

COURT OF COMMON PLEAS
GENERAL DIVISION

ROSS COUNTY COURTHOUSE
2 NORTH PAINT STREET
CHILLICOTHE, OH 45601

RULES OF COURT

SCOTT W. NUSBAUM, JUDGE
MICHAEL M. ATER, JUDGE

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

IN THE MATTER OF THE
ADOPTION OF RULES OF COURT

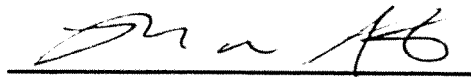
JOURNAL ENTRY

The Supreme Court of Ohio, pursuant to Article 4, Section 5, of the Ohio Constitution, prescribes certain Rules of Practice and Procedure. The Court finds that it is necessary to adopt these Rules not inconsistent with the rules promulgated by the Supreme Court for local practice.

NOW THEREFORE, the following Rules shall be adopted, and all other prior Rules replaced effective 02/01, 2012.



SCOTT W. NUSBAUM,
JUDGE, Common Pleas Court
Ross County, Ohio
Courtroom #2



MICHAEL M. ATER
JUDGE, Common Pleas Court
Ross County, Ohio
Courtroom #1

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**RULES OF PRACTICE
OF THE
COURT OF COMMON PLEAS, GENERAL DIVISION,
ROSS COUNTY, OHIO**

GENERAL PROVISIONS

The Court of Common Pleas, Ross County, Ohio, shall be divided into three divisions, the General Division, the Probate Division and the Juvenile Division. The Rules herein shall apply only to the General Division except as otherwise specifically provided.

RULE 1

EFFECTIVE DATE

1.01 The effective date of these revised Rules is February 16th, 2012.

1.02 Notice boxes in the Court Offices are provided for local counsel for making and receiving service.

Service on counsel shall be considered complete on the day following placement therein. This rule applies only to the operation of Court No. 1 and 2, Ross County Common Pleas Court General Division.

RULE 2

TERM OF COURT

2.01 There shall be one (1) term of Court - - namely the January term, and the Court shall be in continuous operation for the transaction of judicial business. The term shall be divided into three sessions: winter, summer and fall.

The winter session will begin in January;

The summer session will begin in May; and

The fall session will begin in September.

Each session will consist of approximately seventeen (17) weeks.

RULE 3
CLERK OF COURT

3.01 The Clerk shall file together and carefully preserve in his office all papers delivered to him for that purpose, in every action or proceeding.

3.02 In cases pending in which the parties or their counsel shall deem it necessary to have copies of pleadings, the Clerk shall, on request, furnish copies in accordance with the usual fee charged by the Clerk's Office for making copies. Copies of all other papers except bills of exceptions, depositions and transcripts, belonging to the files of the Court, shall, on demand, be furnished by the Clerk upon payment of the usual fee therefore. The Clerk shall permit anyone to make a copy of any papers in the files of the Court, except bills of exceptions, depositions and transcripts.

3.03 FILING OF FACSIMILE COPY

All facsimile copies as provided for by Ohio Civil Rule 5(E) shall be filed as follows:

1. All transmissions shall be preceded by a cover page which includes the following information:
 - a. Name of forwarding attorney;
 - b. Address of forwarding attorney;
 - c. Ohio Supreme Court registration of attorney;
 - d. Telephone number of attorney;
 - e. Facsimile telephone number of attorney;
 - f. Date and time of facsimile initiation;
 - g. Number of pages in document being forwarded; and
 - h. Case number and caption of case.
2. Within three (3) business days after the transmission to the Clerk of a facsimile copy, an original document bearing original signatures shall be filed with the Clerk. The Clerk shall docket any facsimile copy when the original document is filed. The Clerk shall docket it in the usual and customary manner and the filing shall relate back to the date upon which the facsimile copy was filed. In the event any facsimile copy is received by the Clerk after 4:00 p.m. on a regular business

day or anytime on weekends or holidays, the facsimile copy shall be considered filed on the next ensuing regular business day for the Clerk.

3. All complaints and filings will be held until the appropriate deposits and number of copies are received by the Clerk's Office.

RULE 4

COURT COSTS

- 4.01 Parties instituting suits, with the exception of Divorce, Annulment, Alimony, or Child Custody shall be required by the Clerk to deposit two hundred eighty-five dollars (\$285.00) and dissolution two hundred thirty-five (\$235.00) as security for costs, fifty dollars (\$50.00) of which shall be placed in the Ross County Mediation Fund. There will be an additional ten dollars (\$10.00) charge with a restraining order. If costs are not paid at the termination of the litigation, any deposit for costs shall be applied by the Clerk to the unpaid costs.
- 4.02 An additional deposit of fifty dollars (\$50.00) shall be required with the filing of a Motion for Reinstatement for any case dismissed.
- 4.03 If it is brought to the attention of the Trial Judge that any deposit is insufficient, the Trial Judge may require the said deposit to be increased from time to time.
- 4.04 A deposit of two hundred thirty-five dollars (\$235.00) for costs shall be made by a counter, cross or third party claimant, except when the litigant is indigent.
- 4.05 Where any party required by this Rule to deposit or secure costs by affidavit shows inability to pay for secured costs, the Clerk shall receive and file the complaint, counter, cross or third party claim without such deposit or security. However, the Clerk may request the Judge of the Court to which the case is assigned to review any such matter offered for filing before receiving and filing the same without deposit or security.
- 4.06 Waiver of Court Costs. Any advanced deposit as security for costs normally required prior to filing a suit in this Court, as provided for by Rule 4.01, shall be waived when an action is

commenced for and on behalf of Ross County, a municipality within Ross County, or any Job and Family Services.

- 4.07** Witness Fees. A Party requesting the issuance of subpoenas for a witness shall deposit at the time of filing the Request for Subpoena the appropriate amount under the Witness Fees Statutes or Rules of Civil Practice.
- 4.08** Appraisal Fee. An advance deposit for the pre-payment of appraisal fees sufficient to cover such fees shall be required upon the filing with the clerk of all Judgment Entries of Foreclosure. In the event the appraisal is canceled, this fee shall be promptly returned.
- 4.09** Special Projects Fee. For the efficient operation of the Court, a fee of thirty-five (\$35.00) is assessed, in addition to all other Court Costs, on the filing of each criminal cause, civil action or proceeding, or judgment by confession, to acquire and pay for special projects of the Court.

RULE 5
BAIL OR SURETY

- 5.01** No attorney or officer of the Court will be received as bail or surety.
- 5.02** In all criminal cases where the defendant posts a property bond, his attorney or an attorney for the surety whose property is being used to secure the bond must provide the Clerk of Courts with a title search certifying the following:
- A short description of the property;
 - The names that appear on the deed;
 - The true value of the property as shown on the records in the county Auditor's Office; and
 - Whether there are any liens on file against the property.

RULE 6
PLEADINGS AND MOTIONS

6.01 Every pleading, motion and memorandum filed shall:

Have typed or printed thereon the name, address, telephone number and Supreme Court registration number of counsel filing the same and when the counsel is a firm of attorneys, a particular attorney within the firm having primary responsibility for the case.

All papers filed with the Court must be on paper not exceeding 8 ½ by 11 inches in size.

All papers shall have double spaced type with the exception of legal descriptions and quotations which shall be single spaced.

6.02 When a new party plaintiff or defendant is added to a case after the commencement thereof, the caption of the first pleading in which or after which such new party is added shall contain the name of such new party, together with his or its address followed by a specific designation of “New Party Plaintiff” or “New Party Defendant” as is applicable.

