

**COURT OF COMMON PLEAS
JUVENILE DIVISION
LOCAL RULES
FOR**

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LOCAL RULES
OF
PROCEDURE
IN THE JUVENILE DIVISIONS
OF
THE COURTS OF COMMON PLEAS OF DEFIANCE, HENRY
AND WILLIAMS COUNTIES, OHIO

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CHAPTER 1 -- GENERAL PROVISIONS

JR 1.1 Purpose and Applicability

- (A) The following Local Rules are adopted by the Juvenile Divisions of the Courts of Common Pleas of Defiance, Henry and Williams Counties (hereinafter referred to as "the Court") to provide the fair and expeditious administration of juvenile justice. The provisions herein are to be construed and applied to eliminate delay, unnecessary expense and all other impediments to a just determination of juvenile cases.
- (B) These Rules may be amended upon the approval of the judges of the Court.
- (C) Failure to comply with these Rules may result in appropriate sanctions, including but not limited to, an award of attorney fees, costs and dismissal of the action or granting of judgment.
- (D) The term "Judge" as set forth in these rules means a judge exercising authority as a judge for the Court pursuant to order, rule, or statute. The term "Magistrate" as set forth in these rules means a duly appointed magistrate.
- (E) The term "Rules" as set forth in these rules means the local rules of the Court as set forth herein.
- (F) The terms "this Court", "the Court" and "Court" shall be interpreted to mean the Court and its actions as directed by the judges or through the magistrates of the Court. All rules, unless specifically set forth to the contrary, shall apply equally in proceedings before the judges and magistrates of the Court.
- (G) The Rules of Superintendence for the Courts of Ohio as promulgated from time to time and amended by the Ohio Supreme Court are hereby adopted as rules of this Court except as they may be modified or implemented herein.
- (H) All Forms approved by the Supreme Court of Ohio as part of their Uniform Standardized Forms shall be accepted for filing by the Clerk of Courts provided the forms have not been altered, are properly completed and have the filing fee, if applicable. All filings by self-represented parties are subject to compliance review and approval by the Court prior to filing (see Local Rule 25.1). The Clerk of Courts cannot give instructions or legal advice regarding the parties' rights, responsibilities or legal options.

JR 1.2 Court Hours

The Court is in session from 8:30 AM until 4:30 PM Monday through Friday unless it is a holiday or unless otherwise ordered in a given county by the Judge of that county's Juvenile Court.

JR 1.3 Court Security

(A) Appropriate levels of security should exist in the Court to protect the integrity of Court procedures, protect the rights of individuals before it, deter those who would take violent action against the Court or litigants, sustain the proper decorum and dignity of the Court, and assure that Court facilities are secure for all those who visit and work here.

(B) Pursuant to Rule 9 of the Rules of Superintendence for the Courts of Ohio:

1. The Court has appointed a local security advisory committee, consisting of one representative of each of the following groups: judges, law enforcement responsible for court security, commissioners, and other bar and community groups as deemed appropriate by the Court.
2. The Court has implemented a local security policy and procedure plan that has addressed the Ohio Court Security Standards adopted by the Supreme Court of Ohio on October 17, 1994.

(C) The Court shall adopt a security operations manual, which manual shall set forth written directives for the purpose of ensuring security within the Court while maintaining accessibility to the community.

CHAPTER 2 -- RECORDS

JR 2.1 Family File – Confidential Records and Documents

- (A) Documents filed in any case containing sensitive personal information shall be date-stamped and kept in a separate Family File to be maintained by the clerk and in such location as the clerk deems appropriate.
- (B) The family file shall contain the following items:
- (1) Tax returns;
 - (2) Reports of psychological or custody evaluations;
 - (3) Medical reports;
 - (4) Reports of supervised parenting time or supervised parenting time exchanges;
 - (5) Reports of a home study evaluator or Guardian *ad litem*;
 - (6) Reports of medical or drug testing;
 - (7) Application for child support services;
 - (8) Letters to the Court from parties, child(ren) and/or other individuals;
 - (9) Victim impact statements;
 - (10) School reports;
 - (11) Reports of investigations for the allocation of parental rights and responsibilities;
 - (12) Disclosure affidavits indicating property, debts, or income;
 - (13) Other items as directed by the Court.
- (C) Upon motion of any party or upon the Court's own motion, other documents containing sensitive personal information may be ordered to be kept in the Family File. If there are documents which are to be filed in the "public file" containing social security numbers or any other individual identifying information, the same shall be redacted on those documents in the Official File.
- (D) The Official File shall contain, in place of the document contained in the Family File, a Notice of Filing prepared by the Deputy Clerk reflecting the filing of the document and the date thereof (e.g., "Notice is hereby given that on [date of filing] a [name of document] was filed by [person or party filing document], which shall be maintained in the Family File").
- (E) In the event the Court conducts an *in camera* interview of any child, upon request of any party or in its own discretion, the Court shall hold the transcript thereof, if any, in the Family File. A transcript of said recording shall only be made available to counsel or to the parties after the filing of Objections to a Magistrate's Decision to the Court or an appeal to the Court of Appeals. Otherwise, the recording shall not be made available to a party, counsel or any other individual or entity without court approval.
- (F) Contents of the Family File may be inspected and reviewed by the following individuals in the performance of their duties or as the Court may direct:
- (1) Parties;
 - (2) A party's attorney of record;
 - (3) County's CSEA counsel;
 - (4) Mediators appointed to a case;
 - (5) Court Personnel;

- (6) Guardians Ad Litem appointed to a case;
- (7) Home Investigators appointed to a case;
- (8) Parenting coordinators appointed to a case.
- (9) Custody evaluators appointed to a case

Other individuals may request and review the contents of the family file through Court Motion to Review Family File Court Form #1a. The Court may order the same upon good cause shown through Court Form #1b. Any person who copies the contents of the family file, posts on social media or other mediums or discloses all or portions of the family file to another person, without prior approval, shall be subject to Court action including penalties for contempt which include incarceration and fines.

JR 2.2 Official File and Probation File

In addition to those cases in which a Family File, as described above in JR 2.1, is kept, two types of records may be maintained in delinquency, unruly and juvenile traffic offender cases. One type of those records shall be designated as the official file. The other type of those records shall be designated as the probation file which shall be kept for use by the Court, the probation staff, support services and counsel of record.

JR 2.3 Obtaining Copies of Records, Reviewing Records

- (A) Copies of documentary records which are not set forth in rule JR 2.1 shall be furnished by the clerk to persons entitled by law to have such copies, upon payment of the fee as directed by the Court and upon presentation of a completed records request form. Records, transcripts, and copies of electronically recorded transcripts pertaining to cases not listed in rule JR 2.1 provided to parties pursuant to subsections (A) through (C) of this rule, by statute, or pursuant to the rules governing the Courts of Ohio shall be subject to an ongoing order of the Court that no public use may be made of such records or transcripts.
- (B) Pursuant to Rule 11 of the Ohio Rules of Superintendence, upon request of any party to any proceedings before the Court, the Court may permit review of any unsealed electronically recorded transcript by such party. Upon any party's request to obtain a copy or copies of unsealed electronically recorded transcripts, the Court shall provide such copy or copies to the requesting party, subject to the restrictions set forth in subsection (A) of this rule.
- (C) Blank Record Request Forms (Form 3) and blank Application and Order to Prepare Transcript (Court Order 6) forms shall be available upon request.
 - (1) Except as otherwise provided in section (D) of this rule, transcripts of proceedings shall be provided only for the purpose of an appeal, an objection or other use as authorized by the Court.
 - (2) Except as otherwise provided in section (D) of this rule, all transcripts prepared by the Court shall contain this disclaimer in bold, clear, and conspicuous type on the front page thereof:

THE COURT HAS PROVIDED THIS TRANSCRIPT FOR THE SOLE PURPOSE OF AN APPEAL OR OBJECTION OR OTHER PURPOSE. PURSUANT TO OHIO JUVENILE RULE 37, ANY PUBLIC USE OF ANY PART OF THIS DOCUMENT BY ANY PERSON OR PARTY, WITHOUT THE CONSENT OF SAID COURT, IS PROHIBITED. COPYING OF ANY PART OF THIS TRANSCRIPT BY ANY PERSON OR PARTY MAY SUBJECT SAID PERSON OR PARTY TO SANCTION BY THIS COURT FOR CONTEMPT OF COURT. DISTRIBUTION OR DISSEMINATION OF ANY PART OF THIS TRANSCRIPT, BY ANY PERSON OR PARTY, TO ANY OTHER PERSON OR PARTY FOR ANY PURPOSE OTHER THAN SAID APPEAL OR OBJECTION MAY, REGARDLESS OF THE MEANS OF DISTRIBUTION OR DISSEMINATION, SUBJECT SAID PERSON OR PARTY TO SANCTION BY THIS COURT FOR CONTEMPT OF COURT.

- (D) Requests for consent of the Court to use or disseminate records, transcripts, or electronically recorded transcripts prepared or released pursuant to subsections (A), (B), or (C) of this rule other than for appeal or objection, public records requests except those made regarding records listed under rule JR 3.2, requests for copies of records or copies of electronically recorded transcripts except those made available as set forth in rules JR 3.2 and JR 3 (A) through (C) shall be provided in accordance with this subsection:
- (1) Such records and transcripts shall be released only after the parties to the case or cases involved in the request are provided with a reasonable opportunity to be heard on the question of whether or not said records should be open or closed.
 - (2) Upon receipt of the request, the Court shall ascertain the names of and the last known addresses of all of the parties and their counsel of record to the case or cases involved in the request and shall send notice to said parties and their counsel of record by ordinary mail regarding the request.
 - (3) Said notice shall advise the parties and their counsel of the nature of the request and the identity of the person or entity by whom the request was made.
 - (4) In the text of said notice, the Court shall advise the parties that the Court will release the records requested to the requesting person or entity unless a party or their counsel files, within fourteen (14) calendar days of the date of the mailing of the notice, a motion for a closure hearing regarding the request.
 - (5) Upon receipt of a motion for a closure hearing relating to a public records request, the Court shall schedule a preliminary hearing within thirty (30) days of the filing of the motion and shall notify the person or entity making the request, the moving party or parties, and the other parties to the case of the date and time of the preliminary hearing.

(E) The cost of preparation of a printed transcript of any court proceeding shall be paid by the requesting party before the transcript is prepared.

CHAPTER 3 -- COSTS

JR 3.1 Court Cost Deposits

Except in cases wherein the party seeking to file has presented the Court with an affidavit of indigency for filing purposes, any document, pleading, motion, request, objection, petition or complaint filed without payment of the court cost deposit to the clerk, as listed in Appendices B-1 (Defiance County), B-2 (Henry County) and B-3 (Williams County), may be summarily stricken by the Court.

JR 3.2 Affidavit of Indigency

Any party or person requesting a finding of indigency shall complete an affidavit of indigency as set forth in Form 1.

JR 3.3 Payment of Fines, Costs and Fees

Except as permitted by the Court for good cause shown, all ordered fines, costs, supervision fees, child support, and restitution shall be paid prior to the expungement of any delinquency, unruly, juvenile traffic offender, adult criminal case and/or prior to the transfer, certification, or referral of any matter to another jurisdiction.

JR 3.4 Refunds

Any overpayment of amounts owed to the Court in the amount of \$1.00 or less will not be refunded. Amounts over \$1.00 will be refunded to the payor unless otherwise ordered by the Court.

JR 3.5 Outstanding Court Costs

In the event an individual has outstanding unpaid court costs and wishes to reopen a case or file a new case, all outstanding court costs shall be paid prior to the Court accepting the reopening pleading or the new case for filing.

CHAPTER 4 – COMPLAINTS, FILINGS, MOTIONS

JR 4.1 Instructions for Service of Initial Pleadings

All initial pleadings shall include instructions to the clerk indicating the manner of service.

JR 4.2 Instructions for Service of Motions to Show Cause

- (A) All motions to show cause shall be served upon the alleged contemnor with a summons for contempt, pursuant to instructions to the clerk to be filed with the motion.
- (B) All motions to show cause/contempt of Court shall state the date of the prior Court order(s) and the specific provision(s) of the prior Court order(s) that are alleged to be violated.
 - (1) Motions to show cause/contempt of Court shall include an affidavit by the party alleging the contempt, with specificity as to the violations of the Court order.
 - (2) All motions to show cause/contempt of Court alleging non-payment of medical/health care bills shall include the Form titled “Explanation of Health Care Bills” (Form 7), as approved by the Supreme Court of Ohio, Uniform DR forms. This form shall be completed and filed with the motion. The supporting documentation shall be presented at the motion hearing.

JR 4.3 Motions for Ex Parte Orders

- (A) All complaints and other pleadings wherein *ex parte* hearings or orders and/or emergency hearings or orders are requested, shall be accompanied by an affidavit, otherwise supported by documentation attested to under oath, or supported by sworn testimony which specifically sets forth the facts upon which the alleged emergency is based. Complaints or motions that reactivate dormant cases wherein *ex parte* hearings or orders and/or emergency hearings or orders are requested shall also include a request for some type of final order or relief.
- (B) When an emergency or *ex parte* order is issued, the Court will schedule a hearing within ten (10) days if requested or if deemed appropriate by the Court. In the event no request for a hearing is received, the Court shall schedule a hearing within three (3) weeks from the date of service.
- (C) The following language shall be included in all *ex parte* orders:

THE COURT HAS ISSUED AN *EX PARTE* TEMPORARY ORDER BASED SOLELY UPON THE EVIDENCE PROVIDED BY AN OPPOSING PARTY. YOU MAY REQUEST A HEARING ON THIS MATTER. YOU HAVE THE RIGHT TO RETAIN COUNSEL AND SHOULD HAVE RETAINED COUNSEL PRESENT WITH YOU AT ANY HEARING. THIS IS A TEMPORARY ORDER AND THE COURT WILL REVIEW ALL THE EVIDENCE OF THE PARTIES AT ANY REQUESTED HEARING.

JR 4.4 Requirements for Filing

- (A) All documents to be filed with the Clerk as pleadings, motions, applications, judgments and orders shall be on 8½ by 11 inch white paper, typewritten, or printed in a neat and legible manner, securely fastened together and page numbered if consisting of more than a single sheet
- (B) Each paper filed by each party shall designate on the first page thereof the parties, the case number, the name of the judge, the identification of the filing, the name, address, Ohio Supreme Court registration number, telephone number, fax number and e-mail address, if any, of the counsel filing the paper or if there is no counsel, then the party filing the paper.
- (C) All papers shall have a blank space of at least two and one-half (2½) inches at the top of the first page for file marks by the Clerk. All subsequent pages shall have a top margin of not less than one (1) inch.
- (D) All pleadings, motions or other papers of a party represented by an attorney shall be signed by at least one attorney of record. A party who is not represented by an attorney shall sign the pleading, motion or other paper. Unless e-filing documents as set forth in F below, paper copies must contain a physical signature. The Clerk shall reject any filings that are unsigned or contain a proposed “electronic” signature.
- (E) Subsequent to the date of the appointment of a visiting judge, counsel shall supply a copy of all pleadings, motions, or other papers filed for record with the visiting judge.
- (F) All complaints and case plans in all cases, including child support cases, must contain the names, addresses, and dates of birth of all parties to the action (if known or reasonably ascertainable).
- (G) All complaints, filings, pleadings, and motions filed regarding any issue of parentage or child support must contain the names, dates of birth, addresses, of the parents as well as the names of any children subject to such court action (if known or reasonably ascertainable).
- (H) A copy of the birth certificate, court order or the administrative finding which establishes that a parent-child relationship exists between a complainant and the child subject to the jurisdiction of this Court shall be attached to any complaint regarding parentage, custody, visitation, or support as filed by any complainant who claims to have a parental relationship with such child.
- (I) All notices of intent to relocate shall be filed together with a fee, as may be established, to cover the cost of service of said notice, using Form 4. Said notice shall include the address to which the party is relocating, if known, and, at a minimum, the city and state to which he or she is relocating. Such notice must be sent within the following time frames: (1) If relocation within the school district of residence – in advance of the move; (2) If relocating outside the school district of residence -- at least thirty (30) days in advance of the move; (3) If relocating outside

the county of residence -- at least sixty (60) days in advance of the move. Shorter time periods for the filing of the notice of intent to relocate may be granted by the Court for good cause shown.

JR 4.5 Numbers of copies to be filed

Upon the filing of a complaint or any other pleading or motion for which the service of summons by the Clerk of Courts is required, sufficient copies shall be filed so that one copy thereof may be provided to each party

JR 4.6 File shall remain in clerk's office

All papers filed with the Clerk in any action or proceeding shall remain in the Clerk's office except when required by the court. No case shall be removed from the Clerk's office by any party or any attorney.

JR 4.7 Amending a pleading or motion

Pleadings and motions may be amended at such time and in a manner provided by Civ. R. 15. However no pleading or motion shall be amended by interlineation or obliteration, except upon leave of the court.

JR 4.8 E-Filing with the court

The Clerk of Courts will not accept filings by alternative electronic means, including but not limited to facsimile transmission or e-mail, when e-filing is available through the case management system.

Persons filing documents electronically must become registered e-filers with the Clerk of Courts. Registered e-filers will receive a confidential and unique electronic identifier. The e-filer is required to create an account with an on-line payment agent determined by the Clerk of Courts. As each county maintains a different case management system (CMS), please see each individual Clerk of Court's website for their Administrative Order on E-filing procedures.

(A) Time, Effect and Process of E-filing

- (1) Submission: Any filing may be e-filed with the Clerk 24 hours a day, 7 days a week.
- (2) Receipt: Upon receipt, the Court's e-filing system shall issue a confirmation that the submission has been received. The confirmation shall include the date and time of receipt and serve as proof of receipt.
- (3) Clerk Review: The Clerk reviews all electronically filed documents for compliance with court rules, policies, procedures and practices. After review, the document becomes accepted, pending or rejected. Only accepted documents will be filed, docketed and time stamped. If the submission is rejected, the document shall not become part of the Court record.
- (4) Official Time Stamp: Upon acceptance, the submission will be deemed filed and

shall receive an electronic stamp that includes the date and time that the filer submitted the document to the Court's e-filing system.

(B) Official Court Record.

Electronically filed, accepted and docketed documents are the official record of the Common Pleas Court.

The court's electronically filed hearing notices, schedules, orders, decisions, judgments, and other documents are the official court record. The digital signature of a judge or magistrate has the same force and effect as a handwritten signature on a paper document.

(C) No Time Extension.

E-filers must always be aware of the statute of limitations, the savings statute, and similar time limits. It is solely the e-filer's obligation to submit only documents which fully comply with court rules, policies, procedures, and practices. Documents which do not fully comply may be rejected, not docketed, and not filed. The e-filer must allow sufficient time for filing, clerk review, and any necessary re-submission.

Electronic filing does not alter or extend applicable statutes of limitation.

(D) Exceptions to E-filing

Certain documents cannot be e-filed, including but not limited to:

- (1) Civil Protection Orders
- (2) Certificate of judgment
- (3) Execution of judgment
- (4) Subpoenas
- (5) Depositions
- (6) Transcripts
- (7) Original wills and codicils
- (8) Cognovit notes.

(E) Signature line

All Magistrate's decisions and all orders of the Magistrates and Judges shall have the name of the respective Magistrate or Judge printed or typed below their respective signature line.

(F) Uniform Standardized Forms

All forms approved by the Supreme Court of Ohio as part of their Uniform Standardized Forms shall be accepted for filing by the Clerk of Courts provided the forms have not been altered, are properly completed and have the filing fee, if applicable. All filings by self-represented parties are subject to compliance review and approval by the Court prior to filing or, if filed, shall be subject to the court's notification that the matter will not proceed to hearing until the forms have been corrected (see Local Rule JR 4.4). The Clerk of Courts cannot give instructions or legal advice regarding the parties' rights, responsibilities or legal options

JR 4.9 Required Memoranda or Affidavits

All motions shall specify the order or modification requested, the circumstances which justify the order or modification and shall be supported by a memorandum or affidavit that is incorporated into or annexed to the motion. Motions and supporting memoranda or affidavits shall be filed along with a copy for service on parties.

JR 4.10 Entry of Appearance

Unless an attorney has previously been identified in a pleading filed in the matter, an entry of appearance shall be filed with the Court and served upon all other parties.

JR 4.11 Counsel Withdrawal

(A) All motions to withdraw as counsel shall:

- (1) Include the time, date, place, hearing officer, and type of hearing scheduled to be heard subsequent to the filing of the motion;
- (2) Be filed (unless specified exigent circumstances are set forth in the motion) not later than thirty (30) days prior to the next hearing;
- (3) Include a certificate of service verifying service of the motion upon the withdrawing attorney's client as well as all unrepresented parties and counsel of record.

(B) In addition to the requirements as set forth in subsection (A) of this rule, any motions to withdraw filed by court-appointed counsel as well as any court order granting such motions shall include an advisement to the client wherein the client is advised of the necessity of contacting the Court for the purpose of completing an updated affidavit of indigency if the client qualifies.

JR 4.12 Limited appearance by Attorney

By agreement with the client, an attorney's new or existing representation may be limited consistent with Prof.Cond.R. 1.2(c) and Civ.R. 3(B). The attorney must file and serve a "Notice of Limited Appearance" that clearly describes the scope of the limited appearance and states that the limitation has been authorized by the client. When an attorney has entered a limited appearance, any pleading, order, notice, brief or other paper that Civ.R. 5 requires to be served must be served on both the attorney and the attorney's client.

As provided by Civ.R. 3(B), an attorney's limited appearance may be terminated by filing and service of a "Notice of Completion of Limited Appearance." By signing the Notice of Completion of Limited Appearance an attorney certifies under Civ.R. 11 that all of the services for which the attorney was retained have been completed. If no objection to the Notice of Completion of Limited Appearance is filed and served within 10 days, the attorney's withdrawal is complete without the need for leave of court.

CHAPTER 5—DETENTION AND SHELTER CARE HEARINGS

JR 5.1 All juveniles received into shelter care or detention shall be brought before the Judge or Magistrate for a shelter care or detention hearing as provided in Rule 7(F) of the Ohio Rules of Juvenile Procedure. If a parent is unable to attend an initial shelter care hearing or detention hearing or has not received notice of the hearing, a rehearing may be held pursuant to Rule 7(G) of the Ohio Rules of Juvenile Procedure. An objection to the Magistrate's shelter care or detention order shall be filed in writing requesting a review by the Judge, who may or may not, at his or her discretion, hold a rehearing.

CHAPTER 6 – SERVICE BY PUBLICATION

JR 6.1 Service by Publication

- (A) Both service by publication in a newspaper of general circulation within the respective county and by posting is authorized. If service by publication, either in a newspaper or by posting, is needed, the plaintiff shall so inform the assignment clerk at the time of the filing of the pleading or as soon thereafter as possible of the need for service by publication and as to which method will be utilized. Service by publication shall be made in accordance with Ohio Juv. R. 16(A).
- (B) Service by publication may be accomplished through posting and perfection of service as set forth in Ohio Juv.R.16. The party seeking service by publication through posting shall file with the Court:
- (1) A motion requesting service by publication through posting;
 - (2) An affidavit which avers that the residence of the person to be served is unknown and cannot be ascertained with due diligence, the efforts which evidence due diligence in finding a current address or why such efforts are impossible and a last known address, if available;
 - (3) An entry authorizing service by publication through posting;
 - (4) The summary statement required by Ohio Juv. R. 16 to be posted.
- (C) The following locations are hereby designated as locations for posting of notices for service by publication through posting, pursuant to Ohio Juv. R. 16:
- (1) For Defiance County cases:
 - (a) Defiance County Courthouse, 221 Clinton Street, Defiance, OH;
 - (b) Defiance County Department of Job and Family Services, 6879A Evansport Road, Defiance OH;
 - (c) Defiance County Child Support Enforcement Agency, 1300 East Second Street, Suite 204, Defiance, OH.
 - (2) For Henry County cases:
 - (a) Henry County Courthouse, 660 N. Perry Street, Napoleon, OH;
 - (b) Henry County Department of Job and Family Services, 104 E. Washington Street, Suite 102, Napoleon, OH; and
 - (c) Henry County Child Support Enforcement Agency, 104 East Washington Street, Suite 202, Napoleon, OH.
 - (3) For Williams County cases:
 - (a) Williams County Courthouse, One Courthouse Square, Bryan, OH.
 - (b) Williams County Department of Job and Family Services, 11 W. Butler Street, Bryan, OH;
 - (c) License Bureau of Bryan, 13065 County Road D-50C, Bryan, OH

CHAPTER 7 – SCHEDULING AND CASE MANAGEMENT

JR 7.1 Scheduling Cases with Assignment Clerk

All cases and hearings (other than those scheduled from the bench, emergency hearings, and *habeas corpus* hearings as set forth in rules JR 9.2 and JR 9.3) shall be scheduled by the assignment clerk. When requesting a hearing on motions, complaints, petitions or otherwise, the attorney or party shall advise the assignment clerk of the time needed for hearing. Absent such advisement, the assignment clerk shall assign ½ hour of hearing time for the request. If, at the time scheduled for the hearing, it is apparent that insufficient time has been requested, the Court may *sua sponte* continue the matter, placing orders into effect pending that hearing as the Court finds appropriate.

JR 7.2 Establishment of Procedures for Scheduling of Cases

The assignment clerk shall have the authority to establish procedures for the efficient scheduling of cases. Those procedures may include, but shall not be limited to, procedures to assure that cases are ready for pre-trial and trial and procedures to assist in the timely disposition of cases.

JR 7.3 Scheduling Emergency Hearings

Any party requesting an emergency hearing shall first attempt to schedule the same through the assignment clerk. If the assignment clerk cannot schedule the case within an appropriate amount of time, counsel for the requesting party shall then present the request to the judge or magistrate assigned to the case. If the request for an emergency hearing is made by a party proceeding *pro se*, the request shall be presented by a Court staff person to the judge or magistrate assigned to the case or, if no judge or magistrate is assigned, to any judge or magistrate who may be available.

CHAPTER 8 -- CONTINUANCES

JR 8.1 Motion for Continuance

- (A) Except for good cause shown, all motions for continuance shall:
- (1) Comply with the Ohio Rules of Superintendence;
 - (2) Conflicting notices of hearing shall be attached to any motions for continuance requested due to a conflict with a hearing in another Court;
 - (3) Requests for continuance shall be submitted to the judge or magistrate hearing the case, unless he or she is unavailable;
 - (4) A party requesting a continuance shall first obtain consent of opposing counsel or the other party or the matter will be set for hearing;
 - (5) The Court may approve any motion for a continuance for good cause shown after objections have been raised or (in the case of a continuance motion based upon extraordinary and unforeseen circumstances) without waiting for objections to be raised.
- (B) It shall be the responsibility of counsel to notify his or her client(s) or witness(es) in the event that a case is continued.

CHAPTER 9 -- DISCOVERY

JR 9.1 Establishment of Termination Date for Discovery

The judge or magistrate to whom a case is assigned may establish a cut-off date for discovery. Once said date is established, absent further order of the Court to the contrary, no subsequent discovery shall be permitted.

JR 9.2 Motions to Compel Discovery

- (A) No objections, motions, applications, or requests related to discovery shall be filed unless counsel have, in good faith, exhausted among themselves all extrajudicial means for the resolution of differences. If such objection, motion, application, or request is filed, a certificate of counsel setting forth a brief statement of the extrajudicial means employed to resolve the dispute shall be attached thereto.
- (B) Motions, requests, applications, and orders regarding discovery shall be deemed to place an ongoing duty to provide such discovery and supplemental discovery regardless of which procedural phase a case may be at the time of the motion, request, application or order.
- (C) Notwithstanding the limitations of Ohio Juv. Rule 24, in the event that a witness list is requested or ordered to be provided in discovery, the names and most recent addresses of all witnesses shall be deemed to have been requested and/or ordered.

JR 9.3 Limitations on Interrogatories and Requests for Admissions

The total of all interrogatories including subparts served upon any party shall not exceed twenty-eight (28) requests absent leave of Court. Each request requiring a response shall be considered one request for purposes of this rule. The total of all requests for admissions shall not exceed fifteen (15) absent leave of Court.

JR 9.4 Testimony of Child

No child alleged or adjudicated to be dependent, neglected, or abused shall be compelled to testify or appear at any hearing or deposition in that case without the consent of the Court.

CHAPTER 10 -- BONDS

JR 10.1 Appearance bonds for adults shall be fixed by the Judge or Magistrate in each individual case upon arraignment, or at such other times as may be appropriate. The Clerk shall endorse on all warrants for the arrest of adults the amount of bond as may be provided by the Judge or Magistrate for each offense. The issuance of a warrant without endorsement as to the amount of bond shall indicate that the bond must be fixed by the Judge or Magistrate in Court.

The sufficiency of sureties shall be determined by the Judge or Magistrate in each case. When real property is offered as security by a surety, the Court shall require twice the value of the bond in real property as such value shall appear upon the county tax list maintained by the office of the County Auditor.

CHAPTER 11 – HEARINGS AND TRIALS

JR 11.1 Case Termination Schedule

While there may be exceptions due to the peculiarities of a given case, it is the intent of the Court that cases of the following classification be terminated within the time frame set forth from the date of filing:

Allocation of Parental Rights.....	9 months
Establish/Modify Parenting Time.....	9 Months
Support Enforcement/Modification.....	12 Months
Parentage.....	12 Months

JR 11.2 Trial Exhibits and Exhibit Lists

- (A) All documents and exhibits must be marked for identification purposes and shared with opposing counsel at least seven (7) days prior to trial. Failure to do so may result in said documents and exhibits not being admitted into evidence.
- (B) Plaintiff's exhibits are to be marked with Arabic numerals; Defendant's exhibits to be marked with letters; and stipulated joint exhibits to be marked with Roman numerals.
- (C) Exhibit stickers shall also be marked with case number and the date (if a trial is to be conducted over a period of consecutive days it may be dated with the first date of trial).
- (D) Counsel shall also provide opposing counsel and the Court a full and complete Exhibit List of all proposed trial exhibits, including their proper identification, at least seven (7) days prior to trial. Additionally, an updated list, if any, shall be presented to the opposing counsel and the Court prior to the start of trial. In the event there is a Court reporter, a copy of said exhibit list shall be provided to the Court reporter.

CHAPTER 12 -- COURTROOM DECORUM

JR 12.1 Attire and Grooming

All counsel and parties shall be properly attired and groomed when appearing before the Court.

JR 12.2 Children's Attendance at Court

Children shall not be brought to the Court unless scheduled to appear by the Court. In the event that children must be brought to court, adequate supervision must be provided for them. The Court will not be responsible for the care of children during their parents' hearing or mediation.

JR 12.3 Recording or Photography in the Courthouse or During Proceedings

No tape recorders, video cameras, or any other recording or photographic device, including cell phones, shall be permitted in any hearing room absent express consent of the Court. The taking of photographs in the Courtroom, corridors immediately adjacent thereto or lobby and the transmitting or sound recording of such proceedings for broadcasting by radio or television shall not be permitted unless authorized by the Court.

JR 12.4 Food or Drink

No food or drink of any kind (including chewing gum) shall be consumed in any hearing room absent express consent of the Court.

JR 12.5 Identification

Parties must appear at all hearings with government issued photo identification, or other identification acceptable to the Court.

JR 12.6 Cellular Telephones

All cellular telephones will be turned off prior to entering any Courtroom. Recording of any activity within a Courtroom is strictly prohibited pursuant to Rule 5.07. Any party in violation of this policy is subject to seizure of said device.

JR 12.7 Recording

Audio or visual recording of an Officers of the Court, including but not limited to court personnel, home investigators and Guardian *ad Litem*, is strictly prohibited without consent or Order of the Court.

JR 12.8 Attendance by Non-Parties at Court Proceedings

Close family members, who are not joined as parties and who have a significant relationship with the child(ren) or with the parents, may be permitted to attend proceedings, at the Court's discretion, unless a specific objection is raised by a party regarding such attendance and said objection is sustained by the Court.

JR 12.9 Exclusion of Witnesses from Proceedings

All potential witnesses, with the exception of parties and complainants, except when such individual witnesses are testifying, may be excluded from attendance at all proceedings upon motion of any party or of the Court.

JR 12.10 Child Restraint

- (A) Juveniles appearing in the courtroom shall not be physically restrained unless the Judge before whom the juvenile is appearing makes an individualized determination on the record that there is no less restrictive alternative to the use of physical restraints because of either of the following:
- (1) The juvenile represents a current and significant threat to the safety of the juvenile's self or other persons in the courtroom; or,
 - (2) There is a significant risk the juvenile will flee the courtroom.
- (B) A party, as defined by Juv.R.2(Y), court staff, the attorney for the state, attorney for the alleged delinquent party, or attorney for a party may object to the use of restraints either in writing or orally. The Court will review the issue of the use of physical restraints prior at the outset of any action taken by the Court on the record.
- (C) If physical restraint is found necessary by the Judge, the movement of the juvenile's hands must be restrained by the least restrictive means necessary to meet the risk requiring the restraint.
- (D) This Court supports the standard procedures in place by law enforcement or any juvenile detention facility for transport of juveniles, which may require the use of restraints for officer safety and that of the juvenile(s) during transport.

