

COURT OF COMMON PLEAS  
COUNTY OF ASHTABULA  
25 West Jefferson Street  
Jefferson, OH 44047



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*Local Rules of Practice and Procedure  
For the General Division  
Of the  
Ashtabula County Common Pleas Court*

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

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

*REVISED: January 1, 2024*

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# SECTION I. GENERAL

## GENERAL RULES

### RULE 1 PRECEDENCE

All rules of this court as previously in effect are hereby repealed. The following rules shall be in effect on and after January 1, 2024.

The rules set forth herein are adopted in accordance with Rule 83 of the Ohio Rules of Civil Procedure and, in case of conflict, shall be subordinate to the Ohio Rules of Civil Procedure, Ohio Rules of Criminal Procedure, and Ohio Rules of Superintendence, which are incorporated herein.

These local rules are applicable to all civil, criminal, and domestic relations proceedings in the Ashtabula County Common Pleas Courts unless otherwise specifically ordered in an individual case by a written judgment entry of the Judge presiding over such case or by amendment to these rules.

These rules may be amended by a concurrence of a majority of the Trial Judges upon motion of a Judge at a special meeting called for such purpose. Each Judge is to be provided with a copy of the proposed amendment at least ten (10) days prior to such meeting.

The Ashtabula County Bar Association may also propose amendments and/or new rules at a special meeting, upon request, and pursuant to a duly adopted resolution of the association at a meeting called for that purpose.

SECTION II.  
CASE MANAGEMENT AND  
ASSIGNMENT

RULE 2.1 (FKA RULE 8)  
ASSIGNMENT OF CASES

- A. The Clerk shall assign newly filed cases to judges by lot under the adopted individual assignment system, except as provided by Local Rule 2.2, regarding the assignment of criminal cases. If a civil case is dismissed and subsequently refiled, the refiled case shall be assigned to the Judge to whom the case was previously assigned.
- B. Assignments of cases for trial shall be made in accordance with the scheduling practice of the assigned judge.
- C. All cases having priority under any statute shall, upon filing, be brought to the attention of the court by counsel. The case shall then be scheduled according to its priority after consultation with the judge assigned to the case.

RULE 2.2 (FKA RULE 8.1)  
ASSIGNMENT OF CRIMINAL CASES

A. ASSIGNMENT

Criminal cases shall be assigned by lot to a trial judge, through the use of computer software that has been tested to ensure that assignments of cases are made in a random manner, immediately after arraignment, except as follows:

1. Any re-indictments or re-filings on a case that was previously dismissed shall be assigned to the judge who had the original case.
2. If a defendant who is on probation or community control is arraigned on a new case, the new case shall be assigned to the judge who placed said defendant on probation or community control.
3. If a defendant is arraigned on a new case, and said defendant has a pending case assigned to a judge, the new case shall be assigned to the docket of the judge who has the pending case.
  - a. If a defendant is arraigned on a new case, and said defendant had a previous case or cases in the court within the five calendar years immediately preceding the date of the arraignment, the new case shall be assigned to the docket of the judge who had the previous case(s).
  - b. If the judge in Subsection (4)(a) no longer serves on the court the case will be assigned by lot to any judge of the court.
4. **All cases of aggravated murder with death penalty specifications ("death penalty case") shall be assigned by lot at the time of arraignment.**

B. CODEFENDANTS

Codefendants shall be indicted as part of the same case, and all codefendants shall be assigned to the same judge who was first assigned to a codefendant at arraignment. Section (A) shall not apply to any codefendant case.

C. CLERK OF COURTS

Upon the filing of an indictment or information, the Clerk of Courts shall attempt to ascertain, with the assistance of the **Prosecutor's Certification described in Section (D)** of this rule, whether the defendant has had any prior cases, open or closed, within the previous five calendar years, and the judge to whom said case or cases had been assigned. The case shall then be assigned according to Section (A) of this rule. This determination shall not be required with respect to codefendants.

D. **PROSECUTOR'S CERTIFICATION**

At the time of filing an indictment, bill of information, or bind-over order, the prosecuting attorney shall file a certification with the Clerk of Courts which affirms that all *Courtview* or other court case management system records in place at the time of review, have been searched and that to the best of the prosecuting attorney's knowledge the certification shall indicate:

1. Whether the case has previously been dismissed, and if so, the prosecuting attorney shall note the judge to whom the previous case was assigned;
  2. Whether the case is being brought against a defendant who is on probation or community control through this court, and if so, the prosecuting attorney shall list the case number or numbers and the judge who placed the defendant on probation or community control;
  3. Whether the defendant has a pending case with the court, and if so, the judge to whom the case is assigned;
  4. Whether the defendant has had a previous case with the court within the last five years as described in Subsection (A)(4), and if so, the judge to whom the case was assigned;
  5. In the case of codefendants, the prosecuting attorney will not file the certification described in this section.
- E. The assignment of cases shall be made to evenly distribute cases between all three Judges.
- F. This rule is effective January 1, 2016, and shall apply prospectively, i.e., only to cases arraigned on or after the effective date, and only to cases starting with Case Number 2016 CR 001 and all cases thereafter filed with the Court.



RULE 2.3 (FKA RULE 8.2)  
CASE CONSOLIDATION

- A. Civil cases shall be consolidated pursuant to Civ.R. 42, upon motion for consolidation filed with the judge assigned the lowest case number. Notice of the motion to consolidate shall be filed in the other cases.
- B. The moving party shall prepare a judgment entry that will be filed in all of the consolidated cases. The entry, granting or denying consolidation, upon being signed by the judge with the lowest case number then will be presented to the judge(s) with the higher case number(s) for signature(s).
  - B. If consolidation is appropriate and approved by all of the judges assigned to the cases, the case will be placed on the docket of the judge with the lowest case number unless otherwise ordered by the administrative judge. Any document that relates to any one or all such consolidated cases shall be filed under the lowest case number.

SECTION III.  
FILING PROCEDURES,  
COSTS AND  
FILE MANAGEMENT

RULE 3.1 (FKA RULE 5)  
FAX FILINGS

The Clerk will accept the filing of pleadings and other papers, other than the original filing of complaints in civil or criminal cases, by fax, in accordance with Rule 5(E), Ohio Rules of Civil Procedure, subject to the following provisions:

- A. A transmitted document must not be longer than ten (10) pages, not including the cover page, and must pertain to only one case. Each filing must be made by a separate transmission. The attorney shall verify with the Clerk, within one (1) business day of the filing, the receipt and acceptance of the facsimile filing.
- B. All documents submitted will be considered filed when the date/time has been stamped by the Clerk on the fax. For purpose of this section, the date/time stamped produced by **the Clerk's** fax machine shall constitute the date/time stamp of the Clerk. **Faxing a copy of the pleading to the Court's office does NOT constitute filing for purposes of this rule.**
- C. A fee of \$1.00 per page shall be charged to the person who causes a document to be filed with the Court by means of a fax. The risk of fax filing remains with the sender, and the Court assumes no responsibilities or liabilities.
- D. This rule does not alter any duty imposed upon a party or their attorney under the Ohio Rules of Criminal and Civil Procedure to serve a copy of all pleadings upon the opposing party or their attorney.

RULE 3.2 (FKA RULE 32)  
FILING FEES AND COURT COST DEPOSITS

- A. Filing fees and costs in the Court of Common Pleas shall be as set forth in the [Filing Fee and Costs Schedule](#) maintained by the Clerk of Courts.
- B. All filing fees and deposits shall be paid at the time of filing.
- C. The Clerk shall not accept any document for filing unless the correct deposit is made unless:
  - 1. An affidavit of inability to pay in such form as prescribed by the Court is filed as provided in Ohio Revised Code §2323.31. In any case in which a private attorney files an affidavit of inability to pay, the attorney shall also submit an affidavit certifying that he or she has not received any retainer fee for undertaking the case.
  - 2. The party filing such document is exempt from such requirement by law or this Rule.
  - 3. No deposit for costs shall be required in proceedings filed by the County Prosecutor or Bureau of Support.
- D. Any party making a jury demand in a civil action before this court shall deposit the sum of \$500 with the Clerk of Courts no later than four (4) weeks before the original trial date set in the case schedule. Failure to timely pay the \$500 jury deposit fee shall conclusively constitute a waiver of the jury. Notwithstanding the foregoing, any party that has filed an affidavit of indigency pursuant to Subsection (C)(1) is not required to make a monetary deposit under this subsection. (Effective August 10, 2017)
- E. Any party making a demand for a jury view in a civil action before this court shall deposit the sum of \$750 with the Clerk of Courts no later than four (4) weeks before the original trial date set in the case schedule. The failure to timely pay the \$750 jury view fee shall conclusively constitute a waiver of a jury view. Notwithstanding the foregoing, any party that has filed an affidavit of indigency pursuant to Subsection (C)(1) is not required to make a monetary deposit under this subsection.

RULE 3.3 (FKA RULE 33)  
STATEMENT FOR COSTS AND EXECUTION FOR COSTS

The Clerk shall keep a list of all unpaid and accrued costs in all proceedings where costs have been taxed, and shall send statements to all persons against whom costs have been taxed in all proceedings that have become final, at least once every three months, if practical. After two such notices if the costs have not been paid, the Clerk shall issue a Certificate of Judgment for the amount of such costs without further order.

No Complaint will be accepted for filing by the Clerk where the party seeking the filing of said action has failed to pay costs previously incurred unless costs are waived by the Court due to indigency of the party.

RULE 3.4 (FKA RULE 31)  
CUSTODY OF FILES

No papers or files shall be taken from the custody of the Clerk unless authorized by the Court. Before taking such papers or files, a receipt must be given to the Clerk. Papers or files shall be considered in the custody of the Clerk, unless they are properly signed out with a receipt as described in the previous sentence. No one shall alter or remove anything inside **the file while it is signed out from the Clerk's office.** The Clerk is required to keep files of pending cases in a place secure from unauthorized handling and inspection and under his or her personal supervision.

RULE 3.5 (FKA RULE 37)  
NON-PUBLIC FILES

A. Documents filed in any case containing sensitive personal information shall be kept in a **"non-public file," separate from the public case file otherwise maintained by the Clerk of Courts.** The non-public file shall be maintained by the Clerk of Courts in such manner and in such location as the Clerk deems appropriate.

B. Consistent with Rule 44 of the Rules of Superintendence for the Courts of Ohio, the non-public file shall contain, but is not limited to, the following documents:

1. Health care documents, including but not limited to physical health, psychological health, psychiatric health, mental health, and counseling documents;
2. Drug and alcohol use assessments and pre-disposition treatment facility reports;
3. Guardian ad litem reports, including collateral source documents attached to or filed with the reports;
4. Home investigation reports, including collateral source documents attached to or filed with the reports;
5. Child custody evaluations and reports, including collateral source documents attached to or filed with the reports;
6. Domestic violence risk assessments;
7. Supervised parenting time or companionship or visitation records and reports, including exchange records and reports;
8. Financial disclosure statements regarding property, debt, taxes, income, and expenses, including collateral source documents attached to or filed with the records and statements;
9. Asset appraisals and evaluations; and
10. Paternity testing reports.

**C. Upon the motion of any party or upon the Court's own motion, other documents** containing sensitive personal information may be ordered to be maintained in the non-public file.

D. The public case file shall contain, in place of the document contained in the non-public file, a Notice of Filing reflecting the filing of the document maintained in the non-public file and the date thereof. The Notice of Filing is to be prepared by the filing party.

E. The contents of the non-public file may be inspected by the parties, an attorney for the parties, a Guardian ad litem, and the Court. Inspection of the non-public file may be permitted by others upon a motion to the Court and for good cause shown. Authorized viewers may take notes while reviewing the non-public file, but they shall be prohibited from copying, distributing, or removing the documents.

F. Notwithstanding the provisions of this rule, the Court may order certain documents to be filed under seal by the Clerk of Courts. Said documents would not be accessible to any person without permission of the Court.

SECTION IV.  
GENERAL RULES  
APPLICABLE TO ALL CASE  
TYPES



RULE 4.1 (FKA RULE 2)  
FILING OF PLEADINGS, MOTIONS, ETC.

- A. Every pleading, motion or other document filed in any case shall contain the names of all parties and the complete addresses, if known, of any party who is appearing in the case for the first time. Every complaint shall be accompanied by a Filing Designation Form (See Appendix 1).
- B. Every pleading, motion or other document filed on behalf of a party shall have printed or typed thereon the name, address, telephone number, fax number, e-mail address, and Supreme Court registration number of counsel filing same; and if filed by a law firm, the name of the attorney having primary responsibility for the case shall be specifically designated. If a lead attorney is not specifically designated, the first attorney listed will be considered the lead attorney for the purposes of service.
- C. It shall be the responsibility of the filing party to provide the Clerk of Courts with sufficient copies of any pleading, motion or other document to be served by the Clerk or Sheriff.
- D. If a case is dismissed and subsequently refiled, the refiled complaint shall contain the **following designation under the case number: "THIS IS A REFILED CASE."** The trial Judge to whom the case was previously assigned shall be reassigned to the refiled case. Failure to comply with this rule may subject the attorney or party to appropriate sanctions.
- E. On any civil case, including domestic relations cases, Social Security Numbers and Birthdates shall not be included on any pleading or exhibit to be filed in the court record. In domestic relations cases, upon filing a divorce, dissolution or legal separation, counsel or parties filing pro se shall submit to the Clerk of Courts the Confidentiality Form (See Appendix 2). The Clerk of Courts is instructed to place the information contained in the Confidential Form into a non-public access area of the computer and such information is to be considered confidential.

RULE 4.2 (FKA RULE 4)  
PLEADING OUT OF RULE

- A. All counsel may agree to grant a party one (1) extension of time to move or plead, not exceeding thirty (30) days, without leave of Court. Such consent shall be filed with the Clerk, in writing, signed by counsel for each party.
- B. If the parties or counsel cannot agree to the first extension of time or if an extension of time beyond thirty (30) days is desired, a party may move the Court for such additional time which shall be fixed by the Court. Each such motion shall state therein the number of prior extensions of time obtained by the moving party.
- C. If the case has been set for trial, the filing of any responsive pleading - under this rule shall not be a reason for continuance of trial unless otherwise ordered by the Court.

RULE 4.3 (NEW – FKA PART OF RULE 6)  
CONTINUANCES

Requests for continuance shall be submitted to the Judge assigned to the case at least fourteen (14) days prior to the trial or hearing date, absent emergency or other cause deemed sufficient by the Court. Requests for continuance shall be by motion and a proposed judgment entry/order shall be attached. The motion shall include:

- A. The reason for the request.
- B. Supporting Documentation of the reason for the request, e.g., conflicting hearing notice, flight schedule, medical documentation, etc. If the party does not have documentation, they may attach an affidavit or other supporting documentation and **counsel's personal verification**.
- C. The time and date of the current assignment.
- D. A statement that all other parties have been contacted regarding the continuance and noting whether there is an objection or agreement to the continuance.

