

Part II Domestic Relations Rules

Effective as modified through August 1, 2007

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RULE 2.01 **APPLICABILITY**

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The rules that follow in this division are applicable to all domestic relations matters and other matters relating thereto in this Court. Other local rules of this Court shall apply to domestic relations matters and other matters relating thereto when not inconsistent with the rules of this division.

RULE 2.02 **COSTS**

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- A. The costs for filing matters with the Hancock County Clerk of Courts are available at the Clerk's office and may be amended from time to time by order of the Court. Rule 1.05 of The Hancock County Civil Rules in the Common Pleas Court is adopted as governing costs in Domestic Relations Court.
- B. The Clerk shall not accept for filing any motions or affidavits of a person's inability to make the required deposit of costs, unless and until the Court grants a motion to proceed in *forma pauperis*.

RULE 2.03 **DOMESTIC RELATIONS FORMS**

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- A. In each and every case in which the relief prayed for includes a divorce, dissolution or allowance of spousal support, there shall be presented by the plaintiff/petitioner with the complaint/petition a statement of personal history of the parties to the action and information statements and financial forms, together with supporting documentation. See Appendix A. In domestic relations proceedings any responsive pleading to the complaint shall be accompanied by such forms executed by defendant/respondent. No hearings on a party's request for temporary or interim orders will be scheduled until such time as the requesting party has filed and served the appropriate forms.
- B. Where applicable, proper affidavits shall be filed with the proceeding pursuant to Ohio Revised Code section 3127.23 or its successor.
- C. All DR forms shall be served upon the opposing party.
- D. In all matters relating to child support a proposed child support worksheet shall be filed at the time the request for support is made. Any party requesting an order or modification of support shall be required to present, at or before the date of hearing, documentation of earnings or other income available.
- E. In order to promote uniformity in filing DR forms, the following rules will control:
 - 1. Weekly figures shall be converted to monthly amounts by multiplying by 52 and dividing the result by 12. Payroll deductions shall be computed the same way and separately noted. Latest payroll stubs may be used to support position by attaching stub to form.
 - 2. Include child and spousal support payments received in family unit, identifying their sources.
 - 3. Be certain seasonal expenses are adjusted to monthly items.
 - 4. Counsel must anticipate that all matters set forth in the DR forms will be subject to verification in contested matters. Be realistic.

RULE 2.04 **BIRTH DATES**

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- A. All complaints for divorce, complaints for legal separation and applications for dissolution of marriage where children are involved will include in such complaint or application the birth dates of all children born to the wife during the marriage, to include adoptions.

- B. All complaints for divorce, complaints for legal separation and applications for dissolution of marriage will include in such complaint or application the birth dates of all parties to the action.

RULE 2.05 **SOCIAL SECURITY NUMBERS**

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All orders or judgment entries relating to the payment of child support shall include the social security numbers of the parties.

RULE 2.06 **MAGISTRATES**

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- A. Domestic Relations matters and other matters relating thereto may be heard by a magistrate appointed by this Court. Objections to the decision of the magistrate shall be in accordance with Civ. R. 53. Any party wishing to respond to objections filed in their case shall do so within 14 days of the filing of the objections. A reply to a response may be filed within seven (7) days of the filing of the response.

- B. A decision of the magistrate shall be made pursuant to Civ. R. 53, unless a separation agreement or other pleading in the case provides for a waiver of decision generally following the format set forth below:

By stipulation this decree constitutes the decision of the magistrate required by Civil Rule 53 (E), and the parties hereby waive any objections thereto, and waive service of a separate magistrate's decision.

- C. The merits of any objections relating to factual findings, without other evidence contained in the record, will not be considered unless a transcript is filed with the court within thirty days after objections are filed or within such period otherwise designated by the court upon motion for extension.

- D. The time for filing objections may be extended upon the written request of either party, only if said request is made during the initial objection or appeal period. This extension will automatically extend any response time by the same period. All requests for extensions of time in which to file objections to a magistrate's decision must include the following information:
 - 1. The party filing objections to a magistrate's decision shall specify the nature of the objections and the bases for them within the original fourteen-day period for objections. The time for filing objections may be extended for cause shown upon the written request of either party filed within the initial objection period. Any extension shall automatically extend any response time by the same period. All transcripts supporting the objections shall be filed with the court within thirty days after the filing of objections, unless, with leave of court, an alternative method of reviewing the evidence is approved by the court within that thirty-day period. If additional objections become apparent after the transcript is prepared and filed with the court, and that party has timely filed his/her initial objections, the objecting party may seek leave of court to supplement previously filed objections.