CHAPTER 13 – MAGISTRATE’S DECISIONS AND ORDERS AND OBJECTIONS TO
THEM

JR 13.1 Magistrate’s decisions and orders and any objections thereto shall comply with Juv. Rule 40.

CHAPTER 14 – ORDERS AND JUDGMENT ENTRIES

JR 14.1 Submission of Judgment Entries and Orders to the Court

- (A) Copies of a judgment entry, or an order prepared by counsel, shall be in sufficient quantity so the Clerk of Courts may distribute one to each trial counsel and unrepresented party. One additional copy shall be provided to the Deputy Clerk in all cases involving the payment of child support or medical support or insurance orders so that the same may be provided to the Child Support Enforcement Agency.
- (B) All judgment entries and orders of dismissal by compromise prepared by counsel or entries or orders required to be prepared by counsel pursuant to direction by the Court shall be approved by all counsel of record, and submitted to the Court within twenty-eight (28) days after notice to the Court of settlement or as otherwise agreed by the Court.
- (C) Counsel's failure to submit the appropriate judgment entry or order may result in the Court filing a dismissal entry or taking other appropriate action.
- (D) If counsel to whom an entry or order has been sent does not object to the terms and conditions of the entry or order, he/she shall sign the same and return it to the preparing counsel. If counsel does not agree with the terms and conditions of the submitted entry or order, he/she shall submit proposed modifications to preparing counsel.
- (E) If no response is made to preparing counsel within fourteen (14) days, preparing counsel shall submit the entry or order along with a submitting letter to the Court with the following certification:

**I HEREBY CERTIFY THAT THE FOREGOING ENTRY OR ORDER WAS
(MAILED, DELIVERED, E-MAILED, OR FAXED) TO
_____, COUNSEL FOR _____, ON
THE _____ DAY OF _____, 20____ AND THE
SAME HAS NOT BEEN RETURNED OR REVISED AND NO OBJECTIONS
HAVE BEEN RAISED.**

- (F) If counsel are unable to agree on an entry or order within the time periods specified above, then copies of both the original submitted order and any other drafts or responses to said order shall be submitted to the Court. The Court may adopt the order as originally submitted, may adopt the same with modifications and order one of the parties to prepare a modified order, may make its own entry or may set a date for a hearing on the proposed entry(s).

JR 14.2 Required Terms and Attachments in Proceedings for Child Support and Allocation of Parental Rights and Responsibilities

- (A) Child support computation schedules shall be attached to all orders in which child support is established and to all orders in which child support is being waived. If child support is being waived, specific reasons therefore, in compliance with the Ohio Revised Code 3119.22 shall be set forth in the judgment entry or order.
- (B) All judgment entries or orders referring to a parenting time schedule shall set forth the schedule within the entry or shall have a copy of the schedule attached thereto.
- (C) All judgment entries or orders establishing child support shall refer to payment of medical expenses for children and shall set forth the parents' respective responsibility to provide health insurance coverage for children and the formula by which the parents will pay for those expenses not covered by insurance or will have that information attached thereto (see the Court's Schedule C).
- (D) All judgment entries or orders establishing child support shall indicate who will be claiming the children in question as dependents for tax purposes.

CHAPTER 15 -- SANCTIONS

JR 15.1

Sanctions for failure to comply with any of these rules may include, but are not limited to, the following:

- (A) Summary striking of the pleading, motion, or filing;
- (B) Continuance of the matter sought to be heard;
- (C) An order that attorney's fees from the non-complying party or attorney be paid to the aggrieved party;
- (D) An appropriate order regarding payment of Court costs by the non-complying party or counsel;
- (E) Fining the non-complying party or counsel; or
- (F) Other sanction(s) consistent with these rules.

CHAPTER 16 – PARENTING PROGRAMS

JR 16.1

- (A) **Attendance.** Parties to any action in which the allocation of parental rights and responsibilities for their child(ren) is being considered shall attend a parenting program as designated by the County within seventy-five (75) days after filing a complaint or motion initiating the action, or within such time as established by the Ohio Supreme Court, unless the same is waived by the Court or a court-approved substitute program is completed. In Henry and Williams Counties, the program is in person. In Defiance County, the program is on-line.
- (B) **Fee.** If a party completes the parenting program in the county in which the case is filed, the cost of the class shall be paid from the court cost deposit made in the case. If a party is permitted to complete the program at another location or on-line as outlined in (C) below, the party shall directly pay the cost of the program at the time of attendance.
- (C) **Parenting Program Online.** In Henry and Williams Counties, the Court will consider allowing online attendance under certain circumstances, including but not limited to a language barrier, an out-of-state party, a handicap precluding participation, or proof of financial hardship. Any request to attend an online parenting program shall be made to the Assignment Commissioner in writing. If online attendance is allowed by the Court, written confirmation will be returned to the party. The class can be accessed at the following website: <http://assistingourkids.com>.
- (D) **Sanctions.** Any litigant failing to complete the session within seventy-five (75) days of the filing of the original pleading, or within such time as established by the Ohio Supreme Court, may not be eligible to receive any allocation of parental rights. In the event that no party to the action completes the session within the prescribed time, the action will be dismissed for want of prosecution.
Unexcused absence from a scheduled session shall result in a Ten Dollar (\$10.00) rescheduling fee being charged, which shall be assessed as additional Court costs as established in Appendices B-1 (Defiance County), B-2 (Fulton County), B-3 (Henry County) and B-4 (Williams County).

(E) Attendance at High Conflict Parenting Class

Parties to any action in which the allocation of parental rights and responsibilities for their child(ren) is being considered may, by Court order, be required to attend the a high conflict parenting class. The Court may make an order to attend the program when one or more of the following factors are present:

- (1) The parents have serious on-going disagreements about the implementation of an order for the allocation of parental rights and responsibilities and/or parenting time;

- (2) There is a history of extreme or ongoing parental conflict which has been undeterred by previous litigation or other interventions and from which the children are suffering;
- (3) The parents have very young child(ren) whose parenting time schedule will require frequent adjustment to maintain age-appropriate contact with both parents and the parents have been previously unable to reach agreements on their parenting time schedule without Court intervention;
- (4) The parties have child(ren) with medical or psychological conditions or disabilities which require frequent decisions regarding treatment or frequent adjustments in parenting time schedules and the parents have been previously unable to reach agreements without Court intervention;
- (5) One or both parents suffer from mental or psychological condition(s) or disabilities which have resulted in an inability to reach agreements or make adjustments in the parenting time schedule, even when minor in nature, without assistance;
- (6) A parenting coordinator has been or will be appointed in the case.

CHAPTER 17 – COURT APPOINTED ATTORNEYS AND GUARDIANS *AD LITEM*

JR 17.1 Court Appointed Attorneys

The Court shall maintain a list of attorneys for appointment as counsel or as Guardians *ad litem* in cases before the Court. Eligibility for inclusion on that list shall be at the discretion of the Court. All attorneys requesting court appointments shall maintain malpractice insurance in an amount acceptable to the Court and shall provide evidence thereof to the Court by providing it with a copy of the attorney's malpractice declaration sheet.

Any requests for Court appointed counsel fees in excess of the amount authorized by the state shall include a request for extraordinary fees and a proposed judgment entry. The proposed judgment entry is included in these rules as Court Order 2.

JR 17.2 Guardians *ad Litem*

- (A) When requested by a party or upon the Court's own motion, a Guardian *ad Litem* shall be appointed to assist the court in its determination of the best interest of a child. The appointment as Guardian *ad Litem* shall remain in effect until the final entry is filed in the proceedings, unless the Guardian *ad Litem* is sooner discharged by order of the court. Rules 48 – 48.07 of the Rules of Superintendence for the Courts of Ohio are hereby adopted as rules of the Court. The Guardian *ad Litem* shall strictly comply with those rules in performance of his/her duties, and all additional requirements set forth in this rule.
- (B) A Guardian *ad Litem* may be an attorney, a qualified volunteer, or a court appointed special advocate (CASA) whenever one is available, and the appointment is appropriate.
- (C) An order of appointment shall be issued when a Guardian *ad Litem* is appointed by the Court, as provided in the form attached to these Rules as "Court Order #2," issued pursuant to Rule 48.02(A) of the Ohio Rules of Superintendence, which shall include, but not be limited to, the items set in Sup.R. 48.02(A) and the following:
- (1) The requirement that the Guardian *ad litem* report, when issued shall contain the following language in bold print:

This report is being provided to the Court, unrepresented parties, and legal counsel of record. If you are an attorney, you may share its contents with your client. However, any other disclosure of the report must be approved *in advance* by the Court. Unauthorized disclosure of the report in any fashion through any means including, but not limited to, copying the report, posting it or any portion of it on social media or other mediums, or disclosing all or portions of the report to another person, without prior approval, may be subject

to Court action including penalties for contempt, which include incarceration and fines.

- (2) The requirement that the Guardian *ad Litem*, when providing the report to unrepresented parties and legal counsel of record attach a cover sheet entitled **NOTICE** which sets out the language required above in subparagraph 2 in bold print in 22-point font or larger.
- (D) For all non-indigent cases, in which an attorney is appointed, the fees shall be in accordance with the rate stated in the entry. At such time as the Guardian *ad Litem* fees reach the amount of \$2,500, and every \$2,500 thereafter (e.g., \$5,000, \$7,500, etc.), the Guardian *ad Litem* shall notify the Court, the attorneys, and the unrepresented parties of the same and the Court shall make additional orders regarding fees as deemed appropriate.
- (E) For any case in which a qualified volunteer is appointed, unless otherwise ordered, he or she shall be reimbursed for his or her expenses (e.g., mileage, telephone calls, etc.) by the parties pursuant to orders made by the Court.
- (F) The Guardian *ad Litem* shall be considered a party to the proceeding and, as such, shall have full access to court records and shall have the right to obtain court records and any agency personnel or records, including physicians, physical and mental health professionals, educational facilities, other professionals, or an individual who may provide information the Guardian *ad Litem* believes to be relevant to the best interest of the child(ren). An attorney Guardian *ad Litem* or an attorney for a Guardian *ad litem* shall have the right to subpoena any individual or entity for any reasons allowed under the Ohio Rules of Civil Procedure. In the event the Guardian *ad Litem* is an attorney at law, the Guardian *ad Litem* shall be entitled to participate in the hearing in the same manner as counsel.

If the Guardian *ad Litem* is not an attorney, pursuant to Sup.R. 48.03(A)(10), the Guardian *ad Litem* may request the appointment of counsel to file pleadings, motions, and other documents as appropriate and call, examine, and cross-examine witnesses pursuant to the applicable rules of procedure. Upon such a request being made, the Court shall take action as it deems necessary.

In the alternative, if the Guardian *ad Litem* is not an attorney, the Guardian *ad Litem* may prepare written questions the Guardian *ad Litem* wishes to address to the parties or other witnesses. The written questions shall be submitted to the Court. The Court shall determine what questions shall be proffered to the parties or witnesses. The Court will examine the parties and witnesses as to those questions.

The Guardian *ad Litem* shall strictly comply with Rule 48 of the Rules of Superintendence for the Courts of Ohio. In performance of his/her duties, the Guardian *ad Litem* must interview each party to this proceeding separately. Therefore, each party shall make a separate appointment to see the Guardian *ad Litem* at the Guardian *ad Litem*'s office or at such location as the Guardian *ad*

Litem may direct. Other parties may not be present when the interview is being conducted.

- (G) Pursuant to Sup. R. 48.06, a written report shall be prepared by the Guardian *ad Litem* and filed with the Court not less than seven (7) days before the final hearing and, in abuse, neglect, dependency, unruly and delinquency cases, not less than seven days prior to any initial dispositional hearing, permanent custody hearing, and any hearing upon a motion requesting a change in disposition. Each report shall contain the language referred to above in paragraph (C)(2) of this rule in the body of the report. The report shall be provided by the Guardian *ad Litem* to unrepresented parties and legal counsel of record. In addition, the Guardian *ad Litem* shall attach the cover sheet required above in Paragraph (C)(3) to the report when providing it to parties or counsel.
- (H) A Guardian *ad Litem* shall file his/her report with the Clerk of Courts to be placed in the family file. At the time the report is submitted for filing, the Clerk shall file a Notice in the public file stating the date that the Guardian *ad Litem* report has been filed. A volunteer Guardian *ad Litem* shall submit his/her reports to the Court with instructions as to distribution. The Court shall be responsible to distribute to the attorneys and unrepresented parties per instructions provided by volunteer Guardian *ad Litem*.
- (I) A The Court will impose sanctions of contempt upon any person who disseminates the report in whole or in part, to any individual who has not been pre-approved to receive the report. No individual shall be permitted to place the content of the report on any form of social media.
- (J) The Guardian *ad Litem* shall be served with copies of all pleadings and shall be provided notice of all hearings. All judgment entries shall be submitted to the Guardian *ad Litem* for approval.
- (K) The Courts that are subject to these local rules shall jointly maintain a public list of approved Guardians *ad Litem* while maintaining individual privacy pursuant to Sup.R. 44 through 47. Upon application to be appointed as a Guardian *ad Litem* submitted through any one of the Courts subject to this local rule, each prospective appointee shall indicate in which counties and in which courts he or she is willing to accept Guardian *ad Litem* appointments. To obtain the list of the approved Guardians *ad Litem*, the public may contact the Guardian *ad Litem* Coordinator of any one of the Courts.
- (L) Once a guardian *ad litem* has been approved and added to the list of approved guardians *ad litem*, the court shall ensure an equitable distribution of appointments of those approved guardians *ad litem*. The distribution of appointments shall be made in an objectively rational, fair, neutral, and nondiscriminatory manner among substantially all persons from the list. Nevertheless, the court may consider the complexity of the issues, parties, counsel, and the children involved, as well as the experience, expertise, and demeanor of available guardians *ad litem* when making appointments. The court will consider reappointment of the same guardian *ad litem* for a specific child in any subsequent case determining the best interest of the child.

(M) The Guardians *ad litem* may be eligible for inclusion on the approved list of guardians *ad litem* upon providing the following documentation to the Court:

- For attorney guardians *ad litem*, a copy of his or her malpractice insurance cover sheet, indicating current malpractice coverage.
- For attorney guardians *ad litem* trained on or before December 31, 2020, proof of completion of the required 6-hour preservice education. For those on the list on or after January 1, 2021, proof of completion of the required 12-hour preservice education.
- For Court Appointed Special Advocate (CASA) guardians *ad litem*, proof of completion of the required education to become a CASA.
- For all applicants, a resume or information sheet setting forth the applicant's training, experience, and expertise demonstrating the ability of the applicant to successfully perform the responsibilities of a Guardian *ad litem*.
- For CASA Guardians *ad litem*, a copy of the criminal and civil background check and investigation of information relevant to the fitness of the applicant collected by the Northwest Ohio CASA program.
- For attorney Guardians *ad litem*, a statement of good standing from the Ohio Supreme Court.
- Annual documentation indicating compliance with pre-service and continuing educational requirements.
- Annual certification by each Guardian *ad litem* that he or she is unaware of any circumstances that would disqualify them from serving.

(N) Upon receipt of the information set forth above in paragraph N, each Court shall maintain files for all applicants and for individuals approved for appointment as guardians *ad litem* with the court. The files shall contain all records and information required by Sup. R. 48 through 48.07 and by this rule for the selection and service of guardians *ad litem*, including a certificate or other satisfactory proof of training requirements and a written record of the nature and disposition of any comment or complaint made regarding the guardian *ad litem*.

(O) Each court shall annually conduct a review of its list of Guardians *ad Litem* to determine compliance with the training and education requirements of this rule and of Sup. R. 48 through 48.07, whether a Guardian *ad Litem* has performed satisfactorily on all assigned cases during the preceding calendar year, and whether he or she is otherwise qualified to serve. If a court determines that an individual is no longer qualified to serve as a Guardian *ad Litem*, he or she shall be removed from the list of approved guardians *ad litem* and shall not be eligible for any new appointments until he or she has cured the issue resulting in disqualification. Nevertheless, the court shall have the discretion to continue a current Guardian *ad Litem* appointment pursuant to Sup. R. 48.05(B).

(P) Each court shall accept written comments and complaints regarding Guardians *ad Litem*. If comments or complaints are received, they shall be directed to the Guardian *ad Litem* coordinator in the appropriate court and to the administrative judge of the court who may, at his or her discretion, take immediate action, if

deemed necessary. If immediate action is not deemed necessary, the following actions shall be taken:

- Upon receipt of a comment or complaint, a copy thereof shall be provided to the Guardian *ad Litem* who is the subject of the comment or complaint and he or she shall be allowed to respond to the Guardian *ad litem* coordinator regarding the comment or complaint made. The Guardian *ad litem* coordinator may make further investigation regarding the comment or complaint as he or she deems necessary.
- At the conclusion of any investigation, the comment and complaint, any response of the Guardian *ad litem*, and the findings of the investigation shall be provided by the Guardian *ad litem* coordinator to the administrative judge of the court for consideration and appropriate action. Under any circumstances, the disposition of any comment or complaint shall be completed within one month after the comment or complaint is received.
- Once a disposition is made, the Guardian *ad litem* coordinator shall notify the person who made the comment or complaint and the Guardian *ad litem* of the disposition.

CHAPTER 18 – PARENTAGE CASES

JR 18.1

- (A) A copy of the birth certificate, court order or the administrative finding which establishes that a parent-child relationship exists between a complainant and the child subject to the jurisdiction of this Court shall be attached to any complaint regarding parentage, custody, visitation, or support as filed by any complainant who claims to have a parental relationship with such child.
- (B) Upon the completion of the administrative process to determine the existence or nonexistence of a parent and child relationship by the Child Support Enforcement Agency, including the entry of an administrative child support order, either parent may appeal the determination to the Court. All pleadings must be served on the Child Support Enforcement Agency. The clerk's office shall send a summons with a copy of the complaint to all other parties.
- (C) When at least twenty-eight (28) days have elapsed since proof of service of the complaint has been filed, upon the request of the plaintiff or his or her attorney, notices of a default hearing shall be mailed to the parties and the plaintiff's attorney.

CHAPTER 19 – CHILD SUPPORT AND MEDICAL SUPPORT ORDERS

JR 19.1 Child Support Worksheets Required

All child support and cash medical orders shall be filed with the clerk together with a completed Child Support Worksheet.

JR 19.2 Information for Child Support Computation

Any party to a child support matter shall have available proper information for computation of child support pursuant to the Child Support Worksheet by the first pretrial conference, mediation session or hearing.

JR 19.3 Language for Child Support Orders

When an order for child support is prepared by an attorney, it shall be the responsibility of the attorney to assure that the text of the support order complies with all pertinent provisions of the Ohio Revised Code. Generally, without limitation, all child support orders shall contain the following:

- (A) A statement of the monthly child support and cash medical obligation made payable in increments which coincide with the obligor's pay periods.
- (B) If the order substantially deviates from said schedule, particularized facts which support the deviation shall be set forth in the order together with agreed findings that the schedule amount would be unjust, inappropriate, and not in the best interest of the child(ren).
- (C) All orders and judgment entries requiring payment of child support shall include the language required by ORC Chapter 3121.
- (D) An appropriate order regarding payment of court costs.

JR 19.4 Orders for Child Support

- (A) All orders for child support shall contain the full names of both parties. The Application for Child Support Services ("Court Schedule E") must be filed with any child support order. The original of the application shall be forwarded to the Child Support Enforcement Agency by the Clerk of Courts, together with a copy of the child support order. A copy of the application shall be filed in the family file.
- (B) Unless either of the following apply:
 - (1) A child is mentally or physically disabled and is incapable of supporting or maintaining himself or herself and the Court has made other appropriate orders for the duration of the support of the child; or

- (2) The child(ren)'s parents have agreed to continue support beyond that time required by law pursuant to a separation agreement that was or is incorporated into a decree of divorce or dissolution,

All orders establishing or modifying a child support order shall contain the following language:

Pursuant to Ohio Revised Code §3119.86, this child support order will remain in effect beyond the age of eighteen (18) as long as the child continuously attends any recognized and accredited high school on a full time basis. Support will continue during seasonal vacations until further order terminates. Nevertheless, no current obligation for support will remain in effect beyond the child's attainment of the age of nineteen (19) subject to the continuing jurisdiction of the Court. In the event the child is not attending an accredited high school, support will terminate upon the child's eighteenth (18) birthday.

(C) All Orders establishing or modifying a child support order shall contain the following information, as required by Ohio Statute which requirements may change periodically.

- (1) The name, date of birth, social security number (last four digits) of the support obligee;
- (2) The name, date of birth, social security number (last four digits) of the support obligor;
- (3) The guideline child support amount;
- (4) The overnight parenting time deviation. For purposes of calculation of child support per the guidelines, the adoption of Schedule A (Parenting Time Guidelines for Travel Distances Under 150 Miles One Way) shall meet the ninety (90) day overnight requirement for deviation as required by statute. The adoption of Schedule B (Parenting Time Guidelines for Travel Distances Over 150 Miles One Way) shall meet the ninety (90) day overnight requirement for deviation as required by statute, unless otherwise indicated by Court order.
- (5) Other deviation factors;
- (6) Arrearages
- (7) The method to secure support payments;
- (8) Duration and termination of support and required Notices;
- (9) Health insurance coverage, including availability of private health insurance coverage and health insurance obligor;
- (10) Cash medical support and payment of children's medical expenses.

(D) All Court orders modifying a child support obligation shall be effective the date of the filing of the motion to modify, unless otherwise agreed to by the parties or

otherwise ordered by the Court. In cases in which an administrative modification is adopted by the Court, unless otherwise ordered, the effective date shall be as set forth in the administrative determination.

- (E) All final orders shall state whether any arrears accruing from temporary orders for support shall be carried forward. Failure to specifically reserve the carryover of arrears shall result in those arrears being waived.
- (F) All orders establishing or modifying a child support obligation shall contain a certificate of service certifying that a file-stamped copy of the judgment entry has been provided to the county Child Support Enforcement Agency.

CHAPTER 20 – MEDIATION AND EARLY NEUTRAL EVALUATION

JR 20.1 Mediation

(A) Ohio Uniform Mediation Act:

The Juvenile Divisions of the Courts of Common Pleas of Defiance, Henry, and Williams Counties, hereinafter referred to as “the Court” incorporates by reference the R.C. 2710 “Uniform Mediation Act” (UMA).

(B) Cases Eligible for Mediation:

- (1) General: The Court has discretion to encourage parties to use mediation in any civil action filed in this court. A case may be submitted to mediation as provided in this rule. The Court may issue an order on its own motion, upon the motion of counsel, upon the request of a party, or upon referral by the mediator.
- (2) Exceptions: Mediation is prohibited in 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;
 - iv. In determining the penalty for violation of a protection order.
- (3) Nothing in this division 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; or in a juvenile court delinquency case, even though the case involves juvenile perpetrated domestic violence.

(C) Confidentiality

- (1) General: All mediation communications related to or made during the mediation process are subject to and governed by the Uniform Mediation Act. Mediation communications are confidential, and no one shall disclose any of these communications unless all parties and the mediator consent to disclosure. This court may impose penalties for any improper disclosures made in violation of this rule. Disputes regarding confidentiality should first be addressed with the mediator or mediation department where possible.

By participating in mediation, a nonparty participant, as defined by R.C. 2710.01(D), submits to the court’s jurisdiction to the extent necessary

for enforcement of this rule. Any nonparty participant shall have the same rights and duties under this rule as are attributed to parties, except that no evidence privilege shall be expanded.

- (2) Exceptions: All mediation communications are confidential with the following exceptions:
- i. Parties may share all mediation communications with their attorneys;
 - ii. Certain threats of abuse or neglect of a child or an adult;
 - iii. Statements made during the mediation process to plan or hide an ongoing crime; and
 - iv. Statements made during the mediation process that reveal a felony.

(D) Referral to Resources

The Northwest Ohio Court Mediation Services (hereinafter Mediation Service) will maintain information for the public, mediators, and other staff as appropriate. The information will include:

- (1) Attorney referral contact information;
- (2) Information regarding children's services; and
- (3) Resource information for local domestic violence prevention, counseling,
- (4) substance abuse and mental health services.
- (5) Optional Provisions

(E) Mediator Training and Education

A mediator shall meet the qualifications of and comply with all training requirements of Sup.R.16.23 and adopted pursuant to Sup. R. 16.22 governing mediators and mediation.

(F) Mediator Selection and Assignment

The following methods may be used to select a mediator for the case:

- (1) Unless stated otherwise all cases will be referred to the Mediation Service;
- (2) Specific appointments may be made by the court taking into consideration the qualifications, skills, expertise, and caseload of the mediator in addition to the type, complexity, and requirements of the case. If a specific selection is to be made, the Court will advise the Mediation Service who shall pay mediation fees out of contract mediator funds. If there are insufficient funds available the Mediation Service shall immediately inform the Court and further Orders as to payment shall be made.; and
- (3) Parties may request leave to select a mediator without guidance from the court. The court shall not be responsible for the quality of a mediator

selected by the parties without guidance from the court and who does not meet the qualifications, education, and training requirements set forth in section five above. Should the parties select their own mediator they shall be responsible for all mediation costs.

(G) Procedures

In accordance with all applicable provisions of this rule, if a case is deemed appropriate by the Court (if the mediator is selected by the court) or by the Mediation Services for mediation, mediation may be scheduled.

A mediator may meet with the parties individually prior to bringing the parties together for any reason including, but not limited to, further screening. A mediator may schedule multiple mediation sessions, if necessary and mutually acceptable for the resolution of the issues in part or in their entirety.

(H) Party/Nonparty Participation

Parties to informal cases, such as pre-filing or diversion, may voluntarily attend mediation sessions.

Parties who are ordered to mediation in formal cases shall attend scheduled mediation sessions. The court may order parties to return to mediation at any time in formal cases.

If counsel of any party to the mediation becomes aware of the identity of a person or entity whose consent is required to resolve the dispute, but has not yet joined as a party in the pleadings, they shall promptly inform the mediator, as well as the assigned judge or magistrate.

If the opposing parties to any case are 1) related by blood, adoption, or marriage; 2) have resided in a common residence; or 3) have known or alleged domestic violence at any time prior to or during the mediation, then the parties and their counsel have a duty to disclose such information to the mediator and have duty to participate in any screening required by the court.

By participating in mediation, a nonparty participant, as defined by R.C. 2710.01(D), agrees to be bound by this rule and submits to the court's jurisdiction to the extent necessary for enforcement of this rule. Any nonparty participant shall have the rights and duties under this rule attributed to parties except as provided by R.C. 2710.03(B)(3) and 2710.04(A)(2).

(I) Termination

If the assigned mediator determines that further mediation efforts would be of no benefit to the parties, he or she shall inform all interested parties and the court that the mediation is terminated using the procedure required by this court.

(J) Stay of Proceedings

Upon referral of a case to mediation, the court may elect to stay all filing deadlines for up to 60 days. The clerk of courts shall not accept for filing any documents while a case is in mediation, unless expressly permitted by these rules or by court order.

In the event that the Court elects to stay the proceedings it's shall issue an Order reflecting said stay.

Only the following documents may be filed while a mediation stay is in effect:

- (1) Motion to lift the mediation stay;
- (2) Response to a motion to lift mediation stay;
- (3) Motion or stipulation to dismiss the case; and
- (4) Notice related to counsel.

(K) Continuances

It is the policy of this court to determine matters in a timely way. Continuances of scheduled mediations shall be granted only for good cause shown after a mutually acceptable future date has been determined. The case may be continued by the Mediation Services Coordinator or the judge or magistrate who referred the case. Except as authorized by the court, the existence of pending motions shall not be good cause for a continuance and no continuance will be granted unless the mediation can be scheduled prior to the final pretrial.

(L) Fees and Costs

The court may impose upon the parties fees and costs for mediation. If there is a fee for mediation, unless otherwise agreed by the parties, the mediation fees shall be shared equally. The court may waive fees and costs for an indigent party. Mediation shall not be ordered if a party is indigent, unless the mediation is available at no cost to the party.

(M) Attendance; Sanctions

If any individual ordered by the court to attend mediation fails to attend mediation without good cause, the court may impose sanctions, which may

include, but are not limited to, the award of attorney's fees and other costs, contempt, or other appropriate sanctions at the discretion of the assigned judge or magistrate.

(N) Evaluation, Comments, and Complaints

It is the policy of the court to use mediation to benefit the parties, to assist in reaching a resolution, and to provide a process that is timely, flexible, and maintains the trust and confidence of the people. Any mediation participant may submit written comments, complaints, or feedback regarding the performance of mediators receiving referrals from the court.

JR 20.2 Early Neutral Evaluation (ENE)

(A) Definitions

(1) Evaluator

"Evaluator" means an individual who conducts a neutral evaluation.

(2) 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.

(3) Neutral evaluation communication

"Neutral evaluation communication" means a statement, whether oral, in a record, verbal or nonverbal, that occurs during a neutral evaluation session or made for purposes of considering, conducting, participating in, continuing, or reconvening a neutral evaluation session.

(B) General Provisions

(1) Referrals. All cases on the civil docket in the general division and all cases in the domestic relations, juvenile and probate dockets are eligible for neutral evaluation except as excluded hereunder.

(2) Confidentiality. Upon written agreement, all neutral evaluation communications may be confidential.

(3) Privilege. A neutral evaluation communication is privileged and not subject to discovery or admissible as evidence in a judicial proceeding. A neutral evaluator may not be deposed or subpoenaed to testify about any neutral evaluation communication unless an exception applies. Exceptions to privilege include the following:

- i. The neutral evaluation communication is otherwise discoverable;
 - ii. the neutral evaluation communication is an imminent threat or statement of a plan to inflict bodily injury or commit a crime of violence;
 - iii. The neutral evaluation communication is intentionally used to plan, to attempt to commit, or to commit a crime or to conceal an ongoing crime or ongoing criminal activity;
 - iv. The neutral evaluation communication is required to be disclosed pursuant to Ohio Revised Code §2921.22
- (4) Domestic Violence Cases. The use of neutral evaluation in domestic violence cases under R.C. 2919.25, 2919.26, 2919.27, and 3113.31 is prohibited. Nothing in this division shall prohibit the use of neutral evaluation in either of the following cases:
- i. A subsequent divorce or custody case, even though the case may result in the termination of the provisions of a protection order under R.C. 3113.31;
 - ii. A juvenile delinquency case.
- (5) Continuances. If a continuance of a scheduled neutral evaluation session is desired, a motion seeking a continuance will be required, served upon the opposing attorney(s) or self-represented party(s). A continuance for a scheduled neutral evaluation session shall be granted only for good cause shown.
- (6) Sanctions. Any party or attorney who violets these rules may be subject to appropriate sanctions, including, but not limited to additional fees, forfeiture of paid neutral evaluation fees, contempt of court, and/or attorney's fees and costs.

(C) Referral to and Participation in Neutral Evaluation

- (1) In compliance with these rules and those set forth in Sup. R. 16.50 to 16.55, the court may refer parties to neutral evaluation upon its own motion or upon the motion of a party. An order referring the case to neutral evaluation which shall include the terms of and requirements for payment for the neutral evaluation.
- (2) Each party and the parties' attorneys shall participate in neutral evaluation sessions and shall schedule neutral evaluation session(s) with the neutral evaluator(s) upon order of the court.
- (3) One week prior to the neutral evaluation session, each attorney or self-represented party shall submit a memorandum, brief or other documents as may be ordered by the court to the neutral evaluator(s), to the other attorney(s), and to any self-represented party. Unless otherwise ordered by the court, the required documents shall arrive at the office of opposing counsel or at the residence of any self-represented party at least seven days before the neutral

evaluation session via ordinary mail, hand-delivery, facsimile or e-mail.

- (4) Prior to the neutral evaluation session, the evaluator(s) shall review the documents submitted. The briefs, memorandums, or other documents provided to the neutral evaluator(s) or exchanged by the parties and/or attorneys pursuant to this section shall not be filed with the court as part of this process.
- (5) If an attorney or self-represented litigant fails to timely submit the required documents, sanctions may be imposed by the court.

(D) Conduct of Evaluation

- (1) At a neutral evaluation session, the evaluator(s) will oversee the discussion to allow each party and/or attorney the opportunity to be heard in an atmosphere of cooperation and respect. The evaluator(s) will seek additional information from the parties or attorneys, as necessary. Once the information is gathered, if there is more than one evaluator, they shall meet privately to discuss the strengths and weaknesses of each party's position and the probable outcomes for the case. If there is only one evaluator, the evaluator shall review the case. After the evaluator(s) have conducted discussions and/or review, the evaluator(s) will present feedback and options to the parties and attorneys.
- (2) Following the receipt of that information from the evaluator(s), the parties shall be given an opportunity to review that information privately with their attorneys or, if self-represented, on their own behalf. The evaluator(s) shall then reconvene with the parties and attorneys and discuss results.
- (3) If a full or partial agreement is reached, the evaluator(s) may require the agreement to be reduced to writing and submitted to the court. If the parties are self-represented, the evaluator may assist the parties in reducing their agreement to writing before directing the parties to submit the same to the court.
- (4) At the conclusion of a neutral evaluation, the evaluator(s) shall report to the court whether the evaluation has been concluded and whether no agreement or a full or partial settlement has been reached. No additional information shall be contained in the report.