RULE 4.4 (FKA RULE 10)  
PREPARATION OF ENTRIES

- A. Unless the Court specifically agrees to prepare a judgment entry, it shall be the responsibility of counsel to do so. Upon the settlement of any pending matter, counsel for the Plaintiff, or moving party, shall prepare the entry unless the Court is advised otherwise. In all other cases, counsel for the party in whose favor an order, decree or judgment is rendered shall prepare the entry.
- B. A proper judgment entry shall be prepared within fourteen (14) days and submitted to counsel for the opposing party, who shall approve or reject the proposed entry within seven (7) days after receipt. If counsel who is required by this rule to prepare an entry, fails to do so within the fourteen (14) day period, counsel for the opposing party shall prepare the entry and submit it to the counsel failing to comply with this rule, who shall approve or reject the proposed entry within seven (7) days after receipt.
- C. If approval or rejection of an entry is not communicated to the counsel preparing the entry, such counsel may note that fact on the entry and then present the entry to the Court for signature and filing without such approval. When the entry is approved by counsel, it shall be so endorsed and presented to the Court for approval, and if signed by the Judge, shall be filed with the Clerk. If counsel are unable to agree upon an entry or fail to submit an entry within thirty (30) days following the order, decree, judgment, or notification to the Court of settlement, the trial judge, after reasonable notice to the parties, may prepare and enter an entry or dismiss the case.
- D. Every Judgment Entry concluding a pending case shall specify the allocation of court costs. In the absence of an agreement as to the allocation of costs, the Clerk shall assess costs as follows:
1. Default Judgment ----- against Defendant,
  2. Dismissed by Plaintiff ----- against Plaintiff,
  3. Settlement ----- against Plaintiff and Defendant equally,
  4. Following trial or contested hearing ----- as directed by the Court

RULE 4.5 (FKA RULE 9)  
WITHDRAWAL OF COUNSEL

Withdrawal of attorney of record shall be only upon application with judgment entry of approval by the Court, and where possible, the name of the successor attorney shall be included in the judgment entry. The application to withdraw shall include a certification by counsel that the client has been informed of all scheduled hearing dates and/or filing deadlines, and that a copy of the application to withdraw was served on the client. Upon allowance of withdrawal by the Court, the Clerk of Courts shall serve a copy of the judgment entry on the client and the opposing party or counsel, if any, by regular U.S. mail.

RULE 4.6 (FKA RULE 26)  
ATTORNEY FEES

In cases where in the Court has jurisdiction to award attorney fees, the following procedure shall apply:

- A. How requested:
1. A request for attorney fees and expenses to prosecute an action shall be included in the body of the motion or other pleading that gives rise to the request for fees. The motion or pleading shall include the statute, rule or other applicable authority that would permit an award of attorney fees.
  2. A request for attorney fees and expenses to defend an action shall be made by motion filed at least fourteen (14) days prior to the hearing on the motion being defended.
  3. No oral motion for fees shall be entertained.
  4. An itemized statement describing the services rendered, the time for such services, and the requested hourly rate for the in court time and out of court time shall be filed with the Court, and exchanged with opposing counsel or pro se party no later than seven (7) days before the hearing in which the fees requested will be adjudicated.
- B. Evidence in support of motion: A request for attorney fees may be denied without hearing. Attorney fees shall not be granted without a hearing. At the time of the final hearing on the motion or pleading that gives rise to the request for attorney fees, the attorney seeking the fees shall be prepared to present information, including, but not limited to the following:
1. testimony as to whether the case was complicated by any or all of the following: **new or unique issues of law; difficulty in ascertaining or valuing the parties' assets;** problems with completing discovery; any other factor necessitating extra time being spent with the case;
  2. **testimony regarding the attorney's years of practice and expertise; and**
  3. **evidence of the parties' respective incomes and expenses, if not otherwise disclosed during the hearing.**
- C. Expert testimony is not required to prove reasonableness of attorney fees.
- D. Failure to comply with the provisions of this rule may result in the denial of the request for the attorney fees, unless jurisdiction to determine the issues of fees is expressly reserved in any order resulting from the hearing.

RULE 4.7 (FKA RULE 13)  
PROPERTY BONDS

Where real property bonds are accepted by the Court in criminal or civil actions, executed by an Ashtabula County property owner, the Court will consider the fair current market value to be three times the appraised value for tax purposes, as shown in the county records, for the **purpose of determining the owner's equity. Prior to the Court's acceptance of the real** property bond, the Court may require evidence of title in the form of a title guarantee or abstract of title to be filed, as well as disclosure of any and all liens and encumbrances on the property.

RULE 4.8 (FKA RULE 14)  
ATTORNEY NOT TO BE RECEIVED AS SURETY

No practicing attorney shall be received as surety on any bond or recognizance in any action or proceeding, civil or criminal.



RULE 4.9 (FKA RULE 27)  
JURY USE AND MANAGEMENT

- A. 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.
- B. The jury commissioners appointed by the Judges of the Court of Common Pleas shall be responsible for the administration of the jury system, acting under the supervision of the Administrative Judge of the court.
- C. The names of potential jurors shall be drawn from the list of electors certified annually by the Ashtabula County Board of Elections, using an automated process that assures random selection procedures throughout the jury selection process and that provides each eligible person with an equal probability of selection.
- D. Persons called for jury service shall not be required to remain available for a period of more than two weeks.
- E. All requests for exemptions, excuses or deferrals, must be in writing and supported by appropriate documentation. All requests MUST be approved by the Deputy Jury Commissioner or a Judge of the Common Pleas Court.
- F. Jurors shall be compensated in accordance with the fees adopted by the Ashtabula County Board of Commissioners, and the Judges shall review the fees annually to assure that they are reasonable.
- G. Persons who fail to respond to a summons for jury service may be subject to contempt of court proceedings.
- H. Each Court will provide an orientation for persons called for jury service and such instructions as may be appropriate and necessary to increase their understanding of the judicial system and each phase of the trial process, and to prepare them to serve competently as jurors.
- I. A jury shall not be sequestered, except for good cause, or when required by law.

RULE 4.10 (NEW)  
PROPOSED JURY INSTRUCTIONS

Twenty-Four Hours prior to any jury trial, counsel for both parties shall jointly submit to the Court, in Word Format, proposed jury instructions. The proposed instructions shall highlight or note for the Court any instructions that are unique or that the parties do not agree on. Submission may be made by e-mailing them to the Court's bailiff and magistrate.

RULE 4.11 (NEW)  
WITNESS AND EXHIBIT LISTS

Seven days prior to any jury trial, counsel for both parties shall submit to the Court a witness and exhibit list. Submission may be made by e-mailing them to the Court's court reporter/recorder.

# SECTION V. CIVIL CASES

RULE 5.1 (FKA RULE 6)  
CASE MANAGEMENT: CIVIL CASES

A. PREFACE

The goal of this Rule is the prompt but fair disposition of litigation. This goal can only be accomplished by early and continuing judicial control and management of each case **assigned to the Judge's docket. This Rule will establish a general framework for** management of cases, leaving to the discretion of the individual Judge the use of additional procedures to accomplish the goal of this Rule.

B. MOTIONS

1. The body or text of any document filed after the Complaint, Answer, Cross-Claim, Counterclaim, and responses thereto, shall not exceed 10 pages in length. Do not attach exhibits or appendages that are not absolutely necessary to pleadings or motions. Filings that exceed this 10 page limit may be stricken. The page limit may be exceeded for good cause shown, and any filing exceeding the page limit without leave of Court may be stricken.
2. All briefing shall be limited to motion and response. No further briefing shall be permitted except for good cause shown, and any reply brief filed without leave of Court may be stricken.
3. All unopposed motions shall state within the body of the motion that they are unopposed.
4. SUMMARY JUDGMENT
  - a. Motions for summary judgment shall be in accordance with Civil Rule 56, and shall be decided without oral hearing, unless oral argument is requested and determined necessary by the Court.
5. ALL OTHER MOTIONS

All other motions will be decided without oral hearing unless oral argument is requested and determined necessary by the Court. The moving party shall file with the motion a brief supporting memorandum containing the authorities relied upon and any affidavits or other supporting documents required or appropriate to file with the motion. Each party opposing the motion shall file a written response within fourteen (14) days after receipt of the motion. Additional briefs or memoranda shall be submitted only with approval of the Court. Motions for leave to plead shall be in accordance with local rules of Court.
6. COURTESY COPIES AND PROPOSED JUDGMENT ENTRIES/ORDERS

A courtesy copy of any motion filed shall be provided to the Court. All motions shall be accompanied by a proposed judgment entry/order. Failure to comply may result in dismissal of the motion.

C. PRETRIAL CONFERENCE

1. The pretrial conference shall be attended by counsel for the parties, who shall have their clients or a representative present. In those cases in which the real party in interest is an insurance company, the presence of a representative of the insurance company is required.
2. Counsel who attend pretrial conferences shall have conferred with each other prior thereto, and they shall have authority to discuss all phases of the case, to conduct

good faith negotiations toward settlement of the case, and to enter into stipulations and admissions in preparation for trial.

3. The parties shall, at the pretrial conference, submit to the Court, with a copy to all opposing counsel, a pretrial statement which shall include:
  - a. identification of the claims or defenses,
  - b. brief statement of the facts,
  - c. issues of fact,
  - d. injuries if applicable,
  - e. damages, list specials,
  - f. issues of law,
  - g. witnesses (lay) (expert),
  - h. estimate of time for trial,
  - i. pending motions,
  - j. stipulations,
  - k. depositions to be used in case in chief.
4. The Court may require the parties, or any one of them, to furnish the Court with a trial brief as to any or all of the issues in the case at such time as the Court may designate.

RULE 5.2 (FKA PART OF RULE 6)  
EXPERT WITNESS

- A. Each counsel shall exchange with all other counsel written reports of medical and expert witnesses expected to testify in advance of the trial. The parties shall submit expert reports in accord with the time schedule established for discovery. The party with the burden of proof as to a particular issue shall be required to first submit expert reports as to that issue. Thereafter, the responding party shall submit opposing expert reports within the schedule established for discovery.
- B. A party may not call an expert witness to testify unless a written report has been **procured from the witness and provided to opposing counsel. It is counsel's responsibility** to take reasonable measures, including the procurement of supplemental reports, to ensure that each report **adequately sets forth the expert's opinion. However, unless good cause is shown, all supplemental reports must be supplied no later than thirty (30) days prior to trial.** The report of an expert must reflect his opinions as to each issue on which the expert will testify. An expert will not be permitted to testify or provide opinions on issues not raised in his report.
- C. All experts must submit reports. If a party is unable to obtain a written report from an expert, counsel for the party must demonstrate that a good faith effort was made to obtain the report and must advise the Court and opposing counsel of the name and **address of the expert, the subject of the expert's expertise together with his** qualifications and a detailed summary of his testimony. In the event the expert witness is a treating physician, the Court shall have the discretion to determine whether the **hospital and/or office records of that physician's treatment which have been produced** satisfy the requirements of a written report. The Court shall have the power to exclude testimony of the expert if good cause is not demonstrated.
- D. If the Court finds that good cause exists for the non-**production of an expert's report, the** Court shall assess costs of the discovery deposition of the non-complying expert against the party offering the testimony of the expert unless, by motion, the court determines **such payment would result in manifest injustice. These costs may include the expert's fee, the Court Reporter's charges and travel costs.**
- E. If the Court finds that good cause exists for the non-production of a report from a treating physician, the court shall assess costs of the discovery deposition of the physician equally between the Plaintiff and the party or parties seeking discovery of the expert. **These costs may include the physician's fees, the Court Reporter's charges and travel costs.**
- F. **A party may take a discovery deposition of the opponent's medical or expert witness only** after the mutual exchange of reports has occurred. If a party chooses not to hire an expert in opposition to an issue, that party will be permitted to take the discovery **deposition of the proponent's expert. Except upon good cause shown, the taking of a discovery deposition of the proponent's expert prior to the opponent's submission of an expert report constitutes a waiver of the right on the party of the opponent to call an expert at trial on the issues raised in the proponent's expert's report.**

RULE 5.3 (FKA RULE 11)  
JUDICIAL SALE/EVIDENCE OF TITLE

A. In every action demanding the judicial sale of real property, including actions to quiet title, partition, marshaling of liens, and foreclosure, the party or parties seeking such judicial sale shall file, together with the filing of the pleadings requesting such relief, a **preliminary judicial report prepared by a licensed "title insurance company,"** as that term is defined in Section 3953.01(c) of the Ohio Revised Code, showing:

1. the name of the owners of the property to be sold;
2. a reference to the volume and page of the recording by which the owners acquired title to such real estate;
- 3. a description of all exceptions to said owner's fee simple title and liens thereon;**
4. the name and address, as shown on the record lien, of the lien holder(s); and
5. a reference to the volume and page of the recording by which the named plaintiff claims its lien or other interest in the property.

The preliminary judicial report shall be current to within fourteen days prior to the filing of the Complaint or other pleading requesting judicial sale.

- B. 1. In all real property foreclosure actions, where the Ashtabula County Treasurer is named as a party defendant, the Treasurer need not file an answer to the complaint or any cross-claim, nor does the Treasurer need to be served with any answer or other pleading after the complaint, unless any party challenges the real estate taxes and/or assessments claimed by the Treasurer on the tax records either as to the amount or validity, or as to the priority as a first and best lien. In all foreclosure cases where the Ashtabula County Treasurer need not answer, the Treasurer will also not be required to attend any hearings unless specifically directed to do so by the court.
2. In real property foreclosure actions where the Treasurer need not file an answer, the **Ashtabula County Treasurer's appearance will be presumed for purposes of jurisdiction** and the court shall take judicial notice that the Treasurer has the first and best lien for taxes due.
3. The Plaintiff, however, shall cause the Clerk to deliver a copy of the complaint but not a summons to the Treasurer in all cases in which the Treasurer is either not named as a party or named as a party but where the taxes are not contested or in dispute.
4. The Treasurer may intervene in the foreclosure action as a defendant and file a cross-claim and/or third party complaint to foreclose the lien of delinquent taxes or tax lien certificates or assert any other claim properly joined in the action, just as though named as a defendant in the original action. The Plaintiff shall serve the Ashtabula County Prosecutor on behalf of the Treasurer with a copy of the proposed confirmation entry, time-stamped final confirmation entry, and time-stamped dismissal entry whether or not the Treasurer is named as a party in the action. The proposed **confirmation entry shall be provided to the Ashtabula County Prosecutor's Office for approval** at least fourteen (14) days prior to being submitted to the Court, and shall include the payment of any outstanding delinquent taxes, unpaid current year taxes (prorated to the date of sale), and all penalties and interest due.



5. After the real property is foreclosed, all motions requesting a confirmation of sale that include a request for distribution of the proceeds, shall be accompanied by a statement from the Ashtabula County Treasurer, on a court-approved form, stating the amount of the delinquent taxes, unpaid current year taxes, current year penalty and interest, pro-rated taxes, future assessments, and the total taxes due and to be paid out of the proceeds from the sale of the real property.
- C. At the time of the filing of the final decree in foreclosure, the party or parties submitting the same shall file a final judicial report, updating the preliminary report to a date subsequent to the date of judgment, to insure that all necessary parties are properly before the Court in the pending action. Where the evidence of title indicates that a necessary party or parties have not been made defendants, the attorney for the party submitting the precipe for Order For Sale shall proceed without delay to cause such new parties to be added and serve a copy of the Complaint in accordance with the Ohio Rules of Civil Procedures.
- D. When a private selling officer is used, in accordance with R.C. 2329.26(A)(2)(b), the private selling officer shall give public notice of the sale in the Jefferson Gazette, 46 West Jefferson Street, Jefferson, Ohio, the newspaper customarily used by the Ashtabula County Sheriff.
- E. **After the Sheriff's return of the Order For Sale and prior to confirmation of the sale, the party or parties requesting the Order For Sale shall file an invoice for the cost of the preliminary and final judicial reports with the Clerk of this Court. The amount of the invoice shall be taxed as costs in the case.**
- F. The party or parties requesting the Order For Sale shall prepare a distribution entry showing court costs assessed, which includes the invoice for the cost of the title examination, and all other costs and distribution of sale proceeds.
- G. In actions for the marshaling and foreclosure of liens, any other judicial sale of real estate, or any action involving title to real estate, the attorney for the plaintiff shall file **simultaneously with the precipe for Order For Sale, a separate Exhibit "A," that must include all of the following:**
  1. the caption of the case and the case number;
  2. the legal description of the subject real estate; and
  3. a notation by the Ashtabula County Auditor that the legal description is acceptable for transfer purposes.

