

# COURT OF COMMON PLEAS GENERAL AND DOMESTIC RELATIONS DIVISION RULES OF COURT

PICKAWAY COUNTY COURTHOUSE  
207 SOUTH COURT STREET  
CIRCLEVILLE, OHIO 43113  
(740) 474-6026

P. RANDALL KNECE, JUDGE



LOCAL RULES AND FORMS CAN BE DOWNLOADED AT [WWW.PICKAWAY.ORG](http://WWW.PICKAWAY.ORG)

[CLICK] COMMON PLEAS

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

IN THE MATTER OF THE ADOPTION  
OF RULES OF COURT  
ENTRY

JOURNAL

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 additional 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 Dec. 27, 2022.

P. RANDALL KNECE, JUDGE  
COURT OF COMMON PLEAS  
PICKAWAY COUNTY, OHIO

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**RULE 1.00 EFFECTIVE DATE**

**1.01** The effective date of these Rules is December 27, 2022.

## **RULE 2.00 TERM OF COURT**

**2.01** The Court shall be in continuous session for the transaction of judicial business. Each calendar year shall be divided in four parts, designated as the January Part, the April Part, the July Part, and the October Part. The day of commencement of each part shall be fixed by the Court each year on or before the third Tuesday of October for the next year or at such other time as may be provided by law or subsequent order of the Court.

## **RULE 3.00 CLERK OF COURTS**

### **3.01 Duties**

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

### **3.02 Copies to be Furnished**

Copies of papers within case files, except bills of exceptions, shall, be furnished by the Clerk upon payment of the usual fee.

### **3.03 File Removal**

No person except a judge of the Court, a magistrate, a representative of either a judge or magistrate, or the Pickaway County Prosecuting Attorney shall remove any documents or case files from the custody of the Clerk.

### **3.04 The Box Rule**

Boxes in the Clerk of Courts office are provided for courtesy copies to attorneys and is not a substitution for service under Civ.R. 5(B).

## **RULE 4.00 FILING WITH THE COURT**

### **4.01 Filing Documents**

**(A)** Documents shall be filed with the Pickaway County Common Pleas Court by submitting the documents to the Clerk of Courts during the regular business hours of the Clerk's office. Only documents that are timely received and in compliance with these rules shall be filed by the Clerk. Copies of motions requiring timely action from the Court shall also be copied directly to the Court (Courtesy Copies), see Local Rule 8.05(G).

**(B)** Documents may be submitted for filing at: The Pickaway County Clerk of Courts, 207 South Court Street, Circleville, Ohio, 43113:

- (1)** In person;
- (2)** By delivery service;
- (3)** By USPS mail;
- (4)** By facsimile service or e-mail as detailed in division 4.02 of this rule.

## 4.02 Electronic Transmission of Filings

**(A)** Electronic transmission is defined as delivery via telephone lines (facsimile) or by email (PDF or Word documents). Attorneys or parties utilizing an electronic transmission option are cautioned to follow these rules closely, as the risk of timely receipt rests with the sender.

**(B)** Designated pleadings and other papers may be filed with the Court by facsimile transmission to 740-477-3976 or email delivery to [ClerkofCourts@pickawaycountyohio.gov](mailto:ClerkofCourts@pickawaycountyohio.gov) subject to the following provisions:

**(1)** A document filed by electronic delivery will be accepted as original and the signature accepted as original, consistent with Civ.R. 5(E).

**(2)** The attorney sending the document must provide all required identification as detailed in Civ.R. 11. A fax must contain a cover sheet detailing this information, an email must have this information in the body of the email with the document attached. Emails without full contact information for verification will not be printed and filed.

**(3)** A transmitted document must pertain to only one case.

**(4)** The original complaint instituting legal action will not be accepted by electronic delivery.

**(5)** The risk of electronic transmission remains with the sender, and the Clerk assumes no new responsibilities or liabilities.

**(C)** Deposits and Fees.

**(1)** All filings will be held until the appropriate deposits are received by the Clerk's Office.

**(2)** Fees for filing by electronic transmission are \$2.00 for the cover page and \$1.00 for each additional page. Fees must be forwarded to the Clerk's office within five (5) business days after transmission.

**(D)** Timing.

**(1)** Documents transmitted electronically and received on a Saturday, Sunday, or any other day on which the Clerk's office is closed to the public, or after 1:00 p.m. on a business day, shall be considered for filing the next business day. To ensure that a document is filed the same day as it is transmitted, a party must ensure that it arrives before 1:00 p.m.

**(2)** All documents submitted will be considered filed when the date/time has been stamped by the Clerk. The date and time of filing is not determined by the time of transmission, but is determined by the Clerk's file stamp.

## RULE 5.00 SECURITY COSTS

### 5.01 Deposit Required

No civil action or proceeding shall be accepted by the Clerk for filing unless the party or parties offering the filing have first deposited a sum to secure the payment of the costs that may accrue in each action or proceeding, except otherwise provided by law. Such advances shall be in accordance with the Security Cost Schedule listed in the Appendix.

### 5.02 Discretion to Increase Deposits

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.

### **5.03 Inability to Pay**

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 to review any such matter offered for filing before receiving and filing the same without deposit or security.

### **5.04 Waiver of Court Costs**

Any deposit normally required prior to filing a suit in this Court, as provided for by Rule 5.01, shall be waived when an action is commenced for and on behalf of Pickaway County, a municipality within Pickaway County, or any Child Support Enforcement Agency.

## **RULE 6.00 TRANSCRIPTS**

**6.01** 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 7.00 BAIL OR SURETY**

### **7.01 Persons as Bail**

No attorney or officer of the Court will be received as bail or surety.

### **7.02 Property Bonds**

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 8.00 PLEADINGS AND MOTIONS**

### **8.01 Omission of Personal Identifiers Prior to Filing**

(A) When submitting a case document to this Court or filing a case document with the Clerk of Courts, a party shall omit personal identifiers from the document as required in Sup. R. 45(D).

(B) The party shall submit that information separately, using Form K as provided in the appendix.

(C) Redacted personal identifiers shall be provided to a party to the judicial action upon motion after approval by the Court.

(D) The responsibility for omitting personal identifiers from a case document submitted to this Court shall rest solely with the party. The Court or clerk is not required to review the case document to confirm that the party has omitted personal identifiers, and shall not refuse to accept or file the document on that basis.

## 8.02 Discovery Materials

### (A) Filing of Discovery Material

Depositions, interrogatories, requests for documents, requests for admissions, and answers and responses thereto shall not be filed unless on order of the Court or for use as evidence or for consideration of a motion in the proceeding.

### (B) Discovery Disputes

Counsel are encouraged to participate in pre-trial discovery conferences to reduce, in every way possible, the filing of unnecessary discovery procedures. To curtail undue delay in the administration of justice, no discovery procedure filed under Civ.R. 26 through 37 to which objection or opposition is made by the responding party shall be taken under consideration by the Court unless the party seeking discovery shall first advise the Court in writing that after personal consultation and sincere attempts to resolve differences they are unable to reach an accord. This statement shall recite those matters which remain in dispute, and in addition, the date, time and place of such conference, and the names of all parties participating therein. It shall be the responsibility of counsel for the party seeking discovery to initiate such personal consultation.

## 8.03 Sanctions

The presentation to the Court of unnecessary motions, and the unwarranted opposition of motions, which in either case unduly delays the course of an action through the Court will subject an offender to appropriate discipline including the imposition of costs.

## 8.04 Reference to Unpublished Cases

All pleadings and briefs containing references to unpublished cases shall attach a copy of the case. A party who cites an unpublished opinion or case shall indicate any disposition by a superior appellate court.

## 8.05 Motions, Briefs, and Reply Briefs

### (A) Motion Requires Brief

All motions shall be accompanied by a brief stating the grounds thereof and citing the authorities relied upon.

### (B) Answer and Reply Timelines

Responses to a written motion, other than motions for summary judgment, shall be filed within fourteen (14) days after service of the motion. Pursuant to Civ.R. 6(C)(1) responses to motions for summary judgment shall be served within twenty-eight (28) days after service of the motion. The movant's reply to a response to any written motion shall be filed within seven (7) days after service of the response to the motion.

### (C) Extensions of Deadlines

#### (1) Extension by Agreement; 30 Days

By agreement of counsel, any party may be permitted to move or plead provided the total extension of time does not exceed thirty (30) days. Such consent shall be evidenced by a 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.

#### (2) Extension Beyond 30 Days or Without Agreement

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 memorandum stating facts indicating the practical impossibility of pleading within rule and demonstrating good cause for further extension. The motion and memo 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.

- (D) **Oral Arguments**  
Oral arguments will not be allowed except upon leave of the trial judge upon written request by a party.
- (E) **Evidentiary Hearings**  
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.
- (F) **Entry Required**  
All motions shall be accompanied by an entry for the judge to sign.
- (G) **Courtesy Copy to the Court**  
All motions filed with the Clerk shall also be filed, as a courtesy copy, directly to the Court.
- (H) **Motions for Summary Judgment**  
No motion for summary judgment shall be filed in any case after it has been set for pre-trial or trial without leave of the trial judge first obtained.

## 8.06 Urgent Equitable Relief

Motions for temporary restraining orders, temporary injunctions, or for similar urgent equitable relief shall be submitted to the judge. Notice of the time and place of such hearing shall be served upon the adverse party or his counsel and no such matter shall be heard ex parte unless from affidavits filed with the motion the judge determines that extraordinary undue hardship would result to the moving party by any delay in proceeding. Even when the order is issued ex parte as provided herein, a hearing on the continuance of such order shall be scheduled and held after notice as provided in Civ.R. 65(A). Evidence upon any such hearing shall be in the form of affidavits or depositions which must be filed in advance of the hearing or submission. Oral testimony may be permitted upon any such motion by the judge for good cause shown.

## 8.07 Amendments

- (A) **Interlineation or Obliteration**  
No pleading or motion shall be amended by interlineation or obliteration except upon express leave of the assigned judge or magistrate.
- (B) **New Parties Added; Captions**  
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.
- (C) **Changes of Address**  
Counsel shall file with both the Clerk of Courts and the Assignment Commissioner written notice of any change of address.

## RULE 9.00 GENERAL ENTRIES

### 9.01 Preparation of Entries by Counsel

Unless the trial judge otherwise directs, counsel for the party in whose favor an order, decree or judgment is rendered shall, within five (5) business 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) business 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.

## 9.02 Form of Entries

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) Instructions for Service

(1) 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. If the address of a party to be served is unknown, the filer shall substitute "unknown" for the address.

(2) The method of Service pursuant to Civ.R. 4.

### (B) Sufficient Copies

Sufficient copies of said journal entry to the Clerk so that the Clerk may serve notice, with a copy of the entry, by mail upon each party listed.

### (C) Provisions for Payment

Provisions for payment of court costs, specifically allocating any court costs incurred over and above the security cost deposit.

## 9.03 Failure to Present Entry

If counsel fails 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.

## RULE 10.00 TRIAL ATTORNEY

### 10.01 Trial Attorney to be Designated

Unless otherwise ordered, and in all actions filed, transferred or removed to this Court, all parties who are not representing themselves shall be represented on 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.

### 10.02 Pretrial Conferences

Counsel are directed to explore all available settlement proposals and exhaust all settlement efforts prior to any scheduled pretrial conference, 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.

### 10.03 Substitution or Withdrawal of Trial Attorney

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



**(A)** Upon filing with the Court and service on all other parties of a notice of substitution of trial attorney signed by the withdrawing attorney, the client and a substitute trial attorney, or

**(B)** 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 11.00 CASE MANAGEMENT PLAN – CIVIL DIVISION**

### **11.01 Case Processing Goals**

This Court adopts the case management guidelines as set forth in the Appendix.

### **11.02 Service of Process within Six (6) Months**

If service of process is not completed within six months following the filing of a complaint, counsel for plaintiff(s) shall be issued a show cause order. Failure to respond or show cause why the matter should not be dismissed, shall result in the action being dismissed without prejudice. Civ.R. 4(E).

### **11.03 Scheduling**

If service of process is complete, the assignment commissioner will review the case, and in all cases requesting a jury trial, the parties shall either receive a scheduling order setting forth a trial date and court deadlines or the parties shall receive a notice of a pretrial and scheduling conference. All workers' compensation appeals shall receive a scheduling order. No pretrials are conducted in workers' compensation appeals unless requested by the parties and granted by the Court.

### **11.04 Jury Trial Demand or Waiver**

A demand for a civil jury trial shall be made as required by Civ.R. 38. Once a written demand for a jury trial has been filed, any subsequent waiver of the jury trial shall be made in writing and filed with the Clerk of Courts at least five (5) working days prior to the trial date. Failure to abide by this rule shall result in the party first demanding a jury being charged for all jury fees and expenses incurred by such jury demand. All other costs incurred as a result of a jury demand shall be assessed as provided by these rules.

### **11.05 Continuances**

**(A)** If the parties have received a Scheduling Order without participating in a scheduling conference or pretrial, the parties will receive reasonable time in which to notify the assignment commissioner of any conflict. The matter will then be rescheduled with the assignment commissioner and all parties involved.

**(B)** A continuance based on an emergency or extenuating circumstances must be made as follows:

**(1)** A motion for a continuance must be made in writing setting forth the reason for the continuance. Counsel requesting the continuance shall note in the motion that counsel consulted or attempted to consult with opposing counsel concerning the continuance;

**(2)** All motions for continuance shall be accompanied by a proposed entry ordering the reassignment of the case with spaces for a day, date, and time to be determined by Court.

**(3)** Agreements of the parties to a continuance without the approval of the Court will not be automatically granted.

## 11.06 Settlements

When a case has been settled, whether by the parties or through mediation, the Court shall immediately be notified in writing by counsel for plaintiff. Notification via electronic transmission is accepted. If an entry has not been received within thirty (30) days, then the Court shall notify the party that his or her case will be dismissed unless the entry is received within ten (10) days of being notified.

Any request for additional time to provide the entry shall be made in writing setting forth the reason(s) for the delay.

## 11.07 Civil Mediation

This Court incorporates, by reference, all provisions of the Ohio Uniform Mediation Act, R.C. Chapter 2710.

### (A) Scope of this Rule.

This section of the local rules addresses mediation of civil cases with the exception of cases filed in the Domestic Division of the Common Pleas Court. Domestic Mediation Rules are located at Section 15.13 of these rules. In no case will mediation be used to address criminal proceedings.

### (B) Referral to Mediation

**(1)** By the Court - The judge may, by appropriate entry, refer a case to mediation

**(2)** By a Party - Any party may request, in writing to the judge, that the case be considered for referral to mediation.

### (C) Stays

Referral of a case to mediation shall not operate as an automatic stay of proceedings unless otherwise authorized by the Court.

### (D) Reporting to the Court

**(1)** All mediation communications are confidential and shall not be filed into the court docket. The only documents to be filed into the docket are as follows:

**(a)** Documents related to scheduling the mediation,

**(b)** Documents staying the case during mediation, and

**(c)** Documents related to reactivating the case and terminating the mediation.

**(2)** The Mediator shall report to the Court **(2)** when a case mediation has concluded.

**(3)** If the case is settled during mediation, the attorney for one of the parties shall file an entry as detailed in Rule 11.06.