2. It is the objecting party's or attorney's responsibility to have the transcript filed within the required thirty-day period. Any requests to extend the period for filing the transcript must include the following information:

a. A statement by the attorney, or party if appearing *pro se*, that the court reporter who will be preparing the transcript has been contacted and the transcript ordered, and the date the transcript was ordered; and

b. A statement by the attorney, or party if appearing *pro se*, that (i) the costs or fees required by the court reporter for the preparation of the transcript have been paid and the date payment was made, or (ii) the estimated cost has been requested but not yet received and the date the estimate was requested, **OR** a written statement from the court reporter that the transcript cannot otherwise be prepared within the necessary thirty-day period.

E. Unless a formal hearing is deemed necessary by the Court, objections shall be ruled upon by the Court without a formal hearing.

F. Attorneys are required to prepare a Judgment Entry based upon the Magistrate's Decision or upon the Court's Order on objections.

G. All Judgment Entries for cases being handled by the Magistrate must first be approved by the Magistrate before being submitted to the Judge.

RULE 2.07 **MOTIONS**

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A. All motions, except those governed by Civ. R. 75, shall have attached thereto or be accompanied by citations to applicable authorities or brief of counsel in support thereof.

RULE 2.08 **EX-PARTE ORDERS**

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A. Unless an emergency situation exists, as determined by the Court, based upon supporting affidavits pursuant to Rule 75, no ex-parte orders will issue, except reciprocal, mutual restraining orders following the language in Rule 2.09, below, for which no affidavits are necessary.

B. Requests for Temporary Orders shall be set for hearing within forty-five (45) days of filing. A continuance may be granted to either party for good cause shown.

C. Notice of hearing shall be served with the pleadings pursuant to Civil Rules.

D. No party shall be ordered removed from the marital residence without a hearing, unless an emergency situation exists as determined by the Court. At the hearing no Order will issue unless there is evidence that the party requesting the Order, or the minor children of the party requesting the Order, are in imminent danger of physical harm.

E. After filing of a Complaint for Divorce and prior to any temporary Orders being issued, except for parenting time periods, neither party shall relocate the minor child(ren) from the child's home, school district, or the jurisdiction of the Court. The purpose of this rule is to not disrupt the home and school environment of the child(ren) any more than necessary.

RULE 2.09 TEMPORARY STANDING ORDERS

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A. All parties to original domestic relations actions in the Hancock County Common Pleas Court may be subject to reciprocal, mutual restraining orders from the date service of summons is completed. This order shall be strictly complied with under penalty of contempt of Court. Use of the following language is suggested:

1. Each party is hereby enjoined and restrained from doing, attempting to do, or threatening to do any act of injuring, maltreating, vilifying, molesting, or harassing the adverse party, their attorney, family members, employer, or any of the child(ren) of the parties.
2. Each party is hereby enjoined and restrained from selling, encumbering, contracting to sell, removing from the jurisdiction of this Court, or otherwise disposing of any of the property belonging to either of the parties, except in the ordinary course of business or unless authorized in writing by the Court.
3. Each party is hereby enjoined and restrained from changing or altering in any way, including, but not limited to, the named beneficiaries, covered persons or extent of coverage or benefits, of any life or health insurance policies, employee benefits plans or similar items or assets of a contractual nature, existing at the time of the filing of these proceedings, unless authorized in writing by the Court.
4. Each party is hereby enjoined from removing any child(ren) who is/are subject to the jurisdiction of the Court in this matter from the jurisdiction of the Court without first obtaining consent, in writing, from the other party or the Court.

B. The following language shall appear on each restraining order issued by this Court. Attorneys are responsible for seeing that this language is incorporated into all existing forms. Any incident reports received by the Court will be forwarded to the attorneys for the parties.

This is a self-executing order and any law enforcement officer is ordered to enforce the same by using whatever means are necessary to maintain the peace.

Any law enforcement officer observing an apparent violation of this order shall forward a copy of the complete incident report to the Common Pleas Court and the Judge assigned to the case.

C. In every original divorce or legal separation, the parties shall, within 45 days of service of the complaint or at such other time as may be ordered by the Court, whether or not requested through formal discovery, exchange all information and documents contained in Appendix B of these Rules.

RULE 2.10 SERVICE BY POSTING

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Pursuant to Rule 4.4 of the Ohio Rules of Civil Procedure, service by posting shall be at the following places:
Hancock County Courthouse
City of Findlay Municipal Building
Hancock County Job and Family Services
Hancock County Domestic Relations Court

The Hancock County Clerk of Courts shall do the posting and note where and when notice was posted on the docket.