No Order For Sale shall issue unless the description of the real estate is acceptable for transfer by the Ashtabula County Auditor. Refusal to comply with the foregoing provisions of this rule shall be grounds for dismissal of the case.

RULE 5.4 (FKA RULE 12)  
APPRAISERS

Pursuant to Revised Code Section 2335.01, the Court fixes the compensation of appraisers of real estate as follows: For the appraisal of any property under the same case, a fee of not less than \$50.00 per appraiser.

RULE 5.5 (NEW)  
SUBPOENAS IN CIVIL CASES

All subpoenas shall be served in compliance with Ohio Rule of Civil Procedure 45(B). **Proof of service shall be filed with the Office of the Clerk of Court's by whomever is serving** the subpoena prior to the scheduled matter that an individual is subpoenaed to attend.

Service by certified mail shall only be permissible for out of county witnesses, to ease the burden on the process server, and if it can be completed in a timely manner that will comply with timing of a scheduled hearing, with proof of return of service being filed with **the Clerk of Court's prior to the scheduled hearing.**

The courts will not continue a trial or issue a material witness warrant due to the unavailability of any witness unless the party that is requesting the continuance or warrant has properly served, or made good-faith efforts to serve, the subpoena in accordance with Ohio Rule of Civil Procedure 45(B), and has filed a written motion with the Court prior to the request.

SECTION VI.  
CRIMINAL CASES

RULE 6.1 (FKA RULE 12)  
COURT APPOINTMENT OF COUNSEL

A. Court Appointed Counsel List

1. The purpose of this rule is to outline the process of appointing counsel to indigent **defendants in Ashtabula County when the Ashtabula County Public Defender's Office** is unable to represent a particular client or participate in a specific case.
2. The Judges of the Ashtabula County Court of Common Pleas shall determine the qualifications for being appointed to represent indigent defendants in Ashtabula County. The Court shall create a master list of attorneys approved to participate in the appointed counsel **program ("Appointed Counsel List")**.
3. Placement on the Appointed Counsel List is a privilege, not a right, and an attorney may be removed by the Court at any time, with or without cause pursuant to approval by a MAJORITY VOTE of the three Judges of the Court.
4. The Court may reserve the right to require an attorney to attend any training deemed necessary.

B. Eligibility to Be Placed on Appointed Counsel List

1. Any attorney that desires to be placed on the Appointed Counsel List may apply by **submitting a "Court Appointed Counsel Qualifications Form" to the Ashtabula County Court of Common Pleas Court Administrator's Office**.
2. The purpose of submitting a qualifications form is to allow the Court to determine whether counsel qualifies under this Rule, the Ohio Administrative Code, and is in compliance with the Ohio Public Defender Standards and Guidelines for Reimbursement prior to the submission of a bill.
3. An attorney on the Appointed Counsel List whose qualifications and training as set forth in Subsection (C) of this Rule have changed may request reclassification on the Appointed Counsel List by submitting an updated qualifications form, with **supporting documentation, to the Court Administrator's Office**. The attorney's request shall be reviewed by the Judges of the Common Pleas Court and they will decide whether an attorney is an acceptable candidate to be placed on the list.
4. When an update to the Appointed Counsel List is approved by the Judges, the list will be amended to reflect the change. The revised list will then be distributed to all courts in the Common Pleas Division, ensuring that all Courts have the most up to date list of approved counsel and his/her particular qualifications.

C. Training and Experience

1. Compliance

- a. Attorneys on the Appointed Counsel List are required to comply with the Ohio Administrative Code 120-1-10, the Ohio Revised Code, the Ohio Rules of Superintendence, the Criminal Rules of Practice and Procedure, the State Public **Defender's Commission, these Rules and any other applicable rules or laws**.

2. Misdemeanors

Attorneys appointed to represent indigent clients in misdemeanor cases must meet the following training requirements:

- a. Within two years prior to the appointment, completed a minimum of six hours of continuing legal education, certified by the Ohio supreme court commission on continuing legal education, in criminal practice and procedure; or
  - b. Successfully completed a clinical education program focusing on criminal defense; or
  - c. At least one year of experience as an attorney.
3. Misdemeanor OVI cases
- Attorneys appointed to represent indigent clients in misdemeanor OVI cases must meet the following training requirements:
- a. Within two years prior to the appointment, attorneys appointed to represent indigent clients in misdemeanor OVI cases must have completed a minimum of six hours of continuing legal education, certified by the Ohio supreme court commission on continuing legal education, focused on OVI practice and procedure.
4. Training requirements for all felony cases
- Attorneys appointed to represent indigent clients in felony cases must meet the following training requirements:
- a. Within two years prior to the appointment, completion of a minimum of twelve hours of continuing legal education, certified by the Ohio Supreme Court Commission on continuing legal education, in criminal practice and procedure.
  - b. Prior to the appointment to a felony OVI case, completion of a minimum of six hours of continuing legal education, certified by the Ohio Supreme Court Commission on continuing legal education, focused on OVI practice and procedure.
5. Felonies of the fourth and fifth degree and unclassified felonies other than aggravated murder and murder
- Where the defendant is charged with a felony of the fourth or fifth degree, or an unclassified felony other than aggravated murder or murder, counsel must have:
- a. At least one year of experience as an attorney practicing in the area of criminal law.
6. Felonies of third degree
- Where the defendant is charged with a felony of the third degree, counsel must have:
- a. At least one year of experience as an attorney practicing in the area of criminal law; and
  - b. Within six years preceding the appointment, prior experience as lead trial counsel in at least one criminal jury trial, or as co-counsel in at least two jury trials.
7. Felonies of the first and second degree
- Where the defendant is charged with a felony of the first or second degree, counsel must have:
- a. At least three years of experience as an attorney practicing in the area of criminal law; and
  - b. Within ten years preceding the appointment, prior experience as lead trial counsel in two criminal jury trials, at least one of which involved felony charges, or as lead counsel in one felony jury trial and as co-counsel in two additional jury trials.

8. Aggravated murder without death penalty specifications, murder, and life sentence cases

Where the defendant is charged with any felony that carries a potential sentence of life imprisonment, whether eligible or ineligible for parole, counsel must have:

- a. At least five years of experience as an attorney practicing in the area of criminal law; and
- b. within ten years preceding the appointment, prior jury trial experience as lead counsel in five felony jury trials, at least three of which were felonies of the first or second degree; or lead counsel in three jury trials, at least one of which was a felony of the third degree, and
- c. Co-counsel in an additional five jury trials, at least three of which were felonies of the first or second degree.

9. Death specification cases

Where the defendant is charged with aggravated murder with death penalty specifications, or has been convicted and sentenced to death, any attorney appointed for trial, appellate, post-conviction, or habeas corpus representation must meet the qualifications set forth in the Ohio Supreme Court Rules of Superintendence and must appear on the list of attorneys qualified to accept appointments in capital cases promulgated by the Ohio Supreme Court Commission on Appointment of Counsel in Capital Cases, or have a waiver of pre-qualification issued by the Commission.

Counsel must possess:

- a. Lead Trial Counsel must have at least five years of criminal litigation experience; and
- b. experience as lead counsel for the defense in the jury trial of at least one capital case, or experience as co-counsel for the defense in the jury trial of at least two capital cases; and within ten years preceding the appointment, experience as lead counsel in the jury trial of at least one murder or aggravated murder case; or within five years preceding the appointment, experience as lead counsel in three aggravated or first or second degree felony jury trials.

10. Trial Co-Counsel must have at least three years of criminal litigation experience; and within ten years preceding the appointment, experience as co-counsel in one murder or aggravated murder jury trial; or within five years preceding the appointment, experience as lead counsel in one first or second degree felony jury trial; or within five years preceding the appointment, experience as lead or co-counsel in at least two felony jury or civil jury trials.

D. Assignment of Counsel

1. When it appears to a Court that a defendant in a criminal case is indigent, and if **the Public Defender's Office is not representing the defendant due to a conflict of interest**, other prohibition, or for any other reason the Court shall utilize and appoint an attorney from the approved Appointed Counsel List.
2. Assignment shall be independent from individual influence or choice by any member of the judiciary, prosecution, or other elected official. Cases should be distributed as widely as possible among attorneys on the Appointed Counsel List on a rotating basis.

3. **Assignment shall be made with the goal of pairing the defendant's level of offense** with an attorney who meets the training and qualifications of assignment set forth in Subsection (C) of this Rule. On rare occasion it may be in the interest of justice for a court to select an individual attorney whose expertise or experience is particularly well suited to a given case or client.

E. Rotation of List

1. The list will be maintained in alphabetical order with each new qualified attorney being added alphabetically by their last name. After an assignment is made, the Court will proceed to the next attorney alphabetically on the list. Each court will conduct their own individual rotation of the list.

F. Discretion of the Court

1. **This rule does not limit each individual court's discretion to appoint counsel that** they believe are well suited for the particular case in front of the court, and/or the particular needs of a case or party, and the attorneys availability.



RULE 6.2 (FKA RULE 35)  
SPEEDY TRIAL TIME

For every indictment filed, the Prosecuting Attorney shall provide to the Court, the **Defendant's jail time credit, as well as the speedy trial deadline, at** the time of the Arraignment, by using the Speedy Trial Form (See Appendix 3). The Prosecuting Attorney **has a continuing obligation to monitor a Defendant's speed trial deadline throughout the** entirety of the case.

RULE 6.3 (FKA RULE 39)  
BAIL FORFEITURE

- A. Bail shall be adjudged forfeited upon the nonappearance by a defendant at any scheduled hearing before any judge or at any other time when ordered by said judge. Except as provided herein, appearance, surety, property, and cash bonds, shall be subject to the same procedures.
- B. Forfeiture of Bail; Hearing; Remittance Procedures
1. In the case of recognizance, property, and cash bonds, the court may order the entire bond forfeited and shall notify the clerk to proceed to collect the unfunded bond that **is due. If the court determines that the defendant's failure to appear was justified**, or if good cause is shown to mitigate the forfeiture as provided in sections 6 (a-f) and 7, herein, the court may order a lesser amount to be forfeited.
  2. In the case of surety bonds, if good cause is not shown at the forfeiture hearing judgment shall be rendered against the surety for the face amount of the bond. Twenty percent (20%) of the amount is to be paid within fifteen (15) days from the date of judgment. If such twenty percent (20%) is not paid within fifteen (15) days of judgment, then execution shall be levied against the surety for one hundred percent (100%) of the amount of the bond.
  3. Judgment entries referred to in this rule shall be served upon the Prosecutor, and by regular mail upon the defendant at his last known address, and upon the surety and/or other persons responsible on the bond.
  4. If the defendant is returned to the custody of the Court within three hundred sixty five (365) days from the date of judgment, the Court may, upon application and applying the factors set forth in (B)(6) herein, remit all or any part of the amount paid by the surety or other persons responsible on the bond.
  5. In the case of surety bonds, if the defendant has not been returned to the custody of the Court within three hundred sixty five (365) days from the date of judgment, the remaining eighty percent (80%) of the amount of the bond shall be paid in the Court. The Court will not be required to, but will attempt to notify the surety of its duty to pay the balance of the bond.
  6. Factors mitigating the forfeited bond include, but are not limited to, the following:
    - a. The circumstances surrounding the subsequent reappearance of the defendant, including the timing and whether reappearance was voluntary;
    - b. **The reasons for the defendant's failure to appear;**
    - c. The inconvenience, expense, delay and any other prejudice to the Court and/or prosecution;
    - d. Whether the surety was instrumental in securing the appearance of the defendant;
    - e. The costs and inconvenience incurred by the County and Court in gaining custody of the accused and again preparing for trial.
    - f. Any circumstances that the Court determines should mitigate the d to the Court;

7. **"Good Cause" as it is used in this rule includes the return of the defendant to the Sheriff and/or the Court on or before the date of the forfeiture hearing and the factors set forth in (B)(6)(a-f).**
8. If the surety returns the defendant to the Sheriff before the show cause hearing; and if the Court is in receipt of an affidavit from the surety stating that the surety turned the defendant over to the Sheriff, the Prosecutor can request the Court to relieve the surety of its responsibility before the hearing date.

#### C. Custody in another jurisdiction

1. If the defendant is arrested in another jurisdiction before the hearing date which lead to the forfeiture and continues to be incarcerated outside of Ashtabula County, judgment shall not be rendered if the surety and/or other persons responsible on the **bond agrees in writing to pay for the defendant's return to the custody of this Court.**
2. If the defendant is arrested in another jurisdiction after the hearing date which lead to the forfeiture, the surety or other person responsible on the bond may seek a remittitur as provided in this rule.
3. If the defendant has not been returned to the custody of this Court within three hundred sixty five (365) days from the date of judgment, but the defendant has been located in the custody of another jurisdiction prior to the expiration of three hundred sixty five (365) days, the remaining eighty percent (80%) of the bond owed shall be **held in abeyance if the surety agrees in writing to pay for the defendant's return to the custody of this Court.** If the defendant is not returned to the Court within three (3) years the eighty percent (80%) shall be due.

#### D. Failure of Surety to Pay Obligation to Court

1. If, at any time, judgment has been rendered and not paid by a surety within five (5) **days of notice to the surety in accordance with this rule, the surety's** general power to write bonds before this Court shall be revoked. Until payment is made in full, the surety will no longer be permitted to execute bonds before this Court.
2. If the surety makes full payment of the amount due plus interest at the rate of ten percent (10%) and demonstrates to the satisfaction of the Court that it was justified in not paying its obligation when due and the Court determines that the surety is safe and solvent, the surety may be reinstated and be permitted to execute bonds in this Court.
3. If, within one hundred eighty (180) days of its reinstatement, the surety defaults a **second time, the Court shall permanently revoke the surety's permission to execute bonds.**
4. In the event of permanent revocation, the surety may apply to the Court for reinstatement no sooner than one year after the permanent revocation.

5. The court reserves the right to regulate sureties, their contracts, agents, and procedures as the same shall affect the Ashtabula County Court of Common Pleas. If adverse action is taken against a surety, its contracts, agents or procedures, the surety has a right to request a timely hearing before the administrative judge to show cause why such action should be stayed or rescinded.

#### E. General Provisions

1. No oral hearing shall be held unless requested in writing and granted by the Trial Judge or in the case of an unassigned case, by the Administrative Judge. In a case where the forfeiture resulted from a failure to appear at arraignment, the hearing shall take place before the Judge assigned to the arraignment Court at the time of the failure to appear. If an oral hearing is held, the judge may request and/or permit witnesses to be called.
2. All Applications seeking a remittance or a release from a bond responsibility shall be made on a verified Application setting forth, in detail, the reason for the remittance. A copy of the Application must be filed with the Clerk in the case which gave rise to the Application. All Applications must be served upon the County Prosecutor. The Prosecutor may respond, in writing, to the Application. The Prosecutor shall represent the County at any hearing set on the Application.
3. The Clerk shall provide the Prosecutor with copies of the Application and any notices of hearings.
4. The Prosecutor is authorized to collect all bonds due under this rules by any method authorized under the Ohio Revised Code. The Prosecutor is also authorized to contract with a collection agent or agents to collect the moneys owed.
5. Pursuant to Criminal Rule 46(H) the bond of surety shall continue until a verdict has been returned or a plea has been accepted. If the Court, in its discretion continues the bond until sentencing or other disposition, the Clerk shall notify the surety as soon as practical of the continuance of the bond.