## RULE 12.00 JURY MANAGEMENT PLAN

### 12.01 Purpose

The purpose of this rule is to establish, pursuant to Sup.R. 5(B)(2), a jury management plan for the purposes of ensuring the efficient and effective use and management of jury resources. This plan conforms to the provisions of the Ohio Trial Court Jury Use and Management Standards adopted by the Supreme Court of Ohio on August 16, 1993.

## 12.02 Administration and Monitoring of the Jury System

All procedures concerning the jury selection and service shall be governed by the Ohio Rules of Court. The Clerk of Courts, acting under the supervision of the trial judge, shall be responsible for administering the jury system.

The Clerk of Courts, on a regular basis, shall request, collect and analyze information regarding the performance of the jury system in order to evaluate:

- (A) whether or not the jury source list is representative of the potential pool of jurors available in the area;
- (B) the effectiveness of the notification and summoning procedure;
- (C) the responsiveness of individual citizens to the jury duty summons;
- (D) the efficient use of jurors; and
- (E) the cost-effectiveness of the jury system as administered by the courts.

## 12.03 Opportunity for Service

The opportunity for jury service shall not be denied or limited on the basis of race, national origin, gender, age, religious belief, income, occupation, disability or any other factor that discriminates against a cognizable group in the jurisdiction.

## 12.04 Jury Source List

During the first week of August each year, by order of the Jury Commission of the Pickaway County Common Pleas Court, a list of jurors shall be provided to the area courts. A court may periodically review the list and determine whether or not it represents and includes the adult population in the jurisdiction as is feasible.

## 12.05 Eligibility for Jury Service

All persons shall be eligible for jury service except those who are less than eighteen (18) years of age; are not citizens of the United States; are not residents of the jurisdiction in which they have been summoned to serve; are not able to communicate in the English language; or have been convicted of a felony and have not had their civil rights restored.

## 12.06 Random Selection Procedure

Persons to be summoned for jury service shall be randomly selected by an automated mechanism from the list of prospective jurors. At least, thirty-five (35) persons per venire shall be summoned for jury service. The Court shall ensure that each prospective juror, who has reported to the Court, will be assigned for voir dire.

## 12.07 Notification and Summoning Procedure

A notice summoning each person selected for jury service, and a background information questionnaire, shall be delivered by first class U.S. mail to each prospective juror. The summons shall clearly explain how and when the recipient must respond and the consequences for failure to report for jury duty.

The background information questionnaire shall request only information essential for: 1) determining whether or not a person meets the criteria for eligibility for jury service; 2) providing the Court and counsel with basic background information to be used during voir dire; and 3) efficiently managing the jury system.

## 12.08 Term of and Availability for Jury Service

Persons summoned as a potential juror will be required to be on call and available to serve on a jury for a three-month period. If a potential juror is to appear for a specific date and trial, the potential juror shall receive additional notification from the Clerk of Courts stating the date and time to appear. The potential jurors on call for the three-month period may be subsequently called for a specific date and trial more than one time during the three-month period.

## 12.09 Exemption, Excuse, and Deferral

### (A) Exemption

No person is entitled to an automatic exemption from jury duty.

### (B) Excuse

Requests for excuse from jury duty shall be in writing, with any documentation necessary attached, using Forms A and B from the Appendix. All requests shall be reviewed by the judge or an authorized court official.

### (C) Deferral

Performance of jury service may be deferred, for a reasonably short period of time, by the judge. Requests for deferral of jury duty shall be made in writing, by letter, to the judge. The applicant will be informed, by mail or by telephone, of the disposition of the request for deferral.

## 12.10 Costs on Cancellation

In the event that a civil case is settled or dismissed prior to trial and it is not possible to notify all jurors of the cancellation, the requesting party shall bear the costs of juror fees of those jurors who report for the day of trial.

## 12.11 Voir Dire

### (A) General Process

Voir dire examination shall be limited to matters relevant to determining whether to remove a juror for cause and to determining the juror's fairness and impartiality. The voir dire shall be on the record. The trial judge shall conduct a preliminary voir dire examination and then counsel, for both sides, shall be permitted to question panel members, for a period of time deemed reasonable by the judge.

A copy of the background information questionnaire will be made available to all counsel in the Clerk of Courts' Office, three days prior to the day of trial. The judge will ensure that the privacy of prospective jurors is reasonably protected, and that the questioning, by attorneys for both sides, is consistent with the purpose of the voir dire process.

### (B) Removal for Cause

If during the voir dire process, the judge determines that any individual is unable or unwilling to hear the evidence presented and decide the particular case at issue fairly and impartially, then the judge may remove that individual from the panel. Removal of a prospective juror for cause may be made on motion of counsel or by the judge.

### (C) Peremptory Challenges

#### (1) Civil cases

The number of peremptory challenges shall not exceed three for each side. If the court finds that there is a conflict of interest between parties on the same side, the court may allow each conflicting party up to three peremptory challenges.

#### (2) Criminal cases

**(a)** Six for each side when a death sentence may be imposed upon conviction;

**(b)** Four for each side when a sentence of imprisonment (state institution) may be imposed upon conviction; or

**(c)** Three for each side in all other prosecutions. One additional peremptory challenge will be allowed for each defendant in a multi-defendant criminal proceeding.

#### (3) Alternate Jurors

In criminal and civil proceedings, each side shall be allowed one peremptory challenge if one or two alternate jurors are impaneled. These additional peremptory challenges shall be used against an

alternate juror only, and the other peremptory challenges allowed by law shall not be used against an alternate.

## **12.12 Compensation**

Persons called for jury service shall receive a fee for their services. At the end of the jurors' term, the Clerk of Courts shall provide the Pickaway County Auditor's office with a payment statement. The Auditor's office then initiates the payment and forwards all checks to the Clerk of Courts. After a final review for accuracy, the Clerk of Courts shall mail payment to any juror who appeared or served.

## **12.13 Juror Orientation and Instruction**

Persons called to serve as a juror will receive instructions: 1) upon initial contact prior to service; 2) upon first appearance at the court; and 3) upon reporting to a courtroom for voir dire.

Immediately following the empanelment of the jury, the trial judge shall give instructions directly to the jury explaining the jury's role, the trial procedures, including note taking and questioning by jurors, the nature of the evidence and its evaluation, the issues to be addressed by the jury, and the basic relevant legal principles to be applied by the jury. Prior to the commencement of deliberations, the trial judge shall instruct the jury on the law and appropriate procedures to be followed during deliberations, and on the method for reporting the results of its deliberations.

Before dismissing the jury at the conclusion of the case, the trial judge shall: 1) release the jurors from their duty of confidentiality; 2) explain their rights regarding inquiries from counsel or the press; 3) express appreciation to the jurors for their service, but not express approval or disapproval of the result of the deliberation.

All communications between the judge and members of the jury panel, from the time of reporting to the courtroom for voir dire until dismissal, shall be in writing or on the record in open court. Counsel for each party shall be informed of such communication and given the opportunity to be heard.

## **12.14 Size and Unanimity**

The size of the jury and unanimity, in civil and criminal cases, shall conform to existing Ohio law.

## **12.15 Jury Deliberations**

Jurors shall be provided with a pleasant, comfortable, and secure place in which to conduct their deliberations. The judge shall instruct the jury concerning appropriate procedures to be followed during deliberations.

The jury shall not be required to conduct deliberations after normal business hours unless the trial judge determines that evening or weekend deliberations are required in the interest of justice, and would not pose an undue hardship upon the jurors. Counsel and court personnel shall remain readily available during jury deliberations.

## **12.16 Sequestration**

The trial judge shall have the discretion to sequester a jury on the motion of counsel, or at the judge's discretion. The trial judge is responsible for overseeing the conditions of sequestration. A jury will be sequestered only for good cause, including but not limited to, insulating its members from improper information or influences.

Training shall be provided to personnel who escort and assist jurors during sequestration.

## **12.17 Juror Records Retention**

Pursuant to Sup.R. 26.01(F) correspondence with jurors, including questionnaires and excuse forms, may be destroyed after the jury term has ended except in cases where a juror was called to serve at a trial.

Questionnaires of jurors who were called to serve at a trial must be retained for at least three years, or, in the case of a criminal trial, for the duration of the sentence imposed in that trial, if applicable, whichever period is longer.

## **RULE 13.00 CRIMINAL CASES**

### **13.01 Reference to Rules of Civil Procedure**

These rules supplement existing Rules of Court and are an adjunct to the Rules of Criminal Procedure. In any case where the Criminal Rules of Procedure or local rules do not resolve the issue before the Court, the Rules of Civil Procedure are to be consulted. Crim.R. 57(B).

### **13.02 Dismissals**

All dismissals shall be filed in writing to the court.

### **13.03 Time Limitations**

Criminal cases will be assigned for trial as soon as practical after arraignment. Time limitations for trial, sentencing and community control as provided in Sup.R. 39 will be adhered to by the Court and counsel.

### **13.04 Pretrial Motions**

**(A) Reference to Crim.R. 12**

The filing and consideration of motions in a criminal case are governed in general by Crim. R. 12.

**(B) Hearing in Advance of Trial**

A party may request a hearing in advance of trial to consider a motion.

**(C) Motions Considered on the Day of Trial**

If a motion is not considered in advance of trial, the motion will be considered on the day of trial. The absence of a witness pertinent to consideration of a motion will not be cause for continuance of the trial.

**(D) Motions filed Out of Rule**

Pretrial motions from the defense which are filed outside the time confines of Crim.R. 12(D) must be accompanied by a speedy trial waiver (FORM L in the Appendix) signed by the defendant.

### **13.05 Pretrial conferences**

**(A) Scheduled at Arraignment**

The Court will schedule a pretrial conference at arraignment.

**(B) Incarcerated Defendants**

Incarcerated defendants will not be transported to the court for pretrial conferences.

**(C) Additional Pretrial Conferences**

Additional pretrial conferences may be conducted upon request of counsel and with the approval of the Court.

### **13.06 Continuances**

**(A) Signature and Content Requirements**

Any motion to continue a case shall be in writing, signed by the Prosecuting Attorney and counsel for defendant, with specific reasons set forth.

**(B) Preparation of Entry**

The party requesting the continuance shall prepare a proposed entry and attach it to the motion.

**(C) Waiver of Speedy Trial**

If the defendant is incarcerated at the time a continuance is granted, the defendant's signature is to be obtained if there is a waiver of speedy trial rights.

### **13.07 Discovery Timeline**

The Prosecuting Attorney shall provide discovery to defense counsel within thirty (30) days of the date of arraignment, and defense counsel shall provide discovery no more than fifteen (15) days after receiving discovery from the Prosecuting Attorney.

### **13.08 Victim Notifications**

In accordance with Crim. R. 37 and as a standing order for all criminal cases filed in this court, the prosecuting attorney shall provide notice to any alleged victim, alleged victim's representation, and/or alleged victim's attorney, if applicable, for all public proceedings involving release, plea, sentencing, or disposition and the opportunity to be present at all such proceedings.

Nothing in this Rule may prohibit the Court, by the clerk of court, probation officer, or other court staff, from providing notice to the alleged victim, victim's representative, or victim's attorney, and shall not relieve the prosecuting attorney from also providing notice in accordance with this Rule.

## **RULE 14.00 MAGISTRATES**

### **14.01 Appointment**

Magistrates may be appointed by the Court and serve full or part-time as provided by Civ.R. 53.

### **14.02 Proceedings**

All referenced proceedings shall conform to the requirements of Civ.R. 53.

## **RULE 15.00 DOMESTIC RELATIONS PRACTICE**

### **15.01 Form of Pleadings**

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 or printed on 8 ½" by 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 Sup.R. 45. It is the responsibility of litigants to ensure compliance, not the Court or Clerk of Court.

## 15.02 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. *Please Note: the forms below are available at the Ohio Supreme Court's website and are hyperlinked below.*

**(A) 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.

**(B) Affidavit of Property and Debt**

([Uniform Domestic Relations Form-Affidavit 2](#)).

**(C) 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.

**(D) 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.

**(E) IV-D Application**

(Available as Form I in the Appendix). The application shall be fully completed, signed by the party and separately filed with Pickaway County Job and Family Services, Child Support Division, and the Clerk of Court only in cases where child or spousal support is being sought.



## (F) Child Support Computation Worksheet

### 15.03 Mutual Restraining Order

In each domestic relations case filed in this Court, upon request of either party, there shall be issued and served a copy of the JUDGMENT ENTRY/RESTRAINING ORDER, found as Form F in the Appendix herein. Each party shall be provided a copy of the order by their attorney. Pro Se litigants shall be provided a copy by the Clerk of Court.

Where the parties intend to modify or deviate from the language of the JUDGMENT ENTRY/RESTRAINING ORDER, whether by adding or deleting terms, the modified ENTRY/ORDER shall include, in the first paragraph, language sufficient to put the Court on notice that the ENTRY/ORDER is submitted in a modified form.

### 15.04 Temporary or Pendente Lite Orders

When requested in the Complaint, Answer or Counterclaim, or by Motion of any party, the Court may, without oral hearing and for good cause shown, issue temporary orders regarding allocation of parental rights and responsibilities, spousal support, child support, allocation of debt and related matters. All motions or requests for temporary orders shall include accurate financial affidavits. Child support requests should have a completed guideline work sheet. Counsel for, or the party requesting temporary orders, shall secure a non-oral hearing date with the Assignment Commissioner before serving the opposing party. The motion and affidavit of the party requesting temporary orders shall be served upon the opposing party or their counsel, if represented, pursuant to the Ohio Rules of Civil Procedure.

### 15.05 Request for Exclusive Use of Marital Residence/Motion to Vacate

A motion for exclusive use of marital residence or 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 for exclusive use/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. No motion to vacate the premises/request for exclusive use will be granted unless it is shown to the satisfaction of the Court upon oral hearing that:

- (A) acts of physical violence have occurred or are probable; or
- (B) threats of imminent serious physical harm have occurred; or
- (C) abuse has been committed toward any child; or
- (D) a party has engaged in conduct or created an environment which caused or is likely to cause severe emotional and/or mental stress to the spouse and/or minor children of the parties; or
- (E) the opposing party has been voluntarily absent from the premises for more than thirty (30) continuous days immediately preceding the filing of the motion; or
- (F) any other reasons justifying the relief demanded by the motion exists.

### 15.06 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 and Debt ([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](#) ). A 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 Pickaway County Job and Family Services, Child Support Division, and the Clerk of Court only in cases where child or spousal support is being sought.

**(J)** Child Support Computation Worksheet.

### 15.07 Special Filing Requirements

The Clerk of Court receives for filing a large number of documents that require disposition by the Court. In order to give prompt attention to those documents, it shall be counsel or the pro se litigant's responsibility to immediately provide the Judge or Magistrate a file stamped copy of the following documents:

**(A)** Requests for Findings of Fact and Conclusions of Law;

**(B)** Proposed Findings of Fact and Conclusions of Law;

**(C)** Motions that have non-oral hearing dates;

**(D)** Objections to a Magistrate's Decision;

**(E)** Responses to Objections to a Magistrate's Decision;

**(F)** Requests for Transcript;

**(G)** Documents, affidavits or supplemental information ordered or requested by the Court;

**(H)** Rule 75 Motions on Temporary Orders;

**(I)** Motions to Set Aside a Settlement Memorandum;

**(J)** Motions for Relief from Judgment;

### 15.08 Magistrate

The Court may refer any motion, temporary or final hearing to a domestic relations magistrate for hearing and recommendations in all actions for divorce, dissolution, annulment, legal separation, actions for domestic violence civil protection orders or civil stalking protection orders, or any other matter that the magistrate can lawfully handle.