6.03 Counsel or parties appearing *IN PROPRIA PERSONA* shall file with the Clerk of Courts and the Assignment Commissioner-Bailiff written notice of any change of address.

RULE 7
EXTENSION(S) OF RULE DAY

7.01 By agreement of counsel, any party may be permitted two (2) leaves to move or plead provided the total extension of time does not exceed thirty (30) days. Such consent shall be evidenced by Consent to Plead signed by all counsel and filed with the Clerk. Neither these forms nor entries shall be submitted to the Court for approval where consent to plead is proper and is obtained.

7.02 Where an additional extension of time beyond that provided herein is needed or where the parties cannot agree upon an extension of time, the party desiring the extension shall file a written motion supported by an affidavit stating facts indicating the practical impossibility of pleading

within the rule and demonstrating good cause for further extension. The motion and affidavit shall be served upon opposing counsel and the matter shall be heard at a time to be fixed by the Judge to whom the case is assigned.

RULE 8

RULE DAYS NOT FIXED BY LAW

- 8.01** In all cases where the time for filing of pleadings or amended pleadings is not fixed by law or another rule, the pleading or amended pleading shall be filed on or before the fourteenth (14th) day after the date of entry requiring or granting leave for the filing of such pleading or amended pleading unless otherwise specified in the Entry. The opposing party shall move or plead to the pleadings or amended pleadings so filed on or before the fourteenth (14th) day after such pleadings or amended pleading is filed.
- 8.02** No pleading or motion shall be amended by interlineations or obliteration except upon express leave of the assigned Judge first obtained.

RULE 9

TRIAL ATTORNEY

- 9.01** Unless otherwise ordered, and in all actions filed, transferred or removed to this Court, all parties not appearing *IN PROPRIA PERSONA* shall be represented of record by a “trial attorney”. Unless such designation is changed, the trial attorney shall attend all hearings, conferences, and the trial itself unless otherwise excused. All pleadings filed on behalf of one or more parties represented by counsel shall be signed by one attorney in his individual name as trial attorney, followed by the designation “trial attorney”. Firm names and the name of co-counsel may appear on the pleadings for information.
- 9.02** Counsel are directed to explore all available settlement proposals and exhaust all settlement efforts prior to any scheduled pre-trial conference or hearing or trial on the merits of any cause pending before this Court. Counsel shall be prepared to disclose to the Court or the Judge to

whom the case has been assigned, all efforts undertaken towards a resolution of the legal and the factual issues and disputes involved.

Failure to comply with this Rule may result in the imposition of sanctions including a continuance of the case.

RULE 10

WITHDRAWAL OF TRIAL ATTORNEY

10.01 Unless otherwise ordered, the substitution or withdrawal of a trial attorney shall be permitted only:

1. Upon filing with the Court and service on all other parties of a notice of a substitution of trial attorney signed by the withdrawing attorney, the client and a substitute trial attorney; or
2. Upon written application for substitution or withdrawal served upon the client and showing of good cause and upon such terms as the Court shall impose. Unless otherwise ordered, a trial attorney shall not be permitted to withdraw at any time later than twenty (20) days in advance of trial or the setting of a hearing on any motion, and unless otherwise ordered, the substitution of a trial attorney shall not serve as the basis for postponement of the trial or any hearing.

RULE 11

HEARINGS AND SUBMISSION OF MOTIONS

11.01 All motions not otherwise provided for herein or addressed by specific Court Order shall be accompanied by a brief stating the grounds therefore and citing the authorities relied upon. The opposing counsel or a party may file an answer brief by the fourteenth (14th) day after the day on which the motion was filed. The moving party may file a reply brief by the twenty-first (21st) day following the day on which such motion was filed; the motion shall then be deemed submitted to the Judge to whom the case is assigned, unless a different schedule is ordered by the Court. Oral arguments will not be allowed except upon leave of the Trial Judge upon written request by a party prior to submission and the time of hearing and length of such argument shall

be fixed by said Judge. This rule shall apply to all motions, including motions for new trial and motions for judgment notwithstanding the verdict, except as otherwise provided herein.

11.02 Motions which, in the opinion of the Court or under Ohio law, require evidentiary hearings shall be set for such evidentiary hearings at the convenience of the Court.

11.03 No motion shall be filed in any case after it has been set for pre-trial without leave of the Trial Judge first obtained, who may establish the time for the filing of briefs and submission of the motion.

RULE 12

PRE-TRIAL PROCEDURE

12.01 Upon order by the Judge to whom the case is assigned, pre-trials shall be held at such time as the Court shall direct.

RULE 13

DUTIES OF COUNSEL AT PRE-TRIAL CONFERENCE

13.01 It shall be the duty of counsel to comply with the terms and conditions of the Court's Order setting a cause for pre-trial conference, and to comply with Local Rule 9.02, Settlement Responsibilities. Failure to comply with this rule, in the absence of good cause shown, may result in the imposition of sanctions, including, but not limited to, dismissal for want of prosecution, default judgment, assessment of attorneys' fees and expenses against any party not in compliance, prohibition against the production of certain evidence or testimony, or any other sanction provided for by law.

RULE 14

TRIAL EXHIBITS

14.01 Not less than seven (7) days prior to trial, trial counsel shall cause to be marked as exhibits all documentary exhibits to be proposed as evidence at trial, shall provide copies of same to all trial

counsel and to the Court, and shall provide a list of all exhibits so marked to all trial counsel and to the Court.

Failure to comply with this rule may result in appropriate sanctions, including, but not limited to, exclusion of evidence.

RULE 15
CRIMINAL CASES

- 15.01** The rule of practice for civil cases apply to all criminal procedures except where clearly inapplicable.
- 15.02** Any attorney appointed to provide legal representation for indigent defendants shall be compensated pursuant to Sections 120.33 et seq., Revised Code of Ohio, and any other applicable Ohio Law. Such attorneys shall be reimbursed for expenses reasonably incurred not to exceed one hundred dollars (\$100.00) without prior Court approval. Necessary expenses in excess of one hundred dollars (\$100.00) may be allowed only if approved by the Trial Judge in advance of incurring the expense and if the amount thereof is determined to be reasonable by the Trial Judge. No attorney shall be appointed to represent an indigent defendant if that attorney has received compensation or has been promised compensation from any source for representing that defendant in the case at bar.
- 15.03** Additional payment shall be made for extraordinary cases and then only upon application under oath by the attorney showing extraordinary services, and after approval by the Trial Judge.
- 15.04** The attorney's certificate for legal services and affidavit of indigency shall be submitted within thirty (30) days of the termination of legal services and shall set forth an itemization of time and expenses involved. Said certificate shall also include the date of termination of services.
- 15.05** Any person prosecuted by the State or the City of Chillicothe, Ohio, determined to be indigent, shall be entitled to legal representation by the Ohio Public Defender, Ross County Branch.

- 15.06** The extent of the obligations, duties and services provided by the public defender in all representation of indigent persons shall be governed by the conditions and limitations imposed by the Ohio Public Defender agreement.
- 15.07** In any case where an ethical conflict or caseload restrictions precludes representation, appropriate counsel shall be appointed by the Court.
- 15.08** In any contempt action, if the alleged contemnor is determined indigent, he/she shall be provided legal representation by the Public Defender's Office or should a conflict arise, other appointed counsel.

