ohio Supreme Court;
- (2) Malpractice insurance;
- (3) CLE or Court-approved training as required by Rule 48 of the Ohio Rules of Superintendence, including the completion of annual training;
- (4) On or before March 1 of each year, certify that there is no circumstance which would disqualify the individual from service.

A non-attorney may qualify for appointment as a guardian ad litem upon certification of compliance with the requirements of Rule 48 of the Rules of Superintendence and a finding by the court that the person possesses specialized skill, education, or training such as the court may repose trust and confidence in the judgment and abilities of that person.

18.23(2) Appointment Procedures: Upon motion of either party or at the Court's discretion, a guardian ad litem may be appointed. By agreement, parties may nominate an individual for appointment provided the nominee is in good standing on this court's approved guardian ad litem list. Unless otherwise provided, it is the responsibility of each party involved in the litigation to timely contact the guardian ad litem and provide the guardian with information relating to the minor child. The parties shall cooperate with the guardian ad litem during the investigation. The guardian shall be authorized to communicate with the parties and any other agencies, persons, medical providers, or schools as a part of the investigation. The court may, at the time of

appointment, set the hourly rate permitted to be charged by the guardian ad litem for services rendered, and may award fees through the completion of the guardian's employment. Unless otherwise set by court order, the hourly rate for an attorney appointed guardian ad litem shall be as set forth in the Order appointing the guardian. The court at its discretion may order the payment of fees by income withholding. The Magistrate shall maintain a list of all qualified guardians ad litem and periodically review the appointment procedure to assure the equitable distribution of cases. Unless otherwise Ordered by the Court, the guardian ad litem shall be reappointed for a specific child in any subsequent case concerning the best interest of the child.

18.23(3) Responsibilities of a Guardian Ad Litem: The guardian ad litem shall discharge their duties in strict compliance with Rule 48 of the Ohio Rules of Superintendence. In order to provide the court with relevant information and an informed recommendation regarding the child's best interest, a guardian ad litem shall perform, at a minimum, the responsibilities stated in this division, unless impracticable or inadvisable to do so.

(A) A guardian ad litem shall represent the best interest of the child for whom the guardian is appointed. Representation of best interest may be inconsistent with the wishes of the child whose interest the guardian ad litem represents.

(B) A guardian ad litem shall maintain independence, objectivity and fairness, as well as, the appearance of fairness in dealings with parties and professionals, both in and out of the courtroom and shall have no ex-parte communications with the court regarding the merits of the case.

(C) A guardian ad litem is an officer of the court and shall act with respect and courtesy to the parties at all times.

(D) A guardian ad litem shall appear and participate in any hearing for which the duties of a guardian ad litem or any issues substantially within a guardian ad litem's duties and scope of appointment are to be addressed.

(E) A non-attorney guardian ad litem must avoid engaging in conduct that constitutes the unauthorized practice of law, be vigilant in performing the guardian ad litem's duties and request that the court appoint legal counsel, or otherwise, employ the services of an attorney, to undertake appropriate legal actions on behalf of the guardian ad litem in the case.

(F) A guardian ad litem who is an attorney may file pleadings, motions and other documents as appropriate under the applicable rules of procedure.

(G) When a court appoints an attorney to serve as both the guardian ad litem and attorney for the child, the attorney shall advocate for the child's best interest and the child's wishes in accord with the Rules of Professional Conduct. Attorneys who are to serve as both guardian ad litem and attorney should be aware of Rule 3.7 of the Rules of Professional Conduct and act accordingly.

(H) When a guardian ad litem determines that a conflict exists between the child's best interest and the child's wishes, the guardian ad litem shall, at the earliest practical time, request in writing that the court promptly resolve the conflict by entering appropriate orders.

(I) A guardian ad litem shall avoid any actual or apparent conflict of interest arising from any relationship or activity including, but not limited to, those of employment or business or from professional or personal contacts with parties or others involved in the case. A guardian ad litem shall avoid self-dealing or associations from which the guardian ad litem might benefit, directly or indirectly, except from compensation for services as a guardian ad litem.