RULE 6.4 (NEW)  
SUBPOENAS IN CRIMINAL CASES

All subpoenas shall be served in compliance with Ohio Rule of Criminal Procedure 17(D). **Proof of service shall be filed with the Office of the Clerk of Court's by whomever is serving the subpoena prior to the scheduled matter that an individual is subpoenaed to attend.**

Service by certified mail shall only be permissible for out of county witnesses, to ease the burden on the process server, and if it can be completed in a timely manner that will comply with timing of a scheduled hearing, with proof of return of service being filed with **the Clerk of Court's prior to the scheduled hearing.**

The courts will not continue a trial or issue a material witness warrant due to the unavailability of any witness unless the party that is requesting the continuance or warrant has properly served, or made good-faith efforts to serve, the subpoena in accordance with Ohio Rule of Criminal Procedure 17(D), and has filed a written motion with the Court prior to the request.

SECTION VII.  
DOMESTIC RELATIONS

RULE 7.1 (FKA RULE 16)  
UNIFORM DOMESTIC RELATIONS FORMS

- A. In every Divorce, Dissolution or Legal Separation, both parties shall file an Affidavit of Property and Debt in the form prescribed by Civ. R. 84, [Uniform Domestic Relations Form - Affidavit 2](#). Plaintiff shall file the Affidavit with the Complaint for Divorce or Legal Separation. Defendant shall file the Affidavit within the time that an Answer would be required to be filed.
- B. In every Divorce or Legal Separation, in which a party is requesting child support, spousal support, or parenting rights, the party shall file the Motion and Affidavit or Counter Affidavit for Temporary Orders Without Oral Hearing in the form prescribed by Civ. R. 84, [Uniform Domestic Relations Form - Affidavit 5](#). Within fourteen (14) days of service, the other party shall file a counter Affidavit in the form prescribed by Affidavit 5. If a party is requesting spousal support or child support, the moving party shall also file an Affidavit of Basic Information, Income and Expenses on the form prescribed in Civ. R. 84, [Uniform Domestic Relations Form - Affidavit 1](#). The other party shall file the affidavit within fourteen (14) days of service of the motion for child or spousal support.
- C. In any case involving a parenting determination, including Divorces, Dissolutions, Legal Separations, Domestic Violence Petitions, and Post Judgment Motions to Modify the Allocation of Parental Rights, each party shall file a Parenting Proceeding Affidavit and a Health Insurance Affidavit in the form prescribed by Civ. R. 84, [Uniform Domestic Relations Form - Affidavit 3](#) and [Uniform Domestic Relations Form - Affidavit 4](#) with their first pleading. A Health Insurance Affidavit, shall also be filed by the moving party with any Motion to Modify Child Support. The other party shall file Affidavit 4 within fourteen (14) days of service of the Motion to Modify Child Support.
- D. All forms required above, shall be those forms most recently approved by the Ohio Supreme Court and available on the Ohio Supreme Court Website.

RULE 7.2 (FKA RULE 16-A)  
TEMPORARY ORDERS

- A. Upon the filing of a Complaint for Divorce or Legal Separation, on its own motion the Court may **automatically issue a standard mutual restraining order as to the parties'** conduct and assets. The standard mutual restraining order shall be served by the Clerk of Court on parties or their counsel.
- B. *Ex Parte* motions are urgent requests for a Court order by a party. An *Ex Parte* motion may be granted without a hearing.  
*Ex Parte* motions must:
1. Be in writing.
  2. Include a Supporting Affidavit from the party filing the motion, detailing the grounds and irreparable harm to that party, should the motion not be granted.
  3. Include a proposed Judgment Entry.
- C. A Motion for Exclusive Use of Premises is to be supported by affidavit of the moving party that states the specific reasons and facts for the motion. The motion may be granted if the moving party documents domestic violence or establishes that the other party has been absent from the premises for more than thirty (30) continuous days for reasons other than employment prior to filing the motion. A proposed Order shall be submitted with the written motion.
- D. Spousal Support/Child Support/Custody - When requested in the complaint, answer, or counterclaim, or by motion served with the pleading, upon satisfactory proof by affidavit duly filed with the clerk of the court, the court or magistrate, without oral hearing and for good cause shown, may grant a temporary order regarding spousal support to either of the parties for the party's sustenance and expenses during the suit. The court or magistrate may make a temporary order regarding the support, maintenance, and allocation of parental rights and responsibilities for the care of children of the marriage during the pendency of the action for divorce, annulment, or legal separation. Counter affidavits may be filed by the other party within fourteen days from the service of the complaint, answer, counterclaim, or motion to be used by the court or magistrate in making a temporary spousal support order, child support order, and order allocating parental rights and responsibilities for the care of children. Upon written request, after any temporary spousal support, child support, or order allocating parental rights and responsibilities for the care of children is journalized, the court shall grant the party so requesting an oral hearing within twenty-eight days to modify the temporary order. A request for oral hearing shall not suspend or delay the commencement of spousal support or other support payments previously ordered or change the allocation of parental rights and responsibilities until the order is modified by journal entry after the oral hearing. Parties shall not file a motion to set aside temporary orders issued pursuant to Ohio Civil Rule 75(N) prior to the Magistrate conducting an oral hearing pursuant to Ohio Civil Rule 75(N)(2).
- E. Mandatory Disclosure. By the date of the hearing on a request for temporary support, each party shall submit to opposing party or counsel:



1. A recent earnings statement/pay stub
2. Tax returns for the prior three (3) years
3. A copy of the health insurance card, if any
4. A list of current monthly expenses
5. Child care expenses, if any
6. Cost of health insurance for the children.

F. Motions for temporary support and temporary allocation of parental rights shall comply with Rule 75(N) of the Ohio Rules of Civil Procedure and with Local Rules. A proposed Child Support Worksheet shall accompany all requests for child support.

G. Post-decree motions requesting *Ex Parte* orders that affect children are discouraged. However, the Court will issue such orders only where it is shown that irreparable harm will occur to the child unless immediate action is taken and a hearing shall be held within fourteen (14) days. A proposed Order shall be submitted with the written motion.

RULE 7.3 (FKA RULE 17)  
IV-D APPLICATIONS

All pending and post decree motions requesting that child support and/or spousal support be established or modified must be accompanied by a completed IV-D Application signed by the obligee.

RULE 7.4 (NEW)  
CASE MANAGEMENT PLAN

In all contested divorce actions, the court shall schedule a pretrial, status conference, settlement conference and final divorce hearing. The court has discretion to alter this schedule, as it may deem appropriate. A Case Management Order will be issued after the Temporary Orders Hearing, if requested.

RULE 7.5 (FKA RULE 18)  
CUSTODY AND PSYCHOLOGICAL EVALUATIONS

- A. Upon written motion and upon cause shown by accompanying memorandum specifically setting forth the basis, the Court may, at its discretion, order the parties and minor child(ren) to submit to psychological evaluation or forensic evaluation.
- B. Psychological evaluations or forensic evaluations may be made at the cost of the requesting party or shared equally by all parties. Arrangements for payment of the costs of the evaluation and any report shall be made directly by the parties. Unless an objection is filed with the Court and served on opposing counsel, not less than seven (7) days before the scheduled hearing, the report of the assessor shall be admitted into evidence upon motion of either party.

In cases where children are involved, upon request of either party or the Court, a neutral psychologist or assessor with the requisite credentials (hereinafter assessor) may be appointed to assess the family. The parties should attempt to agree on an appointed assessor. If the parties cannot agree, then the Court will make the appropriate appointment.

Neither counsel nor the parties shall attempt to influence or otherwise interfere with a neutral determination by the assessor involved and shall not contact the assessor, except in reference to the type of evaluation requested, to provide basic case information or scheduling information, or to arrange for payment. Neither counsel shall provide the assessor with a history of the case or any other factual matters concerning the case, except as specifically requested by the assessor.

- C. Upon motion or order of the Court ordering a the above evaluation, the following procedure shall be adhered to:
1. **At the Court's direction, a Judgment Entry shall be submitted within five (5) days** of the hearing order the psychological evaluation.
  2. Within ten (10) days of the time stamped date on the Judgment Entry, counsel shall insure that clients contact the appointed psychologist/assessor to schedule an appointment for the required individuals including minor children.
  3. **Counsel is responsible for their client's continued compliance with the evaluation** process including appearing for scheduled appointments. Failure to comply or show just cause may result in sanctions.
- D. The report of any assessor shall be made in writing and shall be kept in the Confidential File of the case maintained by the Clerk of Court. If the case is certified to Juvenile Court, such report shall be turned over to that Court

RULE 7.6 (FKA RULE 19)  
STANDARD PARENTING ORDER

- A. The following standard parenting guidelines will be applied in all cases unless otherwise ordered.
1. Presumptions
    - a. Shared parenting is in the best interests of the child(ren);
    - b. Equal division of the available parenting time is in the best interests of the child(ren);
    - c. Whenever possible, it is in the best interests of the child(ren) that parents are caring for and supervising the child(ren) rather than a third party.
  2. The presumptions are rebuttable and may be rebutted by competent credible evidence, such as, without limitation, evidence of domestic violence, abuse, neglect, and/or criminal convictions.
  3. This rule does not create a presumption of a deviation in child support. It is for parenting time purposes only and child support shall be considered on a case by case basis.
- B. In the absence of an agreement by the parties, the court has wide discretion in determining what parenting schedule is reasonable and in the best interests of the child(ren).
1. In the event the parties cannot agree upon a parenting schedule, they shall participate in mediation.
  2. If the parties cannot develop their own parenting schedule through mediation, both parties shall provide the court with verification of their work schedules and available parenting times. The court will then assign parenting time, based upon the presumptions.
  3. Residential Parent for School Purposes refers to the parent from whose home the child(ren) attends/will attend school.
- C. Unless the court finds that parenting time should be restricted, the minimum time afforded to the secondary residential parent shall be as follows.
1. Infants: Birth – Age 2
    - a. From Birth – Age 1, the secondary residential parent shall spend time with the child(ren) as follows: every Tuesday and Thursday from 5:30 P.M. to 8:30 P.M., and alternating weekends, from Saturday at 10:00 A.M. to Sunday at 6:00 P.M.
    - b. From Age 1 – Age 2, the secondary residential parent shall spend time with the child(ren) as follows: every Tuesday and Thursday from 5:30 P.M. to 8:30 P.M., and on alternating weekends, from Friday at 6:00 P.M. to Sunday at 6:00 P.M.
    - c. Holidays: In even-numbered years, Mother shall spend time with the child(ren) from 6:00 P.M. the day before Memorial Day until 8:00 P.M. on Memorial Day, **9:00 A.M. on July 4th until 9:00 A.M. on July 5th, Mother's Local Trick-or-Treating** (plus an hour on either side of the trick-or-treat schedule), and 8:00

P.M. Christmas Eve until 9:00 A.M. on December 26th and Father shall spend time with the child(ren) from 9:00 A.M. to 6:00 P.M. on Easter, 6:00 P.M. the day before Labor Day until **8:00 P.M. on Labor Day, Father's Local Trick-or-Treating** (plus an hour on either side of the trick-or-treat schedule) if it does not **interfere with Mother's Local Trick-or-Treating**, 6:00 P.M. the day before Thanksgiving Day until 6:00 P.M. on Thanksgiving Day, 6:00 P.M. on December **23rd until Christmas Eve at 8:00 P.M. and New Year's Eve at 6:00 P.M. until 6:00 P.M. on New Year's Day.**

In odd-numbered years, Father shall spend time with the child(ren) from 6:00 P.M. the day before Memorial Day until 8:00 P.M. on Memorial Day, 9:00 A.M. **on July 4th until 9:00 A.M. on July 5th, Father's Local Trick-or-Treating** (plus an hour on either side of the trick-or-treat schedule), and 8:00 P.M. Christmas Eve until 9:00 A.M. on December 26th and Mother shall spend time with the child(ren) from 9:00 A.M. to 6:00 P.M. on Easter, 6:00 P.M. the day before **Labor Day until 8:00 P.M. on Labor Day, Mother's Local Trick-or-Treating** (plus an hour on either side of the trick-or-treat schedule) if it does not interfere with **Father's Local Trick-or-Treating**, 6:00 P.M. the day before Thanksgiving Day until 6:00 P.M. on Thanksgiving Day, 6:00 P.M. on December 23rd until **Christmas Eve at 8:00 P.M. and New Year's Eve at 6:00 P.M. until 6:00 P.M. on New Year's Day.**

- d. Older Siblings: If there are older brothers and sisters of an infant child, the parenting time, including holidays, set forth below for children ages two years through 12 years shall govern infant visitation, once the infant is two months old.

2. Child(ren): Ages 2 -13

- a. The parents shall exercise a "2-2-5-5" schedule, with Mother's parenting time beginning on Mondays at 9:00 A.M. Here is an example of the 2-2-5-5 schedule:

Sun	Mon	Tue	Wed	Thu	Fri	Sat
DAD	MOM	MOM	DAD	DAD	MOM	MOM
MOM	MOM	MOM	DAD	DAD	DAD	DAD
DAD	MOM	MOM	DAD	DAD	MOM	MOM
MOM	MOM	MOM	DAD	DAD	DAD	DAD

6. Holidays and days of special meaning shall take precedence over the "2-2-5-5" schedule.

Holiday	Even-Numbered Years	Odd-Numbered Years	Time Period
Easter	Father	Mother	6:00 P.M. the day before until 6:00 P.M. on Easter
Memorial Day	Mother	Father	6:00 P.M. the day before until 8:00 P.M. Memorial Day
July 4th	Mother	Father	July 3rd at 6:00 P.M. until July 5th at 9:00 A.M.
Labor Day	Father	Mother	6:00 P.M. the day before until 8:00 P.M. Labor Day
Trick-or-Treat	Mother-Priority	Father-Priority	Local Trick-or-Treat hours + 1 hour before & after
Thanksgiving	Father	Mother	Wednesday after school until 6:00 P.M. Thanksgiving*
Christmas Eve	Father	Mother	6:00 P.M. on 12/23 until 9:00 P.M. on 12/24
Christmas Day	Mother	Father	9:00 P.M. on 12/24 until 9:00 A.M. on 12/26
<b>New Year's</b> Eve/Day	Father	Mother	6:00 P.M. on 12/31 until 6:00 P.M. on 1/1

**\*Unless the weekend following is that parent's regularly-scheduled weekend, in which case the parenting time shall continue through that parent's regularly-scheduled weekend.**

7. Spring Break: In even-numbered years, Mother shall have parenting time during Spring Break, and in odd-numbered years Father shall have parenting time during Spring Break.

8. Winter Break: Winter Break shall be divided equally between the parents. In even-numbered years, Father shall have parenting time with the child(ren) during the first half, and the Mother shall have parenting time with the child(ren) during the second half of Winter Break. In odd-numbered years, Mother shall have parenting time with the child(ren) during the first half and the Father shall have parenting time during the second half of Winter Break. Winter Break begins at 6:00 P.M. on the last day of school and ends at the drop-off of the child(ren) at school after the last day of Winter Break. **Christmas Eve, Christmas Day, New Year's Eve and New Year's Day shall not be included in calculating the equal number of days to which each parent is entitled.**
9. Days of Special Meaning: **Father's Day shall be spent with Father; Mother's Day shall be spent with Mother.** Parenting time shall be from 6:00 P.M. the day before until **6:00 P.M. on the day of Mother's Day or Father's Day, or as otherwise agreed.**

**The child's birthday shall be spent with the Mother in even-numbered years and the Father in odd-numbered years.** Parenting time shall be from 10:00 A.M. to 8:00 P.M., or as otherwise agreed. Siblings shall be permitted to participate if the exercising parent desires.