RULE 16
INACTIVE CRIMINAL CASES

- 16.01** Criminal cases in which further proceedings are not presently possible shall be placed in a suspended file by the Clerk and considered closed for statistical purposes either upon motion of the prosecuting attorney or the Court's own motion and shall not be subject to dismissal for want of prosecution. A case shall be removed from such list when the defendant is available and proceedings resumed or when the case is dismissed. Cases to which this Rule is applicable shall include those in which the defendant is not competent to stand trial, or is confined in a penal institution in another state, has been served and cannot be found or those cases from which an appeal has been taken and is pending. In those cases, if appropriate, bail shall be forfeited and judgment entered thereon.

RULE 17
GENERAL ENTRIES

- 17.01** Unless the Trial Judge otherwise directs, counsel for the party in whose favor an order, decree or judgment is rendered shall, within five (5) days thereafter, prepare the proper journal Entry and submit it to the counsel for the adverse party who shall approve or reject the same within five (5) days after the receipt thereof. Name of counsel and of the Trial Judge shall be typed or printed upon the Entry. When the Entry is approved by counsel, it shall be so endorsed and presented to

the Judge to whom the case is assigned for approval and if signed by him shall then be filed with the Clerk. If counsel are unable to agree upon the Entry, it shall be submitted to the Trial Judge, who will direct what Entry shall be made.

- 17.02** If counsel fail to present an Entry within fourteen (14) days after the order, decree or judgment is rendered, the Trial Judge may cause the proper entry to be prepared and filed without submission or notice to counsel or take such other action as may be appropriate under the circumstances.
- 17.03** Counsel shall promptly submit an Entry of Dismissal to the Trial Judge following settlement of any case. If counsel fail to present such Entry to the Trial Judge within fourteen (14) days after representations to the Court that a case has been settled, or within thirty (30) days upon written application to the Court for such an extension and for good cause shown, the Trial Judge may order the case dismissed as for want of prosecution.
- 17.04** In all Entries of Confirmation following foreclosure actions, counsel shall describe in detail the release of any liens and mortgages, including the volume and page number of any such release.
- 17.05** Counsel directed by the Court to prepare and submit a journal Entry of a final, appealable order reflecting the findings and rulings of the Court shall provide for the Clerk of Courts a list of all persons entitled to notice, including the names and mailing addresses of all attorneys of record and names and addresses of all unrepresented parties not in default. Counsel shall also provide sufficient copies of said journal entry to the Clerk so that the Clerk may serve notice of the entry by mail upon each party listed.
- 17.06** All entries in civil and domestic cases shall make provisions for payment of Court costs and shall specifically provide for allocation of any Court costs incurred over and above the cost deposit. The Clerk shall not accept for filing any entry that fails to comply with this rule.
- 17.07** All proposed Nunc Pro Tunc entries shall be accompanied by a motion specifying the proposed revisions.

RULE 18
APPEALS

- 18.01** Where the time for filing bills of exceptions, assignments of error and briefs are fixed by statute or by Rule of the Supreme Court, they shall be filed within such time or extension thereof as may be granted in writing by the Judge to whom the case is assigned after notice to opposing counsel or party. Upon the expiration of such time as extended, the case will be considered as submitted on the briefs unless oral argument or evidentiary hearing is requested in writing and granted by the Judge. When granted such oral argument shall not exceed fifteen (15) minutes per side unless extended by the Judge.
- 18.02** Where the time for filing is not fixed by statute or Rule of the Supreme Court, the appellant shall file a brief within twenty (20) days after the filing of the transcript of the record; the appellee shall file his brief within ten (10) days after the filing of the brief of appellant and any reply briefs shall be filed within five (5) days after the filing of appellee's brief. Extensions of time may be granted by Entry by the Judge to whom the case is assigned for good cause shown after notice to all parties.
- 18.03** In all cases in which demand or request to the agency by the appellant is a prerequisite to the preparation or the filing of the transcript of the record by the agency, such demand or request shall be filed by the appellant with the agency at the time of filing the notice of appeal, unless otherwise provided by Rule of the Supreme Court or by law.
- 18.04** Upon expiration of the time for filing the last brief, the case will be considered as submitted upon the briefs unless oral argument or evidentiary hearing is requested in writing and granted by the Judge to whom the case is assigned or is required by law. Such argument shall not exceed fifteen (15) minutes per side unless extended by such Judge.
- 18.05** The procedure as herein above set forth as may be applicable shall apply to all appeals including those under Chapter 2506 of the Ohio Revised Code and Chapter 119 of the Ohio Revised Code.

18.06 Failure of Appellant to file his bill of exceptions, assignments of error, his brief or his demand for a transcript of the record within the time required shall be cause for dismissal of the appeal for want of prosecution or other disposition of the case at the direction of the Judge to whom the case is assigned.

RULE 19
MAGISTRATES

19.01 Magistrates may be appointed by the Court and serve full or part-time as provided by Ohio Civil Rule 53.

19.02 All referenced proceedings shall conform to the requirements of Ohio Civil Rule 53.

RULE 20
TRANSCRIPTS

All requests for transcripts shall be made in writing. The Court Reporter shall have full authority to require a deposit in such amount as is deemed necessary to cover the cost of preparation, unless otherwise ordered by the Court.

RULE 21
DOMESTIC RELATIONS PRACTICE

21.01 COSTS

1. In all actions for dissolution, the parties, upon institution of the action, shall deposit with the Clerk the sum of two hundred dollars (\$200.00) as a security for costs.
2. In all actions for divorce, annulment or legal separation, the party instituting the action shall deposit with the Clerk the sum of two hundred fifty dollars (\$250.00) as security for costs. A party instituting an action for divorce, annulment or legal

separation together with a motion for a restraining order shall deposit with the Clerk the sum of two hundred sixty dollars (\$260.00) as security for costs.

3. In all counter-claims for divorce, annulment, or legal separation, the party instituting the counter-claim shall deposit with the Clerk the sum of two hundred dollars (\$200.00) as security for costs. A party instituting a counter-claim together with a motion for a restraining order shall deposit with the Clerk the sum of two hundred ten dollars (\$210.00) as security for costs.
4. In all post-judgment motions, the party instituting such motions shall deposit with the Clerk the sum of one hundred fifty dollars (\$150.00) per motion as security for costs. In all motions for change of parental rights and responsibilities in which an investigation is required on behalf of minor children, the moving party shall deposit with the Clerk an additional one hundred dollars (\$100.00) as costs.
5. Where a party by affidavit shows inability to pay or secure costs, the Clerk shall receive and file the documents without deposit or security after having first received approval of the Court.
6. Fifty dollars (\$50.00) of all costs deposited pursuant to this Rule, except for an investigation, shall be deposited in the Ross County Mediation Fund.

21.02 PRE-TRIAL CONFERENCES

1. The Court, on its own motion, or on request of a party, may order a pre-trial hearing. If so ordered, the parties shall complete, exchange and file with the Court at least ten (10) days prior to the pre-trial conference a pre-trial statement pursuant to the following order scheduling the case for pre-trial conference:

* * * * *

IN THE COURT OF COMMON PLEAS, ROSS COUNTY, OHIO

Plaintiff

Case No. _____

Defendant

PRE-TRIAL ORDER

It is Ordered that this cause is set for pre-trial conference on _____,
20____ at _____ A.M./P.M. in Common Pleas Courtroom # _____.

It is the Order of the Court that each of the parties herein serve upon opposing counsel and file with the Clerk of Courts not less than ten (10) days prior to pre-trial conference a pre-trial statement containing all the following information:

1. Itemized list of all assets of the parties together with appraisal value that will be supported by respective party's evidence;
2. Statement of total gross income indicating source, amount and nature thereof;
3. Statement of all deductions from gross income which, together with information provided in No. 2 above, will provide an accurate and fair representation of the party's net disposable income before living expenses and debts;
4. Itemized list of all debts of the parties indicating creditor, principal balance, periodic payment, anticipated rate of payoff, purpose, security, if any, and liability of respective parties thereon;
5. Statement of living expenses (without minor children) that will be supported by respective party's evidence; and
6. Other relevant information as contained in Ohio Revised Code Sections 3105.18 and 3113.215.