(J) Upon becoming aware of any actual or apparent conflict of interest, a guardian ad litem shall immediately take action to resolve the conflict, shall advise the court and the parties of the action taken and may resign from the matter with the leave of court, or seek court direction as necessary. Because a conflict of interest may arise at any time, a guardian ad litem has an ongoing duty to comply with these provisions.

(K) Unless excepted by statute, by court rule consistent with this rule, or by order of court pursuant to this rule, a guardian ad litem shall meet the qualifications and satisfy all training and continuing education requirements under this rule and under any local court rules governing guardians ad litem. A guardian ad litem shall meet the qualifications for guardians ad litem for each county where the guardian ad litem serves and shall promptly advise each court of any grounds for disqualification or unavailability to serve.

(L) In order for the Court to maintain a list of individuals qualified to serve as guardian ad litem, a guardian ad litem shall be responsible for providing the court or its designee, a statement indicating compliance with all initial and continuing educational and training requirements. The compliance statement shall include information detailing the date, location, contents and credit hours received for any relevant training course.

(M) A guardian ad litem shall make reasonable efforts to become informed about the facts of the case and to contact all parties. In order to provide the court with relevant information and an informed recommendation as to the child's best interest, a guardian ad litem shall, at a minimum, do the following, unless impracticable or inadvisable because of the age of the child or the specific circumstances of a particular case:

(1) Meet with and interview the child and observe the child with each parent, foster parent, guardian or physical custodian and conduct at least one interview with the child where none of these individuals is present;

(2) Visit the child at his or her residence in accordance with any standards established by the court in which the guardian ad litem is appointed;

(3) Ascertain the wishes of the child;

(4) Meet with and interview the parties, foster parents and other significant individuals who may have relevant knowledge regarding the issues of the case;

(5) Review pleadings and other relevant court documents in the case in which the guardian ad litem is appointed;

(6) Review criminal, civil, educational and administrative records pertaining to the child and, if appropriate, to the child's family or to other parties in the case;

(7) Interview school personnel, medical and mental health providers, child protective services workers and relevant court personnel and obtain copies of relevant records;

(8) Recommend that the court order psychological evaluations, mental health and/or substance abuse assessments, or other evaluations or tests of the parties as the guardian ad litem deems necessary or helpful to the court; and

(9) Perform any other investigation necessary to make an informed recommendation regarding the best interest of the child.

(N) A guardian ad litem shall immediately identify themselves as a guardian ad litem when contacting individuals in the course of a particular case and shall inform these individuals about the guardian ad litem's role and that documents and information obtained may become part of court proceedings.

(O) As an officer of the court, a guardian ad litem shall make no disclosures about the case or the investigation except in reports to the court or as necessary to perform the duties of a guardian ad litem. A guardian ad litem shall maintain the confidential nature of personal identifiers, as defined in Rule 44 of the Rules of Superintendence, or addresses where there are allegations of domestic violence or risk to a party's or child's safety. A guardian ad litem may recommend that the court restrict access to the report or a portion of the report, after trial, to preserve the privacy, confidentiality, or safety of the parties or the person for whom the guardian ad litem was appointed in accordance with Rule 45 of the Rules of Superintendence. The court may, upon application, and under such conditions as may be necessary to protect the witnesses from potential harm, order disclosure of or access to the information that addresses the need to challenge the truth of the information received from the confidential source.

(P) Each guardian ad litem shall perform responsibilities in a prompt and timely manner, and, if necessary, an attorney guardian ad litem may request timely court review and judicial intervention in writing with notice to parties or affected agencies.

(Q) Every guardian ad litem who is to be paid by the court or a party, shall keep accurate records of time spent, reflected in .1 hour increments, services rendered, expenses incurred, shall file an itemized statement, file an accounting with the court and provide copies to each party or other entity responsible for payment.

18.23(4) Report of the Guardian Ad Litem: The final report shall be filed with the court and made available to the parties for inspection no less than 14 days before the final hearing unless otherwise ordered by the court. Written reports may be accessed in person or by phone by the parties or their legal representatives. The final report shall be provided to the court at the hearing. The guardian ad litem may provide a copy of the report to counsel; however, no copy of the report will be provided by the guardian ad litem or counsel to any party at any time. The guardian ad litem report shall not be transmitted by facsimile.