### 15.09 Pretrial Conferences

The Court on its own motion, or on request of a party, may schedule a pretrial conference after the temporary order's date. Parties shall be present at the pretrial hearing unless for good cause shown excused by the court in which event the party so excused must be accessible by phone.

At the time of the pretrial conference, counsel, or the parties, shall be prepared to:

- (A)** State the facts and issues of the case clearly;
- (B)** Inform the Court as to the progress of valuation of assets;
- (C)** Advise the Court on the need and time for additional discovery.

Pretrial statements, if requested, shall be prepared and submitted to the Court at the pretrial hearing and shall include an updated and accurate itemization of income and expenses with a full and accurate description of the nature and value of assets and liabilities of the parties. It shall also list names and addresses of all witnesses.

### 15.10 Parenting Schedules

- (A)** See the Appendix of Forms, Form G, for Parenting Schedule within 150 miles.
- (B)** See the Appendix of Forms, Form H, for Parenting Schedule, 150 miles or more

### 15.11 Continuances

- (A) Form**  
Except in cases of emergency or by order of the Court on its own motion, a motion for a continuance of a cause after it has been set for trial/hearing must be in writing.
- (B) Contents of Motion.**  
Each motion shall set forth the following:
  - (1)** the specific reasons for a continuance;
  - (2)** if a conflict with another court hearing, a copy of the other court's notice must be attached;
  - (3)** the number of prior continuances (Note: if there has been more than two prior requests for a continuance, the motion must also be signed and authorized by the client);
  - (4)** an averment that counsel has contacted opposing counsel and has obtained either approval or disapproval;
  - (5)** the date of existing trial/hearing.
- (C) Automatic Denial**  
Where counsel fails to contact opposing counsel, the continuance may be denied irrespective of the basis for the request. Opposing counsel in this instance includes counsel where minimal effort or knowledge would have identified the attorney representing the opposing party. Where there is no counsel of record and one cannot be readily ascertained, then the opposing party should be served with a copy of the requested continuance.
- (D) Trial/Hearing Conflicts**  
Where a continuance of a cause is requested on the grounds that counsel of record in the case is already engaged on the date set for trial in another Court of record or a governmental bureau, proof of such prior assignment shall be attached to the motion for continuance which shall be filed forthwith following notification of the assignment of the case in this Court.
- (E) Attached Entries.**  
All motions for continuance shall be accompanied by a proposed entry granting the request to a new date. In the event a continuance is granted, the Court may, at its discretion, assess costs and expenses against the moving party.
- (F) Continuance within Seven Days of Hearing/Trial Date.**  
Unless extraordinary circumstances are shown to exist, motions for continuance submitted within seven days of the trial/hearing will be automatically denied.

## 15.12 Witnesses

One corroborating witness, who has personal knowledge of the facts, shall be required.

## 15.13 Domestic Mediation

*Domestic mediation has been temporarily suspended while the Court reviews policies and procedures to come into compliance with the Ohio Supreme Court's new requirements, effective 1/1/2020, regarding local mediation rules.*

## 15.14 Guardian ad Litem

### (A) Appointment

The court may appoint a Guardian ad Litem upon its own motion and shall appoint a Guardian ad Litem upon written motion of either party. It shall be the responsibility of counsel in the case to copy the Guardian ad Litem with all pleadings, notices of hearings and depositions, entries and any other necessary documents.

The Court will appoint a Guardian ad Litem from a list of eligible applicants. Whenever feasible, the same guardian ad litem shall be reappointed for a specific child in any subsequent actions relating to the best interest of the child.

If a party to the case objects to the appointment of a particular Guardian ad Litem, the party shall file a motion supported by affidavit that states the objection with specificity. The court may conduct a hearing at its discretion.

Except by leave of Court 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 appointment of the Guardian ad Litem shall be deemed terminated upon filing of the final entry for which the appointment is made and the Guardian ad Litem shall have no further duties thereafter except upon reappointment by the Court. The Guardian ad Litem shall, however, remain a party for purposes of enforcement of any outstanding fees/costs associated with his/her role as Guardian ad Litem.

### (B) Qualifications

A Guardian ad Litem shall be an attorney admitted to practice in Ohio who is a member in good standing of the Ohio Bar.

The attorney must successfully complete C.L.E. or Court-approved training as required by Sup. R. 48, including completion of annual training.

On or before March 1st of each year, the Guardian ad Litem must certify that he/she is unaware of any circumstances that would disqualify him/her from serving and to report the training he/she has attended to comply with this rule.

### (C) Application

Upon completion of the required pre-service training, an attorney seeking to serve as a Guardian ad Litem shall submit the Application for the Guardian ad Litem Appointment List (Appendix FORM D) to the Magistrate's Bailiff. The application shall be accompanied by a resume stating the applicant's training, experience and expertise demonstrating the applicant's ability to successfully perform the duties and responsibilities of the guardian ad litem, a copy of the applicant's criminal background check, and the applicant's Background Disclosure Statement (Appendix FORM E).

### (D) Fees

Guardian ad Litem fees shall be specified in the appointment entry. When a Guardian ad Litem requires fee arrangements inconsistent with those set forth in the required entry, he/she shall so notify the Court prior to accepting an appointment.

Guardians ad Litem shall submit monthly billing statements to counsel and/or pro se litigants and payment shall be made in a timely manner. In the event fees are not paid in a timely manner, additional sums may be ordered and apportioned to the respective parties upon the Motion of the Guardian ad Litem, who may submit to the Court a request for an additional deposit.

No later than seven days after final hearing in the matter on which the Guardian ad Litem has been appointed, the Guardian ad Litem shall submit an affidavit of fees to the court. If approved by the court, said fees shall be made a part of the final entry. Nothing herein shall delay the filing of said entries, and they shall be filed in accordance with the Rules of the Supreme Court as to Civil Procedure and Superintendence.

In order to protect the fee for the services of the Guardian ad Litem, the court shall have the discretion to issue a lump sum judgment against the party or parties for the fees due and owing at the time of the final adjudication.

**(E) Annual Review of Guardians ad Litem**

The Magistrate's Bailiff will review its list of Guardians ad Litem annually to determine that all persons on the list have complied with the training and education requirements of this rule and the Ohio Supreme Court, that they have performed satisfactorily on all assigned cases during the preceding calendar year and that they are otherwise qualified to serve.

**(F) Duties of the Guardian ad Litem**

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.

- (1)** Meet with and interview the child(ren) and observe the child(ren) with each parent, foster parent, guardian or physical custodian and conduct at least one interview with the child(ren) where none of these individuals is present;
- (2)** Visit the child(ren) 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(ren);
- (4)** Meet with and interview the parties 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(ren) and, if appropriate, to the child(ren)'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(ren).
- (10)** A Guardian ad Litem shall immediately identify himself/herself 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.

**(11)** A Guardian ad Litem shall maintain independence, objectivity and fairness as well as the appearance of fairness in dealings with the 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.

**(12)** 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 Sup. R. 44, 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 Sup. R. 45. 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.

**(13)** A Guardian ad Litem shall act with respect and courtesy to the parties at all times and shall perform responsibilities in a prompt and timely manner.

**(14)** A Guardian ad Litem shall keep accurate records of the time spent, services rendered, and expenses incurred in each case and file an itemized statement and accounting with the court and provide a copy to each party or other entity responsible for payment.

**(G) Powers of Guardian ad Litem**

The powers of a Guardian ad Litem shall be wide-ranging, including, but not limited to, the right to review all confidential records involving the child by request, through deposition, and by subpoena.

A Guardian ad Litem may file pleadings, motions and other documents as appropriate under the applicable rules of procedure.

**(H) Reports and Court Appearances**

A Guardian ad Litem shall be present at all hearings pertaining to the child. The guardian ad litem may subpoena and examine independent witnesses.

A Guardian ad Litem shall prepare a written final report, including recommendations to the Court, within the times set forth in this division. The report shall detail the activities performed, hearings attended, persons interviewed, documents reviewed, experts consulted and all other relevant information considered by the Guardian ad Litem in reaching the recommendations and in accomplishing the duties required by statute, by Court rule, and in the Court's Order of Appointment.

The final report shall be submitted to the Court and made available to the parties for inspection no less than seven (7) days before the final hearing, unless the due date is extended by the Court. Written reports may be accessed in person, by phone by the parties or their legal representatives. A copy of the final report shall be provided to the Court at the hearing. The Court shall consider the recommendation of the Guardian ad Litem in determining the best interest of the child only when the report or a portion of the report has been admitted as an exhibit.

Unless otherwise agreed by the parties and approved by the Court, the report of the Guardian ad Litem shall not be entered into direct evidence absent testimony by the Guardian ad Litem. The parties may cross-examine the Guardian ad Litem concerning the contents of the report and the basis for the Guardian ad Litem's recommendations. The report of the Guardian ad Litem shall not be filed with the Clerk of Courts.

- (I) **Communications**  
Communications between the child(ren) and the Guardian ad Litem are not privileged.
- (J) **Fees and Costs**  
All filing fees and court costs are waived as to Guardians ad Litem.

### 15.15 Service under Civ.R. 4.4(A)(2)

If service is utilized under Civ.R. 4.4(A)(2), the Clerk of Courts will post at the Williamsport Post Office, The Ashville Community Building, and on the first floor of the Pickaway County Courthouse.

### RULE 15.16 CUSTODY EVALUATION.

#### (A) Definitions:

**(1)** “Custody evaluation”, as defined in Sup. R. 91.01, means an expert study and analysis, by an individual qualified to be a custody evaluator of the needs and development of a child who is the subject of an action or proceeding in which child custody or parenting time is an issue, and of the comparative and relative capacities of the parties and other relevant adults to care for and meet the needs and best interest of the child. Custody evaluation shall include full and partial evaluation. Custody and parenting time shall include allocation of parental rights and responsibilities, companionship, and visitation.

**(2)** “Custody evaluator” means an objective, impartial, qualified mental health professional appointed by the court to perform a child custody evaluation.

**(3)** A “full custody evaluation” is an evaluation that includes all items outlined in Sup.R. 91.04(B) unless contraindicated by the custody evaluator. A full evaluation shall be performed by an appropriately licensed individual who can perform both a forensic study and analysis of the situation and can administer and interpret formal assessment instruments as required in Sup.R. 91.04(B)(7). Any custody evaluator who is not able to perform formal assessments may partner with another professional to complete this portion of the custody evaluation.

**(4)** A “partial custody evaluation” may be utilized when issues in a dispute are narrowly defined, or a narrow inquiry is necessary because of time constraints. The order of appointment shall provide specific issues to be addressed through the partial custody evaluation.

#### (B) Custody Evaluator Qualifications and List:

##### **(1) Private Custody Evaluator List**

Pursuant to Sup.R. 91.05, the court shall maintain a list of all custody evaluators eligible to receive appointments in Pickaway County. The list shall include the professional licensing of the evaluator, their hourly rate or flat fee amount, their deposit amount, and their rate for expert testimony for trial. The list of evaluators may be obtained by contacting the court.

By agreement of the parties and with permission of the court, a custody evaluator maintained on the Custody Evaluator List in another county in the State of Ohio may be used so long as that custody evaluator meets the qualifications as outlined in Sup. R. 91.08 and this rule.

The Judge shall annually review the court’s compliance with Sup.R. 91.05(B).

##### **(2) Licensure and Training Requirements**

A custody evaluator shall ensure that they meet the requirements of Sup.R. 91.08 and this rule. If they fail to meet these requirements at any time, they shall notify the appointing Judge or Magistrate immediately.

**(3) Pre-appointment Training**

All Custody Evaluators maintained on the court’s list shall complete the training requirements outlined in Sup.R. 91. However, an individual who has served as a custody evaluator shall have until February 1, 2024 to complete the training required under those rules. Approved topics for the initial training are detailed in the Supreme Court of Ohio’s Custody Evaluator Training Guidelines.

**(4) Continuing Education**

**(a)** All court-connected or private custody evaluators shall comply with the continuing education requirements as outlined in Sup.R. 91.09.

**(b)** Custody evaluators shall provide a report to the court annually outlining their completion of these requirements. Any custody evaluator that fails to meet the continuing education requirements shall not be eligible for new custody evaluation appointments until their continuing education requirements are satisfied. However, a custody evaluator shall be permitted to complete all of their ongoing appointments. Ongoing appointments include those where the court expands or limits the scope of the evaluation after the initial order of appointment, and those changes occur after the date that the evaluator is no longer eligible to accept new appointments.

**(c)** In order to regain eligibility for new appointments, a custody evaluator must become current on all outstanding continuing education requirements. If the deficiency in continuing education is more than three calendar years, the custody evaluator shall complete the initial training requirements before they may regain eligibility.

**(C) Appointment of a Custody Evaluator:**

**(1) Court Order**

Upon motion of a party, guardian ad litem, counsel for a child, or on its own initiative, a court may order a custody evaluation to aid in evaluating the best interest of a child in a contested custody, parenting time, or visitation case. The order shall be issued on the form prescribed by the court and shall include the information included in Sup.R. 91.05(C). The order shall specifically indicate whether the custody evaluation is a full evaluation or a partial evaluation. If a partial evaluation is ordered the court shall indicate in the order the specific issue or issues to be addressed by the evaluation. The order shall also outline with specificity the payment and allocation of fees and deposits as required by Sup.R. 91.05.

**(2) Fees and Expenses**

**(a)** Prior to the appointment of a custody evaluator, the parties to the case shall have a right to be heard on the issue of appointment and the allocation of fees.

**(b)** In determining the allocation of fees and expenses for a private custody evaluator as indicated in Sup.R. 91.05(F), including advance deposit amounts, the court shall consider the flat fee or rate of reasonable compensation required by the custody evaluator and the ability of each party to pay said fees and expenses. Each party shall have the right to be heard as it relates to allocation of reasonable fees and expenses, which at the discretion of the court may include brief oral testimony, submission of narrative affidavits, and/or submission of financial affidavits that are required by other local rules or the Ohio Rules of Civil Procedure. In determining a party’s ability to pay, the court shall consider:

**(1)** The income, assets, liabilities, and financial circumstances of the parties as demonstrated by an affidavit or statement of income and expenses, testimony to the court, or evidence of qualification for any means-tested public assistance;



**(2)** The complexity of the issues;

**(3)** The total anticipated fees and expenses of the custody evaluator, including any reasonable fees and expenses related to providing oral testimony.

**(c)** Upon request of any party or upon the request of the custody evaluator, and for good cause shown, the court may approve additional fees or expenses, reallocate reasonable fees or expenses, or require a party to reimburse another party in part or in whole for reasonable fees and expenses paid. Good cause shall include, but not be limited to, a change of financial circumstances, the conduct of any party, or some unforeseen circumstance. Until such time as a motion to reallocate fees is decided by the court, the parties shall continue to comply with all existing orders regarding the allocation of fees and expenses.