Each party shall also prepare a proposal, which he/she states is fair and reasonable, for division of assets, payment of debts, payment of periodic spousal support, and payment of child support (including medical expenses, etc.). The proposal shall be accompanied by a memorandum in justification of said proposal together with citations of legal authority supporting said proposal.

If upon final hearing it appears that a party has not fully, fairly and accurately disclosed all relevant information as herein Ordered, the Court shall take such failure into consideration in its final order. The Court may limit evidence submitted at trial to information provided pursuant to this order.

IT IS ORDERED that counsel exert all reasonable effort to resolve and settle the issues presented herein prior to pre-trial and be prepared to report to the Court the results of such settlement discussions.

The Clerk is directed to mail a copy of this Order to counsel of record.

JUDGE, COMMON PLEAS COURT

* * * * *

21.03 ASSIGNMENT OF CASES FOR TRIAL

1. All uncontested actions for divorce, spousal support or annulment shall be assigned for trial by the assignment commissioner/bailiff on the Court's own motion or upon the request of the party or the attorney for the party.

21.04 WITNESSES

1. Only one corroborating witness, who has personal knowledge of the facts, shall be required.
2. In any domestic relations proceeding where a representative from Ross County Children's Services is subpoenaed to appear to provide and identify records compiled by that agency:

Children's Services shall deliver a copy of the records to the assigned Judge or Magistrate no later than one business day prior to hearing.

The Judge or Magistrate shall review the records to determine their materiality and relevancy.

These records shall be accompanied by a certification that the records are true and exact copies of the originals.

With such certification, the subpoenaed representative will not be required to appear at hearing for purposes of authenticating such records.

21.05 INVESTIGATIONS

1. An investigation shall be made in all actions for divorce, annulment or legal separation where one or more children under the age of eighteen (18) is involved.
2. An investigation may be required for an agreed change of allocation of parental rights and responsibilities or an election by a minor to change allocation of parental rights and responsibilities.

21.06 MAGISTRATE HEARINGS

1. In all actions for divorce, annulment or legal separation, the Court may refer any motion, temporary or final hearing to a domestic relations Magistrate for hearing and recommendations.

21.07 PLEADINGS

1. All pleadings filed in the Court must contain:
 - The name of the Court;
 - Proper style of the case;
 - Number of the case;
 - The social security numbers and birth dates of the parties; and
 - The name, address and phone number of the trial counsel.

All pleadings filed with the Court must be on paper not exceeding 8 ½ x 11 inches and double spaced with the exception of legal descriptions and quotations which shall be single spaced.

All separation agreements filed with the Court must be on a separate paper and styled as a separation agreement.

21.08 PRELIMINARY ORDERS AND PROCEDURE.

1. When requested in the complaint, answer or counter-claim, or by motion, upon satisfactory proof by affidavit duly filed with the Clerk of this Court, the Court or Magistrate without oral hearing and for good cause shown may grant spousal support *pendente lite* to either of the parties for his or her sustenance and expenses during suit and may make temporary orders regarding allocation of parental rights and responsibilities, support, maintenance and care of the minor children of the marriage, whether biological or by adoption, during the pendency of the action for divorce, annulment or legal separation, as provided for in Ohio Civil Rule 75 (M).
2. Counter affidavits may be filed by the opposing party within fourteen (14) days from the service of the complaint, answer, counter-claim or motion, and all affidavits shall be used by the Court or Magistrate, together with the divorce investigator's report, in making a temporary spousal support, allocation of parental rights and responsibilities, support and care order; and upon request in writing, after any temporary spousal support or allocation of parental rights and responsibilities and support order is journalized, the Court shall grant the party so requesting an oral hearing to modify such temporary order. A request for oral hearing shall not suspend or delay the commencement of spousal support or support payment previously ordered or change the allocation of parental rights and responsibilities of children until the order is modified by journal entry after the oral hearing.
3. In the alternative to Subsection 1 and 2 herein, a party filing any pleading or motion where child support is to be ordered, shall also submit to the Court at the time of filing a completed worksheet with that party's calculation of the child support under the Guidelines. The responding party shall submit to the Court, within fourteen (14) days of the service of the original pleading or motion, a completed worksheet with the responding party's calculation of child support under the Guidelines. All worksheets so filed shall be made on the oath or affirmation of the party submitting same. Also to be included in any pleadings is

a completed financial affidavit, the form of which has been approved by the Court. All contempt filings for failure to comply with Court ordered support and/or spousal support shall be accompanied by a computerized statement of the status of the obligor's support and/or spousal support account certified by the Job and Family Services. The Clerk shall refuse any such filings not so complied with.

4. Until such time as the Court or Magistrate has made a temporary order as to allocation of parental rights and responsibilities and support of any minor child or children of the parties, any minor children of the parties shall remain in the custody and control of the party who had physical custody and control of the minor children at the time of the filing of the complaint for divorce, annulment, legal separation or motion.
5. Upon the filing of any matter in which an investigation is required for the placement or allocation of parental rights and responsibilities of minor children, a complete street address for the parties or persons having or seeking allocation of parental rights and responsibilities of minor children shall be included in any papers filed with the Clerk of this Court.
6. In all actions for divorce, dissolution and legal separation, or an answer or counterclaim thereto, a financial affidavit itemizing the parties' gross income from all sources, assets, living expenses, debts and liabilities shall be filed therewith.
7. The following notice shall be included in a conspicuous manner, in any complete, answer, counter-claim or motion requesting temporary relief pending judgment.

NOTICE:

YOU HAVE FOURTEEN (14) DAYS FROM THE DATE OF SERVICE WITHIN WHICH TO FILE ANY COUNTER AFFIDAVITS, INCLUDING, IF APPROPRIATE, SWORN SUPPORT WORKSHEETS.

21.09 JOB AND FAMILY SERVICES

1. All periodic payments of spousal support and support, whether by temporary order or final decree, shall be paid through the Ross County Job and Family Services.
2. All orders effecting the periodic payment of spousal support or support, whether temporary orders or final decrees, shall be filed with the Clerk of this Court with a copy to the Job and Family Services. Counsel preparing such order shall provide an additional copy to be filed with the Job and Family Services.
3. .
 - a. When the Court issues or modifies a support order, the Job and Family Services shall collect the appropriate poundage fees pursuant to Section 2301.35(H)(1) of the Ohio Revised Code. The Job and Family Services shall also cause all existing support orders to conform with the provisions of Ohio Revised Code Section 2301.35(H)(1) by December 31st, 1988.
 - b. The Court, without hearing or motion, shall order amended any child support order that does not comply with the requirements of Ohio Revised Code Section 2301.35 without serving notice to the obligor or to the obligor's employer of said amendment.
 - c. Any payments made directly to the obligee or the child will not be allowed as credit for payments ordered paid through the Ross County Job and Family Services.
4. Effective November 1, 1993, a fully completed Ross County Job and Family Services information memo, a copy of which is attached hereto, must accompany any final divorce decree and any post-decree journal entry which orders, modifies or terminates child or spousal support. Further, counsel shall submit a copy of any such decree or journal entry for the Job and Family Services. The Clerk of this Court shall refuse for filing any such decree or journal entry not accompanied by a copy for Job and Family Services and a fully completed Job and Family Services memo.