RULE
2.11

DIVORCE HEARINGS AND PRE-TRIALS

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- A. No contested divorces shall be set for hearing on the merits until such matter has been set for pre-trial unless waived by the Court.
- B. Any requests for Home Investigations, Psychological Evaluations, the appointment of a Guardian Ad Litem (GAL), etc., must be made no later than the time of the first scheduled Pre-Trial, unless leave to file said request is granted by the Court.
- C. A final Pre-Trial will be scheduled within 30 days prior to the date set for final hearing.
- D. The HOPE Certificate must be filed by the date of the final Pre-Trial.
- E. All parties should mark all exhibits and have stipulations filed prior to trial.
- F. A Pre-Trial Memorandum must be filed and served upon all parties, and the GAL if one has been appointed, with a courtesy copy to the Judge or Magistrate assigned to hear the case, no later than either seven (7) days prior to the date set for trial or at the final Pre-Trial, whichever is earlier. The Court may grant leave to file the pretrial memorandum within this time period if request is made, in writing, prior to the date the memorandum is due. Failure to timely file a pretrial memorandum may result in sanctions as the Court deems appropriate. If a party or the parties fail to submit proper evidence relating to the value of assets, the Court may continue the trial until such evidence is presented or appoint its own appraiser(s) and assess the costs and expenses to the parties. The following information shall be available for use at trial as to contested issues and shall be included in the Pre-Trial Memorandum, where applicable:

REAL PROPERTY

- 1. Description
- 2. Date of Purchase
- 3. Purchase Price
- 4. Mortgage, original amount, balance due and amount of monthly payments
- 5. Present value of appraisal
- 6. Such other values as are necessary in order to determine any separate property interest and its value.

TANGIBLE PERSONAL PROPERTY

- 1. Detailed inventory
 - (a) Description and appraisal
 - (b) Source, when obtained and cost
 - (c) Encumbrances, liens, mortgages

INTANGIBLE PERSONAL PROPERTY

1. Stocks, bonds, notes, securities, and bank accounts
 - (a) Number of shares, source, cost and present market value
 - (b) Most recent statement indicating value

RETIREMENT PLANS

1. Statement or appraisal stating present value

DEBTS AND LIABILITIES

1. All debts, liabilities, outstanding bills or similar items, together with the present amount owed on each, and whether same is a marital or separate obligation, together with anticipated supporting facts.

SPOUSAL SUPPORT

1. Needs of the party asking for spousal support with substantiation thereof.

PROPOSED DIVISION AND RESOLUTION

1. The client's position and anticipated supporting facts as to a proposed division of all property, both real and personal, and all assets and debts.

ALLOCATION OF PARENTAL RIGHTS AND RESPONSIBILITIES

1. The client's position and anticipated supporting facts as to all pertinent statutory matters which relate to that issue.

RULE 2.12 UNCONTESTED DIVORCES

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- A. Pursuant to Rule 75(M) of the Ohio Rules of Civil Procedure, grounds for divorce must be corroborated by other credible evidence. The Court will permit a party to corroborate the grounds of the opposing party, absent evidence of fraud, connivance, coercion or other improper means. The good character of the party seeking an uncontested divorce should be assumed; therefore it is not necessary to put on evidence of good character in an uncontested divorce.

RULE 2.13 DISSOLUTION OF MARRIAGE

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- A. Petitions in dissolution of marriage shall have attached thereto and incorporated as if rewritten in the petition, a separation agreement of the parties properly executed. A petition for dissolution of marriage shall also contain a waiver of service pursuant to Civ. R. 4(D), or instructions to the Clerk for the service of summons.
- B. No hearing will be scheduled until both parties have presented proof of attendance at the HOPE class, when required.
- C. The Court may dismiss upon its own motion any Petitions for Dissolution of Marriage that have not

been heard or converted to a divorce action within 90 days of the date of filing.

RULE 2.14 **MOTION FOR CONCILIATION**

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- A. Any party moving for conciliation pursuant to Section 3105.091, ORC, shall set forth the name of the conciliator and shall generally describe the conciliation procedures requested. In addition thereto said movant shall guarantee the costs of such conciliation procedure. Motions for conciliation shall be made no later than the first pretrial for the case, unless leave is granted in writing by the Court to file said request at a later date.

- B. If such motion for conciliation requests a conciliation procedure lasting more than sixty (60) days, such motion shall be set for oral hearing at the earliest possible time in order to determine the propriety thereof.

RULE 2.15 **MOTION FOR REALLOCATION OF PARENTAL RIGHTS AND RESPONSIBILITIES (CUSTODY)**

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- A. No motion for reallocation of parental rights and responsibilities by any person shall be heard by the Court until a pretrial is conducted on the motion, unless waived by the Court. Any requests for a GAL, psychological evaluations, or home investigations should be made within 14 days of the first pretrial, unless otherwise permitted by the Court, and all appropriate cost deposits should be posted at the time of the filing of the request.