(E) Responsibilities of Evaluator

(1) Conflicts of interest

- i. An evaluator shall avoid any actual or apparent conflicts of interest arising from any relationship or activity, including but not limited to those of employment or business or from professional or personal contacts with parties or others involved in the case. An evaluator shall avoid self-dealing or association from which the evaluator might directly or indirectly benefit, except from compensation for services as an evaluator.
- ii. Upon becoming aware of any actual or apparent conflict of interest, an evaluator shall notify the appointing court and the parties of the action taken to resolve the conflict and, if unable to do so, seek the direction of

the court.

(2) Legal advice

An evaluator shall not offer legal advice.

(3) Satisfaction of training requirements

- i. An evaluator shall meet the qualifications and comply with all training requirements of Sup.R. 16.53 and local court rules governing evaluators and neutral evaluation set out below in this rule.
- ii. An evaluator shall meet the qualifications for neutral evaluators for each court in which the evaluator serves and promptly notify the court of any grounds for disqualification or any issues affecting the ability to serve.
- iii. Upon request, an evaluator shall provide a court from which the evaluator receives referrals documentation indicating compliance with all training and education requirements so that the court may meet the requirements of Sup.R.16.54(A)(4). The documentation shall include information detailing the date, location, contents, credit hours, and sponsor of any relevant training.

(4) Disclosure of qualifications

At the request of a party, an individual serving as an evaluator shall disclose the evaluator's qualifications to evaluate the subject matter in dispute.

(5) Neutral evaluator future disqualification

An evaluator shall not serve as a witness, consultant, attorney, or expert in any pending or future action relating to a dispute for which the evaluator conducted an evaluation or commenced the evaluation process.

(F) Neutral Evaluator Education and Training

(1) Civil or probate cases

Prior to accepting appointment in a civil or probate case of a court, an evaluator or team of evaluators shall individually possess or, where applicable, in combination possess the following qualifications:

- i. Be licensed to practice law in Ohio, with at least five years of experience working in the area of civil or probate litigation as applicable based upon the nature of the case before the evaluator. The evaluator, if one evaluator is conducting the neutral evaluation, or at least one member of the evaluation team, if a team of evaluators is conducting the neutral evaluation, shall have participated in civil trials or probate proceedings, as applicable, to the satisfaction of the court.

- ii. At least one evaluator conducting the neutral evaluation shall have completed “Fundamentals of Mediation Training” approved by the Supreme Court Dispute Resolution Section in accordance with standards established by the Commission on Dispute Resolution under Sup.R. 16.23(A)(1) or be otherwise qualified under Sup.R. 16.23 as a civil mediator in Ohio.

(2) Domestic relations and juvenile cases

Prior to accepting appointment in a domestic relations or juvenile case, a team of evaluators shall possess the following qualifications:

- i. At least one evaluator conducting the neutral evaluation shall be licensed to practice law in Ohio, with at least five years of experience working in the area of domestic relations or juvenile law. The second evaluator may also be licensed to practice law in Ohio, with at least five years of experience working in the area of domestic relations or juvenile law, or possess a master's degree in the fields of psychology, social work, sociology, counseling, or related field acceptable to the court, with at least five years of experience working with children and families;
- ii. Comply with the requirements of division (F)(1)(b) of this rule;
- iii. At least one evaluator shall have completed "Specialized Family or Divorce Mediation Training" approved by the Supreme Court Dispute Resolution Section in accordance with standards established by the Commission on Dispute Resolution under Sup.R. 16.23(B)(1)(c);
- iv. At least one evaluator shall have completed "Specialized Domestic Abuse Issues and Mediation Training" approved by the Supreme Court Dispute Resolution Section in accordance with standards established by the Commission on Dispute Resolution under Sup.R. 16.23(B)(1)(d).

(3) Continuing education

- i. An evaluator shall complete at least three hours per calendar year of continuing education relating to neutral evaluation, negotiation, mediation, or the area of law in which the evaluator evaluates.
- ii. If a neutral evaluator fails to comply with the continuing education requirement, the neutral evaluator shall not be eligible to serve as a neutral evaluator until the requirement is satisfied.

(G) Responsibilities of Court.

(1) General

In order to ensure only qualified individuals perform the duties of an evaluator and the requirements of Sup. R. 16.50 through 16.56 are met, a court shall do all of the following:

- i. Before being referred to neutral evaluation, parties shall be screened to determine their capacity to participate in neutral evaluation. Screening shall be completed by the party's attorney, or by court or mediation personnel who have been appointed to do so.

- ii. The court shall monitor and evaluate neutral evaluation to ensure the quality of the evaluators and programs to which cases are referred;
- iii. The court shall designate a person for accepting and considering written comments and complaints regarding the performance of evaluators appointed by the court. A copy of comments and complaints submitted to the court shall be provided to the evaluator who is the subject of the complaint or comment. The neutral evaluator may submit a written response to the comment or complaint. The comment or complaint, and any written response submitted by the neutral evaluator, shall be forwarded to the administrative judge of the court for consideration and appropriate action. Dispositions by the court shall be made promptly. The court shall maintain a written record in the evaluator's file regarding the nature and the disposition of any comment or complaint and shall notify the person making the comment or complaint and the evaluator of the disposition.
- iv. The court shall allow neutral evaluation to proceed only if the evaluator meets the qualifications, education, and training requirements of Sup.R. 16.53 and this rule;
- v. The court shall prohibit neutral evaluation when domestic abuse or domestic violence is alleged, suspected, or present, unless all of the following conditions are satisfied:
 - (a) Screening is conducted, both before and during neutral evaluation, for domestic abuse and domestic violence and for the capacity of the parties to engage in neutral evaluation;
 - (b) The person who is or may be the victim of domestic abuse or domestic violence is fully informed about the neutral evaluation process, the right to decline participation in the neutral evaluation process, and of the option to have a support person, in addition to an attorney, present at the neutral evaluation sessions;
 - (c) The parties have the capacity to participate in neutral evaluation without fear of coercion or control;
 - (d) The court has taken reasonable precautions to create a safe neutral evaluation environment for the parties and all other persons involved in the neutral evaluation process;
 - (e) Procedures are in place for the evaluator to terminate a neutral evaluation session if there is a threat of domestic abuse, domestic violence, or coercion between the parties.

(2) Number of evaluators

In a civil or probate case, a court may appoint one evaluator or a team of two evaluators to conduct the neutral evaluation. In a domestic relations or juvenile case, a court shall appoint a team of two evaluators to conduct the neutral evaluation.

(H) Public Access

The files maintained by an evaluator but not filed with a clerk or submitted to a court shall not be available for public access under Sup.R. 44 through 47.

CHAPTER 21 – PARENTING COORDINATOR

JR 21.1

(A) **Definitions.** As used in this rule:

1) Domestic abuse

“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.

2) Domestic violence

“Domestic violence” has the same meaning as in R.C. 3113.31(A)(1).

3) Parenting coordination

“Parenting coordination” means a child-focused dispute resolution process ordered by a court of common pleas or division of 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. “Parenting coordination” is not mediation subject to R.C. Chapter 2710 or Sup.R. 16.20 through 16.25.

4) Parenting coordinator

“Parenting coordinator” means an individual who conducts parenting coordination.

(B) Ordering of Parenting Coordination

1) Reasons to order parenting coordination

The court may, on its own motion or on the motion of a party, order parenting coordination when one or more of the following factors are present:

- i. The parties have disagreements about the implementation of a parental rights and responsibilities or companionship time order and need assistance;
- ii. There is a history of parental conflict that has been unresolved by previous litigation or other interventions and from which a child of the parties is adversely affected;
- iii. The parties have a child whose parenting time schedule requires frequent adjustments, specified in an order of the court or division, 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 or division;

- iv. The parties have a child with a medical or psychological condition or disability who requires frequent decisions regarding treatment or frequent adjustments in the parenting time schedule, specified in an order of the court or division, and the parties have been previously unable to reach agreements on their parenting time schedule without intervention by the court or division;
- v. One or both parties suffer from a medical or psychological condition or disability that results in an inability to reach agreements or to adjust their parenting time schedule without assistance, even when minor in nature;
- vi. Any other factor as determined by the court.

2) Reasons not to order parenting coordination

A court or division of the court shall not order parenting coordination to determine any of the following:

- i. Changes in the designation of the residential parent or legal custodian;
- ii. Changes in the school placement of a child, in the case of shared parenting;
- iii. Substantive changes in parenting time;
- iv. The modification of child support or the allocation of tax exemptions or benefits or the division of uncovered medical expenses.

(C) General Provisions.

- 1) Except as provided by law, communications made as part of parenting coordination shall not be confidential or privileged;
- 2) At any point after an interim or final parental rights and responsibilities or companionship time order is filed, a parenting coordinator may be ordered upon the motion of the court or one of the parties. The court shall choose a parenting coordinator from a list maintained by the court of those individuals who have satisfied the training and experience requirement set forth in this rule and in Sup. R. 16.60 through 16.66.
- 3) Parenting coordination shall not be utilized in domestic violence cases under R.C. 2919.25, 2919.26, 2919.27, and 3113.31. Nothing in this division shall prohibit the use of parenting coordination in either of the

following cases:

- i. A subsequent divorce or custody case, even though the case may result in the termination of the provisions of a protection order under R.C. 3113.31;
- ii. A juvenile delinquency case.
- iii. The parenting coordinator and court or mediation personnel who have screened the parties shall make appropriate referrals to legal counsel, counseling, parenting courses, and other support services for all parties, including victims and suspected victims of domestic abuse and domestic violence;

(D) Responsibilities of Parenting Coordinator.

1) General responsibilities

In order to provide a fair parenting coordination process for the parties, a parenting coordinator shall comply with the “2019 Revised 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 and Sup.R. 16.60 through 16.66, the rules shall control.

2) Conflicts of interest

- i. A parenting coordinator shall avoid any actual or apparent 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 directly or indirectly benefit except from compensation for services as a parenting coordinator.
- ii. Upon becoming aware of any actual or apparent conflict of interest, a parenting coordinator shall notify the appointing court or division and the parties of the action taken to resolve the conflict and, if unable to do so, seek the direction of the court or division.
- iii. A parenting coordinator shall avoid serving in multiple roles with the same family, even with the consent of the parties.

3) Legal advice

A parenting coordinator shall not offer legal advice.

4) Satisfaction of training requirements

- i. A parenting coordinator shall meet the qualifications and comply with all

training requirements of Sup.R. 16.64 and local court rules governing parenting coordinators and parenting coordination adopted under Sup.R. 16.61.

- ii. A parenting coordinator shall meet the qualifications for parenting coordinators for each court or division in which the parenting coordinator serves and promptly notify the court or division of any grounds for disqualification or any issues affecting the ability to serve.
- iii. Upon request, a parenting coordinator shall provide a court from which the parenting coordinator receives appointments documentation indicating compliance with all training and education requirements so that the court may meet the requirements of Sup.R.16.64(A)(4). The documentation shall include information detailing the date, location, contents, credit hours, and sponsor of any relevant trainings.

5) Compliance with appointment order

A parenting coordinator shall comply with the requirements of and act in accordance with the appointment order issued by a court or division under Sup.R. 16.65(B).

6) Competence or ability to perform

A parenting coordinator shall decline or withdraw from an appointment or request appropriate assistance in either of the following situations:

- i. The facts and circumstances of the case are beyond the skill or expertise of the parenting coordinator;
- ii. Personal circumstances, including but not limited to medical, mental health, or substance misuse or dependence, exist that compromise the ability of the parenting coordinator to perform his or her role.

7) Ex parte communications

A parenting coordinator shall have no ex parte communications with the appointing court or division regarding substantive matters or issues on the merits of the case.

8) Recordkeeping of fees and costs

A parenting coordinator shall maintain records necessary to document charges for services and expenses. A parenting coordinator shall issue invoices for services and expenses to the parties no less than once per month.

(E) Parenting Coordinator Education and Training.

1) General

i. Prior to accepting appointment of a court or division to serve as a parenting coordinator, an individual shall meet all of the following qualifications:

1. Be an independently licensed mental health professional, be licensed to practice law in Ohio, or otherwise have education and experience satisfactory to the appointing court or division;
2. Possess extensive practical and professional experience with situations involving children. This experience may include counseling, casework, or legal representation in complex family law matters; serving as a guardian ad litem or mediator; or other equivalent experience satisfactory to the court or division.
3. Complete “Fundamentals of Mediation Training” approved by the Supreme Court Dispute Resolution Section in accordance with standards established by the Commission on Dispute Resolution under Sup.R. 16.23(A)(1) or qualify for an exception as provided in Sup.R. 16.23(A)(2);
4. Complete “Specialized Family or Divorce Mediation Training” approved by the Supreme Court Dispute Resolution Section in accordance with standards established by the Commission on Dispute Resolution under Sup.R. 16.23(B)(1)(c);
5. Complete “Specialized Domestic Abuse Issues in Mediation Training” approved by the Supreme Court Dispute Resolution Section in accordance with standards established by the Commission on Dispute Resolution under Sup.R. 16.23(B)(1)(d);
6. Complete “Parenting Coordination Training” approved by the Supreme Court Dispute Resolution Section in accordance with standards established by the Commission on Dispute Resolution.

ii. Prior to accepting appointment of a court or division to serve as a parenting coordinator in an abuse, neglect, or dependency case, an individual shall meet both of the following qualifications:

1. Complete the requirements of division (E)(1)(a) of this rule;
2. Complete “Specialized Child Protection Mediation” that has been approved by the Supreme Court Dispute Resolution Section in accordance with standards established by the Commission on Dispute Resolution under Sup.R. 16.23(B)(2)(c).

2) Continuing education

- i. A parenting coordinator shall complete at least six hours per calendar year of continuing education relating to children, mediation, or diversity. The diversity training may include awareness and responsiveness; cultural and racial diversity; and the effects of a parenting coordinator's personal biases, values, and styles on the parenting coordination process. The continuing education may include continuing education for lawyers, social workers, psychologists, or other licensed mental health professionals and professional development events that are acceptable to the court or division appointing the parenting coordinator.
- ii. If a parenting coordinator fails to comply with the continuing education requirement of division (B)(1) of this rule, the parenting coordinator shall not be eligible to serve as a parenting coordinator until the requirement is satisfied.

(F) Responsibilities of Court.

1) General

In order to ensure only qualified individuals perform the duties of a parenting coordinator and the requirements of Sup.R. 16.60 through 16.66 are met, a court of common pleas or a division of the court that elects to use parenting coordination shall do all of the following:

- i. Screening. Before ordering parenting coordination, parties shall be screened by their attorneys or by mediation or court personnel who have been designated by the court to determine the capacity of the parties to participate in parenting coordination. During the parenting coordination process, the parenting coordinator shall continue to screen the parties to determine their capacity to continue to participate in the parenting coordination process.
- ii. The court shall monitor and evaluate parenting coordination to ensure the quality of the parenting coordinators to which cases are referred.
- iii. The court shall designate a person for accepting and considering written comments and complaints regarding the performance of parenting coordinators appointed by the court or division. A copy of comments and complaints submitted to the court or division shall be provided to the parenting coordinator who is the subject of the complaint or comment. The parenting coordinator may submit a written response to the comment or complaint. The comment or complaint, and any written response submitted by the parenting

coordinator, shall be forwarded to the administrative judge of the court or division, as applicable, for consideration and appropriate action. Dispositions by the court or division shall be made promptly. The court or division shall maintain a written record in the parenting coordinator's file regarding the nature and disposition of any comment or complaint and shall notify the person making the comment or complaint and the parenting coordinator of the disposition.

- iv. Parenting coordination shall proceed only if the parenting coordinator meets the qualifications, education, and training requirements of Sup.R.16.64 and this rule.
- v. Parenting coordination shall not proceed when domestic abuse or domestic violence is alleged, suspected, or present, unless all of the following conditions are satisfied;
 - 1. Screening is conducted, both before and during parenting coordination, for domestic abuse and domestic violence and for the capacity of the parties to engage in parenting coordination;
 - 2. The person who is or may be the victim of domestic abuse or domestic violence is fully informed about the parenting coordination process; the right to decline participation in the parenting coordination process; and, at the discretion of the parenting coordinator, the right to have any other individuals attend and participate in parenting coordination sessions;
 - 3. The parties have the capacity to participate in the parenting coordination process without fear of coercion or control;
 - 4. The court has taken reasonable precautions to create a safe parenting coordination environment for the parties and all other persons involved in the parenting coordination process;
 - 5. Procedures are in place for the parenting coordinator to terminate a parenting coordination session if there is a threat of domestic abuse, domestic violence, or coercion between the parties.

2) Appointment order

When ordering parenting coordination, the court or division shall issue an appointment order that does all of the following:

- i. Includes the name and contact information of the parenting coordinator and outlines the definition and purpose of the parenting coordinator;
- ii. Specifies the scope of authority of the parenting coordinator;
- iii. Sets forth the term of the appointment;
- iv. Allocates the responsibility for fees and expenses related to parenting coordination;
- v. Addresses procedures for decision-making of the parenting coordinator;
- vi. Addresses procedures for objections to parenting coordinator decisions;
- vii. Addresses other provisions as the court considers necessary and appropriate;
- viii. Orders the parties to contact the parenting coordinator within the time period specified by the court.

(G) Public Access.

The files maintained by a parenting coordinator but not filed with a clerk or submitted to a court shall not be available for public access under Sup.R. 44 through 47.

CHAPTER 22 – EVALUATIONS, INVESTIGATIONS AND TESTING IN ALLOCATION
OF PARENTAL RIGHTS AND RESPONSIBILITY CASES

JR 22.1 Investigations for the Allocation of Parental Rights and Responsibilities

- (A) Pursuant to Civ.R. 75(D) Juv. R. 32(D), and/or R.C. 3109.04, the court may order an investigation to address fact-based questions. Civ.R. 75(D) authorizes investigations into the “character, family relations, past conduct, earning ability, and financial worth of the parties to the action”. Juv. R. 32(D) authorizes investigations as to the “character, health, family relations, past conduct, present living conditions, earning ability, and financial worth of the parties to the action.” R.C. 3109.04(C) allows investigations to be ordered as to the “character, family relations, past conduct, earning ability and financial worth of each parent”.
- (B) Upon request of a party or at the court’s discretion, the court may issue an order requiring an investigation described above in paragraph A and appointing an investigator to complete the investigation. The order shall specify the information being sought through the investigation. The order issued shall indicate how the costs for the investigation shall be divided. [See “Court Form 5” for an Investigation (Home Study)]. Individuals appointed to complete these investigations shall have training and experience satisfactory to the appointing court.
- (C) The Court Investigator has the right to obtain any and all records pertaining to the minor child(ren), including but not limited to, school, medical and counseling records. The Court Investigator shall also have access to any and all records relating to the parents and/or other adult parties, including medical records and counseling records. The Home Investigator has the right to interview the child while at school, home or other places where the child may be found. Any and all persons or entities having information shall release it to the Court Investigator, shall speak with the Court Investigator if requested and provide any other requested information. In addition, those individuals being investigated shall sign any requested releases of information so as to allow the investigator to gather the required information.
- (D) The investigator shall file his or her report of the investigation at least seven (7) days before any scheduled trial date. The report shall include the following **NOTICE** in **BOLD** print in the body of the report:

This report is being provided to the court, unrepresented parties and legal counsel of record. If you are an attorney, you may share its contents with your client. However, any additional disclosure of this report must be approved *in advance* by the court. Any person who copies this report, posts on social media or other mediums or discloses all or portions of this report to another person, without prior approval, shall be subject to court action, including penalties for contempt which include incarceration and fines.

- (E) The investigator shall not render an opinion as to the care of children and may only report the investigator's findings on the issues outlined in the order of appointment.
- (F) The report shall be signed by the investigator and the investigator shall be subject to cross-examination by either party concerning the contents of the report.
- (G) The report and any attachments shall be placed in the family file and may be viewed by counsel and/or self-represented parties upon request. At the time the report is submitted for filing, the clerk shall file a notice in the public file stating the date that the report of the investigation has been filed
- (H) At the time the investigator's report is filed, copies shall be sent by the court to the attorney(s) of record and any unrepresented parties. When the report is sent to the attorney(s) and/or unrepresented parties, a cover sheet containing the **NOTICE** stated in Paragraph D above shall be attached to the report.
- (I) An attorney may share the contents of the investigator's report with his or her client(s).
- (J) The court will impose sanctions of contempt on any person who disseminates the report, in whole or in part, to any individual who has not been pre-approved to receive the report. No individual shall be permitted to place the content of the report on any form of social media.

JR 22.2 Custody Evaluations

I. Definitions. As used in this rule:

(A) Best interest

"Best interest" has the same meaning as in R.C. 3109.04 and 3109.051.

(B) Custody evaluation

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

(C) Custody evaluator

"Custody evaluator" means an individual meeting the requirements of Sup.R. 91.08 and VII of this rule. As used in this rule, a custody evaluator can be one of the following:

- (1) "Court-connected evaluator," a person employed by the court or with whom the court contracts custody evaluation services.
- (2) "Private custody evaluator," a person in private practice who provides custody evaluation services to the court.

(D) Evaluation

"Evaluation" includes an investigation and assessment.

(E) Full evaluation

"Full evaluation" means a comprehensive examination of the best interest of a child.

(F) Partial evaluation

"Partial evaluation" means an examination of the best interest of a child that is limited by court order in either time or scope.

II. Application of Rules.

Sup.R. 91.01 through 91.09 and the provisions of this rule shall apply in a case in which the court appoints a person to perform a custody evaluation to assist the court when child custody or parenting time is at issue.

III. Custody Evaluation.

(A) Order

Upon motion of a party, Guardian *ad Litem*, counsel for a child, or on its own initiative, the court may order a custody evaluation to aid the court in evaluating the best interest of a child in a contested custody or parenting time case. [See “Court Form 6” – Order Appointing Custody Evaluator].

(B) Description of custody evaluation

Unless contraindicated in the judgment of the custody evaluator or limited by the order of appointment, a custody evaluation shall include but is not limited to all of the following:

- (1) Information obtained through interviews, joint or individual, with each party seeking custody or parenting time;
- (2) Information obtained through interviews with each child;
- (3) Information obtained through interviews with stepparents, significant others, or any other adult residing in the home;
- (4) Information obtained through interviews with step or half siblings residing in the home;
- (5) Information obtained from child care providers, schools, counselors, hospitals, medical professionals, social service agencies, guardians ad litem, and law enforcement agencies;
- (6) Information from home visits or observations of each child with the appropriate adults involved;
- (7) Results of clinical tests administered;
- (8) History of child abuse, domestic violence, substance abuse, psychiatric illness, and involvement with the legal system;
- (9) Investigation into any other relevant information about the child’s needs.

IV. Appointment of Custody Evaluator.

A. Custody evaluator

The court, when ordering a custody evaluation pursuant to Sup.R. 91.04 and section III of this rule may appoint a court-connected custody evaluator or a private custody evaluator to perform the evaluation. The custody evaluator shall meet the requirements of Sup.R. 91.08 and section IV of this rule. The court shall not appoint as a custody evaluator a Guardian *ad Litem* appointed to the case pursuant to Sup.R. 48. The court shall consider only evaluations completed by a custody evaluator appointed by the court.

B. Private custody evaluator list

The court shall establish and maintain a public list of approved private custody evaluators eligible to receive appointments from the court. With regard to the list of private custody evaluator:

- (1) The criteria set in Sup.R. 91.01 through 91.09 and in sections of this rule for appointment and removal of private custody evaluators from the list are established as requirements.
- (2) Upon completion of the required pre-appointment training, an applicant seeking to serve as a private custody evaluator shall submit to the Court the Application for the Private Custody Evaluator Appointment List.
- (3) The application of a private custody evaluator shall provide the following documents in addition to the application:
 - (a) A resume documenting compliance with the custody evaluator qualifications and completion of the initial training program under Sup.R. 91.08(B) and section VII(B) of this rule and outlining the applicant's education and licensure, training, experience, and expertise demonstrating the applicant's ability to successfully perform the duties and responsibilities of a custody evaluator;
 - (b) A copy of the applicant's criminal and civil background check;
- (4) The workload shall be distributed among the private custody evaluators on the list equitably. "Equitable distribution" means a system through which appointments are made in an objectively rational, fair, neutral, and nondiscriminatory manner and are widely distributed among all private custody evaluators on the list. The court may consider the complexity of the issues, parties, counsel, and the children involved, as well as the experience, expertise, and demeanor of available private custody evaluators.
- (5) A record of all private custody evaluators eligible for appointment by the court, including the name, business address, telephone number, and electronic mail address of the evaluator shall be maintained by the court.. Each private custody evaluator shall immediately notify the court of any changes to this information or changes in licensure status, including disciplinary actions.

- (6) Each private custody evaluator shall submit to the court on or before January 1st of each year any updates to the resume and a list of continuing education training completed by the evaluator during the previous calendar year pursuant to Sup.R. 91.09, including the provider, title, date, and location of each training.

C. Order of appointment. The court, when appointing a custody evaluator pursuant to division (A) above shall enter an order of appointment that includes all of the following information:

- (1) The name, business address, licensure, and telephone number of the evaluator;
- (2) The purpose and scope of the appointment;
- (3) The term of the appointment;
- (4) A provision that a written report is required and oral testimony may be required;
- (5) Any deadlines pertaining to the submission of reports to the court, including the dates of any pretrial, settlement conference, or trial associated with the furnishing of reports;
- (6) A provision for payment of fees, expenses, and any hourly rate or fee that will be charged;
- (7) Any provision the court deems necessary to address the safety and protection of all parties, the children of the parties, any other children residing in the home of a party, and the person being appointed;
- (8) A provision that grants the custody evaluator the right to access information as authorized by the appointment;
- (9) A provision that requires the parties to cooperate with the custody evaluator and provide information promptly when requested to do so.
- (10) Any other provisions the court deems necessary.

D. Removal. The court may remove a custody evaluator appointed to perform a custody evaluation upon a showing of good cause.

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

F. Fees and expenses

- (1) Fees and expenses related to the appointment of a custody evaluator, both court-connected and private, shall be set forth pursuant to separate Order of the Court (see Court Order Form 6). Said cost may be increased or decreased in a given case as set forth below.
- (2) Prior to the appointment of a custody evaluator, whether the custody evaluator is court-connected or private, the parties to the case shall have a right to be heard on the issue of the allocation of fees and expenses.

- (3) The court shall inquire as to the rate and terms of reasonable compensation required by the custody evaluator and shall make a determination of the ability of any party to the case to pay for the likely fees and expenses of the evaluator. In making this determination, the court shall consider all of the following:
 - a) The income, assets, liabilities, and financial circumstances of the parties, as demonstrated by an affidavit or statement of income and expenses, testimony to the court, or evidence of qualification for any means-tested public assistance;
 - b) The complexity of the issues;
 - c) The anticipated reasonable fees and expenses of the custody evaluator, including any reasonable fees or expenses related to potential testimony.
- (4) Upon determination that the appointment of a custody evaluation should proceed, the court shall issue an order regarding allocation of payment of the evaluator's fees and expenses which shall consist of both of the following:
 - a) Any requirement for a party to pay reasonable fees and expenses, including an initial deposit;
 - b) Any requirement for any other entity or individual to contribute toward reasonable fees and expenses.
- (5) For good cause shown, based upon a change of financial circumstances, the conduct of any party, or other unforeseen circumstances, the court may approve additional fees or expenses, reallocate reasonable fees or expenses, or require a party to reimburse another party in part or in whole for reasonable fees or expenses paid.

V. Responsibilities and Authority of Custody Evaluator.

A. Responsibilities

A custody evaluator appointed by the court pursuant to Sup.R. 91.04 and section III of this rule shall do all of the following when performing the custody evaluation:

- (1) Maintain objectivity, provide and gather balanced information from both parties to the case, and control for bias;
- (2) Strive to minimize the potential psychological trauma to children during the evaluation and report writing by performing responsibilities in a prompt and timely manner;
- (3) Protect the confidentiality of the parties and children with collateral contacts and not release information about the case to any individual except as authorized by the court or statute;

- (4) Immediately identify himself or herself as a custody evaluator when contacting individuals in the course of a particular case and inform these individuals about the role of a custody evaluator and that documents and information obtained may become part of court proceedings;
- (5) Refrain from any ex parte communications with the court regarding the merits of the case;
- (6) Not offer any recommendations about a party unless that party has been evaluated directly or in consultation with another qualified neutral professional;
- (7) Consider the health, safety, welfare, and best interest of the child in all phases of the process, including interviews with parents, extended family members, counsel for the child, and other interested parties or collateral contacts;
- (8) Not pressure children to state a custodial preference;
- (9) Inform the parties of the evaluator's reporting requirements, including, but not limited to suspected child abuse and neglect and threats to harm one's self or another person;
- (10) Not disclose any recommendations to the parties, their attorneys, or the attorney for the child before having gathered the information necessary to support the conclusion;
- (11) Be conscious of the socioeconomic status, gender, race, ethnicity, sexual orientation, cultural values, religion, family structures, and developmental characteristics of the parties;
- (12) Upon discovery, notify the court in writing of any conflicts of interest arising from any relationship or activity with parties or others involved in the case. A custody evaluator shall avoid self-dealing or associations from which the custody evaluator may benefit, directly or indirectly, except from services as a custody evaluator.

B. Assistance. When one party resides in another jurisdiction, a custody evaluator, upon order of the court, may rely upon another qualified neutral professional for assistance in gathering information.

C. Communication with court. A custody evaluator may communicate with the court when necessary to amend the scope or time frame of the order of appointment.

D. Authority of Custody Evaluator. Upon presentation of a copy of the order appointing the custody evaluator to any agency, hospital, physician, chiropractor, optometrist, dentist, nurse, or other medical, dental, or optical practitioner, psychologists, psychiatrists, or other mental health practitioner, organization, school, person, or office, including, but not limited to, the clerk of this court, job and family services agencies, public children's services agencies, private child placing agencies, health departments,

juvenile courts, juvenile probation department, and adult probation departments, the custody evaluator shall be permitted to inspect and copy any records related to the child(ren), and/or parent, to confirm with any and all professionals who may provide information relative to said minor child(ren) and/or parent with respect to issues pending before this court without the consent of the child and/or parents.

VI. Custody Evaluator Report.

A. General

(1) A custody evaluator shall prepare and file with the court a written report at least 30 days prior to the final hearing. The report shall provide a detailed analysis of the relative strengths and areas in need of improvement of the parties with respect to meeting the needs of the child as well as a comparative analysis of different parenting or companionship plans under consideration. The report shall not be considered an investigation pursuant to Civ.R. 75(D), Juv.R.32(D) or R.C. 3109.04(C) or pursuant *22.1 of these rules*.

(2) The written report shall include the following statement in bold:

This document is being provided to the court, unrepresented parties and legal counsel of record. If you are an attorney, you may share its contents with your client. However, any additional disclosure of this report must be approved *in advance* by the court. Any person who copies this report, posts on social media or other mediums or discloses all or portions of this report to another person, without prior approval, shall be subject to court action, including penalties for contempt which include incarceration and fines.

(3) At the time the report is filed, copies shall be sent by the court to the attorney(s) of record and any unrepresented parties. When the report is sent to the attorney(s) and/or unrepresented parties, a cover sheet containing the **NOTICE** stated in Paragraph D above shall be attached to the report.

(4) An attorney may share the contents of the report with his or her client(s).

B. Court access to report

The court may receive and read the written report in advance of a hearing or trial for the purpose of conducting a settlement conference in the case.

C. Record keeping

A custody evaluator shall establish and maintain a record-keeping system that shall include active control of their records and reasonable precautions to prevent the loss or destruction of records in compliance with established record retention standards.

D. Discovery and public access

- (1) The written report shall be subject to the Ohio Rules of Civil Procedure applicable to discovery in civil actions.
- (2) The written report shall not be available for public access pursuant to Sup.R. 44 through 47. The report and any attachments shall be placed in the family file and may be viewed by counsel and/or self-represented parties upon request. At the time the report is submitted for filing, the clerk shall file a notice in the public file stating the date that the report of the investigation has been filed.

E. Copying and dissemination

- (1) A party may copy a written report of a custody evaluation but, except as permitted by the court, shall not disseminate the report by any means, including by social media. Any additional disclosure of this report must be approved in advance by the court. In particular, reports or the recommendations shall not be shared with minor children who are the subject of the case. Unauthorized disclosure or distribution of the report may be subject to court action, including the penalties for contempt which include fines and/or incarceration.
- (2) The court will impose sanctions of contempt on any person who disseminates the report, in whole or in part, to any individual who has not been pre-approved to receive the report. No individual shall be permitted to place the content of the report on any form of social media.