After receipt of the fully completed Job and Family Services memo and Job and Family Services copy of the decree or journal entry, the Clerk shall then forward

these documents to the Job and Family Services by placing them in the CSEA box at the office of the Clerk of Courts.

21.10 COMPANIONSHIP SCHEDULE

Companionship is a time for children to do things with the parent they do not live with. Activities you can do with them or skills you can teach them help the time be rewarding. Helping the children find friends in your neighborhood also helps make it like home for them. Liberal companionship arrangements are encouraged, as contact with both parents is important to the children. Specific items in the Journal Entry take precedence over this schedule. Changes or modifications can be made by the Court if need for such is shown. This schedule does not affect support payments.

COMPANIONSHIP BETWEEN THE CHILDREN AND NON-RESIDENTIAL PARENT SHALL TAKE PLACE AT SUCH TIMES AND PLACES AS THE PARTIES MAY AGREE, BUT WILL NOT NORMALLY BE LESS THAN:

1. **Weekends:** Alternate weekends from Friday at 6:00 p.m. until Sunday at 6:00 p.m. This alternating weekend schedule shall not change, even if interrupted by holiday and birthday, summer and/or vacation companionship.
2. **Weekdays:** (One or Two) weekday evenings per week from 6:00 p.m. to 9:00 p.m.
3. **Extracurricular Activities:** Regardless of where the children are living, their continued participation in extracurricular activities, school related or otherwise, shall continue uninterrupted. It shall be the responsibility of the parent with whom they are residing at the time of the activity to provide the physical and economic cost of transportation to these activities. The residential parent shall provide the non-residential parent with:

Notice of all extracurricular activities school related or otherwise, in which the children participate;

Schedules or all extracurricular activities (handwritten by the residential parent if no formal schedule is provided by the activity); and
The name of the activity leader (including address and telephone number if reasonably available to the residential parent).

4. Holidays and Birthdays:

In odd-numbered years, Mother has:

New Year's Day;
Spring Break;
Memorial Day,
Labor Day,
Christmas Eve; and
The first half of Christmas Break.

In odd-numbered years, Father has:

Martin Luther King's Day;
Easter;
Fourth of July;
Thanksgiving;
Christmas Day; and
The second half of Christmas Break.

In the even-numbered years, the schedules are reversed.

- a. The alternating weekend companionship shall not be interrupted as a consequence of the holiday schedule. But for any holiday falling on a Thursday or Friday, if the weekend immediately preceding or following the holiday and the holiday companionship are spent with the same parent, there is no need for that parent to return the child to the other parent that evening and then pick them up the next morning, rather a holiday falling on a Friday, companionship commences Friday a.m. to Sunday evening or a holiday falling on a Monday commences Friday evening to Monday evening.
- b. Mother's Day and Father's Day and, the parents' birthdays only when they fall on a Saturday or Sunday, to be spent with the appropriate parent.

These are as agreed or 10:00 a.m. to 7:00 p.m. These do not have to be made up.

c. Other days of special meaning, such as religious holidays, etc., should be decided together, written into the Court Order, and alternated as above. These do not have to be made up.

d. Hours for parents who cannot agree are as follows:

New Years Day (9:00 a.m. to 7:00 p.m.);

Martin Luther King's Day (9:00 a.m. to 7:00 p.m.);

Spring Break (6:00 p.m. the Friday school is out to 7:00 p.m. the day before school recommences, to be coincidental with the days of the school vacation and not to interfere with school);

Easter (8:00 a.m. to 7:00 p.m.);

Memorial Day (9:00 a.m. to 9:00 a.m. the next day, not to interfere with school);

July 4th (9:00 a.m. to 9:00 a.m. the next day);

Labor Day (9:00 a.m. to 9:00 a.m. the next day, not to interfere with school);

Thanksgiving (9:00 a.m. to 9:00 a.m. the next day);

Christmas Eve (9:00 p.m. December 23 to 9:00 p.m. December 24);

Christmas Day (9:00 p.m. December 24 to 9:00 p.m. December 25);

Christmas Break

First half commences at 8:00 a.m. the day Christmas Break begins, continuously, unless interrupted by Christmas Eve and Christmas Day, through half of the vacation break, which may be at noon if the number of days in Christmas vacation are an odd number or 9:00 p.m. if the school vacation has an even number of days;

Second half commences at noon of the middle day of the break if the break has an odd number of days or 9:00 p.m. the last day of the first half of the break if the break has an even number of days to 9:00 a.m. New Year's Day.

Christmas Eve, Christmas Day and New Year's Day are to be exercised independently from the Christmas Break companionship and shall be spent with the designated parent.

To calculate the Christmas Break, the parties shall add all days of the Christmas Break, excluding the day the children are out of school and the day they return to school but including all weekdays and weekend days that fall during the break, the children are off school (again excluding Christmas Eve Day, Christmas Day and New Year's Day) and divide the total in half.

The Christmas break companionship shall be consecutive days, except as interrupted by Christmas Eve, Christmas Day.

- e. Forty eight (48) hour notice should be given by the parent with whom the holiday is being spent for any arrangements for out of town travel on the holidays or of a change in pick-up/return times.
 - f. The children's birthdays should be alternated per child, between the parents and on an annual basis. Hours for parents who cannot agree are 4:00 p.m. to 8:00 p.m. Brothers and sisters attend the birthday event. These do not have to be made up.
5. Waiting: The children and residential parent have no duty to await the visiting parent for more than thirty (30) minutes of the companionship time. A parent who is late forfeits companionship for that period.
 6. Cancellation: The non-residential parent should give twenty four (24) hour notice to cancel. The time canceled by the non-residential parent is forfeited.
 7. Illness: If a child is ill, the residential parent should give twenty four (24) hour notice, if possible, so appropriate plans can be made. However, if more than one

day of any companionship, weekend, holiday/birthday, or vacation is missed due to non-emergency and/or non-critical illness, then any missed companionship shall be made up as soon as practicable.

8. Summer: The non-residential parent shall have companionship with the children for the last half of the summer each year. The summer school vacation is defined as the entire summer school vacation, commencing the day after the children are out of school and continuing until seven (7) days before school begins. The number of intervening weeks (full and/or partial) shall be divided by two, and the non-residential parent shall have the last half of the summer as companionship with the children.

During the summer companionship, the residential parent receives weekday companionship as afforded the non-residential parent the rest of the year. The alternating weekends continue during the non-residential parent's summer companionship, without interruption.

9. Vacation: Each parent may arrange an uninterrupted vacation of not more than two weeks with the children. The non-residential parent shall schedule this during his/her one-half (1/2) summer companionship period, and the residential parent shall schedule this at a time other than the non-residential parent's one-half (1/2) summer companionship. A general itinerary of the vacation shall be provided for the other parent, including dates, locations, addresses, and telephone numbers. Holiday and birthday celebrations with either parent shall not be missed, requiring scheduling of the vacation around these events or that the missed occasion be made up. Alternate weekends are missed during vacation, and are therefore not required to be made up.
10. Upon either parent learning or determining, whichever first occurs, that he/she will be moving, he/she shall immediately notify the other parent except in those circumstances wherein notice is not required by R.C. 3109.051(G) and provide the other parent with the moving date, new residence address and telephone number, and such other pertinent information necessary to effectuate a smooth move for the children. The parents shall attempt, in good faith, to renegotiate an appropriate and beneficial new companionship schedule. But if they are unable to do so, the non-residential parent shall, at a minimum enjoy the existing

companionship schedule for distances under three hours or the long distance companionship for the distances longer than three hours, including the sharing of physical and monetary costs of transportation and telephone expenses until a Court Order modifying companionship is entered.