**(3) Complaints**

Comments or complaints regarding the performance of a custody evaluator appointed pursuant to this Rule shall be in writing and shall be submitted to the Judge for the Pickaway County Common Pleas Court. A copy of comments and complaints submitted to the Judge shall be provided to the custody evaluator who is the subject of the complaint or comment. The Judge may forward any comments and complaints to the assigned Magistrate, if applicable, for consideration and appropriate action. The Judge will issue a timely disposition of the comment or the complaint and will notify the person making the comment or the complaint of the disposition. The Judge shall maintain a written record in the custody evaluator's file regarding the nature and disposition of any comment or complaint.

**(4) Removal of Custody Evaluator**

The Judge or Magistrate presiding over the case in which a custody evaluator was appointed may remove a custody evaluator upon a showing of good cause. Any party may file a motion in the case requesting removal and shall include specific information outlining what they believe to be good cause for removal. The motion shall be provided to all parties and the custody evaluator.

**(5) Resignation of Custody Evaluator**

A custody evaluator appointed to perform a custody evaluation may resign prior to the completion of their evaluation only upon a showing of good cause, notice to the parties and their counsel, an opportunity to be heard, and with the approval of the court.

**(D) Responsibilities of Custody Evaluator**

**(1) General Responsibilities**

A custody evaluator appointed by the court shall be familiar with the duties and responsibilities outlined in this local rule, the order of appointment, and Sup.R. 91.01 - 91.09, including those set forth in Sup.R. 91.06.

**(2) Communication with the Court**

If the custody evaluator requires assistance as outlined in Sup.R. 91.06(B) when one party resides in another jurisdiction, or if they require an amendment to the order of appointment as outlined in Sup.R. 91.06(C), the custody evaluator may request a status conference with Judge or Magistrate by contacting the assigned clerk. Any request must also be provided to all counsel and *pro se* parties, the guardian ad litem, and any attorney advocate, if one has been appointed.

**(E) Custody Evaluation Report**

**(1) Dissemination and Time Frame**

A custody evaluator shall provide their Custody Evaluation Report to the assigned Judge or Magistrate. The court shall then provide the copies of the report to the attorneys and guardian ad litem on the case. If any party is not represented by counsel, the report shall be provided directly to that party. The written report shall be provided at least 30 days prior to the final status conference.

**(2) Required Notice**

The written report shall include the statement: **“The custody evaluator’s report shall be provided to the Court for distribution to all parties and legal counsel. Unauthorized disclosure or distribution of the report may be subject to court action, including the penalties for contempt which include fines and/or incarceration.”**

**(3) Prohibition Against Dissemination**

Custody evaluation reports and recommendations shall not be disseminated to anyone other than the individuals listed in (E)(1) nor placed on social media. Reports of the recommendations shall not be shared with minor children who are the subject of the case. Unauthorized disclosure or distribution of the report may be subject to court action, including the penalties of contempt which include fines and/or incarceration.

**(4) Court Access to Report**

In accordance with Sup.R. 91.07(B), the court may receive and read the written report in advance of a hearing or trial for the purpose of conducting a settlement conference in the case.

**(5) Discovery**

The written report filed by the custody evaluator shall be subject to the Ohio Rules of Civil Procedure applicable to discovery in civil actions. Any records, information, or other materials relied upon by the evaluator may be subject to discovery pursuant to the Ohio Rules of Civil Procedure applicable to discovery in civil actions even if not filed by the custody evaluator.

**(6) Public Access**

The written report shall not be available for public access pursuant to Sup.R. 44 through 47.

**(7) Use of Report**

The court shall consider only those custody evaluations and reports completed by a custody evaluator appointed by the court. This provision shall not limit either party from retaining an additional expert or experts to review the custody evaluation and offer additional testimony as to its content.

## **RULE 16.00 MEDIA**

### **16.01 Administration**

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.

The trial judge shall grant the request in writing consistent with Superintendence Rule 12, and this local Rule. Written permission shall be made a part of the record of the proceeding.

## 16.02 Pooling

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.

## 16.03 Equipment and Personnel

- (A) 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.
- (B) 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.
- (C) Not more than one (1) audio system for radio broadcast purposes shall be permitted without authorization of the trial judge.
- (D) 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 the commencement of the courtroom session.
- (E) Visible audio portable tape recorders may not be used by the news media without prior permission of the trial judge.

## 16.04 Light and Sound Criteria

- (A) Only professional quality telephonic, photographic and audio equipment which does not produce distracting sound or light shall be employed to cover courtroom sessions.
- (B) 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.
- (C) Audio pickup by microphone for all media purposes shall be accomplished from existing audio systems present in the courtroom.
- (D) One television camera shall be positioned on a tripod as directed by the judge 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.
- (E) 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.
- (F) Television cameras, microphones, and taping equipment shall not be placed in, moved during or removed from the courtroom except prior to commencement, after adjournment of the session, or during a recess.

## 16.05 Decorum and Attire

- (A) Proper courtroom decorum shall be maintained by all media pool participants.
- (B) All media representatives shall be properly attired, in a manner that reflects positively upon the journalism profession.

## 16.06 Limitations.

- (A) There shall be no audio pickup or broadcast of conferences conducted in a courtroom between counsel and clients, co-counsel, trial judge and counsel.
- (B) The trial judge shall prohibit photographing or televising by any means victims of sexual assaults, jurors and undercover police officers.
- (C) The trial judge shall inform victims and witnesses of their right to object to being filmed, videotaped, recorded, or photographed. The trial judge shall not permit the photographing or televising of any witness or victim who objects thereto.
- (D) The trial judge shall retain discretion to limit or prohibit photographing or televising of any counsel or his work product, upon objection.

## 16.07 Revocation of Permission

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 17.00 REAL ESTATE

### 17.01 Suits in Partition

#### (A) Attorneys' Fees

Pursuant and subject to R.C. 5307.25, counsel fees in partition actions are fixed as follows: For the first fifty thousand dollars (\$50,000.00) of the value, as determined in said action, of the said real estate, at the rate of six percent (6%); all above that sum, and not exceeding one hundred thousand dollars (\$100,000.00) at the rate of five percent (5%); all above that sum, at the rate of four percent (4%).

#### (B) Extraordinary Compensation

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.

### 17.02 Judicial Sales of Real Estate

#### (A) Title Insurance Required

Except in tax forfeiture and tax foreclosure cases, and except where the Court upon motion of a party and for good cause shown otherwise directs, in any case wherein the relief sought is the judicial sale of real estate:

(1) The plaintiff shall procure and file with the Court, not later than the date the decree ordering judicial sale is filed with the Clerk of Courts, a commitment for an owner's title insurance policy for each parcel of real estate to be sold, said commitment to be effective at 8:30 A.M. on the date of the completion of service on the last of the record owners of the real estate to be served. The commitment shall be in "the amount of the successful bid at Sheriff's sale" and shall show "purchaser at judicial sale" as the proposed insured.

(2) An order of sale shall not be issued until the plaintiff's attorney files a certification with the Clerk of Courts verifying that the provisions of this rule have been complied with or that the duty of compliance with the provisions of the rule have been dispensed with by court order.

**(3)** After the sheriff's return of the order of sale and prior to the confirmation of the sale, the plaintiff shall cause a bill for the cost of an owner's policy of title insurance in the amount of the sale price of the real estate to be filed with the Clerk of this Court. The amount of the bill shall be taxed as costs in the case.

**(4)** After the delivery of the deed by the sheriff to the purchaser and the recording of said deed, the plaintiff shall cause an owner's policy of title insurance in the amount of the sale price to be delivered to the purchaser or mailed to the address of the purchaser as shown on the deed.

If the purchaser of the real estate does not desire an owner's policy of title insurance, said purchaser shall notify the plaintiff prior to the confirmation of the sale, and the plaintiff shall cause a bill for the cancellation of the commitment, calculated in accordance with the schedule of rates for title insurance in Ohio as filed with the State of Ohio, Department of Insurance, as amended from time to time, to be filed with the Clerk of the Court. The amount of said bill shall be taxed as costs in the case, in lieu of the bill referred to in Subparagraph A(3) above.

**(5)** If the plaintiff's complaint is dismissed prior to the judicial sale, but the action is nonetheless pending due to counterclaims or cross-claims, the party which has asserted a claim based on a lien which is next in priority to plaintiff's shall comply with the requirements of this rule.

### 17.03 Foreclosure Entries

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.

## RULE 18.00 RECEIVERSHIPS

### 18.01 Applicability

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

### 18.02 Motions for Appointment of a Receiver

**(A) No Approved List**

This Court has no closed-panel or approved list of receivers. An party may suggest candidates, but must be prepared to document their experience and expertise relative to the matter at hand, and certify that they are disinterested persons.

**(B) Fees/Values/Scope**

Parties seeking appointment must fully advise the court of the entire fee arrangement proposed to compensate the receiver, including all expense reimbursement and any commission contemplated for leasing or selling property. In addition, the court must be advised of the approximate value of the business or property likely to be managed in the receivership (if granted), and of the scope of work likely to be required of the receiver.

**(C) No Ex Parte Appointments**

Absent an emergency in which irreparable harm is likely to occur, the court will not grant a receivership on an ex parte basis. The party (or parties) seeking a receivership should ordinarily consult all known secured creditors, the debtor, and other parties expected to have a significant interest in being heard in order to schedule the receivership hearing in a timely manner.

**(D) Bond**

The Court will set a bond commensurate with the anticipated size of the estate, having in mind the views of secured creditors and the debtor. Accordingly, counsel must be prepared to present sufficient facts for the Court to make an informed judgment on bond.

### 18.03 Hearings and Requests for Procedural Orders

**(A) In Writing with Entry**

Motions for a receivership, fee applications, hearing requests, or other procedural matters relative to a receivership must be submitted in writing, with an approved entry tendered to chambers.

**(B) Service to All Parties**

The party who submitted a proposed order entered by the Court is responsible for serving it upon the receiver or receiver's counsel and upon all parties who have appeared, or for whom service of process remains underway. Proof of service must be filed by the party making service.

**(C) Emergency Hearings**

For good cause, the receiver or any party that has appeared, may request an emergency hearing by contacting the court.

**(D) Evidentiary Hearings**

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

### 18.04 Qualifications to Serve as a Receiver

**(A) Residency**

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

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

**(B) Affirmative Acknowledgments Required**

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

- (1)** act in conformity with Ohio law and these local rules;
- (2)** deposit all funds coming into their hands into a separate trust account for the estate, with full contemporaneous record-keeping for all funds;
- (3)** avoid any conflict of interest;
- (4)** not directly or indirectly pay or accept anything of value that has not been fully and timely disclosed and formally approved by this Court;
- (5)** not directly or indirectly purchase, acquire, or accept any interest in property managed, appraised, or sold through the receivership; and
- (6)** otherwise act in the best interests of the estate.

### 18.05 General Duties of the Receiver

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

- (A)** take control of the assets of the defendant debtor that are subject to the receivership;
- (B)** give notice to all known creditors of the receiver's appointment;
- (C)** afford reasonable opportunity for creditors to present and prove their claims, and, if deemed appropriate by the receiver or the court, publish in a newspaper of general circulation within Pickaway County a deadline or bar date for submitting claims;
- (D)** cause the assets of the business to be preserved, inventoried, and where appropriate appraised;
- (E)** determine the validity and priority of creditor's claims;
- (F)** take such other appropriate steps as may be timely, reasonable, and necessary to reduce the assets of the business to cash on terms that maximize recovery for the benefit of creditors, including selling property free-and-clear of all liens provided the liens attach to the proceeds of the sale; and
- (G)** make recommendations for appropriate distributions of cash or property between the various classes of creditors according to their priority, after such notice as the Court deems appropriate.

## 18.06 Receivership Plan and Progress Reports

- (A) Initial Plan**  
At the outset, or within two months of appointment of the receiver, the Court shall be provided with a written plan for the receivership.
- (B) Plan Updates**  
The plan shall be updated as significant developments warrant, or as part of ongoing periodic reporting to the Court. Updated reports shall be filed no less than semi-annually
- (B) Plan Contents**  
The initial receivership plan shall identify:
  - (1)** the nature of the debtor's business, and a concise statement of the circumstances leading to the receivership;
  - (2)** whether the present goal is to preserve and operate a business, collect rental on property, liquidate assets, or take other action;
  - (3)** the significant assets of the receivership, including real estate, tangible or intangible property, inventory, cash on hand, accounts receivable, and claims against insurers or other third parties;
  - (4)** anticipated transactional costs predictably to be incurred, including upcoming financing or mortgage payments, government fees or taxes, receiver fees, accounting, appraisal or auction costs, and legal fees inherent in the plan (as best they can be estimated);
  - (5)** the anticipated duration of the receivership;
  - (6)** if an active business is to be operated, the minimum number of employees needed to do so, and the estimated aggregate payroll (including benefits) each month;
  - (7)** if property is to be liquidated, the estimated date by which appraisal and sale by the receiver can occur, and whether public or private sale is contemplated;
  - (8)** if litigation or administrative proceedings are underway or anticipated, the nature and expected cost of each such proceeding.

**(C) Filing and Service**

Copies of each receiver's plan and report shall be filed with the Clerk, with service upon all parties who have made an appearance or for whom service remains pending.

**(D) Approval of the Court**

A courtesy copy of each receiver's plan and report shall be submitted to chambers, together with a proposed entry approving the plan or report. After consideration, the Court shall approve or disapprove the plan and report by court entry.

**(D) Notice Period**

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

### **18.07 Failure to Act Timely**

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

**(A) Removal of the receiver and/or attorney for the receiver and/or**

**(B) Withholding of fees for the receiver and/or counsel.**

### **18.08 Applications to Employ Counsel or Other Professionals**

**(A) Initial Application**

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

**(B) All Agreements in Writing**

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

**(C) General Application Content**

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

**(1)** all necessary licenses are in good standing and not under suspension;

**(2)** appropriate conflict checks have been made by the professional;

**(3)** as to lawyers, whether professional liability insurance is maintained, and the amount of coverage maintained;

**(4)** the contract retaining the professional will affirmatively state that the professional will avoid any conflict of interest in connection with work on the receivership; that gross proceeds of any sale or other transaction conducted by them will be immediately turned over to the receiver or placed in a separate



trust account; and that they will not, under any circumstances, directly or indirectly purchase, acquire, or accept any interest in any property they manage, appraise or sell through the receivership.

**(D) Application Content Regarding Fees**

Applications to employ professionals shall also set forth:

- (1)** the professional's usual and customary hourly rate or fee;
- (2)** their proposed fee, hourly rate, or other alternative method or formula for determining the compensation in the receivership;
- (3)** whether any fees were paid to the professional during the one (1) year period preceding the filing of the application from, or involving, (a) the debtor in receivership, (b) a person or party closely related to the debtor, or (c) a person or party known to be adverse to the debtor and to have a material claim in the receivership; and
- (4)** the amount, date paid, and source of any retainer or other compensation already received by the professional for preparatory work relative to the receivership.

**(E) Approval of Fees**

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

## **18.09 Expenditure Authority of the Receiver**

**(A) Safety and Maintenance Expenditures**

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

**(B) Business Operational Expenditures**

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

**(C) Prior Approval Needed**

- (1)** All fees, compensation or expense reimbursements to the receiver, counsel, or professionals require prior approvals from the Court.
- (2)** All expenses of the receivership, other than those specifically enumerated above, also require prior approval of the Court if, in the aggregate, they exceed \$2,500 per month, or such other threshold as set by order in the specific receivership.