18.23(5) Discharge: Unless otherwise directed, counsel or the parties shall include in the final judgment entry a provision discharging the guardian ad litem at the conclusion of the matter on which the guardian ad litem was appointed.

18.23(6) Court Oversight: The court shall accept and consider any written comments and complaints concerning the performance of a guardian ad litem. The guardian ad litem shall be provided a copy of the complaint. Written record of the Court's disposition shall be kept in the guardian ad litem's file and notification of disposition shall be given to the person making the comment or complaint and the subject guardian ad litem. The court shall annually conduct a review of all guardians ad litem to determine that they are in compliance with the training and education requirements of Rule 48 of the Ohio Rules of Superintendence and the local rules.

UNION COUNTY SUPPLEMENTAL INFORMATION DISCLOSURE FORM

(This form **MUST** be completed in full and submitted with each new or reopened divorce or dissolution matter. **LEAVE NO BLANK SPACES**. If a question does not apply enter *n/a* on the line. Incomplete forms will result in delays and/or possible contempt sanctions.)

PERSONAL INFORMATION:

Your name: _____

Current address: _____
(if safety concerns exist, state information excluded for safety concerns)

How long at this address? _____

Names of individuals residing with you at this address: _____

Your date of birth: _____

Date of marriage: _____

Date of separation: _____

If this is a reopen, date Decree was entered: _____

CHILDREN:

How many children were born or adopted as issue of this relationship? _____ (enter #)

Name	Date of birth
_____	_____
_____	_____
_____	_____
_____	_____

If any child was born while the parties were not married, has paternity been established through a Court proceeding or by an acknowledgement of paternity pursuant to R.C. § 3111.31? _____ Yes _____ No.

If yes, how was paternity established and when? _____

INCOME INFORMATION:

Current employer's name: _____

How long with this employer? _____

Job description currently: _____

Hours of employment: _____

Overtime available: Yes or No (circle one)

If yes, state the amount of OT shown paid on last pay advice of last year: _____
 How often are you paid: monthly, bi-weekly, weekly, twice per month (24 pays/yr) (circle one)
 What is withheld from wages? (circle all that apply): taxes, health ins, dental, vision, 401(k),
 other _____ (describe other withholdings)

ATTACH COPY OF MOST RECENT PAY ADVICE

If nothing is withheld, do you receive a 1099 at the end of the year? Yes or No (circle one)

REAL ESTATE:

Do you have any real estate deeded to you? Yes or No (circle one)

If your name is on a deed to real estate, what is the address? _____

Is the real estate deeded to you, subject to a mortgage? Yes or No (circle one)

If yes, state:

Name of mortgage company: _____

Date mortgage incurred: _____

Current balance owed: _____

Monthly payment: _____ (does this include principal, interest taxes and insurance (PITI)? Yes or No (circle one)

MOTOR VEHICLES:

Does your name appear on the title of any motor vehicle? Yes or No (circle one)

If yes, provide the following information for each such vehicle:

YEAR	MAKE	MILES	VALUE	TITLE INSTRUMENT*
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

(*Indicate if you have a Certificate of Title or Memorandum Certificate of Title)

If you have a Memorandum Certificate of Title, state:

Vehicle	Name of Lienholder	Date lien recorded
_____	_____	_____
_____	_____	_____
_____	_____	_____

RETIREMENT BENEFITS:

Do you have a 401(k), IRA, Pension (circle one), or other: _____ (describe)

State the value of each as of the most recent statement received:

BENEFIT	VALUE	ADMINISTRATOR*	WHEN EARNED**
401(k)	_____	_____	_____
IRA	_____	_____	_____

PENSION _____

*Is there a 3rd party administrating the funds? Name the party, i.e. Fidelity, Schwab etc
**Was any portion of this earned before marriage. State the dates when benefit was earned before the marriage.

DEBT INFORMATION

Are you obligated on any debts? Yes or No (circle one)

If so, state the name of each creditor, Status: (whether creditor is secured by a lien), amount owed, monthly payment.

CREDITOR	STATUS*	AMOUNT	MO PMT	PARTY LIABLE**
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

*Status of debt: indicate if debt is secured (S) or unsecured (U).
**If debt is joint obligation indicate with J. If individual liability indicate with I.