- 11. Access to Records:** Both parents shall have access to all medical, dental, optometric, psychiatric and psychological records of the minor children and may consult with any treating physician, dentist or other health care provider to the children. Both parents shall retain the authority to consent to any necessary emergency medical treatment for the children. Each parent shall notify each other of any health problems of the children. Both parents shall have access to the children's school records. Both parents shall have the right to participate in parent-teacher conferences, school trips, school programs and other school events in which parents are invited to participate. The parent receiving the grade card shall give a copy to the other parent within three (3) days of receipt.

Both parents shall have access to babysitting, day care, nursery school and/or latch key records of the children. Either parent shall execute any authorizations or releases necessary to release the records to the other. Both parents shall have access to all religious records of the children. Both parents shall have the right to participate and attend all religious activities of the children.

- 12. Telephone Access:** The children must be allowed to communicate by telephone, one time per week, with both parents, regardless of with whom the child is currently residing. Both parents shall permit no less than one-half hour conversations. The party with whom the children are residing at the time of the call shall bear the expense unless the children are permitted to telephone the other parent collect. The children may call either parent, collect, with the agreement of the parent being called, at any and all reasonable times as he or she wishes.

- 13. Make-up Companionship:** Any make-up companionship required by this schedule shall occur the first weekend of the other parent immediately following the missed companionship and shall continue during the other parent's weekends until made-up in full, including partial weekends.

- 14. Current Address and Telephone Number:** Each parent must keep the other informed of his/her current address and telephone number at all times.

15. Car Seat: For any and all children required by law to ride in a car seat, the parents shall transfer the car seat with the child as companionship exchanges occur.
16. Clothing: The residential parent is responsible for providing sufficient appropriate clean clothing for every companionship period, based on the lifestyle of the residential parent and child. If the planned companionship activities require special or unusual clothing needs, the non-residential parent must notify the residential parent at least two (2) days in advance of the companionship period. If the child does not have the type of clothing requested, the residential parent is under no obligation to comply with the request. All clothing sent by the residential parent must be returned immediately after the companionship period. The non-residential parent is not required to return the clothing washed and cleaned, unless the residential parent has companionship with the children for a period in excess of four (4) days. Additionally, any clothing purchased by the non-residential parent and which the children are wearing upon their return to the residential parent after companionship, shall be returned by the residential parent to the non-residential parent at the next companionship period. If the next companionship period is longer than seven (7) days, then the clothing returned to the non-residential parent must be washed and cleaned.

21.11 COMPANIONSHIP SCHEDULE

(For Long Distance Travel – Over 150 Miles One Way)

Companionship is a time for children to do things with the parent they do not live with. Activities you can do with them or skills you can teach them help the time be rewarding. Helping the children find friends in your neighborhood also helps make it like home for them. Liberal companionship arrangements are encouraged, as contact with both parents is important to the children. Specific items in the Journal Entry take precedence over this schedule. Changes or modifications can be made by the Court if need for such is shown.

COMPANIONSHIP SHALL BE AT SUCH TIMES AND PLACES AS THE PARTIES MAY AGREE. HOWEVER, WHENEVER “REASONABLE COMPANIONSHIP” FOR

A NON-RESIDENTIAL PARENT APPEARS IN AN ENTRY IT SHALL NOT NORMALLY BE LESS THAN:

1. Christmas: Christmas vacation, excluding Christmas Eve and Christmas Day, will be divided in half and alternated annually, by half, between the parents. Additionally, Christmas Eve and Christmas Day shall be alternated annually between the parents.
2. Spring Break: School vacation (the Friday school is out to the day before school recommences, to be coincidental with the days of the school vacation and not to interfere with school) in odd-numbered years or the Saturday before Easter to the Saturday after Easter for preschoolers with no school-aged siblings.
3. Alternative Holiday Plan: Those who wish more frequent contact, and who develop a plan to pay for the transportation, can have:

Half of Easter vacation:

Half the summer:

Alternate-year Thanksgiving; and

Half of the Christmas vacation each year.

The holidays themselves must be alternated, as the parties agree, or Easter and Thanksgiving in the odd-numbered years and Christmas in the even-numbered years for the non-residential parent.

4. Summer: One-half (1/2) of the school summer vacation. Summer school necessary to the child(ren) to pass to the next grade must be attended. The residential parent shall notify the non-residential parent by March 15 of when the summer vacation begins and ends. The non-residential parent must notify the residential parent as to their intentions by April 15.
 - a. If the parties cannot agree which half of the summer they prefer, in the even-numbered years, the first half of the summer shall be spent at the non-residential home, and in the odd-numbered years, the second half.
 - b. The children must be allowed to communicate, by telephone, one time per week with both parents, regardless of with whom the child is currently residing. Both parents shall permit no less than one-half (1/2) hour conversations. The calling party shall bear the expense. The children may

call either parent, collect, at any and all reasonable times as he or she wishes.

- c. A general itinerary should be provided either parent if more than two (2) days will be spent away from either home when the children are in that parent's care.

5. Vacations: Each parent may arrange an uninterrupted vacation of not more than two weeks with the children. A general itinerary of the vacation shall be provided for the other parent, including dates, locations, addresses and telephone numbers.

- a. Vacation is defined as a trip away from the parents' home. It does not include a parents' vacation time off from work where that parent spends time at home.
- b. Summer school necessary for the child to pass to the next grade must be attended.

6. Additional Companionship:

- a. Weekend: A once-a-month, weekend visit to the non-residential home will be permitted if the child's traveling time does not exceed three hours one way. The residential parent must be notified at least one week in advance.
- b. Father's Day and Mother's Day can always be spent with the appropriate parent.
- c. The non-residential parent shall notify the residential parent at least two days in advance of any time the non-residential parent will be in the area and wants a companionship period. Absent extraordinary circumstances, this companionship shall occur.
- d. The residential parent must notify then non-residential parent at least two days in advance when the residential parent and child(ren) will be in the area of the non-residential parent, and companionship must be allowed.

7. Transportation: Responsibility for transportation costs should be decided in advance and a plan written into an Order of the Court. The costs of transportation, in the appropriate case, may be a basis for deviation from the child support schedule.

8. Moving: Upon either parent learning or determining, whichever first occurs, that he/she will be moving, he/she shall immediately notify the other parent and provide the other parent with the moving date, new residence address and telephone number, and such other pertinent information necessary to effectuate a smooth move for the children. The parents shall attempt, in good faith, to renegotiate an appropriate and beneficial new companionship schedule. But if they are unable to do so, the non-residential parent shall, at a minimum, enjoy the existing companionship schedule for distances under three hours or the distance companionship for distances longer than three hours, including the sharing of physical and monetary costs of transportation and telephone expenses until a Court Order modifying companionship is entered.
9. Access to Records: The non-residential parent shall have access to all medical, dental, optometric, psychiatric and psychological records of the minor children and may consult with any treating physician, dentist or other health care provider to the children. The residential parent shall execute any authorizations or releases necessary to release these records and documents to the non-residential parent. Each parent shall notify each other of any health problems of the children. The non-residential parent shall have the same access as the residential parent of the children's school records. The non-residential parent shall have the right to participate in parent-teacher conferences, school trips, school programs, and other school events in which parents are invited to participate. The parent receiving the grade card shall give a copy to the other parent within three (3) days of receipt.
10. Current Address and Telephone Number: Each parent must keep the other informed of his/her current address and telephone number at all times.
11. Modification: This schedule can be changed or modified by the Court if need for such is shown.
12. Car Seat: For any and all children required by law to ride in a car seat, the parents shall transfer the car seat with the child as companionship exchanges occur.
13. Clothing: The residential parent is responsible for providing sufficient appropriate clean clothing for every companionship period, based on the lifestyle of the residential parent and child. If the planned companionship activities require special or unusual clothing needs, the non-residential parent must notify

the residential parent at least two (2) days in advance of the companionship period. If the child does not have the type of clothing requested, the residential parent is under no obligation to comply with the request. All clothing sent by the residential parent must be returned immediately after the companionship period. The non-residential parent is not required to return the clothing washed and cleaned, unless the residential parent has companionship with the children for a period in excess of four (4) days. Additionally, any clothing purchased by the non-residential parent and which the children are wearing upon their return to the residential parent after companionship, shall be returned by the residential parent to the non-residential parent at the next companionship period. If the next companionship period is longer than seven (7) days, then the clothing returned to the non-residential parent must be washed and cleaned.