## **18.10 Disposition of Property**

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

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

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

(3) The receiver shall have the burden of proving the commercial reasonableness of a proposed disposition of property.

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

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

(B) Unless otherwise provided by law, valuation and sale of real property by a receiver need not occur using ordinary foreclosure proceedings.

### 18.11 Final Report to the Court and Creditors

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

(1) the total amount of money collected during the receivership, (b) the total funds collected since the last interim fee award to the receiver (if any), and (c) the source(s) of funds;

(2) total funds previously disbursed to creditors;

(3) the amount of money or any property remaining on hand;

(4) the status of all known secured and unsecured creditors' claims;

(5) the approximate number and admitted balances due creditors but remaining unpaid;

(6) the approximate number and total of creditors' claims that remain open or unresolved;

(7) proposed final distributions to creditors and the date by which the receiver proposes to make them and close out the case;

(8) the total administrative expense incurred to date, including fees paid to the receiver, attorneys and other professionals;

(9) the amount of additional administrative expenses sought to be paid in the final fee application; and

(10) any known objections or other positions taken by those having an interest in the receivership with respect to the receiver's final plan to wind up the case.

### 18.12 Trade Secret or Privileged Information

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

## **RULE 19.00 APPEALS**

### **19.01 Applicability**

Chapter 19 of these Local Rules applies to all appeals filed here, including those under Chapter 2506 and Chapter 119 of the Ohio Revised Code.

### **19.02 Time for Filing Fixed by Statute**

Where the time for filing is fixed by statute, documents shall be filed within such time unless an extension is granted by the judge after notice to opposing counsel or party. Upon the expiration of such time, the case will be considered to be submitted on the briefs unless oral argument is requested in writing and granted by the judge.

### **19.03 Time for Filing Not Fixed by Statute**

Where the time for filing is not fixed by statute, the Ohio Rules of Appellate Procedure shall apply. Documents shall be filed within the times indicated by App.R. 18 unless an extension is granted by the judge after notice to opposing counsel or party. Upon the expiration of such time, the case will be considered to be submitted on the briefs unless oral argument is requested in writing and granted by the judge.

### **19.04 Form of Briefs**

Briefs are to be double spaced, except quoted matter may be single spaced. Initial briefs and answers shall not exceed twenty-five (25) pages. Reply briefs shall not exceed ten (10) pages.

### **19.05 Oral Arguments**

Oral arguments shall not exceed fifteen (15) minutes per side unless extended by the judge.

### **19.06 Filing of Transcripts**

In all cases in which demand or request to the agency by the appellant is a prerequisite to the preparation or filing of the transcript 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.

### **19.07 Cause for Dismissal**

Failure to file required documents within the time frames required by statute or rule shall be cause for dismissal of the appeal for want of prosecution or other disposition as directed by the judge.

## **RULE 20.00 CERTIFICATES OF TITLE**

### **20.01 Applicability**

This Court can authorize certificates of title for motor vehicles and mobile homes under R.C. Chapter 4505.

### **20.02 Actions Required Prior to Application with the Court**

(A) The Petitioner must first request the most recent address of the previous owner from the BMV using BMV form 1173. (Available at <https://publicsafety.ohio.gov/static/bmv1173.pdf> ) For a boat or boat motor title contact the Ohio Division of Natural Resources for a record search.

(B) If the BMV supplies information as to the last-known title holder, the Petitioner must attempt to contact the last-recorded title holder in an effort to obtain title from that previous owner.

(C) If, after the steps above have been completed, the Petitioner was unable to receive title from the last-known title holder, Petitioner must complete the steps in 20.03 below to obtain a court-ordered title.

### 20.03 Actions for Certificates of Title

Application shall be made by Complaint and must contain the following information:

- (A) The full name and address of current owner.
- (B) The manufacturer, model, year of manufacture, and serial number or Vehicle Identification Number (VIN). The Court may require an Ohio State Highway Patrol Inspection of the vehicle. This is obtained by visiting a BMV Deputy Registrar's Office and purchasing an Inspection Receipt (BMV form 105) and scheduling the inspection with the Ohio State Highway Patrol at 614-644-1667.
- (C) The date and circumstances under which ownership occurred, with attachment of any relevant documents establishing these facts.
- (D) An explanation of the circumstances that caused the original title to be lost.
- (E) An explanation of the efforts made to locate the original title, including documentation that the steps outlined in 20.02 have been completed.
- (F) A notarized affidavit, signed by the owner, attesting to the truth of all statements in the Complaint and attesting to any encumbrances attached to the vehicle or motor home.

### 20.04 Entry Required

Applicant must supply an entry for the judge to sign. Form for the entry is located in the Appendix as [FORM N – JUDGMENT ENTRY/CERTIFICATE OF TITLE](#). The DMV will require a certified copy of this entry to issue the title.

## RULE 21 CREATION OF SPECIALIZED DOCKET: DRUG COURT

### 21.01 Creation; Purpose; Mission

- (A) The Pickaway County Drug Court ("Drug Court") is created pursuant to the specialized docket standards set forth in Rules 36.20 – 36.28, including Appendix I, of the Ohio Rules of Superintendence for the Courts of Ohio.
- (B) The purpose of the Drug Court is to facilitate efficient and effective treatment of drug and alcohol dependent offenders.
- (C) The mission of Drug Court is to improve the overall quality of life in the community by providing a court-supervised program for substance dependent offenders that will enhance their likelihood of being productive members of society, while keeping the community safe.

### 21.02 Participant Handbook

The Drug Court Participant Handbook is incorporated in this Rule. The handbook is available at the office of the Pickaway County Adult Probation Department.

### 21.03 Referral; Determination of Eligibility

- (A) Potential participants in the Drug Court program may be referred to the program by the judge, attorneys, licensed treatment providers, supervision officers, or law enforcement officers.
- (B) Referrals can be made at any stage of the court process. The procedure for identification of potential participants begins promptly after an eligible defendant has been charged with a qualifying offense, has

a pending Motion to Revoke Community Control, has filed a Motion for Intervention in Lieu of Conviction, is preparing for a Motion for Judicial Release hearing, or upon referral from others associated with the docket.

- (C) A Drug Court participant must meet legal and clinical eligibility criteria as set forth in the Drug Court Participant Handbook. The target population is residents of Pickaway County and adjoining counties convicted of felonies who have been diagnosed with a substance use disorder that is a contributing or mitigating factor in their criminal conduct.
- (D) Upon referral, the Drug Court Coordinator conducts an initial eligibility screening. Assessments shall be provided by a treatment agency or individual that are appropriately licensed through the Ohio Department of Mental Health and Addiction Services and trained to deliver substance abuse and/or mental health treatment services according to the standards of the profession.

#### **21.04 Participant Requirements**

The Drug Court participant shall be required to complete phases of treatment, and all other requirements, as identified and defined in the Drug Court Participant Handbook and the Drug Court Participant Agreement. While a program participant, offenders shall receive services to assist in meeting criminogenic needs. While a program participant, offenders are subject to random, frequent, and observed alcohol and drug testing.

#### **21.06 Drug Court Treatment Team (DCTT)**

- (A) The Drug Court Treatment Team shall monitor each participant's progress through team meetings and status review hearings with the judge. The duties of the DCTT members are outlined in the Drug Court Participant Handbook and are adopted herein.
- (B) The Drug Court Docket Treatment Team includes the judge (who chairs the meetings), the Drug Court Coordinator, a probation officer, and the licensed treatment providers. In addition, the team may include additional probation officers, other licensed providers administering treatment to drug court participants, law enforcement officers, prosecutors, defense counsel, and other persons approved by the judge.

#### **21.07 Incentives and Sanctions**

- (A) Program incentives are offered for participants who reach certain milestones or accomplishments; they are offered on a timely, graduated, and individualized basis to ensure positive reinforcement for program compliance and achievement.
- (B) Sanctions for a Drug Court participant's non-compliance vary in intensity and are timely, graduated, and individualized to ensure accountability and promote future compliance.

#### **21.08 Completion or Termination**

- (A) A Drug Court participant will receive a successful completion as outlined in the Participant Handbook if he completes all phases of the program. Upon graduation, the offender may remain under community control sanctions to ensure continued compliance and success.
- (B) A Drug Court participant may be unsuccessfully terminated for ongoing noncompliance with program requirements, resistance to treatment, new and serious criminal convictions, serious docket infractions, serious community control violations, or other bases as determined by the judge.
- (C) A Drug Court participant may be terminated from the program on a neutral discharge when a participant acquires a serious medical or mental health condition or other circumstances arise that significantly impede the participant's ability to complete the program.

## **21.09 Statistical Reporting**

For purposes of Ohio Supreme Court statistical reports, the case shall be considered disposed of by the judge when the defendant is sentenced to or accepted into the Drug Court program.

## **RULE 22 ADOPTION OF TECHNOLOGY PLAN**

**22.01** This Court has created a technology plan as required by Sup.R. 5(E). This plan is on file with the Court Secretary. Questions about accessibility accommodation shall be directed to the Court Secretary.

## APPENDIX

### SECURITY COST SCHEDULE

#### **Foreclosures**

Initial Filing	\$450.00
Online Auction Fee ( <i>paid with Initial Filing</i> )	\$225.00
Orders of Sale ( <i>paid at Issuance</i> )	\$200.00

#### **Civil Actions**

Filing	\$250.00
Jury Demand	\$550.00
Counter Claim, Cross Claim, or Third-Party Claim	\$150.00
Reinstatements	\$100.00

#### **Domestic Actions**

Petition for Dissolution of Marriage	\$250.00
Divorce, Legal Separation, or Annulment	\$250.00
Counterclaim in domestic cases	\$250.00
Filing of Agreed Entry	\$125.00
Post Decree Motions	\$150.00

<b>Execution upon a Foreign Judgment</b>	\$100.00
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<b>Garnishments and Debtor's Exams</b>	\$100.00
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<b>Cognovit Note</b>	\$250.00
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<b>Miscellaneous Filings</b>	\$25.00
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#### **Certificate of Judgment**

Filing	\$36.00
Release	\$5.00

<b>Expungements</b>	\$50.00
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## CASE PROCESSING GOALS

Mortgage foreclosure	12 months
Administrative Appeals	9 months
Injunction	12 months
All Other Civil	24 months
Worker's Compensation	12 months
Product Liability	24 months
Professional Tort	24 months
Other Torts	24 months
Complex Litigation	36 months
Domestic Cases	Per Supreme Court Guidelines

Each original civil action shall be reviewed within a reasonable time from the date of its filing.



## JURY DUTY INFORMATION

Dear Juror:

As a registered voter of Pickaway County, you have been selected to serve as a petit juror in the Pickaway County Common Pleas Court for an upcoming 3-month term of Court. The Court is located on the 2nd floor of the Pickaway County Courthouse at 207 South Court Street, Circleville.

You have not actually been selected for a specific date yet. When your name is selected, you will be notified by mail of the specific date and time to appear. Jury trials are normally scheduled on Mondays and Thursdays and typically last one or sometimes two days.

Any and all medical excuses, vacation requests and/or requests for discharge from jury duty should be completed on the Juror Excuse Form below and returned with the completed questionnaire in the self-addressed stamped envelope provided.

Please do not request to be permanently excused from jury duty for any other reasons than listed on the Juror Excuse Form below. As Judge of the Pickaway County Common Pleas Court, I am the only person who can excuse a juror, and I cannot excuse you under Ohio law except for the reasons listed below. Please remember only a limited number of jurors are called for specific dates, therefore it is very important that you appear as Ordered. Your summons is a Court Order and any failure to comply with the Order can result in the imposition of sanctions provided under Ohio law. If you have any questions, please contact my office at (740) 474-6026.

Sincerely,  
P. Randall Knece, Judge

There are four terms of Court per year: January, April, July and October. At each term of Court a new jury panel is selected. Juror names are submitted by the Board of Elections, Pickaway County, Ohio from the voter registration, using a key number that is selected in August of each year. There are 500 names drawn as Petit Jurors and 50 names drawn as Grand Jurors.

Grand Jury is in Session once a month. On occasion, there may be a need for a Special Grand Jury Session during the Term, however, that is very infrequent. At least once during the Grand Jury Term it is necessary that the Grand Jurors inspect the Pickaway County Jail to ensure that the prisoners are receiving adequate treatment. After this tour is completed the Jurors will reconvene in the Grand Jury Room and submit a written report to the Court. A copy of the Grand Jurors Report is then forwarded to the Pickaway County Commissioners Office for their review.

Petit Jurors are called for jury duty on an as-needed basis. Jurors are only summoned in when there is an actual jury trial scheduled. Petit Jury may consist of a criminal trial or a civil trial. If the case being tried is a criminal case, 12 jurors will be seated with usually one or two alternates. If the case being tried is a civil case, 8 jurors will be seated with

one alternate. Most trials (criminal and civil) last two days. However, there are occasions when a trial may take a week, but that is rare.

Jurors are summoned to report for jury duty at 8:30 A.M. The first part of the trial will be the selection of the jury. This is called Voir Dire. Once the jury is seated, usually a 10 minute recess will be taken. Then the Court will commence with Instructions of the Court and opening statements of counsel. Once opening statements are completed, witnesses will be called to the witness stand, and exhibits will be offered during the trial. Once the testimony is completed, the attorneys will make closing arguments, the Court will give the Charge of the Court, and then the jury will commence deliberations. Once the jury has reached a verdict, the foreperson will knock on the jury room door and announce to the Bailiff that the jury has reached a verdict. At that time the jury will be returned to the courtroom, the verdict will be announced, after which the jury will be excused.

The Court usually schedules one 10-minute recess in the morning and one 10-minute recess in the afternoon, with one hour for lunch. The jurors are on their own during the lunch hour.

(For consideration to be excused from jury duty, print out and complete Form A, Excuse from Jury Duty.)

# FORM A – JUROR EXCUSE FORM

Return by fax, email, or regular mail.

Fax to: (740) 420-5422

Email to: [jury@pickawaycountyohio.gov](mailto:jury@pickawaycountyohio.gov)

Mail to:

Jury Commissioner  
Pickaway County Common Pleas Court  
207 South Court Street, 2nd Floor  
Circleville, Ohio 43113

Name \_\_\_\_\_ Juror # \_\_\_\_\_

Address \_\_\_\_\_ Phone # \_\_\_\_\_

## I claim exemption from jury service because:

- \_\_\_ I am no longer a resident of Pickaway County.  
(Attach new street address, city, state, zip and phone number.)
- \_\_\_ I am a student attending college outside of Pickaway County.  
(Attach proof of registration.)
- \_\_\_ I have served on jury duty in Common Pleas Court within the previous 12 months.  
(Attach last date of jury service.)
- \_\_\_ The interest of the public will be materially injured by my attendance.  
(Attach detailed explanation.)
- \_\_\_ The recent death or dangerous illness of my spouse or near relative (state relationship).  
(Attach medical documentation.)
- \_\_\_ I am an active member of a cloistered religious organization or a recognized Amish sect.  
(Attach detailed explanation.)
- \_\_\_ I have a mental or physical condition that renders me incapable of performing jury service.  
(Attach Form B, Physician's Release, found on next page)
- \_\_\_ Jury service would cause undue or extreme physical or financial hardship.  
(Attach detailed explanation.)
- \_\_\_ I am over 75 years of age and request to be excused.  
(Attach date of birth.)
- \_\_\_ I am actively serving in the military  
(Attach copy of orders.)