- B. The above provision shall not apply if the motion to reallocate parental rights and responsibilities is a joint motion made by all interested parties.

RULE 2.16 **POST JUDGMENT RELIEF ACCOMPANIED BY CITATION FOR CONTEMPT**

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- A. Since contempt actions are controlled by Chapter 2705 of the Ohio Revised Code, any motion requesting a citation in contempt shall:
 - 1. Specifically state the basis for the contempt citation, including the alleged contemnor's conduct and the order alleged to have been violated.
 - 2. Contain notice of hearing and after filing shall be submitted to the assignment commissioner for scheduling.
 - 3. Include the following language:

FAILURE TO APPEAR MAY RESULT IN THE ISSUANCE OF AN ORDER OF ARREST AND IN THE ISSUANCE OF AN ORDER FOR THE PAYMENT OF SUPPORT BY WITHHOLDING AN AMOUNT FROM YOUR PERSONAL EARNINGS OR BY WITHHOLDING OR DEDUCTION AN AMOUNT FROM SOME OTHER ASSET YOU MAY OWN.

YOU HAVE THE RIGHT TO COUNSEL AND IF YOU BELIEVE YOU ARE INDIGENT YOU MAY APPLY FOR COURT APPOINTED COUNSEL WITHIN THREE (3) BUSINESS DAYS AFTER YOUR RECEIPT OF THIS SUMMONS.

THE COURT MAY REFUSE TO GRANT A CONTINUANCE AT THE TIME OF THE HEARING FOR THE PURPOSE OF YOUR OBTAINING COUNSEL, IF YOU FAIL TO MAKE

A GOOD FAITH EFFORT TO RETAIN COUNSEL PRIOR TO THE HEARING.

IF YOU ARE FOUND GUILTY OF CONTEMPT, THE COURT MAY IMPOSE ANY OF THE FOLLOWING PENALTIES: (Ohio Revised Code Section 2705.05 (A))

- (1) FOR A FIRST OFFENSE, A FINE OF NOT MORE THAN \$250.00, A DEFINITE TERM OF IMPRISONMENT OF NOT MORE THAN 30 DAYS IN JAIL, OR BOTH;
 - (2) FOR A SECOND OFFENSE, A FINE OR NOT MORE THAN \$500.00, A DEFINITE TERM OF IMPRISONMENT OF NOT MORE THAN 60 DAYS IN JAIL, OR BOTH;
 - (3) FOR A THIRD OR SUBSEQUENT OFFENSE, A FINE OF NOT MORE THAN \$1,000.00, A DEFINITE TERM OF IMPRISONMENT OF NOT MORE THAN 90 DAYS IN JAIL, OR BOTH.
- B.** Notice of such motion and of the hearing thereon shall be served upon the subject party pursuant to the rules of service of summons contained in Civ. R. 4 through Civ. R. 4.6, incl., and the responsibility for initiating such service shall be on the movant.
- C.** Motions to show cause shall be heard within thirty (30) days of the filing thereof, or as soon thereafter as the Court's docket will permit. One continuance, not to exceed seven (7) days may be granted to either party for good cause shown. No further continuances shall be granted.
- D.** Any finding in contempt on the part of a party will include an assessment of costs and **MAY INCLUDE AN AWARD OF** reasonable attorney's fees and costs. Unless proper evidence is presented justifying a higher fee awarded, the Court will not award attorney's fees in excess of \$250.00.

RULE 2.17 **CHILD SUPPORT ENFORCEMENT AGENCY (CSEA)**

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- A.** The CSEA shall perform the duties set forth in chapters 3119, 3121, 3123 and 3125 of the Ohio Revised Code.
- B.** The CSEA shall collect a fee, to be paid by the obligor, for the administration of child and spousal support orders, of two percent of the amount collected.
- C.** With the establishment of the CSEA, all child support payments ordered by the Court shall be paid through the CSEA. Thereafter, any direct child support payments made by an obligor to an obligee shall be considered gifts in any proceedings to enforce the support order.

RULE 2.18 **CONTINUING JURISDICTION - POST JUDGMENT RELIEF**

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- A.** Post decree motions shall contain the exact language of the original order sought to be changed, the change requested, and a complete and accurate statement of the movant's reasons and/or basis for change, as well as a citation to pertinent Ohio Revised Code Sections. Failure to supply this information may result in the motion being dismissed.
- B.** All motions to invoke the continuing jurisdiction of the Court in all domestic relations matters and other matters relating thereto shall be made by written motion filed in the original action. Said motions shall be accompanied by instructions to the Clerk for service of notice on all parties as set forth in Civ. R. 4 through 4.6, incl. by the movant.
- C.** Service and notice shall be made to all parties individually. Notice to an attorney is not proper service on a party. Courtesy copies to opposing counsel are appropriate if the party has reason to

believe that prior counsel is still representing the other party.