10. Extended Summer Parenting Time, Summer Vacations, and Travel: Each parent shall have half of the **child(ren)'s summer vacation. Parenting time shall occur on a one week on, one week off basis, beginning at 6:00 P.M. on Sunday and extending until the following Sunday at 6:00 P.M.** Parenting time with the secondary residential parent shall begin on the first full week following the last day of school. Parenting time with the primary parent shall end the last full week of **summer. The "2-2-5-5" schedule can be used in place of the week on/week off schedule if the parties prefer.**

Each parent is entitled to a two week period of uninterrupted parenting time with the minor child(ren) each summer. In even-numbered years, Mother shall have the first choice and shall choose her two week uninterrupted parenting time by advising Father of that time period on or before May 1st of that year. In odd-numbered years, Father shall have the first choice and shall choose his two week uninterrupted parenting time by advising Mother of that time period on or before May 1st of that year. Neither parent shall have more than a two week, or fourteen day, period of uninterrupted parenting time during the summer without the consent of the other parent.

For any vacation or holiday travel, each parent must provide the other parent with information about the destination, times of arrival and departure, and methods of travel. If there are children in different age brackets, the provisions for the oldest age bracket shall apply to all children, except that there shall be no extended parenting time or vacation time for a child under two months of age.

If summer school is necessary for a child to pass to the next grade, the child is required to attend summer school classes. Parents may schedule summer extended parenting time during a mandatory summer school period, but the child must attend all classes.



### 3. Teenagers: Ages 13 – 18

The schedule above is used with the following considerations:

- a. **Parents are urged to understand a child's normal social development during these sensitive years, when the teenager normally spends less time with either parent.**
- b. In exercising parenting time with a teenager, parents shall make reasonable efforts **to accommodate a teenager's participation in the teenager's academic, athletic, extracurricular, and social activities.**

#### D. Rules Regarding Parenting Time

1. **Conflicting Schedules:** In the event of any conflict between parenting time schedules, the following is the order of priority:
  - a. Holidays and Days of Special Meaning;
  - b. Vacation periods or extended parenting times; and,
  - c. Weekends and mid-week days.

For example, one parent may not schedule his or her summer vacation to include July 4<sup>th</sup> if July 4<sup>th</sup> is the other parent's holiday that year. **As another example, the primary residential parent may be entitled to have the child(ren) on the Easter holiday even though it falls on the secondary residential parent's alternating weekend. In this case, the secondary residential parent's weekend shall conclude at 6:00 P.M. on the day before Easter (ages 2-18).**

2. **Illness:** It is expected that the parents will follow the parenting time schedule despite any illness of the child(ren), unless both parents agree that this would not be **advisable due to the child(ren)'s condition or contagiousness.**

Both parents should use common sense as to a sick child and be sensitive to the **child's needs. In the event that a child is ill, medications and instructions for special care shall travel with the child.** Each parent should notify the other, as soon as reasonably possible, of any diagnosis, injury or treatment, as well as the name, address and phone number of all treatment facilities and medical professionals involved.

Any weekend parenting time that is missed due to the illness of a child shall be made up the following weekend or as the parents may mutually agree. The primary residential parent shall **promptly notify the secondary residential parent of the child's illness prior to the exercise of parenting time.** The Court does not expect parents to **abuse the intent of this Rule and interfere with the secondary residential parent's time with the child(ren).**

3. **Telephone and Mail:** Each parent may have reasonable telephone contact with the **child(ren) during the other parent's parenting time, not to exceed once a day between**

the hours of 9:00 A.M. and 8:00 P.M. If the child(ren) is/are not available, the child(ren) should return the telephone call.

Each parent shall encourage free communication between the child(ren) and the other parent, and shall not do anything to impede or restrict reasonable communication by telephone, mail or e-mail between the child(ren) and the other parent, whether initiated by the child(ren) or the other parent. Parents need to be aware that older children and teens text rather than having telephone conversations. Any mail or e-mail between the child(ren) and either parent shall be strictly confidential and shall not be opened or read by the other parent.

4. Cooperation: Both parents shall refrain from criticizing the other parent or arguing with the other parent in the presence of the child(ren) or where the child(ren) can overhear.
5. Exchange of Phone Numbers: Each parent must, unless the Court orders otherwise, keep the other parent informed of his or her current telephone number and **a telephone number where the child(ren) may be reached. This includes the parents' cell phone numbers.**
6. Grace Period: The transporting parent for parenting time shall have a grace period of 30 minutes for pick-up and delivery, if the parents live within 30 miles of each other. If the one-way distance to be traveled is more than 30 miles, the grace period shall be one hour.

In the event that one parent exceeds the grace period, that period of parenting time is forfeited, unless prior notification and arrangements have been made. This rule does not apply in cases where the one parent lives in excess of 30 miles away and suffers an unavoidable breakdown or delay enroute, and the parent promptly notifies the other parent by telephone of the delay.

Repeated violations by either parent shall be cause for granting a modification of the parenting order. Parents are to exercise common sense as to weather conditions, traffic accidents and other unforeseen circumstances.

7. Transportation: In the event that the parents are unable to reach an agreement regarding transportation, the parent receiving the child(ren) shall arrange transportation.
8. Clothing and Supplies for Child(ren): Each parent is expected to maintain suitable clothing for the child(ren) during their periods of parenting time. Each parent shall return all items that are sent with the child(ren) at the end of the parenting time.
9. **Child(ren)'s Activities:** A parent shall not unilaterally enroll a child in an activity that infringes on the other parent's parenting time. Written consent is required for enrollment of a child in an activity that encompasses parenting time of both parents. Scheduled periods of parenting time shall not be delayed or denied because a child has other activities (with friends, work, lessons, sports, etc.). Parents need to realize the significance of these activities in **their child(ren)'s lives, and flexibility is**

**encouraged. It is the responsibility of the parents to discuss the child(ren)'s** extracurricular activities in advance, including times, dates and transportation needs, so that the child(ren) is/are not deprived of activities and maintaining friends. Each parent shall provide the other with copies of any written material (i.e. activity **schedules, maps, instructions) that are distributed in connection with the child(ren)'s** activities. The parent who has the child(ren) during the time of scheduled activities is responsible for transportation, attendance, or other arrangements. Both parents are **encouraged to attend all of their child(ren)'s activities.**

10. Right of First Refusal: In the event a parent needs childcare during a scheduled work day, that parent shall first inquire as to the availability of the other parent.

E. Designations when Parenting Time Schedule in Section C is used

Because the parenting time schedule set forth in Section C. above provides for equal time between the parents, the Court shall make the following designations when Section C is used.

1. **Designate which of the parent's residences is to serve as the child(ren)'s home for** purposes of receiving public assistance and public benefits;
2. Designate which parent is head of household for purposes of claiming the earned income credit. The parties shall adjust the parenting time schedule set forth in Section C to ensure that the designated parent has the child(ren) for at least 183 days each calendar year;
3. Designate which parent may claim the child(ren) for dependency tax exemptions;
4. **Designate which parent shall be the custodian of the child(ren)'s important papers** such as social security cards, birth certificates, and passports;
5. **Designate which of the parent's residences is to serve as the child(ren)'s home for** school purposes. The Residential parent for school purposes shall not change the school placement of the child(ren) without written agreement of the other parent or a court order.

F. Deviation from Existing Parenting Time Schedule Order

Parents are encouraged to allow for flexibility to meet the changing needs of the child(ren) and the employment schedules of the parents. The parents shall follow the parenting time schedule set forth in a temporary or final order, unless there is a clear, mutual understanding between parents to deviate. Any such deviation shall be in writing **to document the parents' mutual understanding.**

RULE 7.7 (FKA RULE 20)

CHILD SUPPORT

- A. R.C. 3119.05 sets out the Ohio Basic Child Support Schedule which must be applied in all cases where child support is an issue, both at the time of an initial award of support and of any subsequent modification thereof.

Where either one or both parties are represented by counsel, a Child Support Computation Worksheet shall be completed and submitted prior to the time of any hearing where support of a minor child(ren) is at issue. The person preparing the worksheet shall be identified thereon. A Child Support Computation Worksheet shall be attached to and incorporated by reference in every proposed or agreed judgment entry wherein child support is ordered or for which no support is paid by agreement.

- B. Mandatory Disclosure. In every action involving an objection to an original administrative order setting child support, a hearing request or an objection to an administrative modification of child support, or a motion seeking modification of an existing child support order, the parties or counsel shall submit the following to the Court no less than fourteen (14) days before the date of the hearing:

1. Copies of complete federal tax returns as filed for the three previous years including W-2s, 1099s, or other income statements, schedules, and documentation supporting income and expenses.
2. Year-to-date income as evidenced by the three most recent paystubs or pay advices.
3. Documentation of the annual cost of healthcare for private insurance covering the child(ren).
4. Documentation and summaries of any out-of-pocket healthcare expenses.
5. Documentation and summaries of current childcare expenses.
6. Documentation supporting any claimed statutory deviation from the basic child support guidelines.
7. In the event a party claims to be on SSI disability or otherwise claims there is no income for child support purposes, a copy of the most recent award letter from the Social Security Administration or acceptable medical documentation.
8. The visitation schedule or agreement, if any, under which the parties are exercising parenting time.
9. The amount in which the obligor is in arrears, if any, as of the last day of the full month preceding the month in which the action or motion was filed.

Motions seeking modification shall state with particularity the facts supporting a substantial or material change of circumstances or other grounds supporting the requested modification.

Whenever the court modifies, reviews, or reconsiders a child support order, it will also review, and modify if appropriate, the existing health care order and the existing designation of the right of either parent to claim the child(ren) as dependent(s) for income tax purposes. See R.C. §§ 3119.30, 3119.32, 3119.82.

Failure of the objecting or moving party to provide the required evidence may result in dismissal of the action or motion.

C. Exchange of Discovery

Within thirty (30) days of the filing of an action involving an objection, requested hearing, or a motion to modify child support, the parties shall exchange the information identified in Rule 17B (1-9).

D. Filing Discovery

No party or counsel shall file with the Clerk copies of discovery, unless specifically ordered by the Court. The party or counsel may file a Notice of Submission reflecting that certain discovery has been exchanged with the opposing party.

Where the parties intend to utilize expert testimony, the parties shall comply with Civ.R. 26(B)(7).

E. Preservation of Assigned Support Rights

The following language is required in all divorce, dissolution, and any other order or decree providing for child support:

“IT IS FURTHER ORDERED that all child support arrearages for the minor child(ren) herein payable either by temporary or final order accruing during any period of time when either parent assigned support rights and received or receives benefits from any Job & Family Services for said child(ren) shall survive and continue as an enforceable obligation due Job & Family Services that provided said **benefits, until paid in full.**”

F. Certification of Support Arrearages

For all child support proceedings and, specifically in relation to those seeking to terminate support, waive support and/or arrears, or for those in which a previous obligee will become a child support obligor, the CSEA shall provide certification of support arrearages upon receipt of a written request from the parties or counsel. All written requests must identify the parties and case number and date of last support order, if known. All written requests must be received by the CSEA no less than fourteen (14) days before the scheduled hearing date and submitted to the Court.

RULE 7.8 (FKA RULE 21)  
MOTION TO SHOW CAUSE FOR NONPAYMENT OF MEDICAL EXPENSES

If a motion asserts nonpayment of medical or dental bills, or support orders other than periodic payments, the motion shall also itemize such expenses and state whether demand for payment has been made prior to the filing of the motion.

RULE 7.9 (FKA RULE 22)  
GUARDIAN AD LITEM

A. QUALIFICATIONS

1. Guardians ad litem shall have the following qualifications:
  - a. Possession of a law degree.
  - b. Completion of twelve (12) hours of basic Court approved pre-service guardian ad litem training that complies with Sup.R. 48(E);
  - c. Completion of six (6) hours of Court approved continuing education annually that complies with Sup.R. 48(E);
  - d. Annually certify that there is no circumstance which would disqualify the individual from service;
  - e. No convictions of a crime involving violence or moral turpitude; and
  - f. Maintenance of appropriate malpractice insurance.
2. **Attorneys who meet this criteria and desire to be placed on the Court's guardian ad litem list must submit a letter, a copy of the certificate of pre-service guardian ad litem training and a copy of the certificate of any continuing guardian ad litem education to Ashtabula County Mediation & Conflict Management Services.**
3. Once approved as a guardian ad litem, an attorney has a continuing duty to notify, in writing, Ashtabula County Mediation & Conflict Management Services and/or administrative judge of any arrest, indictment, or conviction, including pleas of guilty, for any criminal offense; shall immediately report all civil cases including civil protection orders in which the individual is named a party; and any pending professional disciplinary actions.

B. APPOINTMENT AND REMOVAL

1. Upon the motion of any party or at the discretion of the Court, the Court may order the appointment of a guardian ad litem when it deems it essential to protect the interests of a minor child(ren) of the parties or to represent an incompetent person. The appointment of the guardian ad litem shall state the name of the guardian ad litem, the amount to be deposited with the Clerk of Court's office **for the guardian ad litem's services and by whom, and the date when the deposit is to be made. Unless** otherwise provided, it is the responsibility of each party involved in the litigation to timely contact the guardian ad litem and provide the guardian ad litem with information relating to the minor child(ren).
2. The guardian ad litem shall file an itemized fee statement every sixty days during the **term of the guardian ad litem's appointment. A copy of the itemization shall be filed with the Clerk of Court's office and served on all attorneys and self-representing parties. The guardian ad litem's fees shall be approved by the Court and payment for the guardian ad litem's fees shall be borne equally by the parties unless otherwise** ordered by the Court. Upon approval by the Court, fees shall be deposited by the parties with the Clerk of Courts for immediate payment to the guardian ad litem. The guardian ad litem shall be compensated at the rate of \$100 (one hundred dollars) per

hour. An initial fee deposit of \$1,000.00 (one thousand dollars), allocated between the parties as ordered by the Court, shall be deposited with the Clerk of Courts. The initial fee may be modified by the Court for extenuating circumstances, i.e. travel time. An additional fee deposit may be requested by motion of the guardian ad litem.

3. The Ashtabula County Mediation & Conflict Management Services shall maintain a list of individuals qualified and willing to serve as a guardian ad litem. This list is public information pursuant to Sup.R. 48(G)(1). The court shall appoint a guardian ad litem from the list on a rotating basis to ensure equitable distribution of appointments. Where it is determined that unique circumstances exist, the court may appoint any individual from the guardian ad litem list.
4. In the event that a conflict arises, the guardian ad litem shall immediately comply with Sup.R. 48(D)(8 and 10), so that the court may promptly resolve the conflict by entering appropriate orders.
5. It shall be the responsibility of the litigants in the case to copy the guardian ad litem with all pleadings, notices of hearings and depositions, entries, and any other necessary documents. Any additional expense incurred by the guardian ad litem as a **result of counsel's failure** to notify, including the costs of transcripts, shall be charged to the party or parties responsible for such failure.
6. A guardian ad litem may be removed from the appointment list established herein for the following reasons:
  - a. Refusal of three (3) cases in any 12-month period without just cause.
  - b. Failure to meet the qualifications and/or responsibilities established in section (A)(1).
  - c. In the interest of justice and for good cause shown.
7. Ashtabula County Mediation & Conflict Management Services and Domestic Relations Magistrate **shall annually review the Court's** compliance with Sup.R. 48(G).

## C. RESPONSIBILITIES

1. At a minimum, the guardian ad litem shall:
  - a. Interview each parent separately;
  - b. Interview, where appropriate, the child(ren) separately;
  - c. Observe the child(ren) in the presence of each parent;
  - d. Contact the child(ren)'s school, if any;**
  - e. Contact the child(ren)'s health care providers, if appropriate;**
  - f. Meet with any evaluator assigned to the case;
  - g. Appear and participate in all pretrials and any hearing for which the duties of the **guardian ad litem or any issues substantially within a guardian ad litem's duties or appointment** are to be addressed;



- h. Prepare a written and final report that complies with the requirements of Sup.R. 48(F), file it with the Court and make it available to the parties seven (7) days before the dispositional hearing; and
- i. Comply with all other provisions of Sup.R. 48.