## FORM B – PHYSICIAN’S RELEASE FORM

Return by fax, email, or regular mail.

Fax to: (740) 420-5422

Email to: [jury@pickawaycountyohio.gov](mailto:jury@pickawaycountyohio.gov)

Mail to:

Jury Commissioner

Pickaway County Common Pleas Court

207 South Court Street, 2nd Floor

Circleville, Ohio 43113

*NOTE TO THE PHYSICIAN: Postponing jury service is preferred to excusing a prospective juror. Unless the original summons states that the service cannot be rescheduled, prospective jurors may request a temporary postponement of the jury service for circumstances such as pregnancy, broken bones, surgery, recovery or other temporary conditions. Prospective jurors should contact the Pickaway County Common Pleas Court directly for instructions on rescheduling their original term of service.*

I hereby certify that \_\_\_\_\_ is a patient under my care. This patient suffers  
(Please print or type name in full.)

from a physical and/or mental condition that would make service as a juror dangerous to the patient’s health and/or well-being.

**Please provide a detailed description of the medical condition and how it would adversely affect this person’s ability to serve on a jury.**

Is this condition permanent? (circle one)      **Yes**      **No**      Patient’s age: \_\_\_\_\_

If the condition is temporary, when will the patient be able to serve? (circle one)

**30 days**      **60 days**      **90 days**      Other (please specify) \_\_\_\_\_

SUBMISSION OF THIS CERTIFICATE TO JUDGE P. RANDALL KNECE, PICKAWAY COUNTY COMMON PLEAS COURT, CERTIFIES UNDER PENALTY OF PERJURY, BY THE SUBMITTER, THAT THE FOREGOING IS TRUE AND CORRECT.

\_\_\_\_\_  
Physician’s Signature (Original signature ONLY)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Please print or type your name

\_\_\_\_\_  
Full Address

\_\_\_\_\_  
Phone

## FORM C - NOTARY APPLICATIONS

As of Sept. 20, 2019, Common Pleas Courts in Ohio no longer oversee notary applications. Information to obtain a notary commission can be found at <https://www.ohiosos.gov/notary/>

**FORM D – APPLICATION FOR THE GUARDIAN AD LITEM APPOINTMENT LIST  
COURT OF COMMON PLEAS, PICKAWAY COUNTY, OHIO**

Pursuant to Local Rule 15.14(C), I hereby apply to be eligible for appointment as a guardian ad litem for minor children in domestic relations cases involving the allocation of parental rights, custody, visitation and related issues.

Name: \_\_\_\_\_ Telephone: \_\_\_\_\_  
Supreme Court No. \_\_\_\_\_ Cell Phone: \_\_\_\_\_  
Office Address: \_\_\_\_\_ FAX: \_\_\_\_\_  
\_\_\_\_\_ Email: \_\_\_\_\_  
\_\_\_\_\_

Hourly rate: \$100.00 per hour, unless otherwise specified by Court Order.

Deposit: \$1,500.00, unless otherwise specified by Court Order

If you are willing to accept a lesser amount or will require an additional deposit, please enter the amount:  
\$ \_\_\_\_\_ .

Are your rates negotiable on a case-by-case basis? Initial Deposit: **Y** **N** Hourly Rate: **Y** **N**  
This application must be accompanied by:

- (1) a resume stating the applicant’s training, experience and expertise demonstrating the applicant’s ability to successfully perform the duties and responsibilities of the guardian ad litem. You may also include any other training or experience, including foreign language proficiency, that would be helpful in the role of a guardian ad litem;
- (2) a copy of the applicant’s certificate for completing the required pre-service training;
- (3) a copy of the applicant’s criminal background check;
- (4) the applicant’s original background disclosure statement;

Incomplete applications will not be accepted and will be returned to you for completion.

I certify that the information herein is true and accurate to the best of my knowledge and belief and that I have read and understand the duties and obligations of a guardian ad litem as set forth in the Local Rules of the Court.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

FORM E – BACKGROUND DISCLOSURE STATEMENT (GAL)

IN THE COURT OF COMMON PLEAS  
PICKAWAY COUNTY, OHIO

**BACKGROUND DISCLOSURE STATEMENT FOR GUARDIAN AD LITEM APPOINTMENT LIST**

Name: \_\_\_\_\_  
First Middle Last Date of Birth

Current Street Address: \_\_\_\_\_  
City County State Zip Code

Valid Ohio Driver’s License Number: \_\_\_\_\_

**A “YES” RESPONSE TO ANY QUESTION LISTED BELOW MUST BE SUPPLEMENTED WITH A THOROUGH EXPLANATION ON A SEPARATE SHEET OF PAPER.**

**DRIVING HISTORY**

- |   | <b>YES</b>               | <b>NO</b>                |
|---|--------------------------|--------------------------|
| 1. Have you been cited for any moving traffic violation in the past 10 years?           | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. Have you been convicted of any moving traffic violation in the past 10 years?        | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. Have you had any traffic violations involving alcohol or drugs in the past 10 years? | <input type="checkbox"/> | <input type="checkbox"/> |

**BACKGROUND**

- |  |                          |                          |
|--|--------------------------|--------------------------|
| 4. Have you ever been convicted of a violation of law?   | <input type="checkbox"/> | <input type="checkbox"/> |
| 5. Have you ever been charged with a crime involving a minor?  | <input type="checkbox"/> | <input type="checkbox"/> |
| 6. Have you ever committed an act that resulted in a child being adjudicated abused or neglected?  | <input type="checkbox"/> | <input type="checkbox"/> |
| 7. Have you been a party to any civil litigation in the past 10 years?   | <input type="checkbox"/> | <input type="checkbox"/> |
| 8. Do you have any condition or impairment (including but not limited to substance abuse, alcohol abuse, or a mental, emotional or nervous condition) which currently affects, or if untreated could affect, your ability to competently practice law? | <input type="checkbox"/> | <input type="checkbox"/> |
| a. If so, is your condition or impairment reduced or ameliorated because you receive ongoing treatment, with or without medication, or participate in a monitoring program?  | <input type="checkbox"/> | <input type="checkbox"/> |

**CONDUCT**

- |   | <b>YES</b>               | <b>NO</b>                |
|---|--------------------------|--------------------------|
| 9. Have you ever been suspended, censured, or otherwise reprimanded or disqualified as a member of the legal profession or another profession, or as a holder of public office?   | <input type="checkbox"/> | <input type="checkbox"/> |
| 10. Have you ever been the subject of any charges, complaints, or grievances concerning your conduct as a member of the legal profession or another profession, or as a holder of public office, including any now pending? | <input type="checkbox"/> | <input type="checkbox"/> |
| 11. Has any surety on any bond on which you were the principal been required to pay any money on your behalf in the past 10 years?  | <input type="checkbox"/> | <input type="checkbox"/> |
| 12. Have sanctions been entered against you, or have you been disqualified from participating in any case in the past 10 years?   | <input type="checkbox"/> | <input type="checkbox"/> |
| 13. Have you been disbarred, suspended, censured, or otherwise reprimanded or disqualified as an attorney in the past 10 years?   | <input type="checkbox"/> | <input type="checkbox"/> |
| 14. Have you been terminated, suspended, disciplined, or permitted to resign in lieu of termination from any job in the past 10 years?  | <input type="checkbox"/> | <input type="checkbox"/> |





FORM F – JUDGMENT ENTRY/RESTRAINING ORDER

IN THE COURT OF COMMON PLEAS, PICKAWAY COUNTY, OHIO

_____	:	Case No. _____
Plaintiff,	:	
	:	
vs.	:	
	:	
_____	:	<b><u>JUDGMENT ENTRY/RESTRAINING ORDER</u></b>
Defendant.	:	

This matter came before the Court pursuant to Local Rule\_\_\_\_\_, which provides that, upon the filing of a Complaint for a Divorce or Legal Separation, a Restraining Order is issued by this Court sua sponte. The Court, being fully advised, hereby ORDERS, ADJUDGES, AND DECREES:

Plaintiff and defendant are each hereby restrained, during the pendency of this action or until further Order of the Court, as follows:

1. Neither party shall bother, molest, harass or interfere with the other party at his/her residence, place of employment, or any other place he/she may be found. This restraint shall include telephone calls and all other written or electronic communications.
2. Neither party shall transfer, withdraw, conceal, mortgage, damage, destroy, sell, or otherwise dispose of any assets of either or both parties, other than for ordinary and necessary living expenses and for the current payments of existing marital obligations.
3. Neither party shall change the beneficiary or beneficiaries of any life insurance policies, or the payable on death beneficiaries or joint and survivorship ownership of any tax-deferred savings plans, pension plans, retirement plans, certificates of deposit, savings accounts, stock brokerage accounts or other such assets owned by either or both parties.
4. Neither party shall remove the minor children from the jurisdiction of this Court.
5. Neither party shall terminate the major medical, dental, optical and/or hospitalization insurance coverage of the other party or the minor children.
6. Neither party shall terminate any existing paid up insurance coverage, including automobile and casualty insurance.
7. Neither party shall terminate or cause the termination of any utility service at the marital residence of the parties.

IT IS SO ORDERED.

_____	DATE
MAGISTRATE, COMMON PLEAS COURT	

# FORM G – PARENTING SCHEDULE

## PICKAWAY COUNTY COURT OF COMMON PLEAS

Liberal parenting arrangements are encouraged, as extensive contact with both parents is important to the children. Specific items in the judgment entry may take precedence over this schedule. Changes or modifications can be made by the Court, if the need for such is shown. This schedule does not affect support payments, nor does it apply to parents living more than 150 miles apart, as the Long-Distance Parenting Schedule shall apply.

**I. PARENTING TIME:** Parenting time between the child(ren) and the non-residential parent shall take place at such times and places as the parties may agree, but in the absence of agreement, will not be less than:

**A. INFANTS UP TO 12 MONTHS:** Every Sunday from 12:00 p.m. until 6:00 p.m. and two weekday evenings from 5:30 p.m. until 8:30 p.m. If the parents cannot agree, the weekdays shall be Tuesday and Thursday. The non-residential parent shall also have holiday parenting time on Easter, the Fourth of July and Christmas Day from 12:00 p.m. until 6:00 p.m. The child(ren) shall be with the Mother on Mother's Day from 12:00 p.m. until 6:00 p.m. and with the Father on Father's Day from 12:00 p.m. until 6:00 p.m.. If the non-residential parent misses Sunday parenting time due to the other parent's Mother's Day/Father's Day parenting time, the non-residential parent shall exercise his or her Sunday parenting time on Saturday on that particular weekend from 12:00 p.m. until 6:00 p.m. If the non-residential parent misses his or her weekday parenting time due to the residential parent's exercise of holiday parenting time, the missed parenting time shall be made up on the day immediately following the holiday. Said parenting time shall be modified so as not to interfere with breastfeeding in the event the mother is nursing the child.

**B. AFTER 12 MONTHS OF AGE:**

1. **Weekends:** Alternate weekends from Friday at 6:00 p.m. until Sunday at 6:00 p.m.
2. **Weekdays:** Two weekday evenings per week from 5:30 p.m. until 8:30 p.m. If the parents cannot agree, the weekdays shall be Tuesday and Thursday.
3. **Holidays and School Vacations:** In the odd-numbered years, Mother shall have parenting time on Martin Luther King Day, Easter, Fourth of July, Trick-or-treat night, Thanksgiving, Christmas Day and the second half of the Christmas vacation (if applicable). Father shall have parenting time on President's Day, Spring Break (if applicable), Memorial Day, Labor Day, Christmas Eve, and the first half of Christmas vacation (if applicable). In the even-numbered years the schedules are reversed.

The following are general rules for holiday and birthday parenting time:

- (a) Holiday and birthday parenting time shall take precedence over regularly scheduled parenting time. Any regularly scheduled parenting time missed due to the exercise of holiday or birthday parenting time shall not be made up.
  - (b) A holiday which falls on a weekend should be spent with the parent who is supposed to have the child(ren) for that holiday. The rest of the weekend is spent with the parent who would normally have that weekend.
  - (c) Mother's Day and Father's Day shall be spent with the appropriate parent. The times are from 6:00 p.m. the night preceding until 6:00 p.m. on the day of the holiday.
  - (d) Other days of special meaning such as religious holidays shall be decided together, written into the court order, and alternated as above.
  - (e) Spring Break shall be applicable for all children when one or more is of school age and receives a Spring Break from school. It shall commence at 6:00 p.m. on the day school is out until 6:00 p.m. on the day before school recommences.
  - (f) Easter shall be from 6:00 p.m. the night before until 6:00 p.m. Easter day, unless at least one child is entitled to a Spring Break from school and Easter is during that time in which case subsection (e) hereinabove shall apply.
  - (g) Fourth of July shall be from 9:00 a.m. on July 4 until 9:00 a.m. on July 5.
  - (h) Thanksgiving shall be from 6:00 p.m. on the day before Thanksgiving until 6:00 p.m. the Sunday after Thanksgiving.
  - (i) Christmas Eve shall be from 12:00 p.m. on December 24 until 12:00 p.m. on December 25.
  - (j) Christmas Day shall be from 12:00 p.m. on December 25 until 12:00 p.m. on December 26.
  - (k) At such time as one or more of the children is of school age and entitled to a Christmas vacation, then the Christmas holiday shall consist of the entire school vacation, with the first half of Christmas vacation commencing at 6:00 p.m. on the day school is out until 12:00 p.m. on December 25, and the second half commencing at 12:00 p.m. on December 25 through 6:00 p.m. on the day before school recommences.
  - (l) Memorial Day, President's Day, Labor Day, and Martin Luther King Day shall be from 9:00 a.m. until 6:00 p.m. on the day of the holiday.
  - (m) 48 hours notice shall be given by the parent with whom the holiday is being spent for any arrangements for out of town travel on the holidays or change in pick-up/return times.
4. **Birthdays:** The children's birthdays shall be alternated between the parents on an annual basis, with mother to have the children in all odd-numbered years and father to have the children in all even-numbered years. The parenting time shall be from 10:00 a.m. until 6:00 p.m. unless the birthday falls on a school day, in which case it shall be from 5:30 p.m. until 8:30 p.m. Siblings shall attend the birthday event. Birthday parenting time shall take precedence over regular weekend time and all holidays excepting Christmas Day.
  5. **Summer:** Four weeks of parenting time each year to be arranged with 45 days advance notice by the non-residential parent. The residential parent must give the non-residential parent 60 days notice of vacations or special plans for the child(ren) to avoid planning conflicts. In the event the child(ren) must attend summer school in order to pass to the next grade, school must be attended. **Mandatory** camps or tryouts attached to a school-sanctioned extracurricular activity shall also be attended. If proper notice has been given and a scheduling conflict still exists, Mother's choice shall take precedence in odd-numbered years and Father's choice shall take precedence in even-numbered years. Said parenting time shall be exercised in one-week non-consecutive periods for children under three years of age and in one or two week non-consecutive periods for children three years of age and over, or for families wherein at least one child is three years of age or over. During the summer months, the residential parent shall have weekday parenting time two weekday evenings per week from 5:30 p.m. to 8:30 p.m. if the non-residential parent is not traveling pursuant to paragraph 6 below. If the parents cannot agree, the weekdays shall be Tuesday and Thursday.
  6. **Vacations:** Each parent may arrange an uninterrupted vacation of not more than two weeks with the child(ren). The non-residential parent shall schedule this during his or her four-week summer parenting time, and the residential parent shall schedule this at a time other than the

non-residential parent's four-week summer parenting time. A general itinerary shall be provided to the other parent, including dates, locations, addresses and telephone numbers. Holiday and birthday celebrations with either parent shall not be missed. Scheduling of the vacation around these events shall be required or the missed occasion be made up if the parties so agree. Alternate weekends which are missed during vacation are not required to be made up. A vacation is defined as a parent's time off from work where that parent spends time with the child(ren).