- D.** In all Motions of Modification of Support, the modification shall be effective as of the date of the filing of the request for the modification, unless otherwise directed by the Court or required by statute. If either party acts in a manner to prolong or delay the proceedings, the Court may, in its discretion, assign a different effective date, including the date of notice of a request for administrative hearing. All modifications or terminations of child support based on the emancipation of a child shall be effective on the date of such occurrence.

RULE 2.19 **REMOVAL FROM COUNTY AND LONG DISTANCE PARENTING TIME**

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- A.** If any legal custodian and residential parent of a minor child or children subject to the jurisdiction of the Court intends to move more than 150 miles from the child(ren)'s residence, then such party shall file a written notice of relocation at least 30 days in advance of such removal and serve said notice of relocation upon the other parent. A period of less than 30 days may be appropriate in emergency situations.
- B.** If any legal custodian and residential parent of a minor child or children subject to the jurisdiction of the Court moves more than 150 miles from the child(ren)'s residence then, if the Court determines it to be in the best interest of the child(ren), Appendix K to these Domestic Rules shall become the Order of the Court.
- C.** If a written notice of relocation is filed and served as required herein, and no objection or request for hearing is filed within 30 days of the filing of the notice of relocation and served on the party filing the notice of relocation, then Appendix K – Option 1 shall become the order of the Court.

RULE 2.20 **JUDGMENT ENTRIES**

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- A.** All judgment entries in this Court in domestic relations matters or other matters relating thereto shall contain the approval of the judgment entry by signature of both parties and/or their attorneys and a recommendation and approval of such judgment entry by the magistrate. In addition thereto such judgment entry shall recite the waiver of such decision by the magistrate, when appropriate.
- B.** All judgment entries of child support and spousal support shall include an additional order that two (2%) percent of such ordered amount be paid as processing fee and shall recite that such payments are to be made through the Child Support Enforcement Agency.
- C.** Temporary child support and spousal support arrearages shall be waived unless they are specifically preserved in the final Judgment Entry.
- D.** All judgment entries that include an incorporation of a separation agreement in the entry shall have attached to such judgment entry a copy of the separation agreement or other document which is incorporated. All judgment entries that include child support must have a child support worksheet attached thereto and shall specifically state the reason for any deviations from the support guidelines.
- E.** All judgment entries shall dispose of all matters prayed for in the proceedings including, costs, interest and attorneys fees.
- F.** All judgment entries which initiate child support shall include or have attached thereto:

1. The orders, as applicable, which are contained in Section 3121.01 et seq. of the Ohio Revised Code. The wording contained in Appendix H should be used, if applicable.
2. Requirements contained in Section 3121.28, 3121.51, 3121.52 and 3121.53 of the Ohio Revised Code, including the provisions that all support orders shall be in terms of a monthly support obligation for all children of the parties, rather than a weekly per child order.

G. The following language is required in all orders pertaining to the allocation of parental rights and responsibilities:

1. The plaintiff/defendant/petitioner will, in spite of his/her differences with the other party, discuss with him/her matters pertaining to the children's welfare, health and education, knowing full well that the general welfare of said children is of paramount importance.
2. Each of the parties shall encourage the children to respect, honor and love the other party, and neither party shall use the children to solve differences between themselves.
3. As residential parent, the plaintiff/defendant/petitioner shall:
 - a. Take any necessary action with the school authorities of the schools in which the children are enrolled to:
 - (1) List the other party as a parent of the child.
 - (2) Authorize the school to release to the other party any and all information concerning the children.
 - (3) Make sure that the other party receives copies of any notices regarding the children.
 - b. Promptly transmit to the other party any information received concerning parent teacher meetings, school club meetings, school programs, athletic schedules, and any other school activities in which the children may be engaged or interested.
 - c. Promptly after receipt of same, furnish to the other party a photocopy of the children's grade report cards and copies of any other reports concerning the children's status or progress.
 - d. Notify the other party of when to make appointments for parent-teacher conferences.
 - e. Promptly inform the other party of any illness of the children which shall require medical attention.
4. Further, open and free communication between the children and the other party shall be encouraged and neither party shall do anything to impede or restrict communications by telephone or mail between the children and the other party. The mail between the children and the other party shall be kept confidential and shall not be opened or read by the party to whom the mail was not addressed.
5. Both parties shall refrain from criticizing the other parent in the presence of the children.