F. Testimony and report at hearing or trial

- (1) The evaluator's report shall be admitted into evidence at a hearing or trial on the court's motion. The report shall be admitted as the court's exhibit in the form of the evaluator's expert direct testimony. A party challenging the report shall subpoena the evaluator to appear not less than fourteen days before a hearing or trial.
- (2) The court shall notify the evaluator as soon as a hearing or trial date is set. The evaluator shall be available to testify on cross-examination regarding the report if subpoenaed by a party not less than fourteen days prior to trial.

VII. Custody Evaluator Licensure and Pre-Appointment Education Requirements.

A. Licensure requirement

The court shall appoint an individual as a custody evaluator only if the individual is one of the following:

- (1) An Ohio licensed psychologist or a psychologist licensed in another jurisdiction and authorized by the Ohio Board of Psychology to practice psychology in this state on a temporary basis;
- (2) An Ohio licensed social worker, professional clinical counselor, or marriage and family therapist or a professional with an equivalent level of licensure issued by

another jurisdiction and authorized by the Ohio Counselor, Social Worker, and Marriage and Family Therapist Board to practice in this state on a temporary basis;

- (3) A physician licensed in any state and board-certified in psychiatry or who has completed a psychiatry residency accredited by the Accreditation Council for Graduate Medical Education or a successor to that Council;
- (4) A court-connected evaluator who has a minimum of a master's degree in a mental health field that includes formal education and training in the legal, social, familial, and cultural issues involved in custody decisions.

B. Pre-appointment training

- (1) Except as provided in division (B)(2) of this rule, a court of common pleas shall appoint an individual as a custody evaluator only if, at the time of appointment, the individual has completed an initial training program of forty hours to qualify for appointment. The initial training course shall be provided by the Supreme Court or other provider that has received prior approval of the Supreme Court. Approved topics for the initial training are detailed in the Supreme Court of Ohio's Custody Evaluator Training Guidelines.
- (2) An individual serving as a custody evaluator on September 1, 2022, shall have until February 1, 2024, to complete the training required under division (B)(1) of this rule.

VIII. Custody Evaluator Continuing Education.

A. Requirement. In each succeeding year following completion of the pre-appointment educational requirements of Sup.R. 91.08(B) and VII(B) of these rules, a custody evaluator appointed by a court of common pleas shall complete a minimum of six hours of continuing education that meets all of the following requirements:

- (1) Is provided by the Supreme Court or other provider that has received prior approval of the Supreme Court;
- (2) Is comprised of approved continuing education topics detailed in the Supreme Court of Ohio's Custody Evaluator Training Guidelines.

B. Failure to comply. The following shall apply to a custody evaluator who fails to comply with the continuing education requirement of division (A) above:

- (1) The custody evaluator shall not be eligible for new appointments to serve as a custody evaluator until the requirement is satisfied. If the deficiency in continuing education is more than three calendar years, the custody evaluator shall complete the initial training program pursuant to Sup.R. 91.08(B) and VII(B) of these rules to qualify again for appointment.
- (2) If the custody evaluator is currently conducting an evaluation at the time of noncompliance, the appointing court may allow the custody evaluator to complete the evaluation and fulfill the requirements within the order of appointment.

JR 22.3 Drug Testing

- (A) In any case, any party to an action may request testing for the purpose of determining the existence of illegal substances or the use of illegal substances by any party to the action. A request by a party for drug testing shall be made in the form of a motion with supporting affidavit. The costs of the test may be taxed as costs, or as the Court may determine.
- (B) Upon request, provided the Court finds reasonable grounds to believe drug usage is occurring, the Court shall order the party or parties to be tested under such terms and conditions the Court deems appropriate.
- (C) In addition, the Court may, on its own motion, order such testing and assign the costs therefore, if the Court believes there are reasonable grounds to believe drug usage is occurring.
- (D) The report of the results of any such drug testing shall not be utilized in any criminal actions or for prosecutorial purposes and shall, as required by these Rules, be placed in the family file.

CHAPTER 23 – RULES APPLICABLE IN ALLOCATION OF PARENTAL RIGHTS AND RESPONSIBILITY CASES

JR 23.1 Uniform Child Custody Jurisdiction and Enforcement Act Affidavit

In all cases in which allocation of parental rights for minor child(ren) may be involved a Uniform Child Custody Jurisdiction and Enforcement Act affidavit shall be filed at the time of the complaint or any other pleading requesting the allocation of or a change in the allocation of parental rights and responsibilities for minor child(ren). No case involving the allocation of parental rights and responsibilities for minor child(ren) may be filed without said affidavit (included in these rules as Form 2).

JR 23.2 Court Schedules

- (A) Included within these Rules are Schedule A (“Parenting Time Guidelines for Travel Distances Under 150 Miles One Way”), Schedule B (“Long Distance Parenting Time Guidelines Over 150 Miles One Way”), Schedule C (“Maintenance of Insurance and Payment of Extraordinary Expenses for Minor Children”), Schedule D (“Health Insurance Affidavit”) and Schedule E (“Application for Child Support Services”), and Appendix A (“Age appropriate Parenting Access Plans”).
- (B) Understanding that each family is best served by developing its own parenting plan, parties are encouraged to create their own parenting plans in accordance with the factors set out in ORC §3109.04, as enhanced by considerations regarding the best interest of children in Appendix A. If the parties are unable to create their own parenting plans, the Court will consider those factors in creating a parenting plan for the family. Nevertheless, unless orders are issued to the contrary, Schedules A or B shall be deemed the minimum parenting time schedule in any case in which a schedule is not otherwise specified.
- (C) In any case in which there are minor child(ren), orders shall issue regarding the parties’ responsibility to provide health insurance for the child(ren) and for payment of those health related expenses for the children) not paid by insurance coverage. Schedule C sets out the standard court order for insurance and payment of expenses and will be adopted by the Court unless a different order is submitted by the parties and approved by the Court. Schedule D sets out requirements for provision of health insurance and shall be completed and attached to the judgment entry filed in every case in which there are minor child(ren) or in the alternative, appropriate language as set out within Schedule D may be incorporated in the judgment entry.
- (D) At such time as a child support order is issued by the Court, Schedule E shall be completed with the original forwarded by a Deputy Clerk of the Court to the Child Support Enforcement Agency and a copy filed in the Family File.
- (E) Solely for the purposes of calculating child support under the Ohio child support guideline, the adoption of Schedule A (Parenting Time Guidelines for Travel Distances Under 150 Miles One Way) shall meet the ninety (90) day overnight requirement for deviation as required by statute. The adoption of Schedule B (parenting Time Guidelines for Travel Distances Over 150 Miles One Way) shall

meet the ninety (90) day overnight requirement for deviation as required by statute, unless otherwise indicated by court order.

CHAPTER 24 -- MISCELLANEOUS PROVISIONS

JR 24.1 Special Services

- (A) Any person who requires special accommodations because of a handicap or disability may notify the Administrator of the Court of his or her special requirements 24 hours before a scheduled Court appearance. The Court will comply with all reasonable requests for assistance.
- (B) When interpretive services are needed, the attorney or party requesting an interpreter shall submit to the Administrator of the Court a written request for interpreter setting forth the name of the case, its scheduled time, the reason for the need of an interpreter, the type of interpreter needed, and the time that the interpreter will be needed. Such requests shall be submitted at least ten (10) days before the scheduled hearing. It is the responsibility of the requesting party to notify the Administrator, in writing, if there is any change in the date or time of the hearing. Failure to do so will result in the requesting party being held responsible for payment of the interpreter's fee for time spent in attempting to attend the rescheduled hearing.
- (C) Upon request for good cause shown and with the approval of the Court, appearance by electronic means may be allowed (e.g., by video or audio transmission). In the event such an appearance is approved, the individual who is appearing via electronic means must make arrangements at his/her expense and at his/her location for said appearance, including making arrangements for the appropriate electronic equipment to facilitate the transmission and for himself/herself to be sworn in by a notary public or other individual authorized to administer oaths. All arrangements must be approved by the Court in advance of the scheduled appearance.

JR 24.2 Expungement

All expungement and sealing requests shall be made in accordance with Section 2151.358 of the Ohio Revised Code.

JR 24.3 Public Access to Abuse, Neglect and Dependency Cases Restricted

Based upon a review of the factors set out in Ohio Rule of Superintendence 45(E), the Court has found by clear and convincing evidence that all abuse, neglect, and dependency cases should be restricted from access by the public unless the Court orders a specific case to be a public record.

Therefore, all abuse, neglect and dependency cases shall be restricted from public access unless specifically ordered by the Court upon motion, with good cause shown. Because the access to such cases is restricted, it is not necessary to use initials as

personal identifiers in said cases and the children who are the subject of the cases may be referred to by name.

JR 24.4 Transcripts

Applications for transcripts of any proceeding may be made by using Court Order 6 or a similar pleading. All costs for the transcript shall be paid by the applicant directly to the court reporter. The court reporter may require a deposit which shall be paid by the applicant prior to the preparation of the transcript. Failure to timely pay the deposit or any additional fees or costs charged by the court reporter may result in sanctions being issued by the Court against the applicant.

JR 24.5 Competency Proceedings

- (A) General Purpose. The purpose of this rule is to expedite proceedings under sections 2152.51 to 2152.59 of the Revised Code, to ensure that proper notice of competency hearings is provided to the appropriate persons, and to ensure that any proceedings on an underlying complaint are stayed pending the determinations under these sections.
- (B) Expedited Hearings. Juvenile competency proceedings shall be scheduled and heard on an expedited basis. Hearings in juvenile competency proceedings shall be held in strict compliance with applicable deadlines as established by statute or by this rule.
- (C) Notice. Upon the conclusion of each hearing, the court shall provide written notice to the prosecuting attorney, the child's attorney, the child's Guardian *ad Litem*, and the child's parents, guardian, or custodian of the date, time and place of the next scheduled hearing. Mailed notice shall not be required for any party or other individual designated in this rule to whom notice of the next hearing was provided in writing upon conclusion of the immediately preceding hearing.
- (D) Stay of Proceedings. Upon the filing of a motion for a determination regarding a child's competency or upon the court's own motion the court shall stay all delinquency proceedings pending a determination of competency. If, upon a determination of competency, the court determines that the child is not competent but could likely attain competency, the court order staying the delinquency proceedings shall remain in effect until such time as the child attains competency or the proceeding is dismissed.

CHAPTER 25 - SELF-REPRESENTED LITIGANTS

JR 25.1 Procedure for Filing

All pleadings filed by self-represented litigants shall first be reviewed by the Judge or Magistrate before being time-stamped by the Clerk.

JR 25.2 Pro Se Clinic

To assist in the prompt and efficient administration of justice, the Court may require self-represented litigants to attend a free pro se clinic before filing any documents with the Clerk of Courts. Please contact the Assignment Commissioner at the following telephone number to make arrangements to attend the Clinic:

Defiance County.....419-782-4181
Henry County.....419-599-5951
Williams County.....419-636-1548

JR 25.3 Government Issued Identification

Parties must appear at all hearings with government issued identification, or other identification acceptable to the Court.

PARENT 1 _____ **PARENT 2** _____
The parties shall determine which parent is Parent 1 and which is Parent 2 by filling in the names. If the parties do not make such determination, then the Court will determine the designation.

**SCHEDULE A
PARENTING TIME GUIDELINES
FOR TRAVEL DISTANCES UNDER 150 MILES ONE WAY**

Parents are encouraged to agree on a fair, written parenting schedule that fits their circumstances, their children's lives and what is in their children's best interests. Infants and Toddlers often require different schedules which in its discretion, the Court may order. Go to the Court's website to find Appendix A of this court's rules for sample parenting schedules that are based on children's developmental milestones and best interests. These schedules have been created by experts in the field of child development and are available for your review and consideration to assist you in the creation of your own parenting schedule. Families do best when parents create their own schedules for their children.

The following schedule may serve as the Parenting Schedule when parents cannot agree. However, if parents do not agree on their own schedule, the final decision regarding allocation of parental rights and responsibilities and parenting time will be made by the Court and may not be as set out in this schedule. If this schedule is adopted, parents may change this schedule by agreement in the event of conflicting dates and times. However, parents should carefully review any court orders in their case as specific items in those orders will take precedence over this schedule. The court may make changes or modifications to this schedule as it determines in the best interests of your child(ren).

Each parent has a duty to facilitate and encourage the children to go to the parenting time with the other parent, and to follow the terms of the parenting schedule. Parents should make a firm effort to avoid confrontations or unpleasant scenes in front of the children when talking on the phone with the other parent or when exchanging the children for parenting time.

Parenting time for the parent with whom the child is not-then primarily residing shall be as follows:

1. Weekends: Alternate weekends from Friday at 6 p.m. until Sunday at 6 p.m.
2. Weekdays: One weekday evening per week. If the parties cannot agree as to the day and times, then it shall be Thursday from 6 p.m. until Friday morning when the child(ren) are delivered to school or a child care provider. When it is that parent's weekend with the children, unless otherwise agreed or ordered, the weekend shall extend from 6 p.m. Thursday through 6 p.m. Sunday.

Unless otherwise mutually agreed upon, the parent receiving the child(ren) for parenting time in the paragraph above, shall provide dinner for the child(ren).

If the non-residential parent’s schedule does not permit that parent to exercise over-night parenting time with the child on Thursday evenings, that parenting time shall be from 5:00 p.m. until 8:00 p.m. on Thursdays.

(This mid-week visit does not apply to the week-on, week-off summer schedule).

3. Holidays: Unless otherwise agreed, the parents shall alternate holidays on a yearly basis in accordance with the following schedule:

	<u>Even-Numbered Years</u>		<u>Odd-Numbered Years</u>
Martin Luther King Day	Parent 1	Parent 2	Sun.6 p.m.-Mon.6 p.m.
President’s Day	Parent 2	Parent 1	Sun.6 p.m.-Mon.6 p.m.
Easter	Parent 2	Parent 1	Sat.6 p.m.-Sun.6 p.m.
Memorial Day	Parent 1	Parent 2	Sun.6 p.m.-Mon.6 p.m.
July 4 th	Parent 2	Parent 1	7/4 10 a.m.-7/5 9 a.m.
Labor Day	Parent 1	Parent 2	Sun.6 p.m.-Mon.6 p.m.
Thanksgiving	Parent 2	Parent 1	Wed.6 p.m.-Fri. 6 p.m.
Christmas Eve	Parent 1	Parent 2	12/23 6 p.m.-12/24 9 p.m.
Christmas Day	Parent 2	Parent 1	12/24 9 p.m.-12/25 9 p.m.
New Years Eve Day	Parent 1	Parent 2	12/31 6 p.m.-1/1 7 p.m.

A holiday that falls on a weekend should be spent with the parent who is scheduled to have the child(ren) for that holiday. The rest of the weekend is to be spent with the parent who would normally have that weekend pursuant to Paragraph one above.

4. School Breaks

- A. Easter/Spring Break: Parent 2 will have Easter/Spring Break in the even numbered years and Parent 1 will have Easter/Spring Break in the odd numbered years. Alternate weekends and mid-week parenting time occurring during Easter/Spring Break are forfeited by the other parent and are not required to be made-up.
- B. Christmas/Winter School Break: Parent 1 will have Christmas/Winter School Break until December 24th at 9 p.m. in the even numbered years. Parent 2 will have from December 24th at 9 p.m. until the end of the break in even numbered years. In the odd years, the time periods will reverse. Alternate weekends and mid-week parenting time occurring during Christmas/Winter School Break are forfeited by the other parent and are not required to be made-up.

Breaks begin at 6 p.m. on the last day of school before the break and end at 6 p.m. the night before school resumes.

A holiday that falls during the Easter/Spring Break or Christmas/Winter Break shall be spent with the parent who is scheduled to have the child(ren) for that holiday as provided above. The rest of the break shall be spent with the parent who has that portion of the break for that year as provided above.

5. Other Days:

- A. Mother's Day and Father's Day shall be spent with the appropriate parent. The hours are as agreed, or 9 a.m. to 6 p.m. The rest of the weekend is spent with the parent who would normally have that weekend.
- B. Birthdays: In odd-numbered years, Parent 2 shall have all the children on each child's birthday from 6 to 9 p.m. In even-numbered years, Parent 1 shall have all the children on each child's birthday from 6 to 9 p.m.
- C. Other days of special meaning, such as religious holidays, should be decided together, written into the Court Order, and alternated as above.

6. Summer Vacation: Parents shall exercise summer parenting time in one week-on, one week-off increments beginning the first Friday after the last day of school. Each week shall begin on Friday at 6 p.m. until the following Friday at 6 p.m. Whichever parent had the children the weekend before school was out, the other parent shall start his or her parenting week on that Friday of the week school is out. This alternate parenting week schedule shall end on the last Friday before the week school starts.

Summer school, if necessary for a child to pass the next grade, must be attended. Each parent will be responsible for making sure the child attends classes during parenting time.

Mid-weekday visits with the other parent shall be suspended during the summer vacation unless otherwise mutually agreed upon by the parents. Child support obligations shall not be modified during summer parenting time.

7. Vacations: Each parent may arrange a vacation of up to two (2) weeks with the child(ren) per year. The two (2) weeks shall be nonconsecutive unless the parties otherwise mutually agree. If the vacation is during the summer when school is out, the vacationing parent shall arrange the vacation on a week when that parent is scheduled to have the child(ren), unless otherwise mutually agreed upon by the parties.

There will be no mid-week visit with the other parent during a vacation week.

Each parent must provide the other parent with destination, times of arrival and departure, method of travel, together with emergency telephone or contact numbers, if any extended vacation will be taken away from that parent's residence.

8. Transportation: The parent receiving the child(ren) for his or her parenting time is responsible for picking up the minor child(ren) from the other parent. If the parents mutually agree, they may meet for exchanges at a location half-way between their homes.
9. Waiting: Either parent shall immediately notify the other parent of any delay, as soon as he/she becomes aware of the delay. Parents are expected to act in good faith and shall consider all reasonable explanations for any delay in the pick-up of the minor child(ren) by the other parent. If a parent has failed to notify the other parent that he/she is going to be late, the parent with the child(ren) need not wait longer than 30 minutes past the required

pick-up time. Under those circumstances, the late parent may, at the discretion of the other parent, forfeit his/her parenting time. All parties are expected to make reasonable efforts to be prompt in the pick-up and return of the child(ren) during parenting time. Being habitually late, and/or not exercising parenting time with the child(ren), may not be in the children's best interests. Should a party be habitually late in either picking up the child(ren) for parenting time, and/or picking up the child(ren) at the end of parenting time, or habitually miss entire parenting time periods, appropriate relief may be granted by the Court as provided by law.

Any person transporting child(ren) must possess a valid driver's license and the child(ren) shall be properly restrained in the manner required by law during transportation.

10. Cancellations and Illnesses: If a child is ill, the parent with whom the child is then residing should give 24-hour notice of the illness, if possible, to the other parent so that appropriate plans can be made. Loss of parenting times because of sickness of a child and/or family emergencies, weather emergencies or similar problems, may be made up upon the request of the parent whose parenting time was cancelled. Said parent should notify the other parent in writing within thirty (30) days after the cancelled parenting time as to proposed arrangements for makeup time. Said makeup time shall be as agreed to by the parties. Each party should cooperate in good faith to assure the makeup time is achieved. All other cancellations result in forfeiture.
11. Extracurricular Activities/Sports: It is in the best interest of the child(ren), that they be encouraged to participate in extracurricular activities and sports. Each parent shall make reasonable efforts to assure that this continues. A parent shall not schedule extracurricular activities for the child(ren) during parenting times of the other parent without first consulting that parent. The final determination as to whether the child(ren) should attend the extracurricular activity during the parenting time shall be left up to the parent scheduled to have parenting time at the time of the activity. Each parent who encourages and enrolls the child(ren) in any extracurricular activity shall provide the other parent with notice of all the activities including schedules, if available, and the names and telephone numbers of the adult persons responsible for the activity, if available. If there is no written schedule, said parent shall orally or electronically provide the other parent with the information concerning the activity.
12. Intent to Relocate: If a parent intends to move, he/she shall immediately file a Notice of Intent to Relocate with the Court. The Court shall send a copy of the notice to the other parent. The Court may on the motion of the non-moving parent schedule a hearing to determine whether it is in the best interest of the minor child(ren) to modify the parenting orders. The non-moving parent shall, at a minimum, be entitled to parenting time in accordance with the Court's parenting time schedules for the applicable distance. Blank forms for Notice to Relocate are available on the Court's website.
13. Access to Records: Unless otherwise ordered, both parents shall have access to all records relating to the minor child(ren), including but not limited to medical and school records.

14. Parental Duties and Rights:

- A. Health Issues: Each parent shall notify each other of any health problems of the child(ren).
- B. Telephone Access: Both parents are encouraged to provide the other parent reasonable and flexible telephone access to the child(ren). The parent with whom the child(ren) are then residing or staying with must provide, at minimum, telephone communication between the child(ren) and other parent at least one time per week. If the parents do not otherwise agree as to that time, then it shall be 6 p.m. each Tuesday night for preschool through third grades and 9 p.m. each Tuesday for all others. Unless otherwise agreed or ordered, the calling party shall alternate (one week the call is initiated through Parent 1's telephone and the next week the call is initiated through Parent 2's telephone). Unless ordered by the Court, the child(ren)'s calls shall NOT be monitored.
- C. Current Address and Telephone Number: Each parent must keep the other parent and the Court informed of his or her current address and telephone number and any changes in said information.
- D. School Activities: Both parents have the right to participate in parent-teacher conferences, school trips, school programs, and other school events in which parents are invited to participate. The parent receiving the grade card shall give a copy to the other parent within three (3) days of receipt.
- E. Use of Illegal Substances: During the parenting time, neither parent shall consume illegal substances.
- F. Cooperation: Each parent shall refrain from voicing criticism of the other parent, either in or out of the presence of the child(ren), and shall further do everything in his or her power to encourage others to refrain from similar conduct. Neither parent shall interrogate the child(ren) during or following the parenting time as a means to gather information regarding the other parent.
- G. Medications: If the child(ren) is/are prescribed medication that is to be administered during parenting time, the parent who has the medication shall provide the medication to the other parent along with clear instructions. That parent shall follow the instructions that are provided.
- H. Communication Between Parents: IT IS THE RESPONSIBILITY OF THE PARENTS, NOT THE CHILD(REN), TO MAKE ALL PARENTING TIME ARRANGEMENTS. Neither parent should communicate with child(ren) about the issue of parenting time, or future events or activities which conflict with the other parent's allotted times. It is not the responsibility of the child(ren) to mediate, or become involved in parental differences over parenting time periods, dates or activities. If parents have temporary difficulty communicating about either parenting time or the

needs of their child(ren), parents should not enlist the child(ren) to resolve the parents' inability to talk to each other.

15. Failure to Comply with a Court Order: Any of the responsibilities or rights outlined in this schedule may be enforced by the court upon the filing of the appropriate motion by either party. A parent may not withhold the rights of parenting time because the other parent does not obey a court order, for instance, to pay support, or medical bills, etc. Penalties for willful denial of parenting time include jail sentence and/or modification of parental rights. A parent may seek enforcement of periodic child support order by calling the Child Support Enforcement Agency.

COURT WEBSITES:

Defiance County Common Pleas Court

General and Domestic Relations: <https://defiance-county.com/common-pleas-court/index.php>

Juvenile Division: <https://defiance-county.com/probate-and-juvenile-court/index.php>

Fulton County Common Pleas Court

General and Domestic Relations: <https://www.fultoncountyoh.com/208/Common-Pleas-Court>

Juvenile Division: <https://www.fultoncountyoh.com/269/Juvenile-Court>

Henry County Common Pleas Domestic Relations Court: www.henrycountyfamilycourt.com

Williams County Common Pleas Court:

General and Domestic Relations: <https://www.williamscountyoh.gov/637/General-Domestic-Relations>

Juvenile Division: <https://www.williamscountyoh.gov/475/Juvenile-Probate-Divisions>

PARENT 1 _____

PARENT 2 _____

The parties shall determine which parent is Parent 1 and which is Parent 2 by filling in the names. If the parties do not make such determination, then the Court will determine the designation.

**SCHEDULE A-1
HOLIDAYS, BREAKS AND VACATIONS**

Parents are encouraged to agree on their own holiday schedules that best meet their families’ schedules and traditions. However, if the parents cannot agree, then they will alternate holidays on a yearly basis according to the Court’s Holiday, Breaks and Vacations Schedule A-1.

When developing a parent plan, parents should indicate which parent is designated as Parent 1 and which is designated as Parent 2. If this is not done, the Court may determine the designation.

- 1. Holidays: Unless otherwise agreed, the parents shall alternate holidays on a yearly basis in accordance with the following schedule:

	<u>Even-Numbered Years</u>		<u>Odd-Numbered Years</u>
Martin Luther King Day	Parent 1	Parent 2	Sun.6 p.m.-Mon.6 p.m.
President’s Day	Parent 2	Parent 1	Sun.6 p.m.-Mon.6 p.m.
Easter	Parent 2	Parent 1	Sat.6 p.m.-Sun.6 p.m.
Memorial Day	Parent 1	Parent 2	Sun.6 p.m.-Mon.6 p.m.
July 4 th	Parent 2	Parent 1	7/4 10 a.m.-7/5 9 a.m.
Labor Day	Parent 1	Parent 2	Sun.6 p.m.-Mon.6 p.m.
Thanksgiving	Parent 2	Parent 1	Wed.6 p.m.-Fri. 6 p.m.
Christmas Eve	Parent 1	Parent 2	12/23 6 p.m.-12/24 9 p.m.
Christmas Day	Parent 2	Parent 1	12/24 9 p.m.-12/25 9 p.m.
New Years Eve Day	Parent 1	Parent 2	12/31 6 p.m.-1/1 6 p.m.

A holiday that falls on a weekend should be spent with the parent that is scheduled to have the child(ren) for that holiday. The rest of the weekend is to be spent with the parent who would normally have that weekend pursuant to Paragraph one above.

2. School Breaks

A. Easter Break/Spring Break: Parent 2 will have spring break in the even numbered years and Parent 1 will have Easter/Spring Break in the odd numbered years. Alternate weekends and mid-week parenting time occurring during Easter Break/Spring Break are forfeited by the other parent and are not required to be made-up.

B. Christmas/Winter School Break: Parent 1 will have Christmas/Winter School Break until December 24th at 9 p.m. in the even numbered years. Parent 2 will have from December 24th at 9 p.m. until the end of the break in even numbered years. In the odd years, the time periods will reverse. Alternate weekends and mid-week parenting time

occurring during Christmas/Winter School Break are forfeited by the other parent and are not required to be made-up.

Breaks begin at 6 p.m. on the last day of school before the break and end at 6 p.m. the night before school resumes.

A holiday that falls during the Easter/Spring Break or Christmas/Winter Break shall be spent with the parent who is scheduled to have the child(ren) for that holiday as provided above. The rest of the break shall be spent with the parent who has that portion of the break for that year as provided above.

3. Other Days:

A. Mother's Day and Father's Day shall be spent with the appropriate parent. The hours are as agreed, or 9 a.m. to 6 p.m. The rest of the weekend is spent with the parent who would normally have that weekend.

B. Birthdays: In odd-numbered years, Parent 2 shall have all the children on each child's birthday from 6 to 9 p.m. In even-numbered years, Parent 1 shall have all the children on each child's birthday from 6 to 9 p.m.

C. Other days of special meaning, such as religious holidays, should be decided together, written into the Court Order, and alternated as above.

4. Summer Vacation: Parents shall exercise summer parenting time in one week-on, one week-off increments beginning the first Friday after the last day of school. Each week shall begin on Friday at 6 p.m. until the following Friday at 6 p.m. Whichever parent had the children the weekend before school was out, the other parent shall start his or her parenting week on that Friday of the week school is out. This alternate parenting week schedule shall end on the last Friday before the week school starts.

Summer school, if necessary for a child to pass the next grade, must be attended. Each parent will be responsible for making sure the child attends classes during parenting time.

Mid-weekday visits with the other parent shall be suspended during the summer vacation unless otherwise mutually agreed upon by the parents. Child support obligations shall not be modified during summer parenting time.

5. Vacations: Each parent may arrange a vacation of up to two (2) weeks with the child(ren) per year. The two (2) weeks shall be nonconsecutive unless the parties otherwise mutually agree. If the vacation is during the summer when school is out, the vacationing parent shall arrange the vacation on a week when that parent is scheduled to have the child(ren), unless otherwise mutually agreed upon by the parties.

There will be no mid-week visit with the other parent during a vacation week.

Each parent must provide the other parent with destination, times of arrival and departure, method of travel, together with emergency telephone or contact numbers, if any extended vacation will be taken away from that parent's residence.

6. Transportation: The parent receiving the child(ren) for his or her parenting time is responsible for picking up the minor child(ren) from the other parent. If the parents mutually agree, they may meet for exchanges at a location half-way between their homes.
7. Waiting: Either parent shall immediately notify the other parent of any delay, as soon as the parent becomes aware of the delay. Parents are expected to act in good faith and shall consider all reasonable explanations for any delay in the pick-up of the minor child(ren) by the other parent. If a parent has failed to notify the other parent of an anticipated late arrival, the parent with the child(ren) need not wait longer than 30 minutes past the required pick-up time. Under those circumstances, the late parent may, at the discretion of the other parent, forfeit his/her parenting time. All parties are expected to make reasonable efforts to be prompt in the pick-up and return of the children during parenting time. Being habitually late, and/or not exercising parenting time with the children, may not be in the child(ren)'s best interests. Should a party be habitually late in either picking up the child(ren) at the end of parenting time, or habitually miss entire parenting time periods, appropriate relief may be granted by the Court as provided by law.

Any person transporting a child must possess a valid driver's license and the child(ren) shall be properly restrained in the manner required by law during transportation.

8. Cancellations and Illnesses: If a child is ill, the parent with whom the child is then residing should give 24-hour notice of the illness, if possible, to the other parent so that appropriate plans can be made. Loss of parenting times because of sickness of a child and/or family emergencies, weather emergencies or similar problems, may be made up upon the request of the parent whose parenting time was cancelled. Said parent should notify the other parent in writing within thirty (30) days after the cancelled parenting time as to proposed arrangements for makeup time. Said makeup time shall be as agreed to by the parties. Each party should cooperate in good faith to assure the makeup time is achieved. All other cancellations result in forfeiture.
9. Extracurricular Activities/Sports: It is in the best interest of the child(ren), that they be encouraged to participate in extracurricular activities and sports. Each parent shall make reasonable efforts to assure that this continues. Parents shall not schedule extracurricular activities for the child(ren) during parenting times of the other parent without first consulting that parent. The final determination as to whether the child(ren) should attend the extracurricular activity during the parenting time shall be left up to the parent scheduled to have parenting time at the time of the activity. Each parent who encourages and enrolls the child(ren) in any extracurricular activity shall provide the other parent with notice of all the activities including schedules, if available, and the names and telephone numbers of the adult persons responsible for the activity, if available. If there is no written schedule, said parent shall orally or electronically provide the other parent with the information concerning the activity.

10. Intent to Relocate: If a parent intends to move, the moving parent shall immediately file a Notice of Intent to Relocate with the Court. The Court shall send a copy of the notice to the other parent. The Court may or on the motion of the non-moving parent shall schedule a hearing to determine whether it is in the best interest of the minor child(ren) to modify the parenting orders. The non-moving parent shall, at a minimum, be entitled to parenting time in accordance with the Court's parenting time schedules for the applicable distance. Blank forms for Notice to Relocate are available on the Court's website.
11. Access to Records: Unless otherwise ordered, both parents shall have the same access to all records relating to the minor child(ren), including but not limited to medical and school records.
12. Parental Duties and Rights:
 - A. Health Issues: Each parent shall notify each other of any health problems of the child(ren).
 - B. Telephone Access: Each parent is encouraged to provide the other parent reasonable and flexible telephone access to the child(ren). The parent with whom the child(ren) are then residing or staying with must provide, at minimum, telephone communication between the child(ren) and other parent at least one time per week. If the parents do not otherwise agree as to that time, then it shall be 7 p.m. each Tuesday night for preschool through third grades and 9 p.m. each Tuesday for all others. Unless otherwise agreed or ordered, the calling party shall alternate (one week the call is initiated through Parent 1's telephone and the next week the call is initiated through Parent 2's telephone). Unless ordered by the Court, the child(ren)'s calls shall NOT be monitored.
 - C. Current Address and Telephone Number: Each parent must keep the other parent and the Court informed of his or her current address and telephone number and any changes in said information.
 - D. School Activities: Both parents shall have the right to participate in parent-teacher conferences, school trips, school programs, and other school events in which parents are invited to participate. The parent receiving the grade card shall give a copy to the other parent within three (3) days of receipt.
 - E. Use of Illegal Substances: During the parenting time, neither parent shall consume illegal substances.
 - F. Cooperation: Each parent shall refrain from voicing criticism of the other parent, either in or out of the presence of the child(ren), and shall further do everything in his or her power to encourage others to refrain from similar conduct. Neither parent shall interrogate the child(ren) during or following the parenting time as a means to gather information regarding the other parent.