RULE 7.10 (FKA RULE 22-A)  
PARENTING COORDINATION

A. Definitions

1. Civil stalking protection order case means a proceeding under R.C. 2903.214.
2. Domestic abuse means aggressive behaviors directed toward a current or former intimate partner that are physical, sexual, economic, spiritual, or coercively controlling. **“Domestic abuse” may occur as a single aggressive behavior or a combination of aggressive behaviors and may vary from family to family in terms of frequency, recency, severity, intention, circumstance, and consequence.**
3. Domestic violence has the same meaning as in R.C. 3113.31(A)(1).
4. Evaluator means an individual who conducts a neutral evaluation.
5. Facilitation means a process in which a neutral party moderates discussions by ensuring the fluid and orderly exchange of information and ideas from all participants and that is primarily concerned with assisting individuals in refining their communication and organizational skills so that they may learn to work more efficiently with one another in a group setting.
6. Mediation means a process in which a neutral third party helps the parties communicate and negotiate with each other to help them reach a voluntary agreement regarding their dispute by helping the parties clarify their positions and interests, identifying underlying concerns, and creating practical solutions for resolving their dispute.
7. Mediator means an individual who conducts a mediation. (E)(H) **Neutral evaluation “Neutral evaluation” means a process in which the parties to a dispute present their claims or defenses and describe the principal evidence on which their claims or defenses are based to a neutral third party who then shares impressions about the strengths and weaknesses of each matter.**
8. Parenting coordination means a child-focused dispute resolution process ordered by the Court to assist parties in implementing a parental rights and responsibilities or companionship time order using assessment, education, case management, conflict management, coaching, or decision-making. A Parenting coordination is not mediation subject to R.C. Chapter 2710, R.C. 3109.052, or Sup.R. 16 nor arbitration subject to R.C. Chapter 2711 or Sup.R. 15.
9. Parenting coordinator means an individual appointed by the Court to conduct parenting coordination.

B. Scope

1. At any point after a parental rights and responsibilities or companionship time order is filed, the Court may order parenting coordination except to determine the following:

- a. Whether to grant, modify, or terminate a protection order;
- b. The terms and conditions of a protection order;
- c. The penalty for violation of a protection order;
- d. Changes in the designation of the primary residential parent or legal guardian;
- e. Changes in the primary placement of a child.

## C. Appointment

### 1. Reasons for Ordering Parenting Coordination:

The Court may order parenting coordination, sua sponte or upon written or oral motion by one or both parties, when one or more of the following factors are present:

- a. The parties have ongoing disagreements about the implementation of a parental rights and responsibilities or companionship time order and need ongoing assistance;
- b. There is a history of extreme or ongoing parental conflict that has been unresolved by previous litigation or other interventions and from which a child(ren) of the parties is adversely affected;
- c. The parties have a child(ren) whose parenting time schedule requires frequent adjustments, specified in an order of the Court, to maintain age-appropriate contact with both parties, and the parties have been previously unable to reach agreements on their parenting time schedule without intervention by the Court;
- d. The parties have a child(ren) with a medical or psychological condition or disability that requires frequent decisions regarding treatment or frequent adjustments in the parenting time schedule, specified in an order of the Court, and the parties have been previously unable to reach agreements on their parenting time schedule without intervention by the Court;
- e. One or both parties suffer from a medical or psychological condition or disability that results in an inability to reach agreements on or make adjustments in their parenting time schedule without assistance, even when minor in nature;
- f. Any other factor as determined by the Court.

### 2. Parenting Coordinator Qualifications

The Court may appoint an individual as a parenting coordinator who meets all of the following qualifications:

- a. **A master's degree or higher, a law degree, or education and experience** satisfactory to the Court;
- b. At least two years of professional experience with situations involving children, which includes parenting coordination, counseling, casework, legal representation in family law matters, serving as a guardian ad litem or mediator, or such other equivalent experience satisfactory to the Court;
- c. Has completed all required training as set forth in Sup. R. 90.05 including basic and specialized mediation training, specialized domestic abuse issues training, and specialized parenting coordination training.

### 3. Parenting Coordinator Qualifications in Abuse, Neglect and Dependency Cases

In addition to the qualifications under Section (C)(2) of this rule, the Court may appoint a parenting coordinator to an abuse, neglect, or dependency case, provided the parenting coordinator meets both of the following qualifications:

- a. Significant experience working with family disputes;
- b. At least thirty-two hours of specialized child protection training that has been approved by the Dispute Resolution Section of the Supreme Court.

4. Parenting Coordinator Continuing Education

To maintain eligibility for appointment, a parenting coordinator shall complete at least three hours per calendar year of continuing education relating to children that has been approved by the Dispute Resolution Section of the Supreme Court.

5. Parenting Coordinator Appointment Order

**The Court's appointment order shall set forth all of the following:**

- a. The name of the parenting coordinator and any contact information the Court may choose to include;
- b. The specific powers and duties of the parenting coordinator;
- c. The term of the appointment;
- d. The scope of confidentiality;
- e. **The parties' responsibility for fees and expenses for services rendered by the parenting coordinator;**
- f. Parenting coordination terms and conditions;

6. Selection of Parenting Coordinator for Appointment

The parenting coordinator who meets the qualifications in Section (C) of this rule shall be selected using one of the following:

- a. Use of a Court employee;
- b. **Random selection by the Court from the Court's roster of parenting coordinators;**
- c. Specific appointment based on the type of case and the qualifications and caseload of the parenting coordinator;
- d. **Parties select a parenting coordinator from the Court's roster of parenting coordinators;**

7. Prohibited Parenting Coordinator Appointments

The Court shall not appoint a parenting coordinator who does not possess the qualifications in Section (C), or who has served or is serving in a role that creates a **professional conflict including, but not limited to, a child's attorney or child advocate;** guardian ad litem; custody evaluator; therapist, consultant, coach, or other mental health role to any family member; or attorney for either party. Parties may not waive this prohibition.

8. Appointment of Mediator as Parenting Coordinator

A mediator who has worked with a family shall not later serve as parenting **coordinator with the same family except at the Court's discretion, and with written consent of the parties.**

9. Termination or Modification of Parenting Coordinator Appointment

Upon motion of a party, for good cause shown, or sua sponte, the Court may terminate or modify or extend the term of parenting coordinator appointment.

#### D. Parenting Coordinator Responsibilities

1. Ability to Perform Duties

Parenting Coordinator shall report to the Court any activity, criminal or otherwise, that **would adversely affect the parenting coordinator's ability to perform the functions of a parenting coordinator.**

2. Compliance with Appointment Order

A parenting coordinator shall comply with the requirements of and act in accordance with the appointment order issued by the Court.

3. Independence, Objectivity, and Impartiality

A parenting coordinator shall maintain independence, objectivity, and impartiality, including avoiding the appearance of partiality, in dealings with parties and professionals, both in and out of the courtroom.

4. Conflicts of Interest

a. A parenting coordinator shall avoid any clear conflicts of interest arising from any relationship activity, including but not limited to those of employment or business or from professional or personal contacts with parties or others involved in the case. A parenting coordinator shall avoid self-dealing or associations from which the parenting coordinator may benefit, directly or indirectly, except from services as a parenting coordinator.

b. Upon becoming aware of a clear conflict of interest, a parenting coordinator shall advise the Court and the parties of the action taken to resolve the conflict and, if unable to do so, seek the direction of the Court.

5. Ex Parte Communications

A parenting coordinator shall not have ex parte communications with the Court regarding substantive matters or issues on the merits of the case.

6. Legal Advice

A parenting coordinator shall not offer legal advice.

7. Reporting

a. A parenting coordinator shall submit a resume to the Court documenting compliance with Section III; provide an updated resume to the Court in the event of any substantive changes; and notify the Court of any changes to name, address, telephone number and, if available, electronic mail address contained in the resume.

b. On or before January 1st of each year, a parenting coordinator shall report to the Court a list of all continuing education training completed during the previous year pursuant to Section (C)(4), including the sponsor, title, date, and location of each training. A parenting coordinator shall not be eligible for appointment until this requirement is satisfied. The parenting coordinator shall

complete three hours of continuing education for each calendar year of deficiency.

## E. Parenting Coordination Procedures

1. Screening for and Disclosure of Domestic Abuse and Domestic Violence
  - a. All cases shall be screened for domestic abuse and domestic violence by the parenting coordinator before the commencement of the parenting coordination process and by the parenting coordinator during the parenting coordination process.
  - b. All parties and counsel shall immediately advise the parenting coordinator of any domestic violence convictions and/or allegations known to them or which become known to them during the parenting coordination process.
  - c. When domestic abuse or domestic violence is alleged, suspected, or present, before proceeding, a parenting coordinator shall do each of the following:
    - i. Fully inform the person who is or may be the victim of domestic abuse or domestic violence about the parenting coordination process and the option to have a support person present at parenting coordination sessions;
    - ii. Have procedures in place to provide for the safety of all persons involved in the parenting coordination process;
    - iii. Have procedures in place to terminate the parenting coordination session/process if there is a continued threat of domestic abuse, domestic violence, or coercion between the parties.
  
2. Disclosure of Abuse, Neglect, and Harm

A parenting coordinator shall inform the parties that the parenting coordinator shall report any suspected child abuse or neglect and any apparent serious risk of harm to **a family member's self, another family member, or a third party to child protective services, law enforcement, or other appropriate authority.** A parenting coordinator shall report child abuse or neglect pursuant to the procedures set forth in R.C. 2151.421.
  
3. Attendance and Participation
  - a. Parties shall attend parenting coordination sessions. Requests to reschedule parenting coordination sessions shall be approved by the parenting coordinator.
  - b. A parenting coordinator shall allow attendance and participation of the parties and, if the parties wish, their attorneys and any other individuals designated by the parties.
  
4. Referrals to Support Services

A parenting coordinator shall provide information regarding appropriate referrals to resources including legal counsel, counseling, parenting courses or education, and other support services for all parties, including, but not limited to, victims and suspected victims of domestic abuse and domestic violence.

## 5. Parenting Coordination Agreements, Reports, and Decisions

- a. Parties shall sign and abide by agreements reached during a parenting coordination session, which shall be maintained in the parenting coordination file. The parenting coordinator shall provide a copy to each party and their attorneys, if any.
- b. **Upon request by the Court or at the parenting coordinator's discretion, the** parenting coordinator shall prepare a written report including, but not limited to, all of the following:
  - i. Dates of parenting coordination session(s);
  - ii. Whether the parenting coordination session(s) occurred or was terminated;
  - iii. Requests to reschedule a parenting coordination session(s), including the name of the requestor and whether the request was approved;
  - iv. Whether an agreement was reached on some, all, or none of the issues;
  - v. Who was in attendance at each session(s);
  - vi. The date and time of a future parenting coordination session(s);
  - vii. Whether any decisions were written and if so, the date(s).
- c. The parenting coordinator shall first attempt to assist the parties in reaching an agreement that resolves the dispute. If the parties are unable to reach an agreement, the parenting coordinator shall issue a written decision that is effective immediately and remains effective unless otherwise ordered by the Court. The parenting coordinator shall provide copies to the parties and their attorneys, if any. The decision shall be immediately filed with the Court and include all of the following:
  - i. Case caption, including the case number;
  - ii. Date of the decision;
  - iii. The decision of the parenting coordinator;
  - iv. Facts of the dispute and facts upon which the decision is based;
  - v. Reasons supporting the decision;
  - vi. The manner in which the decision was provided to the parties;
  - vii. Any other necessary information.
- d. **A party may file written objections to a parenting coordinator's decision with the** Court and serve all other parties to the action within fourteen days of the filing date of the decision. If any party timely files objections, any other party may also file objections with the Court and serve all other parties to the action, not later than ten days after the first objections are filed. A hearing may be scheduled, upon request, at the discretion of the Court. A judge or magistrate shall issue a ruling on the objections within thirty days from the date of the last objection filed.

## 6. Parenting Coordinator Evaluations and Complaints

- a. A parenting coordinator shall provide participants with the Parenting Coordinator Evaluation form, provided by the Court, prior to the first parenting coordination session and at the end of the term of the appointment.
- b. The Court shall complete a review of the parenting coordinators on the **Court's** roster in January of each year.

- c. A party to a case appointed to parenting coordination may file a complaint regarding the parenting coordinator within one year from the termination of the appointment. The complaint shall be submitted to the Court, and include all of the following:
  - i. The case caption and case number;
  - ii. The name of parenting coordinator
  - iii. The name and contact information for the person making the complaint;
  - iv. The nature of any alleged misconduct or violation;
  - v. The date the alleged misconduct or violation occurred.
- d. The Court shall provide a copy of the complaint to the parenting coordinator.
- e. The parenting coordinator has fourteen days from the date of the receipt of the complaint to respond in writing to the Court.
- f. The Court shall conduct an investigation into the allegations and shall issue a response within thirty days from the date the complaint was filed.

#### 7. Fees

Parenting coordinator fees and expenses shall be included in the appointment order and paid by the parties. When the parenting coordinator is a court employee, the initial fee shall be \$150 per person unless otherwise ordered by the Court, and may be subject to further costs upon review by the Court.

#### 8. Stay of Proceedings

Unless otherwise provided by court order, referral of a case to parenting coordination stays a case until further notice. The Clerk of Court shall not accept for filing any documents while a case is in parenting coordination with the following exceptions:

- a. **An objection to a parenting coordinator's decision;**
- b. A motion to lift the stay;
- c. A response to a motion to lift the stay;
- d. An application to dismiss the case;
- e. A notice related to counsel;
- f. A motion for changes in the designation of the primary residential parent or legal guardian.
- g. A motion for changes in the primary placement of a child.
- h. A motion regarding matters unrelated to the issues referred to the parenting coordinator.

#### F. Confidentiality and Privilege

Except as provided by law, communications made as part of parenting coordination, including communications between the parties and their children and the parenting coordinator, communications between the parenting coordinator and other relevant parties, and communications with the Court, shall not be confidential. Except as provided by law, parenting coordination shall not be privileged.



#### G. Public Access

The files maintained by a parenting coordinator but not filed with the Clerk of Court or submitted to the Court shall not be available for public access pursuant to Rules 44 through 47 of the Rules of Superintendence for the Courts of Ohio.

#### H. Model Standards

The Court and a parenting coordinator shall comply with the "Guidelines for Parenting Coordination" developed by the Association of Family and Conciliation Courts Task Force on Parenting Coordination. Wherever a conflict exists between the "Guidelines for Parenting Coordination" and this rule, this rule shall control.

#### I. Sanctions

The Court may impose sanctions for any violation of this rule which may include, but is not **limited to, attorney's fees and other costs, contempt, or other appropriate non-financial** sanctions at the discretion of the Court. The Court may consider sanctions as recommended by the parenting coordinator.

RULE 7.11 (FKA RULE 23)  
PARENT EDUCATION PROGRAM

- A. In all divorce, dissolution and legal separation cases with child(ren), the parties shall, unless excused by the Court for cause shown, successfully complete the Court sponsored Parent Education Class that has been approved by the Court.
  
- B. In divorce cases and legal separation cases, along with service of the Complaint, the Clerk of Court shall serve the Defendant with an order to complete the online Parent Education Class. The Clerk of Court shall further serve the Plaintiff with the same Order by ordinary mail. The parties shall complete the class within sixty (60) days of service of the Complaint.
  
- C. In dissolution cases, within seven (7) days of the filing of the Petition, the Clerk of Court shall, by regular mail, serve both parties with an order to complete the online Parent Education Class. The parties shall complete the class within sixty (60) days of the filing of the Petition or prior to their hearing date, whichever is sooner.
  
- D. Ashtabula County Mediation & Conflict Management Services shall file a notice with the Clerk of Court after each party attends the class.
  