6. Neither of the parties shall attempt to modify the religious practices of the children without first having consulted each other and the Court.
- H.** In all matters involving children, the requisite order regarding health insurance coverage shall be a part of the final Order of Divorce or Dissolution. See Appendix H.
- I.** Counsel for the party in whose favor a judgment is rendered, or who is directed to do so by the Court, shall, within five (5) days thereafter, unless further time be given by the Court, prepare and submit a judgment entry to opposing counsel who shall approve or reject same within five (5) days after its receipt. All objections to such proposed judgment entry shall be in writing and may be answered in writing. If an agreement of the parties is placed on the records, the Court will approve a Judgment Entry which contains said agreement even if a party or attorney fails to approve the Judgment Entry. Failure to timely submit a judgment entry may result in sanctions being imposed by the Court, including but not limited to the dismissal of the pending matter or an award of attorney fees related to the preparation of the judgment entry by opposing counsel.

RULE 2.21 **COPIES**

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In any proceeding in which child or spousal support is ordered or modified, the parties shall submit an additional copy of the Judgment Entry to the Clerk for the HCCSEA. If requested, the Clerk of Court will put copies of filed Judgment Entries in local attorneys boxes, so long as the Clerk of Courts is provided the requisite number of copies. If any attorney or party desires a copy of a Judgment Entry mailed to them, they must supply a self-addressed envelope with sufficient postage.

An additional copy of all continuance requests, briefs and any replies or responses to them, memoranda and other similar documents which request action by the Court, together with a proposed entry, should be provided to the Judge or Magistrate to whom the matter is assigned immediately following the filing of the documents with the Clerk of Courts.

RULE 2.22 **H.O.P.E. AND H.O.P.E. PLUS CLASSES, ATTENDANCE REQUIRED**

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- A.** All parties involved in new cases, pending cases and post divorce motions filed in the Hancock County Common Pleas Court in which a party will be designated residential parent, or which involves parenting time, shall be required to attend a parenting class held on the third floor of the Hancock County Courthouse. Appointments for attendance for the H.O.P.E and H.O.P.E. Plus Classes must be made through the Domestic Relations Court.
1. Any party seeking the allocation of parental rights and responsibilities for the care of minor children, and both parties seeking a dissolution, shall attend a two hour session on Parenting sponsored by the Common Pleas Court of Hancock County, Ohio, Domestic Relations Division. The parties are also required to bring with them their minor children from ages five through sixteen to attend the H.O.P.E. Plus Class.
 2. In any Motion for change of allocation of parental rights and responsibilities the parties shall attend the above referred to Parenting session no later than the date of the pretrial if they have not done so within the last two (2) years prior to the filing of the motion.
 3. A Certificate of attendance will be issued to each participant or family. The parties shall file the Certificate(s) in each domestic relations case in which attendance is required.

4. The fee for attendance at the parenting session shall be sixty dollars (\$60.00) per case. Fifty (\$50.00) to be paid to the designated program provider for programming and ten (\$10.00) deposited into the Hancock County Common Pleas Court Special Projects Fund for Court Security.
5. No final hearing will be scheduled until the parties to a dissolution file proof of attendance at the H.O.P.E. class. The non-residential parent shall not be granted parental rights or parenting time by the Court until the non-residential parent files proof of attendance at the H.O.P.E. Class.

RULE 2.23 **PARENTING TIME**

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Absent a stipulation of the parties, Appendices J and K of these Local Rules will be the standard parenting time order of the Court, unless the Court determines that such order would not be in the best interests of the child(ren). In each case in which Appendix J or K is the order of the Court, there shall be, attached to the entry in which the order occurs, a certification (Appendix G) that each party has been provided with a true and accurate copy of the applicable parenting time appendix. The certification shall be signed by counsel for the party, if any, and by the party acknowledging receipt of the appendix. Appendices J and K should not be attached to an entry, without prior approval of the Court.

RULE 2.24 **PSYCHOLOGICAL EVALUATIONS**

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- A. If any party wishes to have any minor child(ren) who are involved in a dispute as to the allocation for parental rights and responsibilities evaluated by a psychologist or psychiatrist for the purpose of testimony at a Court hearing he/she must obtain the consent of the Court prior to such evaluation.
- B. In no event will an expert be permitted to testify regarding such an evaluation if the above procedure is not followed.
- C. The Court may order psychological evaluations of the entire family at any time during a contested matter, upon the request of any party or upon the Court's own motion. The Motion for psychological evaluations should include a recommendation as to who will perform the evaluation. The reports from the psychological evaluations will be made available to counsel for the parties, and the GAL if one has been appointed, unless good cause is found which would justify restriction of access to said evaluations, and the parties will have the opportunity to depose or subpoena the evaluator at hearing. By requesting the evaluation, the party or parties consent(s) to the Court considering the Court ordered psychological reports, even if the evaluator is not called upon to testify.
- D. Unless otherwise agreed by the parties or ordered by the court, the costs associated with a psychological evaluation will be assessed against the party requesting the evaluation. If the Court, upon its own motion, orders psychological evaluations, the costs associated with a psychological evaluation, unless otherwise ordered, will be assessed equally against the parties.