- G. Medications: If the child(ren) is/are prescribed medication that is to be administered during parenting time, the parent who has the medication shall provide the medication to the other parent along with clear instructions. That parent shall follow the instructions that are provided.
- H. Communication Between Parents: IT IS THE RESPONSIBILITY OF THE PARENTS, NOT THE CHILD(REN), TO MAKE ALL PARENTING TIME ARRANGEMENTS. Neither parent should communicate with child(ren) about the issue of parenting time, or future events or activities which conflict with the other parent's allotted times. It is not the responsibility of the child(ren) to mediate, or become involved in parental differences over parenting time periods, dates or activities. If parents have temporary difficulty communicating about either parenting time or the needs of their child(ren), parents should not enlist the child(ren) to resolve the parents' inability to talk to each other.
13. Failure to Comply with a Court Order: Any of the responsibilities or rights outlined in this schedule may be enforced by the court upon the filing of the appropriate motion by either party. A parent may not withhold the rights of parenting time because the other parent does not obey a court order, for instance, to pay support, or medical bills, etc. Penalties for willful denial of parenting time include jail sentence and/or modification of parental rights. A parent may seek enforcement of periodic child support order by calling the Child Support Enforcement Agency.

COURT WEBSITES:

Henry County – www.henrycountyfamilycourt.com

PARENT 1 _____

PARENT 2 _____

The parties shall determine which parent is Parent 1 and which is Parent 2 by filling in the names. If the parties do not make such determination, then the Court will determine the designation.

**SCHEDULE B
LONG DISTANCE PARENTING TIME GUIDELINES
(OVER 150 MILES ONE WAY)**

Liberal parenting time for both parents with their child(ren) is encouraged. The court recognizes that, if at all possible, parents should create their own schedule for parenting their child(ren). Sample parenting schedules are available for your review and consideration to assist you in the creation of your own parenting schedule. Go to the Court's website to find Appendix A of this court's rules for sample parenting schedules that are based on children's developmental milestones and best interests.

This particular schedule may or may not be appropriate for you and your child(ren). As parents, you are encouraged to review this schedule and the other sample schedules to determine what is in the best interests of your child(ren).

If this schedule is used, specific items in the judgment entry take precedence over this schedule. The court will make changes or modifications to this schedule as it determines in the best interests of your child(ren) and will modify this schedule for infants and as may be necessary for other special circumstances.

If a child(ren) indicates strong opposition to being with the other parent, it is the responsibility of each parent to appropriately deal with the situation, by calmly talking to the child(ren) as to the child(ren)'s reasons, and to work with the other parent to do what is in the child(ren)'s best interests, and particularly to avoid confrontation or unpleasant scenes. If the matter is not settled, either parent should seek the immediate assistance of a counselor/mental health professional or file a motion. As uncomfortable as this issue may be for a parent, this issue should not go unresolved. It is the absolute affirmative duty of the residential parent to make certain that his or her child goes for the parenting time period.

PARENTING TIME FOR THE NON-RESIDENTIAL PARENT IS TO TAKE PLACE AT SUCH TIMES AND PLACES AS THE PARTIES MAY AGREE:

THIS SHALL NOT BE LESS THAN:

1. Christmas/Winter School Break: School vacation in the odd numbered years.
2. Easter/Spring Break: Spring break vacation in odd-numbered years.
3. Alternative Holiday Plan: Those who wish more frequent contact, and who develop a plan to pay for transportation, may have half of spring break vacation, half the summer, alternate year Thanksgiving, and half of Christmas school vacation each year. The holidays themselves may be alternated, as the parties agree, or spring break and Thanksgiving in the odd-numbered years and Christmas school vacation in the even-

numbered years for the non-residential parent. Unless otherwise agreed, the Thanksgiving Holiday shall be from 6 p.m. Wednesday to 6 p.m. Sunday.

4. Summer Parenting Time: Summer parenting time for the non-residential parent, unless otherwise agreed, shall start the first Saturday after school is out, at 12 p.m. and end the first Saturday in August, at 12 p.m. Summer school, necessary for the child(ren) to pass the next grade, must be attended. If this occurs, makeup time may be added in August. The residential parent shall notify the non-residential parent by March 15 of when the summer vacation begins and ends. The non-residential parent must notify the residential parent as to his/her intentions by April 15.

Each parent must provide the other parent with destination, times of arrival and departure, and method of travel for the summer parenting time, if said parent takes a vacation and/or a trip with the child(ren) outside of that parent's community.

5. Additional Parenting Time:
 - a.) Weekend: A once-a-month, weekend visit to the non-residential home will be permitted. The residential parent must be notified at least one week in advance. The non-residential parent must bear the transportation costs.
 - b.) Father's Day or Mother's Day can always be spent with the appropriate parent subject to the visiting parent bearing travel expenses.
 - c.) There may be times, not on the parenting time schedule, when the residential parent and child(ren) are traveling and are in the area where the non-residential parent lives; or times when the non-residential parent is traveling and is the area where the child(ren) live. If either is the case, then the traveling parent shall notify the other parent of the dates and times when said traveling parent will be in the area of the other parent. If the parent, who does not have possession of the child(ren), wishes to have parenting time, both parents should attempt to negotiate a reasonable time for said parenting time. If the parents cannot agree, the parenting time shall be the length of time requested by the parent who does not have possession of the child(ren), or a 48-hour period, whichever is less. Unless the parties agree otherwise, however, these parenting opportunities shall be limited to one (1) per month.
6. Transportation: Unless otherwise agreed or ordered by the Court, the cost of transportation shall be shared equally by the parties. The parties are encouraged to decide in advance how the transportation costs shall be allocated and include the provision for sharing of the transportation costs into an Order of the Court.
7. Waiting: Either parent shall immediately notify the other parent of any delay, as soon as he/she becomes aware of the delay. The residential parent is expected to act in good faith and shall consider all reasonable explanations for any delay in the pick-up of the minor child(ren) by the non-residential parent. If the non-residential parent has failed to notify the residential parent that he/she is going to be late, the residential parent need

not wait longer than thirty (30) minutes past the required pickup time. Under those circumstances, the non-residential parent may, at the discretion of the residential parent, forfeit his/her parenting time. All parties are expected to make reasonable efforts to be prompt in the pickup and return of the child(ren) during parenting time. Being habitually late, and/or not exercising parenting time with the child(ren), may not be in the child(ren)'s best interest. Should a party be habitually late in either picking up the child(ren) for parenting time, and/or picking up the child(ren) at the end of parenting time, or habitually miss entire parenting time periods, appropriate relief may be granted by the Court as provided by law.

8. Cancellations and Illnesses: If a child is ill, the parent with whom the child is then residing should give 24-hour notice of the illness, if possible, to the other parent so that appropriate plans can be made. Loss of parenting times because of sickness of a child and/or family emergencies, weather emergencies or similar problems, may be made up upon the request of the visiting party, in writing, to the other parent within thirty (30) days after the cancelled parenting time. Said makeup time shall be as agreed to by the parties. Each party should cooperate in good faith to assure the makeup time is achieved. All other cancellations result in forfeiture.
9. Intent to Relocate: If a parent intends to move, the moving parent shall immediately file a Notice of Intent to Relocate with the Court. The Court shall send a copy of the notice to the other parent. The Court may, on its own motion or on the motion of the non-moving parent, schedule a hearing to determine whether it is in the best interest of the minor child(ren) to modify the parenting orders. The non-moving parent shall, at a minimum, be entitled to parenting time in accordance with the Court's parenting time schedules for the applicable distance. Blank forms for Notice to Relocate are available on the Court's website.
10. Access to Records: Unless otherwise ordered, both parents shall have access to all records relating to the minor child(ren), including but not limited to medical and school records.
11. Parental Duties and Rights:
 - A. Health Issues: Each parent shall notify each other of any health problems of the child(ren).
 - B. Telephone Access: Both parents are encouraged to provide the other parent reasonable and flexible telephone access to the child(ren). The parent with whom the child(ren) are then residing or staying with must provide, at minimum, telephone communication between the child(ren) and other parent at least one time per week. If the parents do not otherwise agree as to that time, then it shall be 6 p.m. each Tuesday night for preschool through third grades and 9 p.m. each Tuesday for all others. Unless otherwise agreed or ordered, the calling party shall alternate (one week the call is initiated through Parent 1's telephone and the next week the call is initiated through Parent 2's telephone). Unless ordered by the Court, the child(ren)'s calls shall NOT be monitored.

- I. Current Address and Telephone Number: Each parent must keep the other parent and the Court informed of his or her current address and telephone number and any changes in said information.
 - J. School Activities: Both parents have the right to participate in parent-teacher conferences, school trips, school programs, and other school events in which parents are invited to participate. The parent receiving the grade card shall give a copy to the other parent within three (3) days of receipt.
 - K. Use of Illegal Substances: During the parenting time, neither parent shall consume illegal substances.
 - L. Cooperation: Each parent shall refrain from voicing criticism of the other parent, either in or out of the presence of the child(ren), and shall further do everything in his or her power to encourage others to refrain from similar conduct. Neither parent shall interrogate the child(ren) during or following the parenting time as a means to gather information regarding the other parent.
 - M. Medications: If the child(ren) is/are prescribed medication that is to be administered during parenting time, the parent who has the medication shall provide the medication to the other parent along with clear instructions. That parent shall follow the instructions that are provided.
 - N. Communication Between Parents: IT IS THE RESPONSIBILITY OF THE PARENTS, NOT THE CHILD(REN), TO MAKE ALL PARENTING TIME ARRANGEMENTS. Neither parent should communicate with child(ren) about the issue of parenting time, or future events or activities which conflict with the other parent's allotted times. It is not the responsibility of the child(ren) to mediate, or become involved in parental differences over parenting time periods, dates or activities. If parents have temporary difficulty communicating about either parenting time or the needs of their child(ren), parents should not enlist the child(ren) to resolve the parents' inability to talk to each other.
12. Clothing: Unless otherwise agreed, the residential parent is responsible for providing sufficient and appropriate clothing for every parenting time period, based on the lifestyle of the residential parent and child(ren). If the planned activities required special or unusual clothing needs, the non-residential parent must notify the residential parent at least two (2) weeks in advance of the parenting time. If the child(ren) do(es) not have the type of clothing requested, the residential parent is under no obligation to comply with the request. All clothing sent by the residential parent shall be returned at the time the minor child(ren) is returned to the residential parent. Additionally, unless otherwise agreed, any clothing purchased by the non-residential parent, and which the child(ren) are wearing upon their return to the residential parent after parenting time, shall be returned by the residential parent to the non-residential parent at the next parenting time period.

13. Failure to Comply with a Court Order: Any of the responsibilities or rights outlined in this schedule may be enforced by the court upon the filing of the appropriate motion by either party. A parent may not withhold the rights of parenting time because the other parent does not obey a court order, for instance, to pay support, or medical bills, etc. Penalties for willful denial of parenting time include jail sentence and/or modification of parental rights. A parent may seek enforcement of periodic child support order by calling the Child Support Enforcement Agency.

PARENT #1: _____
(name)

PARENT #2: _____
(name)

**SCHEDULE C
MAINTENANCE OF INSURANCE AND PAYMENT
OF ORDINARY AND EXTRAORDINARY MEDICAL RELATED EXPENSES FOR MINOR
CHILD(REN)**

1. The person checked is ordered to maintain in full force and effect a policy for medical, surgical, and hospital insurance for the minor child(ren).
- PARENT 2
 - PARENT 1
 - _____

2. Each parent will be responsible for a cash medical support obligation to be applied towards ordinary medical expenses for the child(ren) of the order. The annual cash medical amount is \$388.70 per child, for each child of the order. Ordinary medical expenses include copayments, deductibles, and uninsured medical-related costs for the child(ren) of the order. Any medical expenses over \$388.70 per child per year will be considered an extraordinary medical expense.

Both parents shall share in the payment of extraordinary expenses for the year in accordance with the parents' percentage of income as denoted on Line 17 on the child support worksheet currently in effect. The residential parent or legal custodian shall provide the other parent(s) the original or copies of all medical bills, and explanation of Benefit Forms (EOB) within ninety (90) days of the date on the bill or EOB absent extraordinary circumstances. The other parent(s) shall, within thirty (30) days of receipt of said bill, then either reimburse the residential parent or legal custodian or pay directly to the medical provider, that parent's percentage share of the bill per the child support worksheet.

The person obligated to provide insurance shall promptly provide the other parent or legal custodian the insurance card and all other documentation and/or information necessary to secure coverage available for the benefit of the minor child(ren). Both shall cooperate in the preparation of insurance forms to obtain reimbursement or payment of said expenses.

Should the health insurance coverage be canceled for any reason, the parent ordered to maintain insurance shall immediately notify the other parent and take immediate steps to obtain replacement coverage. Unless the cancellation was intentional, the uncovered expenses shall be paid as provided above. If the cancellation was intentionally caused by the parent or legal custodian ordered to maintain insurance coverage, the parent shall be responsible for all medical expenses that would have been covered had the insurance been in effect.

3. The term "medical" or "medical records" as used above and in parenting schedules A, A1, and B, shall include but not be limited to medical, prescriptive, dental, orthodontic, optical, surgical, hospital, psychological, psychiatric, outpatient, doctor, therapy, counseling, prosthetic, including all deductibles and co-pays of the above, and/or all other expenses/records including preventative medical expenses/records related to the treatment of the human body and mind.
4. The Court expressly reserves jurisdiction to reapportion payment of medical expenses between the parties, which are not covered by insurance, upon the motion of either party. Generally, the Court will not consider such a motion unless the expenses are "extraordinary medical expenses" as defined above.

5. When it is determined that it is necessary for a minor child to incur extraordinary medical expenses not of an emergency nature, the responsible parent shall immediately notify the other parent before authorizing treatment. The other parent has a right to know the necessity for, proposed cost of treatment, and proposed payment schedule, and may also secure an independent evaluation to determine the necessity for treatment of the child at his/her expense, unless court ordered otherwise

SCHEDULE D

Provisions of Health Insurance for Minor Children

The determination set forth herein is based on information provided to the court or to the child support enforcement agency under section 3119.31 of the Revised Code. Unless otherwise specified by the Court or other legal authority, health insurance shall be considered to be available to a party at a reasonable cost if available to the party through employment, unless the cost of providing insurance to the child(ren) in combination with the party's child support obligation(s), if any, exceeds the maximum amount permitted under the Consumer Credit Protection Act, 15 U.S.C. 1673(b). The parties shall immediately notify the County CSEA of any changes in the status of health insurance coverage available or provided for the benefit of the minor children who are the subject of this order.

The support order entered herein shall include one of the following selected requirements:

(A) The obligor under the child support order shall obtain health insurance coverage for the child (ren), the court finding that coverage is available at a reasonable cost through a group policy, contract, or plan offered by the obligor's employer or through any other group policy, contract, or plan available to the obligor, such as that of a parent or current or future spouse, and is not available for a more reasonable cost through a group policy, contract, or plan available to the obligee;

(B) The obligee under the child support order shall obtain health insurance coverage for the child(ren), the court finding that coverage is available at a reasonable cost through a group-policy, contract, or plan offered by the obligee's employer or through any other group policy, contract, or plan available to the obligee, such as that of a parent or current or future spouse, and is available at a more reasonable cost than coverage is available to the obligor;

(C) Finding that health insurance coverage for the children is not available at a reasonable cost through a group policy, contract, or plan offered by the obligor's or obligee's employer or through any other group policy, contract, or plan available to the obligor or the obligee, the obligor and the obligee shall share liability for the cost of the medical and health care needs of the children, under the following equitable formula established by the court:

If, after the issuance of this order, health insurance coverage for the children becomes available at a reasonable cost through a group policy, contract, or plan offered by the obligor's or obligee's employer or through any other group policy, contract, or plan available to the obligor or obligee, such as that of a current or future spouse, the obligor or obligee to whom the coverage becomes available shall immediately obtain the said insurance and inform the child support enforcement agency, which agency shall inform the court of such availability and of any action required to modify, or otherwise satisfy the requirements of Ohio law and this order;

(D) Both the obligor and the obligee shall obtain health insurance coverage for the children, provided the same becomes and/or remains available at a reasonable cost to both the obligor and the obligee through employment or alternate source, the Court finding that coverage is available for the children at a reasonable cost to both the obligor and the obligee through employment or alternate source, and that dual coverage would provide for coordination of medical benefits without unnecessary duplication of coverage.

SCHEDULE E
APPLICATION FOR CHILD SUPPORT SERVICES
NON-PUBLIC ASSISTANCE APPLICANT

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

I, _____, request child support services from the _____
CSEA

(Child Support Enforcement Agency). I understand and agree to the following:

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

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

1. **Location of Absent Parents.**

The agency can assist in finding where an absent parent is currently living, in what city, town, or state. The applicant can request 'Location Only Services', if the sole need is to find the whereabouts of the absent parent.

2. **Establishment or Adjustment of Child Support and Medical Support.**

The CSEA can assist you to obtain an order for support if you are separated, have been deserted, or need to establish paternity (fatherhood). The CSEA can also assist you in changing the amount of support orders (adjustment), and to establish a medical support order,

3. **Enforcement of Existing Orders.**

The CSEA can help you collect current and past-due child support.

4. **Federal and State Income Tax Refund Offset Submittals for the Collection of Child Support Arrearages.**

The agency can collect past-due support (arrearages) by intercepting a payor's federal and state income tax refunds in some cases.

5. **Withholding of Wages and Unearned Income for the Payment of Court Ordered Support.**

The agency can help you get payroll deductions for current and past-due child support and can intercept unemployment compensation to collect child support.

6. **Establishment of Paternity.**

The agency can obtain an order for the establishment of paternity (fatherhood), if you were not married to the father of the child. An absent parent may request paternity services.

7. **Collection and Disbursement of Payments.**

The CSEA can collect the child support for you, and send you a check for the amount of the payments received. Past due support collected will be paid to you until all of the past-due support you are owed is paid.

8. **Interstate Collection of Child Support.**

The agency can assist you in collecting support if the payor is living in another state or in some foreign countries.

APPLICANT INFORMATION

Name: _____ Date of Birth: _____

Home Address: _____ Mailing Address: _____

Home Phone #: _____

Social Security #: _____ Sex: _____

Race: _____ Single Married
 Divorced Separated

Relationship to Children: _____

Military Service (Branch, Dates): _____ Ever been on Public Assistance? _____

_____ (When and Where) _____

EMPLOYER INFORMATION

Employer Name: _____ Employer Phone #: _____

Employer Address: _____ Is Medical Insurance Available? _____

	CHILD 1	CHILD 2	CHILD 3
Name:			
Sex:			
Race:			
Social Security #:			
Date of Birth:			
Home Address:			

Location of Birth:
(Country, State, City)

--	--	--

Has Paternity
(Fatherhood)
been Established?

--	--	--

Name(s) of
Absent Parent(s):

--	--	--

Is there an Order for
Support?

--	--	--

Is the Child
covered by Medical
Insurance?

--	--	--

PARENT 1

PARENT 2

PARENT 3

Name (and alias)

--	--	--

Home Address:

--	--	--

Mailing Address:

--	--	--

Social Security #:

--	--	--

Date of Birth:

--	--	--

Location of Birth
(Country, State, City)

--	--	--

Race:

--	--	--

Sex:

--	--	--

Height / Weight:

--	--	--

Hair / Eye Color:

--	--	--

Identifying Marks
(Tattoos, scars, etc.):

--	--	--

Names of
Children:

--	--	--

Name and address of
Employer:

Employer Phone #:			
Medical Insurance Provided?			
Support Order #:			
Date of Support Order:			
Amount of Support	\$	\$	\$
Order Frequency	Per	per	Per
Location where Order was issued:			
Military Service (Branch, Dates):			
Ever Incarcerated? (Location, Dates):			
Arrest Record (Location, Dates):			
Name, Address Current Spouse:			
Father's Name:			
Mother's Name (Maiden):			
Ever been on Public Assistance? (Location, Dates)			

Type(s) of Service(s) Requested:

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

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

Signature of Applicant: _____

Date: _____

Court Order 1

IN THE COURT OF COMMON PLEAS OF _____ COUNTY, OHIO
JUVENILE DIVISION

Plaintiff,

vs.

Defendant.

Case No. _____

**ORDER FOR EXTRAORDINARY COURT
APPOINTED COUNSEL OR GUARDIAN
AD LITEM FEES**

This matter came on for consideration of the Motion for Approval of Appointed Counsel Fees and Expenses filed herein on _____.

FINDINGS

Upon review of the motion and the record herein, the Court makes the following findings:

1. In this matter, attorney _____ was appointed to represent (was appointed as guardian ad litem for) _____, on _____, 20____. It was necessary for him/her to spend a considerable amount of time updating himself/herself about the case, meeting with his/her client [the child(ren)] and preparing for and attending _____.

2. The time spent by Mr./Ms. _____ on this case through _____, 20____, was reasonable and necessary to appropriately represent his/her client [act as guardian ad litem for the child(ren)]. Therefore, extraordinary fees are appropriate.

ORDER

Now, therefore, based upon the findings set out above, it is hereby **ORDERED** as follows:

First: The billing submitted by Mr./Ms. _____ in the amount of \$_____ is hereby approved as reasonable and necessary for representation of (acting as guardian ad litem for) _____ through _____, 20____ and, therefore, even though the amount is extraordinary, the same should be paid.

Second: As to all other matters, this Court's former orders shall remain in full force and effect.

Judge/Magistrate

Certification

The undersigned hereby certifies that on this _____ day of _____ 20____. copies of this Judgment Entry were served on _____ by _____ ordinary United States mail.

Signature

Court Order 2
IN THE COURT OF COMMON PLEAS OF _____ COUNTY, OHIO

Domestic Relations/General Division Juvenile Division

In the matter of:

JUDGE: _____

CASE NUMBER: _____

**ORDER APPOINTING GUARDIAN
AD LITEM**

It appearing to the Court that the appointment of a Guardian Ad Litem (hereinafter referred to as GAL) is necessary to protect the interest of the following minor child(ren), it is hereby **ORDERED** as follows:

1. _____ is appointed as GAL for the minor child(ren),

This appointment shall remain in effect until the GAL is discharged.

2. Unless the GAL is a volunteer, the GAL shall be compensated at a rate of \$_____ per hour for reasonable and necessary time spent in this matter and shall be reimbursed for all reasonable and necessary expenses incurred in the course of the GAL's duties.

To secure payment for the costs and fees of the GAL, on or before _____, a deposit in the amount of \$_____ shall be deposited with the Clerk of this Court by the parties as follows: \$_____ payable to Plaintiff/Petitioner and \$_____ payable by Defendant/Respondent.

3. The GAL shall conduct an investigation pursuant to Sup. R. 48.01- 48.07 and the Local Rules of Court and pursuant to the scope of the appointment as follows:

This is a full scope appointment.

This is a limited scope appointment. The GAL shall address only the following issues:

If this is a limited scope appointment, the GAL is relieved of the duties set forth in Sup. R. 48.03 (D) that are not applicable to the specific issue or issues outlined herein.

4. Each parent, guardian, or temporary or legal custodian shall sign any and all releases requested by the GAL to obtain records and reports about themselves and/or the child(ren), as may be relevant to the GAL's investigation. Each shall fully cooperate at all times with all requests of the GAL.

5. **Upon presentation of a copy of this order to any agency, hospital, physician, chiropractor, optometrist, dentist, nurse or other medical, dental or optical practitioner, psychologists, psychiatrists or other mental health practitioner, organization, school, person or office including, but not limited to, the Clerk of this Court, Job and Family Services Agencies, public children's service agencies, private child placing agencies, health departments, juvenile courts, juvenile probation department, and adult probation departments, the GAL shall be permitted to inspect and copy any records relating to the child(ren), and/or parent, to confirm with any and all professionals who may provide information relative to said minor child(ren) and/or parent with respect to issues pending before this Court without the consent of the child and/or parents.**

6. The GAL shall make no disclosure about a case or investigation, except to the parties and their legal counsel in reports to the Court, as necessary, to perform the duties of the GAL, including as a mandated reporter or as directed by the Court or law permits.

7. The GAL shall be given notice of and shall appear at all hearings or proceedings scheduled in this matter and shall attend any hearing relevant to the responsibilities of the GAL. Further, the GAL shall be provided with copies of all

pleadings, motions, notices and other documents filed in this matter by counsel for the parties and/or by unrepresented parties.

8. The GAL shall be given notice of any hearings, reviews, investigations, depositions or other proceedings concerning a child included within this order and shall be entitled to attend the same.
9. The GAL shall be notified prior to any change being made in the child(ren)'s residential placement and/or case plan by any party, except those actions taken to prevent immediate or threatened physical or emotional harm to the child as provided in ORC §2151.412, in which case the GAL shall be notified before the end of the next business day after the change is made.
10. Upon becoming aware that the GAL's recommendations differ from the wishes of the child(ren), if the child(ren) do not have a separate attorney, the GAL shall immediately notify the court in writing with notice to the parties or affected agencies, so as to allow the court to take action as it deems necessary.
11. The GAL shall provide a one page written summary to the Court at least five (5) days prior to the GAL pre-trial conference.
12. Unless the time period is modified by the Court, the GAL shall submit written report(s) with recommendations to the court, counsel of record and self-represented parties, in accordance with the following time requirements:
 - In abuse, neglect, dependency, unruly, and delinquency cases, not less than seven days prior to any initial dispositional hearing, permanent custody hearing, and any hearing upon a motion requesting a change in disposition; and
 - In proceedings involving the allocation of parental rights and responsibilities, not less than seven days before the final hearing date.
13. A written GAL report shall affirmatively state that the GAL's responsibilities have been met and shall detail the activities performed, hearings attended, persons interviewed, documents reviewed, experts consulted, and all other relevant information considered by the GAL in reaching the GAL's recommendations and in accomplishing the duties required by statute, court rule, and in the Order of Appointment. The report shall include the following statement in bold print as required by local rule:

This report is being provided to the Court, unrepresented parties and legal counsel of record. If you are an attorney, you may share its contents with your client. However, any additional disclosure of this report must be approved in advance by the Court. Any person who copies this report, posts on social media or other mediums or discloses all or portions of the report to another person, without prior approval, shall be subject to Court action including penalties for contempt which include incarceration and fines.

In addition, the Guardian *ad Litem*, when providing the report to unrepresented parties and legal counsel of record shall attach a cover sheet entitled **NOTICE** which sets out the language required above in bold print in 22-point font or larger.

14. The GAL shall be available to testify at any relevant hearings and may orally supplement the report at the conclusion of the hearing.
15. Should the case proceed to final contested hearing, this court will require an additional GAL deposit to be determined at least thirty (30) days prior to the final hearing date.
16. At any time the fees of a guardian ad litem exceed \$2,500, the guardian ad litem shall file a motion for interim fees, served upon all parties, which must include a detailed statement and description of rendered services.
17. The GAL shall keep accurate records of the time spent, services rendered, and costs and expenses incurred while performing the responsibilities of a GAL. Unless the GAL is a volunteer, the GAL shall provide a monthly statement of fees and expenses to all parties. Upon the conclusion of his or her responsibilities, the GAL shall provide a motion for payment with an itemized statement and accounting to the Court, with a copy to each party or other entity responsible for payment. In addition, at any time prior to the conclusion of a case, the GAL may submit a motion for payment. The motion for payment shall contain an itemized list of duties performed, time expended, and costs and expenses. The

parties or other entity responsible for payment shall pay those fees and expenses as ordered by the Court. The GAL fees and expenses shall be considered in the nature of domestic support orders for purposes of discharge ability in bankruptcy.

18. In addition to all orders set out herein, the GAL shall strictly comply with the requirements of Sup. R. 48 – 48.07 subject to the following: _____

Date Approved

Judge/Magistrate

CERTIFICATION

A copy of this order was hand-delivered, mailed or emailed to counsel of the parties or to the parties without counsel and to the guardian ad litem this _____ day of _____, 20____.

COURT ORDER 3

**IN THE COURT OF COMMON PLEAS OF _____ COUNTY, OHIO
JUVENILE DIVISION**

Case No. _____

Plaintiff,

vs.

ORDER FOR INVESTIGATION (HOME STUDY)

Defendant.

Upon motion of the _____ and for good cause shown, it is hereby **ORDERED** that _____ (“Court Investigator”) shall complete an investigation as to the character, family relations, past conduct, earning ability and financial worth of the following individuals: _____

The Court investigator has the right to obtain any and all records pertaining to the minor child(ren), including but not limited to, school, medical and counseling records. Upon presentation of a copy of this order to any agency, hospital, physician, chiropractor, optometrist, dentist, nurse or other medical, dental, or optical practitioner, psychologist, psychiatrist, or other mental health practitioner, organization, school, person or office, including, but not limited to the Clerk of this Court, human services agencies, public children services agencies, private child placing agencies, health departments, juvenile courts and juvenile probation departments, the Investigator shall be permitted to inspect and copy any records relating to the child(ren) and the parties to this case and/or to confer with any and all professionals who may provide information relative to said child(ren) or parties without the consent of the child(ren) or parties.

The Court investigator has the right to interview the child while at school, home or other places where the child may be found. Any and all persons or entities having information shall release it to the Court Investigator, shall speak with the Court Investigator if requested and provide any other requested information. Those individuals being investigated shall sign any requested releases of information so as to allow the investigator to gather the required information.

The investigator shall maintain any information received from any such course as confidential and shall not disclose the same except to report to the court or as the court directs or as law permits.

The investigator shall be notified of any hearings, reviews, investigations, depositions or other proceeding that (s)he is required to attend.

A written report of the investigation shall be provided by the Court Investigator to this Court not less than seven (7) days before trial and the Court will forward copies thereof to counsel of record and self-represented litigants. The investigator shall not render an opinion as to the care of children and may only report the investigator’s findings on the issues outlined in this Order.

In order to facilitate the completion of the investigation and the report thereof, the parties shall immediately schedule appointments with the Investigator for themselves and the child(ren) and shall keep all appointments scheduled. In addition, the parties shall sign and deliver any requested releases for information presented to them by the Investigator and shall cooperate with the Investigator in order to ensure that the investigation and report are completed expeditiously.

The Investigator shall include the following **NOTICE** in **BOLD** print within the body of their report:

This document is being provided to the Court, unrepresented parties and legal counsel of record. If you are an attorney, you may share its contents with your client. However, any additional disclosure of this report must be approved *in advance* by the Court. Any person who copies this report, posts on social media or other mediums or discloses all or portions of the report to another person, without prior approval, shall be subject to Court action including penalties for contempt which include incarceration and fines.

The Court shall impose sanctions of contempt on any person who disseminates the report in whole or in part, to any individual who has not been pre-approved to receive the report. No individual shall be permitted to place the content of the report on any form of social media.

Finally, the costs and the fees for the investigation and the report thereof shall be paid as follows:

Date Approved

Judge/Magistrate

CERTIFICATION

A copy of this Order was hand-delivered or mailed to counsel of the parties or to the parties without counsel, Court Investigator, and _____ (ie: DJFS, GAL, etc) this _____ day of _____, 20_____. [Receipt of a copy of this order was waived by the parties and or counsel]

Signature

COURT ORDER 4

**IN THE COURT OF COMMON PLEAS OF _____ COUNTY, OHIO
JUVENILE DIVISION**

Case No.: _____

**ORDER FOR FORENSIC EVALUATIONS AS TO
THE ALLOCATION OF PARENTAL RIGHTS AND
PARENTING TIME**

Plaintiff,

VS.

Defendant.

Upon motion of the _____ and for good cause shown, it is hereby **ORDERED**
that the parties, _____
_____ and the minor child(ren), _____

_____ submit to forensic evaluations to be conducted by _____

and that a report be made of said evaluations providing recommendations relative to the allocation of parental
rights and responsibilities and parenting time for the children. Specific issues to be evaluated are as follows:____

Upon completion, said report shall be provided by Dr. _____ to this Court and the
Court will forward copies thereof to counsel of record. Counsel shall not provide a copy of the report to his or
her client or allow the client to read the portions thereof pertaining to anyone but the client specifically; however,
counsel may discuss the contents of the report with the client.

In order to facilitate the completion of the evaluations and the report thereof, the parties shall immediately
schedule appointments with Dr. _____ for themselves and the children and shall
keep all appointments scheduled. In addition, the parties shall sign and deliver any requested releases of
information presented to them by Dr. _____ and shall cooperate with Dr.
_____ in order to ensure that the evaluations and report are completed expeditiously.