- E. The Court may refuse to conduct a final hearing, or enter a final order allocating the parental rights and responsibilities for a child(ren), or may refuse to grant visitation to or on behalf of any parent who has not completed the Court approved Parenting Class, or may take other action deemed appropriate.

RULE 7.12 (NEW)  
REGISTERING A FOREIGN DECREE/ORDER

A party may file a Petition to Register a Foreign Parenting Order for an order that has been issued outside the State of Ohio, whether they are from another state or another country (See Appendix 4). The Petition to Register a Foreign Parenting Order must have a certified copy from the originating court of the previously issued order. Parties and their minor child(ren) must meet certain residency requirements in order to register their orders.

A Respondent may contest registration of the foreign parenting order. A Request for Hearing to Contest must be filed within 14 days of service of the Petition to Register a Foreign Parenting Order (See Appendix 5). A hearing will be scheduled within 30 days of a request.

If no Request for Hearing to Contest is filed the Court may issue an Order Confirming Registration of Foreign Parenting Order. Once registered, the Court has jurisdiction to enforce and modify these orders.

SECTION VIII.  
ALTERNATIVE DISPUTE  
RESOLUTION

RULE 8.1 (FKA RULE 24)  
DOMESTIC RELATIONS MEDIATION

This Local Rule 9.1 relating to Domestic Relations Mediation incorporates by reference R.C. §2710 ("Uniform Mediation Act") and R.C. §3109.052 (Mediation of Differences as to Allocation of Parental Rights and Responsibilities) and Rule 16 of the Supreme Court of Ohio Rules of Superintendence.

A. Referrals to Mediation

1. In all domestic relations cases with children the parties shall be referred to mediation for assessment. Domestic relations matters where there are no children may also be referred to mediation for assessment by the Court. Additionally, in cases where no children are involved, parties should submit mediation statements in accordance with the order referring the matter to mediation (See Appendix 6). In any domestic relations proceeding, a Motion for Mediation may be filed by the parties and/or their attorneys.
2. In domestic relations matters with children, after both parents have attended the Parent Education Seminar or have completed an online Divorce Education Course approved by Mediation and Conflict Management Services (MCMS), they shall contact the MCMS office to schedule an appointment for an individual mediation assessment.
3. Parties may choose a private mediator whose qualifications, pursuant to Rule 16 of the Supreme Court of Ohio Rules of Superintendence for the Courts of Common Pleas, meet those set forth in Section H of this Rule. All private mediators chosen by the parties pursuant to the Court's Order to Attend Mediation shall complete the forms and evaluations required by the Court.
4. Mediation may be waived upon the filing of a Motion to Waive Mediation which shall have attached a signed agreement of the parties allocating parental rights and responsibilities and visitation rights. A copy of the motion with the signed agreement shall also be provided to the MCMS office.

B. Mediation Reports

The mediator will file a Mediation Status Report with the Clerk of Courts in regard to the status of the mediation process upon completion of the mediation. All Mediation Status Reports shall be in compliance with R.C. §3109.052 and R.C. §2710.03-2710.05.

C. Privilege, Confidentiality and Mediator Disclosures

Mediation communications are privileged as described in R.C. §§ 2710.03 - 2710.05. If the parties believe that confidentiality beyond the scope of privilege is necessary, they may sign a written confidentiality agreement prior to the mediation. Except where otherwise required by law, the mediator shall keep all mediation communications confidential unless all mediation participants and the mediator have consented to

disclosure. All disclosures by the mediator shall be in compliance with R.C. § 3109.052 and R.C. §§2710.03 - 2710.05.

D. Mediation Fees

A fee of one hundred dollars (\$150) shall be assessed on all cases filed with the Court upon referral to the MCMS office as court costs.

E. Family Investigations During Pendency of Mediation

Absent extraordinary circumstances, no family investigation shall be ordered until the mediation has concluded. If a family investigation was previously ordered (and initiated), it shall be suspended during the pendency of the mediation.

F. Ex Parte Orders During Pendency of Mediation

While the case is in mediation, no ex parte orders allocating parental rights and responsibilities shall be entered by the Court, unless extraordinary circumstances are **alleged in an affidavit, which in the Court's discretion justifies** an ex parte order. Absent extraordinary circumstances, an ex parte order which is entered, shall only provide for a physical placement of the children, and that the parents shall not remove the children from the jurisdiction.

G. Procedures

1. The Court shall utilize procedures for all cases that will:
  - a. Ensure that parties are allowed to participate in mediation, and if the parties wish, that their attorneys and other individuals they designate are allowed to accompany them and participate in mediation;
  - b. Screen for domestic violence both before and during mediation;
  - c. Encourage appropriate referrals to legal counsel and other support services for all parties, including victims of and suspected victims of domestic violence;
  - d. Prohibit the use of mediation in any of the following:
    - i. As an alternative to the prosecution or adjudication of domestic violence;
    - ii. In determining whether to grant, modify or terminate a protection order;
    - iii. In determining the terms and conditions of a protection order; and
    - iv. In determining the penalty for violation of a protection order.
  - b. Nothing in this section of this Rule shall prohibit the use of mediation in a subsequent divorce or custody case even though that case may result in the termination of the provisions of a protection order.
2. When violence or fear of violence is alleged, suspected, or present, mediation may proceed only if the mediator has specialized training as set forth in the Qualifications section of this Rule and all the following conditions are satisfied:

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

## H. Qualifications

### 1. General Qualifications and Training

A mediator employed by this Court or to whom this Court makes referrals for mediation of allocation of parental rights and responsibilities, the care of, or visitation with, minor children, abuse, neglect and dependency, or juvenile perpetrated domestic violence cases shall meet the qualifications of and comply with all training requirements of Sup. R. 16.

### 2. Specific Qualifications and Training: Domestic Abuse

A mediator employed by the Court or to whom the Court makes referrals for **mediation of any case shall complete "Specialized Domestic Abuse Issues and Mediation Training" approved by the Supreme Court Dispute Resolution Section.** A mediator who has not completed this specialized training may mediate these cases only if he or she co-mediate with a mediator who has completed the specialized training.

RULE 8.2 (FKA RULE 25)  
CIVIL AND CRIMINAL MEDIATION

This Local Rule 9.2 relating to Common Pleas Court General Division Mediation incorporates by reference the R.C. §2710 ("Uniform Mediation Act") and Rule 16 of the Supreme Court of Ohio Rules of Superintendence.

A. Referrals to Mediation

1. In any civil case, the Court may, upon its own motion or upon the motion of either party, refer the case to mediation. Parties, their attorney and any other individual designated by the party may accompany them to and participate in the mediation. Cases may also be referred to mediation by agreement of all the parties. A defendant in a foreclosure case may request foreclosure mediation by completing a Request for Foreclosure Mediation form. This form is to be delivered to the Mediation and Conflict Management Services (MCMS) office for review as to the appropriateness of mediation.
2. Referral of a case to mediation shall not operate as a stay of proceedings unless otherwise ordered by the Court. Copies of Judgment Entries issued for cases ordered to mediation shall be forwarded to the MCMS office.

B. Mediation Fees

1. A fee of one hundred fifty dollars (\$150) for up to and including three (3) parties and two hundred dollars (\$200) for more than three (3) parties shall be assessed as court costs on all mediated cases. In the event there is a request to reschedule or cancel a mediation session for any reason, except in the case of emergency, this fee shall be assessed when that request is made less than five (5) business days prior to the scheduled mediation session. In the event the case is re-mediated, an additional fee shall be assessed.
2. Where a foreclosure mediation has concluded and the case is returned to the active court docket, a defendant may submit a subsequent Request for Foreclosure Mediation. In the event that case is again mediated, an additional mediation fee shall be assessed.

B. The Mediation Process

1. Participation

Parties so ordered shall participate in the mediation process and cooperate in all matters pertaining to the mediation. Along with face-to-face sessions, the mediation process shall provide an opportunity for parties and their attorneys to engage in whatever other appropriate steps may be helpful in settling the matters in dispute. Unless otherwise ordered, trial counsel, all parties and, if applicable, the principal insurance adjuster(s), with complete authority to settle the case without further consultation, shall personally attend all mediation sessions and be prepared to discuss all relevant issues, including settlement terms. Defendants being represented under a reservation of rights must be present in addition to the insurance



representative. A party other than a natural person must be represented by an officer or authorized employee, and may also be represented by counsel.

## 2. Scheduling mediation

The Court shall direct the MCMS office to schedule a case for mediation. The parties and/or their attorneys may also contact the MCMS office to schedule sessions as needed to resolve the issues in dispute. Rescheduling of cases for mediation shall be done through the MCMS office.

3. If parties have either resided in a common residence or are related by blood, adoption or marriage, and have known or alleged domestic abuse at any time prior to or during the mediation, the parties or their counsel shall disclose such information to the mediation staff. All parties shall participate in any screening required by the Supreme Court of Ohio's Rules of Superintendence Rule 16 prior to, and during the mediation session(s).

## D. Sanctions for Failure to Attend

If parties identified in Section C above fail to attend a duly ordered mediation without good cause, the Court may impose sanctions, including an award of attorney fees and other costs, contempt or other appropriate sanctions.

## E. Privilege and Confidentiality

Mediation communications are privileged as described in R. C. §§ 2710.03 - 2710.05. If the parties believe that confidentiality beyond the scope of privilege is necessary, they may sign a written confidentiality agreement prior to the mediation. Except where otherwise required by law, the mediator shall keep all mediation communications confidential unless all mediation participants and the mediator have consented to disclosure.

## F. Mediator Disclosures

The mediator shall inform the Court who attended the mediation, whether the case settled and whether mediation shall continue. No other information shall be directly or indirectly communicated by the mediator to the Court unless all who hold a mediation privilege have consented to such disclosure. Except where otherwise required by law, the mediator shall keep all mediation communications confidential unless all mediation participants and the mediator have consented to disclosure.

## G. Miscellaneous Procedures

The Court shall:

1. Ensure that parties are allowed to participate in mediation, and if the parties wish, their attorneys and other individuals they designate are allowed to accompany them and participate in mediation;
2. Require screening for domestic violence and the capacity of the parties to mediate, both before and during mediation;
3. Encourage appropriate referrals to legal counsel and other support services for all parties, including victims of and suspected victims of domestic violence;
4. Ensure that any person who is or may be the victim of domestic violence or domestic abuse is fully informed about the mediation process, right to decline participation in the process, and of the option to have a support person present at the mediation sessions.
5. Prohibit the use of mediation in any of the following:
  - i. As an alternative to the prosecution or adjudication of domestic violence;
  - ii. In determining whether to grant, modify or terminate a protection order;
  - iii. In determining the terms and conditions of a protection order; and
  - iv. In determining the penalty for violation of a protection order.

#### H. Mediator Qualifications

##### 1. General Qualifications and Training

A mediator employed by this Court or to whom this Court makes referrals for mediation shall meet the qualification requirements of and comply with all training requirements of Sup.R. 16.

##### 2. Specific Qualifications and Training: Domestic Abuse

A mediator employed by the Court or to whom the Court makes referrals for mediation of any case shall complete **"Specialized Domestic Abuse Issues and Mediation Training"** approved by the Supreme Court Dispute Resolution Section. A mediator who has not completed this specialized training may mediate these cases only if he or she co-mediate with a mediator who has completed the specialized training.

SECTION IX.  
COURT RECORDING AND  
REPORTING

RULE 9.1 (FKA RULE 28)  
ELECTRONIC RECORDING

Pursuant to Rule 11 of the Rules of Superintendence of the Supreme Court of Ohio, the General Division of the Court of Common Pleas may use audio electronic recording devices, and/or video recording systems, or live court reporters for the recording of all court proceedings, at the discretion of the trial judge or magistrate.

In any case in which the trial judge or magistrate has determined, pursuant to this rule, to record the proceedings by use of an audio electronic and/or video device, a party may request the use of a private stenographic reporter. The engagement of the stenographic reporter shall be by agreement of all parties and the reporter shall not seek compensation from the Court. The cost incurred will not be calculated as an element of court costs. The privately employed court reporter will be appointed and sworn as the *ad hoc* Appointed Court Reporter by the Trial Judge and an entry recording such appointment shall be filed with the Clerk of Courts in the case file.

A. Definitions

1. The transcript of proceedings is the part of the record that reflects the events in the trial not represented by the original papers. Essentially it is the testimony of witnesses and the oral participation of counsel and the Trial Judge as recorded by stenographic, or electronic audio recording.
2. The Court Reporter is a person employed by the Court and appointed by journal entry pursuant to O.R.C. 2301.18 and O.R.C. 2301.20.
3. An Appointed Court Reporter is appointed by the Trial Judge to prepare transcriptions of electronic audio recordings of court proceedings, or is privately employed by trial counsel and appointed *ad hoc* by the Trial Judge.
4. Transcription is the process of converting stenographic, or audio recording (transcript) into a typed format.

In cases in which audio electronic and/or video recording is utilized, the Court Reporter shall maintain permanent custody of the CD-ROM's on which original electronic audio recordings of proceedings are recorded and shall have access to the server on which the recording is backed up on a daily basis. Discs copied from the original recording on the server may be destroyed after three (3) years.

Any person may request an electronic copy of the audio record of proceedings, or a portion thereof by submitting a request to the Court Reporter. A fee of \$5.00 per CD shall be paid to the Clerk of Courts for copies of the audio record.

The Court Reporter and Appointed Court Reporters shall take an oath to faithfully and impartially discharge the duties of such position.

A transcription is ordered by submitting a written request on the court-approved form entitled "Transcription Request" to the Court Reporter, who will secure the preparation of the transcription. No transcription will be prepared without such a request being filed. The original of the request shall be filed in the case file.

The costs for preparing the transcription will be billed to the party and/or persons ordering the transcription and other recipients of the transcription in accordance with the fee schedule which is on file with the Clerk of Courts. In the case of indigent criminal appeals, the appropriate documentation for compensation shall be submitted.

Transcriptions for appellate purposes shall be prepared in accordance with Appellate Rule 9(A) and (B).

RULE 9.2 (FKA RULE 29)  
TRANSCRIPTS

Any party or counsel requesting or requiring a transcript of any proceedings for any purpose shall notify the Official Court Reporter directly of the request and obtain an estimate of the anticipated cost (See Appendix 7). One-half (½) of such estimate shall be paid in advance to the Official Court Reporter with the balance due upon delivery of the transcript.

Such compensation shall be paid forthwith by the party for whose benefit a transcript is made. Transcripts requested by the prosecuting attorney or an indigent defendant in criminal cases or by the trial judge in either civil or criminal cases, and for copies of decisions and charges furnished by direction of the Court shall be paid from the County Treasury and taxed and collected as costs.

Pursuant to Ohio Revised Code Section 2301.24, the compensation of the Official Court Reporters of the Ashtabula County Common Pleas Court for making transcripts is hereby fixed as follows:

ALL CRIMINAL, DOMESTIC, CIVIL & JUVENILE

\$4.00 per page for One Original.

\$1.00 per page for One Copy to someone who is not a party to the case (This includes co-defendants).

**\$0.25 per page "at cost" rate for Official Court Reporters to provide hard copies (Public records rate currently charged in our Clerk of Courts Office).**

\$5.00 per page for Expedited Transcripts (Expedited to be within 72 hours, depending on length and requested delivery date).

\$6.50 per page for Daily Copy (depending on length).

REALTIME RATES: (Upon Request to Purchase Same)

(\$1.00 additional per page; an Original should ALWAYS be ordered with a Purchased Real-time Feed.)