RULE 2.25 **MEDIATION**

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- A. The Court adopts Rule 1.12 of The Hancock County Civil Rules in the Common Pleas Court" (Hancock Civ. R.), as supplemented in this Rule, to effect mediation in the Domestic Relations Division of the Court.
- B. In cases where violence or fear of violence is alleged, suspected, or present, and in addition to any other requirements set forth by Rule, mediation shall proceed only if the following conditions are

met:

1. The person who is or may be the victim of domestic violence is fully informed, both orally and in writing, about the mediation process, his or her right to decline the mediation process, and his or her option to have a support person present at mediation session(s);
2. The parties are able to mediate without fear of coercion or control;
3. Security, if deemed necessary by the court, is provided for the safety of the person who is or may be the victim of domestic violence and all other persons present at the mediation.

In such cases, the mediator is authorized to terminate mediation if the mediator believes there is a threat of domestic violence or coercion between the parties.

- C.** If a party has been convicted of domestic violence or another offense involving physical harm to a family or household member at the time of the offense, or a party has been determined to be the perpetrator of an abusive act toward a child, the court shall hold a hearing on the request for mediation and shall make written findings of fact regarding the parties' best interests prior to referral to mediation. The parties have the obligation to disclose to the court any information regarding prior convictions for violence against family or household members or adjudication as a perpetrator of child abuse. The court shall also consider any stalking, domestic violence, or temporary protection orders issued against either party to protect the other party or any children of the parties.

RULE 2.26 DIVORCE INVESTIGATION

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- A.** All investigations made by this Court pursuant to Civ. R. 75 (D) into the character, family relations, past conduct, earning ability, and financial worth of any party to the action shall be conducted by this Court through an investigator or investigators appointed and employed by this Court, unless an independent investigator or investigators are otherwise ordered pursuant to motion filed by the moving party.
- B.** Such investigation shall not be ordered by this Court until such time as the proper deposit is made with the Clerk of this Court pursuant to Local Rule 2.02 herein.
- C.** Divorce Investigators shall report findings of investigation to the Court, who shall communicate to the parties or their counsel such findings. Either party may depose or subpoena the person conducting the home investigation to testify. The Court will, however, consider the home study report regardless of whether the person who prepared the report testifies.
- D.** The Court may direct such investigators to make unannounced visits at the home of any party named as the residential parent of minor children by temporary order, any party granted parenting time rights with minor children by temporary order and either party to a proceeding for modification of a prior order setting forth the allocation of parental rights and responsibilities. The Court may further direct the Investigator to conduct investigations into complaints of denial of parenting time.
- E.** Parties' compliance with Request of Investigator
1. Each person, parent of any unemancipated minor child or children and party to a domestic relations case newly filed or in which the continuing jurisdiction of the Court is invoked, by requesting relief from the Court, submits to the authority of the Court's Divorce Investigator to request entry into the home wherein the minor child(ren) of the parties is/are housed, whether permanently or

temporarily.

2. Refusal of any such party to cooperate fully with the Divorce Investigator shall be reported to the Court forthwith and may be considered contempt of the Order of the Court.
 3. Should a Divorce Investigator, in the conduct of an authorized investigation, find children who are being subjected to dangerous conditions, the Investigator shall insure the safety of the children by remaining with them until such time as proper authorities take charge.
- F.** It is presumed that the filing party was advised by counsel that he/she must submit to the authority of the Divorce Investigator.
- G.** Notice must be sent by the Clerk of Courts to the non-filing party that both parties are now subject to the authority of the Divorce Investigator.