Finally, the costs and the fees for the evaluations and the report thereof shall be paid as follows: _____

Judge / Magistrate

Approved:

CERTIFICATION

A copy of this Order was hand-delivered or mailed to Dr. _____, to counsel of the parties or to
the parties without counsel this _____ day of _____, 20_____.

Signature

COURT ORDER #6
IN THE COURT OF COMMON PLEAS OF _____ COUNTY, OHIO
Domestic Relations/General Division Juvenile Division

In the matter of: _____ JUDGE/MAGISTRATE: _____

CASE NUMBER: _____

**ORDER APPOINTING CUSTODY
EVALUATOR**

The Court finds that it is in the best interest of the minor child(ren) for a custody evaluation to be conducted in this matter relating to the allocation of parental rights and responsibilities and/or parenting time/companionship or visitation.

It is hereby **ORDERED** that:

1. _____, hereinafter referred to as Custody Evaluator, is appointed to conduct a custody evaluation pursuant to Ohio Superintendence Rule 91 and the local rules of this Court.

Business Address: _____

Professional Board Name: _____

Licensure #: _____

Business Phone #: _____

2. The child(ren) subject to the custody evaluation is/are as follows: _____

The parents or other parties to this case subject to the custody evaluation are as follows:

3. Custody Evaluator shall be appointed until the evaluation report is submitted to the court or until the custody evaluator testifies at the final hearing, whichever is later.

4. The type of custody evaluation to be conducted will be:

Allocation of Parental Rights and Responsibilities

[Comprehensive analysis of the family's issues (e.g., mental health, substance abuse, relocation, special needs, domestic violence, reunification)]

Brief Focused Assessment

Update of a previous custody evaluation report

Determination of parenting time schedule for the child(ren)

- Determination if supervised parenting time or exchange is appropriate
- Identification of school district
- If child is permitted to relocate, determination of parenting time schedule
- Other: _____

- Companionship Dispute
- Other: _____

5. Upon presentation of a copy of this order to any agency, hospital, physician, chiropractor, optometrist, dentist, nurse, or other medical, dental, or optical practitioner, psychologists, psychiatrists, or other mental health practitioner, organization, school, person, or office, including, but not limited to, the Clerk of this Court, job and family services agencies, public children’s services agencies, private child placing agencies, health departments, juvenile courts, juvenile probation department, and adult probation departments, Custody Evaluator shall be permitted to inspect and copy any records related to the child(ren), the parent(s), or other parties to this case, to confer with any and all professionals who may provide information relative to said minor child(ren), parent(s), or other parties to this case with respect to issues pending before this Court without the consent of the child(ren), parent(s), or other parties.
6. Custody Evaluator shall make no disclosure about a case or investigation, except to the parties and their legal counsel in reports to the Court, as necessary, to perform the duties of the custody evaluator or as directed by the Court or law permits.
7. All parties shall participate in and cooperate with all aspects of the custody evaluation. All parties shall promptly provide all information requested by Custody Evaluator.
8. All parties shall attend all scheduled interviews to ensure the evaluation and report are completed expeditiously.
9. The appointed custody evaluator is:
 - Court connected. The fee for the custody evaluation is \$_____. Orders for payment are as follows:
 - \$_____ shall be deposited with the Clerk of Courts by each party on or before _____. Said funds to be distributed pursuant to further Order of this Court.
 - Waived – all fees and expenses of the court connected custody evaluator shall be paid utilizing grant funds from the ADAMhs Board and Center for Child and Family Advocacy.
 - Private. All fees and expenses shall be established by the custody evaluator. The parties shall comply with any and all payment arrangements established by the custody evaluator.
10. Custody Evaluator shall submit a full written report to the Court upon completion of the evaluation. In the event a final hearing date has been set, the report must be submitted at least thirty days before that date. If a final hearing date has not, as yet, been set, this matter shall be scheduled for further hearing upon receipt of the evaluation report. Under any circumstances, The Custody Evaluator shall receive at least 30 days’ notice of final hearing in which oral testimony may be required upon subpoena by counsel. Custody Evaluator shall be notified of the final hearing date, of any changes in the hearing date(s) or any additional dates which are established that may require Custody Evaluator’s presence.

11. Custody Evaluator shall include the following NOTICE in BOLD print within the body of their report:

This report is being provided to the Court, unrepresented parties and legal counsel of record. If you are an attorney, you may share its contents with your client. However, any additional disclosure of this report must be approved *in advance* by the Court. Any person who copies this report, posts on social media or other mediums or discloses all or portions of the report to another person, without prior approval, shall be subject to Court action including penalties for contempt which include incarceration and fines.

12. The report shall be entered into evidence on the Court’s motion as an exhibit in the form of the evaluator’s expert direct testimony. A party challenging the report shall subpoena Custody Evaluator to appear not less than 14 days before a hearing or trial. Custody Evaluator shall be available to testify on cross-examination if subpoenaed.

13. Custody Evaluator shall keep accurate records of the time spent, services rendered, and costs and expenses incurred while performing the responsibilities of a custody evaluator. Unless Custody Evaluator is court-connected, Custody Evaluator shall provide a monthly statement of fees and expenses to all parties. Upon the conclusion of their responsibilities, Custody Evaluator shall provide a motion for payment with an itemized statement and accounting to the Court, with a copy to each party or other entity responsible for payment. The motion for payment shall contain an itemized list of duties performed, time expended, and costs and expenses. The parties or other entities responsible for payment shall pay those fees and expenses as ordered by the Court.

14. In addition to all orders set out herein, Custody Evaluator shall strictly comply with the requirements of Sup.R. 91.01-91.09 and the local rules of this Court.

Date Approved

Judge/Magistrate

A copy of this Order was hand-delivered, mailed, or emailed to counsel of the parties or to the parties without counsel, to (If court connected: Custody Evaluator at contact@theccfa.org) and to

_____ (ie: DJFS, GAL) on this _____ day of _____, 20_____
_____.

COURT ORDER 6

**IN THE COURT OF COMMON PLEAS OF _____ COUNTY, OHIO
JUVENILE DIVISION**

Plaintiff,

VS.

CASE NO. _____

Defendant.

APPLICATION TO PREPARE TRANSCRIPT

Applicant, hereby requests that a transcript of the _____ hearing held on the ____ day of _____, _____ at _____ am/pm before Judge/Magistrate _____ be prepared.

Applicant

Typed or Printed name

Street Address

City, State, Zip Code

(_____) _____
Phone Number (include area code)

Attorney Registration Number

ORDER TO PREPARE TRANSCRIPT

It is the ORDER of this Court that a transcript of the above hearing be prepared. All costs to be paid by applicant directly to the court reporter. The court reporter will require a deposit. This deposit must be paid directly to the court reporter. Failure to timely pay the fee may result in sanctions being issued by the Court against the applicant that ordered the transcript.

JUDGE/MAGISTRATE

COURT ORDER 7

**IN THE COURT OF COMMON PLEAS OF _____ COUNTY, OHIO
JUVENILE DIVISION
COURT HEARING SECURITY DETERMINATION**

Juvenile's Name: _____ Case Number: _____

Court Date: _____ Detention Admission Date: _____ Days Detained: _____

Alleged Offense (including ORC and Offense Degree): _____

INTAKE/PROBATION ASSESSMENT:

Risk Factors:

- No Significant Risk Factors
- Felony Offender
- High Risk of Fleeing
- Assaultive/Threatening Behaviors
- Significant Mental Health Diagnosis
- Recent History of Substance Abuse
- Other _____

RESTRAINT RECOMMENDATION: Yes No

Explanation: _____

TYPE OF RESTRAINT RECOMMENDED:

- No Restraints Full Restraints Hands Only Feet Only

COLLATERAL CONSULTATION:

- Youth Parent/Guardian Court/Probation Records
- Law Enforcement Records Other _____

Probation Officer's Signature: _____ Date: _____

JUDICIAL OFFICER'S RESTRAINT DETERMINATION:

- No restraints are ordered.
- Restraints are ordered because there is no less restrictive alternative to the use of physical restraint and the physical restraint of the juvenile is necessary because:
 - The juvenile represents a current and significant threat to the safety of his or herself or other persons in the courtroom.
 - There is a significant risk the juvenile will flee the courtroom.
- The least restrictive type of restraint necessary to meet the risk requiring the restraint and, therefore, that which is ordered is as follows:
 - Full restraints Hands Only Feet Only

Judicial Officer's Signature: _____ Date: _____

COURT ORDER 8
CHILD SUPPORT/HEALTH INSURANCE ORDERS

CHILD SUPPORT

As required by law, a completed Child Support Worksheet is attached to this document.

The Order for child support and cash medical support is effective _____, 20__.

For purposes of this order:

- Plaintiff/Petitioner 1 Defendant/Petitioner 2 is the child support obligor (*pays support*), and
 Plaintiff/Petitioner 1 Defendant/Petitioner 2 is the child support obligee (*receives support*).

The following information is provided in accordance with §3105.72 and §3121.30 of the Ohio Revised Code:

SUPPORT OBLIGEE (*receives support*):

Name (First, MI, Last): _____
Social Security Number: xxx-xx- _____
(fill in last four digits)
Date of Birth: _____

SUPPORT OBLIGOR (*pays support*):

Name (First, MI, Last): _____
Social Security Number: xxx-xx- _____
(fill in last four digits)
Date of Birth: _____

A. Guideline Child Support Amount

The **guideline** child support obligation, as determined by the Child Support Worksheet, is \$_____ per child, per month for _____ (*number*) child(ren), for a total of \$_____ per month. (*Line 24 Sole/Shared Parenting Child Support Computation Worksheet or Line 25 Split Parenting Child Support Computation Worksheet*)

B. Overnight Parenting Time Deviation

Pursuant to Ohio Revised Code §3119.231 there is extended court-ordered parenting time that:

exceeds 90 overnights but is not more than 146 overnights (_____ overnights).

A deviation is *not* granted.

The annual obligation would be unjust and inappropriate and, therefore, not in the best interest of the minor child(ren). A deviation *is* granted for the following reasons: _____

-OR-

is equal to or exceeds 147 overnights (_____ overnights).

A deviation is granted not granted for the following reasons:

C. Other Deviation Factors *(if applicable)*

Pursuant to Ohio Revised Code §3119.22, §3119.23 and/or §3119.24, the annual obligation would be unjust and inappropriate and, therefore, not in the best interest of the minor child(ren) for the following reason(s):

(Check all that apply)

Special and unusual needs of the child(ren), including needs arising from the physical or psychological condition of the child(ren) _____

Other court ordered payments _____

Extended parenting time or extraordinary costs associated with parenting time including extraordinary travel expenses when exchanging the child(ren) or children

Financial resources and the earning ability of the child(ren) _____

Relative financial resources, including the disparity in income between parties or households, other assets, and the needs of each parent _____

Obligees' income, if the obligee's annual income is equal to or less than one hundred percent (100%) of the federal poverty level _____

Benefits either parent receives from remarriage or sharing living expenses with another person

Amount of federal, state, and local taxes actually paid or estimated to be paid by a parent or both parents _____

Significant in-kind contributions from a parent, including, but not limited to, direct payment for lessons, sports equipment, schooling, or clothing _____

Extraordinary work-related expenses incurred by either parent _____

Standard of living and circumstances of each parent and the standard of living the child would have enjoyed had the marriage continued or had the parents been married _____

Educational opportunities that would have been available to the child(ren) had the circumstances requiring a child support order not arisen _____

The responsibility of each parent for the support of others, including support of (a) child(ren) with disabilities who are not subject to the support order _____

Post-secondary educational expenses paid for by a parent for the parent's own child(ren), regardless of whether the child(ren) are emancipated _____

Costs incurred or reasonably anticipated to be incurred by the parents in compliance with court-ordered reunification efforts in child abuse, neglect, or dependency cases _____

Extraordinary child care costs required for the child(ren) that exceed the maximum state-wide average cost estimate provided in Ohio Revised Code §3119.05(O)(1)(d) including extraordinary costs associated with caring for a child(ren) with specified physical, psychological, or education needs _____

Other relevant factors (*specify*): _____

Extraordinary circumstances associated with shared parenting: *(Only if Shared Parenting is ordered - check all that apply)*

Ability of each parent to maintain adequate housing for the child(ren)

Each parent's expenses, including child care expenses, school tuition, medical expenses, dental expenses, and other relevant expenses

Any other circumstances *(specify)*: _____

D. Monthly Child Support Obligation

The child support obligor (*pays support*) shall pay child support in the amount \$ _____ per child, per month for _____ (*number*) child(ren), for a total of \$ _____ per month, plus 2% processing charge. *(If there is no child support deviation, Line 24 Sole/Shared Child Support Computation Worksheet, or Line 25 Split Parenting Child Support Computation Worksheet. If there is a deviation in child support, Line 26 Sole/Shared Child Support Computation Worksheet, or Line 27 Split Parenting Child Support Computation Worksheet.)*

E. Arrearages

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 Department of Job & Family Services for said child(ren) shall survive and continue as an enforceable obligation due the Department of Human Services that provided said benefits, until paid in full.

Any temporary child support arrearage and cash medical support arrearage owed to a party will survive this Judgment Entry.

Any temporary child support arrearage and cash medical support arrearage owed to a party will not survive this Judgment Entry.

Other: _____

F. Method to Secure Support Payment(s)

All support under this order shall be withheld or deducted from the income or assets of the support obligor pursuant to a withholding or deduction notice or appropriate order issued in accordance with Chapters 3119., 3121., 3123., and 3125. of the Ohio Revised Code or a withdrawal directive issued pursuant to §§3123.24 to 3123.38 of the Ohio Revised Code and shall be forwarded to the obligee in accordance with Chapters 3119., 3121., 3123., and 3125. of the Ohio Revised Code.

The support obligor shall immediately notify the _____ County Child Support Enforcement Agency, in writing, of any change in employment (including self-employment), receipt of additional income/monies or termination of benefits. The support obligor shall include a description of the nature of the employment and the name, business address and telephone number of any employer.

The specific withholding or deduction requirements to be used to collect the support shall be set forth and determined by reference to the notices that are sent out by the Child Support Enforcement Agency in accordance with Ohio Revised Code §3121.03 and shall be determined without the need for any amendment to the support order. Those notices, plus the notices provided by the Child Support Enforcement Agency that require the child support obligor to notify the Child Support Enforcement Agency of any change in his/her employment status or of any other change in the status of his/her assets, are final and enforceable by the court. Each withholding notice shall be for the current child support, current cash medical support, any arrearage payment, and processing charges.

All support shall be paid through Ohio Child Support Payment Central (OCSPC), P.O. Box 182372, Columbus, Ohio 43218-2372. Checks or money orders shall be made payable to “OCSPC”. All payments shall include the following: Obligor’s name, Social Security Number, SETS case number and Domestic Relations Court case number. **If there is to be a withholding/deduction order, the support obligor shall make payments directly to OCSPC until the income source/financial institution begins withholding/deducting in the appropriate amount.**

Pursuant to Ohio Revised Code §3121.45, any payment of money by the child support obligor to the child support obligee that is not made through Ohio Child Support Payment Central or the Child Support Enforcement Agency administering the support order shall not be considered a payment under the support order and, unless the payment is made to discharge an obligation other than support, shall be deemed a gift.

Payments shall be made in the manner ordered by the Court. If payments are to be made other than on a monthly basis, the required monthly administration by the _____ County Child Support Enforcement Agency does not affect the frequency or the amount of the support payments to be made under the order.

(Check one of the following three boxes below)

The support obligor receives income from an income source or has nonexempt funds on deposit in an account at a financial institution.

A withholding or deduction notice shall issue to:

INCOME SOURCE: _____

ADDRESS: _____

-OR-

The support obligor has nonexempt funds on deposit in an account at a financial institution.

A withholding or deduction notice shall issue to:

FINANCIAL INSTITUTION: _____

ADDRESS: _____

If withholding from a financial account, the support obligor shall immediately notify the _____ County Child Support Enforcement Agency of the number and description of the account from which support shall be deducted, and the name, branch, business address and routing number of the financial institution if not set forth above.

The support obligor shall immediately notify the _____ County Child Support Enforcement Agency of any change in the status of an account from which support is being deducted or the opening of a new account with any financial institution.

-OR-

The support obligor has no attachable income source at this time.

The support obligor shall immediately notify the _____ County Child Support Enforcement Agency, in writing, if the support obligor begins to receive income from a payor. The notice shall include a description of the nature of any new employment, and the name, business address and telephone number of any new employer.

The support obligor shall seek employment, if able to engage in employment. Obligor's employment search must include registration with Ohio Means Jobs at <https://jobseeker.ohiomeansjobs.monster.com>. Obligor shall immediately notify the _____ County Child Support Enforcement Agency, in writing, upon commencement or change of employment (including self-employment), receipt of additional income/monies, obtaining ownership of asset of value of \$500.00 or more, receipt or termination of benefits or the opening of an account at a financial institution. The support obligor shall include a description of the nature of the employment and the name, business address and telephone number of any employer. The support obligor shall immediately notify the _____ County Child Support Enforcement Agency of any change in the status of an account from which support is being deducted or the opening of a new account with any financial institution.

G. Duration and Termination of Support & Required Notices

The duty of child support and cash medical support for each child shall continue until further order of Court or until the above-named child reaches age 18 unless one of the following circumstances applies:

- The children is/are mentally or physical disabled and is incapable of supporting or maintaining himself or herself.
- The parents have agreed to continue child support beyond the date it would otherwise terminate.
- The child continuously attends a recognized and accredited high school on a full-time basis so long as the child has not, as yet, reached the age of 19 years old. Under this circumstance, child support will end at the time the child graduates or ceases to attend a recognized and accredited high school on a full-time basis or when the child reaches the age of 19, whichever occurs first.

The child support and cash medical support order will remain in effect during seasonal vacation periods until the order terminates.

The parties have agreed that the child support and cash medical support obligation will extend beyond the time when it would otherwise end. The terms and conditions of that agreement are as follows: _____

The parties have (a) child(ren) who is/are mentally or physically disabled and incapable of supporting or maintaining themselves, and child support and cash medical support will extend beyond the time when it would otherwise end. The name of the child(ren) and the nature of the mental or physical disability are as follows: _____

The residential parent and legal custodian of the child(ren) shall immediately notify, and the child support obligor may notify, the _____ County Child Support Enforcement Agency of any reason for which the child support order should terminate, including, but not limited to, the child's death, marriage, emancipation (age 18 or high school completion/termination), enlistment in the Armed Services, deportation, or change of legal custody. A willful failure to notify the _____ County Child Support Enforcement Agency may be contempt of court.

EACH PARTY TO THIS SUPPORT ORDER MUST NOTIFY THE CHILD SUPPORT ENFORCEMENT AGENCY IN WRITING OF HIS OR HER CURRENT MAILING ADDRESS, CURRENT RESIDENCE ADDRESS, CURRENT RESIDENCE TELEPHONE NUMBER, CURRENT DRIVER'S LICENSE NUMBER, AND OF ANY CHANGES IN THAT INFORMATION. EACH PARTY MUST NOTIFY THE AGENCY OF ALL CHANGES UNTIL FURTHER NOTICE FROM THE COURT OR AGENCY, WHICHEVER ISSUED THE SUPPORT ORDER.

IF YOU ARE THE OBLIGOR UNDER A CHILD SUPPORT ORDER AND YOU FAIL TO MAKE THE REQUIRED NOTIFICATIONS, YOU MAY BE FINED UP TO \$50 FOR A FIRST OFFENSE, \$100 FOR A SECOND OFFENSE, AND \$500 FOR EACH SUBSEQUENT OFFENSE. IF YOU ARE AN OBLIGOR OR OBLIGEE UNDER ANY SUPPORT ORDER ISSUED BY A COURT AND YOU WILLFULLY FAIL TO GIVE THE REQUIRED NOTICES, YOU MAY BE FOUND IN CONTEMPT OF COURT AND BE SUBJECTED TO FINES UP TO \$1,000 AND IMPRISONMENT FOR NOT MORE THAN 90 DAYS.

IF YOU ARE AN OBLIGOR OR OBLIGEE AND YOU FAIL TO GIVE THE REQUIRED NOTICES TO THE CHILD SUPPORT ENFORCEMENT AGENCY, YOU MAY NOT RECEIVE NOTICE OF THE CHANGES AND REQUESTS TO CHANGE THE CHILD SUPPORT AMOUNT, HEALTH CARE PROVISIONS, OR TERMINATION OF THE CHILD SUPPORT ORDER. IF YOU ARE AN OBLIGOR AND YOU FAIL TO GIVE THE REQUIRED NOTICES, YOU MAY NOT RECEIVE NOTICE OF THE FOLLOWING ENFORCEMENT ACTIONS AGAINST YOU: IMPOSITION OF LIENS AGAINST YOUR PROPERTY; LOSS OF YOUR PROFESSIONAL OR OCCUPATIONAL LICENSE, DRIVER'S LICENSE, OR RECREATIONAL LICENSE; WITHHOLDING FROM YOUR INCOME; ACCESS RESTRICTION AND DEDUCTION FROM YOUR ACCOUNTS IN FINANCIAL INSTITUTIONS; AND ANY OTHER ACTION PERMITTED BY LAW TO OBTAIN MONEY FROM YOU TO SATISFY YOUR SUPPORT OBLIGATION.

HEALTH INSURANCE COVERAGE

A. Availability of Private Health Insurance Coverage:

(Check one of the following two boxes)

Private Health Insurance is NOT available for the minor child(ren).

Neither parent has accessible private health insurance available at a reasonable cost to cover the minor child(ren) at the time of the issuance of this order.

Plaintiff/Petitioner 1 and Defendant/Petitioner 2 shall notify the Child Support Enforcement Agency if private health insurance becomes available for the (child)ren at a reasonable cost. If private health insurance coverage for the child(ren) named above becomes available at a reasonable cost to the child support obligee, the child support obligee shall obtain the private health insurance coverage for the child(ren) not later than 30 days after it becomes available, and shall inform the _____ County Child Support Enforcement Agency (CSEA) when private health insurance coverage for the child(ren) has been obtained.

If private health insurance becomes available to the obligor at a reasonable cost, the obligor shall inform the Child Support Enforcement Agency and may seek a modification of the child support order with respect to the cost of the health insurance coverage.

-OR-

Private Health Insurance IS available for the minor child(ren).

Plaintiff/Petitioner 1 has Defendant/Petitioner 2 has Both parents have health insurance available for the minor child(ren).

The available private health insurance for the minor child(ren) is accessible because: *(Check one of the following three boxes)*

Primary care services are within 30 miles of the child(ren)'s residence.

The Court permits primary care services farther than 30 miles of the child(ren)'s residence because residents in the geographic area customarily travel farther distances.

Primary care services are accessible by public transportation because public transportation is the obligee's only source of transportation.

Reasonableness of cost of private health insurance for the child(ren):

Pursuant to Ohio Revised Code §3119.29(G), for purposes of determining reasonable cost, the cost of health insurance is an amount equal to the difference in cost between self-only and family coverage.

(Check one of the following two sections)

The cost of the private health insurance available to Plaintiff/Petitioner 1 and/or Defendant/Petitioner 2 **does not exceed** that parent's Health Insurance Maximum.
(Line 8 Child Support Computation Worksheet)

-OR-

The cost of the private health insurance available to Plaintiff/Petitioner 1 and/or Defendant/Petitioner 2 **exceeds** that parent's Health Insurance Maximum (*Line 8 Child Support Computation Worksheet*); and

(Check one of the three sections below):

Both parents agree that Plaintiff/Petitioner 1 Defendant/ Petitioner 2 Both parents shall obtain or maintain private health insurance, the cost of which exceeds the Health Insurance Maximum for that parent.

-OR-

Plaintiff/Petitioner 1 Defendant/Petitioner 2 has requested to obtain or maintain private health insurance, the cost of which exceeds the Health Insurance Maximum for that parent.

-OR-

It is in the best interest of the child(ren) for Plaintiff/Petitioner 1 Defendant/Petitioner 2 to obtain or maintain private health insurance for the children even though the cost of which exceeds that parent's Health Insurance Maximum. The cost of this private medical insurance will not impose an undue financial burden because: _____

B. Health Insurance Obligor

Plaintiff/Petitioner 1 is Defendant/Petitioner 2 is Both parents are hereby designated as the health insurance obligor(s), and shall secure and maintain private health insurance for the child(ren) and shall hereafter be referred to as the health insurance obligor(s) until further order of Court for the following reasons:

(Check one of the following five boxes)

The child support obligee is rebuttably presumed to be the appropriate parent to provide health insurance coverage for the child(ren).

The child support obligor already has health insurance coverage available for the child(ren) that is reasonable in cost.

The child support obligor already has health insurance coverage in place for the child(ren) that is not reasonable in cost, but the child support obligor wishes to be named the health insurance obligor and provide coverage.

The child support obligee is a non-parent individual or agency that has no duty to provide medical support.

Both parents wish to be named the health insurance obligor and already have health insurance coverage in place or have health insurance coverage available for the child(ren).

If both parents are maintaining health insurance coverage for the minor child(ren), Plaintiff/Petitioner 1's Defendant/Petitioner 2's health insurance plan shall be considered the primary health insurance plan for the child(ren).

Should health insurance coverage be cancelled for any reason, the parent ordered to maintain insurance shall immediately notify the other parent of the cancellation.

C. Health Insurance Coverage Requirements *(Pursuant to Ohio Revised Code §3119.32)*

Within thirty days after the issuance of this support order, the Health Insurance Obligor(s) must designate the child(ren) named in this document as covered dependents under any health insurance policy, contract, or plan for which the Health Insurance Obligor(s) contract(s).

The individual who is designated to be reimbursed for medical expenses for the child(ren) named in this document is:

Name: _____
Address: _____

Within thirty days after the issuance of this order, the Health Insurance Obligor(s) shall provide to the Child Support Enforcement Agency documentation that verifies coverage is being provided as ordered.

The Health Insurance Obligor may be required to pay extraordinary medical expenses for the child(ren).

The Health Insurance Obligor's employer is required to release to the other parent, any person subject to an order issued under Ohio Revised Code §3109.19, or the Child Support Enforcement Agency, on written request, any necessary information on the private health insurance coverage, including the name and address of the health plan administrator and any policy, contract, or plan number, and to otherwise comply with Ohio Revised Code §3119.32 and any order or notice issued under Ohio Revised Code §3119.32.

Within thirty days of the date of this support order, the Health Insurance Obligor must provide to the other party information regarding benefits, limitations, and exclusions of the coverage, copies of any insurance forms necessary to receive reimbursement, payment, or other benefits under the coverage, and a copy of any necessary insurance cards.

CASH MEDICAL SUPPORT & CHILDREN'S MEDICAL EXPENSES

A. Liability for Child(ren)'s Medical Care Expenses

Pursuant to Ohio Revised Code §3119.30(A), both parents are liable for the medical care expenses of the child(ren) who is/are not covered by private health insurance.

Cash medical support is an amount paid in a child support order toward the ordinary medical expenses incurred during a calendar year. Ordinary medical expenses include copayments and deductibles, and uninsured medical-related costs.

Extraordinary medical expenses are any uninsured medical expenses incurred for a child during a calendar year that exceed the total cash medical support amount owed by the parents during that year.

Each party shall have access to all medical records of the child(ren) as provided by law, or as otherwise limited in this document.

The term “medical expense” or “medical records” shall include, but not be limited to, medical, dental, orthodontic, optical, pharmaceutical, surgical, hospital, major medical, psychological, psychiatric, outpatient, doctor, therapy, counseling, prosthetic, and/or all other expenses/records including preventative health expenses/records related to the treatment of the human body and mind.

The parent who receives a medical bill, and/or an Explanation of Benefits (EOB), or who incurs a medical expense, shall provide the other parent the original or a copy of the bill, and/or EOB, if available, within 30 days of the date on the bill or EOB, or a receipt, absent extraordinary circumstances. The other parent shall reimburse the parent incurring the expenses or pay directly to the health care provider, that parent’s percentage share of the bill as shown in section D below.

B. Guideline Cash Medical Support Obligation

The parents’ combined **annual** cash medical support obligation, as determined by the applicable worksheet, is \$ _____. (*Line 23a Child Support Computation Worksheet*)

The Obligor’s (*pays support*) guideline **annual** cash medical support obligation is \$ _____. (*Line 23b Child Support Computation Worksheet*)

The Obligee’s (*receives support*) guideline **annual** cash medical support obligation is \$ _____ (*Line 23b Child Support Computation Worksheet*) *The Obligee’s* cash medical support obligation is not subject to collection by the Child Support Enforcement Agency.

C. Deviation in Cash Medical Support (*if applicable*)

Pursuant to Ohio Revised Code §3119.22, §3119.23 and/or §3119.24, the annual guideline cash medical support obligation would be unjust and inappropriate and, therefore, not in the best interest of the minor child(ren) for the following reason(s):

The same reasons referenced in this document regarding the child support deviation.

-OR-

The child(ren) of this Order ARE NOT recipients of Medicaid benefits.

D. Cash Medical Support Obligation and Division of Child(ren)’s Medical Expenses

(*Check one of the following two boxes*)

The cash medical support obligation is not deviated.

Obligor shall pay cash medical support in the amount of \$ _____ per child, per month, for _____ (number) child(ren) for a total of \$ _____, per month, plus 2% processing charge. (Line 27 Sole/Shared Parenting Child Support Computation Worksheet, or Line 29 Split Parenting Child Support Computation Worksheet)

Plaintiff/Petitioner 1 shall pay _____% and Defendant/Petitioner 2 shall pay _____% of the extraordinary medical expenses of the child(ren) (those calendar year medical expenses in excess of \$ _____, the parents' combined **annual** cash medical support obligation, as determined by the applicable worksheet). (Line 23a Child Support Computation Worksheet)

-OR-

The cash medical support obligation is deviated.

Obligor shall pay cash medical support in the amount of \$ _____ per child, per month, for _____ (number) child(ren) for a total of \$ _____, per month, plus 2% processing charge. (Line 29 Sole/Shared Parenting Child Support Computation Worksheet, or Line 31 Split Parenting Child Support Computation Worksheet)

Obligee's cash medical support obligation is deviated to \$ _____ per month. (Line 29, Sole/Shared Parenting Child Support Computation Worksheet or Line 31 Split Parenting Child Support Computation Worksheet)
Obligee's cash medical support obligation is not subject to collection by the Child Support Enforcement Agency.

Plaintiff/Petitioner 1 shall pay _____% and the Defendant/Petitioner 2 shall pay _____% of the extraordinary medical expenses of the child(ren) (those calendar year medical expenses in excess of \$ _____, the total combined **annual** deviated cash medical support obligation for Obligor and Obligee, as determined by the applicable worksheet). (Line 29 amounts added together and multiplied by twelve Sole/Shared Child Support Computation Worksheet, Line 31 amounts added together and multiplied by twelve Split Parenting Child Support)

Attorney for Plaintiff

(address)

(phone)

Plaintiff

(address)

(phone)

Northwest Ohio Mediation Services
(fax: 419-599-5952)

Attorney for Defendant

(address)

(phone)

Defendant

(address)

(phone)

June, 2012

Reviewed 2020

Form 1
Instructions for Completing form OPD-206R,
the Financial Disclosure / Affidavit of Indigency Form,
as Revised January 2012

Section I. Personal Information

Complete this section with the applicant's name, contact information, and case number. If the person who will be represented by court-appointed counsel is a juvenile, also include the juvenile's name in the box marked "Person Represented's Name (if juvenile)."

Section II. Other Persons Living in Household

Complete this section with the names of those with whom the applicant lives, who either have a duty to support the applicant or for whom the applicant has a duty to support, such as a spouse or dependent children. Do not include information about persons who share a household with the applicant but with whom the applicant shares no duty to support, such as roommates.

Section III. Presumptive Eligibility

If the applicant is currently receiving assistance from any of the governmental assistance programs listed in this section, check the line(s) next to the name of the program(s). Since that applicant has already been screened and deemed eligible for assistance by another government agency, you may presume the applicant's eligibility for court-appointed counsel. An applicant who is committed to a public mental health facility or who is incarcerated in a state penitentiary at the time of application may be presumed to be indigent and eligible for court-appointed counsel. All juveniles are presumed indigent and eligible for court-appointed counsel. Information in Sections IV – VI does not need to be collected for a juvenile who is requesting court-appointed counsel. (However, an adult requesting court-appointed counsel in a juvenile proceeding, such as a parent in an A/D/N case, must complete Sections IV – VI.) See Ohio Administrative Code section 120-1-03 (C).

Section IV. Income and Employer

Complete this section with the gross monthly income and other financial support received by the applicant, including the name and contact information of their employer. If the applicant indicated in Section III that the applicant receives assistance from any of the listed programs, include the amount of monthly assistance received through that program in the second box of this section, which includes "other types of income."

- Compare the dollar amount in the box labeled Total Income in this section to OPD's Indigent Client Eligibility Guidelines. If the applicant's Total Income falls at or below 187.5% of the federal poverty guidelines on this chart, the applicant must be given court-appointed counsel. See OAC 120-1-03 (B). See Section V instructions below for potential ineligibility.