21.12 MANDATORY PARENT EDUCATION CLASS

In any divorce or dissolution in which minor children are involved, any motion for change of custody, or modification of companionship filed on or after March 1, 1995, both parents, or, if ordered by the Court, any legal guardian or custodian of any minor child involved in such filing shall attend the Ross County Divorce/Parenting Education classes provided by Adena Regional Medical Center. The Court may also order attendance of the program in any other type of domestic case involving minor children.

Attendance shall not be required if the person seeking excuses from attendance has attended the class within two years from the filing of the divorce, dissolution, motion for change of custody or to modify companionship; or if the person seeking excuse from attendance resides outside of Ross County and furnishes proof in a manner satisfactory to the Court, including, but not limited to, a certificate of completion of a class similar to the parenting class offered by the Adena Regional Medical Center if attendance at that class is approved by the Court prior to the completion of the class by the person seeking to be excused from attendance, or by motion for good cause shown.

Both parents or any other party ordered to attend the class shall attend within sixty (60) days of the filing of the divorce, dissolution, change of custody, or modification of companionship. The parties or their counsel shall make arrangements with the program. Program fees shall be

established by Adena Regional Medical Center. Notice of the attendance requirement, a telephone number for the party to contact in order to set up the scheduled class attendance, and a listing of the reasons for which attendance may be excused shall be provided by the Clerk and served with summons or the motion. In dissolutions, where one party is represented by counsel, counsel shall be responsible for furnishing this required notice to the other party. In pro se dissolutions, the Clerk shall furnish the information to the party or parties filing the dissolution. Attendance of the class shall be evidenced to the Court by furnishing the Court with a certificate of completion in that party's name. Failure to attend in the time frame set forth without excuse shall result in no final hearing being conducted until attendance is completed or in a citation for contempt of Court or in such other sanction as the Court may deem appropriate.

21.13 GUARDIAN AD LITEM

1. Appointment: A Guardian Ad Litem may, and where required by statute shall, be appointed by the Court to represent the best interest of a minor or incompetent person in a legal proceeding before this Court. The legal proceeding may be, but is not limited to a divorce, the allocation of parental rights and responsibilities or a companionship action.
2. Qualifications: A Guardian Ad Litem appointed by the Court shall be any qualified and certified individual pursuant to the Ohio Rules of Superintendence. The Court may appoint an attorney to act as a Guardian Ad Litem for the minor or incompetent person.
3. Deposit for fees: Unless otherwise directed by the Court, when a Guardian Ad Litem is appointed, the moving party shall deposit with the Clerk of Courts the fee for the Guardian Ad Litem as determined by the Court in the appointment entry, by the date specified. When protracted litigation is anticipated, the Guardian Ad Litem may submit to the Court a motion requesting additional deposit and allocation.
4. Payment of Fees: Prior to any final adjudication of the matter on which the Guardian Ad Litem has been appointed, the Guardian Ad Litem shall submit an affidavit of fees to the Court for approval. If approved by the Court, said fees shall be paid prior to the final hearing.

21.14 A petition or pleading filed pursuant to Ohio Revised Code Section 3113.31 shall contain the following information concerning the respondent:

1. Name;
2. Address;
3. Social Security Number;
4. Date of Birth;
5. Height;
6. Weight;
7. Hair;
8. Eyes;
9. Race;
10. Sex; and
11. Vehicle license number.

The Clerk shall not refuse to accept a petition or pleading for filing on the grounds that it fails to contain all of the above-stated information except that the Clerk shall not accept a petition which does not contain the name and address of the respondent.

21.15 PUBLICATION.

The Clerk of this Court shall cause service of notice in all divorce, annulment or legal separation actions in which the plaintiff is proceeding ***In Forma Pauperis*** pursuant to Rule 4.4, Ohio Rules of Civil Procedure, to be made by posting one copy of such notice in the office of the Clerk of Courts of Common Pleas, Ross County, Ohio, one copy to be posted in the first floor of the Chillicothe Municipal Court Building, 26 South Paint Street, Chillicothe, Ohio, and one copy to be posted in the first floor of the Ross County Annex, 475 Western Avenue, Chillicothe, Ohio, for six (6) consecutive weeks. This Amended Rule of Court is effective October 1, 1993.

RULE 22
MEDIA

22.01 BROADCASTING, TELEVISIONING, RECORDING AND PHOTOGRAPHING BY THE NEWS MEDIA

1. Effective January 1, 1987, broadcasting, televising, recording and photographing by news media during courtroom sessions, including recesses between sessions, shall be permitted under the following conditions:

22.02 ADMINISTRATION

1. Requests for permission to broadcast, televise, record, or photograph in the courtroom shall be in writing to the Judge of the Court of Common Pleas to whom the case is assigned as far in advance as reasonably practical, but in no event later than twenty-four (24) hours prior to the courtroom session to be broadcast or photographed unless otherwise permitted by the Trial Judge.
2. The Trial Judge shall grant the request in writing consistent with Canon 3 Section A(7)(c), Code of Judicial Conduct, Superintendence Rule 11, and this local Rule. Written permission shall be made a part of the record of the proceeding.

22.03 POOLING

1. Arrangements shall be made between or among media for “pooling” equipment and personnel authorized by this Rule to cover the Court sessions. Such arrangements are to be made outside the courtroom and without imposing on the Trial Judge or Court personnel to mediate any dispute as to the appropriate media “pool” representative or equipment authorized to cover a particular session.

22.04 EQUIPMENT AND PERSONNEL

1. Not more than one (1) portable camera (television, videotape or movie) operated by not more than one (1) in-Court camera person, shall be permitted without authorization of the Trial Judge.
2. Not more than one (1) still photographer, utilizing not more than two (2) still cameras of professional quality with not more than two (2) lenses for each camera, shall be permitted without authorization of the Trial Judge.
3. Not more than one (1) audio system for radio broadcast purposes shall be permitted without authorization of the Trial Judge.
4. If audio arrangements cannot be reasonably made in advance, the Trial Judge may permit one (1) audio portable tape recorder at the bench which will be activated prior to commencement of the courtroom session.
5. Visible audio portable tape recorders may not be used by the new media without prior permission of the Trial Judge.