RULE 2.27 **THE ROLE OF THE GUARDIAN AD LITEM**

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- A.** The Guardian ad Litem's role is to conduct an investigation as to the character, family relations, and past conduct of the parties and child(ren) involved in a pending action and to be an advocate for the best interest of the minor child or children in the divorce or post-divorce/dissolution case in which appointed. This will require the Guardian ad Litem to establish a relationship with the child(ren) and to investigate the facts of the case as they relate to the child(ren). The Guardian ad Litem's role does not include conducting discovery for the attorney or parties in the case or making the final decision in a case.
- B.** The Court may appoint a volunteer or an attorney as a Guardian ad Litem. Prior to appointment as a Guardian ad Litem, the appointee must have completed training related to a Guardian ad Litem's function and duties. Attorneys must have completed not less than six hours of training approved by the Supreme Court of Ohio, and volunteers must have completed training prescribed by the National CASA or Ohio CASA/GAL Association or otherwise approved by the Court. Each volunteer and attorney must meet ongoing educational requirements prescribed by the appropriate governing body.
- C.** A Guardian ad Litem may be appointed by the Court as an investigative "friend of the Court" upon the Court's own motion or upon the motion of any party. In furtherance of the Guardian ad Litem's duties, the Guardian ad Litem shall have access to all information relating to the case that is subject to discovery by the parties and related to the children's care. In furtherance of the investigative function to bring facts to the attention of the Court, the Guardian ad Litem may, during the course of contested court proceedings, present written questions to the presiding Judge or Magistrate in the case for inquiry of a witness. The Judge or Magistrate, in consultation with counsel for the parties where appropriate, shall review any questions submitted and direct to the witness the questions determined to be relevant and appropriate. At the direction of the Court, the Guardian ad Litem may be present during any in camera interview of the minor child(ren).
- D.** Upon written request by a volunteer Guardian ad Litem, with notice to the parties, the Court may appoint an attorney to assist the Guardian ad Litem in the Court proceedings. If the children are joined as parties to the action, the Court may appoint an attorney to represent the child(ren). The Guardian ad Litem, through an attorney licensed to practice law in the State of Ohio, is authorized to file motions to continue scheduled hearings and to file motions related to the immediate needs of the child(ren), and other documents as directed by the Court, and shall serve all such documents on all parties to the action.
- E.** At least fourteen (14) days prior to the final hearing in a pending action, or as otherwise directed by

the Court, the Guardian ad Litem shall submit to the Court a written report of the investigation, including the extent and nature of the investigation and the recommendation(s) relating to the allocation of parental rights and responsibilities, with the basis for such recommendation as it relates to the child(ren)'s best interests. The Court shall notify the parties of the availability of the Guardian ad Litem report for review at the Court. At the conclusion of all evidence and as part of the hearing process, the Guardian ad Litem shall orally submit any amended or supplemental recommendations based upon facts submitted at hearing. The report of the Guardian ad Litem shall be made a part of the record as a Court exhibit in a contested proceeding.

- F.** The Guardian ad Litem shall attend all Court proceedings unless excused by the Court. The Guardian ad Litem may, and should, request to be excused from a proceeding in which his/her input will not be necessary. The Guardian ad Litem should not be required to be present while the parties are engaged in proceedings not dealing with the child(ren). The parties should refrain from asking, and the Guardian ad Litem should refrain from giving, an opinion prior to the review of all the facts in the case. The Court will consider the Guardian ad Litem's opinion and recommendation as a fact in its determination of the issues before it, but the Court will make the final determination based upon all the evidence presented in the case and pursuant to applicable Ohio law.
- G.** The Guardian ad Litem shall be served with all pleadings, motions, and other documents filed in the case after the appointment of the Guardian ad Litem and until such time as the Guardian ad Litem is discharged by the Court. All judgment entries, whether by consent or otherwise and relating to the allocation of parental rights and responsibilities, submitted to the Court for approval shall include an approval line for the Guardian ad Litem's signature and be submitted to the Guardian ad Litem for approval or objection in accordance with paragraph I of Local Rule 2.20.
- H.** The Guardian ad Litem's fees and expenses shall be taxed as court costs in the case. The attorney Guardian ad Litem shall submit a fee and expense statement, and the volunteer shall submit an expense report if requesting reimbursement for out-of-pocket expenses, to the Court within a reasonable period of time following the final hearing in the matter. The Court shall review all requests for fees to determine if the request is reasonable.
- I.** Upon application, and for good cause, the Court may waive the required court costs deposit when the appointment of a Guardian ad Litem is requested.
- J.** All motions, judgment entries, notices of hearing, and correspondence to be served on a volunteer Guardian ad Litem shall be served on the Guardian ad Litem at his/her address of record or by delivery to the Domestic Relations Court. All Guardians ad Litem must provide counsel and the parties a means by which they may contact the Guardian ad Litem. Further, attorneys should not disclose the home address or telephone number of a volunteer Guardian ad Litem to their clients unless specifically authorized by the volunteer Guardian ad Litem appointed to that case.

RULE 2.28 **MEDICAL SUPPORT OBLIGATIONS**

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- A.** Extraordinary non-covered medical, dental, psychological or similar expenses shall be deemed to be any expense in excess of such \$100.00 per year, per child, and shall be divided between the parties according to their support percentages as shown on the most recent child support worksheet or as determined by the Court. The year referred to herein is the calendar year, not the anniversary of the date of the Order.