**II. TRANSPORTATION:** Unless otherwise agreed upon or ordered by the court, and subject to paragraph XI, the parties shall be equally responsible for all transportation involving exchanges of children for parenting time, excluding mid-week parenting time which shall be the responsibility of the non-residential parent. The parent providing transportation may employ another responsible adult known well and trusted by the child(ren) when necessary.

**III. SPECIAL ACTIVITIES:** The residential parent shall not unilaterally schedule special activities for the child(ren) which necessarily conflict with or limit the parenting time of the non-residential parent. However, activities of a continuing nature which are important to the child(ren) and an integral part of the responsibility of the residential parent, such as regular or compulsory church attendance or religious training, regular extracurricular activities including academic clubs, sports, cheerleading, and musical and dramatic organizations, and summer recreation programs such as little league baseball, should be encouraged. In such instances, the non-residential parent shall be responsible for good faith efforts to help the child(ren) participate when activities occur during scheduled parenting time.

**IV. CHILDREN RESIDING WITH DIFFERENT PARENTS:** Whenever the children are "split" between the parents, that is one or more residing with the mother and one or more residing with the father, all parenting time under this Schedule shall be coordinated so that the children are together on all weekends, holidays and during the summer.

**V. PARENTING TIME SHALL NOT CONFLICT WITH SCHOOL ATTENDANCE:** If any one of the holidays listed above is not a school holiday, there shall be no special parenting time on said holiday.

**VI. RELATIONSHIP WITH CHILD(REN):** No overnight parenting time shall commence at any age unless the non-residential parent has exercised regular, consistent parenting time at least during the sixty (60) days preceding the overnight. The purpose of this section is to prevent undue emotional distress for the child(ren) who has had little or no contact with the non-residential parent. In such circumstances, the non-residential parent should exercise parenting time pursuant to Section I(A) for at least sixty (60) days before beginning overnight parenting time.

**VII. CANCELLATION:** The non-residential parent shall give twenty-four (24) hours notice to cancel. Time cancelled or not exercised by the non-residential parent is forfeited.

**VIII. ILLNESS:** If a child is ill, the residential parent should give twenty-four (24) hours notice if possible, so appropriate plans can be made. However, if more than one day of any weekend, holiday, or vacation is missed due to a non-emergency or non-critical illness, then any missed parenting time shall be made up as soon as practicable.

**IX. MAKE-UP PARENTING TIME:** Any make-up parenting time required by this Schedule shall occur the first weekend allocated to the other parent immediately following the missed parenting time, and shall continue during the other parent's weekends until made up in full, including partial weekends.

**X. WAITING:** The children and residential parent have no duty to await the visiting parent more than thirty (30) minutes past the scheduled parenting time. A parent who is more than thirty minutes late forfeits parenting time for that period, unless the delay is reasonable, advance notice is given, and other arrangements are made, which do not work a hardship on the child(ren) or residential parent.

**XI. MOVING:** Upon either parent learning that he or she will be moving, he or 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 child(ren). The parents shall attempt in good faith to renegotiate an appropriate and beneficial new parenting schedule. If they are unable to do so, the non-residential parent shall, at a minimum, enjoy the existing parenting schedule for distances under 150 miles or the long-distance parenting schedule for distances farther than 150 miles. If the residential parent moves farther than fifty (50) miles from his/her current residence, then he/she shall bear the expense and responsibility of transportation until a court order modifying parenting time is entered. In the event the residential parent learns or determines that he or she will be moving, he or she shall file a Notice of Intent to Relocate with this Court, as provided by law.

**XII. MEDICAL CONCERNS:** Each parent shall timely notify the other of any health problems of the child(ren) and shall provide necessary instructions for the administration of prescription or over-the-counter medications.

**XIII. SCHOOL:** 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 notices of such events shall notify the other of the details of said events within three days of receipt, or sooner if applicable. Both parents are equally entitled to receive grade cards for the children and shall individually notify the school to make arrangements to directly receive the information. The parent completing the required contact/information form and/or emergency contact information form for the child(ren) SHALL provide contact information for the other parent.

**XIV. TELEPHONE ACCESS:** Unless otherwise excused by the Court, each parent shall disclose to the other her/his telephone numbers(s). The child(ren) must be allowed to communicate by telephone two times per week with both parents, regardless of with whom the child(ren) is/are currently residing. Telephone conversations shall be no less than fifteen (15) minutes in length. The calling party shall bear the expense. The child(ren) may call either parent collect at any and all reasonable times as he or she wishes. Telephone communication shall not be monitored or censored.

**XV. CURRENT ADDRESS AND TELEPHONE NUMBER(S):** Each parent must keep the other informed of his or her current address and telephone number(s) at all times.

**XVI. SCHEDULE TO BE FURNISHED PARTIES:** Attorneys representing parties in domestic relations actions in this Court where there are minor children shall furnish their clients with a copy of this Schedule when applicable. A copy of the applicable parenting schedule shall be attached to the Decree of Dissolution or Divorce and incorporated therein.

**FORM H – LONG DISTANCE PARENTING SCHEDULE  
OVER 150 MILES ONE WAY  
PICKAWAY COUNTY COURT OF COMMON PLEAS**

Liberal parenting arrangements are encouraged, as extensive contact with both parents is important to the children. Specific items in the judgment entry may take precedence over this schedule. Changes or modifications can be made by the Court, if the need for such is shown. This Long Distance Parenting Schedule shall apply to parents living more than 150 miles apart, and is intended to limit the time a child must travel for short-term visitation to four hours or less.

**I. PARENTING TIME:** The non-residential parent who wishes to travel to the residence of the child shall be entitled to exercise the same rights of parenting time as set forth in the Parenting Schedule for parent who live within 150 miles of each other (Local Rule 18.11(A)) as long as the travel associated with said parenting time does not create an undue burden on the minor child(ren). In such circumstances, however, the non-residential parent shall notify the residential parent of the intent to follow the regular schedule.

The non-residential parent who is unable to visit regularly due to distances between residences shall have parenting time with the children at such times and places as the parties may agree, but in the absence of an agreement, or a specific court order, will not be less than:

**A. INFANTS UP TO 12 MONTHS:** Any time said parent travels to the general area of the child's residence, with said parenting time to be on a daily basis for a period of up to seven consecutive days, not to exceed 28 days per year. The daily parenting time shall be from 12:00 p.m. until 6:00 p.m. Said parenting time shall not be exercised on any holiday except Easter, the Fourth of July and Christmas Day and Father's Day of the non-residential parent is the father, or Mother's Day if the non-residential parent is the mother. Said parenting time shall be modified so as not to interfere with breastfeeding in the event the mother is nursing the child.

**B. AFTER 12 MONTHS OF AGE:**

1. **Weekends:** One weekend per month from Thursday at 4:00 p.m. until Sunday at 6:00 p.m. or from Friday at 4:00 p.m. until Monday at 6:00 p.m., at the option of the non-residential parent, as long as the parenting time does not interfere with school or with holidays, vacations or birthdays assigned to the residential parent as set forth hereinbelow. The non-residential shall give the residential parent at least seven (7) days notice of his or her intention to exercise the one weekend per month.

2. **Holidays and School Vacations:** In the odd-numbered years, Mother shall have parenting time on Martin Luther King Day, Easter, Fourth of July, Trick-or-treat night, Thanksgiving, Christmas Day and the second half of the Christmas vacation (if applicable). Father shall have parenting time on President's Day, Spring Break (if applicable), Memorial Day, Labor Day, Christmas Eve, and the first half of Christmas vacation (if applicable). In the even-numbered years the schedules are reversed.

The following are general rules for holiday and birthday parenting time:

- (n) The non-residential parent must give at least seven (7) days notice of the intent to exercise holiday and/or birthday parenting time.
  - (o) Holiday and birthday parenting time shall take precedence over regularly scheduled parenting time. Any regularly scheduled parenting time missed due to the exercise of holiday or birthday parenting time shall not be made up.
  - (p) A holiday which falls on a weekend should be spent with the parent who is supposed to have the child(ren) for that holiday. The rest of the weekend is spent with the parent who would normally have that weekend.
  - (q) Mother's Day and Father's Day shall be spent with the appropriate parent. The times are from 6:00 p.m. the night preceding until 6:00 p.m. on the day of the holiday.
  - (r) Other days of special meaning such as religious holidays shall be decided together, written into the court order, and alternated as above.
  - (s) Spring Break shall be applicable for all children when one or more is of school age and receives a Spring Break from school. It shall commence at 6:00 p.m. on the day school is out until 6:00 p.m. on the day before school recommences.
  - (t) Easter shall be from 6:00 p.m. the night before until 6:00 p.m. Easter day, unless at least one child is entitled to a Spring Break from school and Easter is during that time in which case subsection (f) hereinabove shall apply.
  - (u) Fourth of July shall be from 9:00 a.m. on July 4 until 9:00 a.m. on July 5.
  - (v) Thanksgiving shall be from 6:00 p.m. on the day before Thanksgiving until 6:00 p.m. the Sunday after Thanksgiving.
  - (w) Christmas Eve shall be from 12:00 p.m. on December 24 until 12:00 p.m. on December 25.
  - (x) Christmas Day shall be from 12:00 p.m. on December 25 until 12:00 p.m. on December 26.
  - (y) At such time as one or more of the children is of school age and entitled to a Christmas vacation, then the Christmas holiday shall consist of the entire school vacation, with the first half of Christmas vacation commencing at 6:00 p.m. on the day school is out until 12:00 p.m. on December 25, and the second half commencing at 12:00 p.m. on December 25 through 6:00 p.m. on the day before school recommences.
  - (z) Memorial Day, President's Day, Labor Day, and Martin Luther King Day shall be from 9:00 a.m. until 6:00 p.m. on the day of the holiday.
  - (aa) 48 hours notice shall be given by the parent with whom the holiday is being spent for any arrangements for out of town travel on the holidays or change in pick-up/return times.
  - (bb) Should the non-residential parent have parenting time on a weekend immediately following or preceding a holiday to which he or she is also entitled, then said non-residential parent need not return the children until the end of the holiday and visitation weekend.
7. **Birthdays:** The children's birthdays shall be alternated between the parents on an annual basis, with Mother to have the children in all odd-numbered years and Father to have the children in all even-numbered years. The parenting time shall be from 10:00 a.m. until 6:00 p.m. unless the birthday falls on a school day, in which case it shall be from 5:30 p.m. until 8:30 p.m. Siblings shall attend the birthday event. Birthday parenting time shall take precedence over regular weekend time and all holidays excepting Christmas Day. The non-residential parent shall give at least seven (7) days notice of the intent to exercise birthday parenting time.
8. **Summer:** For children under five years of age, but over 12 months, the non-residential parent shall have four (4) weeks of parenting time each year, and for children five years of age and older, the non-residential parent shall have six (6) weeks of parenting time each year, to be arranged with 45 days advance notice by the non-residential parent. The residential parent must give the non-residential parent 60 days notice of vacations or special plans for the child(ren) to avoid planning conflicts. If proper notice has been given and a scheduling conflict still exists, Mother's choice of dates shall take precedence in odd-numbered years and Father's choice of dates shall take precedence in

even-numbered years. In the event the child(ren) must attend summer school in order to pass to the next grade, school must be attended. **Mandatory** camps or tryouts attached to a school-sanctioned extra-curricular activity shall also be attended. Said parenting time shall be exercised in one or two week non-consecutive periods for children under five years of age.

9. **Vacations:** Each parent may arrange an uninterrupted vacation of not more than two weeks with the child(ren). The non-residential parent shall schedule this during his or her summer parenting time, and the residential parent shall schedule this at a time other than the non-residential parent's summer parenting time. A general itinerary shall be provided to the other parent, including dates, locations, addresses and telephone numbers. Holiday and birthday celebrations with either parent shall not be missed. Scheduling of the vacation around these events shall be required or the missed occasion be made up if the parties so agree. Alternate weekends which are missed during vacation are not required to be made up. A vacation is defined as a parent's time off from work where that parent spends time with the child(ren).

**II. TRANSPORTATION:** Unless otherwise agreed upon or ordered by the court, and subject to paragraph XI, the parties shall be equally responsible for all transportation involving exchanges of children for parenting time. The parent providing transportation may employ another responsible adult known well and trusted by the child(ren) when necessary.

**III. SPECIAL ACTIVITIES:** The residential parent shall not unilaterally schedule special activities for the child(ren) which necessarily conflict with or limit the parenting time of the non-residential parent. However, activities of a continuing nature which are important to the child(ren) and an integral part of the responsibility of the residential parent, such as regular or compulsory church attendance or religious training, regular extracurricular activities including academic clubs, sports, cheerleading, and musical and dramatic organizations, and summer recreation programs such as little league baseball, should be encouraged. In such instances, the non-residential parent shall be responsible for good faith efforts to help the child(ren) participate when activities occur during scheduled parenting time.

**IV. CHILDREN RESIDING WITH DIFFERENT PARENTS:** Whenever the children are "split" between the parents, that is one or more residing with the mother and one or more residing with the father, all parenting time under this Schedule shall be coordinated so that the children are together on all weekends, holidays and at least one-half of the summer.

**V. PARENTING TIME SHALL NOT CONFLICT WITH SCHOOL ATTENDANCE:** If any one of the holidays listed above is not a school holiday, there shall be no special parenting time on said holiday.

**VI. RELATIONSHIP WITH CHILD(REN):** No overnight parenting time shall commence at any age unless the non-residential parent has exercised regular, consistent parenting time at least during the sixty (60) days preceding the overnight. The purpose of this section is to prevent undue emotional distress for the child(ren) who has/have had little or no contact with the non-residential parent. In such circumstances, the non-residential parent should exercise parenting time pursuant to Section I(A) for at least sixty (60) days before beginning overnight parenting time.

**VII. CANCELLATION:** The non-residential parent shall give at least twenty-four (24) hours notice to cancel. Time cancelled or not exercised by the non-residential parent is forfeited.

**VIII. ILLNESS:** If a child is ill, the residential parent should give twenty-four (24) hours notice if possible, so appropriate plans can be made. However, if more than one day of any weekend, holiday, or vacation is missed due to a non-emergency or non-critical illness, then any missed parenting time shall be made up as soon as practicable.

**IX. MAKE-UP PARENTING TIME:** Any make-up parenting time required by this Schedule shall occur the first weekend allocated to the other parent immediately following the missed parenting time, and shall continue during the other parent's weekends until made up in full, including partial weekends.