Real-time & Regular Delivery = \$5.25 per page

Real-time & Expedited Delivery = \$6.25 per page

Real-time & Daily Copy Delivery = \$7.25 per page

RULE 9.3 (FKA RULE 30)  
DESTRUCTION OF STENOGRAPHIC NOTES AND EXHIBITS

Any stenographic notes, pen shorthand notes, reel-to-reel tapes, index cards and notebooks of any Court Reporter presently or in the past employed by the Ashtabula County Court of Common Pleas that are ten (10) or more years old may be destroyed, without notice to **counsel or the parties, at said Court Reporter's discretion.**

Any exhibits may be destroyed after any appeal period has run by the following procedure. The Court Reporter shall notify counsel in writing to determine whether or not they desire the exhibits returned to them or if they wish the exhibits to be destroyed. If counsel declines the return of exhibits, or if counsel do not respond within sixty (60) days of the inquiry, the Court Reporter may destroy the exhibits. The Court Reporter shall file with the Clerk of Courts Office notice of the final return of exhibits to counsel or notice of their destruction. Exhibits from criminal cases shall be returned to the Office of the Prosecuting Attorney or the appropriate law enforcement agency to be disposed of according to law. Said destruction **of exhibits shall also be at the Court Reporter's discretion.**

SECTION X.  
MISCELLANEOUS



RULE 10.1 (FKA RULE 40)

CONDITIONS FOR BROADCASTING AND PHOTOGRAPHING COURT PROCEEDINGS

Recording, photographing, and/or broadcasting of court proceedings:

- A. **"Court Proceedings"** means the inside of the courtroom whether or not court is in session.
- B. Recording, photographing, and/or broadcasting of court proceedings in any manner with any device by spectators is prohibited. Cell phones and electronic devices must be turned off prior to entering the courtroom.
- C. There shall be no filming, videotaping, recording, or photographing of jurors under any circumstances.
- D. There shall be no filming, videotaping, recording, or photographing of victims or witnesses by spectators under any circumstances.
- E. News media representatives shall not film, videotape, record, or photograph victims or witnesses who object to such. The presiding judge shall inquire of each witness.
- F. There shall be no audio pickup or broadcast of conferences conducted between attorneys, between attorneys and clients, or between counsel and the Judge unless said conferences are in open Court and intended to be heard by individuals other than the individuals involved in the conference.
- G. Court staff, Court security officers, or law enforcement officers directed by the Court are authorized to seize and inspect devices suspected of being used in violation of these rules. Violators will be subject to sanction for contempt of court.
- H. Broadcasting, televising, filming, recording, or the taking of photographs by news media representatives, shall be permitted only in accordance with the conditions set forth in this Rule.
- I. News media representatives must receive authorization from the Court for broadcasting, televising, filming, recording, or the taking of photographs in the courtroom. The authorization shall be in writing and only **upon submission of the "Request for Permission to Photograph, Televise, Record, or Broadcast Court Proceedings"** form utilized by the Court.
- J. **The "Request for Permission to Photograph, Televise, Record, or Broadcast Court Proceedings" form shall be filed** at least twenty-four (24) hours prior to the scheduled hearing (See Appendix 8). Authorization is hearing specific; a new request must be submitted prior to each hearing that news media representatives wish to cover. The Court may waive the advance notice for good cause. All applications shall become a record of the proceedings
- K. Any audio recording equipment shall be fully visible to the court, counsel, and witnesses.

- L. No more than one video camera with one operator shall be permitted in the courtroom, during the proceedings.
- M. No more than one still photographer with one camera shall be permitted to take photographs during the proceedings.
- N. No more than one audio system with one operator for radio broadcast purposes shall be permitted in the courtroom during these proceedings.
- O. Arrangements between or among media for "pooling" of equipment shall be the responsibility of the media representatives authorized to cover the proceedings. Such arrangements are to be made outside the courtroom and without imposing on the judge or court personnel. In the event disputes arise over such arrangements between or among media representatives, the Court shall exclude all contesting representatives from the proceedings.
- P. No artificial lighting, other than that normally used in the courtroom, shall be employed. Electronic or photographic equipment which produces distracting sound or light is prohibited.
- Q. The judge shall specify the place or places in the courtroom where the operators and equipment are to be positioned. Movement shall be restricted to that location. Media representatives shall not be permitted to move about in the courtroom during court proceedings except to enter or leave the courtroom.
- R. A media representative who leaves the courtroom during the proceedings shall not be permitted to re-enter until the time of a recess or other adjournment in the proceedings.
- S. The changing of film or other camera or equipment adjustments in the courtroom during court proceedings is prohibited.
- T. The failure of any media representative to comply with the conditions prescribed in this Rule, or any distractions resulting from broadcasting, televising, recording, or photographing will result in revocation of the authorization and such other sanctions as may be warranted.

RULE 10.2 (FKA RULE 41)  
PUBLIC POSTING OF NOTICES

The three public places designated for the posting of notices pursuant to Civ.R. 4.4(A)(2) are:

1. Ashtabula County Department of Human Services located at 2924 Donahoe Drive Ashtabula, Ohio 44004
2. The Country Neighbor Office located at 39 South Maple Street Orwell Ohio 44034
3. Ashtabula County Court of Common Pleas located at 25 W. Jefferson Street, Jefferson, Ohio 44047.

RULE 10.3 (FNA RULE 42)  
RESTITUTION

The Clerk of Courts for the Ashtabula County Common Pleas Court shall collect restitution and applicable surcharge.

# SECTION XII.

# APPENDIXES

APPENDIX 1.....	Filing Designation Form
APPENDIX 2.....	Confidentiality Form
APPENDIX 3.....	Speedy Trial Form
APPENDIX 4.....	Petition to Register Foreign Parenting Order
APPENDIX 5.....	<b>Request for Hearing to</b> Contest Registration of Foreign Parenting Order
APPENDIX 6.....	Mediation Statement Form
APPENDIX 7.....	Transcript Request Form
APPENDIX 8.....	Media Request Form

**APRIL DANIELS  
ASHTABULA COUNTY CLERK OF COURTS  
25 WEST JEFFERSON STREET  
JEFFERSON, OHIO 44047-1092**

FILING DESIGNATIONS

The Court asks that you determine the type of case you are filing and mark it on this form, which you will give the Clerk of Courts at the time of filing.

Case Number

Judge

CASE CAPTION:

PLAINTIFF

VS

DEFENDANT

CONTACT PHONE#

EMAIL ADDRESS

IS THIS A REFILED CASE?

IF YES, WHAT IS THE

THE PREVIOUS CASE NUMBER?

CIVIL CASES:

- A Medical Malpractice (Professional Tort)
- A Professional Tort (all other)
- B Product Liability
- C Other Tort (including personal injury)
- D Workers Compensation
- E Foreclosures
- F Administrative Appeal
- G Complex Litigation (Use H-Other Civil Action Code with initiation of the case)
- H Other Civil
- I Criminal

DOMESTIC:

- A Termination of Marriage with Children
- B Termination of Marriage without Children

(A and B include Divorce, Alimony, Annulment, and Legal Separation)

- C Dissolution of Marriage with Children
- D Dissolution of Marriage without Children
- E Change of Custody
- E Complaint for Custody (DR Miscellaneous)
- F Visitation Enforcement/Modification
- F Complaint for Visitation (DR Miscellaneous)
- G Support Enforcement/Modification
- G Complaint for Support (DR Miscellaneous)
- H Domestic Violence
- I U.R.E.S.A.
- K All Others

**ASHTABULA COUNTY CLERK OF COURTS  
25 WEST JEFFERSON STREET  
JEFFERSON, OH 44047-1092**

\_\_\_\_\_) )  
**PLAINTIFF** ) )  
 ) )  
**vs.** ) )  
 ) )  
\_\_\_\_\_) )  
**DEFENDANT** ) )  
 ) )  
 ) )

**Case No.** \_\_\_\_\_

**CONFIDENTIAL**

**PLAINTIFF:** \_\_\_\_\_ **DEFENDANT:** \_\_\_\_\_

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

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

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

\_\_\_\_\_

**CHILDREN**

**Name(s):** \_\_\_\_\_ **Date of Birth:** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**CC: ASHTABULA COUNTY CHILD SUPPORT ENFORCEMENT AGENCY**





**IN THE COURT OF COMMON PLEAS  
DOMESTIC RELATIONS DIVISION  
ASHTABULA COUNTY, OHIO**

CASE NO. \_\_\_\_\_

\_\_\_\_\_  
PETITIONER

\_\_\_\_\_  
ADDRESS

\_\_\_\_\_  
CITY, STATE, ZIP CODE

vs.

JUDGE: \_\_\_\_\_

\_\_\_\_\_  
PETITIONER

**PETITION TO REGISTER FOREIGN  
PARENTING ORDER WITH NOTICE**

\_\_\_\_\_  
ADDRESS

\_\_\_\_\_  
CITY, STATE, ZIP CODE

1. Petitioner requests that the Court register and confirm the attached foreign parenting decree or order under Chapter 3127 of the Ohio Revised Code for the purpose of:

- \_\_\_ Enforcing its child custody determination.
- \_\_\_ Modifying its child custody determination.
- \_\_\_ Enforcing and modifying its child custody determination.

2. The foreign parenting order was entered in the State or Country of \_\_\_\_\_ on *(date)* \_\_\_\_\_, as follows:

Caption of Action	_____
Title of Decree or Order	_____
Name of Issuing Court	_____
Location of Issuing Court	_____
	<i>City, State</i>

3. The following child(ren) are subject to the order:

<u>Name(s):</u>	<u>Date of Birth:</u>
_____	_____
_____	_____
_____	_____

4. Petitioner was awarded \_\_\_ custody \_\_\_ parenting time/visitation/companionship of the child(ren). Petitioner is the:

- \_\_\_ Mother
- \_\_\_ Father
- \_\_\_ Other person acting as parent *(specify relationship)* \_\_\_\_\_ of the child(ren).



**IN THE COURT OF COMMON PLEAS  
DOMESTIC RELATIONS DIVISION  
ASHTABULA COUNTY, OHIO**

\_\_\_\_\_  
PETITIONER

CASE NO. \_\_\_\_\_

vs.

JUDGE: \_\_\_\_\_

\_\_\_\_\_  
RESPONDENT

**REQUEST FOR HEARING TO  
CONTEST REGISTRATION OF  
FOREIGN PARENTING ORDER**

Respondent, the non-registering party, (*name*) \_\_\_\_\_, pursuant to R.C. 3127.35, contests the validity of the foreign (out-of-state) parenting order registered in the above-captioned matter based on the following defense(s).

The foreign parenting order should not be confirmed because:

*(Check all applicable)*

\_\_\_\_\_ The issuing court did not have jurisdiction to enter the order because:

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

\_\_\_\_\_ The foreign parenting order has been vacated, stayed, or modified by a court with appropriate jurisdiction. The order that vacated, stayed, or modified the register order is attached and was entered, as follows:

State or Country	_____
Caption of Action	_____
Date of Order	_____
Title of Order	_____
Name of Issuing Court	_____
Location of Issuing Court	_____
	<i>City, State</i>

\_\_\_\_\_ Respondent was entitled to notice in the proceedings when the foreign parenting order was entered but was not given proper notice, as follows:

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

Respondent requests a hearing to present evidence in support of the claimed defense(s).

Respectfully submitted,

\_\_\_\_\_  
PRINT NAME

\_\_\_\_\_  
SIGNATURE

ADDRESS

\_\_\_\_\_  
CITY, STATE, ZIP CODE

\_\_\_\_\_  
DAYTIME TELEPHONE NUMBER

CERTIFICATE OF SERVICE

I certify that I mailed a copy of the Request for Hearing to Contest Registration of Foreign Parenting Order by ordinary U.S. mail on \_\_\_\_\_ on \_\_\_\_\_, 20\_\_ to:

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

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

CITY/STATE/ZIP CODE: \_\_\_\_\_

\_\_\_\_\_  
**SIGNATURE**

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

\_\_\_\_\_  
**Plaintiff(s)**

**Vs.**

\_\_\_\_\_  
**Defendant(s)**

**Case No.:** \_\_\_\_\_

**Judge:** \_\_\_\_\_

**CONFIDENTIAL MEDIATION**  
**STATEMENT**

**I. Name and Title, if any, of the client, authorized representative, and/or insurance adjuster having primary responsibility for this matter who will be attending mediation:**

**II. Summary of the key factual and legal issues involved:**

**III. Status of the discovery including what discovery has occurred and what is still outstanding:**

**IV. Status of the Settlement discussions including history of demands and offers:**

**V. Expert Reports being using for evaluation or proof in the case:**

**VI. Any other information you feel is helpful to the mediator in facilitating this mediation:**

**Attorney Submitting Mediation Statement:** \_\_\_\_\_

**Attorney for:** \_\_\_\_\_

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

\_\_\_\_\_

\_\_\_\_\_

**Telephone:** \_\_\_\_\_

**Email:** \_\_\_\_\_

**Dated this** \_\_\_\_\_ **day of** \_\_\_\_\_, \_\_\_\_\_.

**Email Mediation Statement to:** [aedudik@ashtabulacounty.us](mailto:aedudik@ashtabulacounty.us)

**Court of Common Pleas  
Ashtabula County, Ohio**

**JUDGE:** \_\_\_\_\_

**TRANSCRIPT REQUEST**

I hereby request that the Court prepare a transcript of the following proceedings held in this Court:

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

Case Number: \_\_\_\_\_

Date(s) of Hearing: \_\_\_\_\_

Portions of hearing desired: \_\_\_\_\_

\_\_\_\_\_

For Jury Trials, include voir dire:

‘ YES

‘ NO

Person responsible for payment: \_\_\_\_\_

If an appeal is being filed, a typed transcript must be prepared by the Court Stenographer/Transcriptionist. Arrangements for payment for typed transcripts are made directly with the Court Stenographer/Transcriptionist preparing it. Once the transcript is requested, the Court Stenographer/Transcriptionist will provide an estimated fee. Fifty percent (50%) of the estimated fee must be paid in advance to prepare the transcript. Once the transcript is completed, the balance due must then be paid in order for the transcript to be released and/or filed with the Court.

If payment in advance has not been received for the cost of preparing the transcript within fourteen (14) days, and no court order has been issued for the transcript to be prepared at the State’s expense, no further action will be taken.

Person ordering the transcript: \_\_\_\_\_

Relationship to parties: \_\_\_\_\_

Date ordered: \_\_\_\_\_

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

Phone Number: \_\_\_\_\_

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

Signature: \_\_\_\_\_

IN THE ASHTABULA COUNTY COURT OF COMMON PLEAS  
25 West Jefferson Street  
Jefferson, Ohio 44047

Request to Broadcast, Televise, Record or Photograph a Session of the Ashtabula County Court of Common Pleas

The undersigned media representative requests permission on behalf of the below-referenced media organization to broadcast, televise, record and/or photograph all or a portion of a session of the Ashtabula County Court of Common Pleas on the date referenced below.

Media Representative: \_\_\_\_\_

Media Organization Name: \_\_\_\_\_

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

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

E-Mail: \_\_\_\_\_

Date of Court session: \_\_\_\_\_ Case No. \_\_\_\_\_

Case Caption: \_\_\_\_\_

Judge: \_\_\_\_\_

Medium to be used (check all that apply):

\_\_\_\_\_ Broadcast \_\_\_\_\_ Televise \_\_\_\_\_ Record \_\_\_\_\_ Photograph

Names of Media Representative Attending Court Session (List all attending personnel)

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

I certify that I am familiar with the contents of the Rules of Court of Judge \_\_\_\_\_ and Rule 12 of the Rules of Superintendence of the Court of Ohio, and will strictly abide by these rules.

Date submitted: \_\_\_\_\_

Signature of Media Representative: \_\_\_\_\_

\_\_\_\_\_ Approved \_\_\_\_\_ Disapproved

\_\_\_\_\_  
Signature of Judge