Section V. Liquid Assets

Complete this section with information about the applicant's liquid assets. An applicant's liquid assets can make an applicant ineligible for court-appointed counsel, even if his or her income falls below the guidelines. See OAC 120-1-03 (D)(2)-(3).

Section VI. Monthly Expenses

OAC 120-1-03 states that the “pivotal issue in determining indigency is not whether the applicant ought to be able to employ counsel but whether the applicant is, in fact, able to do so.” Therefore, an applicant whose gross monthly income falls above 187.5% of the federal poverty guidelines may still qualify for court-appointed counsel. If an applicant whose income exceeds 187.5% believes he or she is financially unable to employ counsel, complete this section with information about the applicant’s basic monthly expenses.

Section VII. Determination of Indigency

If the applicant’s Total Income in Section IV is at or below 187.5% of the Federal Poverty Guidelines, counsel must be appointed.

Applicants whose Total Income in Section IV is above 125% of the Federal Poverty Guidelines can be subject to recoupment.

If the applicant’s Liquid Assets in Section V exceed figures provided in OAC 120-1-03, appointment of counsel may be denied *if the applicant can employ counsel using those liquid assets*.

If the applicant’s Total Income falls above 187.5% of Federal Poverty Guidelines, but is financially unable to employ counsel after paying the monthly expenses in Section VI, counsel must be appointed.

VIII. \$25.00 Application Fee Notice

This section provides notice to the applicant that he or she will be assessed a non-refundable \$25 application fee when submitting this form, unless that fee is waived or reduced by the court. No applicant may be denied counsel based upon failure or inability to pay this fee. See ORC 120.36 (B).

IX. Affidavit of Indigency

Here, the applicant must swear to the truth of the information contained in this form, and this section must be signed by the applicant and witnessed by a person authorized to give an oath (e.g. notary public, clerk of court, etc.). The person witnessing should complete the “Title” line of this section with the authority by which that person can administer an oath, which will not necessarily be the same as that person’s job title.

X. Judge Certification

If the applicant is unable to complete this form (e.g. minor, incarcerated person, etc.), in this section, the judge may determine the applicant is eligible for court-appointed counsel and should provide a brief description of why the applicant is unable to complete the form.

XI. Notice of Recoupment

This section provides notice to the applicant that if his or her gross monthly income falls at or above 125% of the federal poverty guidelines, he or she may be subject to recoupment. See ORC 120.03 (B)(6)–(8), OAC 120-1-05, and ORC 2941.51 (D).

Attorneys’ fees and expenses cannot be taxed as part of the costs charged in a case. However, through recoupment, if the indigent client or juvenile’s parent(s) has, or reasonably may be expected to have the means to pay some **part** of the costs of services rendered, the indigent client or juvenile’s parent(s) can be required to pay the county an amount that person reasonably can be expected to pay. See ORC 2941.51 (D).

XII. Juvenile’s Parents’ Income

If the respondent/defendant is a juvenile, complete this section with the income information of that juvenile's custodial parent(s). Because financial information was not collected about the parent(s) in Sections IV and V, information collected in this section is used to determine whether the parent(s) of the juvenile will be subject to recoupment.

- Compare the dollar amount in the box labeled Total Income in this section to OPD's Indigent Client Eligibility Guidelines. If the parents' Total Income falls below 125% of the federal poverty guidelines on this chart, they cannot be subject to recoupment. See OAC 120-1-03 (C)(1). If the parents' Total Income falls at or above 125%, they can be subject to recoupment. See OAC 120-1-03 (B).
- Because recoupment is limited to "an amount that the person reasonably can be expected to pay" (ORC 2941.51 (D)), you may choose to also collect information about the parents' monthly expenses in Section VI of this form.

#352429

Form 1

FINANCIAL DISCLOSURE FORM (\$25.00 application fee may be assessed – see notice on reverse side)

I. PERSONAL INFORMATION

Applicant's Name		D.O.B.	Name of Person Being Represented (<i>if juvenile</i>)		D.O.B.
Mailing Address			City	State	Zip Code
Case No.			Phone () -	Cell Phone () -	
SSN Last 4	Gender	Race (double-click to de-select) <input type="checkbox"/> American Indian or Alaska Native <input type="checkbox"/> Asian <input type="checkbox"/> Black or African American <input type="checkbox"/> Native Hawaiian or Pacific Islander <input type="checkbox"/> Spanish or Latino <input type="checkbox"/> White <input type="checkbox"/> Other			

II. OTHER PERSONS LIVING IN HOUSEHOLD

Name 1)	D.O.B.	Relationship	Name 3)	D.O.B.	Relationship
2)			4)		

III. PRESUMPTIVE ELIGIBILITY

The appointment of counsel is presumed if the person represented meets any of the qualifications below. Please place an 'X'
 Ohio Works First / TANF: ___ SSI: ___ SSD: ___ Medicaid: ___ Poverty Related Veterans' Benefits: ___ Food Stamps: ___
 Refugee Settlement Benefits: ___ Incarcerated in state penitentiary: ___ Committed to a Public Mental Health Facility: ___
 Other (please describe): _____ Juvenile: ___ (*if juvenile, please continue at Section VIII*)

IV. INCOME AND EMPLOYER

	Applicant	Spouse <small>(Do not include spouse's income if spouse is alleged victim)</small>	Total Income
Gross Monthly Employment Income	\$	\$	\$
Unemployment, Worker's Compensation, Child Support, Other Types of Income	\$	\$	\$
TOTAL INCOME			\$
Employer's Name: _____ Phone Number: () _____			
Employer's Address: _____			

V. LIQUID ASSETS

Type of Asset	Estimated Value
Checking, Savings, Money Market Accounts	\$
Stocks, Bonds, CDs	\$
Other Liquid Assets or Cash on Hand	\$
Total Liquid Assets	\$

VI. MONTHLY EXPENSES

Type of Expense	Amount	Type of Expense	Amount
Child Support Paid Out	\$	Telephone	\$
Child Care (if working only)	\$	Transportation / Fuel	\$
Insurance (medical, dental, auto, etc.)	\$	Taxes Withheld or Owed	\$
Medical / Dental Expenses or Associated Costs of Caring for Infirm Family Member	\$	Credit Card, Other Loans	\$
Rent / Mortgage	\$	Utilities (Gas, Electric, Water / Sewer, Trash)	\$
Food	\$	Other (Specify)	\$
EXPENSES	\$	EXPENSES	\$

VII. DETERMINATION OF INDIGENCY

If applicant's Total Income in Section IV is at or below 187.5% of the Federal Poverty Guidelines, counsel must be appointed.
 For applicants whose Total Income in Section IV is above 125% of the Federal Poverty Guidelines, see recoupment notice in Section XI.
 If applicant's Liquid Assets in Section V exceed figures provided in OAC 120-1-03, appointment of counsel may be denied if applicant can employ counsel using those liquid assets. If applicant's Total Income falls above 187.5% of Federal Poverty Guidelines, but applicant is financially unable to employ counsel after paying monthly expenses in Section VI, counsel must be appointed.

VIII. \$25.00 APPLICATION FEE NOTICE

By submitting this Financial Disclosure Form, you will be assessed a non-refundable \$25.00 application fee unless waived or reduced by the court. If assessed, the fee is to be paid to the clerk of courts within 7 days of submitting this form to the entity that will make a determination regarding your indigency. No applicant may be denied counsel based upon failure or inability to pay this fee.

IX. APPLICANT CERTIFICATION

I, _____ (applicant or alleged delinquent child) state:

1. I am financially unable to retain private counsel without substantial hardship to me or my family.
2. I understand that I must inform the public defender or appointed attorney if my financial situation should change before the disposition of the case(s) for which representation is being provided.
3. I understand that if it is determined by the county or the court that legal representation should not have been provided, I may be required to reimburse the county for the costs of representation provided. Any action filed by the county to collect legal fees hereunder must be brought within two years from the last date legal representation was provided.
4. I understand that I am subject to criminal charges for providing false financial information in connection with this application for legal representation, pursuant to Ohio Revised Code sections 120.05 and 2921.13.
5. I hereby certify that the information I have provided on this financial disclosure form is true to the best of my knowledge.

Signature Date

X. JUDGE CERTIFICATION

I hereby certify that the above-noted applicant is unable to fill out and/or sign this financial disclosure for the following reason: _____. I have determined that the party represented meets the criteria for receiving court-appointed counsel.

Judge's Signature Date

XI. NOTICE OF RECOUPMENT

ORC. §120.03 allows for county recoupment programs. Any such program may not jeopardize the quality of defense provided or act to deny representation to qualified applicants. No payments, compensation, or in-kind services shall be required from an applicant or client whose income falls below 125% of the federal poverty guidelines. See OAC 120-1-05.

Through recoupment, an applicant or client may be required to pay for **part** of the cost of services rendered, if he or she can reasonably be expected to pay. See ORC §2941.51(D)

XII. JUVENILE'S PARENTS' INCOME* – FOR RECOUPMENT PURPOSES ONLY – NOT FOR APPOINTMENT OF COUNSEL

	Custodial Parents' Income (Do not include parents' income if parent or relative is alleged victim)	Total
Employment Income (Gross)	\$ _____	\$ _____
Unemployment, Workers Compensation, Child Support, Other Types of Income	\$ _____	\$ _____
	TOTAL INCOME	\$ _____

*Please complete Section VI on page 1 of this form if you would like the court to consider your monthly expenses when determining the amount of recoupment which you can reasonably be expected to pay.

Form 2

**COURT OF COMMON PLEAS OF _____ COUNTY, OHIO
JUVENILE DIVISION**

Plaintiff,	Case No.	
vs.	Judge	
Defendant.	Magistrate	

Instructions: Check local court rules to determine when this form must be filed.
By law, an affidavit must be filed and served with the first pleading filed by each party in every parenting (custody/visitation) proceeding in this Court, including Dissolutions, Divorces and Domestic Violence Petitions. Each party has a continuing duty while this case is pending to inform the Court of any parenting proceeding concerning the child(ren) in any other court in this or any other state. **If more space is needed, add additional pages.**

PARENTING PROCEEDING AFFIDAVIT (R.C. 3127.23(A))

Affidavit of _____
(Print Your Name)

Check and complete ALL THAT APPLY:

1. I request that the court not disclose my current address or that of the child(ren). My address is confidential pursuant to R.C. 3127.23(D) and should be placed under seal to protect the health, safety, or liberty of myself and/or the child(ren).
2. Minor child(ren) are subject to this case as follows:

Insert the information requested below for all minor or dependent children of this marriage. You must list the residences for all places where the children have lived for the last **FIVE** years.

a.	Child's Name: _____	Place of Birth: _____	
	Date of Birth: _____	Sex: <input type="checkbox"/> Male <input type="checkbox"/> Female	
	<u>Period of Residence</u>	<u>Person(s) With Whom Child Lived</u> <small>(name & address)</small>	<u>Relationship</u>
	to present	<input type="checkbox"/> Address Confidential?	
	to	<input type="checkbox"/> Address Confidential?	
	to	<input type="checkbox"/> Address Confidential?	
	to	<input type="checkbox"/> Address Confidential?	

b. Child's Name: _____ **Place of Birth:** _____
Date of Birth: _____ **Sex:** Male Female

Check this box if the information requested below would be the same as in subsection 2a and skip to the next question.

<u>Period of Residence</u>	<u>Check if Confidential</u>	<u>Person(s) With Whom Child Lived</u> (name & address)	<u>Relationship</u>
_____ to present	<input type="checkbox"/> Address Confidential?	_____	_____
_____ to _____	<input type="checkbox"/> Address Confidential?	_____	_____
_____ to _____	<input type="checkbox"/> Address Confidential?	_____	_____
_____ to _____	<input type="checkbox"/> Address Confidential?	_____	_____

c. Child's Name: _____ **Place of Birth:** _____
Date of Birth: _____ **Sex:** Male Female

Check this box if the information requested below would be the same as in subsection 2a and skip to the next question.

<u>Period of Residence</u>	<u>Check if Confidential</u>	<u>Person(s) With Whom Child Lived</u> (name & address)	<u>Relationship</u>
_____ to present	<input type="checkbox"/> Address Confidential?	_____	_____
_____ to _____	<input type="checkbox"/> Address Confidential?	_____	_____
_____ to _____	<input type="checkbox"/> Address Confidential?	_____	_____
_____ to _____	<input type="checkbox"/> Address Confidential?	_____	_____

IF MORE SPACE IS NEEDED FOR ADDITIONAL CHILDREN, ATTACH A SEPARATE PAGE AND CHECK THIS BOX .

3. Participation in custody case(s): (Check only one box.)

- I **HAVE NOT** participated as a party, witness, or in any capacity in any other case, in this or any other state, concerning the custody of, or visitation (parenting time), with any child subject to this case.
- I **HAVE** participated as a party, witness, or in any capacity in any other case, in this or any other state, concerning the custody of, or visitation (parenting time), with any child subject to this case. For each case in which you participated, give the following information:

- a. Name of each child: _____
- b. Type of case: _____
- c. Court and State: _____
- d. Date and court order or judgment (if any): _____

IF MORE SPACE IS NEEDED FOR ADDITIONAL CUSTODY CASES, ATTACH A SEPARATE PAGE AND CHECK THIS BOX .

4. Information about other civil case(s) that could affect this case: (Check only one box.)

I **HAVE NO INFORMATION** about any other civil cases that could affect the current case, including any cases relating to custody, domestic violence or protection orders, dependency, neglect or abuse allegations or adoptions concerning any child subject to this case.

I **HAVE THE FOLLOWING INFORMATION** concerning other civil cases that could affect the current case, including any cases relating to custody, domestic violence or protection orders, dependency, neglect or abuse allegations or adoptions concerning a child subject to this case. Do not repeat cases already listed in Paragraph 3. Explain:

- a. Name of each child: _____
- b. Type of case: _____
- c. Court and State: _____
- d. Date and court order or judgment (if any): _____

IF MORE SPACE IS NEEDED FOR ADDITIONAL CASES, ATTACH A SEPARATE PAGE AND CHECK THIS BOX .

5. Information about criminal case(s):

List all of the criminal convictions, including guilty pleas, for you and the members of your household for the following offenses: any criminal offense involving acts that resulted in a child being abused or neglected; any domestic violence offense that is a violation of R.C. 2919.25; any sexually oriented offense as defined in R.C. 2950.01; and any offense involving a victim who was a family or household member at the time of the offense and caused physical harm to the victim during the commission of the offense.

<u>Name</u>	<u>Case Number</u>	<u>Court/State/County</u>	<u>Convicted of What Crime?</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

IF MORE SPACE IS NEEDED FOR ADDITIONAL CASES, ATTACH A SEPARATE PAGE AND CHECK THIS BOX .

6. Persons not a party to this case who has physical custody or claims to have custody or visitation rights to children subject to this case: (Check only one box.)

I **DO NOT KNOW OF ANY PERSON(S)** not a party to this case who has/have physical custody or claim(s) to have custody or visitation rights with respect to any child subject to this case.

I **KNOW THAT THE FOLLOWING NAMED PERSON(S)** not a party to this case has/have physical custody or claim(s) to have custody or visitation rights with respect to any child subject to this case.

a. Name/Address of Person _____

Has physical custody

Claims custody rights

Claims visitation rights

Name of each child: _____

b. Name/Address of Person _____

Has physical custody

Claims custody rights

Claims visitation rights

Name of each child: _____

c. Name/Address of Person _____

Has physical custody

Claims custody rights

Claims visitation rights

Name of each child: _____

OATH

(Do Not Sign Until Notary is Present)

I, (print name) _____, swear or affirm that I have read this document and, to the best of my knowledge and belief, the facts and information stated in this document are true, accurate and complete. I understand that if I do not tell the truth, I may be subject to penalties for perjury.

Your Signature

Sworn before me and signed in my presence this ____ day of _____, _____.

Notary Public

My Commission Expires: _____

Form 3

IN THE COURT OF COMMON PLEAS OF _____ COUNTY, OHIO
JUVENILE DIVISION

Case No. _____

RECORD REQUEST FORM

Plaintiff,

vs.

Defendant.

I, _____, hereby request the following:

Item(s) Requested: _____

Date of Hearing: _____

My address and telephone number are as follows: _____

Signature

Printed Name

Form 4

IN THE COURT OF COMMON PLEAS OF _____ COUNTY, OHIO
JUVENILE DIVISION

Case No. _____

Notice of Intent to Relocate
[RC 3109.051 (G)]

Plaintiff,
vs.

Defendant.

I am _____, the residential parent of one or more of the parties' minor child(ren) or one of the parents in a shared parenting plan and, as required by RC 3109.051 (G), I give notice that I intend to relocate my residence to the following address:

I intend to move the following minor child(ren) with me:

The relocation will occur on or about _____, 20__.

My relocation is occurring for the following reason(s): _____

Respectfully submitted,

(Your signature)

Print your name and the address and telephone number at which you may be reached:

Certificate of Service

I hereby certify that a copy of this Notice of Intent to Relocate was hand delivered to the opposing party or was mailed by ordinary United States Mail to the opposing party at the following address: _____ on

this ___ day of _____, 20__.

(Signature of the person who mailed or personally delivered the copy)

Notice: Pursuant to Local Rule of Court, this Notice must be filed with the Clerk of Courts or Juvenile Clerk (whichever is appropriate) in the county in which your case was processed within three (3) days of the date that the copy was mailed to the opposing party, as indicated above in the Certificate of Service.

A hearing on whether the child(ren) may move may be scheduled by the Court or, upon the request of the opposing party, will be scheduled.

Form 5

**COURT OF COMMON PLEAS OF _____ COUNTY, OHIO
JUVENILE DIVISION**

Plaintiff,		Case No. _____
vs.		Judge _____
Defendant.		Magistrate _____

Instructions: Check local court rules to determine when this form must be filed. This affidavit is used to disclose health insurance coverage that is available for children. It is also used to determine child support. It must be filed if there are minor children of the relationship. If more space is needed, add additional pages.

HEALTH INSURANCE AFFIDAVIT

Affidavit of _____
(Print Your Name)

Mother

Father

Are your child(ren) enrolled in a low-income government-assisted health care program (Healthy Start/Medicaid)?

Yes No

Yes No

Are you enrolled in an individual (non-group or COBRA) health insurance plan?

Yes No

Yes No

Are you enrolled in a health insurance plan through a group (employer or other organization)?

Yes No

Yes No

If you are not enrolled, do you have health insurance available through a group (employer or other organization)?

Yes No

Yes No

Does the available insurance cover primary care services within 30 miles of the child(ren)'s home?

Yes No

Yes No

	<u>Mother</u>	<u>Father</u>
Under the available insurance, what would be the annual premium for a plan covering you and the child (ren) of this relationship (not including a	\$ _____	\$ _____
Under the available insurance, what would be the annual premium for a plan covering you alone (not including children or	\$ _____	\$ _____
If you are enrolled in a health insurance plan through a group (employer or other organization) or individual insurance plan, which of the following people		
Yourself?	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
Your spouse?	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
Minor child (ren) of this relationship?	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
	Number _____	Number _____
Other individuals?	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
	Number _____	Number _____
Name of group (employer or organization) that provides health insurance	_____	_____
Address	_____	_____
	_____	_____
Phone number	_____	_____

OATH

(Do not sign until notary is present.)

I, (print name) _____, swear or affirm that I have read this document and, to the best of my knowledge and belief, the facts and information stated in this document are true, accurate and complete. I understand that if I do not tell the truth, I may be subject to penalties for perjury.

Your Signature

Sworn before me and signed in my presence this ____ day of _____, _____.

Notary Public
My Commission Expires:

Form 6
IN THE COURT OF COMMON PLEAS

COUNTY, OHIO
Division

IN THE MATTER OF:

A Minor

Plaintiff/Petitioner

vs.

Defendant/Respondent/Petitioner

:
:
:
:
:
:
:
:
:
:
:

Case No. _____

Judge _____

Magistrate _____

A contempt action and an order to appear, a copy of which you have previously received, have been filed in this Court, alleging that you are in contempt of court for FAILURE TO PAY SUPPORT AND/OR FAILURE TO COMPLY WITH A PREVIOUS COURT ORDER.

The following rights are available to you:

- (1) You have the right to have a court hearing in this matter.
- (2) You have the right to be represented by an attorney in this matter.
- (3) If you believe that you are indigent, you may ask the court to appoint an attorney for you. The court will make the determination as to your eligibility' for appointed counsel.
- (4) If you are not indigent, and desire to be represented by an attorney you must contact and retain your own attorney. The court will grant a continuance for a period of not more than thirty (30) days to allow you the opportunity to obtain such counsel.

If you are found guilty of contempt for failure to pay support, the court may impose any of the following penalties:

FIRST OFFENSE: a fine of not more than \$250.00, a definite term of imprisonment of not more than thirty (30) days in jail or both;

SECOND OFFENSE: a fine of not more than \$500.00, a definite term of imprisonment of not more than 60 days in jail, or both;

THIRD OR SUBSEQUENT OFFENSE: a fine of not more than \$1,000.00, a definite term of imprisonment of not more than ninety (90) days in jail or both.

In addition, if you are found to be in contempt of court, if the other party has attorney fees for representation in this matter and/or court costs of these proceedings, you may be required to pay them.

By signing this, you acknowledge that you have been informed of and understand these rights and potential penalties and obligations in contempt of court proceedings.

Date

Signature

Form 7

Name of Child: _____

Case No. _____

Instructions: This form is used when you are claiming the other party has not paid health care bills. **Use a separate form for each child.** A Motion for Contempt and Affidavit (Uniform Domestic Relations Form 21) and a Show Cause Order, Notice and Instructions to the Clerk (Uniform Domestic Relations Form 22) must be filed. You must bring copies of health care bills, Explanation of Benefits forms, and proof of payment to the hearing. Be prepared to indicate the amount owed to you, service providers, collection agencies, or other entities. **If more space is needed, add additional pages.**

EXPLANATION OF HEALTH CARE BILLS

<u>Date of Treatment</u>	<u>Name of Service Provider (e.g., Doctor, Dentist, Therapist, Hospital) & Services Provided</u>	<u>Total Bill</u>	<u>Date Bill Sent to Other Party</u>	<u>Amount Insurance Paid</u>	<u>Amount You Paid</u>	<u>Amount Paid by Other Party</u>	<u>Amount of Unpaid Bill</u>	<u>Amount Due from Other Party</u>

Total Amount of Claim \$ _____

_____ Your Signature _____ Date

Supreme Court of Ohio
 Uniform Domestic Relations Form – 26
 Uniform Juvenile Form – 8
 EXPLANATION OF HEALTH CARE BILLS
 Approved under Ohio Civil Rule 84 and Ohio Juvenile Rule
 Effective Date 7/1/2013

Appendix A
Age Appropriate Parenting Access Plans

The vision of the Ohio Task Force on Family Law and Children was to create an environment in which children whose parents live in difference homes:

- Could go back and forth peacefully between Mom's house and Dad's house;
- Have a weekly schedule that was developmentally appropriate; and
- Feel comfortable loving and interacting with both parents.

The best schedule is one that is tailor-made to each family by the family, Adjusted as the child grows and family circumstances change. Children differ not only by age and developmental variances, but also by temperament, personality, and special needs. As the child grows and family circumstances change, arrangements need to change as well. Flexibility is a key to successful, child-centered schedules.

The Task Force examined model schedules from many counties throughout the country and decided to include those developed by Maricopa County, Arizona because they offered more options and were supported by current social science research. These sample schedules are offered here to encourage creativity. They are not intended to be guidelines to be imposed by a Court. The parenting access plans provided are examples of what may work well for children of a particular age and developmental stage, but should not be viewed as prescriptive. One size does not fit all.

Current research supports the involvement of both parents from the earliest days of a child's life. Perhaps the greatest creativity is required as teens develop and mature. Rigid schedules during those years may cause alienation, and supportive parents may find themselves showing up for sports and extracurricular events rather than relying on the routine that served them well when a child was young.

Children need two parents. They need for the two most important people in their lives to learn how to work together without on-going conflicts and rancor. When parents say "I'll do anything for my kids," the greatest gift and challenge may mean developing a cooperative parenting partnership with your child's other parent. Best Wishes!

SAMPLE PARENTING ACCESS PLANS

To Parents:

Raising children presents challenges for all parents. When parents live in separate homes the challenges are greater because the relationships become more complicated. Sometimes parents disagree about how much time children should spend with each of them. The following information will help parents reach agreements about parenting time (access) with their children.

These plans were developed by a committee of judicial officers, mental health providers and attorneys in Maricopa County, Arizona, who consulted with nationally known experts in child development. The Ohio Task Force on Family Law and Children selected these plans after an extensive review of material prepared in communities around the country and the world. These plans offer information about what children learn, feel and need at different ages. They also provide a variety of plans appropriate for each age group, and language that may be included in court orders.

Children describe the loss of contact with a parent as the worst consequence of divorce or parental separation. Unless special circumstances exist, preserving a healthy and ongoing relationship between children and both their parents after divorce, dissolution or separation is of utmost importance. Positive involvement with both parents furthers the child's emotional and social development, academic achievement, and overall adjustment.

WHY PLANS ARE NECESSARY

Written parenting access plans provide children and parents with some assurances of maintaining meaningful contact and can prevent future conflict. These plans are intended to encourage open dialog and cooperation between parents. The Courts prefer that parents reach agreements about schedules voluntarily. When parents reach an agreement about schedules on their own, they are more likely to remain cooperative as their children grow up. Children do best when parents cooperate. The reverse is also true. Children who experience ongoing conflict between parents are at high risk for suffering serious long-term emotional problems.

Parents must state their agreements about parenting time in their parenting access plan. A successful parenting access plan will state the agreements parents reach about parenting time, and sharing of parenting functions and responsibilities. The schedule should consider each child's developmental needs as identified in this booklet.

How To Use This Booklet

1. Locate Plans for your child(ren's) age.
2. Meet with your child's other parent to discuss parenting time and which plan for access (A, B or C) best suits your family's needs.
3. To assist you, the plans include sample calendars with sample parenting access plan language to include in court orders. These are examples only. You may choose any days or time you wish.
4. Because each child is unique, you may wish to establish different plans for children of different ages while making sure brothers and sisters are able to spend as much time together as possible. Be flexible!

Which Plan Should We Choose?

The following options are designed to allow parents or the Court, if necessary, to select the proper plan after considering the family's unique circumstances. Children differ in how long they are comfortable being away from each parent. Some children prefer spending more time at one home, while others move back and forth on a regular basis with ease. Parents may need to tolerate disruption of their own schedules, and more or less time with their child than they might otherwise prefer to provide the child with a sense of security and well-being.

When creating a plan, parents should consider the child's relationship with each parent. If a parent has never been a part of a child's life or has not had contact with the child for an extended period, access should start slowly and gradually increase as the child adjusts and feels comfortable.

A parent, who as an extremely busy work schedule, has not been the child's primary caregiver, or wants regular access without extensive care giving responsibility may consider **Plan A**.

A parent who has been involved in the day-to-day care of the child may desire greater access. This parent may consider **Plan B**.

A parent who has care giving experience and desires maximum access may consider **Plan C**.

As the child adjusts to the initial plan and feels comfortable, parents may consider increasing access by creating another plan. In some cases, it may be beneficial to change from one plan to another as the child gets older. When increasing access time, a parent's past involvement in caring for the child must be considered as well as the parent's willingness and ability to learn necessary care giving skills.

If parents cannot create a parenting access plan and access schedule that is best for their family, the Court will evaluate the case, and create a parenting access plan that it finds is in the best interest of the children.

Important Factors To Consider When Creating A Plan

- The child's age, maturity, temperament and strength of attachment to each parent
- Any special need of the child and parents
- The child's relationship with siblings and friends
- The distance between the two households
- The flexibility of both parents' work schedules and the child's schedules to accommodate extended access
- Childcare arrangements
- Transportation needs
- The ability of parents to communicate and cooperate
- The child's and the parents' cultural and religious practices

- A parent's willingness to provide adequate supervision even if the parent has not done so in the past
- A parent's ability and willingness to learn basic care giving skills such as feeding, changing, and bathing a young child, preparing a child for daycare or school, or taking responsibility for helping a child with homework
- A parent's ability to care for the child's needs

Children Benefit When Parents

- Initiate the child's contact with the other parent on a regular basis by phone, letter, audio and videotapes, e-mail and other forms of communication
- Maintain predictable schedules
- Are prompt and have children ready at exchange time
- Avoid any communication that may lead to conflict at exchange time
- Ensure smooth transitions by assuring the children that they support their relationship with the other parent and trust the other's parenting skills
- Allow the children to carry "important" items such as clothing, toys, security blankets with them between the parents' homes
- Follow similar routines for mealtime, bedtime, and homework time
- Handle rules and discipline in similar ways
- Support contact with grandparents and other extended family so the children do not experience a sense of loss
- Are flexible so the child can take advantage of opportunities to participate in special family celebrations or events
- Give as much advance notice as possible to the other parent about special occasions
- Provide an itinerary of travel dates, destination, and places where the child or parent can be reached when on vacation
- Establish a workable, "business-like" method of communication
- Plan their vacations around the child's regularly scheduled activities

Children Are Harmed When Parents

- Make their child choose between mom and dad
- Question their child about the other parent's activities or relationships
- Make promises they do not keep
- Argue with or put down the other parent in the child's presence or range of hearing
- Discuss their personal problems with the child or in the child's range of hearing
- Use the child as a messenger, spy or mediator
- Withhold access because child support has not been paid

SPECIAL CIRCUMSTANCES

These sample plans may not apply to all family situations or all children. They are not appropriate if there are significant issues of:

- Child abuse or neglect
- Serious mental or emotional disorders
- Drug or alcohol abuse or criminal activity
- Domestic violence
- Continuous levels of very intense conflict

When a child's physical or emotional safety is at risk, it is necessary to protect the child. Parents who have concerns about these issues should seek help from an attorney, mental health professional, court services, domestic abuse agency, or local social services agency.

Remember, the welfare of the child is of utmost importance.

Definitions of terms used in this booklet:

Attachment: the process of building strong emotional bonds to specific care givers, critical for the child's development during the first year. A sense of security, the development of trust in others and positive emotional and social adjustment occur as a result of attachment.

Bonding: The development of close, loving and trusting relationships.

Parenting access plan: means a plan for the parenting of a minor child, which provides for the allocation of parenting functions and responsibilities.

Transition: moving between parents' homes.

SAMPLE PARENTING ACCESS PLANS

Birth to Twelve Months

Infants learn at a rapid rate. They are learning to love and trust familiar caregivers. Infants learn to attach to parents and others through consistent, loving responses such as: holding, playing, feeding, soothing, talking gently and lovingly, and meeting their needs promptly. They begin to respond to the different but equally valuable types of parenting mothers and fathers provide.

Infants cannot retain experiences over time, so it is important that they have frequent contact with both parents and a predictable schedule and routine. Infants can retain "emotional memories" of conflict that can have long-term negative effects, so parents should not argue when children, even infants, can overhear.

By six months, infants can recognize their parents and other caregivers, and may become uneasy around strangers. Regular caregivers are able to recognize their signals for food, comfort, and sleep. When away from them, infants may become anxious and may experience eating and sleeping problems.

At this young age, it is important to maintain the infant's basic sleep, feeding, and waking cycles. Schedules should be adjusted so that disruption does not occur. For example, in creating parenting access plans for this age group, parents should consider the special needs of breastfeeding infants.

All plans presume that the parent with access has appropriate baby supplies (infant seat, car seat, crib, diapers, toys) and that access will take place in a child friendly setting that is visually and intellectually stimulating. The parent with access time should personally care for the child as much as possible.

Return to the other home should be at least one half hour before bedtime. Once established, schedules should remain as consistent as possible.

All plans that include overnights presume that the parent with access not only had care giving experience but that the child is sufficiently attached and accustomed to being in the care of that parent for long periods.

Birth to Twelve Months

Plan A(1): Three periods of three to six hours spaced throughout each week.

Comment: Frequent contact helps the parent and the child bond.

Parent A. **Parent B.**

	M	T	W	TH	F	S	S
8:00							
9:00							
10:00							
11:00							
Noon							
1:00							
2:00							
3:00							
4:00		4:30		4:30			
5:00							
6:00							
7:00		7:30		7:30			
8:00							
overnight							

Sample Parenting plan language: Parent A shall have time with the child each week on Tuesday and Thursday from 4:30 p.m. to 7:30 p.m. and Saturday from 9:00 a.m. to 3:00 p.m. The child shall be with Parent B the remainder of the time.

Plan A(2): Two six hour periods spaced throughout the week.

Comment: This plan is helpful when the parents' work schedules or their levels of conflict make more frequent exchanges difficult. Because in this plan there are only two opportunities to parent each week, bonding between the parent and child may proceed more slowly and the child may experience some difficulty going from one parent to the other.