**X. WAITING:** The children and residential parent have no duty to await the visiting parent more than two (2) hours past the scheduled parenting time. A parent who is more than two (2) hours late forfeits parenting time for that period, unless the delay is reasonable, advance notice is given, and other arrangements are made, which do not work a hardship on the child(ren) or residential parent.

**XI. MOVING:** Upon either parent learning that he or she will be moving, he or 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 child(ren). The parents shall attempt in good faith to renegotiate an appropriate and beneficial new parenting schedule. If they are unable to do so, the non-residential parent shall, at a minimum, enjoy the existing parenting schedule for distances under 150 miles or the long-distance parenting schedule for distances farther than 150 miles. If the residential parent moves farther than fifty (50) miles from his/her current residence, then he/she shall bear the expense and responsibility of transportation until a court order modifying parenting time is entered. In the event the residential parent learns or determines that he or she will be moving, he or she shall file a Notice of Intent to Relocate with this Court, as provided by law.

**XII. MEDICAL CONCERNS:** Each parent shall promptly notify the other of any health/medical problems of the child(ren) and shall provide necessary instructions for the administration of prescription or over-the-counter medications.

**XIII. SCHOOL:** 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 notices of such events shall notify the other of the details of said events within three days of receipt, or sooner if applicable. Both parents are equally entitled to receive grade cards for the children and shall individually notify the school to make arrangements to directly receive the information. The parent completing the required contact/information form and/or emergency contact information form for the child(ren) SHALL provide contact information for the other parent.

**XIV. TELEPHONE ACCESS:** Unless otherwise excused by the Court, each parent shall disclose to the other her/his telephone numbers(s). The child(ren) must be allowed to communicate by telephone two times per week with both parents, regardless of with whom the child(ren) is/are currently residing. Telephone conversations shall be no less than fifteen (15) minutes in length. The calling party shall bear the expense. The child(ren) may call either parent collect at any and all reasonable times as he or she wishes. Telephone communication shall not be monitored or censored.

**XV. CURRENT ADDRESS AND TELEPHONE NUMBER(S):** Each parent must keep the other informed of his or her current address and telephone number(s) at all times.

**XVI. SCHEDULE TO BE FURNISHED PARTIES:** Attorneys representing parties in domestic relations actions in this Court where there are minor children shall furnish their clients with a copy of this Schedule when applicable. A copy of the applicable parenting schedule shall be attached to the Decree of Dissolution or Divorce and incorporated therein.

Effective 8-1-08

## FORM I – IV-D APPLICATION

### APPLICATION FOR CHILD SUPPORT SERVICES NON-PUBLIC ASSISTANCE APPLICANT/RECIPIENT

**IMPORTANT:** If you are receiving ADC or Medicaid, do not complete this application because you became eligible for child support services when you signed the ADC/Medicaid application.

I, \_\_\_\_\_, request child support services from the Pickaway County CSEA (Child Support Enforcement Agency). I understand and agree to the following:

- A. I am a resident of the county in which services are requested and no other Ohio county has jurisdiction over support –OR –I am requesting services from the Ohio county of jurisdiction.
- B. The only fee that can be charged for services is a one dollar application fee. Some counties pay this fee for the applicants.
- C. Recipients of child support services shall cooperate to the best of their ability with the CSEA. (See attached rights and responsibility information).
- D. In providing IV-D services, the CSEA and any of its contracted agents (e.g., prosecutors, attorneys, hearing officers, etc.) represent the best interest of the children of the state of Ohio and do not represent any IV-D recipient or the IV-D recipient's personal interest.

The Child Support Enforcement Agency can assist you in providing the following services:

1. **Location of Absent Parents.**  
The agency can assist in finding where an absent parent is currently living, in what city, town, or state. The applicant can request 'Location Only Services', if the sole need is to find the whereabouts of the absent parent.
2. **Establishment or Adjustment of Child Support and Medical Support.**  
The CSEA can assist you to obtain an order for support if you are separated, have been deserted, or need to establish paternity (fatherhood). The CSEA can also assist you in changing the amount of support orders (adjustment), and to establish a medical support order.
3. **Enforcement of Existing Orders.**  
The CSEA can help you collect current and past-due child support.
4. **Federal and State Income Tax Refund Offset Submittals for the Collection of Child Support Arrearages.**  
The agency can collect past-due support (arrearages) by intercepting a payor's federal and state income tax refunds in some cases.
5. **Withholding of Wages and Unearned Income for the Payment of Court Ordered Support.**  
The agency can help you get payroll deductions for current and past-due child support and can intercept unemployment compensation to collect child support.
6. **Establishment of Paternity.**  
The agency can obtain an order for the establishment of paternity (fatherhood), if you were not married to the father of the child. An absent parent may request paternity services.
7. **Collection and Disbursement of Payments.**  
The CSEA can collect the child support for you, and send you a check for the amount of the payments received. Past due support collected will be paid to you until all of the past-due support you are owed is paid.
8. **Interstate Collection of Child Support.**  
The agency can assist you in collecting support if the payor is living in another state or in some foreign countries.

APPLICANT INFORMATION

Name: \_\_\_\_\_

Date of Birth: \_\_\_\_\_

Home Address:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Mailing Address:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Home Phone #: \_\_\_\_\_

Social Security #: \_\_\_\_\_

Sex: \_\_\_\_\_

Race: \_\_\_\_\_

Single       Married

Relationship to

Divorced       Separated

Children: \_\_\_\_\_

Military Service

Ever been on

(Branch, Dates): \_\_\_\_\_

Public Assistance? \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

(When and Where) \_\_\_\_\_  
\_\_\_\_\_

EMPLOYER INFORMATION

Employer Name: \_\_\_\_\_

Employer Phone #: \_\_\_\_\_

Employer

Address: \_\_\_\_\_

Is Medical Insurance Available? \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

	Child 1	Child 2	Child 3
Name			
Sex			
Race			
Social Security #			
Date of Birth			
Home Address			
Location of Birth (Country, State, City)			
Has Paternity (Fatherhood) been Established?			
Name(s) of Absent Parents			
Is there an Order for Support?			
Is the Child covered by Medical Insurance?			

***ABSENT PARENT INFORMATION***

	Parent 1	Parent 2	Parent 3
Name (and alias)			
Home Address			
Mailing Address			
Social Security #			
Date of Birth			
Location of Birth (Country, State, City)			
Race			
Sex			
Height/Weight			
Hair/Eye Color			
Identifying Marks			



(Tattoos, scars, etc.)			
Names of Children			
Name and Address of Employer			
Employer Phone #			
Medical Insurance Provided?			
Support Order #			
Date of Support Order			
Amount of Support	\$	\$	\$
Order Frequency	Per	Per	Per
Location where Order was Issued			
Military Service (Branch, Dates)			
Ever Incarcerated? (Location, Dates)			
Arrest Record (Location, Dates)			
Name, Address			
Current Spouse			
Father's Name			
Mother's Name (Maiden)			
Ever been on Public Assistance? (Location, Dates)			

Type(s) of Service(s) Requested:

- All services listed
- Location of absent parent only
- Other (please explain)

I understand that the Child Support Agency within 20 days of receiving this application will contact me by a written notice to inform me if my case has been accepted for child support services (IV-D Services).

Signature of Applicant: \_\_\_\_\_ Date: \_\_\_\_\_

*Pickaway County Child Support Enforcement Agency  
P.O. Box 610  
110 Island Road  
Circleville, Ohio 43113*

## FORM J – DOMESTIC RELATIONS FORMS

Domestic relations forms can be downloaded from:

<https://www.supremecourt.ohio.gov/forms/all-forms/domestic-relations-and-juvenile-standardized/1>

In the event that the link above does not function, go to the Ohio Supreme Court website:

<https://www.supremecourt.ohio.gov/>

click on, or search for: “DOMESTIC AND JUVENILE STANDARDIZED FORMS”

**IN THE COURT OF COMMON PLEAS, PICKAWAY COUNTY, OHIO**

\_\_\_\_\_  
PLAINTIFF/PETITIONER 1

VS.

CASE NO: \_\_\_\_\_

\_\_\_\_\_  
DEFENDANT/PETITIONER 2

**CONFIDENTIAL DISCLOSURE OF PERSONAL IDENTIFIERS**

Plaintiff/Petitioner 1:

FULL LEGAL NAME: \_\_\_\_\_

DOB: \_\_\_\_\_

SSN: \_\_\_\_\_

Defendant/Petitioner 2:

FULL LEGAL NAME: \_\_\_\_\_

DOB: \_\_\_\_\_

SSN: \_\_\_\_\_

**CONFIDENTIAL ADDRESS (if requested):**

PARTY NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

PHONE: \_\_\_\_\_

IDENTIFIER (ACCOUNT #)	FINANCIAL INSTITUTION	ABBREVIATION USED	FORM #	FILING DATE

\_\_\_\_\_  
Attorney/Plaintiff/Defendant

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Name

FORM L – SPEEDY TRIAL WAIVER

IN THE COURT OF COMMON PLEAS, PICKAWAY COUNTY, OHIO

State of Ohio	:	Case No. _____
Plaintiff,	:	
	:	
vs.	:	
	:	
_____	:	<b><u>SPEEDY TRIAL WAIVER</u></b>
Defendant.	:	

Defendant asks this court for leave to file an untimely motion. Defendant and defense counsel acknowledge that speedy trial time pursuant to R.C. 2945.71 is hereby waived from the time the motion is filed until the next available jury trial date following consideration and judgment on this untimely motion.

\_\_\_\_\_  
Defendant DATE

\_\_\_\_\_  
Defendant’s Attorney DATE

Leave is hereby granted to file an untimely motion in this case. It is so ORDERED.

\_\_\_\_\_  
Judge DATE

## FORM M– INITIATION OF DIVORCE/DISSOLUTION

IN THE COURT OF COMMON PLEAS, PICKAWAY COUNTY, OHIO

Filing fee: \$250.00 deposit required at the time of filing. Personal checks will not be accepted for payment of filing fees and/or costs. (Payments are to be made in cash or with a money order, attorney check, debit and/or credit card.) Any additional costs accrued during the course of the court proceedings that exceed the funds on deposit will be the responsibility of the parties.

Legal advice cannot be provided by any staff member of the Clerk of Courts or Common Pleas Court. If you wish to obtain legal advice or legal representation, you should contact an attorney immediately. Forms are available online at: [www.supremecourt.ohio.gov](http://www.supremecourt.ohio.gov) (Click: DOMESTIC & JUVENILE STANDARDIZED FORMS)

All *Divorce actions* require service of the initial pleadings. **Service copies must be provided to the Clerk at the time of filing.** If you wish to have any time-stamped copies of the pleadings returned to you, additional copies will need to be presented to the Clerk at the time of filing.

### DISSOLUTION WITHOUT CHILDREN

Petition for Dissolution signed by both parties (Original signatures required)

1. Separation Agreement signed by both parties (Original signatures required) + **3 complete copies (Separation Agreement)**  
(Modifications to the Separation Agreement can be made prior to or during the final hearing; Time-stamped copies with any amendments must be presented at the final hearing)
2. Waiver of Service of Summons signed by both parties (Original signatures required) (UDR Form 30)
3. Affidavit of Basic Information, Income and Expenses (Original required for each spouse) (UDR Affidavit 1)
4. Affidavit of Property and Debt (Original required for each spouse) (UDR Affidavit 2)

### DISSOLUTION WITH CHILDREN (Applies only to children born or adopted during the marriage\*)

Petition for Dissolution signed by both parties (Original signatures required)

1. Separation Agreement signed by both parties (Original signatures required) + **4 complete copies (Separation Agreement)**  
(The Separation Agreement must include appropriate provisions for child support and cash medical support. Modifications to the Separation Agreement can be made prior to or during the final hearing; Amendments must be presented at the final hearing)
2. Shared Parenting Plan or Parenting Plan (Original signatures required) + **3 complete copies (Shared Parenting Plan)**
3. Waiver of Service of Summons signed by both parties (Original signatures required) (UDR Form 30)
4. Affidavit of Basic Information, Income and Expenses (Original required for each spouse) (UDR Affidavit 1)
5. Affidavit of Property and Debt (Original required for each spouse) (UDR Affidavit 2)
6. Parenting Proceeding Affidavit (R.C. 3127.23(A)) (Original required for each spouse) (UDR Affidavit 3)
7. Health Insurance Affidavit (UDR Affidavit 4)
8. Child Support Worksheet
9. IV-D Application (JFS 7076)

## DIVORCE WITHOUT CHILDREN

(Original signatures required +1 complete copy of all documents for service)

### Complaint for Divorce

1. Affidavit of Basic Information, Income and Expenses (UDR Affidavit 1)
  2. Affidavit of Property and Debt (UDR Affidavit 2)
- OPTIONAL* - Motion for Restraining Order and Restraining Order

## DIVORCE WITH CHILDREN (Applies only to children born or adopted during the marriage\*)

(Original signatures required +1 complete copy of all documents for service)

### Complaint for Divorce

1. Affidavit of Basic Information, Income and Expenses (UDR Affidavit 1)
  2. Affidavit of Property and Debt (UDR Affidavit 2)
  3. Health Insurance Affidavit (UDR Affidavit 4)
  4. Parenting Proceeding Affidavit (R.C. 3127.23(A)) (UDR Affidavit 3)
  5. Child Support Worksheet
  6. IV-D Application (JFS Form 7076) ([www.odjfs.state.oh.us/forms](http://www.odjfs.state.oh.us/forms))
- OPTIONAL* - Motion for Restraining Order and Restraining Order

(Updated 10/15/2020)

\* Matters regarding children born or adopted prior to the marriage are to be directed to the Pickaway County Juvenile Court

FORM N – JUDGMENT ENTRY/CERTIFICATE OF TITLE

IN THE COURT OF COMMON PLEAS, PICKAWAY COUNTY, OHIO

	:	
Petitioner,	:	Case No. _____
	:	
	:	
	:	<b><u>JUDGMENT ENTRY GRANTING PETITION</u></b>
	:	<b><u>UNDER R.C. Chapter 4505</u></b>

This cause was considered by the Court upon the application and affidavit of petitioner, asking the Court to order the Pickaway County Clerk of Courts Auto Title Division to issue, pursuant to R.C. Chapter 4505, a certificate of title in Petitioner’s name as true and lawful owner of the following:

*(Circle One)*

Motor Vehicle or Manufactured Home

Make \_\_\_\_\_ Model \_\_\_\_\_

Year \_\_\_\_\_ Color \_\_\_\_\_ Body Type \_\_\_\_\_

VIN or Serial Number \_\_\_\_\_

The Court finds that Petitioner has complied with the requirements of R.C. Chapter 4505 and that the evidence is sufficient to require the certificate of title to the described motor vehicle or manufactured home to be issued in Petitioner’s name.

The Court hereby ORDERS the Pickaway County Clerk of Courts Auto Title Division to issue to Petitioner’s name a certificate of title for the item described within. Petitioner shall present a certified copy of this Order to the Clerk when applying for the certificate of title. If, at the time of application, there appears from the records of the Clerk to be any lien on the motor vehicle or manufactured home, the certificate of title shall contain a statement of the lien unless the application is accompanied by the proper evidence of its extinction, in accordance with R.C. Chapter 4505.

IT IS SO ORDERED.

\_\_\_\_\_  
JUDGE, COMMON PLEAS COURT

\_\_\_\_\_  
DATE