22.05 LIGHT AND SOUND CRITERIA

1. Only professional quality telephonic, photographic and audio equipment which does not produce distracting sound or light shall be employed to cover courtroom sessions. No motor driven still cameras shall be permitted.
2. No artificial lighting device other than that normally used in the courtroom shall be employed. However, if the normal lighting in the courtroom can be improved without being obtrusive, the Trial Judge may permit modification.
3. Audio pickup by microphone for all media purposes shall be accomplished from existing audio systems present in the courtroom. Microphones shall be located only at the Trial Judge's bench, witness stand and jury rail. Microphones shall be visible, secured, but unobtrusive. If no technically suitable audio system exists in the courtroom, microphones and related wiring essential for all media purposes shall be unobtrusive and located in the places designated by this Rule, or the Trial Judge, in advance of any session.

4. One television camera shall be positioned on a tripod adjacent to the side conference room door in each courtroom, and shall remain fixed in that position. This designated area shall provide reasonable access to coverage. Videotape recording equipment or other technical equipment which is not a component part of an in-Court television or broadcasting unit shall be located in a room adjacent to or outside of the courtroom.
5. Television, broadcast, and still camera operators shall position themselves in a location in the courtroom, either standing or sitting, and shall assume a fixed position within that area. Having established themselves in a shooting position, they shall act so as to not call attention to themselves through further movement.
6. Television cameras, microphones and taping equipment shall not be placed in, moved during or removed from the courtroom except prior to commencement or after adjournment of the session, or during a recess. Neither television film magazines, rolls or lenses, still camera film, nor audio portable table cassettes shall be changed within a courtroom except during a recess.

22.08 MISCELLANEOUS

1. Proper courtroom decorum shall be maintained by all media pool participants.
2. All media representatives shall be properly attired, in a manner that reflects positively upon the journalism profession.

22.07 LIMITATIONS

1. There shall be no audio pickup or broadcast of conferences conducted in a courtroom between counsel and clients, co-counsel, Trial Judge and counsel.
2. The Trial Judge shall prohibit photographing or televising by any means victims of sexual assaults, jurors and undercover police officers. The Trial Judge shall not permit the photographing or televising of any witness or victim who objects thereto. The Trial Judge shall retain discretion to limit or prohibit photographing or televising of any counsel or his work product, upon objection.

22.08 REVOCATION OF PERMISSION

1. Upon the failure of any media representative to comply with the conditions prescribed by the Trial Judge, the Rules of Superintendence of the Supreme Court, or this Rule, the Trial Judge may revoke permission to broadcast, photograph or record the trial or hearing.

RULE 23

ATTORNEY'S FEES FOR SUITS IN PARTITION OF REAL ESTATE

23.01 Pursuant and subject to Ohio Revised Code Section 53.07.25, counsel fees in partition actions are fixed as follows:

For the first five thousand dollars (\$5,000.00) of the value, as determined in said action, of said real estate, at the rate of eight percent (8%);

All above that sum, and not exceeding ten thousand dollars (\$10,000.00) at the rate of six percent (6%);

All above that sum, and not exceeding fifteen thousand dollars (\$15,000.00) at the rate of four percent (4%); and

All above fifteen thousand dollars (\$15,000.00) at the rate of two percent (2%) with a minimum allowance of fifty dollars (\$50.00).

1. Compensation for extraordinary services and for expenses may be awarded upon application to and approval of the Trial Judge and only upon notice to opposing parties or their counsel. Such extraordinary fees and expenses shall be limited to those found to be reasonable and necessary in the sound discretion of the Trial Judge.

RULE 24

CASE MANAGEMENT

24.01 Within sixty (60) to ninety (90) days of answer day in any domestic or civil case or within thirty (30) days of arraignment in a criminal case, the Court shall cause a pre-trial hearing to be scheduled at which hearing all issues relevant to the case shall be discussed, all available

alternate dispute resolutions shall be explored, and the case shall be scheduled for trial and any further hearings as determined to be necessary by the Court.

RULE 25
COURT SECURITY

25.01 The Court shall direct the Ross County Sheriff's Department or other appropriate law enforcement officers to act as Court security for Court facilities when deemed appropriate in the Court's discretion.

25.02 No firearms and/or weapons shall be permitted within Court facilities except by personnel engaged in Court security or other law enforcement officers conducting official business.

25.03 All prisoners shall be transported to and from Court facilities handcuffed behind the back, and when appropriate, secured by leg restraints.

RULE 26
MEDIATION

26.01 CASES FOR MEDIATION

Any Civil case filed in the Court of Common Pleas may be referred to mediation.

26.02 REFERRAL TO MEDIATION

1. The Judge may, by appropriate entry, refer a case to mediation.
2. Any party may request, in writing to the Judge, that the case be considered for referral to mediation.
3. Referral of a case to mediation shall not operate as a stay of discovery proceedings unless otherwise ordered by the Court.

26.03 MEDIATION CONFERENCES

1. The Mediator may direct the parties and/or their attorneys to attend a mediation conference in person. Such a conference shall be conducted by the Mediator to consider the possibility of settlement, the simplification of the issues and any other matters which the Mediator and the parties determine may aid in the handling or the disposition of the proceedings.
2. Mediation shall continue until:
 - The parties have reached a settlement, or
 - Until they are unwilling to proceed further, or
 - Until the Mediator determines that further mediation efforts should cease.The Mediator may schedule such sessions as may be necessary to complete the process.
3. The Mediator may request that the parties bring documents and witnesses, including expert witnesses, to the sessions, but has no authority to order such production.

26.04 MEDIATION FEES

1. All cases referred to a Mediator shall be covered at a minimum base rate established by the Court. The parties shall be financially responsible to the Mediator for all costs above this base rate covered by the Court.

26.05 CONFIDENTIALITY

1. The provisions of Section 2317.023 of the Ohio Revised Code shall control.
2. All communications and information not otherwise discoverable presented during mediation are confidential.
3. The Mediator shall not disclose to the Court or to any Judge of the Court the contents of mediation discussions unless agreed to by all of the parties.
4. No party to mediation shall call the Mediator as a witness for any purpose.

26.06 REPORTING TO THE COURT

1. The Mediator shall notify the Court promptly when a case is not accepted for mediation. At the conclusion of cases accepted for mediation, the Mediator will also report the fact that the mediation process has ended.
2. If a case is settled during mediation, the attorney for one of the parties shall prepare and submit to the Court an entry reflecting the fact of settlement as in any other case. If both parties are unrepresented, one of the parties shall present the mediation agreement to the Court.
3. If some, but not all, of the issues in the case are settled during mediation, or if agreements are reached to limit discovery or on any other matter, the parties shall submit a joint statement to the Court enumerating the issues that have been resolved and the issues that remain for trial. This statement shall be submitted within thirty (30) days of the termination of mediation.

RULE 27

MEDIATION IN DOMESTIC RELATIONS CASES

27.01 WHEN ORDERED

At any time after service of summons in any action for divorce, legal separation or annulment, or at any time after the filing of post-decree motion, the Court may order both parties into mediation.

27.02 PROCEDURE

At the time that the Court orders the parties to participate in mediation, it shall issue an order staying all proceedings involving the children except for matters involving temporary or permanent spousal or child support. Upon the termination of mediation, the parties and the Mediator shall jointly file a mediation report pursuant to O.R.C. Section 3109.052(B). Any agreement reached during mediation shall not be binding upon the parties until approved by the Court, which shall consider the best interests of the children when allocating parental rights and responsibilities and/or establishing a parenting time schedule.

27.03 MEDIATION CONFERENCES

1. The Mediator may direct the parties and/or their attorneys to attend a mediation conference in person. Such a conference shall be conducted by the Mediator to consider the possibility of settlement, the simplification of the issues and any other matters which the Mediator and the parties determine may aid in the handling or the disposition of the proceedings.

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1. The provisions of Sections 2317.023 and 3109.052 of the Ohio Revised Code shall control.
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