	M	T	W	TH	F	S	S
8:00							
9:00							
10:00							
11:00							
Noon							
1:00							
2:00							
3:00							
4:00							
5:00							
6:00							
7:00							
8:00							
overnight							

Sample parenting plan language: Parent A shall have time with the child each week on Tuesday from 12:00 p.m. to 6:00 p.m. and Saturday from 9:00 a.m. to 3:00 p.m. The child shall be with Parent B the remainder of the time.

Birth to Twelve Months

Plan B: Two three-hour periods and one eight-hour period spaced throughout each week:

Parent A **Parent B**

	M	T	W	TH	F	S	S
8:00							
9:00							
10:00							
11:00							
Noon							
1:00							
2:00							
3:00							
4:00		4:30		4:30			
5:00							
6:00							
7:00		7:30		7:30			
8:00							
overnight							

Sample parenting plan language: Parent A shall have time with the child each week on Tuesday and Thursday from 4:30 p.m. to 7:30 p.m. and on Saturday from 10:00 a.m. to 6:00p.m. The child shall be with Parent B the remainder of the time.

Vacation: Time blocks that vary significantly from the above are not recommended.

Holidays: When holidays or special occasions like Father’s Day, Mother’s Day and birthdays do not fall on a parent’s access day, parents should consider dividing them consistent with the blocks noted above.

Birth to Twelve Months

Plan C: Two periods of three to six hours and one or more overnights each week.

Parent A. **Parent B.**

	M	T	W	TH	F	S	S
8:00							
9:00							
10:00							
11:00							
Noon							
1:00							
2:00							
3:00							
4:00		4:30		4:30		4:30	4:30
5:00							
6:00							
7:00		7:30		7:30			
8:00							
overnight							

Sample parenting plan language: Parent A shall have time with the child each week on Tuesday and Thursday from 4:30 p.m. to 7:30 p.m. and on Saturday from 4:30 p.m. to Sunday at 4:30 p.m. The child shall be with Parent B the remainder of the time.

Vacation: Presuming that Plan C overnights have been ongoing, parents may have three consecutive overnights, weekend or midweek, twice each year. Each parent shall give the other parent thirty days written notice of vacation plans and an itinerary of travel dates, destination, and places where the child or parent can be reached.

Holidays: When holidays or special occasions like Father's Day, Mother's Day and birthdays do not fall on a parent's access day, parents should consider dividing them consistent with the blocks noted above.

Twelve to Twenty-four Months

One to two year olds are becoming more aware of the world around them and the people who are frequently in contact with them. A baby at this age can be attached to many caregivers including grandparents, other extended family members, daycare providers, babysitters and family friends who are frequently in contact with the child.

One to two year olds are also becoming independent and are developing the ability to comfort themselves by thumb-sucking or holding onto favorite blankets or toys. Their sleeping and eating schedules are also becoming regular. They continue to respond to the different but equally valuable types of parenting mothers and fathers provide. Two year olds commonly test parental limits and appropriate parental responses can build the child's self-esteem for years to come.

Transitions between homes may become difficult for someone to two year olds and they may become upset at these times. Some resistance to exchanges is normal for some children. This behavior does not necessarily mean the other parent is not a good parent or that the child does not want to be with the other parent. Parents can make exchanges easier for the child by following predictable schedules and by supporting the child's relationship with the other parent.

All plans presume that the parent with access has appropriate baby supplies (infant seat, car seat, crib, diapers, toys) and that access will take place in a child friendly setting that is visually and intellectually stimulating. The parent with access time should personally care for the child as much as possible.

Return to the other home should be at least one half hour before bedtime. Once established, schedules should remain as consistent as possible.

All plans that include overnights presume that the parent with access not only had care giving experience but that the child is sufficiently attached and accustomed to being in the care of that parent for long periods.

Twelve to Twenty-four Months

Plan A (1): Three periods of three to six hours spaced throughout each week.

Comment: Frequent contact helps the parent and the child bond.

Parent A **Parent B**

	M	T	W	TH	F	S	S
8:00							
9:00							
10:00							
11:00							
Noon							
1:00							
2:00							
3:00							
4:00		4:30		4:30			
5:00							
6:00							
7:00		7:30		7:30			
8:00							
overnight							

Sample Parenting plan language: Parent A shall have time which the child each week on Tuesday and Thursday from 4:30 p.m. to 7:30 p.m. and Saturday from 9:00 a.m. to 3:00 p.m. The child shall be with Parent B the remainder of the time.

Plan A(2): Two six hour periods spaced throughout the week.

Comment: This plan is helpful when the parents work schedules or their levels of conflict make more frequent exchanges difficult. Because in this plan there are only two opportunities to parent each week, bonding between the parent and child may proceed more slowly and the child may experience some difficulty going from one parent to the other.

	M	T	W	TH	F	S	S
8:00							
9:00							
10:00							
11:00							
Noon							
1:00							
2:00							
3:00							
4:00							
5:00							
6:00							
7:00							
8:00							
overnight							

Sample parenting plan language: Parent A shall have time with the child each week on Tuesday from 12:00 p.m. to 6:00 p.m. and Saturday from 9:00 a.m. to 3:00 p.m. The child shall be with Parent B the remainder of the time.

Twelve to Twenty-four Months

Plan B: Two four-hour periods and one eight-hour period spaced throughout each week:

Parent A **Parent B**

	M	T	W	TH	F	S	S
8:00							
9:00							
10:00							
11:00							
Noon							
1:00							
2:00							
3:00							
4:00		4:30		4:30			
5:00							
6:00							
7:00							
8:00		8:30		8:30			
overnight							

Sample parenting plan language: Parent A shall have time with the child each week on Tuesday and Thursday from 4:30 p.m. to 8:30 p.m. and on Saturday from 10:00 a.m. to 6:00 p.m. The child shall be with Parent B the remainder of the time.

Vacation: Time blocks that vary significantly from the above are not recommended, unless the child has gradually adjusted to overnights with parent A.

Holidays: When holidays or special occasions like Father’s Day, Mother’s Day and birthdays do not fall on a parent’s access day, parents should consider dividing them consistent with the blocks noted above.

Twelve to Twenty-four Months

Plan C: One daytime period of three to six hours and two non-consecutive overnights each

Parent A **Parent B**

	M	T	W	TH	F	S	S
8:00					8:30		
9:00							
10:00							
11:00							
Noon							
1:00							
2:00		2:30					
3:00							
4:00						4:30	4:30
5:00				5:30			
6:00							
7:00							
8:00		8:30		8:30			
overnight							

Sample parenting plan language: Parent A shall have time with the child each week on Tuesday from 2:30 p.m. to 8:30 p.m., Thursday at 5:30 p.m. to Friday at 8:30 a.m. and Saturday from 4:30 p.m. to Sunday at 4:30 p.m. The child shall be with Parent B the remainder of the time.

Vacation: Presuming that Plan C overnights have been ongoing, parents may have one period of three consecutive overnights, midweek or weekend, with children 12 to 18 months old. After the age of 18 month, parents may have two one-week periods separated by at least four weeks. Each parent shall give the other parent thirty days written notice of vacation plans and an itinerary of travel dates, destination, and places where the child or parent can be reached.

Holidays: When holidays or special occasions like Father’s Day, Mother’s Day and birthdays do not fall on a parent’s access day, parents should consider dividing them consistent with the blocks noted above.

SAMPLE PARENTING ACCESS PLANS

Twenty-four to Thirty-six Months

Ages two to three are an important time for children to develop independent skills. Although children this age are learning to be independent, they may still cling to their caregiver and resist separation. They may be negative, and say “NO!” to parents’ requests and demands just to express their independence. They may also be fearful about unfamiliar activities and objects. Predictable, regularly scheduled routines help children manage their fears and help them learn that the world is a safe place. Moving between parents’ homes may become difficult for children at this age and they may become upset. This behavior does not necessarily mean that the other parent is not a good parent or that the child does not want to be with the other parent. Parents must ensure that the transitions between the two parents’ homes are free of parental arguing and tension.

Plan A (1): Two three to four hour periods and one eight-hour period spaced throughout each week:

Parent A. **Parent B.**

	M	T	W	TH	F	S	S
8:00							
9:00							
10:00							
11:00							
Noon							
1:00							
2:00							
3:00							
4:00		4:30		4:30			
5:00							
6:00							
7:00							
8:00		8:30		8:30			
overnight							

Sample parenting plan language: Parent A shall have time with the child each week on Tuesday and Thursday from 4:30 p.m. to 8:30 p.m. and on Saturday from 10:00 a.m. to 6:00 p.m. The child shall be with Parent B the remainder of the time.

Vacation: Time blocks that vary significantly from the above are not recommended.

Holidays: When holidays or special occasions like Father’s Day, Mother’s Day and birthdays do not fall on a parent’s access day, parents should consider dividing them consistent with the blocks noted above.

Twenty-four to Thirty-six Months

Plan A (2): Two periods of three to six hours and one overnight each week:

Parent A. **Parent B.**

	M	T	W	TH	F	S	S
8:00							
9:00							
10:00							
11:00							
Noon							
1:00							
2:00							
3:00							
4:00		4:30		4:30			
5:00							
6:00							
7:00		7:30		7:30			
8:00							
overnight							

Sample parenting plan language: Parent A shall have time with the child each week on Tuesday and Thursday from 4:30 p.m. to 7:30 p.m. and on Saturday from 4:00 p.m. to Sunday at 10:00 a.m. The child shall be with Parent B the remainder of the time.

Vacation: Presuming Plan A(2) overnights have been ongoing, parents may have two one-week periods separated by at least four weeks. Each parent shall give the other parent thirty days written notice of vacation plans and an itinerary of travel dates, destinations, and places where the child or parent can be reached.

Holidays: When holidays or special occasions like Father’s Day, Mother’s Day and birthdays do not fall on a parent’s access day, parents should consider dividing them consistent with the blocks noted above.

Twenty-four to Thirty-six Months

Plan B: One period of three to six hours and two non-consecutive overnights each week:

Comment: Ideally a child of this age should not be separated on a regular schedule from either parent for longer than four days.

Parent A. **Parent B.**

	M	T	W	TH	F	S	S
8:00							
9:00							
10:00							
11:00							
Noon							
1:00							
2:00							
3:00							
4:00			4:30				
5:00							
6:00							
7:00			7:30				
8:00							
overnight							

Sample parenting plan language: Parent A shall have time with the child each week on Wednesday 4:30 p.m. to 7:30 p.m. and Monday 8:00 a.m. to Tuesday 8:00 a.m. and Friday 8:00 a.m. to Saturday 1:00 p.m. The child shall be with Parent B the remainder of the time.

Vacation: Presuming that Plan B overnights have been ongoing, use Plan A (2) vacation plan for this age group.

Holidays: See Plan A (2) Holiday for this age group.

Twenty-four to Thirty-six Months

Plan C: One period of three to six hours and two consecutive overnights each week:

Parent A. **Parent B.**

	M	T	W	TH	F	S	S
8:00							
9:00							
10:00							
11:00							
Noon							
1:00							
2:00							
3:00							
4:00							
5:00	5:30						
6:00							
7:00							
8:00							
overnight							

Sample parenting plan language: Parent A shall have time with the child each week on Saturday 10:00 a.m. to 1:00 p.m. and Monday 5:30 p.m. to Wednesday 8:00 a.m. The child shall be with Parent B the remainder of the time.

Vacation: Presuming that Plan C overnights have been ongoing, use Plan A (2) vacation plan for this age group.

Holidays: See Plan A (2) Holidays for this age group.

SAMPLE PARENTING ACCESS PLANS

Three to Five Years

Three to five year-olds are attached to their regular caregivers and separation may cause them to be uncomfortable and anxious. They may also be fearful about unfamiliar activities and objects and may experience night fears like “monsters” under the bed.

Three to five year-olds may show increased discomfort when moving between parents’ homes. They may become very upset at these times. This behavior does not necessarily mean that the other parent is not a good parent or that the child does not want to be with the other parent. Parents can make exchanges easier for children by following predictable schedules.

Three to five year-olds may benefit from structured time with children their own age, away from parents. This time helps them to develop social skills and to learn that they can be safe and happy away from both parents.

Children are more likely to resist going to the other parent if the parents are tense, hostile or argue with each other at the exchange. If tension is present, the child might become difficult to manage or might display a variety of behaviors consistent with emotional problems. If parents cannot be pleasant, or at least neutral, they should limit communications at these exchanges. Parents **must not** use the child as a messenger to communicate with the other parent. Children may also feel more secure if they can take favorite stuffed toys, family photos or other objects that will remind them of the other parent.

After age three, children become more aware of holiday celebrations. To avoid disputes, parents should schedule for as many holidays as are meaningful to the family, whether religious, cultural, or national in their access plan. Parents should also include family birthdays and annual parent day celebrations.

The options discussed for 24 months to 36 months are also appropriate for this age group.

Plan A (1): Two consecutive overnights every other week and an additional overnight or afternoon/evening period each week.

Plan A (2): Three consecutive overnights week one. Another overnight or afternoon/evening period of three to four hours may be added in week two.

Sample Monthly Schedule

Plan A(1)						
M	T	W	TH	F	S	S
		5:30 p.m.		5:30 p.m.		6:00 p.m.
		5:30 p.m.				
		5:30 p.m.		5:30 p.m.		6:00 p.m.
		5:30 p.m.				

Parent A shall have time with the child week one from Friday at 5:30 p.m. to Sunday at 6:00 p.m. In addition, Parent A shall have time with the child each week from Wednesday at 5:30 p.m. to Thursday 8:00 a.m. The child shall be with Parent B the remainder of the time. Repeat Schedule weeks three and four.

Plan A(2)						
M	T	W	TH	F	S	S
			5:30 p.m.			6:00 p.m.
		5:30 p.m.				
			5:30 p.m.			6:00 p.m.
		5:30 p.m.				

Parent A shall have time with the child week one from Thursday at 5:30 p.m. to Sunday at 6:00 p.m. In addition, Parent A shall have time with the child each week from Wednesday at 5:30 p.m. to Thursday 8:00 a.m. The child shall be with Parent B the remainder of the time. Repeat Schedule weeks three and four.

Three to Five Years

Plan B: Four consecutive overnights week one. Another overnight or afternoon/evening period of three to four hours may be added in week two.

Plan C (1): Parents split each week and the weekend.

Comment: This plan provides consistent routine and accommodates a young child’s ability to be apart from either parent for only three days. It also allows the child to have a “stay home” day (Saturday or Sunday) with each parent each week, which is helpful to many young children. Parents may dislike not having full weekend access, but the schedule can be modified to allow full weekends during the summer or on holidays. If desired, parents may alternate exchanges so one week one parent has three overnights and the other has four overnights and the next week the number of overnights is reversed.

Sample Monthly Schedule

Plan B						
M	T	W	TH	F	S	S
			5:30 p.m.			6:00 p.m.
			5:30 p.m.			
			5:30 p.m.			6:00 p.m.
			5:30 p.m.			

Parent A shall have time with the child week one from Monday at 8:00 a.m. In addition, Parent A shall have time with the child from Thursday at 5:30 p.m. to Friday 8:00 a.m. week two. The child shall be with Parent B the remainder of the time. Repeat Schedule weeks three and four.

Plan C(1)						
M	T	W	TH	F	S	S
		12:00 p.m.				8:00 a.m.
		12:00 pm.				8:00 a.m.
		12:00 p.m.				8:00 a.m.
		12:00 p.m.				8:00 a.m.

Parent A shall have time with the child each week from Sunday 8:00 a.m. to Wednesday 12:00 p.m. Parent B shall have time from Wednesday at 12:00 pm to Sunday at 8:00 a.m.

Three to Five Years

Plan C (2): Each parent has the same two consecutive midweek overnights each week and alternates the weekends.

Comment: This plan provides each parent with alternating full weekends with and without the children. The child is away from each parent during alternate weeks for five days, which may be difficult for some children at this age. This plan is helpful when the parents' level of conflict makes exchanges difficult, because all exchanges can take place at day care.

Sample Monthly Schedule

Plan C(2)						
M	T	W	TH	F	S	S
5:30 p.m.	8:00 a.m.			5:30 p.m.		8:00 a.m.
5:30 p.m.	8:00 a.m.					
5:30 p.m.	8:00 a.m.			5:30 p.m.		8:00 a.m.
5:30 p.m.	8:00 a.m.					
Parent A shall have time with the child every Monday after daycare or 5:30 p.m. If not in daycare to Wednesday 8:00 a.m. Parent B shall have time with the child every Wednesday after daycare or 5:30 p.m. If not in daycare to Friday at 8:00 a.m. The parties shall alternate weekends (Friday to Monday at 8:00 a.m.)						

Vacation: Each parent shall have the opportunity to spend up to 10 days in town or out of town each year or two one week periods taken separated by at least three weeks. Telephone contact is recommended during out of town periods. Each parent shall give the other parent thirty days written notice of vacation plans and an itinerary of travel dates, destination, and places where the child or parent can be reached.

Holidays: See the "What to do about the Holidays" section of this booklet.

SAMPLE PARENTING ACCESS PLANS

Six to Nine Years

Six to nine year-old children may worry that one parent does not love them or that they will lose one parent. They may also experience intense longing for the absent parent. It is common for these children to fantasize that their parents will get back together.

Some six to nine year-olds benefit from spending more time at one home, while other move back and forth on a regular basis with ease. Children differ in how long they are comfortable being away from each parent. If the child has spent considerable quality time with the parent who has access, that child may cope better with a long separation from the other parent.

All scheduling should maximize parents' time off from work. If work schedules change, parents may vary access days with appropriate prior notice.

Plan A (1): Two consecutive overnights every other week. An additional three to six-hour period or overnight may be added each week.

Plan A (2): Three consecutive overnights every other week and an additional four to six hour period each week.

Sample Monthly Schedule

Plan A (1)						
M	T	W	TH	F	S	S
		5:30 p.m.		5:30 p.m.		6:00 p.m.
		5:30 p.m.				
		5:30 p.m.		5:30 p.m.		6:00 p.m.
		5:30 p.m.				
Parent A shall have time with the child week one from Friday at 5:30 p.m. to Sunday at 6:00 p.m. In addition, Parent A shall have access each Wednesday from 5:30 p.m. to 8:30 p.m. each week. The child shall be with Parent be the remainder of the time.						

Plan A (2)						
M	T	W	TH	F	S	S
5:30 p.m.					2:00-8:00	
					2:00-8:00	
5:30 p.m.					2:00-8:00	
					2:00-8:00	
Parent A shall have time with the child week one from Monday at 5:30 p.m. to Thursday at 8:00 a.m. In addition, Parent A shall have access every Saturday from 2:00 p.m. to 8:00 p.m. The child shall be with Parent B the remainder of the time. Repeat schedule weeks three and four.						

Six to Nine Years

Plan B: Four consecutive overnights week one with an additional overnight week two.

Plan C (1): Split each week and weekend

Comment: This plan allows each parent to participate more in the child’s academic life. It also provides a consistent routine, accommodates a young child’s ability to be apart from either parent for only three days and allows the child to have a “stay home” day (Saturday or Sunday) with each parent each week, which is helpful to many young children. Parents may dislike not having full weekend access, but the schedule can be modified to allow full weekends during the summer or on holidays. If desired, parents may alternate exchanges so one week one parent has three overnights and the other had four overnights and the next week the number of overnights is reversed.

Sample Monthly Schedule

Plan A (1)						
M	T	W	TH	F	S	S
		5:30 p.m.				
	5:30 p.m.					
		5:30 p.m.				
	5:30 p.m.					
Parent A shall have time with the child week one from Wednesday at 5:30 p.m. to Sunday at 8:00 a.m. In addition, Parent A shall have access each week two on Tuesday from 5:30 p.m. to Wednesday 8:00 a.m. the Child shall be with Parent B the remainder of time.						

Plan A (1)						
M	T	W	TH	F	S	S
		12:00 p.m.				8:00 a.m.
		12:00 p.m.				8:00 a.m.
		12:00 p.m.				8:00 a.m.
		12:00 p.m.				8:00 a.m.
Parent A. shall have time with the child each week from Sunday 8:00 a.m. to Wednesday 12:00 p.m. Parent B shall have time from Wednesday at 12:00 p.m. to Sunday at 8:00 a.m.						

Six to Nine Years

Plan C (2): Each parent has the same two consecutive midweek overnights each week and alternates the weekends.

Comment: This plan provides each parent with alternating full weekends with and without the children. The child is away from each parent during alternate weeks for five days, which may be difficult for some children. This plan is helpful when the parents' level of conflict makes exchanges difficult, because all exchanges can take place at school or daycare.

Plan C (3): The parents share time with the child during alternating seven day periods. A midweek overnight is optional for the parent who does not have access that week. The exchange time can be Friday after school or work, Sunday afternoon or evening, or Monday after school.

Comment: This plan requires effective parental communication and cooperation to arrange weekly activities for the children. For example, if one parent wants to enroll the children in karate lessons on Tuesday evenings, the other parent must be willing to follow up with this activity when the children are with that parent. All exchanges for this plan can take place at school or day care if desired. While some children thrive with this access plan, others may find this arrangement disruptive.

Sample Monthly Schedule

Plan C (2)						
M	T	W	TH	F	S	S
3:30 p.m.				5:30 p.m.		
3:30 p.m.						
3:30 p.m.				5:30 p.m.		
3:30 p.m.						

Parent A shall have time with the child every Monday after school to Wednesday at 8:00 a.m. Parent B shall have time with the child every Wednesday after school to Friday at 8:00 a.m. The parties shall alternate weekends (Friday after school to Monday morning).

Plan C (3)						
M	T	W	TH	F	S	S

Parent A. shall share time with the child for a seven-day period (alternating weeks). Week one: Parent A shall drop the child off at school Friday at 8:00 a.m. and Parent B shall pick the child up after school. Week two: Parent B shall drop the child off a school Friday at 8:00 a.m. and Parent A shall pick the child up after school. Repeat schedule weeks three and four. (Optional: The parent who does not have time with the child during the week shall be entitled to an overnight, normally to occur Wednesday from 5:30 p.m. to Thursday at 8:00 a.m.).

Vacation: Each parent shall have the opportunity to spend two, two week periods of in town or out of town vacation each year for children age six to eight. Each parent shall have the opportunity to spend up to four consecutive weeks of vacation after the child is eight. Each parent shall give the other parent thirty days' written notice of vacation plans and an itinerary of travel dates, destination, and places where the child or parent can be reached. If the child is in town during a four-week vacation period, the non-vacating parent may have one weekend (Friday at 5:30 p.m. to Sunday at 6:00 p.m.) if desired.

Holidays: See the "what to do about the holiday" section of this booklet.

SAMPLE PARENTING ACCESS PLANS

Ten to Thirteen Years

Ten to thirteen-year-old children often want to be independent from their parents and are becoming more attached to their friends. They may blame one parent for the divorce, may be angry and embarrassed by the breakup of the family, and may side with one parent.

Children at this age often want to have a say in their living arrangements. Parents should allow them to express their views, while making it clear that it is up to the parents to make the final decisions. As children begin junior high school, parents should give consideration to their school and extracurricular activities. Parents should be flexible remembering that access must still occur on a regular basis.

All plans for six to nine year-olds are suitable for this age group.

Vacation: Each parent shall have the opportunity to spend two, two week periods or up to on four-week period for in town or out of town vacation. Each parent shall give the other parent thirty days' written notice of vacation plans and an itinerary of travel dates, destination, and places where the child or parent can be reached. Telephone contact is recommended. If the child is in town during a four-week vacation period, the non-vacationing parent may have one weekend (Friday at 5:30 p.m. to Sunday at 6:00 p.m.) if desired.

Holidays: See the "what to do about the holidays" section of this booklet.

SAMPLE PARENTING ACCESS PLAN

Fourteen to Eighteen Years

During the later teen years, children want to be independent and believe they are capable of making their own decisions. Often, their focus is on their friends, school, activities, or work more so than on their family. Fourteen to eighteen year-olds may resist a rigid or well defined access schedule. Parents should be flexible and accept the children’s increasing ability to care for their own needs. Many older teens prefer a primary house to use as a base where their friends can contact them. Sometimes they prefer it just because it is less confusing. As a result, for some children, having one parent’s house as a primary house is important. Parents should consult with older teens regarding their ideas for living arrangements, access schedules, and family activities. Parents, however, must remind their teens that final decisions rest with the parents.

All of the plans listed from age six and older are suitable for this age group.

Plan A: Two consecutive overnights every other week, preferably on the weekend and an optional additional afternoon/evening period each week. One household becomes the “home base”.

Plan B: The parents share time with the child during alternating seven-day periods. A midweek overnight period is optional for the parent who does not have access that week. The exchange time can be Friday after school or work, Sunday afternoon or evening, or Monday after school.

Comment: The plan requires effective parental communication and cooperation to arrange weekly activities for the children. For example, if one parent wants to enroll the children in karate lessons on Tuesday evenings, the other parent must be willing to follow up with this activity when the children are with that parent. While some children thrive with this access plan, others may find this arrangement disruptive.

Sample Monthly Schedule

Plan A						
M	T	W	TH	F	S	S
		5:30 - 9:00		5:30 p.m.		6:00 p.m.
		5:30 - 9:00				
		5:30 - 9:00		5:30 p.m.		6:00 p.m.
		5:30 - 9:00				
Parent A shall have time with the child every other week from Friday at 5:30 p.m. to Sunday at 6:00 p.m. In addition, Parent A shall have access each Wednesday from 5:30 p.m. to 9:00 p.m. each week. The child shall be with Parent B. the remainder of time.						

Plan B						
M	T	W	TH	F	S	S
		5:30 -				
5:30 p.m.		5:30 -				
		5:30 -				
5:30 p.m.		5:30 -				
Parent A. shall have time with the child for a seven-day period (alternating weeks). Week one: Parent A shall drop the child off at school Monday at 8:00 a.m. and parent B shall pick the child up at school at 5:30 p.m. Week two: Parent B shall drop the child off at school Monday at 8:00 a.m. and Parent A shall pick the child up at school at 5:30 p.m. Repeat schedule weeks three and four. (Optional: The parent who does not have time with the child during the week shall be entitled to an overnight, normally to occur Wednesday from 5:30 p.m. to Thursday at 8:00 a.m.).						

Fourteen to Eighteen Years

Plan C: The parents shall share time with the child during alternating fourteen-day periods. While scheduled to be with on parent, the child may have access to the other parent intermittently, as determined by the child’s school and activity schedules, as well as the child’s need and desires.

Sample Monthly Schedule

Plan C						
M	T	W	TH	F	S	S
				5:30 p.m.		

Parents shall share time with the child on an alternating 14-day basis. Week one: Parent A shall drop the child off at school Friday at 8:00 a.m. and Parent B shall pick the child up after school. Week three: Parent B shall drop the child at school at 8:00 a.m. and Parent A shall pick the child up after school. (Optional: The parent who does not have time with the child during the fourteen-day period shall have access as determined by the child’s school and activity schedules, as well as the child’s needs and desires.)

Vacation: Each parent shall have the opportunity to spend two, two week periods or up to one four-week period for in town or out of town vacation. Each parent shall give the other parent thirty days’ written notice of vacation plans and an itinerary of travel dates, destination, and places where the child or parent can be reached. Telephone contact is recommended. If the child is in town during a four-week vacation period, the non-vacating parent may have one weekend (Friday at 5:30 p.m. to Sunday at 6:00 p.m.) if desired.

Holidays: See the “What to do about the Holidays” section of this booklet.

WHAT TO DO ABOUT THE HOLIDAYS

Parents May:

1. Divide: Split the day or weekend (not necessarily equally) with both parents.

Sample parenting access plan language: Parent A shall have access on [specify holiday] from 9 a.m. to 2 p.m. Parent B shall have access from 2 p.m. to 8 p.m.

2. Alternate: One parent has access on certain holidays in even years and the other parent has access in odd years.

Sample parenting access plan language: Parent A shall have time with the child on [specify the holidays] in all even years from 9 a.m. to 5 p.m. Parent B shall have time with the child from 9 a.m. to 5 p.m. on [specify the holidays] in all odd years.

3. Substitute: One parent always has a specific holiday in exchange for another holiday.

Sample parenting access plan language: Parent A shall have [specify holiday] each year and parent B shall have [specify holiday] each year.

4. Scheduled: Parents follow their regular schedule and celebrate the holiday with the child if they have access on that day or time. Sample parenting access plan language: Parents shall celebrate [specify holiday] if it falls on the day they regularly have access.
5. Each parent celebrates his or her parent day with the child.

Holidays and days of special meaning have priority over regular access periods.

Parents may vary their choice or method for each holiday because one method may work well for one holiday, but not for another.

PARENT/CHILD ACCESS-LONG DISTANCE

Special considerations may arise when a parent moves a long distance away from his or her child, but close relationship between the child and the parent should be maintained. Access shall be provided throughout the year at regular intervals. Parents must consider the age and maturity of the child, school schedules and work schedules of other family members when deciding how often and how long visits should be. **Parents should refer to the developmental information provided in this booklet when creating long distance plans.**

Parents must also consider their financial ability to provide transportation and the cost/availability of childcare when children are visiting from out of town. If the Court has not allocated travel expenses in the child support order, parents should allocate these costs by agreement prior to finalizing any schedule.

Depending upon the actual distance between the two parents' homes, and the availability of transportation, there shall be a minimum of four access periods each year. Access shall occur in the summer, during the winter holiday season, during Thanksgiving or spring break, and on or near the child's birthday. If the child's birthday falls during one of the other scheduled access periods, a fourth access period shall be scheduled at another time. If logistically possible, twice-monthly visits should occur. If parents live within driving distance, they should each drive one direction or meet half way. Ideally, children under age eight should not fly alone.

As children approach age three, they become aware of holidays. Holidays can be a challenge to parents who live far apart. Parents must be flexible and cooperative so that the child can enjoy holidays with both of them. To avoid disputes, parents should schedule for as many religious, cultural or national holidays as are meaningful to the family. Parents should also include family birthdays and annual parent day celebrations.

What to do about holidays-long distance

When parents live a long distance apart, all the options available for short distance plans are not available. Parents must consider the child's school and work schedules when arranging for holiday visits. Parents may:

1. Alternate: One parent has access on certain holidays in even years and the other parent has access in odd years. Holidays begin at 6:00 p.m. on the last day of school and conclude at 6:00 p.m. the day before school starts.

Sample access plan language: Parent A shall have time with the child on [specify holidays] on all even years from 6:00 p.m. Wednesday to 6:00 p.m. Sunday. Parent B shall have time with the child for [specify holidays] on all odd years.

2. Substitute: One parent always has a specific holiday in exchange for another holiday.

Sample access plan language: Parent A shall have [specify holiday] each year and Parent B shall have [specify holiday] each year.

3. Scheduled: Parents follow their regular schedule and celebrate the holiday with the child if they have access on that weekend. The weekend shall be extended to include the holiday.

Sample access plan language: Parents shall celebrate [specify holiday] if it falls on or close to the weekend they regularly have access.

Parents may vary their choice or method for each holiday because one method may work well for one holiday, but not for another

Appendix B-1

**DEFIANCE COUNTY COURT OF COMMON PLEAS
JUVENILE DIVISION
REQUIRED DEPOSITS**

DEPOSITS

Complaint/Petition for Paternity, Custody, Support	\$100.00
Delinquency or Unruly Cases filed by a parent, guardian or other	100.00
Abuse Dependent Neglect cases	100.00
Service by Publication	100.00
GAL Appointment	1000.00
Motions	20.00
Intent to Relocate	20.00
Filing of an Appeal	150.00
Sealing	50.00
Certified copy	1.00
Photocopy	0.10/page

Appendix B-2

**HENRY COUNTY COURT OF COMMON PLEAS
JUVENILE DIVISION
REQUIRED DEPOSITS**

DEPOSITS (for Privately Filed Cases)

Parentage Allocation of Parental Rights & Responsibilities or Parenting Time Cases	\$200.00
Delinquency or Unruly Cases filed by a parent, guardian or other	100.00
Abuse Dependent Neglect case	100.00
Service by Publication	100.00
Court Evaluation	100.00
CASA Appointment	150.00
GAL Appointment	800.00
Motion to re-open a case	150.00
Motion with consent Judgment Entry	50.00
Intent to Relocate	25.00
Motion & Judgment Entry for Mediation (re-opening a case)	50.00
Filing of an Appeal	150.00

Appendix B-3

**WILLIAMS COUNTY COURT OF COMMON PLEAS
JUVENILE DIVISION
REQUIRED DEPOSITS**

DEPOSITS

Complaint/Petition opening a case	\$125.00
Motion for Visitation (re-opening a case)	50.00
Contempt Motion	75.00
Change of Custody, Consent (Consent JE must be signed by all parties at filing)	100.00
Change of Custody, Contested Requires DR-2 Parenting Affidavit May require home investigation	150.00
Unruly Cases (filed by parent)	67.00
Intent to Relocate	25.00
Investigations:	
First time Custody Investigation	600.00
Update to original investigation, less than 3 years old	300.00
Update to original investigation, 3-5 years old	450.00
Over five years since original investigation requires new Home/Family inspection	300.00